

DECISIONS PER CURIAM, FROM JANUARY 10,
1933, TO AND INCLUDING MARCH 13, 1933.*

No. 278. FORT SMITH SUBURBAN RY. CO. ET AL. *v.* KANSAS CITY SOUTHERN RY. CO. On writ of certiorari to the Supreme Court of Arkansas. Argued January 11, 1933. Decided January 16, 1933. *Per Curiam*: The writ of certiorari herein is dismissed as improvidently granted. *Mr. Thomas B. Pryor*, with whom *Mr. Edward J. White* was on the brief, for petitioners. *Mr. Frank H. Moore*, with whom *Messrs. James B. McDonough, A. F. Smith, Wm. E. Davis*, and *Samuel W. Moore* were on the brief, for respondent. Reported below: 185 Ark. 1188; 48 S. W. (2d) 225. See also 180 Ark. 492.

No. —, original. *EX PARTE MODER ET AL.* Motion submitted January 9, 1933. Decided January 16, 1933. The motion for leave to file a petition for writ of *habeas corpus* is denied. *Mr. Jesse C. Duke* for petitioners.

No. —, original. *CARVILL v. MASSACHUSETTS.* January 16, 1933. Motion for leave to file bill of complaint denied. *Mr. Clarence Carvill, pro se.* No appearance for defendant.

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.* Motion submitted January 12, 1933. Decided January 16, 1933. The motion to amend the decree herein is denied. *Messrs. Stratton Shartel, L. D. Smith, H. L. Norwood, J. W.*

* For decisions on applications for certiorari, see *post*, pp. 594, 598.

Carmmack, G. L. Rice, James O'Connor, Daniel N. Kirby, and Cornelius Lynde for petitioners in support of the motion. *Messrs. J. E. Finnegan, Patrick H. O'Brien, Harry H. Peterson, John H. Bricker, Joseph E. Hirschberg, Herman L. Ekern, Herbert H. Naujoks, and R. T. Jackson* in opposition to the motion.

No. 588. *DR. BLOOM DENTIST INC. v. CRUISE, CITY CLERK.* Appeal from the Supreme Court of New York. Jurisdictional statement submitted January 14, 1933. Decided January 23, 1933. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Dent v. West Virginia*, 129 U. S. 114; *Douglas v. Noble*, 261 U. S. 165; *Missouri ex rel. Hurwitz v. North*, 271 U. S. 40, 43; *Graves v. Minnesota*, 272 U. S. 425, 428; *Lambert v. Yellowley*, 272 U. S. 581, 596; *People v. Painless Parker Dentist*, 85 Colo. 304, 280 U. S. 566; *Miller v. State Board of Dental Examiners*, 90 Colo. 193; 8 P. (2d) 699; 287 U. S. 563. *Mr. Thomas G. Frost* for appellant. *Messrs. Arthur J. W. Hilly and J. Joseph Lilly* for appellee. Reported below: 234 App. Div. 274, 254 N. Y. S. 752; 259 N. Y. 358, 182 N. E. 16.

No. 20, original. *WISCONSIN v. MICHIGAN.* January 23, 1933. The Clerk is directed to file the answer tendered by the defendant State, and the plaintiff State is given ten days within which to file a replication. Frederick F. Faville, Esq., of Des Moines, Iowa, is appointed master in this cause, with authority to summon witnesses, issue subpoenas, and to take evidence. The master is directed to make findings of fact and conclusions of law, and to submit the same to this Court with all convenient speed, together with his recommendations for a decree. The findings, conclusions and recommendations of the master

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shall be subject to consideration, revision or approval by the Court. [The order also makes provision for the compensation and expenses of the master; for the assessment of costs; and authorizes the Chief Justice to make a new appointment if this one be not accepted or if the place become vacant during a recess of the Court.]

No. 572. *TERRELL ET AL. v. LOUISIANA*. Appeal from the Supreme Court of Louisiana. Jurisdictional statement submitted December 31, 1932. Decided February 6, 1933. *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 for the want of a properly presented federal question. *Rooker v. Fidelity Trust Co.*, 261 U. S. 114, 117; *Wall v. Chesapeake & Ohio Ry. Co.*, 250 U. S. 125, 126; *Godchaux Co. v. Estopinal*, 251 U. S. 179, 181. The motion for leave to proceed further herein *in forma pauperis* is denied. *Messrs. Maurice R. Woulfe and H. P. Viering* for appellants. *Mr. Eugene Stanley* for appellee. Reported below: 175 La. 758; 144 So. 488.

No. 628. *FOURCHY v. FLETCHINGER, CHAIRMAN AND ATTORNEY, DISBARMENT COMMITTEE*. Appeal from the Supreme Court of Louisiana. Jurisdictional statement submitted January 21, 1933. Decided February 6, 1933. *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. Maurice R. Woulfe* for appellant. *Mr. John H. Tucker* for appellee. Reported below: 175 La. 628; 143 So. 714.

No. —, original. *EX PARTE HESS*. February 6, 1933. The motion for leave to file petition for a writ of *habeas corpus* is denied. *Mr. Wilfred R. Hess, pro se*.

No. 335. *WILBUR, SECRETARY OF THE INTERIOR, v. UNITED STATES EX REL. CHESTATEE PYRITES & CHEMICAL CORP.* February 13, 1933. Motion to modify the judgment in this case is granted.

No. 582. *NEW YORK EX REL. NEW YORK & ALBANY LIGHTERAGE CO. v. LYNCH ET AL., TAX COMMISSIONERS OF NEW YORK*. Appeal from the Supreme Court of New York. Submitted February 17, 1933. Decided February 20, 1933. *Per Curiam*: Judgment affirmed. *Cornell Steamboat Co. v. Sohmer*, 235 U. S. 549, 559; *Interborough Transit Co. v. Sohmer*, 237 U. S. 276, 283; *Flint v. Stone Tracy Co.*, 220 U. S. 107, 161, 162; *Ft. Smith Lumber Co. v. Arkansas*, 251 U. S. 532, 533, 534; *White River Lumber Co. v. Arkansas*, 279 U. S. 692, 695-699; *Lawrence v. State Tax Commission*, 286 U. S. 276, 283-285. *Winifred Sullivan* filed a brief for appellant. *Messrs. John J. Bennett, Jr.*, Attorney General of New York, and *Wendell P. Brown*, Assistant Attorney General, filed a brief for appellees. Reported below: 229 App. Div. 823, 242 N. Y. S. 903; 259 N. Y. 638, 182 N. E. 214.

No. 583. *WESTLING v. UNITED STATES*. Appeal from the Circuit Court of Appeals for the Eighth Circuit. Jurisdictional statement submitted February 11, 1933. Decided

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February 20, 1933. *Per Curiam*: The appeal herein is dismissed for the want of jurisdiction, it appearing that the Circuit Court of Appeals, in determining this case, did not decide against the validity of a statute of a State upon the ground of its being repugnant to the constitution, treaties, or laws of the United States. Section 240 (b) Judicial Code as amended by the Act of February 13, 1925 (43 Stat. 936, 939). *Public Service Commission v. Batesville Telephone Co.*, 284 U. S. 6; *Baxter v. Continental Casualty Co.*, 284 U. S. 578; *Bradford Electric Light Co. v. Clapper*, 284 U. S. 221, 224, 225. *Mr. Henry C. Carlson* for appellant. No appearance for the United States. Reported below: 60 F. (2d) 398.

No. 662. *MORRISON ET AL. v. CALIFORNIA*. Appeal from the District Court of Appeal, 4th Appellate District, of California. Jurisdictional statement submitted February 11, 1933. Decided February 20, 1933. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. (1) *Mobile, Jackson & Kansas City R. Co. v. Turnipseed*, 219 U. S. 35, 42, 43; *Yee Hem v. United States*, 268 U. S. 178, 183-185; *Atlantic Coast Line R. Co. v. Ford*, 287 U. S. 502. (2) *Cockrill v. California*, 268 U. S. 258, 261, 262; *Porterfield v. Webb*, 263 U. S. 225, 232, 233; *Patson v. Pennsylvania*, 232 U. S. 138, 144. *Mr. J. Marion Wright* for appellants. No appearance for appellee. Reported below: 125 Cal. App. 282; 13 P. (2d) 800.

No. 671. *LONG v. KELLEY ET AL.* Appeal from the Supreme Court of Wisconsin. Jurisdictional statement submitted February 11, 1933. Decided February 20, 1933. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Castillo v. McConnico*, 168 U. S. 674, 683; *Moffit v. Kelly*, 218 U. S. 400, 404,

405; *Nickel v. Cole*, 256 U. S. 222, 226; *Glenn v. Doyal*, 285 U. S. 526. *Mr. John B. Simmons* for appellant. *Mr. Herbert J. Naujoks* for appellees. Reported below: 208 Wis. 668; 242 N. W. 562.

No. 562. COMMISSIONER OF INTERNAL REVENUE *v.* INDEPENDENT LIFE INSURANCE CO. Certificate from the Circuit Court of Appeals for the Sixth Circuit. February 20, 1933. *Per Curiam*: The motion to bring up the entire record and cause is denied. The certificate herein is dismissed. *United States v. Mayer*, 235 U. S. 55, 66; *United States v. Worley*, 281 U. S. 339, 340; *White v. Johnson*, 282 U. S. 367, 371; *Wells v. Commissioner*, 286 U. S. 529; *Kroger Grocery & Baking Co. v. Yount*, 287 U. S. 574; *Catagrone v. United States*, 287 U. S. 574. *Solicitor General Thacher* for the Commissioner of Internal Revenue. *Mr. J. A. Newman* for Independent Life Insurance Co.

No. 3, original. NEVADA *v.* CROWN WILLAMETTE PAPER Co. February 20, 1933. The returns of the parties to the rules issued herein January 23, 1933, to show cause why this case should not be dismissed, are received and filed. Pursuant to stipulation of the parties, this cause is continued to the October Term, 1933; and the parties are directed to make further report as to the status of this cause on or before Monday, October 2, 1933.

No. 17, original. WASHINGTON *v.* OREGON. February 20, 1933. The return of the complainant to the rule issued herein to show cause why this case should not be dismissed for the want of prosecution is received and filed. The motion for the appointment of a Special Master is granted, and it is ordered that William W. Ray, Esq., of Salt

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Lake City, Utah, be, and he is hereby, appointed Special Master in this cause, with authority to summon witnesses, issue subpoenas, and to take such evidence as may be introduced and such as he may deem it necessary to call for. The Master is directed to make findings of fact and conclusions of law, and to submit the same to this Court with all convenient speed, together with his recommendations for a decree. The findings, conclusions, and recommendations of the Master shall be subject to consideration, revision, or approval by the Court. [The order also makes provision for the compensation and expenses of the Master; for the assessment of costs; and authorizes the Chief Justice to make a new appointment if this one be not accepted or if the place become vacant during a recess of the Court.] *Messrs. John H. Dunbar and John C. Hurspool* for complainant. *Messrs. I. H. Van Winkle, Geo. T. Cochran, and Jos. A. Fee* for defendant.

No. 669. HEALY, CHIEF OF POLICE, *v.* RATTA. Appeal from the District Court of the United States for the District of New Hampshire. February 20, 1933. In this case probable jurisdiction is noted. The Court desires to hear argument upon the questions: (a) whether a case for equitable relief is shown; (b) whether the amount in controversy is such as to sustain the jurisdiction of the court below; and (c) whether the defendant-appellant is a state officer within the meaning of § 266, Judicial Code, as amended (43 Stat. 936, 938; U. S. Code, Title 28, § 380). *Mr. H. Thornton Lorimer*, Assistant Attorney General of New Hampshire, with whom *Mr. Francis W. Johnston*, Attorney General, was on the brief, for appellant. *Messrs. William N. Rogers and Jonathan Piper* filed a brief for appellee. Reported below: 1 F. Supp. 669.

No. 20, original. *WISCONSIN v. MICHIGAN*. March 4, 1933. The reply to the defendant's answer is received and ordered filed.

No. —, original. *EX PARTE ATKINS*. March 13, 1933. Motion for leave to file petition for writ of *habeas corpus* denied. *Mr. Charles W. Atkins, 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*. March 13, 1933. The report of the Special Master in these causes is received and ordered to be filed.

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13, 1933.

No. 541. *BURNET, COMMISSIONER OF INTERNAL REVENUE, v. A. T. JERGIN'S TRUST*. January 16, 1933. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Solicitor General Thacher* for petitioner. *Messrs. Thomas R. Dempsey* and *A. Calder Mackay* for respondent. Reported below: 61 F. (2d) 92.

No. 515. *BEMIS BRO. BAG CO. v. UNITED STATES*. January 23, 1933. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Messrs. Stanley S. Waite, Abraham Lowenhaupt, and R. S. Doyle* for petitioner. *Solicitor General Thacher* for the United States. Reported below: 60 F. (2d) 944.

No. 559. *HARRISONVILLE v. W. S. DICKEY CLAY MFG. CO.* January 23, 1933. Petition for writ of certiorari to the