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## DECISIONS PER CURIAM, FROM OCTOBER 6, 1930, TO AND INCLUDING FEBRUARY 25, 1931.\*

No. 528 (October Term, 1929). BROAD RIVER POWER CO. ET AL. *v.* SOUTH CAROLINA EX REL. DANIEL, ATTORNEY GENERAL. Certiorari to the Supreme Court of South Carolina. Submitted June 11, 1930. Decided October 13, 1930. The petition for a rehearing is granted. See 281 U. S. 537; also *ante*, p. 187. Messrs. *Wm. Marshall Bullitt, C. Edward Paxson, George M. Le Pine, and W. C. McLain*, for petitioners. Messrs. *John M. Daniel, Cordie Page, and W. S. Nelson* for respondent.

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No. 19, original. ARIZONA *v.* CALIFORNIA ET AL. Submitted October 6, 1930. Decided October 13, 1930. The motion for leave to file the bill of complaint herein is granted. Messrs. *K. Berry Peterson, Dean G. Acheson, and Clifton Mathews* for complainant. Messrs. *U. S. Webb, W. B. Mathews, and Charles L. Childers* for California. Messrs. *William W. Ray and George P. Parker* for Utah. Messrs. *John S. Underwood, Clarence L. Ireland, Delph E. Carpenter, Thomas H. Gibson, Raymond L. Santer, and L. Ward Bannister* for Colorado. Messrs. *E. K. Neuman and Francis C. Wilson* for New Mexico. *Mr. Gray Mashburn* for Nevada. Messrs. *James A. Greenwood, George W. Furgeson, Richard J. Jackson, and Wm. O. Wilson* for Wyoming.

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No. 20, original. WYOMING *v.* COLORADO. Motion submitted October 6, 1930. Decided October 13, 1930. The motion for leave to file the bill of complaint herein is

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\* For decisions on applications for certiorari, see *post*, pp. 816, 837.

granted. *Mr. William O. Wilson* for complainant. *Messrs. Clarence L. Ireland, Charles Roach, C. D. Todd, Wm. R. Kelly, Paul W. Lee, George H. Shaw, and Lawrence R. Temple* for defendant.

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No. 3, original. VERMONT *v.* NEW HAMPSHIRE. Motion submitted October 6, 1930. Decided October 13, 1930. The motion for the appointment of a Special Master in this case is granted; and Edmund F. Trabue, Esquire, of Louisville, State of Kentucky, is appointed special master in this cause. The master is directed to make special 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; he shall accord to the parties a full hearing on all questions in the cause, whether of fact or of law, and shall base his findings and recommendations on the entire record as heretofore made and this day ordered to be filed in this Court. The findings, conclusions, and recommendations of the special master shall be subject to consideration, revision, or approval by the Court. *Messrs. John G. Sargent and Warren R. Austin* for complainant. *Messrs. James P. Tuttle, Jos. A. Matthews, De Witt C. Howe, and Winthrop Wadleigh* for defendant.

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No. 26. VERMONT LOAN & TRUST CO. *v.* GILLIS, ATTORNEY GENERAL OF IDAHO; and

No. 27. NEW WORLD LIFE INS. CO. *v.* SAME. Appeals from the District Court of the United States for the District of Idaho. October 13, 1930. On consideration of stipulations in these causes, respectively, setting forth an opinion and judgment of the Supreme Court of Idaho, of July 31, 1930, in "*Utah Mortgage Loan Co. v. W. D. Gillis*," these causes, by separate orders, were reversed and remanded with directions to dismiss the bills, on the

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grounds set forth in the stipulations. *Messrs. Oliver O. Haga and W. G. Graves* for appellants. *Mr. Leon M. Fisk* for appellee. Reported below: 35 F. (2d) 386.

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No. 5. INDIAN MOTO CYCLE Co. v. UNITED STATES. Certificate from the Court of Claims. Motion submitted October 6, 1930. Decided October 13, 1930. The motion to amend the certificate in this case is granted. *Messrs. Monte Appel and Frederick Schwertner* for Indian Motorcycle Co. *Solicitor General Thacher, Assistant Attorney General Rugg, and Mr. Fred K. Dyar* for the United States.

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No. 9. FRANC-STROHMENGER & COWAN, INC., v. FORCHHEIMER ET AL. Certiorari to the Circuit Court of Appeals for the Sixth Circuit. Motions submitted October 6, 1930. Decided October 13, 1930. *Per Curiam*: The motion of Bachrach Co., Inc., Hut Neckwear Co., McCurrach Organization, Inc., I. Isaac & Co., and Kramer-Brandeis, Inc., for leave to intervene in this Court as parties respondent in this cause is denied. The motion of petitioner to dismiss the writ of certiorari is granted. *Messrs. Joe E. Daniels, Holland S. Duell, Clifford E. Dunn, Frederick P. Fish, and Charles Neave* for petitioner. *Mr. O. Ellery Edwards* for respondents. *Mr. Milton Strasburger* for Bachrach Co. et al. Reported below: 32 F. (2d) 696.

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No. 545 (October Term, 1928). STANDARD OIL Co. ET AL. v. CITY OF MARYSVILLE ET AL. Motion submitted October 6, 1930. Decided October 13, 1930. The motion for an order interpreting the decision of this Court is denied. See 279 U. S. 582. *Mr. James W. Reid* for petitioners. *Mr. Chester I. Long* for respondents.

No. 63. ABIE STATE BANK *v.* WEAVER, GOVERNOR, ET AL. Appeal from the Supreme Court of Nebraska. Motions submitted October 6, 1930. Decided October 13, 1930. On suggestions of diminution of the record, the motions for writs of certiorari are granted. *Messrs. Frank H. Gaines, Leonard S. Flansburg, and Seymour S. Sidner* for appellant. *Messrs. William J. Hotz, Henry R. Gower, C. A. Sorensen, and Charles E. Abbott* for appellees. Reported below: 227 N. W. 922.

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No. 67. INTERSTATE COMMERCE COMMISSION *v.* NORTHERN PACIFIC R. Co. ET AL. Certiorari to the Court of Appeals of the District of Columbia. Motion submitted October 6, 1930. Decided October 13, 1930. *Per Curiam*: On consideration of the motion of respondents to dismiss the writ of certiorari, the judgment of the Court of Appeals of the District of Columbia is reversed, and the cause is remanded to the Supreme Court of the District of Columbia with directions to set aside its order for the issuance of a peremptory writ of mandamus and to dismiss the petition for writ of mandamus. *Messrs. Daniel W. Knowlton*, Chief Counsel, Interstate Commerce Commission, and *Nelson Thomas* for petitioner. *Messrs. D. F. Lyons, W. W. Millan, R. E. L. Smith, F. G. Dorety, and R. J. Hagman* for respondents. Reported below: 39 F. (2d) 508.

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No. —, original. *EX PARTE* Salisbury. Motions submitted October 6, 1930. Decided October 13, 1930. The motion for leave to file petition for a writ of mandamus and the motion for leave to proceed *in forma pauperis* are severally denied. *Adele T. Salisbury, pro se.*

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No. 289. WENGLINSKY *v.* ZURBRICK, DISTRICT DIRECTOR OF IMMIGRATION, ET AL. Certiorari to the Circuit

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Court of Appeals for the Sixth Circuit. Petition for certiorari submitted October 6, 1930. Decided October 13, 1930. *Per Curiam*: The petition for a writ of certiorari is granted. The judgment of the Circuit Court of Appeals is reversed and the cause is remanded to the United States District Court for the Eastern District of Michigan with directions to sustain the writ of habeas corpus. *Mr. Leonard S. Coyne* for petitioner. *Solicitor General Thacher* and *Messrs. Claude R. Branch, Harry S. Ridgely, Frank M. Parrish, W. Marvin Smith, and Albert E. Reitzel* for respondents. Reported below: 38 F. (2d) 985.

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No. —, original. *EX PARTE GOLDSMITH*. Motions submitted October 13, 1930. Decided October 20, 1930. The motions for leave to file petition for writ of mandamus and for leave to proceed *in forma pauperis* are denied. *Mr. H. Ely Goldsmith, pro se*.

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No. 102. *NEUSTADT ET AL. v. COLINE OIL Co. ET AL.* Appeal from the Supreme Court of Oklahoma. Jurisdictional statement submitted October 13, 1930. Decided October 20, 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). 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. *Messrs. Fred E. Suits* and *R. L. Disney* for appellants. *Messrs. George M. Green, W. A. Ledbetter, and E. E. McInnis* for appellees. Reported below: 284 Pac. 52.

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No. 108. *NEBRASKA EX REL. BEATRICE CREAMERY Co. v. MARSH, SECRETARY OF STATE*. Appeal from the Supreme

Court of Nebraska. Jurisdictional statement submitted October 13, 1930. Decided October 20, 1930. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Kansas City Ry. Co. v. Kansas*, 240 U. S. 227; *Cream of Wheat Co. v. County of Grand Fork*, 253 U. S. 325. *Mr. T. S. Allen* for appellant. *Mr. C. A. Sorensen* for appellee. Reported below: 227 N. W. 926.

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No. 159. *FLEMING v. OHIO*. Appeal from the Supreme Court of Ohio. Jurisdictional statement submitted October 13, 1930. Decided October 20, 1930. *Per Curiam*: The motion of the appellee to dismiss the appeal herein is granted; and the appeal 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). The petition for a writ of certiorari in this cause is denied. *Mr. Alexander H. Martin* for appellant. *Messrs. Ray T. Miller, Robert T. Scott, and David Ralph Hertz* for appellee. Reported below: 171 N. E. 27.

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No. 219. *BRINKLEY v. HASSIG ET AL.* Appeal from the Supreme Court of Kansas. Jurisdictional statement submitted October 13, 1930. Decided October 20, 1930. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Meffert v. Packer*, 195 U. S. 625; *Missouri ex rel. Hurwitz v. North*, 271 U. S. 40; *Standard Stock Food Co. v. Wright*, 225 U. S. 540, 550. *Mr. Fred S. Jackson* for appellant. *Messrs. William A. Smith and William C. Ralston* for appellees. Reported below: 134 Kan. 874; 289 Pac. 64.

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No. 237. *PRIDEAUX v. DES MOINES JOINT-STOCK LAND BANK*. Appeal from the District Court of the United States for the District of Minnesota. Jurisdictional state-

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ment submitted October 13, 1930. Decided October 20, 1930. *Per Curiam*: The appeal herein is dismissed for the want of jurisdiction. Section 238, Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 938). *Mr. Harold C. Prideaux, pro se. Mr. George Cosson* for appellee. Reported below: 34 F. (2d) 308.

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No. 256. *AMERICAN OIL Co. v. METZ ET AL.* Appeal from the Court of Appeals of Maryland. Jurisdictional statement submitted October 13, 1930. Decided October 20, 1930. *Per Curiam*: On consideration of the motion of the appellee, the Cumberland and Westernport Transit Company, to dismiss the appeal herein, it is ordered that the appeal be, and it is hereby, dismissed for the want of a substantial federal question. *Wabash R. Co. v. Flannigan*, 192 U. S. 29; *Erie 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. *Messrs. Edwin H. Brownley and George Henderson* for appellant. *Mr. Walter C. Capper* for appellees. Reported below: 149 Atl. 4.

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No. 296. *CALDWELL v. LOUISIANA.* Appeal from the Supreme Court of Louisiana. Jurisdictional statement submitted October 13, 1930. Decided October 20, 1930. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Atkins v. Kansas*, 191 U. S. 207; *Heim v. McCall*, 239 U. S. 175; *Crane v. New York*, 239 U. S. 195. *Messrs. Henry B. Curtis and Luther E. Hall* for appellant. No appearance for appellee. Reported below: 170 La. 851; 129 So. 368.

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No. 443. *DUNN v. OHIO.* Appeal from the Supreme Court of Ohio. Jurisdictional statement submitted October 20, 1930. Decided October 27, 1930. *Per Curiam*:

The appeal herein is dismissed for the want of a substantial federal question. *Griffith v. Connecticut*, 218 U. S. 563; *Mutual Loan Co. v. Martell*, 222 U. S. 225, 233; *Morgan v. Georgia*, 281 U. S. 691. The petition for a writ of certiorari in this cause is denied. *Messrs. Rufus S. Day and W. E. Minshall* for appellant. *Messrs. Gilbert Bettman, Frank R. Hubachek, Henry S. Brainard, and Alfred Clum* for respondent. Reported below: 172 N. E. 148.

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No. 451, MATHEUS, U. S. MARSHAL, v. UNITED STATES EX REL. CUNNINGHAM. Certiorari to the Circuit Court of Appeals for the Third Circuit. Petition for certiorari submitted October 20, 1930. Decided October 27, 1930. *Per Curiam*: The petition for a writ of certiorari in this cause is granted. On consideration of the suggestion of the United States that this cause has abated, it is ordered that the judgments of the Circuit Court of Appeals for the Third Circuit and of the United States District Court for the Eastern District of Pennsylvania in this cause be, and the same are hereby, vacated, and the cause is remanded to the District Court with directions to dismiss the proceeding as abated. *United States ex rel. Claussen v. Curran, Commissioner of Immigration*, 276 U. S. 590. *Solicitor General Thacher and Messrs. Harry S. Ridgely and W. Marvin Smith* for petitioner. *Messrs. Benjamin M. Golder and Ruby R. Vale* for respondent. Reported below: 33 F. (2d) 261.

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No. 21, original. EX PARTE DAUGHERTY. Submitted October 27, 1930. Decided November 3, 1930. The motion for leave to file a petition for writ of mandamus is granted and a rule to show cause is ordered to issue. *Mr. Richard L. Merrick* for petitioner. See *post*, p. 809.

No. —, original. *EX PARTE DOBLE LABORATORIES*. Submitted October 27, 1930. Decided November 3, 1930. The motion for leave to file a petition for writ of mandamus is denied. *Messrs. Wm. H. Hunt, Frederick S. Lyon, and Leonard S. Lyon* for petitioner.

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No. 14, original. *UNITED STATES v. UTAH*. November 3, 1930. The report of the special master is received and ordered to be filed. Exceptions by the parties, if any, shall be filed on or before January 26 next, and the case is assigned for hearing on such exceptions, if any, on Tuesday, February 24 next. *Solicitor General Thacher and Messrs. Charles M. Blackmar and Randolph S. Collins* for the United States. *Messrs. George P. Parker, Waldemar Van Cott, P. T. Farnsworth, Jr., Geo. D. Parkinson, and Wm. A. Hilton* for defendant.

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No. 442. *MAGNOLIA STATE BUILDING & LOAN ASSN. v. MILLER, STATE TAX COLLECTOR*. Appeal from the Supreme Court of Mississippi. Jurisdictional statement submitted October 27, 1930. Decided November 3, 1930. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Northwestern Mutual Life Ins. Co. v. Wisconsin*, 247 U. S. 132; *Kansas City M. & B. R. Co. v. Stiles*, 242 U. S. 111. *Messrs. Garner W. Green, Marcellus Green, R. H. Thompson, and Wm. H. Watkins* for appellant. *Messrs. Gordon Garland Lyell and Simon Rosenthal* for appellee. Reported below: 128 So. 585.

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No. 465. *GUARANTY TRUST Co., TRUSTEE, v. NEW YORK & QUEENS COUNTY RY. Co. ET AL.* Appeal from the Supreme Court of New York, County of Queens. Jurisdictional statement submitted October 27, 1930.

Decided November 3, 1930. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Wabash R. Co. v. Flannigan*, 192 U. S. 29; *Erie 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. *Messrs. H. C. McCollom, Joseph S. Auerbach, Charles E. Hotchkiss, Alfred T. Davison, and Martin A. Schenck* for appellant. *Messrs. James H. McIntosh, James L. Quackenbush, and Charles F. Kingsley* for appellee. Reported below: 253 N. Y. 190, 170 N. E. 887; 254 N. Y. 126, 172 N. E. 264.

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No. —, original. *EX PARTE WALKINSHAW*. Submitted November 3, 1930. Decided November 24, 1930. The motion for leave to file petition for writ of mandamus is denied. *Mr. D. R. Walkinshaw, pro se*.

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No. 304. *ROBINSON ET AL. v. HOLMAN ET AL.* Appeal from the Supreme Court of Arkansas. Jurisdictional statement submitted November 3, 1930. Decided November 24, 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). 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. *Messrs. John A. Hibbler and Scipio A. Jones* for appellants. No appearance for appellees. Reported below: 26 S. W. (2d) 66.

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No. 22, original. *UNITED STATES v. OREGON*. Submitted November 24, 1930. Decided December 1, 1930. The motion for leave to file bill of complaint herein is granted

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and process is ordered to issue. *Messrs. Charles M. Blackmar and Randolph S. Collins* for the United States. *Messrs. I. H. Van Winkle and L. A. Liljegvist* for defendant.

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No. 23, original. EX PARTE HARPER ET AL. Submitted November 24, 1930. Decided December 1, 1930. The motion for leave to file petition for writ of mandamus is granted and a rule to show cause is ordered to issue. *Messrs. Henry J. Balzer and Charles T. Coleman* for petitioners. See *post*, p. 810.

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No. —, original. EX PARTE BLAINE. Submitted November 24, 1930. Decided December 1, 1930. The motions for leave to file petition for writ of habeas corpus and for leave to proceed *in forma pauperis* are denied. *Mr. William Wallace Blaine, pro se.*

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No. 35. GENERAL MOTORS ACCEPTANCE CORP. v. UNITED STATES. Certificate from the Circuit Court of Appeals for the Eighth Circuit. Motion submitted November 4, 1930. Decided December 1, 1930. *Per Curiam*: The motion to bring up the entire record and cause is granted. On inspection of the record as presented upon that motion, and the confession of error by the Government in view of the decision of this Court in *Richbourg Motor Company v. United States*, 281 U. S. 528, it is ordered that the judgment be, and the same is hereby, reversed, and the cause is remanded to the District Court of the United States for the District of Nebraska with instruction to dismiss the libel. *Messrs. John Thomas Smith and Fontaine Bradley* for General Motors Acceptance Corporation. *Solicitor General Thacher and Assistant Attorney General Youngquist* for the United States.

No. 467. *LATSHAW, JUDGE, v. MISSOURI EX REL. KANSAS CITY PUBLIC SERVICE Co.* Appeal from the Supreme Court of Missouri. Jurisdictional statement submitted November 24, 1930. Decided December 1, 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). 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.

In view of this disposition of the case the Court does not pass upon the motion of the City of Kansas City, Missouri, for leave to intervene and to be made a party appellant in this cause. *Mr. Marcy K. Brown, Jr.*, for appellant. *Messrs. Robert W. Otto, Richard J. Higgins, Henry N. Ess, and Powell C. Groner* for appellee. Reported below: 30 S. W. (2d) 105.

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No. —, original. *EX PARTE JOHNSON OIL REFINING Co.* Submitted December 1, 1930. Decided December 8, 1930. The motion for leave to file petition for writ of mandamus is denied. *Mr. Chester I. Long* for petitioner.

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No. 499. *THOMAS v. GEORGIA.* Appeal from the Supreme Court of Georgia. Jurisdictional statement submitted December 1, 1930. Decided December 8, 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). Treating the papers whereon the appeal was allowed as a petition for certiorari, as required by § 237(c), Judicial Code, as amended (43 Stat. 936, 938), certiorari is denied. *Mr. Benjamin E. Pierce* for appellant. *Messrs. George M. Napier and T. R. Gress* for appellee. Reported below: 153 S. E. 428.

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No. 500. *PETTY v. GEORGIA*. Appeal from the Supreme Court of Georgia. Jurisdictional statement submitted December 1, 1930. Decided December 8, 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). Treating the papers whereon the appeal was allowed as a petition for certiorari, as required by § 237(c), Judicial Code, as amended (43 Stat. 936, 938), certiorari is denied. *Mr. Benjamin E. Pierce* for appellant. *Messrs. George M. Napier* and *T. R. Gress* for appellee. Reported below: 153 S. E. 428.

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No. 506. *BAKER v. NEW MEXICO*. Appeal from the Supreme Court of New Mexico. Jurisdictional statement submitted December 1, 1930. Decided December 8, 1930. *Per Curiam*: The appeal herein is dismissed for the want of jurisdiction, § 237(a) Judicial Code as amended by the Act of February 13, 1925 (43 Stat. 936, 937); *California Powder Works v. Davis*, 151 U. S. 389, 393; *Manning v. French*, 133 U. S. 186, 192, 193; *Clark v. Pennsylvania*, 128 U. S. 395, 397; *Leeper v. Texas*, 139 U. S. 462, 467; *Butler v. Gage*, 138 U. S. 52; *Warfield v. Chaffe*, 91 U. S. 690; *Corkran Oil and Development Co. v. Arnaudet*, 199 U. S. 192, 193. 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. Elmer L. Brock* for appellant. No appearance for appellee. Reported below: 289 Pac. 801.

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No. 20. *COX v. COLORADO ET AL.* Appeal from the Supreme Court of Colorado. Argued December 1, 1930. Decided December 8, 1930. *Per Curiam*: The appeal herein is dismissed for the want of jurisdiction. *Bailey*

v. *Alabama*, 211 U. S. 452, 453; *Matter of Gregory*, 219 U. S. 210; *Harlan v. McGourin*, 218 U. S. 442; *Riddle v. Dyche*, 262 U. S. 333, 335, 336; *Craig v. Hecht*, 263 U. S. 255, 277; *Goto v. Lane*, 265 U. S. 393; *Knewel v. Egan*, 268 U. S. 442. Messrs. James H. Brown and M. W. Spaulding for appellant. Messrs. John S. Underwood, Attorney General of Colorado, Colin A. Smith, Assistant Attorney General, and Jack Garrett Scott, were on the brief, for appellee.

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No. 25. WALL ET AL. v. BANKERS LIFE Co. Appeal from the Supreme Court of Iowa. Argued December 4, 1930. Decided December 8, 1930. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Wright v. Minnesota Mutual Life Ins. Co.*, 193 U. S. 657; *Polk v. Mutual Reserve Fund Life Assn.*, 207 U. S. 310. Mr. Louis H. Salinger, with whom Messrs. Howard L. Bump, Francis G. Ryan, James M. Parsons, John M. Stewart, W. H. Keating, Clarence I. Spencer, and Vernon W. Lynch were on the brief, for appellants. Messrs. Charles S. Bradshaw and Raymond B. Alberson were on the brief for appellee. Mr. Frank W. Hamilton, by special leave of Court, filed a brief as *amicus curiae*. Reported below: 208 Ia. 1053; 223 N. W. 257.

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No. 28. MEAD-MORRISON MFG. Co. v. MERCHANT, TRUSTEE IN BANKRUPTCY. Appeal from the Supreme Court of New York. Argued December 4, 5, 1930. Decided December 8, 1930. *Per Curiam*: The appeal herein is dismissed for the want of a properly presented federal question. *John v. Paullin*, 231 U. S. 583, 585; *Central Union Telephone Co. v. City of Edwardsville*, 269 U. S. 190, 195; *Beaty v. Richardson*, 276 U. S. 599. Mr. Edward F. McClennen, with whom Mr. Arthur P.

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*French* was on the brief, for appellant. *Mr. Kenneth M. Spence* for appellee. Reported below: 226 App. Div. 397, 169 N. E. 386; 252 N. Y. 284.

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No. 30. *WESTON v. BEAVER-REMMERS-GRAHAM CO. ET AL.* Appeal from the Supreme Court of Ohio. Argued December 5, 1930. Decided December 8, 1930. *Per Curiam*: The motion of the appellees to dismiss the appeal herein is granted, and it is ordered that the appeal be, and the same is hereby, dismissed for the want of a substantial federal question. *Wabash R. Co. v. Flannigan*, 192 U. S. 29; *Erie 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. Guy H. Wells* argued the cause and *Messrs. Wellmore B. Turner and E. H. Turner* filed a brief for appellants. *Messrs. Murray Seasongood, J. Sprigg McMahon, Irvine G. Bieser, Andrew A. Thomas, and Lester A. Jaffe* were on the brief for appellees. Reported below: 172 N. E. 379.

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No. 21, original. *EX PARTE DAUGHERTY*. Return to rule submitted January 5, 1931. Decided January 12, 1931. Upon consideration of the return of the Honorable George W. McClintic, Judge of the District Court of the United States for the Southern District of West Virginia to the rule, issued in this case, to show cause why a writ of mandamus should not issue herein, it is now here ordered that the said rule be, and the same is hereby, discharged, and that the said petition be, and the same hereby is, denied without prejudice to an application to the Circuit Court of Appeals for the Fourth Circuit. *Mr. Richard L. Merrick* for petitioner. *Solicitor General Thacher* and *Mr. Erwin N. Griswold* for respondent.

No. 23, original. *EX PARTE HARPER ET AL.* Return to rule submitted January 5, 1931. Decided January 12, 1931. Upon consideration of the return of the Honorable John E. Martineau, Judge of the District Court of the United States for the Eastern District of Arkansas to the rule, issued in this case, to show cause why a writ of mandamus should not issue herein, it is now here ordered that the said rule be, and the same is hereby, discharged, and that the petition be, and the same hereby is, denied. *Mr. Charles T. Coleman* for petitioners. *Mr. Charles D. Frierson* for respondent.

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No. 527. *GUGENHINE v. GERK, CHIEF OF POLICE, ET AL.* Appeal from the Supreme Court of Missouri. Jurisdictional statement submitted January 5, 1931. Decided January 12, 1931. *Per Curiam*: The appeal herein is dismissed for the want of jurisdiction. Section 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), Judicial Code as amended (43 Stat. 936, 938), certiorari is denied. *Mr. Freeman L. Martin* for appellant. *Mr. Stratton Shartel*, Attorney General of Missouri, for appellees. Reported below: 31 S. W. (2d) 1.

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No. —, original. *EX PARTE DELAWARE BAY & RIVER PILOTS ASSN.* Submitted January 12, 1931. Decided January 19, 1931. The motion for leave to file petition for writ of mandamus is denied. *Mr. Otto Wolff, Jr.*, for petitioner.

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No. 512. *UNITED STATES v. MALCOLM.* Reported *ante*, p. 792.

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NO. 49. BAIN PEANUT CO. ET AL. *v.* PINSON ET AL. Appeal from the Court of Civil Appeals, Eleventh Supreme Judicial District of Texas. Argued January 12, 1931. Decided January 19, 1931. *Per Curiam*: The appeal herein is dismissed for want of a properly presented federal question. *John v. Paullin*, 231 U. S. 583, 585; *Central Union Telephone Co. v. City of Edwardsville*, 269 U. S. 190, 195; *Beaty v. Richardson*, 276 U. S. 599. Mr. B. G. Mansell, with whom Mr. B. L. Agerton was on the brief, for appellants. Messrs. Gib Callaway and Mark Callaway submitted for appellees. Reported below: 19 S. W. (2d) 203. See same case, *ante*, p. 499.

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NO. 52. CLARK *v.* MAXWELL, COMMISSIONER OF REVENUE. Appeal from the Supreme Court of North Carolina. Argued January 13, 1931. Decided January 19, 1931. *Per Curiam*: The judgment herein is affirmed. *Carley & Hamilton, Inc., v. Snook*, 281 U. S. 66, 72, 73; *Packard v. Banton*, 264 U. S. 140, 143, 144; *Clark v. Titusville*, 184 U. S. 329, 332, 333. Mr. Albert L. Cox for appellant. Messrs. Dennis G. Brummitt, Attorney General of North Carolina, and Frank Nash, Assistant Attorney General, were on the brief for appellee. Reported below: 150 S. E. 190.

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NO. 412. ROY & TITCOMB, INC., *v.* UNITED STATES. On writ of certiorari to the Court of Claims. Argued December 11, 1930. Decided January 26, 1931. *Per Curiam*: Judgment affirmed. (1) *Stange v. United States*, *ante*, p. 270; *Aiken, Administratrix, v. Burnet, Commissioner of Internal Revenue*, *ante*, p. 277; *W. P. Brown & Sons Lumber Company v. Burnet, Commissioner of Internal Revenue*, *ante*, p. 283; *Burnet, Commissioner of Internal Revenue, v. Chicago Railway Equipment Co.*, *ante*, p. 295. (2) *Graham v. Goodcell*, *ante*, p. 409; *Mascot Oil Com-*

*pany, Inc., v. United States ante*, p. 434. Mr. Sidney P. Simpson, with whom Messrs. A. C. Rearick and Theodore B. Benson were on the brief, for petitioner. Assistant Attorney General Rugg, with whom Solicitor General Thacher and Messrs. Claude R. Branch, Special Assistant to the Attorney General, Lisle A. Smith, Bradley B. Gilman, and Erwin N. Griswold were on the brief, for the United States. Reported below: 39 F. (2d) 753; 69 Ct. Cls. 614.

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No. 97. ROBERTS SASH & DOOR CO. *v.* UNITED STATES. On writ of certiorari to the Court of Claims. Argued December 11, 1930. Decided January 26, 1931. *Per Curiam*: Judgment affirmed. *United States v. John Barth Co.*, 279 U. S. 370. Mr. Jesse I. Miller for petitioner. Assistant Attorney General Rugg, with whom Solicitor General Thacher and Messrs. Claude R. Branch, Special Assistant to the Attorney General, George H. Foster, Bradley B. Gilman, and H. Brian Holland were on the brief, for the United States. Reported below: 69 Ct. Cls. 363; 38 F. (2d) 716.

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No. 546. LAMM *v.* SILVER FALLS TIMBER CO. Appeal from the Supreme Court of Oregon. Jurisdictional statement submitted January 19, 1931. Decided January 26, 1931. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Wabash R. Co. v. Flannigan*, 192 U. S. 29; *Erie 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. Arthur I. Moulton for appellant. Messrs. I. H. Van Winkle, Charles A. Hart, and Charles E. McCulloch for appellee. Reported below: 286 Pac. 527; 291 *id.* 375.

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NO. 547. VARRELMAN *v.* FLORA LOGGING Co. Appeal from the Supreme Court of Oregon. Jurisdictional statement submitted January 19, 1931. Decided January 26, 1931. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Wabash R. Co. v. Flannigan*, 192 U. S. 29; *Erie 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. Arthur I. Moulton* for appellant. *Mr. I. H. Van Winkle* for appellee. Reported below: 286 Pac. 541; 290 *id.* 751.

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NO. 50. WISCONSIN ELECTRIC Co. *v.* DUMORE Co. On writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit. Argued January 12, 13, 1931. Decided January 26, 1931. *Per Curiam*: It appearing that the asserted conflict in decisions arises from differences in states of fact, and not in the application of a principle of law, the writ of certiorari is dismissed as improvidently granted. *Mr. George Bayard Jones*, with whom *Messrs. Walter F. Murray* and *Greer Maréchal* were on the brief, for petitioner. No appearance for respondent. Reported below: 35 F. (2d) 555.

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NO. 62. DAILY PANTAGRAPH, INC., *v.* UNITED STATES. On writ of certiorari to the Court of Claims. Submitted January 19, 1931. Decided January 26, 1931. *Per Curiam*: On confession of error by the respondent, the United States, the judgment is reversed so far as it relates to the question of the reduction of invested capital by reason of dividends paid, being the question under review by this Court. *Mr. Arnold L. Guesmer* submitted for petitioner. *Solicitor General Thacher*, Assistant Attorney

*General Rugg* and *Messrs. Claude R. Branch*, Special Assistant to the Attorney General, *Bradley B. Gilman*, and *Erwin N. Griswold* submitted for the United States. Reported below: 68 Ct. Cls. 251; 37 F. (2d) 783.

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No. 71. *ADAM v. NEW YORK TRUST CO., TRUSTEE*. On writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit. Argued January 23, 1931. Decided January 26, 1931. *Per Curiam*: The writ of certiorari herein is dismissed as improvidently granted. *Messrs. Michael Adam* and *Richard A. Dowling* submitted for petitioner. *Mr. Charles Rosen*, with whom *Messrs. Stamps Farrar* and *Edwin C. Hollins* were on the brief, for respondent. Reported below: 37 F. (2d) 826.

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No. —, original. *EX PARTE JACKSON*. Submitted January 26, 1931. Decided February 2, 1931. The motion for leave to file petition for writ of mandamus is denied. *Mr. Crandall Mackey* for petitioner.

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No. —, original. *EX PARTE STUTZMAN*. Submitted January 28, 1931. Decided February 2, 1931. The motion for leave to file petition for writ of mandamus and for leave to proceed *in forma pauperis* is denied. *Mr. Charles A. Stutzman, pro se*.

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No. —, original. *EX PARTE DIAL*. Submitted January 26, 1931. Decided February 2, 1931. The motion for leave to file petition for writ of mandamus is denied. *Mr. Frank Dial, pro se*.

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No. 567. *DENVER & SALT LAKE R. CO. v. BOARD OF COUNTY COMMISSIONERS OF ROUTT COUNTY*; and

No. 568. *SAME v. BOARD OF COUNTY COMMISSIONERS OF MOFFAT COUNTY*. Appeals from the Supreme Court of Colorado. Jurisdictional statement submitted January 26, 1931. Decided February 2, 1931. *Per Curiam*: The appeals herein are 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 appeals in these causes were allowed as petitions for writs of certiorari (§ 237 (c) Judicial Code, as amended, 43 Stat. 936, 938), consideration thereof is postponed, and leave is granted to petitioners to file briefs supporting applications for certiorari within 15 days, with 10 days for opposing counsel to reply. The clerk shall cause the record to be printed and, on the first motion day after the expiration of the time granted to the parties for the filing of briefs, shall submit these cases to the Court for further consideration. *Mr. Elmer L. Brock* for appellant. *Mr. Thomas M. Woodward* for appellees. Reported below: 291 Pac. 1020, 1022.

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No. 574. *BEVINS v. IOWA*. Appeal from the Supreme Court of Iowa. Jurisdictional statement submitted January 26, 1931. Decided February 2, 1931. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. (1) *Nash v. United States*, 229 U. S. 373; *Omaechevarria v. Idaho*, 246 U. S. 343; *Hygrade Provision Co. v. Sherman*, 266 U. S. 497, 501. (2) *Huntington v. Worthen*; *Little Rock & Fort Smith Ry. v. Worthen*, 120 U. S. 97, 102. *Mr. Donald Evans* for appellant. *Messrs. John Fletcher and Neill Garrett* for appellee. Reported below: 230 N. W. 865.

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No. 590. *FRTZINGER v. ILLINOIS ET AL.* Appeal from the Supreme Court of Illinois. Jurisdictional statement submitted February 2, 1931. Decided February 25, 1931.

*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). 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), the petition is denied. *Mr. Henry Fritzinger, pro se. Messrs. Oscar E. Carlstrom and Russell O. Hanson* for appellees. Reported below: 331 Ill. 380; 163 N. E. 149.

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No. 591. *FRITZINGER v. ILLINOIS ET AL.* Appeal from the Supreme Court of Illinois. Jurisdictional statement submitted February 2, 1931. Decided February 25, 1931. *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). 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), the petition is denied. *Mr. Henry Fritzinger, pro se. Messrs. Oscar E. Carlstrom and Russell O. Hanson* for appellees. Reported below: 331 Ill. 380; 163 N. E. 149.

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DECISIONS GRANTING CERTIORARI, FROM OCTOBER 6, 1930, TO AND INCLUDING FEBRUARY 25, 1931.

No. 125. *CARR, DIRECTOR, v. ZAJA.* October 13, 1930. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Solicitor General Thacher, Assistant Attorney General Luhring and Messrs. Claude R. Branch and Frank M. Parrish* for petitioner. *Messrs. J. Edward Keating and Erwin I. Feldman* for respondent. Reported below: 37 F. (2d) 1016.