

DECISIONS PER CURIAM, FROM FEBRUARY 16,  
1932, TO AND INCLUDING APRIL 11, 1932 \*

No. 593. *VOSE v. U. S. CITIES CORP.* Appeal from the Supreme Court of Oklahoma. Jurisdictional statement submitted February 15, 1932. Decided February 23, 1932. *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. *Mr. W. F. Wilson* for appellant. *Mr. James I. Phelps* for appellee. Reported below: 7 P. (2d) 132.

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No. 19, original. *EX PARTE COLORADO*. Motion submitted February 17, 1932. Decided February 23, 1932. A rule is ordered to issue requiring the respondent to show cause on or before March 14th next why leave to file the petition for writ of mandamus should not be granted. *Mr. Clarence L. Ireland* for petitioner.

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No. 694. *UNITED STATES v. SMITH*. On certificate from the Court of Appeals of the District of Columbia. Submitted February 15, 1932. Decided February 23, 1932. The joint motion to bring up the entire record and cause is granted. The motion of the Attorney General and Solicitor General of the United States for leave to participate in the oral argument of this case is granted. *Solicitor General Thacher* submitted both motions.

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\* For decisions on applications for certiorari, see *post*, pp. 531, 536.

No. 471. PUBLIC SERVICE COMMISSION OF MONTANA ET AL. *v.* GREAT NORTHERN UTILITIES Co. Appeal from the District Court of the United States for the District of Montana. Argued February 24, 1932. Decided February 29, 1932. *Per Curiam*: The order granting interlocutory injunction is affirmed, without prejudice to the consideration and determination at final hearing of all questions of law and fact, including the question of the reasonableness, in the circumstances disclosed, of the order which is the subject of the suit. *Alabama v. United States*, 279 U. S. 229, 230, 231. *Mr. Francis A. Silver*, with whom *Mr. L. A. Foot*, Attorney General of Montana, was on the brief, for appellants. *Mr. E. G. Toomey*, with whom *Mr. M. S. Gunn* was on the brief, for appellee. Reported below: 52 F. (2d) 802, 805.

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No. 475. NEW YORK TITLE & MORTGAGE Co. *v.* TARVER ET AL. Appeal from the District Court of the United States for the Western District of Texas. Argued February 24, 1932. Decided February 29, 1932. *Per Curiam*: The order denying interlocutory injunction is affirmed, without prejudice to the consideration and determination at final hearing of all questions of law and fact, including the question of the standing of the complainant to maintain this suit. *Alabama v. United States*, 279 U. S. 229, 230, 231. *Mr. Nathan L. Miller*, with whom *Messrs. Robert A. Ritchie*, *George S. Parsons*, and *Charles A. Boston* were on the brief, for appellant. *Messrs. Ireland Graves* and *Albert DeLange*, with whom *Messrs. James V. Allred*, Attorney General of Texas, *Everett L. Looney*, Assistant Attorney General, *W. A. Tarver*, *W. S. Pope*, *Maco Stewart*, and *Charles L. Black* were on the brief, for appellees. Reported below: 51 F. (2d) 584.

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No. 578. REEVES *v.* LOUISVILLE & NASHVILLE R. Co. Appeal from the Supreme Court of Ohio. Jurisdictional

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statement submitted February 23, 1932. Decided February 29, 1932. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Loftus v. Pennsylvania R. Co.*, 107 Ohio State 352, 363; *Douglas v. New York, N. H. & H. R. Co.*, 279 U. S. 377; *LaTourette v. McMaster*, 248 U. S. 465. *Mr. David F. Anderson* for appellant. No appearance for appellee. Reported below: 124 Oh. St. 657.

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No. —, original. EX PARTE DOVER. Submitted February 15, 1932. Decided February 29, 1932. The motions for leave to proceed *in forma pauperis* and for leave to file petition for writ of mandamus are denied. *Mr. Gordon Dover, pro se.*

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No. 609. SLATTERY ET AL. *v.* COCHRAN ET AL. Appeal from the Supreme Court of Nebraska. Jurisdictional statement submitted February 29, 1932. Decided March 14, 1932. *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 for writ of certiorari is denied. *Mr. Allen G. Fisher* for appellants. *Messrs. C. A. Sorenson, E. D. Crites, and T. F. Neighbors* for appellees. Reported below: 121 Neb. 418; 237 N. W. 301.

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No. 620. SOUTHERN CITIES DISTRIBUTING CO. *v.* CARTER ET AL. Appeal from and on petition for writ of certiorari to the Supreme Court of Arkansas. Jurisdictional statement submitted February 29, 1932. Decided March 14, 1932. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. Section 237(a), Judicial Code, as amended by the Act of February 13, 1925

(43 Stat. 936, 937); *Wabash R. Co. v. Flannigan*, 192 U. S. 29; *Erie R. Co. v. Solomon*, 237 U. S. 427; *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. The petition for writ of certiorari is denied. *Messrs. Wm. H. Arnold, Wm. H. Arnold, Jr., and David C. Arnold* for appellant. *Mr. Benjamin E. Carter* for appellees. Reported below: 184 Ark. 4; 44 S. W. (2d) 362.

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No. —, original. EX PARTE POCONO PINES ASSEMBLY HOTELS Co. Submitted February 29, 1932. Decided March 14, 1932. The motion for leave to file petition for writ of mandamus and/or prohibition is denied. *Mr. Hiram B. Calkins* for petitioner. *Solicitor General Thacher* for the United States.

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No. —, original. EX PARTE KEOGH. Submitted February 29, 1932. Decided March 14, 1932. The motion for leave to file petition for writ of mandamus is denied. *Mr. John W. Keogh, pro se.*

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No. 401. AMERICAN SURETY Co. v. GREEK CATHOLIC UNION. March 14, 1932. In this cause it is ordered that the word "then" be deleted from the first line of the third paragraph of the opinion announced on February 15, 1932; otherwise the opinion will stand as heretofore announced. See 284 U. S. 563, 566.

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No. 526. GLENN v. DOYAL, STATE TAX COMMISSIONER. Appeal from the Supreme Court of Georgia. Argued March 18, 1932. Decided March 21, 1932. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Moffitt v. Kelly*, 218 U. S. 400, 404, 405; *Nickel v. Cole*, 256 U. S. 222, 226; *Iowa Central Ry.*

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*Co. v. Iowa*, 160 U. S. 389, 393; *Castillo v. McConnico*, 168 U. S. 674, 683; *Lombard v. West Chicago Park Commissioners*, 181 U. S. 33, 42, 43; *French v. Taylor*, 199 U. S. 274, 277; *Rawlins v. Georgia*, 201 U. S. 638, 639, 640; *Hannis Distilling Co. v. Baltimore*, 216 U. S. 285, 294; *De Bearn v. Safe Deposit & Trust Co.*, 233 U. S. 24, 34; *McDonald v. Oregon Navigation Co.*, 233 U. S. 665, 669, 670; *St. Louis Land Co. v. Kansas City*, 241 U. S. 419, 427; *Hebert v. Louisiana*, 272 U. S. 312, 316, 317; *Sandel v. South Carolina*, 269 U. S. 532; *Boyd v. Smythe*, 270 U. S. 635. Mr. John A. Sibley, with whom Messrs. Marion Smith and Herman Swift were on the brief, for appellant. Messrs. George M. Napier, Attorney General of Georgia, Orville A. Park, and John A. Smith were on the brief for appellee. Reported below: 173 Ga. 482.

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No. 646. *STREIT v. LUJAN, STATE COMPTROLLER, ET AL.* Appeal from the Supreme Court of New Mexico. Jurisdictional statement submitted March 14, 1932. Decided March 21, 1932. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Guaranty Trust Co. v. New York & Queens County Ry. Co.*, 282 U. S. 803; *Wabash R. Co. v. Flannigan*, 192 U. S. 29; *Erie R. Co. v. Solomon*, 237 U. S. 427; *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. Charles Fahy for appellant. Messrs. E. K. Neumann and Sam G. Bratton for appellees. Reported below: 35 N. M. 672; 6 P. (2d) 205.

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No. 650. *DEPAUW UNIVERSITY v. BRUNK, TREASURER OF MISSOURI, ET AL.* Appeal from the District Court of the United States for the Western District of Missouri. Jurisdictional statement submitted March 14, 1932. Decided March 21, 1932. *Per Curiam*: The Court being of opinion that there is no jurisdiction in equity, the order

of the District Court dismissing the bill of complaint in this cause is affirmed. *First National Bank of Greely v. Board of County Commissioners*, 264 U. S. 450; *Gorham Mfg. Co. v. State Tax Commission*, 266 U. S. 265, 269, 270; *Henrietta Mills v. Rutherford County*, 281 U. S. 121. *Mr. Justin D. Bowersock* for appellant. *Messrs. John T. Barker and George W. Meyer* for appellees. Reported below: 53 F. (2d) 647.

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No. 19, original. EX PARTE COLORADO. Submitted February 17, 1932. Decided March 21, 1932. Leave to file petition for writ of mandamus granted, and rule issued to respondents to show cause why the writ of mandamus should not issue as prayed. All questions presented are reserved until the return of such rule. *Mr. C. L. Ireland*, Attorney General of Colorado, for petitioner. *Solicitor General Thacher*, *Assistant Attorney General Youngquist*, and *Messrs. Mahlon D. Kiefer and John J. Byrne* for the United States. See 286 U. S. 510.

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No. —, original. EX PARTE RYAN. Submitted March 14, 1932. Decided March 21, 1932. The motions for leave to proceed *in forma pauperis* and for leave to file petition for writ of mandamus in this cause are denied. *Mr. Harry Joseph Ryan, pro se.*

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No. 521. KANSAS CITY PUBLIC SERVICE CO. v. RANSON, COLLECTOR OF REVENUE. Appeal from the Supreme Court of Missouri. Argued March 18, 21, 1932. Decided March 28, 1932. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Glenn v. Doyal, ante*, p. 526; *Moffitt v. Kelly*, 218 U. S. 400, 404, 405; *Nickel v. Cole*, 256 U. S. 222, 226; *Castillo v. McConico*, 168 U. S. 674, 683; *Lombard v. West Chicago Park Comm'rs*, 181 U. S. 33, 42, 43; *Rawlins v. Georgia*, 201 U. S. 638, 639, 640; *Hebert v. Louisiana*, 272 U. S. 312,

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316, 317. *Mr. Powell C. Groner*, with whom *Messrs. Robert W. Otto* and *Henry N. Ess* were on the brief, for appellant. *Messrs. Henry L. McCune* and *E. H. Wright* were on the brief for appellee. Reported below: 328 Mo. 524; 41 S. W. (2d) 169.

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No. 529. THOMSON ET AL. *v.* DANA ET AL. Appeal from the District Court of the United States for the District of Oregon. Argued March 22, 1932. Decided March 28, 1932. *Per Curiam*: Decree affirmed. *Manchester v. Massachusetts*, 139 U. S. 240; *Lawton v. Steele*, 152 U. S. 133; *Miller v. McLaughlin*, 281 U. S. 261; *Wampler v. LeCompte*, 282 U. S. 172; *Lindsley v. Natural Carbonic Gas Co.*, 220 U. S. 61, 79, 80; *Crescent Cotton Oil Co. v. Mississippi*, 257 U. S. 129, 137; *Heisler v. Thomas Colliery Co.*, 260 U. S. 245, 255; *Whitney v. California*, 274 U. S. 357, 369, 370. *Mr. W. Y. Masters* for appellants. *Mr. Chester E. McCarty*, Assistant Attorney General of Oregon, with whom *Mr. I. H. Van Winkle*, Attorney General, was on the brief, for appellees. Reported below: 52 F. (2d) 759.

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No. 717. WHITMER *v.* LUCAS, COMMISSIONER OF INTERNAL REVENUE, ET AL. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit. Submitted March 21, 1932. Decided March 28, 1932. *Per Curiam*: The petition for 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 decrees of the Circuit Court of Appeals for the Seventh Circuit and of the District Court of the United States for the Northern District of Illinois 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*, 276 U. S. 590; *Matheus v. United States ex rel. Cunningham*, 282 U. S. 802. *Mr. Lee D. Mathias* for

petitioner. *Solicitor General Thacher* and *Mr. W. Marvin Smith* for respondents. Reported below: 53 F. (2d) 1006.

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No. 644. LAMB, DEPUTY SHERIFF, ET AL. *v.* NEW JERSEY EX REL. TIERNEY. Appeal from the Court of Common Pleas of Hudson County, New Jersey. Jurisdictional statement submitted March 21, 1932. Decided March 28, 1932. *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. *Mr. Max Rhoades* for appellants. No appearance for appellee.

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No. 660. FARRINGTON *v.* CALIFORNIA. Appeal from the Supreme Court of California. Jurisdictional statement submitted March 28, 1932. Decided April 11, 1932. *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. *Mr. Roland Becsey* for appellant. *Mr. U. S. Webb*, Attorney General of California, for appellee. Reported below: 213 Cal. 459; 2 P. (2d) 814.

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No. 19, original. EX PARTE COLORADO. April 11, 1932. Return to the rule to show cause submitted by *Solicitor General Thacher*, *Assistant Attorney General Youngquist*, and *Messrs. Mahlon D. Kiefer* and *John J. Byrne*.