

DECISIONS PER CURIAM, ETC., FROM OCTOBER  
4, 1937, THROUGH JANUARY 17, 1938.\*

No. 32. ROSS, RECEIVER, *v.* KNOTT, TREASURER OF FLORIDA, ET AL. October 4, 1937. M. G. McNair, present Receiver of the First National Bank of Perry, substituted as the party petitioner in place of Iron Ross, former Receiver, on motion of *Mr. George P. Barse* for the petitioner. Reported below: 87 F. (2d) 817.

---

No. 411. ROYAL INDEMNITY CO. ET AL. *v.* HOAGE, DEPUTY COMMISSIONER, ET AL. October 4, 1937. Frank A. Cardillo, present Deputy Commissioner for the District of Columbia, United States Employees' Compensation Commission, substituted as a party respondent in place of Robert J. Hoage, former Deputy Commissioner, on motion of *Mr. Frank H. Myers* for the petitioners. Reported below: 67 App. D. C. 142; 90 F. (2d) 387.

---

No. —, original. EX PARTE ALBERT LÉVITT. Motion for leave to file a petition for an order requiring Mr. Justice Black to show cause why he should be permitted to serve as an Associate Justice of this Court. Decided October 11, 1937. *Per Curiam*: The grounds of this motion are that the appointment of Mr. Justice Black by the President and the confirmation thereof by the Senate of the United States were null and void by reason of his ineligibility under Article I, Section 6, Clause 2, of the Constitution of the United States, and because there was

---

\*MR. JUSTICE CARDOZO participated in the session of December 10, 1937, but, because of illness, was absent throughout the rest of the period covered by this volume. MR. JUSTICE BLACK took no part in the consideration or decision in respect of judgments or orders announced on October 11, 1937, or prior thereto.

For decisions on applications for certiorari, see *post*, pp. 663, 682; for rehearing, *post*, p. 771.

no vacancy for which the appointment could lawfully be made. The motion papers disclose no interest upon the part of the petitioner other than that of a citizen and a member of the bar of this Court. That is insufficient. It is an established principle that to entitle a private individual to invoke the judicial power to determine the validity of executive or legislative action he must show that he has sustained or is immediately in danger of sustaining a direct injury as the result of that action and it is not sufficient that he has merely a general interest common to all members of the public. *Tyler v. Judges*, 179 U. S. 405, 406; *Southern Ry. Co. v. King*, 217 U. S. 524, 534; *Newman v. Frizzell*, 238 U. S. 537, 549, 550; *Fairchild v. Hughes*, 258 U. S. 126, 129; *Massachusetts v. Mellon*, 262 U. S. 447, 488. The motion is denied. *Mr. Albert Lévitte, pro se.*

---

No. —, original. EX PARTE PATRICK HENRY KELLEY. Motion for hearing on the title of Mr. Justice Black as a member of this Court. Decided October 11, 1937. *Per Curiam*: The motion is denied. *Ex parte Albert Lévitte, supra.* *Mr. Patrick Henry Kelley, pro se.*

---

No. 99. EUREKA PRODUCTIONS, INC. v. LEHMAN, GOVERNOR, ET AL. Appeal from the District Court of the United States for the Southern District of New York. Decided October 11, 1937. *Per Curiam*: The motion of the appellees to affirm is granted and the order denying an interlocutory injunction is affirmed. (1) *Alabama v. United States*, 279 U. S. 229, 231; *United Gas Co. v. Public Service Comm'n.*, 278 U. S. 322, 326; *National Accounting Co. v. Dorman*, 295 U. S. 718. (2) *Mutual Film Corp. v. Ohio Industrial Comm'n.*, 236 U. S. 230, 240, 241; *Mutual Film Corp. v. Kansas*, 236 U. S. 248, 258. *Mr. Henry Pearlman* for appellant. *Mr. Henry Epstein* for appellees. Reported below: 17 F. Supp. 259.

302 U. S.

Decisions Per Curiam, Etc.

No. 100. PURE OIL Co. v. OKLAHOMA TAX COMMISSION. Appeal from the Supreme Court of Oklahoma. Decided October 11, 1937. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Continental Baking Co. v. Woodring*, 286 U. S. 352, 372, 373; *Hicklin v. Coney*, 290 U. S. 169, 174-177; *Aero Transit Co. v. Georgia Commission*, 295 U. S. 285, 290, 291; *Evans Terry Co. v. Mississippi*, 296 U. S. 538. MR. JUSTICE SUTHERLAND took no part in the consideration or decision of this case. *Mr. Alvin Richards* for appellant. No appearance for appellee. Reported below: 179 Okla. 479; 66 P. (2d) 1097.

---

No. 120. WALLS v. NORTH CAROLINA. Appeal from the Supreme Court of North Carolina;

No. 376. DALLAO v. LOUISIANA; and

No. 377. UGARTE v. LOUISIANA. Appeals from the Supreme Court of Louisiana. Decided October 11, 1937. *Per Curiam*: The appeals herein are 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 appeals were allowed as petitions for writs of certiorari, as required by § 237 (c), Judicial Code, as amended, 43 Stat. 936, 938, certiorari is denied. The motions for leave to proceed further herein *in forma pauperis* are denied. *Tommie Walls, pro se*. *Mr. Henry P. Viering* for appellant in No. 376. *Mr. Loys Charbonnet* for appellant in No. 377. No appearance for appellees. Reported below: No. 120, 211 N. C. 487; 191 S. E. 232; Nos. 376 and 377, 187 La. 392; 175 So. 4.

---

No. 150. WITZELBERG v. CINCINNATI ET AL. Appeal from the Supreme Court of Ohio. Decided October 11, 1937. *Per Curiam*: The motion of the appellees to dis-

miss the appeal is granted and the appeal is dismissed (1) for the want of a properly presented federal question. *Clarke v. McDade*, 165 U. S. 168, 172; *Chesapeake & Ohio Ry. Co. v. McDonald*, 214 U. S. 191, 193; *Hiawasse Power Co. v. Carolina-Tenn. Co.*, 252 U. S. 341, 343; (2) for the want of a substantial federal question, *Ballard v. Hunter*, 204 U. S. 241, 262; *North Laramie Land Co. v. Hoffman*, 268 U. S. 276, 283. *Mr. Walter M. Schoenle* for appellant. *Mr. John D. Ellis* for appellees. Reported below: 132 Ohio St. 216; 6 N. E. (2d) 2.

---

No. 159. *COLEMAN v. CITY OF GRIFFIN*. Appeal from the Court of Appeals of Georgia. Decided October 11, 1937. *Per Curiam*: The appeal herein is dismissed (1) for the want of a substantial federal question, *Reynolds v. United States*, 98 U. S. 145, 166, 167; *Davis v. Beason*, 133 U. S. 333, 342, 343; (2) for the want of a properly presented federal question, *Erie R. Co. v. Purdy*, 185 U. S. 148, 154; *Herndon v. Georgia*, 295 U. S. 441, 443. *Mr. O. R. Moyle* for appellant. No appearance for appellee. Reported below: 55 Ga. App. 423; 189 S. E. 427.

---

No. 205. *MYERS, ADMINISTRATRIX, v. ATCHISON, T. & S. F. RY. Co.* Appeal from the Supreme Court of Oklahoma; and

No. 341. *COUCHE v. LOUISIANA*. Appeal from the Supreme Court of Louisiana. Decided October 11, 1937. *Per Curiam*: The appeals herein are 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 appeals were allowed as petitions for writs of certiorari, as required by § 237 (c), Judicial Code, as amended, 43 Stat. 936, 938, certiorari is denied. *Mr. R. R. Bell* for appellant in No.

302 U. S.

Decisions Per Curiam, Etc.

205. *Mr. Alex W. Swords* for appellant in No. 341. No appearance for appellees. Reported below: No. 205, 179 Okla. 637; 69 P. (2d) 62; No. 341, 187 La. 392; 175 So. 4.

---

No. 210. *NOORMAN v. DEPARTMENT OF PUBLIC WORKS & BUILDINGS ET AL.* Appeal from the Supreme Court of Illinois. Decided October 11, 1937. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Iowa Central R. Co. v. Iowa*, 160 U. S. 389, 393; *Gasquet v. Lapeyre*, 242 U. S. 367, 369, 370; *Kammerer v. Kroeger*, 299 U. S. 302, 304. *Mr. Howard F. Bishop* for appellant. *Mr. Otto Kerner* for appellees. Reported below: 366 Ill. 216; 8 N. E. (2d) 637.

---

No. 254. *DIOCESE OF OLYMPIA, INC., v. PEMBERTON, SUPERVISOR, ET AL.* Appeal from the Supreme Court of Washington. Decided October 11, 1937. *Per Curiam*: The motion for leave to file a supplemental statement as to jurisdiction is granted. The appeal herein is dismissed for the want of a substantial federal question. *Stebbins v. Riley*, 268 U. S. 137, 144, 145. *Mr. Ivan L. Hyland* for appellant. No appearance for appellees. Reported below: 189 Wash. 510; 66 P. (2d) 350.

---

No. 267. *VILAS v. IOWA STATE BOARD OF ASSESSMENT AND REVIEW ET AL.* Appeal from the Supreme Court of Iowa. Decided October 11, 1937. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Lawrence v. State Tax Comm'n*, 286 U. S. 276, 283, 284; *Zucht v. King*, 260 U. S. 174, 176; *Roe v. Kansas*, 278 U. S. 191, 192; *Texas & Pacific Ry. Co. v. Texas*, 296 U. S. 552. *Mr. Charles E. Pendleton* for appellant. *Mr. Clair E. Hamilton* for appellees. Reported below: 223 Iowa —; 273 N. W. 338.

No. 276. ELKINS ET AL. v. LAND TITLE BANK & TRUST CO. ET AL.; and

No. 277. DE GUIGNE ET AL. v. LAND TITLE BANK & TRUST CO. ET AL. Appeals from the Supreme Court of Pennsylvania. Decided October 11, 1937. *Per Curiam*: The motion of the appellees to dismiss the appeals is granted and the appeals are dismissed (1) 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; *Mississippi Central R. Co. v. Aultman*, 296 U. S. 537; and (2) for the reason that the judgments sought herein to be reviewed are based upon a non-federal ground adequate to support them, *Henderson Bridge Co. v. Henderson City*, 141 U. S. 679, 688; *McCoy v. Shaw*, 277 U. S. 302, 303; *Southern Nebraska Power Co. v. Nebraska*, 299 U. S. 520. *Mr. Frank G. Raichle* for appellants. *Messrs. Robert Brigham and W. W. Montgomery, Jr.*, for appellees. Reported below: 325 Pa. 373; 190 Atl. 650.

---

No. 296. POTTER, ADMINISTRATRIX, v. YOUNG ET AL. Appeal from the Supreme Court of Arkansas. Decided October 11, 1937. *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; *Mississippi Central R. Co. v. Aultman*, 296 U. S. 537. *Mr. Osborne W. Garvin* for appellant. *Mr. Thomas S. Buzbee* for appellees. Reported below: 193 Ark. 957; 104 S. W. (2d) 802.

---

No. 321. JOHNSON, TREASURER OF CALIFORNIA, ET AL. v. M. G. WEST Co. Appeal from the District Court of Appeal, 3d Appellate District, of California. Decided October 11, 1937. *Per Curiam*: The motion of the appellee to

302 U. S.

Decisions Per Curiam, Etc.

dismiss the appeal 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 certiorari is denied. *Messrs. U. S. Webb and H. H. Linney* for appellants. *Mr. Richard W. Young* for appellee. Reported below: 20 Cal. App. (2d) 95; 66 P. (2d) 1211.

---

No. 373. CARLSON, ADMINISTRATOR, *v.* KESLER ET AL. Appeal from the Supreme Court of Indiana. Decided October 11, 1937. *Per Curiam*: The motion of the appellees to dismiss the appeal 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 a writ of certiorari, as required by § 237 (c), Judicial Code, as amended, 43 Stat. 936, 938, certiorari is denied. *Mr. Howard F. Bishop* for appellant. *Mr. Fred H. Bowers* for appellees. Reported below: 103 Ind. App. 350; 198 N. E. 451; 199 *id.* 889.

---

No. 202, October Term 1935. STONE ET AL., TRUSTEES, *v.* WHITE, FORMER COLLECTOR OF INTERNAL REVENUE. October 11, 1937. It is ordered that the first complete sentence on page 2 of the opinion handed down May 24, 1937, be recast to read as follows:

"A deficiency against the trustees was assessed by the Commissioner before, and was paid by them, under protest, from income of the trust, after collection from the beneficiary had been barred by the statute of limitations."

It is further ordered that the following words be inserted between the word "But" and the word "it" in the eleventh line from the bottom of page 5 of the opinion:

"the demand made upon the trustees was not barred by limitation and".

The petition for rehearing is denied.

Reported as amended, 301 U. S. 532.

---

No. —, original. EX PARTE HENRY A. ILSE;

No. —, original. EX PARTE JOHN WORSTER, JR.; and

No. —, original. EX PARTE ATWELL CURTIS. October 11, 1937. The motions for leave to file petitions for writs of habeas corpus are denied.

---

No. —, original. EX PARTE VICTOR J. EVANS. October 11, 1937. Motion for leave to file petition for writ of mandamus denied.

---

No. 7, original. KENTUCKY *v.* INDIANA ET AL. October 11, 1937. Upon consideration of the Report of the State of Indiana, submitted September 1, 1937, in accordance with clause 5 of the decree entered herein on May 19, 1930, [281 U. S. 700] which is received and ordered filed, wherein it is stated that the State of Indiana, through its Highway Commission, has complied with said decree and application is made to be relieved of the duty of filing further reports, and the Commonwealth of Kentucky, by its Attorney General, having consented to the entry of an order granting that application,

It is ordered that the application of the State of Indiana be, and the same is hereby, granted, and that the State of Indiana and its Highway Commission be, and they are hereby, relieved from the requirement of making any further reports herein under clause 5 of said decree.

It is further ordered that this cause be continued and that either party hereto may apply to this Court for any further relief or order consistent with the issues herein.

302 U. S.

Decisions Per Curiam, Etc.

*Messrs. Clifford E. Smith, J. W. Cammack, and M. B. Holifield* for complainant. *Messrs. Thomas P. Littlepage and F. H. Hatfield* for defendants.

---

No. 303. *ATKINSON ET AL. v. STATE TAX COMM'N ET AL.* October 11, 1937. The Clerk is directed to give notice to the Attorney General of the United States who is requested to present the views of the Government upon the questions (1) as to jurisdiction over the area in which the work of the contractors was performed and (2) whether the state tax imposes a burden upon the Government. Brief may be filed by the Government on or before December 1, 1937 with leave to the respective parties to file briefs in reply on or before December 31, 1937. Reported below: 156 Ore. 461; 67 P. (2d) 161.

---

No. 849 (October Term 1936). *OHIO EX REL. GREEN v. KING ET AL.* October 11, 1937. The motion for leave to file a third petition for rehearing is denied. *Mr. Carl Green, pro se.* No appearance for respondents. Reported below: 132 Ohio St. 139; 5 N. E. (2d) 407.

---

No. 423. *HANFGARN v. MARK.* Appeal from the Supreme Court of New York. Decided October 18, 1937. *Per Curiam:* The appeal herein is dismissed for the want of a substantial federal question. *Second Employers' Liability Cases*, 223 U. S. 1, 50; *New York Central R. Co. v. White*, 243 U. S. 188, 198; *Silver v. Silver*, 280 U. S. 117, 122; *Fearon v. Treanor*, 301 U. S. 667. *Mr. A. H. De-Yampert* for appellant. No appearance for appellee. Reported below: 274 N. Y. 22; 8 N. E. (2d) 47; 159 Misc. 122; 286 N. Y. S. 335; 249 App. Div. 776; 292 N. Y. S. 1012.

NO. 426. *J. BACON & SONS v. MARTIN, COMMISSIONER OF REVENUE.* Appeal from the Court of Appeals of Kentucky. Decided October 18, 1937. *Per Curiam:* The appeal herein is dismissed as it does not appear from the record that there is a final judgment. *Haseltine v. Central Bank of Springfield (No. 1)*, 183 U. S. 130, 131; *McComb, Executor, v. Commissioners*, 91 U. S. 1; *Moore v. Robbins*, 18 Wall. 588; *McGourkey v. Toledo & Ohio Central Ry. Co.*, 146 U. S. 536, 545; *Union Mutual Life Ins. Co. v. Kirchoff*, 160 U. S. 374, 378; *Great Western Telegraph Co. v. Burnham*, 162 U. S. 339, 345, 346; *American Bakeries Co. v. Huntsville*, 299 U. S. 514. *Mr. Charles I. Dawson* for appellant. No appearance for appellee. Reported below: 268 Ky. 612; 105 S. W. (2d) 569.

---

NO. 440. *MORRIS v. ALABAMA.* Appeal from the Supreme Court of Alabama. Decided October 18, 1937. *Per Curiam:* The appeal herein is dismissed (1) for the want of a substantial federal question, *Missouri v. Lewis*, 101 U. S. 22, 30, 31; *Gardner v. Michigan*, 199 U. S. 325, 333, 334; *Fort Smith Light Co. v. Paving District*, 274 U. S. 387, 391; *Ohio v. Akron Park District*, 281 U. S. 74, 81; (2) for the want of a properly presented federal question, *Citizens' Savings Bank v. Owensboro*, 173 U. S. 636, 643; *New York v. Kleinert*, 268 U. S. 646, 650; *White River Co. v. Arkansas*, 279 U. S. 692, 700. The motion for leave to proceed further *in forma pauperis* is denied. *Samuel J. Morris, pro se.* No appearance for appellee. Reported below: 234 Ala. 520; 175 So. 283.

---

NO. 4. *PHILLIPS PIPE LINE Co. v. MISSOURI.* Appeal from the Supreme Court of Missouri. Argued October 14, 1937. Decided October 18, 1937. *Per Curiam:* The judgment is affirmed. *East Ohio Gas Co. v. Tax Commissioner*, 283 U. S. 465, 470, 471; *Southern Gas Corp. v.*

302 U. S.

Decisions Per Curiam, Etc.

*Alabama*, 301 U. S. 148, 154. MR. JUSTICE ROBERTS took no part in the consideration and decision of this case. *Mr. H. P. Robinson*, with whom *Messrs. Rayburn L. Foster* and *R. H. Hudson* were on the brief, for appellant. *Messrs. Charles M. Howell, Jr.*, and *Harry G. Waltner, Jr.*, for appellee. Reported below: 339 Mo. 459; 97 S. W. (2d) 109.

---

No. 12. ANDERSON, RECEIVER, *v.* ATHERTON, ADMINISTRATOR. Certiorari, 300 U. S. 652, to the Circuit Court of Appeals for the Sixth Circuit. Argued October 15, 1937. Decided October 18, 1937. *Per Curiam*: The Court is of the opinion that the Circuit Court of Appeals was in error in ruling that, in the absence of a cross appeal, the question whether common law liability for negligence would support the decree was not before the court for review. *United States v. American Express Co.*, 265 U. S. 425, 435, 436; *Langnes v. Green*, 282 U. S. 531, 538, 539; *Public Service Commission v. Havemeyer*, 296 U. S. 506, 509; *United States v. Curtiss-Wright Corp.*, 299 U. S. 304, 330; *Morley Construction Co. v. Maryland Casualty Co.*, 300 U. S. 185, 191. The decree of the Circuit Court of Appeals is reversed and the cause is remanded to that court for the determination of that question. *Messrs. George P. Barse* and *Eugene P. Locke*, with whom *Messrs. E. B. Stroud*, *Maurice E. Purnell*, *Arthur Peter*, and *John G. Heyburn* were on the brief, for petitioner. *Mr. John C. Doolan*, with whom *Messrs. Newton D. Baker*, *Howard F. Burns*, *William W. Crawford*, *Allen P. Dodd*, *Churchill Humphrey*, *T. Kennedy Helm*, *Graddy Cary*, *David R. Castleman*, *Charles G. Middleton*, *Huston Quin*, *Henry E. McElwain, Jr.*, *Thomas A. Barker*, and *Henry J. Tilford* were on the brief, for respondents. *Messrs. T. Kennedy Helm*, *Edward A. Dodd*, and *Henry J. Tilford* were on a brief for respondents Dr. Oscar E. Block et al. Reported below: 86 F. (2d) 518.

No. —. EX PARTE CLARENCE M. BRUMMETT. October 18, 1937. The application herein is denied.

---

No. —. EX PARTE SOPHY CALLAHAN. October 18, 1937. The application herein is denied.

---

No. 144. HEINER v. A. W. MELLON. October 18, 1937. Paul Mellon, David K. E. Bruce, and Donald D. Shepard, Executors of the Estate of A. W. Mellon, substituted as parties respondent in place of A. W. Mellon, deceased, on motion of *Mr. William Wallace Booth* for the respondents. Reported below: 89 F. (2d) 141.

---

No. 434. SOUTH BEND v. DEHAVEN, TREASURER, ET AL. Appeal from the Supreme Court of Indiana. Decided October 25, 1937. *Per Curiam*: The motion of the appellees to dismiss the appeal is granted and the appeal is dismissed for the want of a properly presented substantial federal question. (1) *Citizens' Savings Bank v. Owensboro*, 173 U. S. 636, 643; *Cleveland & Pittsburgh R. Co. v. Cleveland*, 235 U. S. 50, 53; *White River Co. v. Arkansas*, 279 U. S. 692, 700; *Collins v. Streit*, 298 U. S. 640. (2) *Pawhuska v. Pawhuska Oil & Gas Co.*, 250 U. S. 394; *Trenton v. New Jersey*, 262 U. S. 182; *City of Holton v. Kansas State Bank*, 300 U. S. 641. *Messrs. Hawley Burke, Edwin W. Hunter, and Harry S. Taylor* for appellant. *Mr. Urban C. Stover* for appellees. Reported below: 212 Ind. —; 7 N. E. (2d) 184.

---

No. 475. MISSISSIPPI POWER & LIGHT CO. ET AL. v. LOWE ET AL. Appeal from the Supreme Court of Mississippi. Decided October 25, 1937. *Per Curiam*: The

302 U. S.

Decisions Per Curiam, Etc.

appeal herein is dismissed for the want of a substantial federal question. *Cincinnati Street Ry. Co. v. Snell*, 193 U. S. 30, 36, 37; *Bain Peanut Co. v. Pinson*, 282 U. S. 499, 501; *Wisconsin v. Zimmerman*, 299 U. S. 504. *Messrs. Marcellus Green, Garner W. Green, and Forrest B. Jackson* for appellants. No appearance for appellees. Reported below: 179 Miss. 377; 175 So. 196.

---

No. 477. *PHILLIPS PETROLEUM CO. v. IOWA ET AL.* Appeal from the Supreme Court of Iowa. Decided October 25, 1937. *Per Curiam*: The motion of the appellees to dismiss the appeal is granted and the appeal is dismissed for the want of a substantial federal question. *Monamotor Oil Co. v. Johnson*, 292 U. S. 86, 93, 94; *Wiloil Corp. v. Pennsylvania*, 294 U. S. 169, 175; *Henneford v. Silas Mason Co.*, 300 U. S. 577, 582, 583. MR. JUSTICE ROBERTS took no part in the consideration or decision of this case. *Messrs. Donald Evans and William F. Riley* for appellant. *Messrs. Clair E. Hamilton and Leon W. Powers* for appellees. Reported below: See 222 Iowa 1209; 271 N. W. 185, 192.

---

No. 17. *TEXAS & NEW ORLEANS R. CO. ET AL. v. NEILL ET AL.* Certiorari, 301 U. S. 674, to the Court of Civil Appeals, 4th Supreme Judicial District, of Texas. Argued October 19, 20, 1937. Decided October 25, 1937. *Per Curiam*: As it appears, upon hearing argument, that the only substantial question involved is one of practice under the laws of the State, the writ of certiorari is dismissed. *Mr. Harper Macfarlane*, with whom *Mr. W. L. Matthews* was on the brief, for petitioners. *Mr. H. C. Carter* for respondents. Reported below: 97 S. W. (2d) 279 (Tex. Civ. App.); 100 S. W. (2d) 348 (Tex. Sup.).

No. 437. HINDERLIDER, STATE ENGINEER, ET AL. v. LAPLATA RIVER & CHERRY CREEK DITCH Co. Appeal from the Supreme Court of Colorado. October 25, 1937. Further consideration of the question of the jurisdiction of this Court and of the motion to dismiss is postponed to the hearing of the case on the merits. The Court directs the attention of the Attorney General of the United States to this case, in which the validity of a compact between the States of Colorado and New Mexico of November 27, 1922, approved by Congress on January 29, 1925, is attacked upon the ground that the compact constitutes an unconstitutional interference with the alleged rights of the plaintiff; and the Court invites the Attorney General to submit his views upon the question whether the Act of August 24, 1937, c. 754, 50 Stat. 751, is applicable. Messrs. Byron G. Rogers, Shrader P. Howell, Jean S. Breitenstein, Ralph L. Carr, and R. F. Camalier for appellants. Messrs. Reese McCloskey and Charles J. Beise for appellee. Reported below: 101 Colo. 73; 70 P. (2d) 849.

---

No. 491. REYNOLDS METALS CO. ET AL. v. MARTIN ET AL. Appeal from the Court of Appeals of Kentucky. Decided November 8, 1937. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Southwestern Oil Co. v. Texas*, 217 U. S. 114, 122, 123; *Louisville Gas Co. v. Coleman*, 277 U. S. 32, 40; *Tax Commissioners v. Jackson*, 283 U. S. 527, 537; *Union Building Corp. v. Conway*, 299 U. S. 515. Messrs. Charles I. Dawson and Edward P. Humphrey for appellants. No appearance for appellees. Reported below: 269 Ky. 378; 107 S. W. (2d) 251.

---

No. 509. EUBANK v. OHIO. Appeal from the Supreme Court of Ohio. Decided November 8, 1937. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Smith v. Alabama*, 124 U. S. 465, 480,

302 U. S.

Decisions Per Curiam, Etc.

482; *Dent v. West Virginia*, 129 U. S. 114, 121, 122; *Smith v. Texas*, 233 U. S. 630, 636, 637; *Graves v. Minnesota*, 272 U. S. 425, 427. *Mr. U. G. Denman* for appellant. *Mr. Herbert S. Duffy* for appellee. Reported below: 132 Ohio St. 434; 8 N. E. (2d) 247; 56 Ohio App. 1; 9 N. E. (2d) 1007.

---

No. 510. *KEACH ET AL. v. McDONALD ET AL.* Appeal from the Supreme Court of Kansas. Decided November 8, 1937. *Per Curiam*: The motion of the appellees to dismiss the appeal is granted and the appeal is dismissed for the want of a properly presented substantial federal question. (1) *Citizens' Savings Bank v. Owensboro*, 173 U. S. 636, 643; *Cleveland & Pittsburgh R. Co. v. Cleveland*, 235 U. S. 50, 53; *White River Co. v. Arkansas*, 279 U. S. 692, 700; *Collins v. Streitz*, 298 U. S. 640; (2) *Iowa Central Ry. Co. v. Iowa*, 160 U. S. 389, 393; *French v. Taylor*, 199 U. S. 274, 277, 278; *Hebert v. Louisiana*, 272 U. S. 312, 316. *Messrs. C. L. Kagey, Hal M. Black, and L. M. Kagey* for appellants. *Mr. Charles G. Yankey* for appellees. Reported below: 146 Kan. 121; 68 P. (2d) 1083.

---

No. 22. *MAYER v. COMMISSIONER OF INTERNAL REVENUE.* Certiorari, 301 U. S. 676, to the Circuit Court of Appeals for the Seventh Circuit. Argued October 19, 1937. Decided November 8, 1937. *Per Curiam*: The judgment is reversed on the authority of *Palmer v. Helvering, ante*, p. 63. *Mr. Llewellyn A. Luce* for petitioner. *Assistant Attorney General Morris*, with whom *Solicitor General Reed* and *Messrs. Sewall Key* and *Ellis N. Slack* were on the brief, for respondent. Reported below: 86 F. (2d) 593.

---

No. 13. *UNITED GAS PUBLIC SERVICE CO. v. TEXAS ET AL.* November 8, 1937. Reargument is ordered and the case is set for hearing on Monday, December 13, 1937.

Without restricting argument in other respects, the Court especially desires to hear the parties on the state of the evidence as to the effect of the application of the Commission's rate to the years 1932 and 1933, that is, as to the revenues and expenses for those years on that basis, and as to the effect upon the rights of the appellant, with respect to those years, of the bond given on its appeal to the Commission. *Messrs. John P. Bullington and F. G. Coates* for appellant. *Messrs. William McCraw, Alfred M. Scott, and Edward H. Lange* for appellees. See 301 U. S. 667. Reported below: 89 S. W. (2d) 1094 (Tex. Civ. App.).

---

No. 33. HELVERING, COMMISSIONER OF INTERNAL REVENUE, *v.* BASHFORD. November 8, 1937. It is ordered that this case be restored to the docket and assigned for reargument. *Solicitor General Reed, Assistant Attorney General Morris, and Messrs Sewall Key and Maurice J. Mahoney* for petitioner. *Messrs. Walter G. Moyle, Charles C. Gammons, and Ernest L. Wilkinson* for respondent. Reported below: 87 F. (2d) 827.

---

No. —, original. *EX PARTE CHARLES ELMER PHILLIPS.* November 8, 1937. The motion for leave to file petition for writ of habeas corpus and the application for bail are denied.

---

No. —, original. *EX PARTE CHARLES W. ATKINS;*  
No. —, original. *EX PARTE CHARLES LEFKOWITZ;*  
No. —, original. *EX PARTE RALPH MARK;*  
No. —, original. *EX PARTE SAMUEL LESSER;* and  
No. —, original. *EX PARTE NAT J. HUMPHRIES.* November 8, 1937. The motions for leave to file petitions for writs of habeas corpus are denied.

302 U. S.

Decisions Per Curiam, Etc.

No. —, original. *EX PARTE JOSEPH E. JONES*. November 8, 1937. The motion for leave to file a petition for writ of mandamus is denied.

---

No. 849 (October Term, 1936). *OHIO EX REL. GREEN v. KING ET AL.* November 8, 1937. The motion for leave to file a fourth petition for rehearing is denied. 301 U. S. 681.

---

No. 229. *DUKE v. UNITED STATES*. November 8, 1937. Motion of petitioner to stay the order denying petition for writ of certiorari and the order denying petition for rehearing thereof denied. *Mr. Jesse C. Duke, pro se*. Reported below: 90 F. (2d) 840.

---

No. 28. *TEXAS ET AL. v. DONOGHUE, TRUSTEE*. November 10, 1937. David Donoghue, Trustee, under an order to liquidate, substituted as the party respondent on motion of *Mr. Robert W. Kellough* in that behalf. Reported below: 88 F. (2d) 48.

---

No. 429. *CRAMER, ADMINISTRATOR, v. PHOENIX MUTUAL LIFE INS. CO. ET AL.*;

No. 430. *COBURN ET AL. v. SAME*;

No. 431. *CRAMER, ADMINISTRATOR, v. AETNA LIFE INS. CO. ET AL.*; and

No. 432. *COBURN ET AL. v. SAME*. November 12, 1937. Orders denying petition for writs of certiorari withheld on motion of *Mr. Richard S. Doyle* in behalf of counsel for the petitioners. Reported below: 91 F. (2d) 141.

---

No. —, original. *EX PARTE ROBERT G. TAYLOR ET AL.* November 15, 1937. Motion for leave to file brief denied.

No. —, original. *EX PARTE* JESSE C. DUKE. November 15, 1937. The motion for leave to file a petition for writ of mandamus is denied.

---

No. 229. *DUKE v. UNITED STATES*. November 15, 1937. Motion for leave to file affidavit as to bias and prejudice. *Per Curiam*: Upon consideration of the affidavit attached to the motion, the motion is denied. Reported below: 90 F. (2d) 840.

---

No. 229. *DUKE v. UNITED STATES*. November 15, 1937. The petition to set aside the orders of the Court denying petition for writ of certiorari and petition for rehearing is denied. The motion for reconsideration of the motion to stay the order denying petition for writ of certiorari and the order denying petition for rehearing is denied. Reported below: 90 F. (2d) 840.

---

Nos. 353 and 354. *RYAN ET AL. v. NEWFIELD*; and No. 355. *FLORIDA TEX OIL CO. ET AL. v. BALLENTINE*. November 15, 1937. The motion for leave to file a second petition for rehearing and suggestion of disqualification is denied.

---

No. 31. *VOGT, SHERIFF, v. MURPHY*. November 17, 1937. Ennis J. Kenney, present Sheriff of Kenton County, substituted as the party petitioner in place of Louis Vogt, resigned, on motion of *Mr. D. M. Outcalt* for the petitioner. See 301 U. S. 677.

---

No. 45. *PHILLIPS-JONES CORP. ET AL. v. PARMLEY ET AL.* November 19, 1937. Lottie E. Parmley, Executrix of the Estate of C. S. Parmley, substituted as a party

302 U. S.

Decisions Per Curiam, Etc.

respondent in place of C. S. Parmley, deceased, on motion of *Mr. Robert T. McCracken* for the petitioners. Reported below: 88 F. (2d) 958.

---

No. 35. NATIONAL CITY BANK *v.* PHILIPPINE ISLANDS. Certiorari, 301 U. S. 677, to the Supreme Court of the Philippines. Argued November 16, 1937. Decided November 22, 1937. *Per Curiam*: The judgment of the Supreme Court of the Philippines is reversed and the judgment of the Court of First Instance of Manila, dated the 24th day of July 1934, is affirmed upon the authority of *First National Bank v. California*, 262 U. S. 366; *Domech v. National City Bank*, 294 U. S. 199, 204, 205; and *Posadas v. National City Bank*, 296 U. S. 497, 499, 500. *Mr. Carl A. Mead* for petitioner. *Mr. Raymond A. Walsh*, with whom *Messrs. Harry B. Hawes* and *Bon Geaslin* were on the brief, for respondent.

---

No. 565. TOOLE *v.* MINERS SAVINGS BANK. Appeal from the Supreme Court of Pennsylvania. Decided November 22, 1937. *Per Curiam*: The appeal herein is dismissed for the want of a properly presented federal question. *Citizens' Savings Bank v. Owensboro*, 173 U. S. 636, 643; *Cleveland & Pittsburgh R. Co. v. Cleveland*, 235 U. S. 50, 53; *White River Co. v. Arkansas*, 279 U. S. 692, 700; *Collins v. Streitz*, 298 U. S. 640. *Mr. W. L. Pace* for appellant. No appearance for appellee. Reported below: 326 Pa. 367; 192 Atl. 246.

---

No. 268. EMERY BIRD THAYER DRY GOODS CO. ET AL. *v.* WILLIAMS ET AL.; and

No. 269. WILLIAMS ET AL. *v.* EMERY BIRD THAYER DRY GOODS CO. ET AL. On certificate from the Circuit Court of Appeals for the Eighth Circuit. Decided No-

vember 22, 1937. *Per Curiam*: The motion to bring up the entire record and cause is denied. Upon examination of the certificate, the certificate is dismissed. *Jewell v. Knight*, 123 U. S. 426, 433; *Baltimore & O. R. Co. v. Interstate Commerce Commission*, 215 U. S. 216, 221; *Biddle v. Luvisch*, 266 U. S. 173; *Smith v. Ajax Pipe Line Co.*, 298 U. S. 641; *Dixie Terminal Co. v. United States*, 298 U. S. 645. *Messrs. Armwell L. Cooper and Frederick H. Wood for Emery Bird Thayer Dry Goods Co. et al., and Messrs. Henry M. Channing and Barton Corneau for Moses Williams et al.* Reported below: 15 F. Supp. 938.

---

No. 31. *KENNEY, SHERIFF, v. MURPHY*. Certiorari, 301 U. S. 677 (No. 909), to the Circuit Court of Kenton County, Kentucky. Argued November 17, 1937. Decided November 22, 1937. *Per Curiam*: After hearing argument the Court is of the opinion that the motion of the respondent to dismiss the writ of certiorari should be granted, and the writ is accordingly dismissed for the want of jurisdiction. *McKnight v. James*, 155 U. S. 685; *Lambert v. Barrett*, 157 U. S. 697, 699, 700; *Weldington v. Sloan*, 54 Ky. 147; *Broadwell v. Commonwealth*, 98 Ky. 15; *Proffer v. Stewart*, 259 Ky. 445. *Mr. Charles I. Dawson*, with whom *Messrs. S. H. Brown and Ori S. Ware* were on the brief, for respondent. *Mr. D. M. Outcalt*, with whom *Messrs. Simon L. Leis and Carson Hoy* were on the brief, for petitioner.

---

No. 40. *AETNA INSURANCE CO. v. ILLINOIS CENTRAL R. Co.* Certiorari, 301 U. S. 679, to the Supreme Court of Illinois. Argued November 18, 1937. Decided November 22, 1937. *Per Curiam*: After hearing argument the Court is of the opinion that the decision of the state court rests upon a non-federal ground adequate to support it. *Hen-*

302 U. S.

Decisions Per Curiam, Etc.

*derson Bridge Co. v. Henderson City*, 141 U. S. 679, 688; *Enterprise Irrig. District v. Canal Co.*, 243 U. S. 157, 164; *McCoy v. Shaw*, 277 U. S. 302, 303; *Fox Film Corp. v. Muller*, 296 U. S. 207, 210. The writ of certiorari is dismissed. *Mr. Melvin L. Griffith*, with whom *Mr. George M. Stevens* was on the brief, for petitioner. *Messrs. John W. Freels, Edward C. Craig, and Charles A. Helsell* were on the brief for respondent. Reported below: 365 Ill. 303; 6 N. E. (2d) 189.

---

No. 13, original. EX PARTE HEYMANN ET AL. Certiorari, *post*, p. 663, to the Circuit Court of Appeals for the Seventh Circuit. Argued November 11, 12, 1937. Decided November 22, 1937. *Per Curiam*: After hearing argument the Court is of the opinion that it does not appear from the record that the Circuit Court of Appeals abused its discretion in refusing leave to appeal. The writ of certiorari is accordingly dismissed. *Mr. Walter E. Wiles*, with whom *Mr. John M. Lee* was on the brief, for petitioners. *Mr. Irving H. Flamm*, with whom *Mr. Meyer Abrams* was on the brief, for respondents. Reported below: 92 F. (2d) 822.

---

No. —. EX PARTE PAYSOFF TINKOFF. Petition to extend time to file petition for certiorari. Decided November 22, 1937. *Per Curiam*: The petition is denied. *Finn v. Railroad Commission*, 286 U. S. 559. Reported below: 86 F. (2d) 868.

---

No. —, original. EX PARTE FLOYD SCRUM. November 22, 1937. The motion for leave to file a petition for writ of habeas corpus is denied, without prejudice to appropriate application to the United States District Court for the Northern District of Georgia.

No. —, original. EX PARTE JOHN J. COLEMAN. November 22, 1937. The motion for leave to file petition for writ of habeas corpus is denied.

---

No. —, original. EX PARTE ROBERT GRAY TAYLOR ET AL. November 22, 1937. The motion for leave to file brief is denied.

---

No. —, original. EX PARTE VICTOR J. EVANS. November 6, 1937. The motion for leave to file petition for writ of habeas corpus is denied.

---

No. —. COMMERCIAL TELEGRAPHERS' UNION v. MADDEN ET AL. December 6, 1937. The application for stay pending determination of petition for writ of certiorari is denied.

---

No. 396. KELLOGG COMPANY v. NATIONAL BISCUIT CO. December 6, 1937. The petition to stay injunction is denied. *Messrs. W. H. Crichton-Clarke, Edward S. Rogers, and Robert T. McCracken* for petitioner. *Messrs. Thomas G. Haight, David A. Reed, Drury W. Cooper, and Charles A. Vilas* for respondent. Reported below: 91 F. (2d) 150.

---

No. 21. GROMAN v. COMMISSIONER OF INTERNAL REVENUE. December 6, 1937. The opinion filed November 8, 1937, is amended by striking from the second paragraph on page 5 thereof the sentence "Glidden transferred nothing to them.", and by striking from the next sentence but one the words "and prior preference stock,". The petition for rehearing is denied. Reported as amended, *ante*, p. 82.

302 U. S.

Decisions Per Curiam, Etc.

No. 544. *HORNBLOWER ET AL. v. McGRAY*. Appeal from the Superior Court of Massachusetts. Decided December 13, 1937. *Per Curiam*: The motion of the appellee to dismiss the appeal is granted, and the appeal is dismissed for the want of a substantial federal question. *First National Bank v. Missouri*, 263 U. S. 640, 656; *Lewis v. Fidelity Co.*, 292 U. S. 559, 566; *Jennings v. U. S. F. & G. Co.*, 294 U. S. 216, 219. *Messrs. Edward C. Park and Lothrop Withington* for appellants. *Mr. Milton Gordon* for appellee. Reported below: 10 N. E. (2d) 501.

---

No. 569. *BARNETT v. ROGERS, SHERIFF*. Appeal from the Supreme Court of Oklahoma. Decided December 13, 1937. *Per Curiam*: The appeal herein is dismissed for the reason that the judgment sought here to be reviewed is based upon a non-federal ground adequate to support it. *Brooks v. Missouri*, 124 U. S. 394, 400; *John v. Paullin*, 231 U. S. 583, 585; *Nevada-California-Oregon Ry. v. Burres*, 244 U. S. 103, 105; *Central Union Co. v. Edwardsville*, 269 U. S. 190, 195; *Kammerer v. Kroeger*, 299 U. S. 302. *Mr. J. D. Lydick* for appellant. No appearance for appellee. Reported below: 180 Okla. 208; 69 P. (2d) 643.

---

No. 590. *EHLERS v. NEBRASKA*. Appeal from the Supreme Court of Nebraska. Decided December 13, 1937. *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 a writ of certiorari, as required by § 237 (c), Judicial Code, as amended, 43 Stat. 936, 938, certiorari is denied. *Mr. Eugene D. O'Sullivan* for appellant. No appearance for appellee. Reported below: 133 Neb. 241; 274 N. W. 570.

No. 610. *LEOLES v. LANDERS ET AL.* Appeal from the Supreme Court of Georgia. Decided December 13, 1937. *Per Curiam*: The motion of the appellees to dismiss the appeal is granted, and the appeal is dismissed for the want of a substantial federal question. *Coale v. Pearson*, 290 U. S. 597; *Hamilton v. Regents*, 293 U. S. 245, 261, 262. Messrs. O. R. Moyle and Martin Conboy for appellant. Mr. J. C. Murphy for appellees. Reported below: 184 Ga. 580; 192 S. E. 218.

---

No. 620. *DUTTON v. CALIFORNIA.* Appeal from the Supreme Court of California. Decided December 13, 1937. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Carlesi v. New York*, 233 U. S. 51; *Moore v. Missouri*, 159 U. S. 673, 678; *McDonald v. Massachusetts*, 180 U. S. 311, 312, 313; *Graham v. West Virginia*, 224 U. S. 616, 623. The motion for leave to proceed further *in forma pauperis* is denied. Mr. Charles Dutton, *pro se*. No appearance for appellee. Reported below: 9 Cal. (2d) 505; 71 P. (2d) 218.

---

No. 414. *LEADER ET AL. v. APEX HOSIERY Co.* On petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit. Decided December 13, 1937. *Per Curiam*: Upon consideration of the return of the petitioners to the rule to show cause, the petition for writ of certiorari is granted, the decree of the Circuit Court of Appeals reversed, and the cause is remanded to the District Court with directions to vacate its decree and to dismiss the bill of complaint upon the ground that the cause is moot. *Brownlow v. Schwartz*, 261 U. S. 216, 217, 218; *Alejandrino v. Quezon*, 271 U. S. 528, 535, 536; *Bracken v. Securities & Exchange Comm'n*, 299 U. S. 504. Messrs. Samuel L. Einhorn and Nathan Ziserman for petitioners. Mr. Stanley Folz for respondent. Reported below: 90 F. (2d) 155.

302 U. S.

Decisions Per Curiam, Etc.

No. —, original. *DAVIDSON v. CALIFORNIA*. December 13, 1937. The motion for leave to file the Bill of Complaint herein is denied. The motion for leave to proceed *in forma pauperis* is denied.

---

No. —, original. *MISSOURI v. IOWA*. December 13, 1937. The motion for leave to file the Bill of Complaint herein is granted and process is ordered to issue returnable on Monday, February 14, 1938. *Mr. Roy McKittrick*, Attorney General of Missouri, *Mr. Frank W. Hayes*, Assistant Attorney General, *Mr. M. E. Casey*, and *Ruth L. Waltner* for complainant.

---

No. —, original. *EX PARTE LLOYD RUBIN*. December 13, 1937. The motion for leave to file petition for writ of habeas corpus is denied.

---

No. 660 (October Term, 1936). *LINDSEY ET AL. v. WASHINGTON*. December 13, 1937. The motion to recall the mandate is denied, without prejudice to appropriate application to the proper state court. See s. c. 301 U. S. 397.

---

No. 63. *UNITED STATES ET AL. v. GRIFFIN ET AL., RECEIVERS*. Appeal from the District Court of the United States for the Southern District of Georgia. December 13, 1937. The Court is of the opinion that it has jurisdiction of the appeal. Reargument is ordered, and the cause is assigned for argument upon the merits. *Solicitor General Reed*, *Assistant Attorney General Jackson*, and *Messrs. Elmer B. Collins, Daniel W. Knowlton, and Edward M. Reidy* for appellants. *Messrs. Gregory Hankin, Moultrie Hitt, and G. Kibby Munson* for appellees.

NO. 616. WEST BROTHERS BRICK CO. *v.* ALEXANDRIA. Appeal from the Supreme Court of Appeals of Virginia. Decided December 20, 1937. *Per Curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Euclid v. Ambler Co.*, 272 U. S. 365, 387, 388; *Zahn v. Board of Public Works*, 274 U. S. 325, 327, 328; *Lewis v. Mayor*, 290 U. S. 585. *Mr. John S. Barbour* for appellant. *Messrs. Thomas B. Gay and Lewis F. Powell, Jr.*, for appellee. Reported below: 169 Va. 271; 192 S. E. 881.

---

NO. 39. WOODRING, SECRETARY OF WAR, ET AL. *v.* CLARKSBURG-COLUMBUS SHORT ROUTE BRIDGE Co. Certiorari, 301 U. S. 679, to the Court of Appeals for the District of Columbia. Decided December 20, 1937. *Per Curiam*: The motion of the petitioners to reverse the judgment and remand the cause to the United States District Court for the District of Columbia, with instructions to dismiss the bill, is granted, and the judgment of the Court of Appeals is reversed, and the cause remanded to the District Court with instructions to dismiss the bill of complaint upon the ground that the cause is moot. *Brownlow v. Schwartz*, 261 U. S. 216, 217, 218; *Alejandro v. Quezon*, 271 U. S. 528, 535, 536; *Bracken v. Securities & Exchange Comm'n.*, 299 U. S. 504. *Solicitor General Reed, Assistant Attorney General Whitaker, and Messrs. J. Frank Staley and Paul A. Sweeney* for petitioners. *Mr. George D. Horning, Jr.*, for respondent. Reported below: 67 App. D. C. 44; 89 F. (2d) 788.

---

NO. —. EX PARTE BASIL H. POLLITT. December 20, 1937. Applications denied.

---

NO. 11, original. TEXAS *v.* NEW MEXICO ET AL. December 20, 1937. Upon consideration of the motion of

302 U. S.

Decisions Per Curiam, Etc.

the complainant State, presented by Charles Warren, Special Master herein, to defer hearings before the Special Master, and of the communication of the Special Assistant Attorney General of the State of New Mexico stating that the State of New Mexico and the attorneys for the Middle Rio Grande Conservancy District agreed to a continuance, it is ordered that further hearings before the Special Master be deferred until April 1, 1938, or such date thereafter as the Special Master shall determine. *Messrs. Richard F. Burges, William McCraw, and H. Grady Chandler* for complainant. *Messrs. Frank H. Patton, A. T. Hannett, Pearce C. Rodey, and Richard H. Hanna* for defendants.

---

No. 622. *SPEECE v. ILLINOIS*. Appeal from the Supreme Court of Illinois. Decided January 3, 1938. *Per Curiam*: The motion of the appellee to dismiss the appeal 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. Jacob G. Grossberg* for appellant. *Mr. Otto Kerner* for appellee. Reported below: 367 Ill. 76; 10 N. E. (2d) 379.

---

No. —, original. *EX PARTE FLORENCE F. GREAVES STONE ET AL.* January 3, 1938. The motion for leave to file petition for writ of mandamus is denied.

---

No. —, original. *EX PARTE LOUIS BERMAN.* January 3, 1938. The motion for leave to file petition for writ of habeas corpus is denied.

No. 621. CHASE SECURITIES CORP. v. HUSBAND, COMMISSIONER OF BANKS, ET AL. Appeal from the Superior Court of Massachusetts. Decided January 10, 1938. *Per Curiam*: The motion for leave to file brief in opposition to the motion to dismiss or affirm is granted. The motion of the appellees to dismiss the appeal is granted, and the appeal is dismissed for the want of a substantial federal question. (1) *First National Bank v. Missouri*, 263 U. S. 640, 656; *Lewis v. Fidelity Co.*, 292 U. S. 559, 566; *Jennings v. U. S. F. & G. Co.*, 294 U. S. 216, 219; *Hornblower v. McGray*, *ante*, p. 655. (2) *Hudson Water Co. v. McCarter*, 209 U. S. 349, 357; *Rast v. Van Deman & Lewis*, 240 U. S. 342, 363; *Union Dry Goods Co. v. Georgia P. S. Corp.*, 248 U. S. 372, 375, 376; *Home Bldg. & L. Assn. v. Blaisdell*, 290 U. S. 398, 437, 438. *Messrs. John L. Hall, Richard Wait, and Marcien Jenckes* for appellant. *Mr. Joseph B. Abrams* for appellees. Reported below: 10 N. E. (2d) 472.

---

No. —, original. EX PARTE MAURO PIERGIOVANNI. January 10, 1938. Motion for leave to file petition for writ of habeas corpus denied.

---

No. —, original. EX PARTE ELMER O'NEILL. January 10, 1938. Motion for leave to file petition for writ of habeas corpus denied.

---

No. —, original. EX PARTE RALPH MARK. January 10, 1938. Motion for leave to file petition for writ of mandamus denied.

---

No. 1, original. GEORGIA v. TENNESSEE COPPER CO. ET AL. January 10, 1938. The joint motion to dismiss the Bill of Complaint is granted. Decree to be settled on notice. *Messrs. John C. Hart, Ligon Johnson, H. A. Hall,*

302 U. S.

Decisions Per Curiam, Etc.

*Thomas S. Felder, and J. A. Drake* for complainant.  
*Messrs. Martin A. Vogel, Howard Cornick, John A. Franz, James G. Parks, Joseph B. Wright, J. A. Fowler, C. M. Seymour, W. B. Miller, John D. Little, A. G. Powell, Marion Smith, Max F. Goldstein, and William Butt* for defendants.

---

No. 437. *HINDERLIDER, STATE ENGINEER, ET AL. v. LA PLATA RIVER & CHERRY CREEK DITCH Co.* January 10, 1938. Upon consideration of the memorandum of the Attorney General of the United States, filed at the request of the Court embodied in the order of October 25, 1937, and in view of the Act of August 24, 1937, c. 754, 50 Stat. 751, the Court hereby certifies to the Attorney General of the United States that the constitutionality of a compact, affecting the public interest, between the States of Colorado and New Mexico of November 27, 1922, approved by Congress on January 29, 1925, is drawn in question in this cause. Reported below: 101 Colo. 73; 70 P. (2d) 849.

---

No. 14. *FEDERAL TRADE COMMISSION v. STANDARD EDUCATION SOCIETY ET AL.* January 10, 1938. The motion of the respondents to amend the opinion (*ante*, p. 112) is denied.

---

No. 334. *RAINIER NATIONAL PARK Co. v. MARTIN, GOVERNOR.* Appeal from the District Court of the United States for the Western District of Washington. Argued January 11, 12, 1938. Decided January 17, 1938. *Per Curiam*: Judgment affirmed. *Mid-Northern Co. v. Montana*, 268 U. S. 45. *Mr. F. D. Metzger*, with whom *Mr. Edgar N. Eisenhower* was on the brief, for appellant. *Mr. R. G. Sharpe* for appellee. Reported below: 18 F. Supp. 481.

No. —, original. EX PARTE CHARLES LEFKOWITZ. January 17, 1938. Motion for leave to file petition for writ of habeas corpus denied.

---

No. —, original. EX PARTE J. R. PALMER. January 17, 1938. Motion for leave to file petition for writ of habeas corpus denied.

---

No. 12, original. TEXAS *v.* FLORIDA ET AL. January 17, 1938. Upon consideration of the motion of Mabel Harlow Green that the bill of complaint in this cause be dismissed as to her, and of the stipulation of the parties to the cause, attached thereto, consenting to the granting of such relief, the motion is granted and the bill of complaint is dismissed as to the said Mabel Harlow Green, without costs as to her.

---

No. 476. REARDANZ *v.* CONNECTICUT MUTUAL LIFE INS. CO. ET AL. January 17, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit dismissed for failure to comply with the rules. *Mr. Samuel E. Cook* for petitioner. No appearance for respondents. Reported below: 91 F. (2d) 410.