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Decisions Per Curiam, etc.

DECISIONS PER CURIAM, FROM OCTOBER 1, 1928,
TO AND INCLUDING FEBRUARY 18, 1929.*

No. 17, original. EX PARTE BAKELITE CORPORATION. October 8, 1928. *Per Curiam*: The motion for leave to file petition for writ of prohibition is granted and a rule to show cause is ordered to issue returnable on Monday, October 29 next. *Mr. Albert MacC. Barnes, Jr.*, for petitioner.

No. 16, original. EX PARTE THE PUBLIC NATIONAL BANK OF NEW YORK. October 8, 1928. *Per Curiam*: The motion for leave to file petition for a writ of mandamus is granted and a rule to show cause is ordered to issue returnable on Monday, October 29, next. *Messrs. Henry L. Moses, Martin Saxe, Robert C. Beatty, Herman G. Kopald, Edward F. Colladay, Albert Ottinger, and Henry S. Manley* for petitioner.

No. 116. GRAYSON ET AL. v. HARRIS ET AL. Error to the Supreme Court of the State of Oklahoma. Motion to dismiss submitted October 1, 1928. Decided October 8, 1928. *Per Curiam*: The writ of error is dismissed on the authority of § 237, of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937), for lack of jurisdiction. Treating the writ of error as an application for certiorari, the same is granted. *Mr. Robert F. Blair* for defendants in error, in support of the motion. *Messrs. Robert M. Rainey, Streeter B. Flynn, and William Neff* for plaintiffs in error, in opposition thereto.

* For decisions on applications for certiorari, see *post*, pp. 585, 597.

No. 295. NORMAN BREAUx LUMBER CO. *v.* REED, TAX COLLECTOR OF ADAMS COUNTY, MISSISSIPPI, and his successor in office. Error to and appeal from the Supreme Court of the State of Mississippi. Motion submitted October 1, 1928. Decided October 8, 1928. *Per Curiam*: The motion to dismiss is granted for the reason that the judgment of the state court sought here to be reviewed was based on a non-federal ground adequate to support it. *Bilby v. Stewart*, 246 U. S. 255, 257; *Farson, Son & Co. v. Bird*, 248 U. S. 268, 271. *Mr. L. T. Kennedy* for defendant in error and appellee in support of the motion. *Mr. R. C. Milling* for plaintiff in error and appellant, in opposition thereto.

No. 284. HAWKINS *v.* PULLEY ET AL., Trustees. On petition for a writ of certiorari to the Supreme Court of Appeals of the State of Virginia. October 8, 1928. *Per Curiam*: The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the unprinted record herein submitted, finds that there is no federal question upon which certiorari can be issued, application for which is therefore also denied. The costs already incurred herein by direction of the Court shall be paid by the clerk from the special fund in his custody, as provided in the order of October 29, 1926. *Mr. L. Melendez King* for petitioner. No appearance for respondents.

No. 380. GUILLOT *v.* LOUISIANA RAILWAY AND NAVIGATION Co. Error to and appeal from the Supreme Court of the State of Louisiana. October 8, 1928. *Per Curiam*: The writ of error and appeal heretofore allowed in this cause must be dismissed for the want of jurisdiction.

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The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the unprinted record herein submitted, finds that, even if the same be treated as an application for a writ of certiorari, there is no federal question upon which such a writ can be issued, application for which is therefore also denied.

The costs already incurred herein by direction of the Court shall be paid by the clerk from the special fund in his custody, as provided in the order of October 29, 1926. *Mrs. Widow W. Guillot pro se.* No appearance for defendant in error and appellee.

No. 390. ANDERSON ET AL. *v.* MCGILL CLUB. On petition for a writ of certiorari to the Supreme Court of the State of Nevada. October 8, 1928. *Per Curiam:* The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the unprinted record herein submitted finds that there is no federal question upon which certiorari can be issued, application for which is therefore also denied. The costs already incurred herein by direction of the Court shall be paid by the clerk from the special fund in his custody, as provided in the order of October 29, 1926. *Gladys Anderson, pro se.* No appearance for respondent.

No. 9, original. LOUISIANA *v.* MISSISSIPPI. Argued October 8, 1928. Decided October 15, 1928. *Per Curiam:* It is ordered that this case be referred to Thomas G. Haight as the special master, with directions and authority to report the same to the Court with his findings of fact, his conclusions of law, and his recommendations for

a decree, all subject to examination, consideration, approval, modification, or other disposal by the Court.

The special master shall have authority to employ competent stenographic and clerical assistants, to fix the times and place of argument, to issue subpoenas to secure the attendance of witnesses, and to administer oaths when this may be necessary. When his report shall be completed the clerk of the Court shall cause the same to be printed, and when it is presented to the Court in printed form the parties shall be accorded a reasonable time to be fixed by the Court within which to present exceptions.

The special master shall be allowed his actual expenses and a reasonable compensation for his services to be fixed hereafter by the Court. The allowances to him, the compensation paid to his stenographic and clerical assistants, and the cost of printing his report shall be charged against and be borne by the parties in such proportion as the Court may hereafter direct. If the appointment herein made of a special master is not accepted, or if the place becomes vacant during the recess of the Court, the Chief Justice shall have authority to make a new designation, which shall have the same effect as if originally made by the Court herein. *Messrs. Percy Saint, Robert Ash, and John Dale* for complainant. *Messrs. Rush H. Knox, Elmer C. Sharp, and Hiram H. Creekmore* for defendant.

NO. 11. STANDARD PIPE LINE COMPANY, INC., ET AL. v. COMMISSIONERS OF INDEX SULPHUR DRAINAGE DISTRICT. On writ of certiorari to the Supreme Court of Arkansas. Argued October 8, 9, 1928. Decided October 15, 1928. *Per Curiam*: The writ of certiorari is dismissed for the reason that the decree of the state court sought here to be reviewed was based on a nonfederal ground adequate to support it. *Bilby v. Stewart*, 246 U. S. 255, 257; *Farson, Son & Co. v. Bird*, 248 U. S. 268, 271. *Messrs. William H.*

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Arnold and David C. Arnold for petitioners. *Mr. Henry Moore, Jr.*, for respondents.

No. 30. *THE CONSOLIDATED FLOUR MILLS Co. v. MUEGGE ET AL.* Error to the Supreme Court of Oklahoma. Argued October 12, 1928. Decided October 15, 1928. *Per Curiam*: Reversed on the authority of *Wuchter v. Pizzutti*, 276 U. S. 13. *Messrs. Edward F. Colladay and John R. Beeching* for plaintiff in error. *Messrs. Lucas P. Loving and L. L. Hamner* for defendants in error.

No. 253. *OYSTER ET AL. v. PUBLIC UTILITIES COMM'N.* Error to the Supreme Court of the State of Ohio. October 15, 1928. *Per Curiam*: The writ of error is dismissed on the authority of § 237 of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937), for lack of jurisdiction. Treating the writ of error as an application for certiorari, the same is denied. *Mr. John W. Bricker* for plaintiffs in error. No appearance for defendant in error.

No. 274. *MACKAY v. OHIO.* Error to the Supreme Court of the State of Ohio. October 15, 1928. *Per Curiam*: The writ of error is dismissed on the authority of § 237 of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937), for lack of jurisdiction. Treating the writ of error as an application for certiorari, the same is denied. The mandate of the Court is directed to issue forthwith. *Messrs. Robert T. Scott and Frank Davis, Jr.*, for plaintiff in error. No appearance for defendant in error.

No. 279. *BOHNEFELD v. SECURITY NATIONAL BANK.* Error to and appeal from the Supreme Court of the State of Oklahoma. October 15, 1928. *Per Curiam*: The writ

of error and appeal are dismissed on the authority of § 237 of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937), for lack of jurisdiction. Treating the appeal as an application for certiorari, the same is denied. *Messrs. E. G. Wilson and J. M. Springer* for plaintiff in error and appellant. No appearance for defendant in error and appellee.

No. 306. *CARSON PETROLEUM CO. v. VIAL ET AL.* Error to and appeal from the Supreme Court of the State of Louisiana. October 15, 1928. *Per Curiam*: The writ of error and appeal are dismissed on the authority of § 237 of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937), for lack of jurisdiction, with leave to file a brief supporting an application for certiorari within 15 days, with 10 days for opposing counsel to reply. *Mr. Wm. E. Leahy* for plaintiff in error and appellant. *Mr. Harry P. Sneed* for defendant in error and appellee. See *post*, p. 595.

No. 313. *M. B. GARRIS PROPERTIES, INC., ET AL. v. MARTIN, GOVERNOR, ET AL.* Appeal from the Supreme Court of the State of Florida. October 15, 1928. *Per Curiam*: The appeal is dismissed on the authority of § 237 of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937), for lack of jurisdiction, on the ground that the decree sought to be reviewed is not a final one. *Schlosser v. Hemphill*, 198 U. S. 173, 175; *Arnold v. United States*, for the use of *Guimarin & Co.*, 263 U. S. 427, 434. *Mr. Charles R. Pierce* for appellant. *Mr. Fred H. Davis* for appellee.

No. 385. *MOORE (FORMERLY COBB) ET AL. v. DOWNING, TAX COLLECTOR, ET AL.* Appeal from the Court of Civil Appeals, Eleventh Supreme Judicial District, State of

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Texas. October 15, 1928. *Per Curiam*: The appeal is dismissed on the authority of § 237 of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937), for lack of jurisdiction, with leave to file a brief supporting an application for certiorari within 15 days, with 10 days for opposing counsel to reply. *Mr. M. G. Cox* and *Walter Cocke* for appellants. No appearance for appellees. See *post*, p. 646.

No. 113. *DOUCET ET AL. v. FONTENOT, SHERIFF, ET AL.* Error to the Supreme Court of the State of Louisiana. Motion submitted October 15, 1928. Decided October 22, 1928. *Per Curiam*: The motion to dismiss is granted for the reason that under § 237 of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937), the case is not properly before this Court on writ of error. There is, however, a federal question, as shown by *Wadkins v. Producers Oil Co.*, 227 U. S. 368, and *McCune v. Essig*, 199 U. S. 382, and the proper method of review would be by application for a writ of certiorari. Treating the writ of error as an application for certiorari the same is denied. *Mr. Joseph George Medlenka* for defendants in error in support of the motion. *Mr. Harry P. Sneed* for plaintiff in error in opposition thereto.

No. 37. *HANSEN v. STIRRAT & GOETZ INVESTMENT CO.* Error to the Supreme Court of the State of Washington. Argued October 19, 1928. Decided October 22, 1928. *Per Curiam*: The writ of error is dismissed for want of a substantial federal question on the authority of *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147. *Mr. Martin J. Lund*, with whom *Mr. Mark M. Litchman* was on the brief, for plaintiff in error. *Mr. Henry Elliott, Jr.*, with whom *Mr. J. Speed Smith* was on the brief, for defendant in error.

No. 38. *CRAINE v. COMMONWEALTH OF VIRGINIA ET AL.* On writ of certiorari to the Supreme Court of Appeals of the State of Virginia. Argued October 19, 1928. Decided October 22, 1928. *Per Curiam*: Reversed on the authority of *Brooke v. City of Norfolk*, 277 U. S. 27. *Mr. A. W. Patterson* for petitioner. *Mr. Leon M. Bazile*, with whom *Mr. E. Warren Wall* was on the brief, for respondents.

No. 28. *JACKSON & EASTERN RY. CO. ET AL. v. BURNS ET AL.* Error to the Supreme Court of the State of Mississippi. Argued October 11, 1928. Decided October 22, 1928. *Per Curiam*: Writ of error dismissed for want of jurisdiction. Petition for writ of certiorari denied. *Mr. George B. Neville*, with whom *Mr. W. N. Key* was on the brief, for plaintiffs in error. *Messrs. J. N. Flowers, J. R. Rouzee, and Victor W. Crilbert* were on the brief for defendants in error.

No. 35. *WESTINGHOUSE ELECTRIC & MANUFACTURING CO. v. DE FOREST RADIO TELEPHONE & TELEGRAPH CO.*; and

No. 36. *WESTINGHOUSE ELECTRIC & MANUFACTURING CO. ET AL. v. UNITED STATES ET AL.* On writs of certiorari to the Circuit Court of Appeals for the Third Circuit. Argued October 18, 19, 1928. Decided October 29, 1928. *Per Curiam*: Affirmed on the authority of *Morgan v. Daniels*, 153 U. S. 120; *Victor Talking Machine Co. v. Brunswick Balke Collender Co.*, 273 U. S. 670. *Mr. Frederick H. Wood*, with whom *Messrs. Drury W. Cooper, Thomas Ewing, and Alfred McCormack* were on the brief, for petitioners. *Mr. Charles E. Hughes*, with whom *Messrs. Thomas G. Haight, Samuel E. Darby, Jr., and William R. Ballard* were on the brief, for respondents.

No. 110. *HUGHES v. STATE BOARD OF MEDICAL EXAMINERS*; and

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No. 111. *HUGHES v. STATE BOARD OF MEDICAL EXAMINERS*. Error to the Supreme Court of the State of Georgia. Argued October 22, 1928. Decided October 29, 1928. *Per Curiam*: The writs of error are dismissed for want of a substantial federal question on the authority of *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147. *Messrs. Norman I. Miller and George C. Spence*, with whom *Mr. George P. Whitman* was on the brief, for plaintiff in error. *Mr. J. Z. Foster* for defendants in error.

No. 40. *REMINGTON ARMS UNION METALLIC CARTRIDGE Co., INC., v. UNITED STATES*. On writ of certiorari to the Court of Claims. Argued October 22, 23, 1928. Decided October 29, 1928. *Per Curiam*: Affirmed on the authority of § 177 of the Judicial Code. *Mr. Wm. Wallace, Jr.*, for petitioner. *Solicitor General Mitchell*, *Assistant Attorney General Galloway*, and *Mr. Dwight E. Rorer* for the United States.

No. 42. *KELLEHER v. FRENCH*. Appeal from the District Court of the United States for the District of West Virginia. Argued October 23, 1928. Decided October 29, 1928. *Per Curiam*: Affirmed on the authority of *Miller v. Schoene*, 276 U. S. 272. *Mr. W. R. C. Cocke*, with whom *Messrs. Randolph Harrison, Forney Johnston*, and *D. O. Dechert* were on the brief, for appellant. *Messrs. John R. Saunders and F. S. Tavenner* for appellee.

No. 43. *KANSAS CITY SOUTHERN RY. Co. ET AL. v. HOOPER, TAX COLLECTOR*. On writ of certiorari to the Supreme Court of the State of Arkansas. Argued October 23, 1928. Decided October 29, 1928. *Per Curiam*: Reversed on the authority of *Montana National Bank v.*

Yellowstone County, 276 U. S. 499; *Oklahoma Operating Co. v. Love*, 252 U. S. 331; *St. Louis Iron Mountain & Southern Ry. v. Williams*, 251 U. S. 63; *Wadley Southern Ry. v. Georgia*, 235 U. S. 651; *Ex Parte Young*, 209 U. S. 123. Mr. Frank H. Moore, with whom Messrs. A. F. Smith, James B. McDonough, and Samuel W. Moore were on the brief, for petitioners. Mr. E. C. Lake for respondent.

No. 55. STATE ROAD COMMISSION ET AL. *v.* MONONGAHELA WEST PENN PUBLIC SERVICE CO. ET AL.;

No. 56. STATE ROAD COMMISSION ET AL. *v.* BALTIMORE & OHIO R. R. CO. ET AL.; and

No. 57. STATE ROAD COMMISSION *v.* BALTIMORE & OHIO R. R. CO. ET AL. Error to the Supreme Court of Appeals of the State of West Virginia. Argued October 25, 26, 1928. Decided October 29, 1928. *Per Curiam*: The writs of error are dismissed for want of a substantial federal question on the authority of *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147. Mr. Fred O. Blue, with whom Messrs. E. G. Smith, Lawrence R. Lynch, and Guy H. Burnside were on the brief, for plaintiffs in error. Messrs. Clyde B. Johnson, Philip P. Steptoe, Louis A. Johnson, James A. Meredith, and William G. Conley for defendants in error.

No. 45. FAIRBANKS, MORSE & Co., INC., *v.* BATON ROUGE RICE MILL, INC., ET AL. Error to the Supreme Court of the State of Louisiana. Argued October 23, 1928. Decided October 29, 1928. *Per Curiam*: The writ of error is dismissed for want of a substantial federal question on the authority of *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147. Mr. Walter J. Suthon, Jr.,

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with whom *Messrs. J. Blanc Monroe* and *Monte M. Lemann* were on the brief, for plaintiff in error. *Messrs. C. V. Parker* and *Joseph A. Lovet* for defendants in error.

NO. 62. ATLANTIC COAST LINE R. R. CO. *v.* TYNER, ADMINISTRATOR. On writ of certiorari to the Supreme Court of the State of South Carolina. Argued October 26, 1928. Decided October 29, 1928. *Per Curiam*: Reversed and remanded for a new trial on the authority of (1) *Chicago, Milwaukee & St. Paul Ry. v. Coogan*, 271 U. S. 472; (2) *Southern Pacific Co. v. Berkshire*, 254 U. S. 415; *Chesapeake & Ohio Ry. v. Leitch*, 276 U. S. 429; (3) *Gulf, Colorado & Santa Fe Ry. v. Moser*, 275 U. S. 133. *Mr. Thomas W. Davis*, with whom *Mr. Simeon Hyde* was on the brief, for petitioner. *Messrs. Lionel Legge* and *John P. Grace* for respondent.

NO. 67. MOORE, EXECUTOR, *v.* BUGBEE, COMPTROLLER. Error to the Court of Errors and Appeals of the State of New Jersey. Submitted October 26, 1928. Decided October 29, 1928. *Per Curiam*: The writ of error is dismissed for want of a properly presented substantial federal question on the authority of *St. Louis & San Francisco R. R. v. Shephard*, 240 U. S. 240; *Missouri Pacific R. R. v. Hanna*, 226 U. S. 184. *Mr. Andrew Foulds, Jr.*, for plaintiff in error. *Mr. Edward L. Katzenbach* for defendant in error.

NO. —, original. SHEVENELL ET AL., TRUSTEES, *v.* MORTON, DISTRICT JUDGE. November 19, 1928. *Per Curiam*: The motion for leave to file petition for writ of mandamus is denied. *Mr. John Boyle, Jr.*, for petitioners. *Mr. Marcus B. May* for respondent.

No. 209. *ROBERTS ET AL. v. DETROIT ET AL.* Error to the Supreme Court of the State of Michigan. Motion submitted October 29, 1928. Decided November 19, 1928. *Per Curiam*: The motion to dismiss is granted on the authority of *Meyer v. Richmond*, 172 U. S. 82. Treating the writ of error as an application for certiorari the same is denied. *Messrs. Clarence E. Wilcox and Paul T. Dwyer* for defendants in error in support of the motion. *Mr. S. Homer Ferguson* for plaintiffs in error in opposition thereto.

No. 72. *JOURNEYMEN STONE CUTTERS ASS'N ET AL. v. UNITED STATES.* Appeal from the District Court of the United States for the Southern District of New York. Argued October 22, 1928. Decided November 19, 1928. *Per Curiam*: The appeal is dismissed for lack of a showing of service of summons and severance upon those defendants in the court below who did not join in the appeal. *Masterson v. Herndon*, 10 Wall. 416; *Downing v. McCartney*, 131 U. S. 98 App'x.; *Hardee v. Wilson*, 146 U. S. 179; *Garcia v. Vela*, 216 U. S. 598. *Mr. Jeremiah A. O'Leary*, with whom *Messrs. Frank P. Walsh, Roderick Begg, and Theodore R. Jaffe* were on the brief, for appellants. *Solicitor General Mitchell and Assistant to the Attorney General Donovan* for the United States.

No. 52. *PARKER ET AL. v. TAX COMMISSION OF OHIO*; and

No. 53. *PARKER ET AL. v. TAX COMMISSION OF OHIO.* Error to the Supreme Court of the State of Ohio. Argued October 25, 1928. Decided November 19, 1928. *Per Curiam*: The writs of error are dismissed for want of a properly presented substantial federal question, on the authority of (1) *St. Louis & San Francisco R. R. Co. v. Shephard*, 240 U. S. 240; *Jett Bros. Distilling Co. v. City*

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of *Carrollton*, 252 U. S. 1; (2) *Consolidated Turnpike Co. v. Norfolk & Ocean View Ry.*, 228 U. S. 326; *Marvin v. Trout*, 199 U. S. 212. *Mr. Horace Andrews*, with whom *Messrs. Marion V. Semple* and *T. G. Thompson* were on the brief, for plaintiffs in error. *Mr. Virgil H. Gibbs*, with whom *Mr. Edward C. Turner* was on the brief, for defendants in error.

No. 408. *COAST LUMBER CO. ET AL. v. JOHNSON ET AL.* Appeal from the Supreme Court of the State of Idaho. November 19, 1928. *Per Curiam*: The appeal is dismissed on the authority of § 237 of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937) for lack of jurisdiction. Treating the appeal as an application for certiorari the same is denied for want of a substantial federal question on the authority of *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147. *Mr. James H. Hawley* for appellants. No appearance for appellees.

No. 464. *UNITED RAILWAYS AND ELECTRIC CO. v. WEST, CHAIRMAN, ET AL., ETC.*; and

No. 465. *WEST, CHAIRMAN, ET AL., ETC. v. UNITED RAILWAYS AND ELECTRIC CO.* Appeals from the Court of Appeals of the State of Maryland. November 19, 1928. *Per Curiam*: The appeals are dismissed on the authority of § 237 (a) of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937), for lack of jurisdiction, on the ground that the decree sought to be reviewed is not a final one. *Haseltine v. Central Bank of Springfield (No. 1)*, 183 U. S. 130, 131; *Schlosser v. Hemp-hill*, 198 U. S. 173, 175; *Arnold v. United States* for the use of *Guimarin & Co.*, 263 U. S. 427, 434. The petition for certiorari in No. 465 is denied for the same reason.

Messrs. Charles McHenry Howard, W. W. Willoughby, Charles Markell, and Henry H. Waters for appellant in No. 464 and appellee in No. 465. Messrs. Raymond S. Williams and Thomas J. Tingley for appellees in No. 464 and appellants in No. 465.

No. —. IN RE DISBARMENT OF ADRIAANS. November 26, 1928. *Per Curiam*: Motion to revoke order of disbarment denied. *Mr. John H. Adriaans, pro se.*

No. —, original. BROSNAN *v.* MARTIN, JUDGE. November 26, 1928. *Per Curiam*: The motion for leave to file petition for a writ of mandamus and the motion for leave to proceed *in forma pauperis* are denied. *Mr. John J. Brosnan, pro se.*

No. 531. MAYES *v.* INDUSTRIAL ACCIDENT BOARD OF MICHIGAN ET AL. On petition for writ of certiorari to the Supreme Court of the State of Michigan. Motion submitted November 19, 1928. Decided November 26, 1928. *Per Curiam*: The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the unprinted record herein submitted, finds that there is no federal question upon which certiorari can be issued, application for which is therefore also denied. The costs already incurred herein by direction of the Court shall be paid by the Clerk from the special fund in his custody as provided in the order of October 29, 1926. *Mr. Joseph Mayes, pro se.*

No. 538. LOFTON *v.* MISSISSIPPI. On petition for writ of certiorari to the Supreme Court of the State of Mississippi. Motion submitted November 19, 1928. Decided

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November 26, 1928. *Per Curiam*: The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the unprinted record herein submitted, finds that there is no federal question upon which certiorari can be issued, application for which is therefore also denied. The costs already incurred herein by direction of the Court shall be paid by the Clerk from the special fund in his custody as provided in the order of October 29, 1926. *Mr. S. Robert Young, Jr.*, for petitioner. No appearance for respondent.

NO. 50. MISSOURI PACIFIC R. R. CORP'N ET AL. *v.* NEBRASKA STATE RY. COMM'N. Error to the Supreme Court of the State of Nebraska. Argued November 21, 22, 1928. Decided November 26, 1928. *Per Curiam*: The writ of error is dismissed for want of a properly presented substantial federal question, on the authority of *St. Louis & San Francisco R. R. v. Sheppard*, 240 U. S. 240; *Jett Bros. Distilling Co. v. City of Carrollton*, 252 U. S. 1; *Consolidated Turnpike Co. v. Norfolk & Ocean View Ry.*, 228 U. S. 326. *Messrs. Anan Raymond and Charles F. McLaughlin*, with whom *Messrs. J. A. C. Kennedy, Francis A. Brogan, Alfred G. Ellick*, and *E. J. White* were on the brief, for plaintiffs in error. *Mr. Hugh La Master*, with whom *Mr. O. S. Spillman* was on the brief, for defendant in error.

NO. 424. SECURITY NATIONAL BANK *v.* TWINDE ET AL. Appeal from the Supreme Court of the State of South Dakota. November 26, 1928. *Per Curiam*: The appeal is dismissed for the reason that the judgment of the state court sought here to be reviewed was based on a non-federal ground adequate to support it. *Bilby v. Stewart*, 246 U. S. 255, 257; *Farson Son & Co. v. Bird*, 248 U. S. 268, 271. *Mr. Percy L. Louchs* for appellant. No appearance for appellees.

No. 430. DIMITRY ET AL., TRUSTEES, *v.* LEWIS ET AL. Appeal from the Supreme Court of the State of Mississippi. November 26, 1928. *Per Curiam*: The appeal is dismissed for the reason that the judgment of the state court sought here to be reviewed was based on a non-federal ground adequate to support it. *Bilby v. Stewart*, 246 U. S. 255, 257; *Farson Son & Co. v. Bird*, 248 U. S. 268, 271. *Mr. R. A. Wallace* for appellants. No appearance for appellees.

No. 438. MOWER *v.* STATE DEPARTMENT OF HEALTH. Appeal from the Supreme Court of Errors of the State of Connecticut. November 26, 1928. *Per Curiam*: The appeal is dismissed for want of a substantial federal question on the authority of *Pittsburgh, C., C. & St. L. Ry. v. Backus*, 154 U. S. 421, 426; *Capital Traction Co. v. Hof*, 174 U. S. 1, 45; *Bragg v. Weaver*, 251 U. S. 57, 59. *Mr. Arthur B. O'Keefe* for appellant. *Mr. James W. Carpenter* for appellee.

No. —, original. EX PARTE SHAKERI. December 3, 1928. *Per Curiam*: The motion for leave to file petition for writ of *habeas corpus* is denied. *Mr. Alpha Shakeri, pro se.*

No. 369. LANCASTER IRON WORKS, INC., *v.* J. C. PENNEY-GWINN CORPORATION ET AL.; and

No. 370. LANCASTER IRON WORKS, INC., *v.* J. C. PENNEY-GWINN CORPORATION ET AL. Motion submitted November 26, 1928. Decided December 3, 1928. *Per Curiam*: The motion for leave to file a petition for rehearing beyond the time permitted by the rule is denied. *Messrs. John P. Stokes, Scott M. Loftin, and James E. Caulkins* for petitioner. *Messrs. Wm. E. Kay and Thomas B. Adams* for respondents.

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No. 18, original. *KENTUCKY v. INDIANA ET AL.* December 3, 1928. *Per Curiam*: On consideration of the returns to the rules to show cause it is ordered that leave is granted to file the original bill of complaint and the amended bill of complaint herein and process is ordered to issue returnable on Monday, February 18, 1929. *Mr. Clifford E. Smith* for complainant. *Mr. F. H. Hatfield* for defendants.

No. 426. *GALE ET AL. v. NORFOLK & WESTERN RY. CO. ET AL.* Appeal from the Supreme Court of the State of Ohio. December 3, 1928. *Per Curiam*: The appeal is dismissed on the authority of § 237 (a) of the Judicial Code, as amended by the act of February 13, 1925 (43 Sta. 936, 937), for lack of jurisdiction. Treating the appeal as an application for certiorari the same is denied for want of a substantial federal question on the authority of *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147. *Messrs. C. C. Williams, Simeon Nash, and James J. Boulger* for appellants. *Messrs. F. M. Rivinus and J. Hamilton Cheston* for appellees.

No. 439. *McPHERSON BROTHERS CO. v. OKANOGAN-DOUGLAS INTER-COUNTY BRIDGE CO.* Error to the Supreme Court of the State of Washington. December 3, 1928. *Per Curiam*: The writ of error is dismissed on the authority of § 237 (a) of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937), for lack of jurisdiction. Treating the writ of error as an application for certiorari the same is denied for want of a substantial federal question on the authority of *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147. *Mr. Peter McPherson* for plaintiff in error. *Mr. John P. Hartman* for defendant in error.

No. 459. VERMILLION MINING CO. *v.* FRASER;

No. 460. CRETE MINING CO. *v.* DAY;

No. 461. INLAND STEEL CO. *v.* DAY; and

No. 462. INLAND STEEL CO. *v.* FRYBERGER. Appeals from the Supreme Court of the State of Minnesota. December 3, 1928. *Per Curiam*: The appeals are dismissed on the authority of *Lake Superior Consolidated Iron Mines v. Lord*, 271 U. S. 577. *Messrs. Wm. P. Belden and Horace Andrews* for appellants. *Mr. Arcadius L. Agatin* for appellee in No. 459. *Mr. Fred W. Putnam* for appellee in Nos. 460 and 461. No appearance for appellee in No. 462.

No. 474. THEOBALD ET AL. *v.* BOARD OF COUNTY COMMISSIONERS ET AL. Error to the Supreme Court of the State of Ohio. December 3, 1928. *Per Curiam*: The writ of error is dismissed for want of a substantial federal question on the authority of *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147. *Mr. B. W. Gearheart* for plaintiffs in error. No appearance for defendants in error.

No. 477. SAMBOR ET AL. *v.* PHILADELPHIA RAPID TRANSIT CO. ET AL. Appeal from the District Court of the United States for the Eastern District of Pennsylvania. December 3, 1928. *Per Curiam*: The appeal is dismissed for want of a substantial federal question on the authority of *Maryland v. Baltimore & Ohio R. R. Co.*, 3 How. 534, 552; *Pawhuska v. Pawhuska Oil Co.*, 250 U. S. 394, 399; *Trenton v. New Jersey*, 262 U. S. 182, 186; *Risty v. Chicago Ry. Co.*, 270 U. S. 378, 390. *Mr. James J. Regan, Jr.*, for appellants. *Messrs. Frank M. Hunter and Frederic R. Ballard* for appellees.

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No. 492. NOEL *v.* WASHINGTON SUBURBAN SANITARY COMMISSION ET AL. Appeal from the Court of Appeals of the State of Maryland. December 3, 1928. *Per Curiam*: The appeal is dismissed for want of a substantial federal question on the authority of *Wagner v. Baltimore*, 239 U. S. 207; *Seattle v. Kelleher*, 195 U. S. 351, 359; *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside* 239 U. S. 144, 147. Messrs. Frederic D. McKenney, Wilson L. Townsend, Caesar L. Criello, and F. Regis Noel for appellant. No appearance for appellees.

No. 76. E. HENRY WEMME CO. *v.* SELLING ET AL., ETC. Error to the Supreme Court of the State of Oregon. Argued November 27, 1928. Decided December 3, 1928. *Per Curiam*: The writ of error is dismissed for want of a substantial federal question on the authority of *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147. Messrs. Thomas Mannix and Guy C. H. Corliss for plaintiff in error. Messrs. E. V. Littlefield, John C. Veatch, and B. E. Haney for defendants in error.

No. 82. SNYDER *v.* NEW YORK, CHICAGO & ST. LOUIS RAILROAD CO. Error to the Supreme Court of the State of Ohio. Argued November 28, 1928. Decided December 3, 1928. *Per Curiam*: The writ of error is dismissed for want of a substantial federal question on the authority of *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147. Mr. Frederick A. Henry for plaintiff in error. Messrs. Wm. H. Boyd and Thomas H. Hogsett, with whom Mr. Leslie Nichols was on the brief, for defendant in error. See *post*, p. 578.

No. 14, original. *COLORADO v. KANSAS ET AL.* Argued November 26, 1928. Decided December 3, 1928. *Per Curiam*: The motion to dismiss is denied without prejudice to any question and with leave to the defendants to answer within ninety days. *Messrs. F. Dumont Smith and John G. Egan*, with whom *Messrs. Wm. A. Smith, Chester I. Long*, and *Lawrence Lewis* were on the brief, for defendants in support of the motion. *Messrs. Fred A. Sabin and James G. Rogers*, with whom *Messrs. Wm. L. Boatright, Ralph L. Carr, Henry A. Dubbs*, and *Platt Rogers* were on the brief, for complainant in opposition thereto.

No. 87. *WICK ET AL. v. SUPERIOR COURT OF THE STATE OF WASHINGTON, ETC.* Error to the Supreme Court of the State of Washington. December 4, 1928. *Per Curiam*: Writ of error dismissed with costs for want of a final judgment. *Mr. Joseph D. Sullivan* for plaintiffs in error. *Messrs. F. G. Dorety, Frank T. Post, Edwin C. Matthias, Charles S. Albert*, and *Thomas Balmer* for defendant in error. See *post*, p. 575.

No. 490. *HART REFINERIES v. MONTANA.* Appeal from the Supreme Court of the State of Montana. December 10, 1928. *Per Curiam*: On examination of the statement intended to show jurisdiction of this appeal, the Court finds that the claim of a federal question upon which this cause and the appeal are based is frivolous and the appeal is dismissed upon the authority of *Raley & Bros. v. Richardson*, 264 U. S. 157, 159. *Mr. John E. Patterson* for appellant. No appearance for appellee. See *post*, p. 584.

No. 83. *AMERICAN RAILWAY EXPRESS Co. v. FLEISCHMANN, MORRISS & Co., INC.*;

No. 84. *AMERICAN RAILWAY EXPRESS Co. v. RICHMOND HARDWARE Co.*;

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No. 85. AMERICAN RAILWAY EXPRESS Co. v. G. T. ELLIOTT, INC.; and

No. 86. AMERICAN RAILWAY EXPRESS Co. v. NEWCOMB. Error to the Supreme Court of Appeals of the State of Virginia. Argued November 28 and December 3, 1928. Decided December 10, 1928. *Per Curiam*: The writs of error are dismissed for want of a substantial federal question on the authority of *Wuchter v. Pizzutti*, 276 U. S. 13. *Mr. Wyndham R. Meredith*, with whom *Mr. Charles W. Stockton* was on the brief, for plaintiff in error. *Mr. A. W. Patterson* for defendant in error in No. 83. No appearance for defendants in error in Nos. 84, 85, and 86.

No. 352. BRAUNSTEIN v. NEW YORK, ETC. Error to and appeal from the Court of Appeals of the State of New York. Argued December 4, 1928. Decided December 10, 1928. *Per Curiam*: The writ of error and the appeal are dismissed for want of a properly presented federal question on the authority of *Capital City Dairy Co. v. Ohio*, 183 U. S. 238, 246; *Marvin v. Trout*, 199 U. S. 213, 223; *Hiawassee Power Co. v. Carolina-Tennessee Power Co.*, 252 U. S. 341, 343. *Mr. Jay Leo Rothschild* for plaintiff in error and appellant. *Mr. Charles J. Dodd* for defendant in error and appellee.

No. 87. WICK ET AL. v. SUPERIOR COURT ET AL. Error to the Supreme Court of the State of Washington. Argued December 4, 1928. Decided December 10, 1928. *Per Curiam*: The writ of error is dismissed on the authority of § 237 (a) of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937), because the judgment sought to be reviewed is not final within the meaning of this section, however it may be regarded in state procedure; *Grays Harbor Logging Co. v. Coates Fordney Logging Co.*, 243 U. S. 251; *Washington ex rel. McPherson*

Bros. Co. v. Superior Court, 274 U. S. 726; *Washington ex rel. Terry v. Superior Court*, 276 U. S. 626. Mr. Joseph D. Sullivan for plaintiffs in error. Messrs. F. G. Dorety, Frank T. Post, Edwin C. Matthias, Charles S. Albert, and Thomas Balmer for defendants in error.

NO. 93. SEABOARD AIR LINE RY. CO. *v.* JOHNSON. On writ of certiorari to the Supreme Court of the State of Alabama. Argued December 5, 1928. Decided December 10, 1928. *Per Curiam*: The Court finds that the writ of certiorari heretofore issued in this case was improvidently granted, and it is dismissed. Mr. Robert E. Steiner, Jr., with whom Messrs. Benjamin P. Crum and Leon Weil were on the brief, for petitioner. Mr. Richard T. Rives, with whom Mr. Wm. W. Hill was on the brief, for respondent.

NO. 95. NEW YORK, CHICAGO AND ST. LOUIS R. R. CO. *v.* GRANFELL. On writ of certiorari to the Court of Appeals of the State of Ohio, Eighth Judicial District. Argued December 6, 1928. Decided December 10, 1928. *Per Curiam*: The Court finds that the writ of certiorari heretofore issued in this case was improvidently granted, and it is dismissed. Mr. W. T. Kinder for petitioner. Mr. R. B. Newcomb for respondent.

- NO. 97. NEW YORK AND NEW JERSEY WATER CO. ET AL. *v.* PASSAIC CONSOLIDATED WATER CO. Appeal from the Court of Errors and Appeals of the State of New Jersey. Argued December 6, 7, 1928. Decided December 10, 1928. *Per Curiam*: The appeal is dismissed for want of a substantial federal question on the authority of *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147. Mr.

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Robert H. McCarter for appellants. *Mr. Frederick J. Faulks*, with whom *Mr. J. N. Bishop, Jr.*, was on the brief, for appellee.

No. 511. *EXCHANGE DRUG CO. v. McNEEL*, CHAIRMAN, ET AL. Appeal from the Supreme Court of the State of Alabama. January 2, 1929. *Per Curiam*: The appeal is dismissed on the authority of § 237 of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937), for lack of jurisdiction, on the ground that the decree sought to be reviewed is not a final one. *Schlosser v. Hemphill*, 198 U. S. 173, 175; *Arnold v. United States* for the use of *Guimarin & Co.*, 263 U. S. 427, 434. *Mr. Robert Benson Evins* for appellant. No appearance for appellees.

No. 519. *WESTERN & ATLANTIC R. R. v. HENDERSON ET AL.* Appeal from the Supreme Court of the State of Georgia. January 2, 1929. *Per Curiam*: The appeal is dismissed for want of a substantial federal question on the authority of *Mobile, Jackson & Kansas City R. R. v. Turnipseed*, 219 U. S. 35. *Messrs. Fitzgerald Hall, John L. Tye*, and *Frank Slemons* for appellant. *Mr. Reuben R. Arnold* for appellees. [Rehearing granted. January 21, 1929.]

No. 100. *WRIGHT, ADMINISTRATOR, v. GRAND TRUNK R. R. Co.* On writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit. Argued December 7, 1928. Decided January 2, 1929. *Per Curiam*: Affirmed on the authority of *Union Pacific Ry. Co. v. Wyler*, 158 U. S. 285. *Mr. Harold W. Armstrong*, with whom *Mr. Thomas A. E. Weadock* was on the brief, for petitioner. *Mr. Leo J. Carigan*, with whom *Mr. Harold R. Martin* was on the brief, for respondent.

No. 82. *SNYDER v. NEW YORK, CHICAGO & ST. LOUIS R. R. Co.* Error to the Supreme Court of the State of Ohio. January 2, 1929. *Per Curiam*: The judgment of dismissal, heretofore entered in this cause on the 3d day of December, 1928, is hereby vacated and set aside, and the following substituted therefor:

This case is affirmed on the ground that § 407 of the Transportation Act of 1920, 41 Stat. 480 ch. 91, amending § 5 of the Interstate Commerce Act, has not as yet become applicable to cases like this. *Mr. Frederick A. Henry* for plaintiff in error. *Messrs. Leslie Nichols, Thomas H. Hogsett, and Wm. H. Boyd* for defendant in error. See *ante*, p. 573.

No. 173. *ARIZONA SUPERIOR MINING Co. v. ANDERSON.* Error to the Supreme Court of the State of Arizona. Motion submitted January 2, 1929. Decided January 7, 1929. *Per Curiam*: The motion to dismiss is granted for the reason that no federal question was raised below. *Godchaux Co. v. Estopinal*, 251 U. S. 179; *Wall v. Chesapeake & Ohio Ry.*, 256 U. S. 125. *Mr. Francis M. Hartman* for defendant in error in support of the motion. *Mr. James P. Levin*, with whom *Messrs. Wm. J. Hughes and J. W. Faulkner* were on the brief, for plaintiff in error in opposition thereto.

No. 600. *YOUNG v. STAPLES ET AL.* Appeal from the District Court of the United States for the Western District of Texas. January 7, 1929. *Per Curiam*: The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the unprinted record herein submitted, finds that there is no jurisdiction for the appeal, and it is accordingly dismissed on the authority of § 238 of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 938).

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The costs already incurred herein by direction of the Court shall be paid by the Clerk from the special fund in his custody as provided in the order of October 29, 1926. *Mr. Henry Young, pro se.* No appearance for appellees.

No. 609. *BALTUFF v. UNITED STATES.* On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit. January 7, 1929. *Per Curiam:* The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the unprinted record herein submitted, finds that there is no basis for certiorari, application for which is therefore also denied.

The costs already incurred herein by direction of the Court shall be paid by the Clerk from the special fund in his custody as provided in the order of October 29, 1926. *Mr. Eduarda K. Baltuff, pro se.* No appearance for the United States.

No. 504. *HORTON ET AL. v. PRENDERGAST, COMMISSIONER, PUBLIC SERVICE COMMISSION OF THE STATE OF NEW YORK AND CHAIRMAN, ETC., ET AL.* Appeal from the Court of Appeals of the State of New York. January 7, 1929. *Per Curiam:* The appeal is dismissed for want of a substantial federal question on the authority of *Offield v. New York, New Haven and Hartford R. R.*, 203 U. S. 372, 375; *Mt. Vernon-Woodberry Cotton Duck Co. v. Alabama Interstate Power Co.*, 240 U. S. 30, 32. *Mr. Allen S. Hubbard* for appellants. *Messrs. Albert Ottinger, Albert J. Danaher, and Henry Purcell* for appellees.

No. 114. *EXCHANGE TRUST CO., EXECUTOR, v. DRAINAGE DISTRICT No. 7 ET AL.* Error to the Supreme Court of the State of Arkansas. January 9, 1929. *Per Curiam:* This

cause came on to be heard at this term, and was argued by counsel; and thereupon, upon consideration thereof, counsel for defendant in error, St. Francis Levee District, consenting, it was ordered, adjudged, and decreed as follows, viz:

That the prayer of the complaint for cancellation of decrees of foreclosure in favor of defendant in error, St. Francis Levee District, is granted, and said decrees are cancelled and held for naught as clouds upon the title to said lands; and said St. Francis Levee District is forever enjoined from taxing or attempting to tax said lands to pay for improvements made or administrative or other expenses incurred prior to issuing of final certificate by the United States; that said lands are subject to tax for the cost of improvements, administrative, or other expenses of said St. Francis Levee District contracted for subsequent to the issuing of final certificate from the United States, and the Supreme Court of Arkansas is reversed in so far as the judgment is inconsistent herewith, and the cause is remanded to the Supreme Court of Arkansas for further proceedings not inconsistent with this conclusion.

Mandate will issue accordingly. *Messrs. Arthur Adams and J. A. Tellier* for plaintiff in error. *Messrs. Burk Mann, Charles D. Frierson, and R. B. McCulloch* for defendants in error. See *ante*, p. 421.

NO. 376. FIREMEN'S INSURANCE CO. v. CONWAY, SUPERINTENDENT OF INSURANCE. Appeal from the District Court of the United States for the Southern District of New York. Argued January 7, 1929. Decided January 14, 1929. *Per Curiam*: Affirmed on the authority of *Meccano, Ltd., v. Wanamaker*, 253 U. S. 136, 141; *Chicago, Great Western Ry. v. Kendall*, 266 U. S. 94, 100; *Foster-Fountain Packing Co. v. Haydel*, *ante*, p. 1. Mr. John W. Davis, with whom Mr. Wendell P. Barker was on the

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brief, for appellant. *Mr. Henry S. Manley*, with whom *Messrs. Albert Ottinger, Hamilton Ward, and Claude T. Dawes* were on the brief, for appellee.

No. 103. *EMPIRE GAS & FUEL CO. ET AL. v. SAUNDERS ET AL.* On writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit. Argued January 8, 1929. Decided January 14, 1929. *Per Curiam*: The Court finds that the writ of certiorari heretofore issued in this case was improvidently granted, and it is dismissed. *Messrs. David B. Trammel, J. W. Finley, and Warren T. Spies* submitted for petitioners. *Mr. Charles C. Cook*, with whom *Mr. S. D. Stennis, Jr.*, was on the brief, for the respondents.

No. 105. *EASTERN AND WESTERN LUMBER CO. ET AL. v. PATTERSON, GOVERNOR, ET AL.*; and

No. 194. *EASTERN AND WESTERN LUMBER CO. ET AL. v. PATTERSON, GOVERNOR, ET AL.* Error to and appeal from the Supreme Court of the State of Oregon. Argued January 8, 1929. Decided January 14, 1929. *Per Curiam*: Affirmed on the authority of *Wisconsin & Michigan Ry. v. Powers*, 191 U. S. 379, 385. *Mr. James G. Wilson*, with whom *Messrs. John F. Reilly and James B. Kerr* were on the brief, for plaintiffs in error in No. 105. *Mr. James G. Wilson* for appellants in No. 194. *Mr. Willis S. Moore*, with whom *Mr. I. H. Van Winkle* was on the brief, for defendants in error and appellees.

No. 109. *WOOTEN v. BREVARD COUNTY.* Appeal from the Supreme Court of the State of Florida. Motion submitted January 2, 1929. Decided January 14, 1929. *Per Curiam*: The appeal is dismissed (1) for want of a substantial federal question on the authority of *Shul-*

this v. McDougal, 225 U. S. 561, 569; *Hebert v. Louisiana*, 272 U. S. 312, 316-317; (2) because the affirmance below was based on a nonfederal ground adequate to support it. *Bilby v. Stewart*, 246 U. S. 255, 257. Mr. L. C. Crofton for appellee in support of the motion. Messrs. W. E. Kay, Thomas B. Adams, and Henry C. Clark for appellant in opposition thereto.

No. 108. STATE TRUST & SAVINGS BANK *v.* DUNN, TRUSTEE. On writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit. Argued January 9, 1929. Decided January 14, 1929. *Per Curiam*: Reversed for the reason that there is no federal jurisdiction over the cause. *Wood v. Wilbert*, 226 U. S. 384; *Weidhorn v. Levy*, 253 U. S. 268; *Taubel-Scott-Kitzmiller Co. v. Fox*, 266 U. S. 426. Mr. Webster Atwell for petitioner. Mr. W. F. Rutledge, Jr., also appeared. No appearance for respondent.

No. 160. VIRGINIAN RY. CO. *v.* KIRK. On writ of certiorari to the Supreme Court of Appeals of the State of West Virginia. Argued January 11 and 14, 1929. Decided January 21, 1929. *Per Curiam*: The Court finds that the writ of certiorari heretofore issued in this case was improvidently granted, and it is dismissed. Mr. Homer T. Hall, with whom Mr. W. H. T. Loyall was on the brief, for petitioner. Mr. John R. Pendleton, with whom Mr. Wm. Cody Fletcher was on the brief, for respondent.

No. 147. GRAYSBURG OIL CO. *v.* TEXAS. Error to the Supreme Court of the State of Texas. Argued January 16, 17, 1929. Decided January 21, 1929. *Per Curiam*: Reversed on the authority of *Panhandle Oil Co. v. Missis-*

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sippi ex rel. Knox, 277 U. S. 218. *Mr. Victor Keller* for plaintiff in error. *Mr. D. A. Simmons*, with whom *Mr. Claude Pollard* was on the brief, for defendant in error.

No. 161. *HUNT v. HUNT*. Error to the Supreme Court of the State of Colorado. Submitted January 17, 1929. Decided January 21, 1929. *Per Curiam*: The writ of error is dismissed for want of a substantial federal question on the authority of *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147. *Mr. Wayne C. Williams* for plaintiff in error. *Mr. Patrick H. Laughran* for defendant in error.

No. 208. *MORGAN v. WISCONSIN TAX COMMISSION*. Appeal from and error to the Supreme Court of the State of Wisconsin. Argued January 17, 1929. Decided January 21, 1929. *Per Curiam*: The appeal and writ of error are dismissed on authority of § 237 (a) of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937), for lack of jurisdiction, to await the decision of the Court on the papers as an application for certiorari as provided in § 237 (a) of the Judicial Code. *Mr. Perry J. Stearns*, with whom *Messrs. Wm. E. Black* and *Charles C. Russell* were on the brief, for appellant and plaintiff in error. *Messrs. John W. Reynolds* and *Franklin E. Bump* for appellee and defendant in error.

No. 230. *JORGENSEN-BENNETT MFG. CO. v. KNIGHT, SHERIFF, ET AL.* Appeal from the Supreme Court of the State of Tennessee. Argued January 18, 1929. Decided January 21, 1929. *Per Curiam*: The appeal is dismissed on authority of § 237 (a) of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937), for

lack of jurisdiction. Treating the appeal as an application for certiorari, the same is denied. *Mr. R. G. Brown*, with whom *Mr. Abe D. Walddner* was on the brief, for appellant. *Messrs. L. D. Smith* and *W. F. Barry, Jr.*, for appellees.

No. 490. *HART REFINERIES v. MONTANA*. Appeal from the Supreme Court of the State of Montana. February 18, 1929. *Per Curiam*: Upon consideration of the jurisdictional statement heretofore filed, and following the view expressed by the Supreme Court of Montana, we entered an order dismissing the appeal in this case as frivolous upon the authority of *Raley & Bros. v. Richardson*, 264 U. S. 157, 159. Upon the authority of *Hart Refineries v. Harmon*, decided this day, *ante*, p. 499, presenting precisely the same question, that order is now vacated and the judgment below is affirmed. *Mr. John E. Patterson* for appellant. No appearance for appellee.

No. —, original. *Ex PARTE TOMSON*. February 18, 1929. *Per Curiam*: The motion for leave to file a petition for a writ of mandamus is denied on the authority of *Ex parte Collins*, 277 U. S. 565; *Ex parte Public National Bank*, 278 U. S. 101. *Mr. John E. Laskey* for petitioner.

No. 205. *STOKELY ET AL. v. MISSISSIPPI ET AL.* Appeal from the Supreme Court of Mississippi. Submitted January 15, 1929. Decided February 18, 1929. *Per Curiam*: The appeal is dismissed for want of a substantial federal question on the authority of *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147. *Messrs. Marcellus Green, Garner W. Green*, and *Chalmers Potter* for appellants. *Mr. Rush H. Knox* for appellees.