

DECISIONS PER CURIAM, FROM OCTOBER 3, 1932,
TO AND INCLUDING JANUARY 9, 1933.*

No. 300 (October Term, 1931). SOUTHERN RY. CO. *v.* KENTUCKY; and

No. 301 (October Term, 1931). MELLON, DIRECTOR GENERAL OF RAILROADS, *v.* SAME.

Appeals from the Court of Appeals of Kentucky. October 10, 1932. In these cases the parties have made and lodged with the Clerk a stipulation as follows:

“It is stipulated and agreed between the parties that, due to a mutual mistake of fact, not discovered by either party until after the judgment of affirmance in this Court, there is no tax involved herein due the Commonwealth of Kentucky, and that the judgment of affirmance in these causes as shown in the opinion of this Court rendered January 4, 1932, be set aside and the cases be dismissed, and that such mandate of this Court go down as will effectuate this agreement. It is further agreed that the appellants pay all taxable costs not heretofore paid.”

It is ordered that the stipulation be filed; that in each case the judgment of this Court affirming the judgment appealed from is hereby set aside and the case is dismissed; that appellant pay all taxable costs not heretofore paid and that the case be remanded to the Court of Appeals of Kentucky for such proceedings as will effectuate the above-quoted agreement. [See 284 U. S. 338.]

No. 34. RHODES ET AL. *v.* TWING ET AL. Appeal from the Supreme Court of Texas. Jurisdictional statement

* For decisions on applications for certiorari, see *post*, pp. 580, 596.

submitted September 15, 1932. Decided October 10, 1932. *Per Curiam*: The appeal herein is dismissed for the want of a properly presented federal question. *Godchaux v. Estopinal*, 251 U. S. 179, 181; *Jett Bros. Co. v. Carrollton*, 252 U. S. 1, 6, 7; *Citizens National Bank v. Durr*, 257 U. S. 99, 106; *Rooker v. Fidelity Trust Co.*, 261 U. S. 114, 116, 117; *Live Oak Water Users Assn. v. Railroad Commission*, 269 U. S. 354, 357. *Mr. Oliver J. Todd* for appellants. *Mr. Jewell P. Lightfoot* for appellees. Reported below: 41 S. W. (2d) 13.

No. 35. WILLIAMS ET AL. *v.* H. C. SPEER & SONS Co. ET AL. Appeal from the Supreme Court of Texas. Jurisdictional statement submitted September 15, 1932. Decided October 10, 1932. *Per Curiam*: The appeal herein is dismissed for the want of a properly presented federal question. *Godchaux v. Estopinal*, 251 U. S. 179, 181; *Jett Bros. Co. v. Carrollton*, 252 U. S. 1, 6, 7; *Citizens National Bank v. Durr*, 257 U. S. 99, 106; *Rooker v. Fidelity Trust Co.*, 261 U. S. 114, 116, 117; *Live Oak Water Users Assn. v. Railroad Commission*, 269 U. S. 354, 357. *Mr. Oliver J. Todd* for appellants. *Mr. Jewell P. Lightfoot* for appellees. Reported below: 41 S. W. (2d) 14.

No. 44. SAVELLE *v.* STATE BOARD OF DENTAL EXAMINERS ET AL. Appeal from the Supreme Court of Colorado. Jurisdictional statement submitted September 15, 1932. Decided October 10, 1932. *Per Curiam*: The appeal herein is dismissed for the want of a final judgment. *Haseltine v. Central Bank of Springfield*, 183 U. S. 130, 131; *Schlosser v. Hemphill*, 198 U. S. 173, 175, 176; *Louisiana Navigation Co. v. Oyster Commission*, 226 U. S. 99, 101; *California National Bank v. Stateler*, 171 U. S. 447, 449; *Bruce v. Tobin*, 245 U. S. 18, 19, 20; *Grays Harbor Logging Co. v. Coats-Fordney Logging Co.*, 243

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U. S. 251, 255, 256; *Ornstein v. Chesapeake & Ohio Ry. Co.*, 284 U. S. 572. *Messrs. Emory L. O'Connell, Albert E. Sherlock, and Arthur X. Erickson* for appellant. *Messrs. Clarence L. Ireland and Charles H. Haines* for appellees. Reported below: 90 Colo. 177; 8 P. (2d) 693.

NO. 45. *MILLER v. STATE BOARD OF DENTAL EXAMINERS OF COLORADO ET AL.* Appeal from the Supreme Court of Colorado. Jurisdictional statement submitted September 15, 1932. Decided October 10, 1932. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Waters-Pierce Oil Co. v. Texas (No. 1)*, 212 U. S. 86, 108, 111; *Fox v. Washington*, 236 U. S. 273, 277, 278; *Miller v. Strahl*, 239 U. S. 426, 434; *Omaechevarria v. Idaho*, 246 U. S. 343, 348; *Hygrade Provision Co. v. Sherman*, 266 U. S. 497, 501, 502, 503; *Sproles v. Binford*, 286 U. S. 374, 393; *Lavine v. California*, 286 U. S. 528. In so far as the papers whereon the appeal was allowed seek review of the ruling of the Supreme Court of Colorado upon the asserted denial of rights under the Federal Constitution by the proceedings before the State Board in this cause, not involving the validity of any statute of the State, such papers are treated as a petition for writ of certiorari (§ 237(c), Judicial Code as amended by the Act of February 13, 1925, 43 Stat. 936, 938) and certiorari is denied. *Messrs. Emory L. O'Connell, Albert E. Sherlock, and Arthur X. Erickson* for appellant. *Messrs. Clarence L. Ireland and Charles H. Haines* for appellees. Reported below: 90 Colo. 193; 8 P. (2d) 699.

NO. 46. *BROWN ET AL. v. BANK OF COMMERCE & TRUST Co. ET AL.* Appeal from the Supreme Court of Mississippi. Jurisdictional statement submitted September 15, 1932. Decided October 10, 1932. *Per Curiam*: The mo-

tion of the appellees to affirm the decree herein, and for an award of damages pursuant to § 878, Title 28, U. S. Code, is denied. The appeal in this cause is dismissed for the want of a substantial federal question. *Missouri Pacific R. Co. v. Western Crawford Road Improvement District*, 266 U. S. 187; *Miller & Lux v. Sacramento & San Joaquin Drainage District*, 256 U. S. 129; *Houck v. Little River Drainage District*, 239 U. S. 254. Messrs. Wm. H. Watkins and A. F. Gardner for appellants. Messrs. Julian C. Wilson and Walter P. Armstrong for appellees. Reported below: 138 So. 558.

No. 64. THOMAS ET AL. *v.* RABB. Appeal from the County Court of Rains County, Texas. Jurisdictional statement submitted September 15, 1932. Decided October 10, 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. Charles L. Morgan for appellants. No appearance for appellee.

No. 243. DUNNE *v.* MARYLAND. Appeal from the Court of Appeals of Maryland. Jurisdictional statement submitted September 15, 1932. Decided October 10, 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. Messrs. E. Barrett Prettyman and

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Preston C. King, Jr., for appellant. *Mr. Wm. Preston Lane, Jr.*, for appellee. Reported below: 162 Md. 274; 159 Atl. 751.

No. 266. STEARNS, RECEIVER, ET AL. *v.* LORENZ ET AL. Appeal from the Supreme Court of New Hampshire. Jurisdictional statement submitted September 15, 1932. Decided October 10, 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. *Messrs. Charles O. Pengra and Weld A. Rollins* for appellants. *Mr. John J. McDonald* for appellees. Reported below: 85 N. H. 494; 161 Atl. 205.

No. 123. S. S. KRESGE Co. *v.* BENNETT, ATTORNEY GENERAL OF NEW YORK, ET AL. Appeal from the District Court of the United States for the Southern District of New York. Jurisdictional statement submitted September 15, 1932. Decided October 10, 1932. *Per Curiam*: Decree affirmed. *Gorham Mfg. Co. v. State Tax Commission*, 266 U. S. 265, 269, 270. *Mr. Edward K. Hanlon* for appellant. *Mr. Wendell P. Brown* for appellees. Reported below: 51 F. (2d) 353.

No. 135. AMERICAN AIRWAYS, INC. *v.* WALLACE, COMPTROLLER OF TENNESSEE, ET AL. Appeal from the District Court of the United States for the Middle District of Tennessee. Jurisdictional statement submitted September 15, 1932. Decided October 10, 1932. *Per Curiam*: The order denying interlocutory injunction is affirmed. *Alabama v. United States*, 279 U. S. 229, 231; *United Fuel*

Gas Co. v. Public Service Commission, 278 U. S. 322, 326; *National Fire Insurance Co. v. Thompson*, 281 U. S. 331, 338; *United Drug Co. v. Washburn*, 284 U. S. 593; *Binford v. J. H. McLeaish & Co.*, 284 U. S. 598; *South Carolina Power Co. v. South Carolina Tax Commission*, 286 U. S. 525; *Ogden & Moffett Co. v. Michigan Public Utilities Commission*, 286 U. S. 525. *Mr. J. W. Canada* for appellant. No appearance for appellees. Reported below: 57 F. (2d) 877.

No. 231. BRANNAN ET AL. *v.* HARRISON, COMPTROLLER GENERAL. Appeal from the Supreme Court of Georgia. Jurisdictional statement submitted September 15, 1932. Decided October 10, 1932. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *State Board of Tax Commissioners v. Jackson*, 283 U. S. 527, 537, 542; *Brown-Forman Co. v. Kentucky*, 217 U. S. 563, 573; *Singer Sewing Machine Co. v. Brickell*, 233 U. S. 304, 315; *Bradley v. Richmond*, 227 U. S. 477. *Messrs. C. N. Davie and James F. Kemp* for appellants. No appearance for appellee. Reported below: 174 Ga. 907; 164 S. E. 760.

No. 238. NEW YORK DOCK CO. *v.* NEW YORK & CUBA MAIL S. S. CO. Appeal from the Supreme Court of New York. Jurisdictional statement submitted September 15, 1932. Decided October 10, 1932. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Homer Ramsdell Transportation Co. v. LaCompagnie Generale Transatlantique*, 182 U. S. 406. *Mr. Alexander J. Field* for appellant. *Messrs. Chauncey I. Clark and Eugene Underwood* for appellee. Reported below: 259 N. Y. 606; 181 N. E. 200.

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No. 253. LINCOLN FIREPROOF WAREHOUSE Co. v. MILWAUKEE ET AL. Appeal from the Supreme Court of Wisconsin. Jurisdictional statement submitted September 15, 1932. Decided October 10, 1932. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Tidal Oil Co. v. Flanagan*, 263 U. S. 444, 450, 451, 455, 456; *American Ry. Express Co. v. Kentucky*, 273 U. S. 269, 273; *Brinkerhoff-Faris Co. v. Hill*, 281 U. S. 673, 680. *Mr. Robert M. Rieser* for appellant. *Mr. Daniel W. Hoan* for appellees. Reported below: 208 Wis. 70; 241 N. W. 623; 242 N. W. 558.

No. 285. HARNISCHFEGER ET AL., EXECUTORS, ET AL. v. WISCONSIN TAX COMMISSION. Appeal from the Supreme Court of Wisconsin. Jurisdictional statement submitted September 15, 1932. Decided October 10, 1932. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Mobile, Jackson & Kansas City R. Co. v. Turnipseed*, 219 U. S. 35, 43; *Bandini Petroleum Co. v. Superior Court*, 284 U. S. 8, 18, 19; *Wabash R. Co. v. Flannigan*, 192 U. S. 29. *Messrs. Louis Quarles and Russell Jackson* for appellants. *Mr. John W. Reynolds* for appellee. Reported below: 208 Wis. 317; 242 N. W. 153; 243 N. W. 453.

No. —, original. *EX PARTE MILES*. Motion submitted October 3, 1932. Decided October 10, 1932. The motion for leave to file petition for writ of habeas corpus is denied, without prejudice to proper application to the appropriate District Court of the United States or to the Judge of said Court. *Mr. W. S. Miles, pro se*.

No. 5, original. WISCONSIN ET AL. *v.* ILLINOIS ET AL.;

No. 8, original. MICHIGAN ET AL. *v.* SAME; and

No. 9, original. NEW YORK ET AL. *v.* SAME. October 10, 1932. The report of the defendant, Sanitary District of Chicago, dated July 1, 1932, is received. Upon consideration of the complainants' motion,

It is ordered that a rule issue to the defendants in the above entitled causes to show cause, by printed return, on or before Monday, November 7 next, why they have not taken appropriate steps to effect compliance with the requirements of the decree of this Court in these causes dated April 21, 1930 (281 U. S. 696);

And it is further ordered that these causes be set for oral argument upon the return of such rule upon Monday, November 14 next, at the head of the call for that day, briefs to be filed by the parties at the time of such argument.

Messrs. John W. Reynolds, Attorney General of Wisconsin, *Henry N. Benson*, Attorney General of Minnesota, *Gilbert Bettman*, Attorney General of Ohio, *Paul W. Voorhies*, Attorney General of Michigan, *Herbert H. Naujoks*, Assistant Attorney General of Wisconsin, and *Raymond R. Jackson*, Special Assistant to the Attorneys General, for complainants. *Messrs. William Rothmann*, *Frank Johnson, Jr.*, *Joseph B. Fleming*, and *Oscar E. Carlstrom*, Attorney General of Illinois, for the defendants.

No. —. CHERAMI ET AL. *v.* CANTRELLE ET AL.; and

No. —. SAME *v.* GUIDROZ ET AL. October 10, 1932. The petition of *Mr. Charles D. Breaux* et al. for an extension of time within which to apply for writs of certiorari in the above entitled matters is denied. *Finn v. Railroad Commission*, 286 U. S. 559; *Cresswell v. Tillinghast*, 286 U. S. 560.

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No. 387. *FOUTS ET AL. v. GEORGIA*. Appeal from the Supreme Court of Georgia. Jurisdictional statement submitted September 29, 1932. Decided October 10, 1932. *Per Curiam*: The motion for leave to proceed further herein *in forma pauperis* is denied. 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). 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. Robert R. Jackson* for appellants. No appearance for appellee. Reported below: 175 Ga. 71; 165 S. E. 78.

No. 627 (October Term, 1931). *PORTER, AUDITOR, v. INVESTORS SYNDICATE*. October 17, 1932. The petition for a rehearing is granted. *Mr. M. S. Gunn* for petitioner. For decision on rehearing see *ante*, p. 346.

No. 13. *LOUISVILLE & NASHVILLE R. Co. v. PARKER, ADMINISTRATRIX*. On writ of certiorari to the Supreme Court of Alabama. Argued October 17, 18, 1932. Decided October 24, 1932. *Per Curiam*: The writ of certiorari herein is dismissed, upon the ground that the judgment sought here to be reviewed is joint and the record fails to disclose summons and severance. *Hartford Accident & Indemnity Co. v. Bunn*, 285 U. S. 169; *Capital National Bank v. Board of Supervisors*, 286 U. S. 550; *Fidelity Union Casualty Co. v. Hanson*, *post*, p. 599. *Mr. Chas. H. Eyster*, with whom *Mr. Robert E. Steiner, Jr.*, was on the brief, for petitioner. *Mr. W. A. Denson* was on the brief for respondent. Reported below: 223 Ala. 626; 138 So. 231.

No. 16. *ASBURY TRUCK CO. v. RAILROAD COMMISSION*. Appeal from the District Court of the United States for the Southern District of California. Argued October 18, 1932. Decided October 24, 1932. *Per Curiam*: Decree affirmed. *Castillo v. McConnico*, 168 U. S. 674, 683; *McDonald v. Oregon Navigation Co.*, 233 U. S. 665, 669, 670; *Iowa Central Ry. Co. v. Iowa*, 160 U. S. 389, 392, 393; *Hebert v. Louisiana*, 272 U. S. 312, 316, 317; *Kansas City Public Service Co. v. Ranson*, 285 U. S. 528. *Mr. Warren E. Libby* for appellant. *Mr. Arthur T. George* for appellee. Reported below: 52 F. (2d) 263.

No. 25. *NEW YORK CENTRAL R. CO. v. FARMER, ADMINISTRATRIX*. On writ of certiorari to the Supreme Court of New York. Argued October 20, 1932. Decided October 24, 1932. *Per Curiam*: Judgment reversed. *Southern Ry. Co. v. Moore*, 284 U. S. 581; *Atchison, Topeka & Santa Fe Ry. Co. v. Saxon*, 284 U. S. 458; *Atchison, Topeka & Santa Fe Ry. Co. v. Toops*, 281 U. S. 351; *New York Central R. Co. v. Ambrose*, 280 U. S. 486. *MR. JUSTICE CARDOZO* took no part in the consideration and decision of this case. *Mr. Clive C. Handy*, with whom *Mr. William Mann* was on the brief, for petitioner. *Mr. Henry S. Miller* for respondent. Reported below: 234 App. Div. 751; 253 N. Y. S. 965.

No. 36. *GIRARD LIFE INSURANCE CO. v. PENNSYLVANIA*. Appeal from the Supreme Court of Pennsylvania. Argued October 21, 1932. Decided October 24, 1932. *Per Curiam*: Judgment affirmed. *Louisville Gas Co. v. Coleman*, 277 U. S. 32, 37, 40; *Bell's Gap R. Co. v. Pennsylvania*, 134 U. S. 232, 237; *Ohio Oil Co. v. Conway*, 281 U. S. 146, 159; *State Board of Tax Commissioners v. Jackson*, 283 U. S. 527, 537, 538. *Mr. Ira Jewell Williams, Jr.*,

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with whom *Messrs. Ira Jewell Williams, Francis Shunk Brown, and W. S. Snyder* were on the brief, for appellant. *Messrs. William A. Schnader*, Attorney General of Pennsylvania, and *Philip S. Moyer*, Deputy Attorney General, were on the brief for appellee. Reported below: 305 Pa. 558; 158 Atl. 262.

No. 20, original. *WISCONSIN v. MICHIGAN*. Motion submitted October 17, 1932. Decided October 24, 1932. The motion for leave to file the bill of complaint is granted and process is ordered to issue returnable within sixty days from this date. *Messrs. John W. Reynolds and Joseph E. Messerschmidt* for complainant. No appearance for defendant.

No. —, original. *EX PARTE INTERNATIONAL SAFETY RAZOR CORP. ET AL.* Motion submitted October 17, 1932. Decided October 24, 1932. The motion for leave to file petition for writ of prohibition or mandamus is denied. The CHIEF JUSTICE and MR. JUSTICE ROBERTS took no part in the consideration and decision of this application. *Mr. Martin A. Schenck* for petitioners.

No. 452. *WAGNER v. LEENHOUTS ET AL.* Appeal from the Supreme Court of Wisconsin. Jurisdictional statement submitted October 22, 1932. Decided November 7, 1932. *Per Curiam*: The motion of the appellee to dismiss the appeal herein is granted, and the appeal is dismissed for the reason that the judgment of the state court here sought to be reviewed was based upon a non-federal ground adequate to support it. *McCoy v. Shaw*, 277 U. S. 302, 303; *Arneson v. United Irrigation Co.*, 284 U. S. 592, 593; *Potter v. Maybury*, 284 U. S. 593, 594; *Ellison Ranching Co. v. Bartlett*, 284 U. S. 598. *Mr. Fred R.*

Wright for appellant. *Messrs. John W. Reynolds, Herbert H. Naujoks, and C. Stanley Perry* for appellees. Reported below: 208 Wis. 292; 242 N. W. 144.

No. 400. *CHANDLER v. MAINE*. Appeal from the Supreme Judicial Court of Maine. Jurisdictional statement submitted October 29, 1932. Decided November 7, 1932. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Storaasli v. Minnesota*, 283 U. S. 57, 62, 63, 64; *Sproles v. Binford*, 286 U. S. 374, 396; *Hendrick v. Maryland*, 235 U. S. 610; *Wabash R. Co. v. Flannigan*, 192 U. S. 29, 38. *Mr. John P. Deering* for appellant. *Mr. Clement F. Robinson* for appellee. Reported below: 131 Me. 262; 161 Atl. 148.

No. 462. *HIBERNIA BANK & TRUST CO. ET AL. v. MAXWELL*. Appeal from the Supreme Court of Louisiana. Jurisdictional statement submitted October 29, 1932. Decided November 7, 1932. *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). 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. Benjamin A. Dart, Henry P. Dart, Jr., and Percy S. Benedict* for appellants. *Messrs. R. E. Milling and Emile Godchaux* for appellee. Reported below: 175 La. 252; 143 So. 230.

No. —, original. *EX PARTE JAMES*. Return to rule to show cause presented October 27, 1932. Decided November 7, 1932. Upon consideration of the return of the re-

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spondent to the rule to show cause heretofore issued in this matter, it is ordered that the motion of the petitioner for leave to file a petition for a writ of mandamus to require the respondent to call to his assistance two other federal judges, in the manner provided by § 380, title 28, U. S. Code, to hear and determine the applications for interlocutory and final injunction in a cause entitled Charles Clay James *v.* Horace Frierson, jr., et al., be, and the same is hereby, denied, in view of the fact that it would be entirely impracticable to convene the specially constituted District Court and to procure a hearing in time to make any decree effective prior to the general election. *Messrs. John Randolph Neal and Henry Nathan Camp, Jr.*, for petitioner. *Messrs. J. J. Lynch, James A. Fowler, and J. H. Frantz* for respondent.

No. —, original. *EX PARTE WILLIAMS*. November 7, 1932. The motion for leave to file a petition for a writ of habeas corpus is denied without prejudice to appropriate application to the proper District Court of the United States or Judge. *Mr. Joseph Williams, pro se.*

No. 356. *INDIAN TERRITORY ILLUMINATING OIL Co. v. BOARD OF EQUALIZATION OF TULSA COUNTY, OKLAHOMA*; and

No. 357. *SAME v. BOARD OF COUNTY COMMISSIONERS OF PAYNE COUNTY, OKLAHOMA*. Appeals from the Supreme Court of Oklahoma. Jurisdictional statement submitted October 29, 1932. Decided November 7, 1932. *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); *Citizens National Bank v. Durr*, 257 U. S. 99, 106, 107; *Jett Bros. Distilling Co. v. Carrollton*, 252 U. S. 1, 4, 5, 6. 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 fifteen days, with ten days for opposing counsel to reply. *Messrs. John H. Miley and Wm. P. McGinnis* for appellant. *Mr. Hugh Webster* for the Board of Equalization of Tulsa County. *Messrs. Ernest F. Jenkins and Guy L. Horton* for the Board of County Commissioners of Payne County. Reported below: 159 Okla. 6, 15; 13 P. (2d) 585, 14 P. (2d) 929.

No. 218. *KROGER GROCERY & BAKING CO. v. YOUNT*. Certificate from the Circuit Court of Appeals for the Eighth Circuit. Argued November 7, 1932. Decided November 14, 1932. *Per Curiam*: The certificate herein is dismissed. *Wells v. Commissioner*, 286 U. S. 529; *White v. Johnson*, 282 U. S. 367, 371; *United States v. Worley*, 281 U. S. 339, 340; *United States v. Mayer*, 235 U. S. 55, 56. *Mr. Walter H. Saunders*, with whom *Messrs. John S. Leahy, Lambert E. Walther, and J. L. London* were on the brief, for Kroger Grocery & Baking Co. *Mr. R. L. Ward*, with whom *Mr. J. Henry Caruthers* was on the brief, for Yount.

No. 220. *CATAGRONE v. UNITED STATES*. Certificate from the Circuit Court of Appeals for the Eighth Circuit. Argued November 8, 1932. Decided November 14, 1932. *Per Curiam*: The certificate herein is dismissed. *Wells v. Commissioner*, 286 U. S. 529; *White v. Johnson*, 282 U. S. 367, 371; *United States v. Worley*, 281 U. S. 339, 340; *United States v. Mayer*, 235 U. S. 55, 56. *Mr. Anthony P. Nugent* for Catagrone. *Assistant Attorney General Youngquist*, with whom *Solicitor General*

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Thacher and Messrs. Paul D. Miller, John J. Byrne, and W. Marvin Smith were on the brief, for the United States.

No. 41. SEVIER COMMISSION CO. ET AL. *v.* WALLOWA NATIONAL BANK. Certiorari to the Supreme Court of Oregon. Argued November 10, 1932. Decided November 14, 1932. *Per Curiam*: The writ of certiorari herein is dismissed for want of a substantial federal question. *Wabash Ry. 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. John F. Reilly*, with whom *Mr. James G. Wilson* was on the brief, for petitioners. *Mr. Palmer L. Fales*, with whom *Messrs. Robert Treat Platt and Harrison G. Platt* were on the brief, for respondent. Reported below: 138 Ore. 393; 5 P. (2d) 100.

No. 414. BIGGS, ADMINISTRATRIX *v.* MISSOURI PACIFIC R. CO. ET AL.; and

No. 415. GRAVES *v.* SAME. Appeals from the District Court of the United States for the Eastern District of Arkansas. Jurisdictional statement submitted November 12, 1932. Decided November 21, 1932. *Per Curiam*: The appeals herein are dismissed for the want of jurisdiction. Section 238, Judicial Code as amended by the Act of February 13, 1925 (43 Stat. 936, 938), U. S. Code, Title 28, § 345; § 13, Act of February 13, 1925 (43 Stat. 936, 941). *Mr. G. T. Fitzhugh* for petitioners. *Messrs. Edward J. White and Thomas B. Pryor* for respondents.

No. 519. MAHAN, SECRETARY OF STATE, *v.* HUME. Appeal from the District Court of the United States for the Eastern District of Kentucky. Jurisdictional statement

submitted November 26, 1932. Decided December 5, 1932. *Per Curiam*: Decree reversed and cause remanded with directions to dismiss the bill of complaint. *Brownlow v. Schwartz*, 261 U. S. 216; *Wood v. Broom*, ante, p. 1. Messrs. *S. H. Brown* and *Francis M. Burke* for appellant. No appearance for appellee. Reported below: 1 F. Supp. 142.

No. 32. RAILROAD COMMISSION OF TEXAS ET AL. *v.* MACMILLAN ET AL. Appeal from the District Court of the United States for the Western District of Texas. Argued December 6, 1932. Decided December 12, 1932. *Per Curiam*: Decree reversed and cause remanded with directions to dismiss the bill of complaint. *Brownlow v. Schwartz*, 261 U. S. 216; *Alejandrino v. Quezon*, 271 U. S. 528, 535, 536; *U. S. ex rel. Norwegian Nitrogen Products Co. v. Tariff Comm'n*, 274 U. S. 106, 112. Mr. *Maurice Cheek*, Assistant Attorney General of Texas, with whom Messrs. *James V. Allred*, Attorney General, *Fred Upchurch*, Assistant Attorney General, *Robert E. Hardwicke*, *Marion S. Church*, and *Conrad E. Cooper* were on the brief, for appellants. Mr. *J. N. Saye*, with whom Messrs. *J. K. Mahony*, *H. P. Smead*, *W. T. Saye*, *I. J. Ringolsky*, *Wm. G. Boatright*, and *Harry L. Jacobs* were on the brief, for appellees. Reported below: 51 F. (2d) 400.

No. 449. HASKELL ET AL. *v.* CALIFORNIA. Appeal from the Superior Court of the County of Los Angeles, Appellate Department, of California. Jurisdictional statement submitted December 3, 1932. Decided December 12, 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

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§237 (c), Judicial Code as amended (43 Stat. 936, 938), certiorari is denied. *Mr. Hugh L. Dickson* for appellants. *Messrs. U. S. Webb and Tracy Chatfield Becker* for appellee.

No. 202. THIRD NATIONAL BANK & TRUST CO. ET AL., EXECUTORS *v.* WHITE, COLLECTOR OF INTERNAL REVENUE. On writ of certiorari to the Circuit Court of Appeals for the First Circuit. Argued December 14, 1932. Decided December 19, 1932. *Per Curiam*: Judgment affirmed. *Tyler v. United States*, 281 U. S. 497, 504, 505; *Gwinn v. Commissioner*, *ante*, p. 224. *Mr. Harold P. Small* for petitioners. *Solicitor General Thacher*, *Assistant Attorneys General Rugg and Youngquist*, *Miss Helen R. Carlross*, and *Messrs. J. Louis Monarch and Erwin N. Griswold* were on the brief for respondent. By leave of Court, *Messrs. Benjamin Greenspan and Richard Kelly* and *Messrs. Abbot P. Mills, William P. Smith, and John C. Evans* filed briefs as *amici curiae*. The Circuit Court of Appeals filed no opinion. The opinion of the District Court is reported in 45 F. (2d) 911.

No. 530. REAL ESTATE-LAND TITLE & TRUST Co., TRUSTEE, *v.* SPRINGFIELD ET AL. Appeal from the Supreme Court of Ohio. Jurisdictional statement submitted December 10, 1932. Decided December 19, 1932. *Per Curiam*: The appeal herein is dismissed for the reason that the judgment of the state court sought here to be reviewed was based upon a non-federal ground adequate to support it. *New Orleans Water Works Co. v. Louisiana Sugar Co.*, 125 U. S. 18, 38, 39; *Cross Lake Club v. Louisiana*, 224 U. S. 632, 639, 640; *Long Sault Development Co. v. Call*, 242 U. S. 272, 277, 278; *Hardin-Wyandot Lighting Co. v. Upper Sandusky*, 251 U. S. 173, 178, 179; *Girard Trust Co. v. Ocean & Lake Realty Co.*, 286 U. S. 523.

Messrs. Leslie Nichols and Maurice Bower Saul for appellant. *Messrs. M. E. Spencer and A. J. Todd* for appellees. Reported below: 125 Oh. St. 531; 182 N. E. 501.

No. 5, original. WISCONSIN ET AL. *v.* ILLINOIS ET AL.;

No. 8, original. MICHIGAN ET AL. *v.* SAME; and

No. 9, original. NEW YORK ET AL. *v.* SAME. Argued December 5, 6, 1932. Order entered December 19, 1932. Upon consideration of the return of the defendants in the above-entitled causes to the rule issued October 10, 1932, requiring them to show cause why they have not taken appropriate steps to effect compliance with the requirements of the decree of this Court in these causes dated April 21, 1930 (281 U. S. 696), and of the argument had thereon,

IT IS ORDERED that these causes be referred to Edward F. McClennen, Esquire, as a Special Master, with directions and authority to make summary inquiry and to report to the Court on or before April 1, 1933,

(1) as to the causes of the delay in obtaining approval of the construction of controlling works in the Chicago River and the steps which should now be taken to secure such approval and prompt construction;

(2) as to the causes of the delay in providing for the construction of the Southwest Side Treatment Works, and the steps which should now be taken for such construction or, in case of a change in site, for the construction of an adequate substitute;

(3) as to the financial measures on the part of the Sanitary District or the State of Illinois which are reasonable and necessary in order to carry out the decree of this Court.

[This order also authorized the Special Master to employ clerical help; to fix times and places for taking evidence; to issue subpoenas to witnesses, including those of

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his own selection, and to administer oaths. There were other provisions as to the printing and hearing of his report; as to the fixing and charging of his pay and allowances; and permitting another appointment by the CHIEF JUSTICE in case of a failure to accept or a vacancy during recess.]

Messrs. Henry N. Benson, Attorney General of Minnesota, *Gilbert Bettman*, Attorney General of Ohio, and *Raymond T. Jackson*, with whom *Messrs. John W. Reynolds*, Attorney General of Wisconsin, *Herbert H. Naujoks*, Assistant Attorney General, *Herman L. Ekern*, and *Paul W. Voorhies*, Attorney General of Michigan, were on the brief, for plaintiffs. *Messrs. William Rothmann* and *Joseph B. Fleming*, with whom *Messrs. Oscar E. Carlstrom*, Attorney General of Illinois, and *Frank Johnston, Jr.*, were on the brief, for defendants.

No. 15, original. WYOMING *v.* COLORADO. Motion submitted December 12, 1932. Decided December 19, 1932. [On consideration of the joint motion and stipulation of counsel for the respective parties in this cause, E. O. Whittington, Esq., is appointed Special Commissioner to take and return the testimony for the plaintiff; and J. Howard Carpenter, Esq., Special Commissioner to take and return the testimony offered by defendant. They are to have the powers of a Master, but not to make findings of fact or state conclusions of law. The order makes provision as to the time when the testimony shall be taken (to begin on April 3, 1933) and as to the pay and travel of the Commissioners.] *Mr. James A. Greenwood*, Attorney General of Wyoming, for plaintiff. *Mr. Clarence L. Ireland*, Attorney General of Colorado, for defendant.

No. 441. LEACH *v.* CALIFORNIA. Appeal from the Supreme Court of California. Jurisdictional statement submitted December 17, 1932. Decided January 9, 1933.

Per Curiam: The appeal herein is dismissed for the want of a substantial federal question. *Hall v. Geiger-Jones Co.*, 242 U. S. 539; *Caldwell v. Sioux Falls Stock Yards Co.*, 242 U. S. 559; *Merrick v. N. W. Halsey & Co.*, 242 U. S. 568; *Sloman v. Security Trust Co.*, 281 U. S. 704; *Waters-Pierce Oil Co. v. Texas (No. 1)*, 212 U. S. 86, 109; *Bandini Co. v. Superior Court*, 284 U. S. 8, 18; *Sproles v. Binford*, 286 U. S. 374, 393. Mr. Jesse I. Miller for appellant. Messrs. U. S. Webb and Tracy Chatfield Becker for appellee. Reported below: 215 Cal. 536; 12 P. (2d) 3.

No. —, original. NEW JERSEY *v.* PENNSYLVANIA. Rule to show cause issued November 14, 1932. Return to rule presented December 19, 1932. Decided January 9, 1933. On consideration of the return to the rule to show cause it is ordered that the motion for leave to file the bill of complaint herein be, and the same hereby is, denied. Messrs. Wm. A. Stevens, Attorney General of New Jersey, Duane E. Minard, Assistant Attorney General, and Wm. A. Moore for complainant. Messrs. Wm. A. Schnader, Attorney General of Pennsylvania, and Herman J. Goldberg, Deputy Attorney General, for defendant.

No. —, original. EX PARTE LAMKIN ET AL. Motion submitted December 19, 1932. Decided January 9, 1933. Motion for leave to file petition for writ of mandamus denied. Mr. Wm. R. Watkins for petitioners.

DECISIONS GRANTING CERTIORARI, FROM OCTOBER 3, 1932, TO AND INCLUDING JANUARY 9, 1933.

No. 53. GREAT NORTHERN RY. Co. *v.* SUNBURST OIL & REFINING Co. October 10, 1932. Petition for writ of certiorari to the Supreme Court of Montana granted.