

DECISIONS PER CURIAM, FROM OCTOBER 1,  
1934, TO AND INCLUDING JANUARY 7, 1935.\*

No. 77. SECOR ET AL. *v.* FULTON, SUPERINTENDENT OF BANKS. Appeal from the Supreme Court of Ohio. Jurisdictional statement submitted September 10, 1934. Decided October 8, 1934. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *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. Flanagan*, 263 U. S. 444, 451; *Hebert v. Louisiana*, 272 U. S. 312, 316, 317; *American Railway Express Co. v. Kentucky*, 273 U. S. 269, 272, 273; *Comer v. Washington*, 292 U. S. 610; *Van Schaick v. Toledo*, 292 U. S. 611. *Mr. J. S. Rhinefort* for appellants. *Mr. John W. Bricker* for appellee. Reported below: 127 Oh. St. 596; 190 N. E. 249.

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No. 88. SKIPPER *v.* FLORIDA. Appeal from the Supreme Court of Florida. Motion submitted September 10, 1934. Decided October 8, 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 properly presented federal question. *Live Oak Water Users Assn. v. Railroad Commission*, 269 U. S. 354, 357, 358; *Rooker v. Fidelity Trust Co.*, 261 U. S. 114, 117; *Godchaux v. Estopinal*, 251 U. S. 179; *Archerd v. Oregon*, 290 U. S. 604. *Mr. W. D. Bell* for appellant. *Messrs. Cary D. Landis and Robert J. Pleus* for appellee. Reported below: 114 Fla. 312; 153 So. 853.

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\* For decisions on petitions for certiorari, see *post*, pp. 535, 554; for rehearing, *post*, p. 627.

No. 103. *WILSON & Co., INC., OF LOUISIANA, v. LOUISIANA*. Appeal from the Supreme Court of Louisiana. Motion submitted September 10, 1934. Decided October 8, 1934. *Per Curiam*: The motion of appellee to dismiss the appeal herein is granted, and the appeal is dismissed for the want of a substantial federal question. (1) *Knights of Pythias v. Meyer*, 265 U. S. 30, 32, 33; *Guaranty Trust Co. v. Blodgett*, 287 U. S. 509, 513; *Great Northern Ry. Co. v. Sunburst Co.*, 287 U. S. 358, 362; *Hicklin v. Coney*, 290 U. S. 169, 172; *Hartford Accident Co. v. Nelson Co.*, 291 U. S. 352, 358. (2) *Kehrer v. Stewart*, 197 U. S. 60, 65; *Sonneborn Bros. v. Cureton*, 262 U. S. 506; *Eastern Air Transport v. Tax Commission*, 285 U. S. 147, 152; *Gregg Dyeing Co. v. Query*, 286 U. S. 472, 478, 479; *Liggett Co. v. Lee*, 288 U. S. 517, 539; *Magnano Co. v. Hamilton*, 292 U. S. 40, 44-47. *Messrs. Edwin T. Merrick and W. R. Brown* for appellant. *Messrs. Gaston L. Porterie and Peyton R. Sandoz* for appellee. Reported below: 179 La. 648; 154 So. 636.

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No. 162. *NASHVILLE, CHATTANOOGA & ST. LOUIS RY. v. HERNDON*. Appeal from the Supreme Court of Tennessee. Jurisdictional statement submitted September 10, 1934. Decided October 8, 1934. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Barrett v. Virginian Ry. Co.*, 250 U. S. 473, 476; *Ownbey v. Morgan*, 256 U. S. 94, 112; *Jackman v. Rosenbaum Co.*, 260 U. S. 22, 31; *Corn Exchange Bank v. Commissioner*, 280 U. S. 218, 223; *Snyder v. Massachusetts*, 291 U. S. 97, 111; *International Milling Co. v. Columbia Transportation Co.*, 292 U. S. 511. *Mr. Fitzgerald Hall* for appellant. No appearance for appellee.

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No. 163. *WADE ET AL. v. JACKSONVILLE*. Appeal from the Supreme Court of Florida. Motion submitted Sep-

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tember 10, 1934. Decided October 8, 1934. *Per Curiam*: The motion of the appellee to dismiss the appeal herein is granted, and the appeal is dismissed (1) for the want of properly presented federal questions (*Dewey v. Des Moines*, 173 U. S. 193, 197-200; *Whitney v. California*, 274 U. S. 357, 360, 362, 363; *Chicago, Indianapolis & Louisville Ry. Co. v. McWire*, 196 U. S. 128, 131-133; *Archerd v. Oregon*, 290 U. S. 604), and (2) for the want of a substantial federal question (*Castillo v. McConnico*, 168 U. S. 674, 681-684; *Ballard v. Hunter*, 204 U. S. 241, 256, 257; *Witherspoon v. Duncan*, 4 Wall. 210, 217; *Hebert v. Louisiana*, 272 U. S. 312, 316, 317). *Mr. Thomas B. Adams* for appellants. *Mr. Oscar O. McCollum* for appellee. Reported below: 113 Fla. 718; 152 So. 197.

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No. 166. *DOBRY v. IOWA*. Appeal from the Supreme Court of Iowa. Motion submitted September 10, 1934. Decided October 8, 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 properly presented federal question. *Bowe v. Scott*, 233 U. S. 658, 664, 665; *Layton v. Missouri*, 187 U. S. 356, 358, 361; *Jacobi v. Alabama*, 187 U. S. 133, 135; *Kipley v. Illinois*, 170 U. S. 182, 187; *Miller v. Cornwall R. Co.*, 168 U. S. 131, 134; *Porter v. Foley*, 24 How. 415; *New York ex rel. Sackett v. Lynch*, 291 U. S. 652; 292 U. S. 604. *Mr. Emmet F. Byrne* for appellant. *Mr. J. M. Parsons* for appellee. Reported below: 217 Ia. 858; 250 N. W. 702.

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No. 286. *KELLIHER ET AL. v. INVESTMENT & SECURITIES CO. ET AL.* Appeal from the Supreme Court of Washington. Motion submitted September 10, 1934. Decided October 8, 1934. *Per Curiam*: The motion of the appellees to dismiss the appeal herein is granted, and the appeal is

dismissed (1) for the want of a substantial federal question (*Commercial Bank v. Buckingham's Executors*, 5 How. 317, 342, 343; *Ross v. Oregon*, 227 U. S. 150, 161, 162; *Quong Ham Wah Co. v. Industrial Commission*, 255 U. S. 445, 448, 449), and (2) for the want of a properly presented federal question (*Live Oak Water Users Assn. v. Railroad Commission*, 269 U. S. 354, 357, 358; *Rooker v. Fidelity Trust Co.*, 261 U. S. 114, 117; *Godchaux v. Estopinal*, 251 U. S. 179; *Archerd v. Oregon*, 290 U. S. 604). The motion for leave to proceed further herein *in forma pauperis* is denied. Mr. M. M. Kelliher, Amy Kelliher, and Tena Marsh, *pro se.* Mr. Channing Wakefield for appellees. Reported below: 177 Wash. 82; 30 P. (2d) 985.

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No. 288. CHUBB *v.* WASHINGTON. Appeal from the Supreme Court of Washington. Motion submitted September 10, 1934. Decided October 8, 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 properly presented federal question. *Kerr Glass Mfg. Corp. v. Superior Court*, 286 U. S. 532; *White River Co. v. Arkansas*, 279 U. S. 692, 700; *Hiawassee River Power Co. v. Carolina-Tennessee Power Co.*, 252 U. S. 341, 344; *Cleveland & Pittsburgh R. Co. v. Cleveland*, 235 U. S. 50, 53; *Manhattan Life Ins. Co. v. Cohen*, 234 U. S. 123, 134; *Chapin v. Fye*, 179 U. S. 127, 129, 130. The motion for leave to proceed further herein *in forma pauperis* is denied. Mr. Paul Cassel Chubb, *pro se.* Mr. Charles W. Greenough for respondent. Reported below: 175 Wash. 424; 27 P. (2d) 689.

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No. —, original. EX PARTE BROWN. October 8, 1934. The motion for leave to file a petition for writ of habeas corpus is denied. Mr. John Brown, *pro se.*

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No. —, original. EX PARTE HOROWITZ. October 8, 1934. The motion for leave to file a petition for writ of habeas corpus is denied. *Mr. Morris Horowitz, pro se.*

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No. —, original. EX PARTE WASHINGTON. October 8, 1934. The motion for leave to file a petition for writ of habeas corpus is denied. *Mr. George Washington, pro se.*

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No. —, original. EX PARTE RUBIN. October 8, 1934. The motion for leave to file a petition for writ of habeas corpus is denied. *Mr. Lloyd Rubin, pro se.*

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No. —, original. EX PARTE MORGAN. October 8, 1934. The motion for leave to file a petition for writ of habeas corpus is denied without prejudice to appropriate application to the proper District Court of the United States or Judge. *Mr. Harlan O. Morgan, pro se.*

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No. —, original. EX PARTE MITCHELL. October 8, 1934. The motion for leave to file a petition for writ of habeas corpus is denied without prejudice to appropriate application to the proper District Court of the United States or Judge. *Mr. Harry Mitchell, pro se.*

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No. —, original. EX PARTE GRUBBS. October 8, 1934. The motion for leave to file petition for writ of mandamus herein is denied. *Ex parte United States, 287 U. S. 241, 248.* The motion for leave to proceed *in forma pauperis* herein is also denied. *Mr. Millard D. Grubbs, pro se.*

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No. —, original. EX PARTE EVERGLADES DRAINAGE DISTRICT ET AL. October 8, 1934. The motion for leave to file petition for writ of mandamus is denied. *Mr. Herbert S. Sawyer* for the motion.

No. 186. ABRAMS ET AL. *v.* VAN SCHAICK, SUPERINTENDENT OF INSURANCE, ET AL. Appeal from the Supreme Court of New York. October 8, 1934. Further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing of the case on the merits and attention is called to the question of the nature and finality of the order sought to be reviewed in the light of § 344 (a), U. S. Code, Title 28.

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No. 619 (October Term, 1933). RADIO CORPORATION OF AMERICA ET AL. *v.* RADIO ENGINEERING LABORATORIES, INC. Certiorari to the Circuit Court of Appeals for the Second Circuit. October 8, 1934. On due consideration, it is ordered that the opinion filed May 21, 1934, be amended by striking from the last two lines on page eight the following words: "which means that the frequency could be varied at will," and substituting therefor the following: "which means, or was understood, we are told, by DeForest to mean, that by other simple adjustments the frequency of the oscillations could be varied at will." The petition for rehearing is denied. Opinion reported as amended, *ante*, p. 1.

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No. 398. BALDWIN, COMMISSIONER OF AGRICULTURE AND MARKETS OF NEW YORK, ET AL. *v.* G. A. F. SEELIG, INC. Appeal from the District Court of the United States for the Southern District of New York. Jurisdictional statement submitted October 6, 1934. Decided October 15, 1934. *Per Curiam*: Appeal from an order granting an interlocutory injunction. Jurisdictional statement has been filed. The order is affirmed. *Alabama v. United States*, 279 U. S. 229, 231; *National Fire Ins. Co. v. Thompson*, 281 U. S. 331, 338; *United Gas Co. v. Public Service Commission*, 278 U. S. 322, 326, 327; *United Drug Co. v. Washburn*, 284 U. S. 593; *South Carolina*

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*Power Co. v. South Carolina Tax Comm'n*, 286 U. S. 525; *Ogden & Moffet Co. v. Michigan Public Utilities Comm'n*, 286 U. S. 525; *Langer v. Grandin Farmers Co-operative Elevator Co.*, 292 U. S. 605; *Northwest Bancorporation v. Benson*, 292 U. S. 606. *Mr. Henry S. Manley* for appellants. No appearance for appellee. Reported below: 7 F. Supp. 776.

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No. 416. AMERICAN BAKERIES CO. *v.* SUMTER. Appeal from the Supreme Court of South Carolina. Jurisdictional statement submitted October 6, 1934. Decided October 15, 1934. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Armour & Co. v. Virginia*, 246 U. S. 1, 6; *National Linen Service Corp. v. Lynchburg*, 291 U. S. 641; *Singer Sewing Machine Co. v. Brickell*, 233 U. S. 304, 315; *Tax Commissioners v. Jackson*, 283 U. S. 527, 537, *et seq.* *Messrs. Blair Foster and R. D. Epps* for appellant. No appearance for appellee. Reported below: 173 S. C. 94; 174 S. E. 919.

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No. —, original. NEBRASKA *v.* WYOMING. October 15, 1934. The motion for leave to file bill of complaint herein is granted and process is ordered to issue returnable within 60 days from this date.

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No. —, original. EX PARTE BALDWIN ET AL., TRUSTEES, ET AL. October 15, 1934. Motion for leave to file petition for writ of prohibition denied. *Mr. Edward J. White* for petitioners.

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No. —, original. EX PARTE DISNEY FILM RECORDING CO., LTD., ET AL. October 15, 1934. Motion for leave to file petition for writ of mandamus denied. *Mr. Ford W. Harris* for petitioners.

No. —, original. EX PARTE COOPER. October 15, 1934. Motion for leave to file petition for writ of habeas corpus denied. *Mr. John Ross Cooper, pro se.*

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No. —, original. EX PARTE CURTIS. October 15, 1934. Motion for leave to file petition for writ of habeas corpus denied. *Mr. Edward E. Curtis, pro se.*

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No. —, original. EX PARTE MARTIN. October 15, 1934. Motion for leave to file petition for writ of habeas corpus denied. *Mr. Milford B. Martin, pro se.*

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No. —, original. EX PARTE MANN. October 15, 1934. Motion for leave to file petition for writ of habeas corpus denied. *Mr. Capris Mann, pro se.*

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No. 13, original. UNITED STATES *v.* OREGON. October 15, 1934. The report of the Special Master herein is received and ordered to be filed. It is ordered that exceptions to the said report, if any, be filed on or before December 3, next; that briefs upon such exceptions be filed on or before February 4; and that reply briefs, if any, be filed on or before March 4.

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No. 19. MISSOURI PACIFIC R. CO. ET AL. *v.* UNITED STATES ET AL. Appeal from the District Court of the United States for the Eastern District of Kentucky. Argued October 16, 1934. Decided October 22, 1934. *Per Curiam:* The decree is affirmed. *New York Central Securities Co. v. United States*, 287 U. S. 12, 25-29; *Texas v. United States*, 292 U. S. 522, 531; *Virginian Ry. v. United States*, 272 U. S. 658, 663; *Mississippi Valley Barge Co. v. United States*, 292 U. S. 282, 286-287;

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*Georgia Commission v. United States*, 283 U. S. 765, 775; *Assigned Car Cases*, 274 U. S. 564, 580-581; *Seaboard Air Line Ry. Co. v. United States*, 254 U. S. 57, 62; *Akron, Canton & Youngstown Ry. Co. v. United States*, 284 U. S. 575. Mr. T. D. Gresham, with whom Messrs. Edw. J. White, H. H. Larimore, M. E. Clinton, and Herbert Fitzpatrick were on the brief, for appellants. Mr. Carl McFarland, with whom Solicitor General Biggs, Assistant Attorney General Stephens, and Messrs. Daniel W. Knowlton and Charles H. Weston were on the brief, for the United States and Interstate Commerce Commission, appellees. Mr. Ben C. Dey, with whom Messrs. J. H. Tallichet and John P. Bullington were on the brief, for the Southern Pacific Co., appellee. Reported below: 4 F. Supp. 449.

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No. 433. LAING *v.* FOX, STATE TAX COMMISSIONER. Appeal from the Supreme Court of Appeals of West Virginia. Motion submitted October 13, 1934. Decided October 22, 1934. *Per Curiam*: The motion of appellee to dismiss the appeal herein is granted, and the appeal is dismissed for the want of a substantial federal question. (1) *Southwestern Oil Co. v. Texas*, 217 U. S. 114, 121; *Brown-Forman Co. v. Kentucky*, 217 U. S. 563, 572 *et seq.*; *American Sugar Refining Co. v. Louisiana*, 179 U. S. 89, 95; *Hicklin v. Coney*, 290 U. S. 169, 176. (2) *League v. Texas*, 184 U. S. 156, 161; *Kentucky Union Co. v. Kentucky*, 219 U. S. 140, 152-153; *Magnano Co. v. Hamilton*, 292 U. S. 40, 44; (3) *Knights of Pythias v. Meyer*, 265 U. S. 30, 32-33; *Hicklin v. Coney*, 290 U. S. 169, 172; *Hartford Accident Co. v. Nelson Co.*, 291 U. S. 352, 358; *Swiss Oil Corp. v. Shanks*, 273 U. S., 407, 413. Mr. Arthur S. Dayton for appellant. Mr. Homer A. Holt for appellee. Reported below: 115 W. Va. —; 175 S. E. 354.

No. 347. *ROSEN v. FRY, EXCISE DIRECTOR OF INDIANA, ET AL.* Appeal from the Supreme Court of Indiana. Jurisdictional statement submitted October 20, 1934. Decided November 5, 1934. *Per Curiam*: The appeal is dismissed upon the ground that the jurisdictional statement fails to disclose any properly presented substantial federal question. Rule 12. *Mr. Ronald C. Oldham* for appellant. *Messrs. Philip Lutz, Jr., and Herbert J. Patrick* for appellees. 207 Ind. 409; 189 N. E. 375.

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No. 450. *WHEELER v. FARLEY, POSTMASTER GENERAL, ET AL.* Appeal from the District Court of the United States for the Southern District of California. Jurisdictional statement submitted October 20, 1934. Decided November 5, 1934. *Per Curiam*: The appeal herein is dismissed for the want of jurisdiction. Section 238, Judicial Code as amended by the Act of February 13, 1925 (43 Stat. 936, 938). *Mr. L. E. Dadmun* for appellant. No appearance for appellees. Reported below: 7 F. Supp. 433.

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No. 467. *THE 134 WILLIAM STREET Co., INC. v. LYNCH ET AL.* Appeal from the Supreme Court of New York. Motion submitted October 27, 1934. Decided November 5, 1934. *Per Curiam*: The motion of appellees to dismiss the appeal herein is granted, and the appeal is dismissed for the reason that the judgment sought here to be reviewed is based upon a non-federal ground adequate to support it. *Doyle v. Atwell*, 261 U. S. 590; *Farson Son & Co. v. Bird*, 248 U. S. 268, 271; *McCoy v. Shaw*, 277 U. S. 302; *Ohio ex rel. Eastman v. Stuart*, 291 U. S. 643. *Messrs. John Enrietto and Glen N. W. McNaughton* for appellant. *Mr. Wendell P. Brown* for appellees. Reported below: 240 App. Div. 935; 268 N. Y. S. 835.

No. 468. *KAGARISE v. RAILROAD COMMISSION OF CALIFORNIA ET AL.* Appeal from the Supreme Court of California. Motion submitted October 27, 1934. Decided November 5, 1934. *Per Curiam*: The motion of appellee to dismiss the appeal herein is granted, and the appeal is dismissed upon the ground that it does not appear that the decision of a federal question was necessary to the determination of the cause or was actually determined. *Lynch v. New York ex rel. Pierson, ante*, p. 52. *Messrs. Warren E. Libby and William A. Sherwin* for appellant. *Mr. Ira H. Rowell* for appellees.

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No. 477. *BARWISE ET AL., TRUSTEES, v. SHEPPARD, COMPTROLLER OF TEXAS, ET AL.* Appeal from the District Court of the United States for the Western District of Texas. Jurisdictional statement submitted October 27, 1934. Decided November 5, 1934. *Per Curiam*: Decree affirmed. *Healy v. Ratta*, 292 U. S. 263. *Mr. William R. Watkins* for appellants. *Mr. James V. Allred* for appellees. Reported below: 8 F. Supp. 21.

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No. —, original. *EX PARTE JONES*. November 5, 1934. Motion for leave to file petition for writ of mandamus denied. *Miss Charlotte Jones, pro se*.

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No. —, original. *EX PARTE PORESKEY*. November 5, 1934. Motion for leave to file petition for writ of mandamus denied. *Mr. Joseph Poresky, pro se*.

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No. —, original. *EX PARTE HARRELL*. November 5, 1934. Motion for leave to file petition for writ of mandamus denied. *Mr. George B. Harrell, pro se*.

No. 254. *PARAMOUNT PUBLIX CORP. v. AMERICAN TRI-ERGON CORP.* November 5, 1934. It is ordered that the petition for rehearing herein be, and the same is hereby, granted. The order heretofore entered on October 8, 1934, [*post*, p. 587] denying the petition for writ of certiorari is vacated, and it is ordered that the petition for writ of certiorari in this case be, and the same is hereby, granted.

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No. 255. *ALTOONA PUBLIX THEATRES, INC. v. AMERICAN TRI-ERGON CORP. ET AL.*; and

No. 256. *WILMER & VINCENT CORP. ET AL. v. SAME.* November 5, 1934. It is ordered that the petition for rehearing herein be, and the same is hereby, granted. The order heretofore entered on October 8, 1934, [*post*, p. 587] denying the petition for writs of certiorari is vacated, and it is ordered that the petition for writs of certiorari in these cases be, and the same is hereby, granted.

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No. 868 (October Term, 1933). *OHIO ET AL. v. UNITED STATES ET AL.* Appeal from the District Court of the United States for the Southern District of Ohio. On rehearing. Argued November 5, 1934. Decided November 12, 1934. *Per Curiam*: On full consideration the Court finds that the grounds advanced in the petition for rehearing are untenable, and that there is no reason for disturbing the judgment heretofore entered. *Messrs. H. Austin Hauxhurst and Donald C. Power*, with whom *Mr. John W. Bricker*, Attorney General of Ohio, was on the brief, for appellants. *Mr. J. Stanley Payne*, with whom *Solicitor General Biggs*, *Assistant Attorney General Stephens*, and *Messrs. Elmer B. Collins and Daniel W. Knowlton* were on the brief, for the United States and Interstate Commerce Commission, appellees. *Mr. Guernsey Orcutt*, with whom *Messrs. M. Carter Hall, Leo*

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*P. Day, Charles R. Webber, and Frederic D. McKenney* were on the brief, for the Railroad interveners. See 292 U. S. 498.

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No. 491. *HOOVER MOTOR EXPRESS CO., INC. ET AL. v. FORT, COMMISSIONER OF FINANCE & TAXATION, ET AL.* Appeal from the Supreme Court of Tennessee. Jurisdictional statement submitted November 3, 1934. Decided November 12, 1934. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Stephenson v. Binford*, 287 U. S. 251, 264, 272, 275-276; *Continental Baking Co. v. Woodring*, 286 U. S. 352, 365-366, 369-371; *Sproles v. Binford*, 286 U. S. 374, 388-389, 391-396. *Mr. W. C. Cherry* for appellants. No appearance for appellees. Reported below: 167 Tenn. 628; 72 S. W. (2d) 1052.

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No. —, original. *EX PARTE MOONEY*. November 12, 1934. A rule is ordered to issue, returnable within forty days from this date, requiring the respondent to show cause why leave to file the petition for a writ of habeas corpus should not be granted. *Messrs. Frank P. Walsh, John F. Finerty, and George T. Davis* for petitioner.

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No. 15, original. *WISCONSIN v. MICHIGAN*. November 12, 1934. The report of the Special Master herein is received and ordered to be filed. It is ordered that exceptions to the said report, if any, be filed on or before December 10, next; that briefs upon such exceptions be filed on or before January 21; and that reply briefs, if any, be filed on or before February 4.

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No. 115. *HAMMOND CLOCK Co. v. SCHIFF*. On writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit. Motion submitted November 5, 1934. De-

cided November 12, 1934. *Per Curiam*: On consideration of a suggestion by petitioner that the cause herein has become moot by reason of settlement between the parties, and of a motion by petitioner to reverse the decree of the Circuit Court of Appeals and to remand the cause with directions to dismiss, and respondent having consented to the entry of an order pursuant to the motion, it is ordered that the said motion be, and it is hereby, granted, and the decree of the Circuit Court of Appeals is reversed and the cause is remanded to the District Court with directions to vacate its decree and to dismiss the bill of complaint as against the respondent without prejudice, and without costs to either party, upon the ground that the cause is moot. *Brownlow v. Schwartz*, 261 U. S. 216; *United States v. Hamburg American Co.*, 239 U. S. 466, 477-478; *Commercial Cable Co. v. Burleson*, 250 U. S. 350, 362-363; *C. M. Patten & Co. v. United States*, 289 U. S. 705; *First Union Trust & Savings Bank v. Consumers Co.*, 290 U. S. 585; *Danciger Oil & Refining Co. v. Smith*, 290 U. S. 599. *Mr. Clifford C. Bradbury* for petitioner. *Mr. Alvin E. Stein* for respondent. Reported below: 69 F. (2d) 742.

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NO. 91. HUNT *v.* WESTERN CASUALTY CO. On writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit. Argued November 12, 1934. Decided November 19, 1934. *Per Curiam*: While, under the applicable law of Texas, the District Court was without authority in this suit to enforce an award of the Industrial Accident Board to afford a trial *de novo* (*Vestal v. Texas Emp. Ins. Assn.*, 285 S. W. 1041; *Texas Emp. Ins. Assn. v. Neal*, 11 S. W. (2d) 847; 14 S. W. (2d) 793), the question of the true construction of the award was necessarily presented, and the decision of the Circuit Court of Appeals in reviewing the judgment of the District Court may be re-

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garded as resting upon the determination of that question. The writ of certiorari is dismissed as improvidently granted. *Mr. E. C. Street* for petitioner. *Mr. Charles J. Faulkner, Jr.*, with whom *Mr. W. W. Naman* was on the brief, submitted for respondent. Reported below: 69 F. (2d) 129.

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No. 219. *POSNER v. ANDERSON*. On writ of certiorari to the Supreme Court of New York. Submitted November 14, 1934. Decided November 19, 1934. *Per Curiam*: It appearing that petitioner is not a party to the record, the writ of certiorari is dismissed as improvidently granted. *Mr. Emanuel van Dernoot*, with whom *Mr. Arthur Joseph* was on the brief, submitted for petitioner. *Messrs. George L. Buland* and *Charles L. Minor*, with whom *Mr. Jeremiah C. Waterman* was on the brief, submitted for respondent. Reported below: 241 App. Div. 843; 271 N. Y. S. 333.

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No. 62. *WETZEL v. FULTON, SUPERINTENDENT OF BANKS OF OHIO*. Appeal from the Supreme Court of Ohio. Argued November 8, 9, 1934. Decided November 19, 1934. *Per Curiam*: The appeal herein is dismissed for the want of jurisdiction: (1) *Lynch v. New York ex rel. Pierson, ante*, p. 52; (2) *Gibbes v. Zimmerman*, 290 U. S. 326, 332. *Messrs. Merritt A. Vickery* and *William K. Gardner* for appellant. *Mr. Luther Day* and *Mr. John W. Bricker*, Attorney General of Ohio, with whom *Messrs. Donald W. Kling* and *George H. Rudolph* were on the brief, for appellee. Reported below: 128 Oh. St. 109.

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No. 461. *MARTHA BRIGHT FARMS, INC. ET AL. v. DAVIS ET AL.* Appeal from the Supreme Court of Florida. Motion submitted November 3, 1934. Decided November

19, 1934. *Per Curiam*: The motion of appellees to dismiss the appeal herein is granted, and the appeal is dismissed for the want of a substantial federal question. *Milheim v. Moffat Tunnel District*, 262 U. S. 710, 717-721; *Rindge Co. v. Los Angeles*, 262 U. S. 700, 705-708; *Olcott v. The Supervisors*, 16 Wall. 678, 694-698; *Pine Grove v. Talcott*, 19 Wall. 666, 676-677. *Mr. Carl A. Hiaasen* for appellants. *Mr. Charles A. Carroll* for appellees. Reported below: 117 Fla. 361; 158 So. 70.

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No. —, original. *EX PARTE WOOD*. November 19, 1934. The motion for leave to file petition for writ of habeas corpus is denied. *Mr. G. C. Wood, pro se*.

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No. 435. *WISHNATZKI & NATHIEL ET AL. v. RAILWAY EXPRESS AGENCY, INC., ET AL.* Appeal from the District Court of the United States for the Southern District of New York. Jurisdictional statement submitted November 17, 1934. Decided December 3, 1934. *Per Curiam*: The appeal herein is dismissed for the want of jurisdiction. Judicial Code, § 238 (4) as amended by the Act of February 13, 1925 (43 Stat. 936, 938). *Pittsburgh & West Virginia Ry. Co. v. United States*, 281 U. S. 479, 486, 488; *Standard Oil Co. (Indiana) v. United States*, 283 U. S. 235, 241. *Mr. Bernard H. Arnold* for appellants. *Mr. Albert M. Hartung* for American Railway Express Agency, Inc., appellee. *Messrs. Elmer B. Collins, Nelson Thomas, and Daniel W. Knowlton* for the United States and Interstate Commerce Commission, appellees. Reported below: 6 F. Supp. 249.

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No. 9. *ROWLEY, TREASURER, v. CHICAGO & NORTH-WESTERN RAILWAY Co.* December 3, 1934. Ordered that in this cause the opinion announced November 5, 1934 be and hereby it is amended by inserting at the end and

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before the words "Decree reversed" these words: "The district court may cause to be corrected the error in calculation referred to in marginal note 2." Opinion reported as amended, *ante*, p. 102.

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No. —, original. *EX PARTE PLATEK*. December 10, 1934. The motion for leave to file petition for writ of habeas corpus is denied. *Mr. Joseph A. Platek, pro se.*

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No. 271. *TIRRELL v. JOHNSTON, ATTORNEY GENERAL OF NEW HAMPSHIRE, ET AL.* Appeal from the Supreme Court of New Hampshire. Argued December 14, 1934. Decided December 17, 1934. *Per Curiam*: Judgment affirmed. *Alward v. Johnson*, 282 U. S. 509, 514; *Willcuts v. Bunn*, 282 U. S. 216, 225-226; *Fox Film Corp. v. Doyal*, 286 U. S. 123, 128-129; *Susquehanna Co. v. Tax Commission (No. 1)*, 283 U. S. 291, 294; *Indian Territory Oil Co. v. Board*, 288 U. S. 325, 327-328. *Mr. Samuel A. Margolis* for appellant. *Mr. Francis W. Johnston*, Attorney General of New Hampshire, and *Mr. H. Thornton Lorimer*, Assistant Attorney General, were on the brief for appellees. Reported below: 86 N. H. 530.

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No. 183. *NASHVILLE, CHATTANOOGA & ST. LOUIS RY. Co. v. WEBSTER, COMMISSIONER OF HIGHWAYS, ET AL.* December 17, 1934. This case is restored to the docket and assigned for reargument on Wednesday, January 16, 1935. It is ordered that Herbert S. Walters, successor in office of Frank W. Webster, be and he is hereby substituted as a party appellee in this cause.

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No. 572. *MITCHELL v. WASHINGTON*. Appeal from the Supreme Court of Washington. Motion submitted December 15, 1934. Decided January 7, 1935. *Per Curiam*:

The motion for leave to proceed further *in forma pauperis* is denied. 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. W. B. Mitchell, pro se. Mr. Charles W. Greenough* for appellee. Reported below: 178 Wash. 196; 34 P. (2d) 902.

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No. 560. FIDELITY & CASUALTY COMPANY OF NEW YORK *v. D. N. MORRISON CONSTRUCTION Co., INC.* Appeal from the Supreme Court of Florida. Motion submitted December 22, 1934. Decided January 7, 1935. *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. *Parsons v. Federal Realty Corp.*, 105 Fla. 105; 143 So. 912; *Mutual Life Ins. Co. v. Hilton-Green*, 241 U. S. 613, 623; *American Fire Ins. Co. v. King Lumber Co.*, 250 U. S. 2, 10-11, 13-14; *Orient Ins. Co. v. Dags*, 172 U. S. 557, 565-566; *National Ins. Co. v. Wanberg*, 260 U. S. 71, 73 *et seq.*; *Stipcich v. Insurance Co.*, 277 U. S. 311, 320; *Merchants Liability Co. v. Smart*, 267 U. S. 126, 129; *Hancock Mutual Life Ins. Co. v. Warren*, 181 U. S. 73, 76-77; *O'Gorman & Young v. Hartford Ins. Co.*, 282 U. S. 251, 257. *Messrs. John G. McKay and James A. Dixon* for appellant. *Messrs. Frederick M. Hudson and Garland M. McNutt* for appellee. Reported below: 116 Fla. 66; 156 So. 385.

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No. 561. FIDELITY & CASUALTY COMPANY OF NEW YORK *v. COLEY & PETERSON, INC.* Appeal from the Supreme Court of Florida. Motion submitted December 22, 1934.

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Decisions Granting Certiorari.

Decided January 7, 1935. *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. *Parsons v. Federal Realty Corp.*, 105 Fla. 105; 143 So. 912; *Mutual Life Ins. Co. v. Hilton-Green*, 241 U. S. 613, 623; *American Fire Ins. Co. v. King Lumber Co.*, 250 U. S. 2, 10-11, 13-14; *Orient Ins. Co. v. Daggs*, 172 U. S. 557, 565-566; *National Ins. Co. v. Wanberg*, 260 U. S. 71, 73 *et seq.*; *Stipcich v. Insurance Co.*, 277 U. S. 311, 320; *Merchants Liability Co. v. Smart*, 267 U. S. 126, 129; *Hancock Mutual Life Ins. Co. v. Warren*, 181 U. S. 73, 76-77; *O'Gorman & Young v. Hartford Ins. Co.*, 282 U. S. 251, 257. *Messrs. John G. McKay and James A. Dixon* for appellant. *Messrs. Frederick M. Hudson and Garland M. McNutt* for appellee. Reported below: 116 Fla. 73; 156 So. 388.

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No. —, original. EX PARTE MOONEY. January 7, 1935. Return to rule to show cause presented.

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DECISIONS GRANTING CERTIORARI, FROM OCTOBER 1, 1934, TO AND INCLUDING JANUARY 7, 1935.

No. 47. *ENELOW v. NEW YORK LIFE INSURANCE CO.* October 8, 1934. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Messrs. Charles H. Sachs and Louis Caplan* for petitioner. *Messrs. Louis H. Cooke and William H. Eckert* for respondent. Reported below: 70 F. (2d) 728.

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No. 51. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. UNION PACIFIC R. CO.* October 8, 1934. Petition for writ of certiorari to the Circuit Court of Appeals