

DECISIONS PER CURIAM, FROM OCTOBER 7,  
1929, TO AND INCLUDING JANUARY 27,  
1930.<sup>1</sup>

No. 578. MACALLEN Co. v. MASSACHUSETTS. Petition submitted June 20, 1929. Decided October 14, 1929. *Per Curiam*: The motions presented on behalf of the American Bankers Association and on behalf of the Massachusetts National Bank Association for leave to file briefs, as *amici curiae*, in support of the petition for a rehearing in this cause, are granted. The Court has considered these two briefs, and also the four briefs heretofore permitted to be filed by the States of California, Washington, Oregon, and New York, as friends of the Court. After consideration of these briefs, and of the petition for a rehearing of this cause filed by the State of Massachusetts, such petition for a rehearing is denied. *Messrs. Joseph E. Warner*, Attorney General, and *James S. Eastham* and *R. Ammi Cutter*, Assistant Attorneys General, for the Commonwealth of Massachusetts. For the opinion of this Court in the cause, see 279 U. S. 620.

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No. 21, original. EX PARTE NORTHERN PACIFIC R. Co. ET AL. Motion submitted October 7, 1929. Motion granted October 14, 1929. *Per Curiam*: The motion for leave to file a petition for a writ of mandamus, and the motion for leave to amend and supplement such petition, are granted.

A rule is directed to issue against the respondents, returnable on the first motion day following a period of 30

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<sup>1</sup> For decisions on applications for certiorari, see *post*, pp. 537, 553.

days from this date, directing them to show cause why a writ of mandamus should not issue in this cause. *Messrs. Bruce Scott, H. H. Field, F. G. Dorety, M. S. Gunn, and Dennis F. Lyons* for petitioners.

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No. 18, original. *NEW JERSEY v. CITY OF NEW YORK.* Motion submitted October 7, 1929. Motion granted October 14, 1929. The motion for the appointment of a special master is granted; and the Honorable Edward K. Campbell is appointed special master in this cause, with power to summon witnesses, issue subpoenas, and to take such testimony as may be introduced and such as he may desire to call. The master is directed to make findings of fact and conclusions of law, and to submit the same to this Court with all convenient speed, together with his recommendations for a decree. The findings, conclusions, and recommendations of the master shall be subject to consideration, revision, or approval by the Court. *Messrs. Duane E. Minard and Wm. A. Stevens* for complainant. *Mr. Arthur J. W. Hilley* for defendant.

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No. 190. *DAVID v. HUBBARD, TRUSTEE IN BANKRUPTCY;* and

No. 191. *SAME v. SAME.* On petitions for writs of certiorari to the Circuit Court of Appeals for the Third Circuit. Motion submitted October 7, 1929. Decided October 14, 1929. *Per Curiam:* The motions for leave to proceed further herein *in forma pauperis* are denied. The Court has examined the unprinted records submitted in support of the petitions for certiorari and finds that the attacks upon the action of the court below are without any substantial merit. For this reason the petitions for writs of certiorari are denied, and the clerk is directed to

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enter the usual order with respect to the payment of costs already incurred, as provided in the order of October 29, 1926. *Mr. Elwood G. Hubert* for petitioner. No appearance for respondent. Reported below: 33 F. (2d) 748.

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No. 388. *BROWN ET AL. v. CALIFORNIA*. On petition for writ of certiorari to the Supreme Court of California. Motion submitted October 7, 1929. Decided October 14, 1929. *Per Curiam*: The Court is of opinion that the arguments of petitioners upon the action of the state court in allowing a juror to sit and in denying a writ of error *coram nobis* are frivolous. For this reason, the motion for leave to proceed further herein *in forma pauperis*, and the petition for a writ of certiorari, are severally denied.

The clerk is directed to enter the usual order for the payment of costs already incurred, as provided in the order of October 29, 1926. *Messrs. George C. Faulkner* and *J. J. Henderson* for petitioners. *Mr. U. S. Webb*, Attorney General of California, for respondent. Reported below: 277 Pac. 320.

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No. 329. *GOOD SPRINGS ANCHOR CO. v. UNITED STATES*. On writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit. Petition submitted October 7, 1929. Decided October 21, 1929. *Per Curiam*: The petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted. The judgment of the Circuit Court of Appeals is reversed and the cause is remanded to the District Court of the United States for the Southern District of California with directions to dismiss the suit. *Mr. Ralph W. Smith* for petitioner. *Solicitor General Hughes* and *Mr. Sewall Key* for the United States. Reported below: 32 F. (2d) 1019.

No. 90. *HARRINGTON ET AL. v. SLOAN.* Appeal from the Supreme Court of Nebraska. Jurisdictional statement submitted October 14, 1929. Decided October 28, 1929. *Per Curiam:* The appeal is dismissed and certiorari is denied for the 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. Wymer Dressler and Robert D. Neely* for appellants. *Messrs. J. A. C. Kennedy and Charles L. McLaughlin* for appellee. Reported below: 223 N. W. 663.

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No. 119. *GANDY ET AL. v. LOUISIANA OIL REFINING CO. ET AL.* Appeal from the Supreme Court of Louisiana. Jurisdictional statement submitted October 14, 1929. Decided October 28, 1929. *Per Curiam:* The appeal is dismissed and certiorari is denied for the 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. E. H. Randolph* for appellants. *Mr. Elias Goldstein* for appellees. Reported below: 168 La. 37.

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No. 173. *CENTRAL NAT'L BANK v. LYNN.* Appeal from the Superior Court for County of Essex, Massachusetts. Jurisdictional statement submitted October 14, 1929. Decided October 28, 1929. *Per Curiam:* The appeal is dismissed and certiorari is denied for the 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. Thomas Hunt* for appellant. *Mr. Wm. Harold Hitchcock* for appellee.

No. 183. *TREMONT LUMBER Co. v. POLICE JURY OF THE PARISH OF WINN ET AL.* Appeal from the Supreme Court of Louisiana. Jurisdictional statement submitted October 14, 1929. Decided October 28, 1929. *Per Curiam:* The appeal is dismissed and certiorari is denied for the 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. John C. Theus* for appellant. No appearance for appellees. Reported below: 168 La. 597.

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No. 199. *WORKMAN v. BOONE ET AL.* Appeal from the Supreme Court of California. Jurisdictional statement submitted October 14, 1929. Decided October 28, 1929. *Per Curiam:* The appeal is dismissed and certiorari is denied for the 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. Robert M. Clarke, Don G. Bowker, Arthur R. Smiley, Alexander T. Sokolow, and Henry S. Mackay, Jr.*, for appellant. *Mr. David R. Faries* for appellees. Reported below: 274 Pac. 62; 273 Pac. 819.

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No. 200. *WORKMAN ET AL. v. BOONE ET AL.* Appeal from the Supreme Court of California. Jurisdictional statement submitted October 14, 1929. Decided October 28, 1929. *Per Curiam:* The appeal is dismissed and certiorari is denied for the 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. Robert M. Clarke, Don G. Bowker, Arthur R. Smiley, Alexander T. Sokolow*,

and *Henry S. Mackay, Jr.*, for appellants. *Mr. David R. Faries* for appellees. Reported below: 274 Pac. 62; 273 Pac. 819.

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No. 294. *MUSELIN v. PENNSYLVANIA*;

No. 295. *ZIMA v. SAME*; and

No. 296. *RESETAR v. SAME*. Appeals from the Supreme Court of Pennsylvania. Jurisdictional statements submitted October 14, 1929. Decided October 28, 1929. *Per Curiam*: The appeals are dismissed and certiorari is denied for the 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. Thomas M. Henry* for appellants. *Mr. John G. Frazer* for appellee. 295 Pa. 311.

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No. 343. *DIANISH v. VILLAGE OF BROADVIEW*. Appeal from the Supreme Court of Illinois. Jurisdictional statement submitted October 14, 1929. Decided October 28, 1929. *Per Curiam*: The appeal is dismissed and certiorari is denied for the 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. Stuart E. Knappen and Meyer Abrams* for appellants. *Messrs. James McKeag and William A. Morrow* for appellee. Reported below: 335 Ill. 299.

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No. 206. *ALLEN & REED, INC. v. PRESBREY ET AL.* Appeal from the Superior Court for Counties of Providence and Bristol, Rhode Island. Jurisdictional statement submitted October 14, 1929. Decided October 28, 1929. *Per Curiam*: It appearing that this case has be-

come moot, the appeal is dismissed and the cause is remanded to the Superior Court for the Counties of Providence and Bristol of the State of Rhode Island in order that that court may take such further proceedings as may be appropriate in the premises. This is done upon the authority of *Mills v. Green*, 159 U. S. 651; *American Book Co. v. Kansas*, 193 U. S. 49, 51; and *Brownlow v. Schwartz*, 261 U. S. 216. *Mr. William W. Moss* for appellant. *Mr. Elmer S. Chace* for appellees. Reported below: 144 Atl. 888.

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No. 169. *BOOTH ET AL. v. CLAPP ET AL.* Appeal from the Supreme Court of Ohio. Jurisdictional statement submitted October 14, 1929. Decided October 28, 1929. *Per Curiam:* The motion for leave to proceed further herein *in forma pauperis* is denied. The appeal is dismissed and certiorari is denied for the 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. The costs already incurred herein by direction of the Court shall be paid by the clerk as provided in the order of October 29, 1926. *Mr. Jonathan Taylor* for appellants. No appearance for appellees. Reported below: 120 Ohio St. 91.

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No. 115. *JONES v. CONSOLIDATED WAGON & MACHINE CO.* Appeal from the District Court for the District of Idaho. Jurisdictional statement submitted October 14, 1929. Decided October 28, 1929. *Per Curiam:* The appeal is dismissed for the want of jurisdiction on the authority of § 238 of the Judicial Code, as amended by the act of February 13, 1925, c. 229, § 1, 43 Stat. 938. *Mr. Wilson S. Wiley* for appellant. *Mr. Bernard J. Stewart* for appellee. Reported below: 31 F. (2d) 383.

No. 341. *VINYARD ET AL. v. NORTH SIDE CANAL CO. ET AL.* Appeal from the Supreme Court of Idaho. Jurisdictional statement submitted October 14, 1929. Decided October 28, 1929. *Per Curiam:* The appeal is dismissed and certiorari is denied for the want of a properly presented substantial federal question on the authority of *St. Louis & San Francisco R. Co. v. Shephard*, 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. *Mr. James B. Eldridge* for appellants. *Mr. E. A. Walters* for appellees. Reported below: 274 Pac. 1069.

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No. 349. *GARYSBURG MFG. CO. v. BOARD OF COMMISSIONERS ET AL.* Appeal from the Supreme Court of North Carolina. Jurisdictional statement submitted October 14, 1929. Decided October 28, 1929. *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. *Messrs. George Roundtree and F. S. Spruill* for appellant. No appearance for appellees. Reported below: 196 N. C. 284.

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No. 392. *CALIFORNIA DELTA FARMS, INC. v. CHINESE AMERICAN FARMS, INC.* Appeal from the Supreme Court of California. Jurisdictional statement submitted October 14, 1929. Decided October 28, 1929. *Per Curiam:* The appeal is dismissed on the authority of § 237 (a) of the Judicial Code, as amended by the act of Feb. 13, 1925 (43 Stat. 936, 937), for lack of jurisdiction, on the ground that the decree sought to be reviewed is not a

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final one. *Haseltine v. Central Bank of Springfield*, 183 U. S. 130, 131; *Schlosser v. Hemphill*, 198 U. S. 173, 175; *Arnold v. United States for the use of Guimarin & Co.*, 263 U. S. 427, 434. *Mr. F. Eldred Boland* for appellant. *Mr. Albert H. Elliott* for appellee. Reported below: 278 Pac. 227; see also 278 Pac. 232, 268 Pac. 1050, and 255 Pac. 1097.

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No. 70. *KING v. UNITED STATES*. On writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit. Argued October 23, 1929. Decided October 28, 1929. *Per Curiam*: Judgment affirmed on the authority of *Albrecht v. United States*, 273 U. S. 1. *Messrs. Clarence Wood, S. X. Christensen, and Leon J. Dugan* were on the brief for petitioner. *Assistant Attorney General Sisson*, with whom *Solicitor General Hughes, Assistant Attorney General Luhring, Mr. George C. Butte, Special Assistant to the Attorney General*, and *Mr. Harry S. Ridgely* were on the brief, for the United States. Reported below: 31 F. (2d) 17.

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No. 18. *SUTTER ET AL. v. MIDLAND VALLEY R. Co.* On writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit. Argued October 24, 1929. Decided October 28, 1929. *Per Curiam*: The writ of certiorari herein [278 U. S. 597] is dismissed as improvidently granted, in that it now appears that the petition for certiorari did not adequately and fairly disclose the questions involved and the grounds upon which the state court rested its decision. See *Davis v. Currie*, 266 U. S. 182. *Mr. Harry William Hart*, with whom *Messrs. Charles G. Yankey, John Gleason, Glenn Porter, Enos E. Hook, and W. G. McDonald* were on the brief, for petitioners. *Messrs. O. E. Swan and James D. Gibson* were on the brief for respondent. Reported below: 28 F. (2d) 163.

No. 403. *MOE ET AL v. ABERG ET AL., TRUSTEES.* Appeal from the Supreme Court of Wisconsin. Jurisdictional statement submitted October 28, 1929. Decided November 4, 1929. *Per Curiam:* The appeal herein is dismissed, and certiorari is denied, for the want of a question adequate to support the jurisdiction of this Court. *Messrs. R. M. Rieser and H. L. Butler* for appellants. *Messrs. John W. Reynolds, Franklin E. Bump, John B. Sanborn, and Chauncey E. Blake* for appellees. Reported below: 224 N. W. 132.

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No. 465. *HILL v. UNITED STATES.* On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit. Motion submitted November 4, 1929. Decided November 25, 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 no ground upon which a writ of certiorari can be issued. The petition for certiorari is therefore also denied. The Clerk is directed to pay the costs already incurred in this cause in the manner provided in the order of October 29, 1926. *Mr. John J. Sullivan* for petitioner. No appearance for the United States. Reported below: 33 F. (2d) 489.

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No. 472. *HALLAM v. GRANT.* On petition for writ of certiorari to the Supreme Court of Oregon. Motion submitted November 4, 1929. Decided November 25, 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 substantial federal question upon which a writ of certiorari can be issued. The petition for a writ of certiorari is therefore also denied.

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The costs already incurred herein shall be paid by the Clerk as provided in the order of October 29, 1926. *Mr. William H. Hallam, pro se*, for petitioner. No appearance for respondent. Reported below: 276 Pac. 687.

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No. ---, original. EX PARTE ATWOOD ET AL. Motion submitted November 4, 1929. Decided November 25, 1929. The motion for leave to file petition for writ of mandamus is denied. *Mr. Lyman K. Clark, Jr.*, for petitioners.

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No. ---, original. EX PARTE UNITED STATES EX REL. SENITHA. Motion submitted November 25, 1929. Decided December 2, 1929. The motion for leave to file a petition for a writ of mandamus is denied. *Mr. Curley C. Hoffpauir* for petitioner.

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No. ---, original. EX PARTE RISHEL. Motion submitted November 25, 1929. Decided December 2, 1929. The motions for leave to file a petition for a writ of mandamus and for leave to proceed *in forma pauperis* are denied without prejudice. *Minnie Rishel, pro se*, for petitioner.

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No. 13, original. CONNECTICUT *v.* MASSACHUSETTS. Motion submitted November 25, 1929. Decided December 2, 1929. The motion for the appointment of a special master in this case is granted; and Charles W. Bunn, Esq., of St. Paul, State of Minnesota, is appointed special master in this cause, with power to summon witnesses, issue subpoenas, and to take such testimony as may be introduced and such as he may deem necessary to call. The master is directed to make findings of fact and conclusions of law, and to submit the same to this Court with

all convenient speed, together with his recommendations for a decree. The findings, conclusions, and recommendations of the special master shall be subject to consideration, revision, or approval by the Court. *Mr. Bentley W. Warren* submitted the motion for defendant.

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No. 41. *TYSON v. HARTLEY, GOVERNOR, ET AL.* Appeal from the U. S. Dist. Ct., W. D. of Washington. Argued December 2, 1929. Decided December 3, 1929. Dismissed for want of jurisdiction. *Mr. Thomas Mannix* submitted for appellant. *Mr. Edward P. Donnelly*, Assistant Attorney General of Washington, with whom *Mr. John H. Dunbar*, Attorney General, was on the brief, for appellees. *Mr. J. M. Devers*, Assistant Attorney General of Oregon, with whom *Mr. I. H. Van Winkle*, Attorney General, was on the brief, for the State of Oregon, as *amicus curiae*, by special leave of Court.

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No. 247. *TROCHE v. CALIFORNIA.* Appeal from the Supreme Court of California. Argued December 2, 1929. Decided December 9, 1929. *Per Curiam:* The appeal is dismissed for the 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. Treating the papers whereon the appeal was allowed as a petition for certiorari, as required by § 237 (c) of the Judicial Code, as amended by the act of February 13, 1925 (c. 229, 43 Stat. 936, 938), the certiorari is denied. *Mr. Ray T. Coughlin*, with whom *Mr. Roland Becsey* was on the brief, for appellant. *Messrs. U. S. Webb*, Attorney General of California, and *William F. Cleary*, Deputy Attorney General, were on the brief for appellee. Reported below: 273 Pac. 767.

No. 34. *BLIND ET AL. v. BROCKMAN ET AL.* Appeal from and in error to the Supreme Court of Missouri. Argued December 2, 1929. Decided December 9, 1929. *Per Curiam:* Judgment affirmed, on the authority of *Adams v. Milwaukee*, 288 U. S. 572, 581, 583; *Patsone v. Pennsylvania*, 232 U. S. 138, 144; *Central Lumber Company v. South Dakota*, 226 U. S. 157, 160. *Mr. Ernest F. Oakley, Jr.*, with whom *Messrs. Edward G. Davidson* and *Lena Frank Oakley* were on the brief, for *Blind et al.* *Messrs. Julius T. Muench* and *Oliver Senti* were on the brief for *Brockman et al.* 12 S. W. (2d) 742.

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No. 40. *GREENWAY APARTMENT CO. v. THE CONVENTION OF THE PROTESTANT EPISCOPAL CHURCH ET AL.* Appeal from the Baltimore City Court, State of Maryland. Argued December 3, 1929. Decided December 9, 1929. *Per Curiam:* The appeal is dismissed for the want of a properly presented federal question, on the authority of *Jett Bros. Distilling Company v. City of Carrollton*, 252 U. S. 1. Treating the papers whereon the appeal was allowed as a petition for certiorari, as required by § 237 (c) of the Judicial Code, as amended by the act of February 13, 1925 (c. 229, 43 Stat. 936, 938), the certiorari is denied. *Mr. Isaac Lobe Strauss* for appellant. *Messrs. Charles F. Harley* and *Edward F. Bassett*, with whom *Messrs. Henry D. Harlan, Edw. Guest Gibson*, and *Burdette B. Webster* were on the brief, for appellees.

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No. 43. *LOUISIANA GREYHOUND CLUB, INC. v. CLANCY, SHERIFF, ET AL.* Appeal from the Supreme Court of Louisiana. Argued December 4, 1929. Decided December 9, 1929. *Per Curiam:* Decree affirmed, on the authority of *Smith v. Commonwealth of Kentucky*, 275

U. S. 509, and cases there cited. *Mr. E. Howard McCaleb* for appellant. *Mr. Eugie V. Parham*, with whom *Mr. Edward Rightor* was on the brief, for appellees. Reported below: 119 So. 532, 120 So. 295.

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No. 46. *ANGLO & LONDON - PARIS NAT'L BANK v. CONSOLIDATED NAT'L BANK*. On writ of certiorari to the Superior Court of Arizona in and for the County of Pima, and to the Supreme Court of Arizona. Argued December 4, 1929. Decided December 9, 1929. *Per Curiam*: The writ of certiorari herein is dismissed as improvidently granted. *Mr. Frederic R. Coudert*, with whom *Mr. Mahlon B. Doing* was on the brief, for petitioner. *Mr. John W. Davis*, with whom *Mr. Samuel L. Kingan* was on the brief, for respondent. Reported below: 269 Pac. 68.

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No. 51. *GULF, MOBILE & NORTHERN R. Co. v. WILLIAMS*. On writ of certiorari to the Supreme Court of Alabama. Argued December 5, 1929. Decided December 5, 1929. Writ of certiorari dismissed as improvidently granted. *Mr. J. G. Hamilton*, with whom *Mr. J. N. Flowers* was on the brief, for petitioner. *Messrs. B. F. McMillan, Jr.*, and *S. M. Johnston*, with whom *Messrs. Gregory L. Smith* and *Harry H. Smith* were on the brief, for respondent. Reported below: 119 So. 212.

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No. 52. *LUCAS, COMMISSIONER OF INTERNAL REVENUE, v. HOWARD*. On writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit. Argued December 5, 1929. Decided December 9, 1929. *Per Curiam*: Judgment reversed upon the authority of *Metcalf & Eddy v. Mitchell*, 269 U. S. 514. *Assistant Attorney General Youngquist*, with whom *Solicitor General Hughes*, *Mr. J. Louis Mon-*

arch and *Helen R. Carloss*, Special Assistants to the Attorney General, and Messrs. *Clarence M. Charest* and *Shelby S. Faulkner* were on the brief, for petitioner. *Mr. W. J. Howard, pro se*, for respondent. Reported below: 29 F. (2d) 895.

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No. 58. FIRST ADDITION TO THE RATTLE SNAKE DRAINAGE DISTRICT ET AL. *v. BODEMAN ET AL.* Appeal from the Supreme Court of Wisconsin. Argued December 6, 1929. Decided December 9, 1929. *Per Curiam*: The appeal is dismissed for the 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. Treating the papers whereon the appeal was allowed as a petition for certiorari, as required by § 237 (c) of the Judicial Code, as amended by the act of February 13, 1925 (c. 229, 43 Stat. 936, 938), the certiorari is denied. Messrs. *Charles E. Buell*, *Frank Lucas*, *H. L. Butler*, and *R. M. Rieser* submitted for appellants. *Mr. Frank W. Hall*, with whom Messrs. *Wm. R. Bagley*, *John F. Baker*, and *Laurence W. Hall* were on the brief, for appellees. 197 Wis. 261.

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No. 415. LA PLAIN ET AL. *v. ALLARD*. Appeal from the Supreme Court of Washington. Jurisdictional statement submitted December 2, 1929. Decided December 9, 1929. *Per Curiam*: The appeal herein is dismissed on the authority of § 237 (a) of the Judicial Code, as amended by the act of February 13, 1925 (c. 229, 43 Stat. 936, 937), for the want of jurisdiction. Treating the papers whereon the appeal was allowed as a petition for certiorari, as required by § 237 (c) of the Judicial Code, the certiorari is denied for the want of a substantial federal question, on the authority of *Shulthis v. McDougal*,

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225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147. *Messrs. Charles C. Heltman and Charles F. Consaul* for appellants. *Mr. W. B. Stratton* for appellee. Reported below: 277 Pac. 843, 266 Pac. 688.

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No. 429. *ORTEGA v. MAGMA COPPER Co.* Appeal from the District Court for the District of Arizona. Jurisdictional statement submitted December 2, 1929. Decided December 9, 1929. *Per Curiam*: Appeal dismissed for the lack of jurisdiction, upon the authority of § 238 of the Judicial Code, as amended by the act of February 13, 1925 (c. 229, 43 Stat. 936, 938). *Mr. Norman B. Landreau* for appellant. No appearance for appellee.

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No. 435. *THE STATE OF NORTH DAKOTA, DOING BUSINESS AS THE BANK OF NORTH DAKOTA v. OLSON, COLLECTOR OF INTERNAL REVENUE.* Appeal from the Circuit Court of Appeals for the Eighth Circuit. Jurisdictional statement submitted December 2, 1929. Decided December 9, 1929. *Per Curiam*: The appeal herein is dismissed for the lack of jurisdiction, upon the authority of § 240 (b) of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 939). *Mr. James Morris* for appellant. *Solicitor General Hughes* and *Messrs. Seth W. Richardson, Sewall Key, and Morton P. Fisher* for appellee. Reported below: 33 F. (2d) 848.

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No. 17, original. *NEW JERSEY v. STATE OF NEW YORK AND CITY OF NEW YORK.* Motion submitted December 9, 1929. Decided January 6, 1930. The motion of the State of Pennsylvania for leave to intervene in this cause is granted, upon the condition that the State of Pennsylvania shall file a statement of her interests in this cause

and of the relief, if any, which she seeks. *Mr. Owen J. Roberts* for the State of Pennsylvania. *Messrs. Duane E. Minard* and *Wm. A. Stevens* for the State of New Jersey. *Mr. Paul Shipman Andrews*, in behalf of *Mr. Hamilton Ward*, Attorney General, for the State of New York. *Messrs. Arthur J. W. Hilly* and *J. Joseph Lilly* for the City of New York.

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No. 19, original. *NEW JERSEY v. DELAWARE*. Motion submitted December 9, 1929. Decided January 6, 1930. The motion for the appointment of a special master in this case is granted; and William L. Rawls, Esquire, of Baltimore, State of Maryland, is appointed special master in this cause with the power to summon witnesses, issue subpoenas, and to take such testimony as may be introduced and such as he may deem necessary to call. The master is directed to make findings of fact and conclusions of law, and to submit the same to this Court with all convenient speed, together with his recommendations for a decree. The findings, conclusions, and recommendations of the special master shall be subject to consideration, revision, or approval by the Court. *Mr. Duane E. Minard* submitted the motion for the State of New Jersey. *Mr. Reuben Satterthwaite, Jr.*, for the State of Delaware.

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No. 65. *IOWA MOTOR VEHICLE ASSOCIATION ET AL. v. BOARD OF RAILROAD COMMISSIONERS OF IOWA ET AL.*; and

No. 69. *HAWKEYE STAGES, INC. v. SAME*. Appeals from the Supreme Court of Iowa. Argued December 9, 1929. Decided January 6, 1930. *Per Curiam*: Decrees affirmed upon the authority of *Bekins Van Lines, Inc. v. Riley*, *ante*, p. 80. *Mr. Casper Schenk*, with whom *Messrs. C. S. Bradshaw, John A. Senneff, W. L. Bliss*, and *H. S. Hunn* were on the brief, for Iowa Motor Vehicle Association. *Messrs. John J. Halloran* and *A. D. Pugh* were on

the brief for Hawkeye Stages, Inc. *Messrs. John Fletcher*, Attorney General of Iowa, *Maxwell A. O'Brien*, Assistant Attorney General, *J. H. Henderson*, Commerce Counsel of Iowa, and *Stephen Robinson*, Assistant Commerce Counsel, were on the brief for the Board of Railroad Commissioners of Iowa *et al.* Reported below: 207 Iowa 461.

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No. —, original. *Ex parte Rhode Island et al.* Motion submitted January 6, 1930. Decided January 8, 1930. The motion for leave to file a petition for writ of mandamus is denied. *Mr. Sigmund W. Fischer, Jr.*, for petitioner in support of the motion. *Solicitor General Hughes* for respondent in opposition thereto.

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No. —, original. *Ex parte Bradford.* Motion submitted January 6, 1930. Decided January 13, 1930. The motion for leave to file petition for writ of mandamus is denied. *Mr. Otto Gresham* for petitioner.

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No. 21, original. *Ex parte Northern Pacific R. Co. et al.* Motion submitted January 6, 1930. Decided January 13, 1930. On consideration of the motion for the issuance of a formal writ of mandamus herein and of the supplement to such motion. It is ordered that a formal and peremptory writ of mandamus issue in this cause, conformable to the rule to show cause which was made absolute by this Court's opinion of December 2, 1929, and that there be included in such formal writ a direction requiring the defendant, Bourquin, to vacate so much of his order of December 14, 1929, as assumes to appoint a Special Master to take testimony and assumes to fix a time for the final hearing of the cause before the statutory court of three judges. *Mr. Dennis F. Lyons* submitted the motion for petitioners. See *ante*, p. 142.

No. 545. *HUNTER v. BAASH-ROSS TOOL CO. ET AL.* On petition for writ of certiorari to the Supreme Court of California. Motion submitted January 6, 1930. Decided January 13, 1930. *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 properly presented substantial federal question. The petition for writ of certiorari is therefore also denied. The costs already incurred herein shall be paid by the Clerk as provided in the order of October 29, 1926. *Mr. Charles W. Hunter, pro se.* No appearance for respondents.

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No. 89. *TEXAS & PACIFIC R. CO. v. GUIDRY, ADMINISTRATRIX.* On writ of certiorari to the Court of Civil Appeals, Fifth Supreme Judicial District, State of Texas. Argued January 15, 1930. Decided January 20, 1930. *Per Curiam:* Judgment affirmed. *Western & Atlantic R. R. v. Hughes, Administratrix*, 278 U. S. 496, 498. *Mr. J. H. T. Bibb*, with whom *Messrs. T. D. Gresham and R. S. Shapard* were on the brief, for petitioner. *Messrs. S. P. Jones, Franklin Jones, and P. G. Henderson* were on the brief for respondent. Reported below: 9 S. W. (2d) 284.

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No. 470. *YAMHILL ELECTRIC CO. v. McMINTNVILLE ET AL.* Appeal from the Supreme Court of Oregon. Jurisdictional statement submitted January 13, 1930. Decided January 20, 1930. *Per Curiam:* The appeal is dismissed for the want of a substantial federal question. *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147. Treating the papers whereon the appeal was allowed as a petition for certiorari, as required by § 237 (c) of the Judicial Code, as amended by the Act of February

13, 1925 (c. 229, 43 Stat. 936, 938), certiorari is denied. *Mr. Walter L. Tooze, Jr.*, for appellant. *Mr. John P. Kavanaugh* for appellees. Reported below: 280 Pac. 504.

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No. 475. SOUTHERN CALIFORNIA EDISON CO. v. RAILROAD COMMISSION OF CALIFORNIA ET AL. Appeal from the Supreme Court of California. Jurisdictional statement submitted January 13, 1930. Decided January 20, 1930. *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 Stat. 936, 937), for lack of jurisdiction on the ground that the judgment sought to be reviewed is not a final one. *Grays Harbor Logging Company v. Coats-Fordney Logging Company*, 243 U. S. 251. Treating the papers whereon the appeal was allowed as a petition for certiorari, as required by § 237 (c) of the Judicial Code, as amended by the Act of February 13, 1925 (c. 229, 43 Stat. 936, 938), certiorari is denied. *Messrs. W. C. Mullendore* and *Roy V. Reppy* for appellant. *Messrs. Erwin P. Werner, Arthur T. George*, and *Wm. B. Mathews* for appellees.

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No. 13, original. CONNECTICUT v. MASSACHUSETTS. Argued January 20, 1930. Decided January 20, 1930. On consideration of the motions of the complainant to strike out certain parts of the answer of the defendant and to dismiss answer of the defendant, and of the argument of counsel thereupon had,

It is now here ordered by this Court that the said motions be, and they are hereby, denied.

And it is further ordered by this Court that the complainant file its reply to the answer of the defendant within one week from this date. *Messrs. Benedict M. Holden* and *Ernest L. Averill* for complainant. *Mr. Bentley W. Warren* for defendant.

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No. 245. TEXAS EX REL. ISENSEE ET AL. *v.* SIMS ET AL. Appeal from the Supreme Court of Texas. Argued January 23, 24, 1930. Decided January 24, 1930. Dismissed for want of jurisdiction. *Mr. M. G. Eckhardt, Jr.*, with whom *Messrs. Barry Mohun, Edward R. Kleberg, John C. North, B. D. Tarlton, L. H. Lowe*, and *Linton S. Savage* were on the brief, for appellants. *Messrs. Sidney P. Chandler, Claude V. Birkhead*, and *M. D. Brown* were on the brief for appellees. Reported below: 12 S. W. (2d) 540.

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No. —, original. EX PARTE HAGENSON. Motion submitted January 13, 1930. Decided January 27, 1930. The motion for leave to proceed *in forma pauperis* and for leave to file petition for a writ of prohibition is denied. *Mr. Winter S. Martin* for petitioner.

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No. 426. AUBREY ET AL. *v.* MAHONING VALLEY SANITARY DISTRICT ET AL. Appeal from the Supreme Court of Ohio. Motion submitted January 20, 1930. Decided January 27, 1930. The motion to dismiss as to the parties appellants, Aubrey and Callan, is granted, and the motion of Pauline Gottlieb for leave to intervene and to be substituted as the party appellant is also granted. *Mr. Harry J. Gerrity* in support of the motion. 120 Ohio St. 449.

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No. 17, original. NEW JERSEY *v.* NEW YORK ET AL. January 27, 1930. The motion for the appointment of a special master in this case is granted; and Charles N. Burch, Esquire, of Memphis, Tennessee, is appointed special master in this cause with power to issue subpoenas for witnesses and to take such evidence as may be introduced and such as he may deem necessary. The master is directed to make findings of fact and conclusions of law,

and to submit the same to this Court with all convenient speed, together with his recommendations for a decree. The findings, conclusions, and recommendations of the special master shall be subject to consideration, rejection, revision, or approval by the Court. *Messrs. Duane E. Minard* and *Wm. A. Stevens* for complainant. *Messrs. Hamilton Ward, Thos. Penney, Jr., Paul Shipman Andrews, Arthur J. W. Hilly, J. Joseph Lilly, Frank J. Coyle, Frank H. Dial*, and *David C. Broderick* for respondents.

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No. 165. *NASHVILLE, CHATTANOOGA & ST. LOUIS R. CO. ET AL. v. MORGAN ET AL.* Appeal from the Supreme Court of Tennessee. Argued January 22, 1930. Decided January 27, 1930. *Per Curiam*: The judgment herein is affirmed by an equally divided Court. *Mr. Fitzgerald Hall*, with whom *Messrs. Frank Slemmons* and *Walton Whitwell* were on the brief, for appellants. *Messrs. J. B. Sizer* and *Joe Frassrand* were on the brief for appellees. 160 Tenn. 316.

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No. 184. *MURPHEY v. CORPORATION COMMISSION OF NORTH CAROLINA.* Appeal from the Supreme Court of North Carolina. Argued January 24, 1930. Decided January 27, 1930. *Per Curiam*: Judgment affirmed. *Coffin Brothers & Co. v. Bennett*, 277 U. S. 29; *Missouri Pacific R. Co. v. Nebraska*, 164 U. S. 403, 414; *Knights of Pythias v. Meyer*, 265 U. S. 30, 32-33. *Mr. J. A. Jones* for appellant. *Messrs. Dennis G. Brummitt*, Attorney General of North Carolina, and *I. M. Bailey* for appellee. Reported below: 147 S. E. 667.

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No. 167. *HANOVER FIRE INS. CO. v. SPECKTOR ET AL.* Appeal from the Supreme Court of Pennsylvania. Argued January 24, 1930. Decided January 27, 1930. *Per*

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*Curiam*: The appeal is dismissed for the want of a substantial federal question. *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147. Treating the papers whereon the appeal was allowed as a petition for certiorari, as required by § 237 (c) of the Judicial Code as amended by the Act of February 13, 1925 (c. 229, 43 Stat. 936, 938), certiorari is denied. *Mr. Horace Michener Schell*, with whom *Mr. Henry A. Craig* was on the brief, for appellant. *Mr. Wm. A. Gray* for appellees. Reported below: 295 Pa. 390.

