

DECISIONS PER CURIAM, FROM MARCH 20 TO
AND INCLUDING JUNE 4, 1934.*

No. 885. *SILSBY v. LOUISIANA*. Appeal from the Supreme Court of Louisiana. Motion submitted March 24, 1934. Decided April 2, 1934. *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. H. P. Viering* for appellant. No appearance for appellee. Reported below: 178 La. 663; 152 So. 323.

No. 857. *RALPH SOLLITT & SONS CONSTRUCTION CO. v. VIRGINIA*. Appeal from the Supreme Court of Appeals of Virginia. Jurisdictional statement submitted March 24, 1934. Decided April 2, 1934. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Ohio River Contract Co. v. Gordon*, 244 U.S. 68, 71, 72; *Gromer v. Standard Dredging Co.*, 224 U.S. 362, 371, 372; *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. *Mr. John L. Abbot* for appellant. *Messrs. W. W. Martin and Henry R. Miller, Jr.*, for appellee. Reported below: 161 Va. 854; 172 S.E. 290.

No. 863. *KNASS ET AL. v. MADISON & KEDZIE STATE BANK ET AL.* Appeal from the Supreme Court of Illinois. Motions submitted March 26, 1934. Decided April 2, 1934. *Per Curiam*: The motions of the appellees to dis-

* For decisions on applications for certiorari, see *post*, pp. 615, 622.

miss the appeal herein are granted, and the appeal is dismissed for the want of a substantial federal question. *Quong Ham Wah Co. v. Industrial Commission*, 255 U.S. 445, 448, 449; *Tidal Oil Co. v. Flanagan*, 263 U.S. 444, 451; *Knights of Pythias v. Meyer*, 265 U.S. 30, 32, 33; *Hicklin v. Coney*, 290 U.S. 169, 172. *Mr. Meyer Abrams* for appellants. *Messrs. Silas H. Strawn, Ralph M. Shaw, Harold A. Smith, James C. Condon, Thos. D. Nash, and Michael J. Ahern* for appellees. Reported below: 354 Ill. 554; 188 N.E. 836.

No. 862. *BRAVERMAN v. TERRILL BOND & MORTGAGE CO. ET AL.* Appeal from the Supreme Court of Illinois. Motion submitted March 28, 1934. Decided April 2, 1934. *Per Curiam*: The motion of the appellees 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. *Mr. Meyer Abrams* for appellant. *Mr. Emmet F. Byrne* for appellees.

No. 89. *LIFE & CASUALTY INSURANCE CO. OF TENNESSEE v. McCRAY.* April 2, 1934. Petition for rehearing denied. See 291 U.S. 566.

No. 509. *LIFE & CASUALTY INSURANCE CO. OF TENNESSEE v. BAREFIELD.* April 2, 1934. Petition for rehearing denied. See 291 U.S. 575.

No. 128. *TEXAS & PACIFIC RY. CO. v. POTTORFF, RECEIVER.* April 2, 1934. Petition for rehearing denied. See 291 U.S. 245.

292 U.S.

Decisions Per Curiam, Etc.

No. 428. *CHASSANIOLE ET AL. v GREENWOOD*. April 2, 1934. Petition for rehearing denied. See 291 U.S. 584.

No. 725. *MUTUAL LIFE INSURANCE CO. OF NEW YORK v. WELLS FARGO BANK & UNION TRUST CO.* April 2, 1934. Petition for rehearing denied. See 291 U.S. 676.

No. —, original. *OHIO v. HELVERING, COMMISSIONER OF INTERNAL REVENUE, ET AL.* April 2, 1934. Motion for leave to file bill of complaint submitted by *Mr. John W. Bricker* for the complainant.

No. —, original. *ARIZONA v. CALIFORNIA ET AL.* April 2, 1934. Returns to rules to show cause presented.

No. 655. *BOYNTON, ATTORNEY GENERAL, v. HUTCHINSON GAS CO.* On writ of certiorari to the Supreme Court of Kansas. Argued April 2, 3, 1934. Decided April 9, 1934. *Per Curiam*: The writ of certiorari herein is dismissed for the lack of showing of service of summons and severance upon those appellees in the state court who are not parties to the proceedings in this Court. *Garcia v. Vela*, 216 U.S. 598; *Journeymen Stone Cutters Assn. v. United States*, 278 U.S. 566; *Newton v. Consolidated Gas Co.*, 264 U.S. 571, 572; 265 U.S. 78, 81, 82. *Mr. John G. Egan*, with whom *Mr. Roland Boynton*, Attorney General of Kansas, and *Mr. Arthur V. Roberts* were on the brief, for petitioner. *Mr. Robert Stone*, with whom *Messrs. Robert D. Garver, James A. McClure, Robert L. Webb, Beryl R. Johnson*, and *Ralph W. Oman* were on the brief, for respondent. Reported below: 137 Kan. 717; 22 P. (2d) 958.

No. 905. NEW YORK EX REL. BLAGDEN *v.* LYNCH ET AL. Appeal from the Supreme Court of New York, Albany County. Jurisdictional statement submitted April 5, 1934. Decided April 9, 1934. *Per Curiam*: 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. Sidney W. Davidson* for appellant. No appearance for appellees. Reported below: 263 N.Y. 568; 189 N.E. 701.

No. 906. SOUTH PASADENA *v.* SAN GABRIEL ET AL. Appeal from the District Court of Appeal, 2nd Appellate District, of California. Jurisdictional statement submitted April 5, 1934. Decided April 9, 1934. *Per Curiam*: 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. Horace E. Vedder* for appellant. *Mr. Benjamin F. Bledsoe* for appellees. Reported below: 134 Cal. App. 403; 25 P. (2d) 516.

No. —, original. EX PARTE DUKE. April 9, 1934. Motion for leave to file petition for writ of mandamus is denied. The motion for leave to proceed *in forma pauperis* is also denied. *Mr. Jesse C. Duke, pro se.*

No. —, original. OHIO *v.* HELVERING, COMMISSIONER OF INTERNAL REVENUE, ET AL. April 9, 1934. A rule is

292 U.S.

Decisions Per Curiam, Etc.

ordered to issue, returnable April 30 next, requiring defendants to show cause why leave to file the bill of complaint should not be granted.

No. 608. COLUMBUS GAS & FUEL CO. *v.* PUBLIC UTILITIES COMMISSION OF OHIO ET AL. April 9, 1934. Petition for rehearing denied. See 291 U.S. 651.

No. 919. LUTZ *v.* HOUCK ET AL. Appeal from the Supreme Court of New York. Motion submitted April 14, 1934. Decided April 30, 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 substantial federal question. *Hayes v. Missouri*, 120 U.S. 68, 71, 72; *Budd v. New York*, 143 U.S. 517, 548; *Toyota v. Hawaii*, 226 U.S. 184, 191, 192; *Packard v. Banton*, 264 U.S. 140, 143, 144; *Radice v. New York*, 264 U.S. 292, 296; *Miller v. Wilson*, 236 U.S. 373, 384; *Price v. Illinois*, 238 U.S. 446, 453; *Silver v. Silver*, 280 U.S. 117, 123, 124; *Sproles v. Binford*, 286 U.S. 374, 396. *Mr. George Clinton, Jr.*, for appellant. *Mr. Henry Epstein* for appellees. Reported below: 263 N.Y. 116; 188 N.E. 274.

No. —, original. EX PARTE MARTIN. April 30, 1934. The motion for leave to file petition for writ of habeas corpus is denied. *Mr. Milford B. Martin, pro se.*

No. 824. MISSOURI *v.* MISSOURI PACIFIC RY. CO. ET AL. April 30, 1934. Petition for rehearing denied. Act of February 13, 1925, § 13 (43 Stat. 936, 942). See *ante*, p. 13.

No. 344. PUGET SOUND POWER & LIGHT CO. *v.* SEATTLE. April 30, 1934. Petition for rehearing denied. See 291 U.S. 619.

No. 355. TRINITYFARM CONSTRUCTION Co. *v.* GROSJEAN. April 30, 1934. Petition for rehearing denied. See 291 U.S. 466.

No. 796. ILLINOIS BANKERS LIFE ASSN. ET AL. *v.* TALLEY, ADMINISTRATOR. April 30, 1934. Petition for rehearing denied. See 291 U.S. 685.

No. 797. BENSON *v.* SULLIVAN, RECEIVER. April 30, 1934. Petition for rehearing denied. See 291 U.S. 684.

No. 804. BETTS *v.* RAILROAD COMMISSION OF CALIFORNIA. April 30, 1934. Petition for rehearing denied. See 291 U.S. 652.

No. 814. NEW YORK EX REL. SACKETT *v.* LYNCH ET AL. April 30, 1934. Petition for rehearing denied. See 291 U.S. 652.

No. 857. RALPH SOLLITT & SONS CONSTRUCTION Co. *v.* VIRGINIA. April 30, 1934. Petition for rehearing denied. See *ante*, p. 599.

No. 863. KNASS ET AL. *v.* MADISON & KEDZIE STATE BANK ET AL. April 30, 1934. Petition for rehearing denied. See *ante*, p. 599.

No. 627. UTLEY ET AL. *v.* ST. PETERSBURG. April 30, 1934. Petition for rehearing denied. See *ante*, p. 106.

No. 772. CREGIER *v.* COE, COMMISSIONER OF PATENTS. April 30, 1934. Petition for rehearing denied. See 291 U.S. 683.

No. 845. WILLIS *v.* FIRST REAL ESTATE & INVESTMENT Co. ET AL. April 30, 1934. Petition for rehearing denied. See *post*, p. 626.

292 U.S.

Decisions Per Curiam, Etc.

No. 848. *STANDARD OIL Co. v. McLAUGHLIN, COLLECTOR OF INTERNAL REVENUE*. April 30, 1934. Petition for rehearing denied. See *post*, p. 631.

No. —, original. *OHIO v. HELVERING, COMMISSIONER OF INTERNAL REVENUE, ET AL.* April 30, 1934. Return to rule to show cause presented.

No. 847. *LANGER, GOVERNOR, ET AL. v. GRANDIN FARMERS CO-OPERATIVE ELEVATOR Co. ET AL.* Appeal from the District Court of the United States for the District of North Dakota. Argued May 1, 1934. Decided May 7, 1934. *Per Curiam*: The order granting an interlocutory injunction is affirmed. *Meccano, Ltd., v. Wanamaker*, 253 U.S. 136, 141; *Alabama v. United States*, 279 U.S. 229, 231; *National Fire Ins. Co. v. Thompson*, 281 U.S. 331, 338; *United Drug Co. v. Washburn*, 284 U.S. 593; *South Carolina Power Co. v. South Carolina Tax Comm'n*, 286 U.S. 525; *Ogden & Moffett Co. v. Michigan Public Utilities Comm'n*, 286 U.S. 525. *Mr. P. O. Sathre*, with whom *Mr. William Langer*, Governor of North Dakota, and *Mr. J. A. Heder* were on the brief, for appellants. *Messrs. Herbert F. Horner, Alan E. Gray, and John F. Sullivan* were on the brief for appellees. Reported below: 5 F.Supp. 425.

No. 843. *GYPSY OIL Co. v. OKLAHOMA TAX COMM'N ET AL.* Appeal from the District Court of the United States for the Northern District of Oklahoma. Argued May 4, 1934. Decided May 7, 1934. *Per Curiam*: The decree dismissing the bill of complaint is affirmed upon the ground that the District Court was without jurisdiction because the requisite jurisdictional amount was not involved. *Healy v. Ratta, ante*, p. 263. *Mr. James B.*

Diggs, with whom *Messrs. Russell G. Lowe, Wm. C. Liedtke, Redmond S. Cole, and C. L. Billings* were on the brief, for appellant. *Messrs. C. W. King, George W. Selinger, and W. D. Humphrey* were on the brief for appellees. Reported below: 6 F.Supp. 6. See *post*, p. 611.

No. 874. *ASSINIBOINE INDIAN TRIBE v. UNITED STATES*. Appeal from and on writ of certiorari to the Court of Claims. Jurisdictional statement submitted April 28, 1934. Decided May 7, 1934. *Per Curiam*: The appeal herein is dismissed. *Colgate v. United States*, 280 U.S. 43. The petition for writ of certiorari is denied. *Messrs. Everett Sanders and Joseph E. Davies* for appellant. *Solicitor General Biggs, Assistant Attorney General Blair, and Messrs. Charles Bunn and George T. Stormont* for the United States. Reported below: 77 Ct.Cls. 347.

No. 968. *SMITH v. NEW YORK*. Appeal from the Court of Special Sessions of the City of New York. Jurisdictional statement submitted April 28, 1934. Decided May 7, 1934. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Patson v. Pennsylvania*, 232 U.S. 138, 144; *Silver v. Silver*, 280 U.S. 117, 123; *Sproles v. Binford*, 286 U.S. 374, 396. *Mr. Albert E. Kane* for appellant. No appearance for appellee. Reported below: 263 N.Y. 255; 188 N.E. 745.

No. 990. *NORTHWEST BANCORPORATION v. BENSON, COMMISSIONER OF BANKS OF MINNESOTA, ET AL.* Appeal from the District Court of the United States for the District of Minnesota. Motion submitted May 3, 1934. Decided May 7, 1934. *Per curiam*: The motion for im-

292 U.S.

Decisions Per Curiam, Etc.

mediate consideration of the jurisdictional statement is granted. The order denying interlocutory injunction is affirmed. *United Fuel Gas Co. v. Railroad Commission*, 278 U.S. 300, 326; *Alabama v. United States*, 279 U.S. 229, 231; *National Fire Ins. Co. v. Thompson*, 281 U.S. 331, 338; *United Drug Co. v. Washburn*, 284 U.S. 593; *South Carolina Power Co. v. South Carolina Tax Comm'n*, 286 U.S. 525; *Ogden & Moffett Co. v. Michigan Public Utilities Comm'n*, 286 U.S. 525. MR. JUSTICE BUTLER took no part in the consideration and decision of this appeal. Messrs. G. A. Youngquist, F. H. Stinchfield, and Claude G. Krause for appellant. Mr. Harry H. Peterson for appellees. Reported below: 6 F.Supp. 704.

No. 731. *HEALY v. RATTA*. May 7, 1934. Ordered that the words "hawkers or peddlers" be substituted for the words "itinerant vendors of merchandise" in the sixth line from the bottom of the first page of the opinion as delivered. Opinion reported as amended, *ante*, p. 263.

No. 505. *MANHATTAN PROPERTIES, INC. v. IRVING TRUST Co., TRUSTEE*; and

No. 506. *BROWN ET AL. v. SAME*. May 7, 1934. Petition for rehearing denied. See 291 U.S. 320.

No. 635. *McGARRITY, ADMINISTRATOR, v. DELAWARE RIVER BRIDGE COMM'N ET AL.* May 7, 1934. Petition for rehearing denied. See *ante*, p. 19.

No. 650. *HARTFORD ACCIDENT & INDEMNITY CO. ET AL. v. DELTA & PINE LAND Co.* May 7, 1934. Petition for rehearing denied. See *ante*, p. 143.

No. 905. *NEW YORK EX REL. BLAGDEN v. LYNCH ET AL.* May 7, 1934. Petition for rehearing denied. See *ante*, p. 602.

No. 867. *INDIAN VALLEY R. CO. v. UNITED STATES ET AL.* Appeal from the District Court of the United States for the Northern District of California. Submitted May 7, 1934. Decided May 14, 1934. *Per Curiam*: The decree herein is affirmed. *Texas & Pacific Ry. Co. v. Gulf, Colorado & Santa Fe Ry. Co.*, 270 U.S. 266, 273, 277; *Chesapeake & Ohio Ry. Co. v. United States*, 283 U.S. 35, 42; *Claiborne-Annapolis Ferry Co. v. United States*, 285 U.S. 382, 392; *Interstate Commerce Comm'n v. Oregon-Washington R. & N. Co.*, 288 U.S. 14, 36, 37; *Virginian Ry. Co. v. United States*, 272 U.S. 658, 663; *Georgia Commission v. United States*, 283 U.S. 765, 775; *New York Central Securities Co. v. United States*, 287 U.S. 12, 29. Messrs. John L. McNab, John E. Truman, and S. C. Wright were on the brief, for appellant. Solicitor General Biggs, Assistant Attorney General Stephens, and Messrs. Carl McFarland, M. S. Huberman, Mac Asbill, Daniel W. Knowlton, and Edward M. Reidy were on the brief for the United States et al. Reported below: 52 F. (2d) 485.

No. 975. *ROBERTS ET AL. v. WASHINGTON TRUST CO.* Appeal from the Supreme Court of Pennsylvania. Motion submitted May 5, 1934. Decided May 14, 1934. *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. Mr. Robert H. Locke for appellants.

292 U.S.

Decisions Per Curiam, Etc.

Mr. John C. Judson for appellee. Reported below: 313 Pa. 584; 170 Atl. 291.

No. 815. *O'RYAN ET AL. v. MILLS NOVELTY Co.* On writ of certiorari to the Circuit Court of Appeals for the Second Circuit. Argued May 1, 1934. Decided May 21, 1934. *Per Curiam*: In view of the effect of Chapter 317, Laws of New York of 1934, upon the decree of injunction herein, the decree of the Circuit Court of Appeals is reversed and the cause is remanded to the District Court with direction to dismiss the bill of complaint without prejudice and without costs to either party. *Board of Public Utility Comm'rs v. Compania General*, 249 U.S. 425; *United States v. Hamburg-American Co.*, 239 U.S. 466, 477, 478; *United States v. Alaska S.S. Co.*, 253 U.S. 113, 116, 117; *Railroad Commission v. MacMillan*, 287 U.S. 576; *Coyne v. Prouty*, 289 U.S. 704. *Mr. Paxton Blair*, with whom *Messrs. Paul Windels* and *Alvin McKinley Sylvester* were on the brief, for petitioner. *Mr. Howard Ellis*, with whom *Messrs. Weymouth Kirkland*, *Emil Weitzner*, and *Marion B. Stahl* were on the brief, for appellee. By leave of Court, *Messrs. Nat W. Bond* and *Henry B. Curtis* filed a brief on behalf of the City of New Orleans as *amicus curiae*. Reported below: 68 F. (2d) 1009. See also 3 F.Supp. 968.

No. 991. *DILL v. COLORADO*. Appeal from the Supreme Court of Colorado. Jurisdictional statement submitted May 12, 1934. Decided May 21, 1934. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Rosenberg v. Wisconsin*, 290 U.S. 600, 601; *Mueller v. Illinois*, 289 U.S. 711; *Leach v. California*, 287 U.S. 579, 590; *Lavine v. California*, 286 U.S. 528; *Sproles v. Binford*, 286 U.S. 374, 393; *Bandini v.*

Superior Court, 284 U.S. 8, 18; *Hygrade Provision Co. v. Sherman*, 266 U.S. 497, 501-503. Insofar as the papers whereon the appeal was allowed seek review in respect of asserted denial of rights under the Federal Constitution by rulings of the Supreme Court of Colorado 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. *Mr. Charles Ginsberg* for appellant. *Mr. Paul P. Prosser* for appellee. Reported below: 94 Colo. 230; 29 P. (2d) 1035.

No. 1004. *EX PARTE STECKLER ET AL.* Appeal from the Supreme Court of Louisiana. Jurisdictional statement submitted May 12, 1934. Decided May 21, 1934. *Per Curiam*: The appeal herein is dismissed for the reason that the decision 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; *Real Estate-Land Title & Trust Co. v. Springfield*, 287 U.S. 577. *Mr. Thomas Gilmore* for appellants. Reported below: 179 La. 410; 154 So. 41.

No. 1025. *COMER v. WASHINGTON.* Appeal from the Supreme Court of Washington. Jurisdictional statement submitted May 12, 1934. Decided May 21, 1934. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Fisher v. New Orleans*, 218 U.S. 438, 440; *Seattle & Renton Ry. v. Linhoff*, 231

292 U.S.

Decisions Per Curiam, Etc.

U.S. 568, 570; *Enterprise Irrigation District v. Canal Co.*, 243 U.S. 157, 165, 166; *Hebert v. Louisiana*, 272 U.S. 312, 316, 317; *American Ry. Express Co. v. Kentucky*, 273 U.S. 269, 272, 273. *Mr. Ewing D. Colvin* for appellant. *Mr. John J. Sullivan* for appellee. Reported below: 176 Wash. 257; 28 P. (2d) 1027.

No. 843. *GYPSY OIL CO. v. OKLAHOMA TAX COMM'N ET AL.* May 21, 1934. *Order*: It is ordered that the *per curiam* opinion of this Court, delivered May 7, 1934, in this cause, be and it is hereby amended to read as follows:

"*Per curiam*: The decree dismissing the bill of complaint is modified so as to provide that the complaint is dismissed upon the ground that the District Court was without jurisdiction because the requisite jurisdictional amount was not involved. *Healy v. Ratta*, ante, p. 263. As so modified, the decree is affirmed." See ante, p. 605.

No. 978. *U.S. FIDELITY & GUARANTY CO. v. TOLEDO ET AL.*;

No. 979. *STANDARD SURETY & CASUALTY CO. v. SAME*;

No. 980. *NATIONAL SURETY CO. v. SAME*;

No. 981. *GUARDIAN CASUALTY CO. v. SAME*; and

No. 982. *VAN SCHAICK, SUPERINTENDENT OF INSURANCE OF THE STATE OF NEW YORK, ET AL. v. SAME.* Appeals from the Supreme Court of Ohio. Jurisdictional statement submitted May 5, 1934. Decided May 28, 1934. *Per Curiam*: The appeals herein are dismissed for the want of a substantial federal question. *Fisher v. New Orleans*, 218 U.S. 438, 440; *Seattle & Renton Ry. v. Linhoff*, 231 U.S. 568, 570; *Enterprise Irrigation District v. Canal Co.*, 243 U.S. 157, 165, 166; *Tidal Oil Co. v. Flannagan*, 263 U.S. 444, 451; *Hebert v. Louisiana*, 272 U.S. 312, 316, 317; *American Ry. Express Co. v. Ken-*

tucky, 273 U.S. 269, 272, 273; *Comer v. Washington*, *ante*, p. 610. *Mr. Ray Martin* for appellants in Nos. 978, 979, and 980. *Mr. Harold W. Fraser* for appellant in No. 981. *Mr. U. G. Denman* for appellants in No. 982. *Messrs. Ralph W. Doty and Earl F. Boxell* for appellees. Reported below: 127 Ohio St. 403; 188 N.E. 755.

No. 18. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. NORTHERN COAL CO.*;

No. 19. *SAME v. C. H. SPRAGUE & SON CO.*;

No. 20. *SAME v. U.S. REFRACTORIES CORP.*; and

No. 21. *SAME v. OSWEGO & SYRACUSE RAILROAD CO.*
May 28, 1934. The petition for rehearing in these cases is entertained, and the cases are set for hearing on the questions raised in the petition for rehearing and the answers thereto, including the question of the construction and effect of the provisions of § 1005 of the Revenue Act of 1926, on October 8, 1934, after the cases heretofore assigned for that day, and will then be heard with the same effect as though the hearing on said petition had taken place at this term of Court. See 290 U.S. 591.

No. —, original. *PORESKY v. BREWSTER, JUDGE.* May 28, 1934. Motion for leave to file bill of complaint denied. *Mr. Joseph Poresky, pro se.*

No. —. *ILLINOIS EX REL. COBINE v. ANGSTEN ET AL.*
May 28, 1934. The application for allowance of appeal, having been considered by the whole Court, is denied.

No. 106. *SANDERS v. ARMOUR FERTILIZER WORKS ET AL.*
May 28, 1934. Petition for rehearing denied. See *ante*, p. 190.

292 U.S.

Decisions Per Curiam, Etc.

No. 597. *McKNETT v. ST. LOUIS & SAN FRANCISCO RY. Co.* May 28, 1934. Petition for rehearing denied. See *ante*, p. 230.

No. 660. *SAUDER, ADMINISTRATRIX, ET AL. v. MID-CONTINENT PETROLEUM CORP.* May 28, 1934. Petition for rehearing denied. See *ante*, p. 272.

Nos. 727 and 728. *SPRING CITY FOUNDRY Co. v. COMMISSIONER OF INTERNAL REVENUE.* May 28, 1934. Petition for rehearing denied. See *ante*, p. 182.

No. 975. *ROBERTS ET AL. v. WASHINGTON TRUST Co.* May 28, 1934. Petition for rehearing denied. See *ante*, p. 608.

No. 657 (October Term, 1932). *FEDERAL RADIO COMM'N v. NELSON BROTHERS BOND & MORTGAGE Co. (STATION WIBO)*;

No. 658 (October Term, 1932). *FEDERAL RADIO COMM'N v. NORTH SHORE CHURCH (STATION WPCC)*;

No. 659 (October Term, 1932). *FEDERAL RADIO COMM'N ET AL. v. NELSON BROTHERS BOND & MORTGAGE Co. (STATION WIBO)*; and

No. 660 (October Term, 1932). *FEDERAL RADIO COMM'N ET AL. v. NORTH SHORE CHURCH (STATION WPCC)*. May 28, 1934. Motions for leave to file petition for rehearing out of time; for leave to file cross petition for writs of certiorari; for leave to appoint and refer causes to special master; for rule on Federal Radio Commission to show cause why it took appeals; to vacate mandates prematurely issued; for temporary injunction restraining Johnson-Kennedy Corporation (Station WJKS) from using 560 KC; and for rule on Clerk of this Court

to show cause why he refuses to enter appearance of August Swarz in these cases, submitted by *Mr. August Swarz*, and motions denied. See 289 U.S. 266.

No. 1064. *CATTERLIN v. OHIO*. Appeal from the Supreme Court of Ohio. Jurisdictional statement submitted May 26, 1934. Decided June 4, 1934. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Morrison v. California*, 291 U.S. 82, 88-91; *Casey v. United States*, 276 U.S. 413, 418; *Mugler v. Kansas*, 123 U.S. 623, 674. *Messrs. Frank L. Johnson and Daniel W. Iddings* for appellant. No appearance for appellee. Reported below: 128 Ohio St. 110; 190 N.E. 578.

No. 1075. *HALL v. CALIFORNIA*. Appeal from the Supreme Court of California. Jurisdictional statement submitted May 26, 1934. Decided June 4, 1934. *Per Curiam*: The appeal herein is dismissed (1) for the want of a properly presented federal question, *Hiawassee Power Co. v. Carolina-Tenn. Co.*, 252 U.S. 341, 343, 344; *Appleby v. Buffalo*, 221 U.S. 524, 529; *White River Co. v. Arkansas*, 279 U.S. 692, 700; and (2) for the reason that the decision of the state court sought here to be reviewed was based upon a non-federal ground adequate to support it. *Atlantic Coast Line R. Co. v. Mims*, 242 U.S. 532, 535; *Mutual Life Ins. Co. v. McGrew*, 188 U.S. 291, 308; *Hartford Life Ins. Co. v. Johnson*, 249 U.S. 490, 493. *Mr. Marshall B. Woodworth* for appellant. No appearance for appellee. Reported below: 220 Cal. 166; 30 P. (2d) 23, 996.

No. 964. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. WIESE*. On petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit.

292 U.S.

Decisions Granting Certiorari.

June 4, 1934. *Per Curiam*: Petition for writ of certiorari granted. Judgment reversed on authority of *Helvering v. Newport Company*, 291 U.S. 485. *Solicitor General Biggs* for petitioner. No appearance for respondent. Reported below: 68 F. (2d) 878.

No. 578. *ASCHENBRENNER v. UNITED STATES FIDELITY & GUARANTY Co.* June 4, 1934. Leave granted to file petition for rehearing. Petition for rehearing denied. See *ante*, p. 80.

No. 565. *LOUGHRAN v. LOUGHRAN ET AL.* June 4, 1934. Petition for rehearing denied. See *ante*, p. 216.

No. 941. *CONTINENTAL CASUALTY Co. v. UNITED STATES EX REL. AINSWORTH, TRUSTEE.* June 4, 1934. Petition for rehearing denied. See *post*, p. 641.

No. 942. *WAHLGREN v. BAUSCH & LOMB OPTICAL Co. ET AL.* June 4, 1934. Petition for rehearing denied. See *post*, p. 639.

DECISIONS GRANTING CERTIORARI, FROM MARCH 20 TO AND INCLUDING JUNE 4, 1934.

No. 815. *O'RYAN, COMMISSIONER OF POLICE, ET AL. v. MILLS NOVELTY Co.* April 2, 1934. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Messrs. Paxton Blair, F. H. LaGuardia, and Paul Windels* for petitioners. *Messrs. Weymouth Kirkland, Howard Ellis, Emil Weitzner, and Marion B. Stahl* for respondent. Reported below: 68 F. (2d) 1009.