

DECISIONS PER CURIAM, ETC., FROM APRIL  
23, 1940, THROUGH JUNE 3, 1940.\*

No. 879. *LOVING ET AL., A COPARTNERSHIP, v. UNITED STATES ET AL.* Appeal from the District Court of the United States for the Western District of Oklahoma. April 29, 1940. *Per Curiam*: The judgment is affirmed. *McDonald v. Thompson*, 305 U. S. 263, 266; *United States v. Maher*, 307 U. S. 148, 153-154; *Interstate Commerce Commission v. Union Pacific R. Co.*, 222 U. S. 541, 547-548; *Los Angeles Switching Case*, 234 U. S. 294, 311-312. *Messrs. Robert H. Ledbetter and E. P. Ledbetter* for appellants. Reported below: 32 F. Supp. 464.

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No. 881. *OHIO EX REL. JONAK v. WHITE ET AL., MEMBERS OF THE INDUSTRIAL COMMISSION OF OHIO.* Appeal from the Supreme Court of Ohio. April 29, 1940. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for 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; *Hardware Dealers Insurance Co. v. Glidden*, 284 U. S. 151, 158; *Snyder v. Massachusetts*, 291 U. S. 97, 105; *Radium Dial Co. v. Ryan*, 308 U. S. 504. *Mr. Lody Huml* for appellant. *Mr. Thomas J. Herbert* for appellees. Reported below: 136 Ohio St. 213; 24 N. E. 2d 826.

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No. —, original. *EX PARTE JOHN A. CURTIS.* April 29, 1940. Motion for leave to file a petition for writ of habeas corpus denied.

\* For decisions on applications for certiorari, see *post*, pp. 616, 624; for rehearing, *post*, pp. 654, 656. For cases disposed of without consideration by the Court, *post*, p. 654.

No. —, original. *EX PARTE RAILROAD COMMISSION OF TEXAS ET AL.* April 29, 1940. Motion for leave to file a petition for a writ of mandamus denied.

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No. 552. *MURRAY, RECEIVER, ET AL. v. CITY OF NEW YORK ET AL.*; and

No. 558. *ROBERTS, RECEIVER, v. MURRAY, RECEIVER, ET AL.* April 29, 1940. The motion further to defer consideration of the petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit is granted and consideration is deferred until October 7 next. The CHIEF JUSTICE took no part in the consideration and decision of this application. Reported below: 103 F. 2d 889.

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No. 915. *SOUTHERN SERVICE CO., LTD., v. COUNTY OF LOS ANGELES ET AL.* Appeal from the Supreme Court of California. May 6, 1940. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for the want of a substantial federal question. (1) *Graham & Foster v. Goodcell*, 282 U. S. 409, 429-430; *Eitel v. Toman*, 308 U. S. 505; *Sears, Roebuck & Co. v. Toman*, 308 U. S. 505. (2) *Ohio Oil Co. v. Conway*, 281 U. S. 146, 159; *Railroad Co. v. Commissioners*, 98 U. S. 541, 543-544; *Chesebrough v. United States*, 192 U. S. 253, 259-260. *Messrs. W. Sumner Holbrook, Jr., Karl D. Loos, and Preston B. Kavanagh* for appellant. *Mr. W. B. McKesson* for the County of Los Angeles; and *Messrs. Ray L. Chesebro and Leon Thomas David* for the City of Los Angeles, appellees. Reported below: 15 Cal. 2d 1; 97 P. 2d 963.

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No. 921. *WYNNE ET AL. v. TEXAS.* Appeal from the Supreme Court of Texas. May 6, 1940. *Per Curiam*: The appeal is dismissed for the want of a substantial

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federal question. *Hodge v. Muscatine County*, 196 U. S. 276. *Mr. Sproesser Wynn* for appellants. Reported below: 134 Texas 455; 113 S. W. 2d 325; 133 S. W. 2d 951.

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No. 930. RAILROAD COMMISSION OF TEXAS ET AL. *v.* HUMBLE OIL & REFINING Co. Appeal from the District Court of the United States for the Western District of Texas. May 6, 1940. Motion for stay. The enforcement of the injunction is stayed until action upon the statement as to jurisdiction. See p. 616.

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No. —, original. *EX PARTE W. J. MEREDITH ET AL.* May 6, 1940. The motion for a temporary restraining order pending the motion for leave to file a petition for a writ of mandamus, presented to MR. JUSTICE FRANKFURTER and referred by him to the Court, is denied.

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No. —, original. *EX PARTE R. L. SCOTT.* May 6, 1940. Motion for leave to file a petition for writ of mandamus denied.

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No. 943. *EAVEY COMPANY ET AL. v. DEPARTMENT OF TREASURY OF INDIANA ET AL.* Appeal from the Supreme Court of Indiana. May 20, 1940. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Hendrick v. Maryland*, 235 U. S. 610; *Hicklin v. Coney*, 290 U. S. 169, 173; *Carley & Hamilton v. Snook*, 281 U. S. 66, 72-73; *Arthur v. Indiana*, 309 U. S. 630. *Messrs. Lloyd D. Claycombe and Albert Stump* for appellants. *Messrs. Joseph W. Hutchinson and Rexell A. Boyd* for appellees. Reported below: 24 N. E. 2d 268.

No. —, original. *EX PARTE JOSEPH MURPHY*. May 20, 1940. Motion for leave to file petition for writ of habeas corpus denied.

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No. —, original. *EX PARTE W. J. MEREDITH*. May 20, 1940. Motion for leave to file petition for writ of mandamus denied.

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No. 813. *MONTGOMERY WARD & Co. v. DUNCAN*. May 20, 1940. Motion of the respondent to dismiss the writ of certiorari denied.

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No. 1003. *SHELLEY v. UNITED STATES*. May 20, 1940. Application denied. *Rebecca Shelley, pro se*.

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No. 13, original. *PENNSYLVANIA v. NEW JERSEY ET AL.* Argued April 22, 1940. Decided May 27, 1940. *Per Curiam*: As the questions sought to be presented in this suit by the Commonwealth of Pennsylvania have been determined by the judgment of this Court in *Delaware River Joint Toll Bridge Commission v. Colburn, ante*, p. 419, the complaint herein is dismissed without costs to either party. *Mr. Wm. A. Schnader*, with whom *Mr. Claude T. Reno*, Attorney General of Pennsylvania, was on the brief, for complainant. *Mr. John W. Ockford*, Assistant Attorney General, for New Jersey; and *Mr. Egbert Rosencrans* and *Mr. Robert B. Meyner, pro hac vice*, for John D. Colburn et al.,—defendants.

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No. 459. *H. ROUW COMPANY v. CRIVELLA*. Certiorari, 308 U. S. 544, to the Circuit Court of Appeals for the Eighth Circuit. Submitted February 8, 1940. Decided May 27, 1940. *Per Curiam*: In the light of Public, No.

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515, 76th Congress, Third Session, approved May 14, 1940, and, it appearing that it was the intention of the Congress to make that Act applicable to the present case, and to other cases similarly situated, the judgment of the Court of Appeals is reversed and the cause is remanded to the District Court with directions to hear the appeal from the award of the Secretary of Agriculture. *Messrs. William L. Curtis and D. H. Howell* submitted for petitioner. *Messrs. Harry P. Daily and John P. Wood* submitted for respondent. By leave of Court, *Solicitor General Biddle, Assistant Attorney General Arnold, and Messrs. Robert L. Stern, Robert K. McConnaughey, Mastin G. White, and Joseph O. Parker* filed a brief on behalf of the United States, as *amicus curiae*, urging reversal. Reported below: 105 F. 2d 434.

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No. 822. STATE OF WASHINGTON EX REL. COLUMBIA BROADCASTING CO. *v.* SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY ET AL. Certiorari, 309 U. S. 638, to the Supreme Court of the State of Washington. May 27, 1940. *Per Curiam*: It appearing that the cause has become moot, the judgment of the Supreme Court of Washington is vacated and the cause is remanded for such proceedings as by that court may be deemed appropriate, without costs to either party in this Court. *Florida v. Knott*, 308 U. S. 507. *Messrs. Cassius E. Gates and Godfrey Goldmark* for petitioner. Reported below: 1 Wash. 2d 379; 96 P. 2d 248.

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No. 998. SAENGER REALTY CORP. *v.* GROSJEAN, COLLECTOR OF REVENUE. Appeal from the Supreme Court of Louisiana. May 27, 1940. *Per Curiam*: The motion to dismiss 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; *Herndon v. Georgia*, 295 U. S. 441, 443. (2) *Knights of Pythias v. Meyer*, 265 U. S. 30, 32; *Leffingwell v. Warren*, 2 Black 599, 603; *Great Northern Ry. Co. v. Sunburst Oil & Refining Co.*, 287 U. S. 358, 362. *Mr. Charles Rosen* for appellant. *Messrs. F. A. Blanche and E. Leland Richardson* for appellee. Reported below: 194 La. 470; 193 So. 710.

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No. —, original. EX PARTE ROY HULLIG;

No. —, original. EX PARTE ARTHUR R. McCLEARY; and

No. —, original. EX PARTE HARRY MURRAY. May 27, 1940. The motions for leave to file petitions for writs of habeas corpus are denied.

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No. —, original. EX PARTE NORMAN BAKER. May 27, 1940. The motion for leave to file petition for writ of habeas corpus is denied. The motion for leave to apply for a writ of certiorari is also denied.

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No. —, original. UNITED STATES EX REL. GEISELMAN *v.* HUNT, WARDEN. May 27, 1940. Motion for leave to proceed *in forma pauperis*, and motion for leave to file a petition for a writ of certiorari to the Circuit Court of Appeals for the Second Circuit, denied.

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No. —. LEWIS, EXECUTRIX, ET AL. *v.* FONTENTO, COLLECTOR. May 27, 1940. Application denied.

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No. 15, original. KANSAS *v.* MISSOURI. May 27, 1940. The motion for leave to file a bill of complaint is granted

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and process is ordered to issue returnable September 1, next. *Messrs. Jay S. Parker*, Attorney General of Kansas, *A. B. Mitchell*, Assistant Attorney General, *Clarence V. Beck*, and *Errett P. Scrivner* for complainant.

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No. 1001. *DOYLE v. CITY OF ST. PAUL ET AL.* Appeal from the Supreme Court of Minnesota. June 3, 1940. *Per Curiam*: The judgment is affirmed. *Violet Trapping Co. v. Grace*, 297 U. S. 119, 120; *Ingraham v. Hanson*, 297 U. S. 378, 381; *Schenebeck v. McCrary*, 298 U. S. 36, 37. *Mr. Oscar Hallam* for appellant. *Mr. John W. McConneloug* for appellees. Reported below: 206 Minn. 649; 289 N. W. 784.

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No. 476. *UNITED STATES v. NORTHERN PACIFIC RAILWAY Co. ET AL.* Appeal from the District Court of the United States for the Eastern District of Washington. June 3, 1940. This cause is set for reargument October 14, 1940. The Court desires to hear argument limited to the purpose, scope, and effect of the Act of June 25, 1929, the relief thereby afforded the parties, and the defenses made available to them; and to appellant's assignments of errors 1-12 inc., 13 (insofar as it relates to failure to construct a line from Wallula, Washington, to Portland, Oregon), 19-27 inc., 29, 30, 32, 33, 36-40 inc., 42, 43, 52-54 inc.—particularly with reference to the bearing of the matters comprehended in these assignments upon the nature and extent of the relief accorded, and the defenses made available, to the parties respectively, by §§ 1, 2, 5, and 6 of said Act.

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No. —, original. *EX PARTE EDMOND C. FLETCHER.* June 3, 1940. Motion for leave to file petition for writ of prohibition denied.

No. —, original. *EX PARTE ROBERT H. DENTON, JR.* June 3, 1940. Motion for leave to file petition for writ of habeas corpus denied.

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No. —, original. *EX PARTE ALBERT SMITH.* June 3, 1940. Motion for leave to file petition for writ of mandamus denied.

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No. 15, original. *KANSAS v. MISSOURI.* June 3, 1940. Motion of E. A. Cole for leave to file a Bill of Intervention denied. *Messrs. Jay S. Parker*, Attorney General of Kansas, *A. B. Mitchell*, Assistant Attorney General, *Clarence V. Beck*, and *Errett P. Scrivner* for complainant. *Mr. Robert Stone* for E. A. Cole.

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No. 785. *LOWMAN v. FEDERAL LAND BANK OF LOUISVILLE ET AL.* June 3, 1940. Motion for leave to file second petition for rehearing in this case granted. See *post*, p. 656.

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No. 930. *RAILROAD COMMISSION OF TEXAS ET AL. v. HUMBLE OIL & REFINING Co.* Appeal from the District Court of the United States for the Western District of Texas. June 3, 1940. In this case probable jurisdiction is noted. The motion to advance is denied. The motion for stay is granted and the enforcement of the decree of the District Court is stayed pending the determination of the case by this Court.

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DECISIONS GRANTING CERTIORARI, FROM  
APRIL 23, 1940, THROUGH JUNE 3, 1940.

No. 907. *BERNARDS ET AL. v. JOHNSON ET AL.* April 29, 1940. Motion for leave to proceed *in forma pauperis*,