

DECISIONS PER CURIAM, FROM OCTOBER 7,  
1935, TO AND INCLUDING JANUARY 6, 1936.\*

No. 81. *WILLIS v. TENNESSEE*. Appeal from the Supreme Court of Tennessee. Jurisdictional statement submitted September 10, 1935. Decided October 14, 1935. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Burke v. Oregon*, 279 U. S. 811; *McKane v. Durston*, 153 U. S. 684, 687-688; *Andrews v. Swartz*, 156 U. S. 272, 275. *Mr. W. C. Cherry* for appellant. *Mr. W. F. Barry, Jr.*, for appellee.

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No. 89. *YORK HEATING & VENTILATING CORP. v. MALOOLY ET AL.* Appeal from the Supreme Court of Michigan. Motion to dismiss submitted September 10, 1935. Decided October 14, 1935. *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. (1) *Harding v. Illinois*, 196 U. S. 78, 88; *Chesapeake & Ohio Ry. Co. v. McDonald*, 214 U. S. 191, 195. (2) *Capital City Dairy Co. v. Ohio*, 183 U. S. 238, 248; *Maxwell v. Newbold*, 18 How. 511, 516; *Hoyt v. Shelden*, 1 Black 518, 521-522. *Messrs. Charles J. Staples and O. L. Smith* for appellant. *Mr. David H. Crowley* for appellees. Reported below: 270 Mich. 240; 258 N. W. 622.

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No. 91. *BELL TELEPHONE Co. v. VAN DYKE, SECRETARY OF THE DEPARTMENT OF HIGHWAYS*. Appeal from the Supreme Court of Pennsylvania. Jurisdictional

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\*For decisions on applications for certiorari, see *post*, pp. 553, 572; for rehearing, *post*, p. 660.

statement submitted September 10, 1935. Decided October 14, 1935. *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. *Enterprise Irrigation District v. Canal Co.*, 243 U. S. 157, 162, 165; *Utley v. St. Petersburg*, 292 U. S. 106, 111; *Mobile, J. & K. C. R. Co. v. Mississippi*, 210 U. S. 187, 204; *Lowry v. Silver City G. & S. Mining Co.*, 179 U. S. 196, 198. *Mr. Arthur H. Hull* for appellant. No appearance for appellee. Reported below: 317 Pa. 387; 177 Atl. 36.

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No. 117. *WASHINGTON v. HOLLAND*. Appeal from the Supreme Court of Appeals of Virginia. Motion to dismiss submitted September 10, 1935. Decided October 14, 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. *Louisville & Nashville R. Co. v. Schmidt*, 177 U. S. 230, 236; *Holmes v. Conway*, 241 U. S. 624, 631-632. *Mr. Alexander T. Gordon* for appellant. *Mr. W. C. Bibb* for appellee.

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No. 145. *POSTAL TELEGRAPH-CABLE CO. ET AL. v. WHITE*. Appeal from the Supreme Court of Arkansas. Motion to dismiss submitted September 10, 1935. Decided October 14, 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 properly presented federal question. *Lynch v. New York*, 293 U. S. 52, 54; *Herndon v. Georgia*, 295 U. S. 441, 443; *Atlantic Coast Line R. Co. v. Mims*, 242 U. S. 532, 535; *Hartford Life Ins. Co. v. Johnson*, 249 U. S. 490, 493. *Messrs. Howard*

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*L. Kern and S. Lasker Ehrman* for appellants. *Mr. S. S. Hargraves* for appellee. Reported below: 190 Ark. 365; 80 S. W. (2d) 633.

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No. 154. CONNECTICUT GENERAL LIFE INSURANCE CO. *v. Johnson, Treasurer*. Appeal from the Supreme Court of California. Motion to dismiss submitted September 10, 1935. Decided October 14, 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 properly presented federal question. *Home for Incurables v. City of New York*, 187 U. S. 155, 158; *Henkel v. Cincinnati*, 177 U. S. 170; *Seaboard Air Line Ry. v. Duvall*, 225 U. S. 477, 481; *Fullerton v. Texas*, 196 U. S. 192, 193-194. *Mr. Raymond Benjamin* for appellant. *Mr. U. S. Webb* for appellee. Reported below: 3 Cal. (2d) 83; 43 P. (2d) 278.

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No. 163. *Johnson v. Washington*. Appeal from the Supreme Court of Washington. Jurisdictional statement submitted September 10, 1935. Decided October 14, 1935. *Per Curiam*: The appeal herein is dismissed for the want of a properly presented federal question. *Godchaux Co. v. Estopinal*, 251 U. S. 179; *Rooker v. Fidelity Trust Co.*, 261 U. S. 114, 117; *St. Louis & San Francisco R. Co. v. Shepherd*, 240 U. S. 240, 241. *Messrs. Walter Schaffner and Stiles W. Burr* for appellant. No appearance for appellee. Reported below: 180 Wash. 401; 40 P. (2d) 159.

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No. 164. *McBride v. Washington*. Appeal from the Supreme Court of Washington. Jurisdictional statement submitted September 10, 1935. Decided October 14,

1935. *Per Curiam*: The appeal herein is dismissed for the want of a properly presented federal question. *Godchaux Co. v. Estopinal*, 251 U. S. 179; *Rooker v. Fidelity Trust Co.*, 261 U. S. 114, 117; *St. Louis & San Francisco R. Co. v. Shepherd*, 240 U. S. 240, 241. *Messrs. Walter Schaffner and Stiles W. Burr* for appellant. No appearance for appellee. Reported below: 180 Wash. 401.

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No. 166. *D. A. SCHULTE, INC. v. GRAVES, PRESIDENT OF THE STATE TAX COMMISSION, ET AL.* Appeal from the Supreme Court of New York. Motion to dismiss submitted September 10, 1935. Decided October 14, 1935. *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. *Magnano Co. v. Hamilton*, 292 U. S. 40, 43; *Liggett Co. v. Lee*, 288 U. S. 517, 538; *Tax Commissioners v. Jackson*, 283 U. S. 527, 537. *Mr. Walter H. Liebman, Jr.*, for appellant. *Mr. Henry Epstein* for appellees. Reported below: 266 N. Y. 592, 195 N. E. 215; 266 N. Y. 665, 195 N. E. 372.

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No. 180. *MISSISSIPPI CENTRAL R. CO. ET AL. v. ROBERTS ET AL.* Appeal from the Supreme Court of Mississippi. Motion to dismiss submitted September 10, 1935. Decided October 14, 1935. *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 substantial federal question. (1) *Godchaux Co. v. Estopinal*, 251 U. S. 179; *Rooker v. Fidelity Trust Co.*, 261 U. S. 114, 117; *St. Louis & San Francisco R. Co. v. Shepherd*, 240 U. S. 240, 241. (2) *New York v. Kleinert*, 268 U. S. 646, 649-651; *Keokuk & Hamilton Bridge Co. v. Illinois*, 175 U. S. 626, 633; *Dewey v. Des Moines*,

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173 U. S. 193, 197. The motion of the appellees to allow damages is granted, and it is ordered that damages of one hundred dollars, payable to appellees, be taxed against appellants. *Slaker v. O'Connor*, 278 U. S. 188; *Roe v. Kansas*, 278 U. S. 191. *Messrs. Thomas Brady, Jr., and Thomas C. Hannah* for appellants. *Mr. Lee D. Hall* for appellees. Reported below: 173 Miss. 487; 160 So. 604.

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No. 181. *MISSISSIPPI CENTRAL R. CO. ET AL. v. AULTMAN ET AL.* Appeal from the Supreme Court of Mississippi. Motion to dismiss submitted September 10, 1935. Decided October 14, 1935. *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 substantial federal question. (1) *Godchaux Co. v. Estopinal*, 251 U. S. 179; *Rooker v. Fidelity Trust Co.*, 261 U. S. 114, 117; *St. Louis & San Francisco R. Co. v. Shepherd*, 240 U. S. 240, 241. (2) *New York v. Kleinert*, 268 U. S. 646, 649-651; *Keokuk & Hamilton Bridge Co. v. Illinois*, 175 U. S. 626, 633; *Dewey v. Des Moines*, 173 U. S. 193, 197. The motion of the appellees to allow damages is granted, and it is ordered that damages of one hundred dollars, payable to appellees, be taxed against appellants. *Slaker v. O'Connor*, 278 U. S. 188; *Roe v. Kansas*, 278 U. S. 191. *Messrs. Thomas Brady, Jr., and Thomas C. Hannah* for appellants. *Mr. Lee D. Hall* for appellees. Reported below: 173 Miss. 622; 160 So. 737.

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No. 190. *GELKOM REALTY CORP. v. YOUNG WOMEN'S HEBREW ASSN. ET AL.* Appeal from the Supreme Court of New York. Motion to dismiss submitted September 10, 1935. Decided October 14, 1935. *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. *Godchaux Co. v. Estopinal*, 251 U. S. 179; *Rooker v. Fidelity Trust Co.*, 261 U. S. 114, 117; *St. Louis & San Francisco R. Co. v. Shepherd*, 240 U. S. 240, 241; *Herndon v. Georgia*, 295 U. S. 441. *Mr. Gustavus A. Rogers* for appellant. *Messrs. Harold H. Levin and Paxton Blair* for appellees. Reported below: 266 N. Y. 270, 194 N. E. 751; 266 N. Y. 672, 195 N. E. 376.

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No. 283. *BALTIMORE NATIONAL BANK v. STATE TAX COMMISSION*. Appeal from the Court of Appeals of Maryland. Jurisdictional statement submitted September 10, 1935. Decided October 14, 1935. *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); *Citizens National Bank v. Durr*, 257 U. S. 99, 106; *Jett Bros. Distilling Co. v. Carrollton*, 252 U. S. 1, 6; *Indian Territory Illuminating Co. v. Board of Equalization*, 287 U. S. 573. Treating the papers whereon the appeal was allowed as a petition for writ of certiorari, § 237 (c), Judicial Code, as amended (43 Stat. 936, 938), the petition is granted. *Mr. Edwin F. A. Morgan* for appellant. *Messrs. Herbert R. O'Conor and Wm. L. Henderson* for appellee. Reported below: 169 Md. 65; 180 Atl. 260.

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No. 285. *EVANS TERRY Co. v. MISSISSIPPI EX REL. RICE, ATTORNEY GENERAL, ET AL.* Appeal from the Supreme Court of Mississippi. Motion to affirm submitted September 10, 1935. Decided October 14, 1935. *Per Curiam*: The motion of the appellees to affirm is granted, and the decree is affirmed. *Aero Transit Co. v. Georgia Comm'n*, 295 U. S. 285, 290 *et seq.*; *Hicklin v. Coney*, 290 U. S. 169, 173, 177; *Continental Baking Co. v. Woodring*, 286

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U. S. 352, 369-371; *Carley & Hamilton, Inc. v. Snook*, 281 U. S. 66, 72-73. *Messrs. John B. Brunini and Thomas C. Hannah* for appellant. *Messrs. Greek L. Rice and W. W. Pierce* for appellees. Reported below: 173 Miss. 526; 159 So. 658.

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No. 362. *SHORT v. BOARD OF THE SCHOOL DISTRICT OF UPPER MORELAND TOWNSHIP ET AL.* Appeal from the Superior Court of Pennsylvania. Jurisdictional statement submitted September 10, 1935. Decided October 14, 1935. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Alward v. Johnson*, 282 U. S. 509, 514; *Tirrell v. Johnston*, 293 U. S. 533; *Willcuts v. Bunn*, 282 U. S. 216, 225-226; *Fox Film Corp. v. Doyal*, 286 U. S. 123, 128. *Mr. Wm. A. Schnader* for appellant. No appearance for appellees. Reported below: 117 Pa. Super. Ct. 227; 177 Atl. 480.

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No. 363. *LEVY v. IRVING TRUST CO., TRUSTEE.* Appeal from the Supreme Court of New York. Motion to dismiss submitted September 10, 1935. Decided October 14, 1935. *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). The petition for writ of certiorari is denied. *Mr. Jonas J. Shapiro* for appellant. *Mr. John Neville Boyle* for appellee. Reported below: 267 N. Y. 102; 195 N. E. 811.

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No. 374. *UNITED STATES NATUROPATHIC ASSN., LTD. ET AL. v. CHIROPRACTIC LEAGUE OF CALIFORNIA ET AL.* Appeal from the District Court of the United States for the Southern District of California. Motion to dismiss submitted

September 10, 1935. Decided October 14, 1935. *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 238, Judicial Code as amended by the Act of February 13, 1925 (43 Stat. 936, 938); § 266 Judicial Code as amended by the Act of February 13, 1925 (43 Stat. 936, 938); *Stratton v. St. Louis S. W. Ry.*, 282 U. S. 10, 15-16. *Mr. George P. Sakis* for appellants. *Mr. U. S. Webb* for appellees.

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No. 381. *BOARD OF LIQUIDATION, CITY DEBT OF NEW ORLEANS, ET AL. v. BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS ET AL.* Appeal from the Supreme Court of Louisiana. Motion to dismiss submitted September 10, 1935. Decided October 14, 1935. *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 which the appellants are entitled to raise. (1) *Oshkosh Waterworks Co. v. Oshkosh*, 187 U. S. 437, 439; *Von Hoffman v. Quincy*, 4 Wall. 535, 553-554; *South Carolina v. Gaillard*, 101 U. S. 433, 437-438; *Hill v. Merchants' Ins. Co.*, 134 U. S. 515, 527; *Sturges v. Crowninshield*, 4 Wheat. 122, 200. (2) *Columbus & Greenville Ry. v. Miller*, 283 U. S. 96, 99-100; *Hooker v. Burr*, 194 U. S. 415, 418-419; *Williams v. Eggleston*, 170 U. S. 304, 309. *Messrs. Francis P. Burns, Bertrand I. Cahn, James C. Henriques, and Henry B. Curtis* for appellants. *Messrs. Huey P. Long and James Wilkinson* for appellees. Reported below: 183 La. 139; 162 So. 826.

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No. 458. *PEERLESS STAGES, INC. v. RAILROAD COMMISSION OF CALIFORNIA ET AL.* Appeal from the Supreme Court of California. Motion to dismiss submitted September 20, 1935. Decided October 14, 1935. *Per Curiam*:

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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. *Aetna Insurance Co. v. Hyde*, 275 U. S. 440, 447; *Puget Sound Co. v. Seattle*, 291 U. S. 619, 625-626; *Public Service Comm'n v. Utilities Co.*, 289 U. S. 130, 134. *Mr. Chauncey F. Tramutolo* for appellant. *Messrs. Herman Phleger, Ira H. Rowell, Maurice E. Harrison, and James S. Moore, Jr.*, for appellees.

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No. —, original. *Ex PARTE VAN DYKE*. October 14, 1935. The motion for leave to file a petition for writ of habeas corpus is denied, without prejudice to appropriate application to the proper Court of the State of Michigan. *Mooney v. Holohan*, 294 U. S. 103. *Mr. Otto Van Dyke, pro se.*

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No. —, original. *Ex PARTE LEE*. October 14, 1935. Motion for leave to file petition for writ of habeas corpus denied. *Mr. Calvin L. Lee, pro se.*

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No. —, original. *Ex PARTE DAVIS*. October 14, 1935. Motion for leave to file petition for writ of habeas corpus denied. *Mr. Joseph Davis, pro se.*

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No. —, original. *Ex PARTE MOONEY*. October 14, 1935. Motion for leave to file petition for writ of habeas corpus denied. *Messrs. Frank P. Walsh, John F. Finerty, and George T. Davis* for petitioner.

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No. —, original. *Ex PARTE STEVE*. October 14, 1935. The motion for leave to file a petition for writ of habeas corpus is denied, without prejudice to appropriate applica-

tion to the proper District Court of the United States or Judge. *Mr. Gorham O. Steve, pro se.*

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No. —, original. *EX PARTE MORGAN.* October 14, 1935. The motion for leave to file petition for writ of mandamus is denied. *Mr. Harlen O. Morgan, pro se.*

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No. 10, original (October Term, 1934). *NEW JERSEY v. NEW YORK CITY.* October 14, 1935. The City of New York having filed a motion for leave to file a petition praying this Court to direct the State of New Jersey to show cause why (1) a ruling should not be made to the effect that the dumping of sludge, free from any matter capable of floating, at places not less than 10 miles from any shore is not a violation of the injunction order of this Court dated December 4, 1933, or (2) in the alternative why this Court should not modify its order of December 4, 1933, so as to permit the City of New York to dump nonfloating sewage sludge as aforesaid.

It is ordered that a rule issue, returnable on or before November 18, next, requiring the State of New Jersey to show cause why leave to file the petition should not be granted. *Messrs. Paul Windels, Paxton Blair, and F. Pearson Shortridge* for the City of New York, in support of the motion.

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No. 11, original. *WASHINGTON v. OREGON.* October 14, 1935. The report of the Special Master herein is received and ordered to be filed.

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No. 13, original. *NEBRASKA v. WYOMING.* October 14, 1935. The motion for leave to file replication herein is granted. The motion for the appointment of a Special

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Master is granted. An order is entered appointing Michael J. Doherty, Esq., of St. Paul, Minnesota, Special Master in this cause; defining his authority and duties; providing for his compensation and expenses; and authorizing the Chief Justice to designate another if this appointment be not accepted or if the place should become vacant during a recess of the court. *Mr. Wm. H. Wright*, Attorney General of Nebraska, and *Mr. Paul F. Good* for plaintiff, in support of the motions.

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No. 102. GENERAL OUTDOOR ADVERTISING CO., INC., ET AL. *v.* CALLAHAN ET AL.; and

No. 103. SAME *v.* HOAR ET AL. October 14, 1935. The motion to dismiss the appeal as to R. C. Maxwell Co., one of the appellants in No. 102, is granted. Reported below: 289 Mass. 149; 193 N. E. 799.

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No. 482. BINGHAM LAND CO. *v.* CENTRAL MAINE POWER CO. Appeal from the Supreme Judicial Court of Maine. Jurisdictional statement submitted October 11, 1935. Decided October 21, 1935. *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), the petition is denied. *Messrs. Carter B. Keene* and *Herbert E. Locke* for appellant. *Mr. Edward F. Merrill* for appellee. Reported below: 133 Me. 519; 180 Atl. 363.

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No. 488. OSTRANDER, ADMINISTRATOR, ET AL. *v.* PREECE, ADMINISTRATOR, ET AL. Appeal from the Supreme Court of Ohio. Jurisdictional statement submitted October 11, 1935. Decided October 21, 1935. *Per Curiam*: The ap-

peal herein is dismissed for the want of a substantial federal question. *Maxwell v. Bugbee*, 250 U. S. 525, 540, 541-542; *Campbell v. California*, 200 U. S. 87, 95; *Magoun v. Illinois Trust & Savings Bank*, 170 U. S. 283, 288; *Mager v. Grima*, 8 How. 490, 493; *Frederickson v. Louisiana*, 23 How. 445, 447; *United States v. Perkins*, 163 U. S. 625, 627; *United States v. Fox*, 94 U. S. 315, 320-321. *Mr. Robert Newbegin* for appellants. No appearance for appellees. Reported below: 129 Oh. St. 625; 196 N. E. 670.

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No. —, original. *GEORGIA v. MORGENTHAU, SECRETARY OF THE TREASURY, ET AL.* October 21, 1935. A rule is ordered to issue returnable on Monday, November 11, next, requiring the defendants to show cause why leave to file the Bill of Complaint should not be granted.

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No. 485. *SECESH DREDGING, MINING & MILLING Co., INC. v. CARREY ET AL.* Appeal from the Supreme Court of Idaho. Jurisdictional statement submitted October 19, 1935. Decided October 28, 1935. *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), the petition is denied. *Messrs. Samuel Herrick and S. S. Bassett* for appellant. *Mr. James F. Ailshie, Jr.*, for appellees. Reported below: 55 Idaho 136; 39 P. (2d) 772.

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No. 27. *VILLA ET AL. v. VAN SCHAICK, SUPERINTENDENT OF INSURANCE.* Appeal from the Supreme Court of New York. Argued October 22, 1935. Decided October 25, 1935. *Per Curiam*: The appeal herein is dismissed

for the want of a properly presented federal question. *Lynch v. New York*, 293 U. S. 52. *Mr. Hartwell Cabell*, with whom *Mr. Asa B. Kellogg* was on the brief, for appellants. *Messrs. Louis H. Pink, Walter B. Herendeen*, and *Benjamin Potoker* were on the brief for appellee. *Mr. John J. Bennett, Jr.*, Attorney General of New York, *Mr. Henry Epstein*, Solicitor General, and *Mr. Joseph A. McLaughlin*, Assistant Attorney General, were on the brief for the Industrial Commissioner of New York, intervenor, in support of the position of appellee. Reported below: 266 N. Y. 589.

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No. —, original. *ARKANSAS v. TENNESSEE*. October 28, 1935. The motion for leave to file the bill of complaint herein is granted and process is ordered to issue returnable on Monday, January 6, 1936. *Mr. Carl E. Bailey*, Attorney General of Arkansas, for plaintiff, in support of the motion.

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No. 492. *SMITH v. JOHNSON, ADMINISTRATOR OF THE N. R. A., ET AL.* Appeal from the District Court of the United States for the Southern District of New York. Jurisdictional statement submitted November 2, 1935. Decided November 11, 1935. *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. Walter N. Smith, pro se.* No appearance for appellees.

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No. 509. *PURCELL v. NEW YORK CENTRAL R. CO.* Appeal from the Supreme Court of New York. Jurisdictional statement submitted November 2, 1935. Decided November 11, 1935. *Per Curiam*: The motion for leave to file statement as to jurisdiction is granted. The appeal herein is dismissed for the want of a properly presented

federal question. *Home for Incurables v. City of New York*, 187 U. S. 155, 158; *Henkel v. Cincinnati*, 177 U. S. 170; *Seaboard Air Line Ry. v. Duvall*, 225 U. S. 477, 481; *Fullerton v. Texas*, 196 U. S. 192, 193-194; *Connecticut General Life Ins. Co. v. Johnson*, *ante*, p. 535. The petition for a writ of certiorari is denied. *Messrs. T. J. Johnston and Irving I. Goldsmith* for appellant. *Mr. Charles E. Nichols* for appellee. Reported below: 268 N. Y. 164; 197 N. E. 182.

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No. 530. *CAPITAL ENDOWMENT CO. v. OHIO EX REL. BOWEN, SUPERVISOR OF BOND INVESTMENT COMPANIES.* Appeal from the Supreme Court of Ohio. Motion to dismiss submitted November 2, 1935. Decided November 11, 1935. *Per Curiam*: The motion 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. *Enterprise Irrigation Dist. v. Canal Co.*, 243 U. S. 157, 163-164; *McCoy v. Shaw*, 277 U. S. 302, 303; *Browne v. Union Pacific R. Co.*, 267 U. S. 255, 258-259. *Messrs. George W. Ritter and Richard Inglis* for appellant. *Mr. John W. Bricker* for appellee. Reported below: 129 Oh. St. 654; 196 N. E. 643.

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No. 531. *GEORGE ALLISON & CO., INC. ET AL. v. UNITED STATES ET AL.* Appeal from the District Court of the United States for the Southern District of New York. Jurisdictional statement submitted November 2, 1935. Decided November 11, 1935. *Per Curiam*: The decree is affirmed. *Standard Oil Co. v. United States*, 283 U. S. 235, 241; *Brady v. United States*, 283 U. S. 804. *Mr. John A. Kelly* for appellants. *Messrs. Daniel W. Knowlton and Nelson Thomas* for the United States et al. Reported below: 12 F. Supp. 862.

No. —, original. *TEXAS v. NEW MEXICO*. November 11, 1935. The motion for leave to file the Bill of Complaint herein is granted and process is ordered to issue returnable on Monday, January 13, 1936. *Mr. William McCraw*, Attorney General of Texas, *Mr. H. Grady Chandler*, Assistant Attorney General, and *Messrs. Richard F. Burges* and *Edwin Mechem* for plaintiff, in support of the motion.

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No. —, original. *EX PARTE NORTHERN INSURANCE CO. OF NEW YORK*. November 11, 1935. The motion for leave to file petition for writ of mandamus herein is denied. *Ex parte United States*, 287 U. S. 241, 248, 249. *Mr. J. L. Kohl* for petitioner.

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No. 2. *BAYSIDE FISH FLOUR CO. v. GENTRY ET AL.* November 11, 1935. Pursuant to the stipulation of counsel the judgment entered in this case on October 14, 1935, *post*, p. 660, is vacated and set aside and the case is restored to the docket, to be submitted without oral argument upon briefs to be filed by the appellant on or before December 2 next and by appellees on or before December 16 next. [For later order and opinion, see 297 U. S.] *Mr. Roy Daily* for appellant. *Messrs. U. S. Webb* and *Ralph O. Marron* for appellees. Reported below: 8 F. Supp. 67.

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No. —, original. *GEORGIA v. MORGENTHAU ET AL.* November 11, 1935. Return to the rule to show cause presented. *Solicitor General Reed*, *Assistant Attorney General Wideman*, and *Messrs. James W. Morris, Sewall Key, J. Louis Monarch*, and *Arnold Raum* were on the return to the rule to show cause.

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No. 35. *WALL ET AL. v. MCNEE*. Appeal from the District Court of the United States for the Southern District of Florida. Argued November 13, 1935. Decided November 18, 1935. *Per Curiam*: As appellants, de-

fendants below, are not state officers within the meaning of § 266 of the Judicial Code (*Spielman Motor Co. v. Dodge*, 295 U. S. 89, 92; *Ex parte Collins*, 277 U. S. 565, 568; *Ex parte Public National Bank*, 278 U. S. 101, 104; *School District No. 7 v. Hunnicut*, 283 U. S. 810; *Ex parte Everglades Drainage District*, 293 U. S. 521; *Everglades Drainage Dist. v. Florida Ranch & Dairy Corp.*, 74 F. (2d) 914, 915, 916; *Rorick v. Everglades Drainage*, 27 F. (2d) 377, 380, 381), the decree herein is reversed and the cause remanded to the District Court for further proceedings to be taken independently of § 266 of the Judicial Code, *Gully v. Interstate Natural Gas Co.*, 292 U. S. 16, 18, 19. *Mr. H. E. Carter*, Assistant Attorney General of Florida, with whom *Mr. Cary D. Landis*, Attorney General, and *Mr. J. V. Keen*, Assistant Attorney General, were on the brief, for appellants. *Mr. D. C. Hull*, with whom *Messrs. Erskine W. Landis* and *Francis P. Whitehair* were on the brief, for appellee. See 4 F. Supp. 496.

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No. —, original. *EX PARTE TINKOFF*. November 18, 1935. The motion for leave to file petition for writ of mandamus is denied. *Mr. Paysoff Tinkoff, pro se.*

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No. —, original. *GEORGIA v. MORGENTHAU ET AL.* November 18, 1935. The motion for leave to file the bill of complaint is granted and process is ordered to issue returnable on Monday, January 20, 1936. *Mr. M. J. Yeomans*, Attorney General of Georgia, *Mr. B. D. Murphy*, Assistant Attorney General, and *Mr. Barry Wright* for plaintiff, in support of the motion.

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No. 13, original. *NEBRASKA v. WYOMING*. November 18, 1935. The motion of Platte Valley Public Power & Irrigation District for leave to intervene is denied. *Messrs. Arthur F. Mullen* and *George F. Shea* in support of the motion.

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No. 577. RICKERT RICE MILLS, INC. *v.* FONTENOT, COLLECTOR OF INTERNAL REVENUE;

No. 578. DORE *v.* SAME;

No. 579. UNITED RICE MILLING PRODUCTS CO., INC. *v.* SAME;

No. 580. BATON ROUGE RICE MILL, INC. *v.* SAME;

No. 581. SIMON *v.* SAME;

No. 585. LEVY RICE MILLING CO., INC. *v.* SAME;

No. 586. FARMERS RICE MILLING CO., INC. *v.* SAME; and

No. 587. NOBLE-TROTTER RICE MILLING CO. *v.* SAME. November 18, 1935. The Government's motion for additional time to file answers to the motions for temporary injunctions and responses to the petitions for certiorari is granted, and the Government's time to file such answers and responses is extended to Thursday, November 21, at noon, with the understanding that no action will be taken by the Government by means of jeopardy assessment or otherwise to change the existing situation until the motions for injunctions have been passed upon by the Court. Petitioners may have until Friday, November 22, at noon, to file such replies to the answers and responses of the Government as they may be advised.

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No. 10, original (October Term, 1934). NEW JERSEY *v.* NEW YORK CITY. November 18, 1935. Return to rule to show cause presented. *Mr. David T. Wilentz*, Attorney General of New Jersey, and *Mr. Duane E. Minard* for plaintiff, on the return to the rule to show cause.

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No. 58. VIA *v.* STATE COMMISSION ON CONSERVATION & DEVELOPMENT. Appeal from the District Court of the United States for the Western District of Virginia. Argued November 19, 1935. Decided November 25, 1935.

*Per Curiam:* The decree is affirmed on the ground that appellant has an adequate remedy at law. *Insurance Co. v. Bailey*, 13 Wall. 616, 623; *Grand Chute v. Winegar*, 15 Wall. 373, 375, 376; *Gaines v. Nicholson*, 9 How. 356, 364-365; *Wehrman v. Conkling*, 155 U. S. 314, 326. *Mr. William J. Hughes, Jr.*, with whom *Mr. William E. Leahy* was on the brief, for appellant. *Mr. Abram P. Staples*, Attorney General of Virginia, was on the brief for appellee. Reported below: 9 F. Supp. 556.

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No. —, original. *EX PARTE SCALESE*. November 25, 1935. The motion for leave to file petition for writ of mandamus is denied. *Mr. Francis Scalese, pro se.*

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No. —, original. *EX PARTE RUBIN*. November 25, 1935. The motion for leave to file petition for writ of habeas corpus is denied. *Mr. Lloyd Rubin, pro se.*

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No. —. *BUDLONG v. BUDLONG*. Application for allowance of an appeal from the District Court of the United States for the District of Arizona. November 25, 1935. The application for allowance of appeal, having been considered by the whole Court, is denied. *Jesse Margaret Wilson Budlong, pro se*, in support of the application.

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No. 202. *STONE ET AL., TRUSTEES, v. WHITE, FORMER COLLECTOR*. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit. November 25, 1935. Upon consideration of the motion of petitioners, and the time for presenting a petition for rehearing of the application for writ of certiorari herein having been extended to the end of the present term.

It is ordered that the entry of judgment herein by the District Court of the United States for the District of Massachusetts be, and it hereby is, stayed until the expiration of the present term of this Court, or until further order of the Court. *Mr. Thomas Allen* for petitioners. *Solicitor General Reed, Assistant Attorney General Wideman*, and *Messrs. James W. Morris and Joseph M. Jones* for respondent. Reported below: 78 F. (2d) 136.

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No. 545. *HELVERING, COMMISSIONER OF INTERNAL REVENUE v. STOKES*. On petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit. December 9, 1935. *Per Curiam*: The petition for writ of certiorari in this case is granted. Decree reversed. *Douglas v. Willcuts*, *ante*, p. 1; and *Helvering v. Schweitzer* and *Helvering v. Blumenthal*, the two cases next following. *Solicitor General Reed* for petitioner. *Mr. Charles H. Knight* for respondent. Reported below: 79 F. (2d) 256.

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Nos. 69 and 70. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. SCHWEITZER*. On writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit. Argued November 21, 1935. Decided December 9, 1935. *Per Curiam*: Decrees reversed. *Douglas v. Willcuts*, *ante*, p. 1. *Assistant Attorney General Wideman*, with whom *Solicitor General Reed* and *Mr. Sewall Key* were on the brief, for petitioner. *Mr. Hugh W. McCulloch* for respondent. By leave of Court, *Mr. Russell L. Bradford* filed a brief as *amicus curiae* supporting the position of respondent. With him on the brief were *Messrs. George H. Craven* and *Arthur O. Lampland*. Reported below: 75 F. (2d) 702.

No. 82. HELVERING, COMMISSIONER OF INTERNAL REVENUE, *v.* BLUMENTHAL. On writ of certiorari to the Circuit Court of Appeals for the Second Circuit. Argued November 21, 1935. Decided December 9, 1935. *Per Curiam*: Decree reversed. *Douglas v. Willcuts, ante*, p. 1, and *Helvering v. Schweitzer, supra*. Assistant Attorney General Wideman, with whom Solicitor General Reed and Mr. Sewall Key were on the brief, for petitioner. Mr. Eugene Blumenthal for respondent. Reported below: 76 F. (2d) 507.

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No. —, original. ARIZONA *v.* CALIFORNIA ET AL. December 9, 1935. A rule is ordered to issue requiring the defendants to show cause on or before January 13, next, why leave to file the Bill of Complaint herein should not be granted. Complainant shall have three weeks from the date of service of the returns to the rule within which to reply thereto if so advised.

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No. —, original. EX PARTE PIERGIOVANNI. December 16, 1935. Motion for leave to file petition for writ of habeas corpus denied. Mr. Mauro Piergiovanni, *pro se*.

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No. —, original. EX PARTE POLLITT. December 16, 1935. Motions for leave to file petition for writ of mandamus and for leave to institute suit against the State of Virginia denied. Mr. Basil H. Pollitt, *pro se*.

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No. —. IN RE DEPPE. December 16, 1935. The motion of William P. Deppe of October 25, 1935, is denied. Mr. William P. Deppe, *pro se*.

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No. 149. TEXAS & PACIFIC Ry. Co. *v.* TEXAS ET AL. Appeal from the Supreme Court of Texas. Argued Decem-

ber 17, 18, 1935. Decided December 23, 1935. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Zucht v. King*, 260 U. S. 174, 176; *Sugarman v. United States*, 249 U. S. 182, 184; *Roe v. Kansas*, 278 U. S. 191. *Mr. T. D. Gresham*, with whom *Messrs. M. E. Clinton* and *Herbert Fitzpatrick* were on the brief, for appellant. *Mr. H. Grady Chandler*, Assistant Attorney General of Texas, and *Mr. William McCraw*, Attorney General, with whom *Mr. Scott Gaines*, Assistant Attorney General, was on the brief, for appellees. Reported below: 124 Tex. 482; 78 S. W. (2d) 580.

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No. 13, original. *NEBRASKA v. WYOMING*. December 23, 1935. The motion for leave to file amended and supplemental answer is granted. It is ordered that the State of Colorado be made a party defendant to this suit and that process issue against the State of Colorado in accordance with the prayer of the amended and supplemental answer of the State of Wyoming, returnable on Monday, March 2 next. *Mr. Ray E. Lee*, Attorney General of Wyoming, and *Messrs. Robert R. Rose* and *William C. Snow* for defendant, in support of the motion.

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No. —. *BURT v. GENERAL ELECTRIC Co.* January 6, 1936. The application of John C. Burt, dated December 28, 1935, is denied. *Mr. John C. Burt, pro se*, in support of the application.

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#### DECISIONS GRANTING CERTIORARI, FROM OCTOBER 7, 1935, TO AND INCLUDING JANUARY 6, 1936.

No. 283. *BALTIMORE NATIONAL BANK v. STATE TAX COMMISSION OF MARYLAND*. See *ante*, p. 538.