

DECISIONS PER CURIAM, FROM JANUARY 9,  
1934, TO AND INCLUDING MARCH 19, 1934.\*

No. 178. NORTON, DEPUTY COMMISSIONER, U.S. EMPLOYEES' COMPENSATION COMM'N, *v.* VESTA COAL CO. Certiorari to the Circuit Court of Appeals for the Third Circuit. Argued January 11, 1934. Decided January 15, 1934. *Per Curiam*: As it appears that the Government has now adopted the conclusion that the decision below is correct and no substantial controversy is presented at the bar of this Court, the writ of certiorari herein is dismissed. *Assistant Solicitor General MacLean*, with whom *Solicitor General Biggs* and *Mr. W. Clifton Stone* were on the brief, for petitioner. *Mr. William A. Chalmers* for respondent. Reported below: 63 F. (2d) 165.

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No. 399. NATIONAL LINEN SERVICE CORP. *v.* LYNCHBURG ET AL. Appeal from the Supreme Court of Appeals of Virginia. Submitted January 16, 1934. Decided January 22, 1934. *Per Curiam*: Judgment affirmed. *State Board of Tax Comm'rs v. Jackson*, 283 U.S. 527, 537; *Ohio Oil Co. v. Conway*, 281 U.S. 146, 159; *Brown-Forman Co. v. Kentucky*, 217 U.S. 563, 573; *Lawrence v. State Tax Comm'n*, 286 U.S. 276, 283, 284. *Messrs. H. A. Alexander, Herbert J. Haas, Bertram S. Boley, and Joseph F. Haas* were on the brief for appellant. *Messrs. T. G. Hobbs, S. V. Kemp, and Franklin Daniel* for appellees. Reported below: 160 Va. 644.

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No. 293. ATKINS *v.* HERTZ DRIVURSELF STATIONS, INC. Appeal from the Supreme Court of New York. Argued January 19, 1934. Decided January 22, 1934. *Per Cur-*

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\* For decisions on applications for certiorari, see *post*, pp. 654, 658.

iam: Judgment affirmed. *Magoun v. Illinois Trust & Savings Bank*, 170 U.S. 283, 293-301; *Quong Wing v. Kirkendall*, 223 U.S. 59, 62, 63; *Packard v. Banton*, 264 U.S. 140, 144; *Silver v. Silver*, 280 U.S. 117, 122-124; *Hardware Dealers Mutual Fire Ins. Co. v. Glidden Co.*, 284 U.S. 151, 158; *Hodge Drive-It-Yourself Co. v. Cincinnati*, 284 U.S. 335, 338; *Lawrence v. State Tax Comm'n*, 286 U.S. 276, 283, 284; *Continental Baking Co. v. Woodring*, 286 U.S. 352, 373; *Sproles v. Binford*, 286 U.S. 374, 396. *Mr. John P. McGrath*, with whom *Mr. Joseph S. Robinson* was on the brief, for appellant. *Messrs. Henry J. Smith* and *J. M. Sheen* were on the brief for appellee. Reported below: 261 N.Y. 352; 185 N.E. 408.

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No. 294. *KENT-COFFEY MFG. CO. v. MAXWELL, COMMISSIONER OF REVENUE OF NORTH CAROLINA*. Appeal from the Supreme Court of North Carolina. Argued January 19, 1934. Decided January 22, 1934. *Per Curiam*: This case is controlled by the decision in *Underwood Typewriter Co. v. Chamberlain*, 254 U.S. 113, and not by the decision in *Hans Rees' Sons v. North Carolina*, 283 U.S. 123. The judgment is affirmed. *Messrs. Mark Squires* and *Samuel J. Ervin, Jr.*, for appellant. *Mr. Dennis G. Brummitt*, Attorney General of North Carolina, with whom *Mr. A. A. F. Seawell*, Assistant Attorney General, was on the brief, for appellee. Reported below: 204 N.C. 365; 168 S.E. 397.

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No. 311. *IDA A. VAN DYKE v. HELVERING, COMMISSIONER OF INTERNAL REVENUE*; and

No. 312. *CLEVE W. VAN DYKE v. SAME*. Certiorari to the Circuit Court of Appeals for the Ninth Circuit. Argued January 19, 1934. Decided January 22, 1934. *Per Curiam*: Judgments affirmed. *Burnet v. Clark*, 287 U.S. 410; *Dalton v. Bowers*, 287 U.S. 404. *Messrs. R. A.*



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*Bartlett* and *William E. Brooks* were on the briefs and submitted for petitioners. *Mr. H. Brian Holland*, with whom *Solicitor General Biggs* and *Messrs. Sewall Key* and *John G. Remey* were on the briefs, for respondent. Reported below: 63 F. (2d) 1020.

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No. —, original. EX PARTE MARKS. January 22, 1934. The motion for leave to file petition for writ of habeas corpus is denied. *Mr. Ralph Marks, pro se.*

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No. —, original. PRINCIPALITY OF MONACO v. MISSISSIPPI. February 5, 1934. Return to the rule to show cause presented.

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No. 358. BOSWORTH, RECEIVER, v. CONTINENTAL ILLINOIS BANK & TRUST Co. Certiorari to the Circuit Court of Appeals for the Seventh Circuit. Argued February 7, 1934. Decided February 12, 1934. *Per Curiam*: Judgment reversed. *Dakin v. Bayly*, 290 U.S. 143. *Mr. Edward R. Adams*, with whom *Messrs. Amos C. Miller, Sidney S. Gorham, Henry W. Wales, F. G. Awalt, George P. Barse, John F. Anderson*, and *George B. Springston* were on the brief, for petitioner. *Messrs. Isaac H. Mayer* and *David F. Rosenthal*, with whom *Messrs. Carl Meyer* and *Frank D. Mayer* were on the brief, submitted for respondent. Reported below: 65 F. (2d) 632.

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No. 740. OHIO EX REL. EASTMAN v. STUART ET AL. Appeal from the Supreme Court of Ohio. Jurisdictional statement submitted February 3, 1934. Decided February 12, 1934. *Per Curiam*: The appeal herein is dismissed for the reason that the judgment sought here to be reviewed is based upon a non-federal ground adequate to support it. *Yesler v. Washington Harbor Line Comm'rs*, 146 U.S. 646, 657; *Farson Son & Co. v. Bird*, 248 U.S. 268,

271; *Doyle v. Atwell*, 261 U.S. 590; *Howat v. Kansas*, 258 U.S. 181, 189, 190; *McCoy v. Shaw*, 277 U.S. 302, 303. *Messrs. Erwin R. Effler, Rufus H. Baker, and Harold W. Fraser* for appellant. *Messrs. Frazier Reams and J. S. Rhinefort* for appellees. Reported below: 127 Ohio St. 167; 187 N.E. 242.

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No. 753. *CRAFT ET AL. v. HIRSH*. Appeal from the Supreme Court of Alabama. Jurisdictional statement submitted February 3, 1934. Decided February 12, 1934. *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. George W. Yancey* for appellants. No appearance for appellee. Reported below: 227 Ala. 257; 149 So. 683.

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No. —. *UNITED STATES ET AL. v. OHIO ET AL.*; and

No. —. *SAME v. WHEELING & LAKE ERIE RY. CO. ET AL.* Motion submitted February 7, 1934. Decided February 12, 1934. On consideration of the motion of the defendants and cross-appellants in the above entitled causes, it is ordered that the orders of the District Court, entered in these causes on January 19, 1934, be and the same are hereby vacated in so far as they stay the operation and enforcement of the order of the Interstate Commerce Commission. *Virginian Ry. Co. v. United States*, 272 U.S. 658, 672-675. *Solicitor General Biggs* and *Messrs. Elmer B. Collins, J. Stanley Payne, John Fox Weiss, Charles R. Webber, M. Carter Hall, Leo P. Day, Guernsey Orcutt, Frederic D. McKenney, August G. Gutheim, Henry C. Hall, and Alex. M. Bull* in support of the motion. *Mr. John W. Bricker*, Attorney General of Ohio, and



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*Messrs. Donald C. Power, Atlee Pomerene, Clan Crawford, Andrew P. Martin, and Ernest Ballard in opposition thereto.*

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No. 602. *ARCHERD v. OREGON*. February 12, 1934. Petition for rehearing denied. See 290 U.S. 604.

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No. 664. *SCHMELING v. F. W. WOOLWORTH Co.* February 12, 1934. Petition for rehearing denied. See 290 U.S. 605.

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No. 586. *NEW YORK TELEPHONE CO. v. MALTBY ET AL.* Appeal from the District Court of the United States for the Southern District of New York. Motion to dismiss submitted February 3, 1934. Decided February 19, 1934. *Per Curiam*: The District Court, specially constituted as required by statute (28 U.S.C. 380), permanently enjoined, as confiscatory, the enforcement of the rate orders which are the subject of this suit. The injunction is unqualified. Appellant, having obtained this relief, is not entitled to prosecute an appeal from the decree in its favor, for the purpose of reviewing the portions of the decree fixing the value of appellant's property as of the years 1924, 1926, and 1928, and the rate of return to be allowed. The matters set forth in these portions of the decree are not to be regarded as *res judicata* in relation to subsequent legislative action by the Public Service Commission in fixing rates for the future or in any judicial proceeding relating to such rates. The motion to dismiss the appeal is granted. *Los Angeles Gas & Electric Corp. v. Railroad Comm'n*, 289 U.S. 287, 304, 305; *State Corporation Comm'n v. Wichita Gas Co.*, 290 U.S. 561; *Lewis v. United States*, 216 U.S. 611, 612, 613; *Anglo-American Provision Co. v. Davis Provision Co.*, 191 U.S. 376, 377, 378; *New Orleans v. Emsheimer*, 181 U.S. 153, 154. *Messrs. Edward L.*

*Blackman and Charles T. Russell* for appellant. *Messrs. Arthur J. W. Hilly, Daniel F. Cohalan, Thomas F. Fennell, Melvin L. Krulewitch, Frank E. Carstarphen, and Harry Hertzoff* for appellees.

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No. 421. *FALBO v. UNITED STATES*. Certiorari to the Circuit Court of Appeals for the Ninth Circuit. Argued February 14, 1934. Decided February 19, 1934. *Per Curiam*: Judgment affirmed. *Lumbra v. United States*, 290 U.S. 551. *Mr. Graham K. Betts*, with whom *Messrs. Samuel B. Bassett and Warren E. Miller* were on the brief, for petitioner. *Mr. Will G. Beardslee*, with whom *Solicitor General Biggs and Messrs. Wilbur C. Pickett, Randolph C. Shaw, and W. Marvin Smith* were on the brief, for the United States. Reported below: 64 F. (2d) 948.

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No. 748. *IUPPA & BATTLE CO. ET AL. v. STATE INDUSTRIAL BOARD ET AL.* Appeal from the Supreme Court, Appellate Division, of New York. Jurisdictional statement submitted February 10, 1934. Decided February 19, 1934. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Dahlstrom Metallic Door Co. v. Industrial Board*, 284 U.S. 594; *Equitable Life Assurance Society v. Brown*, 187 U.S. 308, 311; *Wabash R. Co. v. Flannigan*, 192 U.S. 29; *Roe v. Kansas*, 278 U.S. 191; *American Baseball Club v. Philadelphia*, 290 U.S. 595. *Messrs. Charles J. O'Brien, Arthur E. Sutherland, and Arthur E. Sutherland, Jr.*, for appellants. *Mr. Joseph A. McLaughlin* for appellees. Reported below: 262 N.Y. 537, 564; 188 N.E. 54, 66.

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No. 749. *MILLER CABINET CO. v. STATE INDUSTRIAL BOARD ET AL.* Appeal from the Supreme Court, Appellate Division, of New York. Jurisdictional statement



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submitted February 10, 1934. Decided February 19, 1934. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Dahlstrom Metallic Door Co. v. Industrial Board*, 284 U.S. 594; *Equitable Life Assurance Society v. Brown*, 187 U.S. 308, 311; *Wabash R. Co. v. Flannigan*, 192 U.S. 29; *Roe v. Kansas*, 278 U.S. 191; *American Baseball Club v. Philadelphia*, 290 U.S. 595. *Messrs. Charles J. O'Brien and Arthur E. Sutherland, Jr.*, for appellant. *Mr. Joseph A. McLaughlin* for appellees. Reported below: 240 App. Div. 741; aff'd, 263 N.Y. 581.

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No. 361. INTERSTATE COMMERCE COMM'N *v.* PENNSYLVANIA R. CO. ET AL. Certiorari to the Circuit Court of Appeals for the Third Circuit. February 19, 1934. This case is restored to the docket and assigned for reargument on Monday, March 5 next, after the cases heretofore assigned for that day. The Court desires to hear further argument with respect to the construction of the provision of § 7 of the Clayton Act that "This section shall not apply to corporations purchasing such stock solely for investment and not using the same by voting or otherwise to bring about, or in attempting to bring about, the substantial lessening of competition."

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No. —, original. ARIZONA *v.* CALIFORNIA ET AL. February 19, 1934. A rule is ordered to issue returnable on Monday, April 2 next, requiring the defendants to show cause why leave to file the bill to perpetuate testimony should not be granted.

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No. —, original. EX PARTE SPRUILL. February 19, 1934. Motion for leave to file petition for writ of injunction is denied. *Georgia M. Spruill, pro se.*

No. 13, original. NEW JERSEY *v.* DELAWARE. February 19, 1934. An order is entered fixing the compensation and allowing the expenses of the Special Master herein.

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No. 399. NATIONAL LINEN SERVICE CORP. *v.* LYNCHBURG ET AL. February 19, 1934. Petition for rehearing denied. See *ante*, p. 641.

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No. 693. U. S. FIDELITY & GUARANTY CO. *v.* HOWARD, RECEIVER. February 19, 1934. Petition for rehearing denied. See *post*, p. 663.

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No. 779. UNITED STATES *v.* CAMPBELL. February 19, 1934. Motion to reinstate appeal submitted by *Mr. Frederick B. Campbell* for the appellee, and the motion denied. See *post*, p. 686.

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No. 726. JARVIS ET AL. *v.* CALIFORNIA. Appeal from and on petition for writ of certiorari to the District Court of Appeal, 4th Appellate District, of California. Jurisdictional statement submitted February 17, 1934. Decided March 5, 1934. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Federal Compress & Warehouse Co. v. McLean*, *ante*, pp. 17, 21-23; *Southern Ry. Co. v. King*, 217 U.S. 524, 534; *Darnell v. Indiana*, 226 U.S. 390, 398; *Dahnke-Walker Co. v. Bondurant*, 257 U.S. 282, 289; *Roberts & Schaefer Co. v. Emmerson*, 271 U.S. 50, 54-55; *Liberty Warehouse Co. v. Burley Tobacco Growers Assn.*, 276 U.S. 71, 88. The petition for writ of certiorari is denied. *Mr. Charles Lorin Clark* for appellants. *Mr. U. S. Webb* for appellee. Reported below: 135 Cal. App. —; 27 P. (2d) 77.



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No. 768. *WESTERN & ATLANTIC RAILROAD v. MICHAEL*. Appeal from the Supreme Court of Georgia. Motion to dismiss submitted February 17, 1934. Decided March 5, 1934. *Per Curiam*: The motion of the appellee to dismiss the appeal herein is granted, and the appeal is dismissed for the want of a substantial federal question. *Pizitz v. Yeldell*, 274 U.S. 112, 116; *Staten Island Ry. Co. v. Phoenix Indemnity Co.*, 281 U.S. 98, 107, 108; *Silver v. Silver*, 280 U.S. 117, 123; *Sproles v. Binford*, 286 U.S. 374, 396. *Mr. Fitzgerald Hall* for appellant. *Mr. Samuel D. Hewlett* for appellee. Reported below: 178 Ga. 1; 172 S.E. 66.

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No. 18, original. *PENNSYLVANIA v. ARKANSAS*. March 5, 1934. The answer of the defendant is received and ordered to be filed.

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No. 128. *TEXAS & PACIFIC RAILWAY Co. v. POTTORFF, RECEIVER*. March 5, 1934. Ordered, that the opinion in this case be amended as follows: By striking out the following now appearing in note 15 on page 8 [259] of said opinion:

"To insure fulfilment of this function the Government subjects national banks to close and constant supervision so as to maintain the solvency of the bank. It is made a crime to accept a deposit with knowledge of insolvency. Only when the bank's condition measures up to the prescribed standards of safety and liquidity may deposits be received."

Opinion reported as amended, *ante*, p. 245.

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No. —, original. *EX PARTE UNITED ENGINEERING & FOUNDRY Co.* March 5, 1934. The motion for leave to file petition for writ of mandamus is denied. *Messrs. Melville Church, A. Leo Weil, and Jo. Baily Brown* for petitioner.

No. 311. *IDA A. VAN DYKE v. HELVERING, COMMISSIONER OF INTERNAL REVENUE*; and

No. 312. *CLEVE W. VAN DYKE v. SAME.* March 5, 1934. Petition for rehearing denied. See *ante*, p. 642.

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No. 347. *STANDARD OIL CO. v. CALIFORNIA.* March 5, 1934. Petition for rehearing denied. See *ante*, p. 242.

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No. 653. *NEW AMSTERDAM CASUALTY CO. v. UNITED STATES.* March 5, 1934. Petition for rehearing denied. See *post*, p. 662.

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No. 588. *HINDERLIDER, STATE ENGINEER, ET AL. v. LA PLATA RIVER & CHERRY CREEK DITCH CO.* Appeal from the Supreme Court of Colorado. Argued March 6, 7, 1934. Decided March 12, 1934. *Per Curiam*: The appeal herein is dismissed for the want of a final judgment. *Haseltine v. Central National Bank*, 183 U.S. 130; *Schlosser v. Hemphill*, 198 U.S. 173, 175; *Louisiana Navigation Co. v. Oyster Comm'n*, 226 U.S. 99, 101; *Gulf Refining Co. v. United States*, 269 U.S. 125, 135, 136; *Georgia Ry. Co. v. Decatur*, 262 U.S. 432, 437. *Mr. Ralph L. Carr* and *Mr. Paul P. Prosser*, Attorney General of Colorado, with whom *Messrs. Charles Roach* and *Jean S. Breitenstein* were on the brief, for appellants. *Mr. Reese McCloskey* for appellee. Reported below: 93 Colo. 128; 25 P. (2d) 187.

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No. —, original. *EX PARTE RICHFIELD OIL CO. ET AL.* March 12, 1934. The motions for leave to file petitions for writs of mandamus are denied. *Mr. George B. Springston* for petitioners.

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No. —, original. *EX PARTE GOLDSMITH.* March 12, 1934. The motion for leave to file petition for writ of habeas corpus is denied. *Mr. H. Ely Goldsmith, pro se.*



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Nos. 34 and 35. *KEYSTONE DRILLER CO. v. GENERAL EXCAVATOR Co.*; and

Nos. 36 and 37. *SAME v. OSGOOD Co.* Motion submitted March 5, 1934. Decided March 12, 1934. The motion to recall the mandates in these cases is denied. See 290 U.S. 240.

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No. 400. *MARION ET AL. v. SNEEDEN, RECEIVER.* March 12, 1934. Petition for rehearing denied. See *ante*, p. 262.

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No. 680. *WINN, ADMINISTRATOR, v. CONSOLIDATED COACH CORP.* March 12, 1934. Petition for rehearing denied. See *post*, p. 668.

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No. 361. *INTERSTATE COMMERCE COMM'N v. PENNSYLVANIA RAILROAD Co. ET AL.* Certiorari to the Circuit Court of Appeals for the Third Circuit. Argued February 7, 8, 1934. Reargued March 12, 13, 1934. Decided March 19, 1934. *Per Curiam*: Decree affirmed, by an equally divided Court. MR. JUSTICE ROBERTS took no part in the consideration or decision of this case. Mr. Daniel W. Knowlton, with whom Messrs. William H. Bonneville, H. L. Underwood, and E. M. Ebert were on the brief, for petitioner. Mr. Henry Wolf Bickl , with whom Messrs. F. D. McKenney and C. B. Heiserman were on the brief, for respondents. Reported below: 66 F. (2d) 37.

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No. 608. *COLUMBUS GAS & FUEL Co. v. PUBLIC UTILITIES COMM'N ET AL.* Appeal from the Supreme Court of Ohio. Argued March 13, 1934. Decided March 19, 1934. *Per Curiam*: The appeal herein is dismissed for the want of a final judgment. *Haseltine v. Central National Bank*, 183 U.S. 130; *Schlosser v. Hemphill*, 198 U.S. 173, 175, 176; *Louisiana Navigation Co. v. Oyster Comm'n*, 226

U.S. 99, 101, 102; *Gulf Refining Co. v. United States*, 269 U.S. 125, 135, 136; *Georgia Ry. Co. v. Decatur*, 262 U.S. 432, 437; *Hinderlider v. LaPlata River & Cherry Creek Ditch Co.*, ante, p. 650. Mr. Edward C. Turner, with whom Mr. Albert M. Calland was on the brief, for appellant. Messrs. John L. Davies and James W. Huffman for appellees. Reported below: 127 Ohio St. 109; 187 N.E. 7.

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No. 814. NEW YORK EX REL. SACKETT *v.* LYNCH ET AL. Appeal from the Supreme Court of New York. Motion to dismiss submitted February 24, 1934. Decided March 19, 1934. *Per Curiam*: The motion of the appellees to dismiss the appeal herein is granted, and the appeal is dismissed for the want of a properly presented federal question. *Kipley v. Illinois*, 170 U.S. 182, 186, 187; *Layton v. Missouri*, 187 U.S. 356, 358; *Jacobi v. Alabama*, 187 U.S. 133, 135; *Saltonstall v. Saltonstall*, 276 U.S. 260, 267, 268. Mr. Wm. F. Unger for appellant. Mr. Henry Epstein for appellees. Reported below: 238 App. Div. 881.

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No. 804. BETTS *v.* RAILROAD COMM'N. Appeal from the District Court of the United States for the Southern District of California. Motion to affirm submitted February 20, 1934. Decided March 19, 1934. *Per Curiam*: The motion of the appellee to affirm is granted, and the decree is affirmed. *Napa Valley Electric Co. v. Railroad Comm'n.*, 251 U.S. 366; *Grubb v. Public Utilities Comm'n.*, 281 U.S. 470, 475-479; *American Surety Co. v. Baldwin*, 287 U.S. 156, 164, 165. Mr. Leslie R. Hewitt for appellant. Messrs. Arthur T. George and Ira H. Rowell for appellee. Reported below: 6 F.Supp. 591.

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No. 840. LIGGETT & MYERS TOBACCO CO. *v.* SOUTH CAROLINA. Appeal from the Supreme Court of South Carolina. Motion to dismiss submitted March 5, 1934.



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Decided March 19, 1934. *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 Supreme Court of the State of South Carolina, insofar as the appellant seeks here to review it, was based upon a non-federal ground adequate to support it. *Quong Ham Wah Co. v. Industrial Comm'n*, 255 U.S. 445, 448, 449; *Knights of Pythias v. Meyer*, 265 U.S. 30, 32, 33; *Swiss Oil Corp. v. Shanks*, 273 U.S. 392, 411, 412; *Hicklin v. Coney*, 290 U.S. 169, 171; *Live Oak Water Users Assn. v. Railroad Comm'n*, 269 U.S. 354, 359; *Girard Trust Co. v. Ocean & Lake Realty Co.*, 286 U.S. 523; *Real Estate-Land Title & Trust Co. v. Springfield*, 287 U.S. 577. Mr. Christie Benet for appellant. Messrs. John M. Daniel and Sam. M. Wolfe for appellee. Reported below: 171 S.C. 511; 172 S.E. 857.

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No. 780. GRIFFIN *v.* MCCARTHY. Appeal from the Supreme Court of Washington. Motion to dismiss submitted February 27, 1934. Decided March 19, 1934. *Per Curiam*: The motion of the appellant for leave to file statement as to jurisdiction is granted. 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), the petition for writ of certiorari is denied. Mr. William H. Griffin, *pro se*. Mr. Hugh M. Caldwell for appellee. Reported below: 174 Wash. 74; 24 P. (2d) 595.

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No. —, original. EX PARTE HOLMES. March 19, 1934. The motion for leave to file petition for writ of mandamus is denied. Mr. Dock Holmes, *pro se*.

No. —, original. *EX PARTE PORESKEY*. March 19, 1934. The motion for leave to file petition for writ of mandamus is denied. *Mr. Joseph Poresky, pro se.*

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No. —, original. *EX PARTE HEILBRONER ET AL.* March 19, 1934. The motion for leave to file petition for writ of prohibition and/or mandamus is denied. *Mr. Wilbur C. Davidson* for petitioners.

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No. 738. *BIG LAKE OIL CO. v. HEINER, COLLECTOR OF INTERNAL REVENUE*. March 19, 1934. Petition for rehearing denied. See *post*, p. 677.

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No. 768. *WESTERN & ATLANTIC RAILROAD v. MICHAEL*. March 19, 1934. Petition for rehearing denied. See *ante*, p. 649.

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DECISIONS GRANTING CERTIORARI, FROM  
JANUARY 9, 1934, TO AND INCLUDING MARCH  
19, 1934.

No. 663. *GAY, RECEIVER, v. RUFF*. January 15, 1934. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Messrs. Robert M. Hitch and Archibald B. Lovett* for petitioner. *Mr. Thomas W. Hardwick* for respondent. Reported below: 67 F. (2d) 684.

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No. 669. *MINNICH v. GARDNER ET AL.* January 15, 1934. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Mr. Henry George Gress* for petitioner. *Mr. Clarence A. Fry* for respondents. Reported below: 66 F. (2d) 561.