

Opinion of the Court.

311 U. S.

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.

No. 57. Argued December 12, 1940.—Decided January 6, 1941.

Decided upon the authority of *Railroad Commission of Texas v. Rowan & Nichols Oil Co.*, ante, p. 570.

Decree vacated.

*Mr. James P. Hart*, Assistant Attorney General of Texas, with whom *Messrs. Gerald C. Mann*, Attorney General, *Edgar W. Cale*, *Tom D. Rowell, Jr.*, and *E. R. Simmons*, Assistant Attorneys General, were on the brief, for appellants. *Mr. Norman L. Meyers* was on a brief for *G. A. Sadler*, appellant.

*Mr. Rex G. Baker*, with whom *Messrs. Robert E. Hardwicke*, *E. E. Townes*, and *R. E. Seagler* were on the brief, for appellee.

MR. JUSTICE FRANKFURTER delivered the opinion of the Court.

This case is a companion case to *Railroad Commission v. Rowan & Nichols Oil Co.*, ante, p. 570. There are minor variations in the facts of the two cases, but not of sufficient moment to call for particularization. The decision in the *Rowan & Nichols* case is decisive of this.

The decree is vacated and the case is remanded to the district court for dismissal of the complaint.

*Vacated.*

The CHIEF JUSTICE, MR. JUSTICE McREYNOLDS and MR. JUSTICE ROBERTS dissent.