

DECISIONS PER CURIAM, FROM JANUARY 28,
1930, TO AND INCLUDING JUNE 2, 1930.*

No. 6, original. *OKLAHOMA v. TEXAS ET AL.* February 24, 1930. ORDER approving a statement by Samuel S. Gannett, commissioner, of the cost of running, locating, and marking the boundary along the one hundredth meridian, as directed by the decree of January 3, 1927 (273 U. S. 93), and adjudging that the United States pay to the State of Texas one-third thereof.

No. 500. *EX PARTE MURRAY.* Appeal from the Supreme Court of California. Jurisdictional statement submitted January 27, 1930. Decided February 24, 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), the certiorari is denied. *Messrs. Roland Becsey and William F. Herron* for Murray. Reported below: 207 Cal. 507.

No. 9. *GRANT, RECEIVER, v. A. B. LEACH & COMPANY, INC.* Certiorari to the Circuit Court of Appeals for the Sixth Circuit. February 24, 1930. It is ordered that the printed opinion handed down in this case on January 6, 1930, be amended by striking out the last clause in the

* For decisions on applications for certiorari see *post*, pp. 706, 720.

second sentence of section 1 at the top of page 2, reading "in exchange for 3,000 shares of the seven per cent preferred stock of the Furnace Company, at 85 and accrued dividends," and substituting therefor the following: "for which it paid partly in shares of the seven per cent preferred stock of the Furnace Company, at 85 and accrued dividends, and partly in cash." See 280 U. S. 351, 354.

No. —, original. *EX PARTE LOPEZ*. Motion submitted February 24, 1930. Decided March 3, 1930. The motion for leave to file a petition for a writ of mandamus is denied. *Mr. William J. Rohde* for Lopez. .

No. 21, original. *EX PARTE NORTHERN PACIFIC RY. CO. ET AL.* March 3, 1930. *Per Curiam*: The returns of Charles N. Pray and George M. Bourquin, district judges of the United States, to the peremptory writ of mandamus heretofore issued in this cause have been received and are ordered to be filed;

It is ordered that an entry be made upon the minutes and journal of this Court showing that the writ of mandamus has been obeyed. See 280 U. S. 142.

No. 663. *GRANT v. GLYNN CANNING CO. ET AL.* Appeal from the Supreme Court of Georgia. Motion submitted February 24, 1930. Decided March 3, 1930. *Per Curiam*: The appeal herein is dismissed for the want of jurisdiction upon the authority of § 237 (a) of the Judicial Code as amended by the Act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari, as required by § 237 (c) of the Judicial Code as amended by the Act of February 13, 1925 (43 Stat. 936, 938), certiorari

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is denied. The motion for leave to proceed further herein *in forma pauperis* is therefore also denied. *Mr. Virgil E. Adam* for appellant. No appearance for appellees. Reported below: 150 S. E. 424.

No. 235. *MORGAN v. GEORGIA*. Appeal from the Supreme Court of Georgia. Submitted February 24, 1930. Decided March 3, 1930. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Griffith v. State of Connecticut*, 218 U. S. 563, 571; *Wabash R. R. Co. v. Flannigan*, 192 U. S. 29; *Erie R. R. Co. v. Solomon*, 237 U. S. 427; *Zucht v. King*, 260 U. S. 174; *Sugarman v. United States*, 249 U. S. 182; *C. A. King & Co. v. Horton*, 276 U. S. 600; *Bank of Indianola v. Miller*, 276 U. S. 605; *Roe v. Kansas*, 278 U. S. 191. *Mr. R. R. Jackson* on the brief for appellant. *Messrs. George M. Napier*, Attorney General of Georgia, *Albert Howell*, *Mark Bolding*, *Herman Heyman*, *Frank R. Hubacheck*, *Frank Brookes Hubacheck*, and *Charles Scott Kelly* on the brief for appellee. Reported below: 149 S. E. 37.

No. 538. *JOHNSON ET AL. v. STATE HIGHWAY COMMISSION OF SOUTH CAROLINA ET AL.* Appeal from the Supreme Court of South Carolina. Argued February 24, 1930. Decided March 3, 1930. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Wabash R. R. Co. v. Flannigan*, 192 U. S. 29; *Erie R. R. Co. v. Solomon*, 237 U. S. 427; *Zucht v. King*, 260 U. S. 174; *Sugarman v. United States*, 249 U. S. 182; *C. A. King & Co. v. Horton*, 276 U. S. 600; *Bank of Indianola v. Miller*, 276 U. S. 605; *Roe v. Kansas*, 278 U. S. 191. 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 (43 Stat. 936, 938), certiorari is denied. *Mr. L. G. Southard* for appellants. *Messrs. John M. Daniel*, Attorney General of South Carolina, *Cordie Page* and *J. Ivey Humphrey*, Assistant Attorneys General, *William C. Wolfe*, *Mendel L. Smith*, *R. E. Whiting*, and *C. C. Wyche* on the brief for appellees. Reported below: 150 S. E. 269.

NO. 499. *CRAWFORD v. SUPERIOR COURT OF CALIFORNIA ET AL.* Appeal from the Supreme Court of California. Argued February 24, 25, 1930. Decided March 3, 1930. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Wabash R. R. Co. v. Flannigan*, 192 U. S. 29; *Erie R. R. Co. v. Solomon*, 237 U. S. 427; *Zucht v. King*, 260 U. S. 174; *Sugarman v. United States*, 249 U. S. 182; *C. A. King & Co. v. Horton*, 276 U. S. 600; *Bank of Indianola v. Miller*, 276 U. S. 605; *Roe v. Kansas*, 278 U. S. 191. 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 (43 Stat. 936, 938), certiorari is denied. *Mr. Casper A. Ornbaun*, with whom *Messrs. Edson Abel*, *William H. Hunt*, and *Herbert W. Clark* were on the brief, for appellant. *Messrs. U. S. Webb*, Attorney General of California, *Robert W. Harrison*, *George H. Harlan*, *Thomas P. Boyd*, and *Francis V. Keesling* on the brief for appellees. Reported below: 279 Pac. 992.

NO. 484. *TURNER v. WINTERS.* Appeal from the Supreme Court of Utah. Jurisdictional statement submitted February 24, 1930. Decided March 3, 1930. *Per Curiam*: The appeal herein is dismissed for the want of jurisdiction. Section 237 (a), Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 937).

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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 (43 Stat. 936, 938), certiorari is denied. *Mr. Samuel A. King* for appellant. *Messrs. Charles M. Morris* and *Edward R. Callister* for appellee. Reported below: 278 Pac. 816.

No. —, original. *EX PARTE SMITH ET AL.* Motion submitted March 3, 1930. Decided March 12, 1930. The motion for leave to file petition for a writ of mandamus is denied. *Mr. C. C. Calhoun* for Smith et al.

No. 300. *QUAPAW LAND COMPANY, INC., v. BOLINGER.* On writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit. Argued March 6, 1930. Decided March 12, 1930. *Per Curiam*: The judgment herein is set aside, and the case is remanded to the District Court with directions to dismiss the petition for the want of jurisdiction. *Taylor v. Anderson*, 234 U. S. 74; *Joy v. St. Louis*, 201 U. S. 332; *Shulthis v. McDougal*, 225 U. S. 561. *Mr. Sidney L. Herold*, with whom *Messrs. Francis W. Clements* and *Sumter Cousin* were on the brief, for petitioner. *Messrs. Frank J. Looney* and *Judson M. Grimmet* on the brief for respondent. Reported below: 32 F. (2d) 627.

No. 309. *EXCHANGE DRUG CO. v. LONG, CHAIRMAN OF THE STATE TAX COMMISSION OF ALABAMA, ET AL.* Appeal from the Supreme Court of Alabama. Argued March 7, 1930. Decided March 12, 1930. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Wabash R. R. Co. v. Flannigan*, 192 U. S. 29; *Erie R. R. Co. v. Solomon*, 237 U. S. 427; *Zucht v.*

King, 260 U. S. 174; *Sugarman v. United States*, 249 U. S. 182; *C. A. King & Co. v. Horton*, 276 U. S. 600; *Bank of Indianola v. Miller*, 276 U. S. 605; *Roe v. Kansas*, 278 U. S. 191. Mr. Robert Benson Evins for appellant. Messrs. Charlie C. McCall, Attorney General of Alabama, Richard T. Rives, Special Assistant Attorney General, and Lawrence H. Lee on the brief for appellees. Reported below: 219 Ala. 701.

No. 6, original. OKLAHOMA *v.* TEXAS ET AL. March 17, 1930. On consideration of the report dated July 15, 1929, of Samuel S. Gannett, commissioner, heretofore designated to run, locate, and mark the boundary between the State of Oklahoma and the State of Texas along the true one hundredth meridian of longitude west from Greenwich as determined by the decree of January 3, 1927 (273 U. S. 83), modified by the decree of March 5, 1928 (276 U. S. 596), showing that he has run, located, and marked such boundary;

And no objection or exception to such report being presented, and the time therefor having expired;

It is now adjudged, ordered, and decreed as follows:

1. The said report is in all things confirmed.
2. The boundary line delineated and set forth in said report and on the accompanying maps is established and declared to be the true boundary between the States of Texas and Oklahoma along said meridian.
3. The clerk of this Court shall transmit to the chief magistrates of the States of Texas and Oklahoma and the Secretary of the Interior copies of this decree, duly authenticated under the seal of this Court, together with copies of said report and of the accompanying maps.
4. As it appears that the said commissioner has completed his work conformably to said decrees, he is hereby discharged.

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5. The clerk of this Court shall distribute and deliver to the chief magistrates of the States of Texas and Oklahoma and the Secretary of the Interior all copies of the said report made by the commissioner, with the accompanying maps now in the clerk's hands, save that he shall retain 20 copies of each for purposes of certification and other needs that may arise in his office.

[This decree appears also at p. 109, *ante*.]

No. 590. *DAVIS v. TEAGUE*. Appeal from the Supreme Court of Alabama. Jurisdictional statement submitted March 12, 1930. Decided March 17, 1930. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Wabash R. R. Co. v. Flannigan*, 192 U. S. 29; *Erie R. R. Co. v. Solomon*, 237 U. S. 427; *Zucht v. King*, 260 U. S. 174; *Sugarman v. United States*, 249 U. S. 182; *C. A. King & Co. v. Horton*, 276 U. S. 600; *Bank of Indianola v. Miller*, 276 U. S. 605; *Roe v. Kansas*, 278 U. S. 191. *Mr. Mack C. Davis, pro se*. No appearance for appellee. Reported below: 125 So. 51.

No. 339. *COLUMBUS & GREENVILLE RY. CO. v. BUFORD ET AL.* Appeal from the Supreme Court of Mississippi. Argued March 14, 1930. Decided March 17, 1930. *Per Curiam*: The appeal herein is dismissed for the want of a properly presented substantial federal question. *Wabash R. R. Co. v. Flannigan*, 192 U. S. 29; *Erie R. R. Co. v. Solomon*, 237 U. S. 427; *Zucht v. King*, 260 U. S. 174; *Sugarman v. United States*, 249 U. S. 182; *C. A. King & Co. v. Horton*, 276 U. S. 600; *Bank of Indianola v. Miller*, 276 U. S. 605; *Roe v. Kansas*, 278 U. S. 191; *Sayward v. Denny*, 158 U. S. 180, 183, 184; *Consolidated Turnpike Co. v. Norfolk & Ocean View Ry. Co.*, 228 U. S. 326, 334. *Mr. William H. Watkins*, with whom *Messrs. A. F. Gardner, Sr., H. T. Odom, P. H. Eager, Jr., A. F. Gardner, Jr.,* and

J. N. Flowers were on the brief, for appellant. *Messrs. John Ambrose Tyson, A. McC. Kimbrough, and O. L. Kimbrough* on the brief for appellees. Reported below: 122 So. 501.

No. 7, original. *WISCONSIN ET AL. v. ILLINOIS ET AL.*;
No. 11, original. *MICHIGAN v. SAME*; and
No. 12, original. *NEW YORK v. SAME*. April 21, 1930.

DECREE. Announced by MR. JUSTICE HOLMES. (The CHIEF JUSTICE took no part.)

These causes came on to be heard upon the pleadings, evidence, and the exceptions filed by the parties to the Report of the Special Master, as well as on the exceptions filed to the Report of the Special Master on Re-reference, and were argued by counsel. The Court now being fully advised in the premises, and for the purpose of carrying into effect the conclusions set forth in the opinions of this Court announced January 14, 1929, 278 U. S. 367, and April 14, 1930 [*ante*, p. 179],

It is now here ordered, adjudged, and decreed as follows:

1. On and after July 1, 1930, the defendants, the State of Illinois and the Sanitary District of Chicago, their employees and agents, and all persons assuming to act under the authority of either of them, be and they hereby are enjoined from diverting any of the waters of the Great Lakes-St. Lawrence system or watershed through the Chicago Drainage Canal and its auxiliary channels or otherwise in excess of an annual average of 6,500 cubic feet per second in addition to domestic pumpage.

2. That on and after December 31, 1935, unless good cause be shown to the contrary, the defendants, the State of Illinois and the Sanitary District of Chicago, their employees and agents, and all persons assuming to act under the authority of either of them, be and they hereby are

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enjoined from diverting any of the waters of the Great Lakes-St. Lawrence system or watershed through the Chicago Drainage Canal and its auxiliary channels or otherwise in excess of an annual average of 5,000 cubic feet per second in addition to domestic pumpage.

3. That on and after December 31, 1938, unless good cause be shown to the contrary, the defendants, the State of Illinois and the Sanitary District of Chicago, their employees and agents, and all persons assuming to act under the authority of either of them, be and they hereby are enjoined from diverting any of the waters of the Great Lakes-St. Lawrence system or watershed through the Chicago Drainage Canal and its auxiliary channels or otherwise in excess of the annual average of 1,500 cubic feet per second in addition to domestic pumpage.

4. That the provisions of this decree as to the diverting of the waters of the Great Lakes-St. Lawrence system or watershed relate to the flow diverted by the defendants exclusive of the water drawn by the City of Chicago for domestic water supply purposes and entering the Chicago River and its branches or the Calumet River or the Chicago Drainage Canal as sewage. The amount so diverted is to be determined by deducting from the total flow at Lockport the amount of water pumped by the City of Chicago into its water mains and as so computed will include the run-off of the Chicago and Calumet drainage area.

5. That the defendant the Sanitary District of Chicago shall file with the clerk of this Court semi-annually on July first and January first of each year, beginning July first, 1930, a report to this Court adequately setting forth the progress made in the construction of the sewage treatment plants and appurtenances outlined in the program as proposed by the Sanitary District of Chicago, and also setting forth the extent and effects of the operation of the sewage treatment plants, respectively, that

shall have been placed in operation, and also the average diversion of water from Lake Michigan during the period from the entry of this decree down to the date of such report.

6. That on the coming in of each of said reports, and on due notice to the other parties, any of the parties to the above entitled suits, complainants or defendants, may apply to the Court for such action or relief, either with respect to the time to be allowed for the construction, or the progress of construction, or the methods of operation, of any of said sewage treatment plants, or with respect to the diversion of water from Lake Michigan, as may be deemed to be appropriate.

7. That any of the parties hereto, complainants or defendants, may, irrespective of the filing of the above-described reports, apply at the foot of this decree for any other or further action or relief, and this Court retains jurisdiction of the above-entitled suits for the purpose of any order or direction, or modification of this decree, or any supplemental decree, which it may deem at any time to be proper in relation to the subject matter in controversy.

And it is further ordered that the costs in these cases shall be taxable against the defendants.

No. —, original. EX PARTE BENJAMIN. Motion submitted April 14, 1930. Decided April 21, 1930. The motion for leave to file petition for a writ of *habeas corpus* is denied. *Mr. Jehudah Benjamin, pro se.*

No. 525. COX v. COLORADO ET AL.; and

No. 526. SAME v. SAME. Appeals from the District Court of the United States for the District of Colorado. Jurisdictional statement submitted April 14, 1930. Decided April 21, 1930. *Per Curiam*: Appeals dismissed for

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the want of jurisdiction, upon the authority of § 238 of the Judicial Code, as amended by the Act of February 13, 1925 (c. 229, 43 Stat. 938.) *Messrs. James H. Brown and M. W. Spaulding* for appellant. *Messrs. Colin A. Smith and J. G. Scott* for appellees.

No. 486. *SHERMAN ET AL. v. UNITED STATES*. Certificate from the Circuit Court of Appeals for the Ninth Circuit. Motion submitted April 28, 1930. Decided May 5, 1930. The motion for a writ of certiorari to bring up the entire record and cause is granted. *Mr. Leon E. Morris* for *Sherman et al.* *Solicitor General Thacher* for the United States.

No. 462. *LUCAS, COMMISSIONER OF INTERNAL REVENUE, v. REED*. On writ of certiorari to the Circuit Court of Appeals for the Third Circuit. Argued April 30, May 1, 1930. Decided May 5, 1930. *Per Curiam*: Judgment reversed upon the authority of *Lucas v. Howard*, 280 U. S. 526, and *Metcalf & Eddy v. Mitchell*, 269 U. S. 514. *Mr. Claude R. Branch*, with whom *Attorney General Mitchell*, *Assistant Attorney General Youngquist*, *Mr. Sewall Key*, *Helen R. Carloss*, and *Messrs. Clarence M. Charest and Shelby S. Faulkner* were on the brief, for petitioner. *Mr. Maynard Teall* for respondent. Reported below: 34 F. (2d) 263.

No. 670. *IVEY ET AL. v. KEELING ET AL.* Appeal from the Court of Civil Appeals, Eleventh Supreme Judicial District, of Texas. Jurisdictional statement submitted April 28, 1930. Decided May 5, 1930. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Hancock v. City of Muskogee*, 250 U. S.

454; *Valley Farms Co. v. County of Westchester*, 261 U. S. 155; *Browning v. Hooper*, 269 U. S. 396, 405. *Mr. Thomas E. Hayden, Jr.*, for appellants. No appearance for appellees. Reported below: 15 S. W. (2d) 1097.

No. 674. *HOLMES v. CITY OF FAYETTEVILLE*. Appeal from the Supreme Court of North Carolina. Jurisdictional statement submitted April 28, 1930. Decided May 5, 1930. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Yamhill Electric Co. v. City of McMinnville*, 280 U. S. 531; *Wabash R. R. Co. v. Flannigan*, 192 U. S. 29; *Erie R. R. Co. v. Solomon*, 237 U. S. 427; *Zucht v. King*, 260 U. S. 174; *Sugarman v. United States*, 249 U. S. 182; *C. A. King Co. v. Horton*, 276 U. S. 600; *Bank of Indianola v. Miller*, 276 U. S. 605; *Roe v. Kansas*, 278 U. S. 191. *Mr. A. L. Brooks* for appellant. No appearance for appellee. Reported below: 197 N. C. 740.

No. 16, original. *KENTUCKY v. INDIANA ET AL.* May 19, 1930.

DECREE.

This cause came on to be heard upon the pleadings, stipulation of facts, and briefs and was argued by counsel. The Court now being fully advised in the premises, and for the purpose of carrying into effect the conclusion set forth in the opinion of this Court announced April 14, 1930, *ante*, p. 163,

It is now here ordered, adjudged, and decreed as follows:

1. That the bill of complaint as amended be, and it hereby is, dismissed as against the individual defendants, James Duane Duncan, Claude F. Johnson, Walter L. Brandt, Robert N. Losey, Frank H. Hatfield, Todd

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Stoops, John F. Carson, Robert E. Rogers, and Lester R. McCool.

2. That the defendant, the State of Indiana, and each of its officers, agents, and servants, and all persons assuming to act under authority of either of them, be, and they hereby are, enjoined from delaying, attempting to delay, failing or refusing to promptly and in good faith perform or cause to be performed the covenants, on the part of the State of Indiana to be performed, of the agreement made and entered into by and between the Commonwealth of Kentucky, through and by the State Highway Commission of Kentucky, and the State of Indiana, through and by the Indiana State Highway Commission, of date September 12, 1928, which provides for the construction by the State of Indiana of a bridge across the Ohio River between Evansville, Indiana, and Henderson, Kentucky, at the point designated in the plans and specifications referred to in said contract.

3. That the defendant, the State of Indiana, its officers, agents, servants, and all persons assuming to act under the authority of either of them, be, and they hereby are, directed to immediately resume, in good faith, the performance of each and all of the covenants of said contract, on its part to be performed, according to its terms, and to continue the performance thereof until each and all of said covenants shall have been fully performed.

4. That the defendant, the State of Indiana, through and by its State Highway Commission, shall proceed at once with the completion of the plans and specifications for said bridge, and shall advertise and let a contract or contracts for the construction thereof as soon as practicable after the Commonwealth of Kentucky shall have made permanently available sufficient funds to pay its part of the cost of said bridge as provided in said contract, of date September 12, 1928. The said Indiana State Highway Commission hereby is expressly directed to act

and proceed for and on behalf of the State of Indiana in promptly and expeditiously complying with the terms of this decree.

5. That the defendant, the State of Indiana, by and through its State Highway Commission, shall file with the Clerk of this Court semi-annually on September 1st and March 1st of each year, beginning September 1, 1930, a report to this Court adequately setting forth the progress made in the construction of said bridge and in the performance of the covenants of said contract on the part of the State of Indiana to be performed during the period from the entry of this decree down to the date of such report.

6. That the complainant, Commonwealth of Kentucky, may, irrespective of the filing of the described reports, apply to this Court for any further action or relief, and this Court retains jurisdiction of the above entitled suit for the purpose of any order or direction, or modification of this decree, or any supplemental decree, which it may deem at any time to be proper in relation to the subject matter in controversy.

And it is further ordered that the costs in this case shall be taxable one-half against the State of Indiana and one-half against the Commonwealth of Kentucky.

No. 744. *LAWS v. DAVIS ET AL.* Appeal from the Supreme Court of Ohio. Jurisdictional statement submitted May 5, 1930. Decided May 19, 1930. *Per Curiam*: The appeal is dismissed for the reason that the judgment of the state court sought here to be reviewed is based on a non-federal ground adequate to support it. *Bilby v. Stewart*, 246 U. S. 255, 257; *Dibble v. Bellingham Bay Land Company*, 163 U. S. 63. *Mr. Walter A. DeCamp* for appellant. *Mr. John Weld Peck* for appellees. Reported below: 34 Oh. App. 157.

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No. 795. ISAACS, TRUSTEE IN BANKRUPTCY, *v.* HOBBS TIE & TIMBER CO. On certificate from the Circuit Court of Appeals for the Eighth Circuit. May 19, 1930. The motion for a writ of certiorari to bring up the entire record and cause is granted. *Mr. Thomas J. Reilly* submitted the motion in behalf of *Mr. William R. Watkins* for Isaacs. No appearance for the Hobbs Tie & Timber Company.

No. 490. SLEMP *v.* CITY OF TULSA ET AL. Appeal from the Supreme Court of Oklahoma. Argued May 5, 1930. Decided May 19, 1930. *Per Curiam*: Appeal dismissed for the want of jurisdiction. Section 237 (a), Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari, as required by § 237 (c), Judicial Code, as amended (43 Stat. 936, 938), certiorari is denied. *Mr. Richard K. Bridges*, with whom *Messrs. Randolph Shirk, John A. Haver*, and *H. W. Randolph* were on the brief, for appellant. *Messrs. Thomas D. Lyons*, City Solicitor of Tulsa, *M. C. Spradling*, City Attorney, *Conn Linn, Eben L. Taylor*, and *Felix A. Bodovitz* on the brief for the City of Tulsa. *Messrs. Philip Kates* and *Nathan A. Gibson* on the brief for King et al. Reported below: 139 Okla. 76.

No. 723. SOUTHWEST POWER CO. *v.* PRICE, ADMINISTRATRIX. Appeal from the Supreme Court of Arkansas. Jurisdictional statement submitted May 5, 1930. Decided May 19, 1930. *Per Curiam*: Appeal dismissed for the want of jurisdiction. Section 237 (a), Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 937). (Certiorari denied, *post*, p. 753.) *Messrs. James B. McDonough, J. H. Evans*, and *Frank M. Kemp* for appellant. *Messrs. W. H. Fuller, George M. Porter*, and

Harry P. Warner for appellee. Reported below: 22 S. W. (2d) 373.

No. 729. CITY OF RICHMOND ET AL. *v.* DEANS. Appeal from the Circuit Court of Appeals for the Fourth Circuit. Jurisdictional Statement submitted May 5, 1930. Decided May 19, 1930. *Per Curiam*: Decree affirmed. *Buchanan v. Warley*, 245 U. S. 60; *Harmon v. Tyler*, 273 U. S. 668. *Mr. James E. Cannon* for appellants. *Mr. Alfred E. Cohen* for respondent. Reported below: 37 F. (2d) 712.

No. 492. POE, COLLECTOR OF INTERNAL REVENUE, *v.* SEABORN. On certificate from the Circuit Court of Appeals for the Ninth Circuit. May 26, 1930. The joint motion for a writ of certiorari to bring up the entire record and cause is granted. *Solicitor General Thacher* for Poe. *Messrs. George Donworth, Elmer E. Todd, and Frank E. Hohman* for Seaborn.

No. 882. GOODELL, COLLECTOR OF INTERNAL REVENUE, *v.* KOCH. On certificate from the Circuit Court of Appeals for the Ninth Circuit. May 26, 1930. The joint motion for a writ of certiorari to bring up the entire record and cause is granted. *Solicitor General Thacher* for Goodell. *Messrs. E. E. Ellenwood and Blaine B. Shimmel* for Koch.

No. 753. SLOMAN, INDIVIDUALLY AND AS EXECUTRIX, *v.* SECURITY TRUST Co., TRUSTEE. Appeal from the Supreme Court of Michigan. Jurisdictional statement submitted May 19, 1930. Decided May 26, 1930. *Per Curiam*: Appeal dismissed for the want of a substantial federal question. *Merrick v. N. W. Halsey & Co.*, 242 U. S. 658; *Hall v. Geiger-Jones Company*, 242 U. S. 539.

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Mr. George E. Brand for appellant. *Messrs. William L. Carpenter and Thomas G. Long* for appellee. Reported below: 248 Mich. 527.

No. —, original. EX PARTE SALISBURY. June 2, 1930. The motion for leave to file petition for writ of mandamus is denied. *Adele Salisbury, pro se.*

No. 852. GAMBLE *v.* DANIEL, RECEIVER. Appeal from the Circuit Court of Appeals for the Eighth Circuit. Jurisdictional statement submitted May 26, 1930. Decided June 2, 1930. *Per Curiam*: The appeal herein is dismissed for want of jurisdiction. Judicial Code, § 240(b) as amended by the Act of February 13, 1925 (43 Stat. 936, 939). The motion for an extension of time within which to file petition for writ of certiorari is denied. *Messrs. Francis A. Brogan, C. A. Sorensen, and Edgar M. Morsman, Jr.*, for appellant. *Messrs. Arthur F. Mullen and Paul L. Martin* for appellee. Reported below: 39 F. (2d) 447.

No. 760. FULLERTON *v.* OKLAHOMA EX REL. COMMISSIONERS OF THE LAND OFFICE. Appeal from the Supreme Court of Oklahoma. Jurisdictional statement submitted May 26, 1930. Decided June 2, 1930. *Per Curiam*: Appeal dismissed for the want of jurisdiction. Judicial Code, § 237 (a) as amended by the Act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeal was allowed as a petition for a writ of certiorari, as required by the Judicial Code, § 237 (c) as amended (43 Stat. 936, 938), certiorari is denied. *Mr. P. G. Fullerton, pro se. Mr. George E. Merritt* for appellee. Reported below: 140 Okla. 122.

No. 832. *GOTHAM CAN CO. v. UNITED STATES*. On petition for writ of certiorari to the Court of Claims. Petition submitted May 26, 1930. Decided June 2, 1930. *Per Curiam*: The petition for a writ of certiorari is dismissed for the want of jurisdiction, because of failure to file the petition within the time prescribed by statute. *United States v. Lippman, Spier & Hahn*, 260 U. S. 739; *Hooper v. United States*, 274 U. S. 743; *Rust Land & Lumber Co. v. Jackson*, 250 U. S. 71, 76. Mr. Joseph R. Little for petitioner. Solicitor General Thacher, Assistant Attorney General Rugg, and Mr. Claude R. Branch for the United States. Reported below: 37 F. (2d) 793.

No. 944. *GREAT LAKES BROADCASTING CO. v. FEDERAL RADIO COMMISSION*;

No. 945. *VOLIVA v. SAME*; and

No. 946. *AGRICULTURAL BROADCASTING CO. v. SAME*. On petition for writs of certiorari to the Court of Appeals of the District of Columbia. June 2, 1930. *Per Curiam*: The petition for writs of certiorari in these cases is dismissed. *Federal Radio Commission v. General Electric Company et al.*, ante, p. 464. Messrs. Harry Eugene Kelly, Thornton M. Pratt, and Carl H. Zeiss for petitioners. Solicitor General Thacher, Assistant to the Attorney General O'Brian, and Mr. Claude R. Branch for respondent. Reported below: 37 F. (2d) 993.

PETITIONS FOR CERTIORARI GRANTED, FROM
JANUARY 28, 1930, TO AND INCLUDING JUNE
2, 1930.

No. 556. *CROOKS, COLLECTOR OF INTERNAL REVENUE, v. HARRELSON*. February 24, 1930. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. Assistant Attorney General Youngquist