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Decisions Granting Certiorari.

June 4, 1934. *Per Curiam*: Petition for writ of certiorari granted. Judgment reversed on authority of *Helvering v. Newport Company*, 291 U.S. 485. *Solicitor General Biggs* for petitioner. No appearance for respondent. Reported below: 68 F. (2d) 878.

No. 578. *ASCHENBRENNER v. UNITED STATES FIDELITY & GUARANTY Co.* June 4, 1934. Leave granted to file petition for rehearing. Petition for rehearing denied. See *ante*, p. 80.

No. 565. *LOUGHRAN v. LOUGHRAN ET AL.* June 4, 1934. Petition for rehearing denied. See *ante*, p. 216.

No. 941. *CONTINENTAL CASUALTY Co. v. UNITED STATES EX REL. AINSWORTH, TRUSTEE.* June 4, 1934. Petition for rehearing denied. See *post*, p. 641.

No. 942. *WAHLGREN v. BAUSCH & LOMB OPTICAL Co. ET AL.* June 4, 1934. Petition for rehearing denied. See *post*, p. 639.

DECISIONS GRANTING CERTIORARI, FROM
MARCH 20 TO AND INCLUDING JUNE 4, 1934.

No. 815. *O'RYAN, COMMISSIONER OF POLICE, ET AL. v. MILLS NOVELTY Co.* April 2, 1934. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Messrs. Paxton Blair, F. H. LaGuardia, and Paul Windels* for petitioners. *Messrs. Weymouth Kirkland, Howard Ellis, Emil Weitzner, and Marion B. Stahl* for respondent. Reported below: 68 F. (2d) 1009.

No. 734. *REYNOLDS v. UNITED STATES*. April 2, 1934. Petition for writ of certiorari to the Court of Claims granted. *Mr. Francis W. Hill, Jr.*, for petitioner. *Solicitor General Biggs* and *Messrs. Mahlon D. Kiefer* and *W. Marvin Smith* for the United States. Reported below: 78 Ct.Cls. —.

No. 831. *LYNCH ET AL. v. NEW YORK EX REL. PIERSON*. April 2, 1934. Petition for writ of certiorari to the Supreme Court of New York granted. *Mr. Henry Epstein* for petitioners. *Mr. Charles W. Pierson* for respondent. Reported below: 237 App. Div. 763; 189 N.E. 684.

No. 834. *UNITED STATES v. CREEK NATION*. April 9, 1934. Petition for writ of certiorari to the Court of Claims granted. *Solicitor General Biggs* for the United States. *Messrs. E. J. Van Court* and *Paul M. Niebell* for respondent. Reported below: 77 Ct.Cls. 159.

No. 873. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. NEW YORK TRUST CO., TRUSTEE*; and

No. 899. *NEW YORK TRUST CO., TRUSTEE, v. HELVERING, COMMISSIONER OF INTERNAL REVENUE*. April 9, 1934. Petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Solicitor General Biggs* for the Commissioner of Internal Revenue. *Messrs. J. Du Pratt White* and *Chauncey Newlin* for New York Trust Co., Trustee. Reported below: 68 F. (2d) 19.

No. 855. *LYNCH v. UNITED STATES*. April 9, 1934. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Messrs. Arthur E. Fixel, Rowland W. Fixel, M. F. Barbour, and John J. McCreary* for petitioner. *Solicitor General Biggs* for the United States. Reported below: 67 F. (2d) 490.

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No. 861. *WILNER v. UNITED STATES*. April 9, 1934. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Mr. Edward H. S. Martin* for petitioner. *Solicitor General Biggs* and *Messrs. Will G. Beardslee, Randolph C. Shaw, and Charles Bunn* for the United States. Reported below: 68 F. (2d) 442.

No. 870. *WARNER, ADMINISTRATRIX, v. GOLTRA*. April 9, 1934. Petition for writ of certiorari to the Supreme Court of Missouri granted. *Messrs. Samuel W. Fordyce, C. Powell Fordyce, and Henry J. Richardson* for petitioner. *Mr. Joseph T. Davis* for respondent. Reported below: 334 Mo. 396; 67 S.W. (2d) 47.

No. 901. *McCANDLESS, RECEIVER, v. FURLAUD ET AL.* April 30, 1934. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted, limited to the questions pertaining to the validity of the appointment of the petitioner as ancillary receiver, and his right as such to maintain this suit. *Mr. Ralph Royall* for petitioner. *Mr. Louis B. Eppstein* for respondents. Reported below: 68 F. (2d) 925.

No. 887. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. BLISS*. April 30, 1934. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Solicitor General Biggs* for petitioner. *Mr. James McKinley Rose* for respondent. Reported below: 68 F. (2d) 890.

No. 888. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. HARBISON*; and

No. 889. *SAME v. COLGATE*. April 30, 1934. Petitions for writs of certiorari to the Circuit Court of Appeals for

the Second Circuit granted. *Solicitor General Biggs* for petitioner. *Messrs. Hugh Satterlee and J. E. MacCloskey, Jr.*, for respondents. Reported below: 68 F. (2d) 1004.

No. 895. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. STOCKHOLMS ENSKILDA BANK.* April 30, 1934. Petition for writ of certiorari to the Court of Appeals of the District of Columbia granted. *Solicitor General Biggs* for petitioner. *Mr. Truman Henson* for respondent. Reported below: 62 App.D.C. 360; 68 F. (2d) 407.

No. 904. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. MORGAN'S, INC., ET AL.* April 30, 1934. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted. *Solicitor General Biggs* for petitioner. *Mr. Haskell Cohn* for respondents. Reported below: 68 F. (2d) 325.

No. 892. *ROWLEY ET AL. v. CHICAGO & NORTHWESTERN RY. Co.* April 30, 1934. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted. *Messrs. Ray E. Lee and James A. Greenwood* for petitioners. *Messrs. Samuel H. Cady and William T. Faricy* for respondent. Reported below: 68 F. (2d) 527.

No. 883. *WACO v. UNITED STATES FIDELITY & GUARANTY Co. ET AL.* April 30, 1934. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Mr. J. Walter Cocke* for petitioner. No appearance for respondents. Reported below: 67 F. (2d) 785.

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No. 909. DETROIT TRUST CO., TRUSTEE, *v.* THE THOMAS BARLUM ET AL.; and

No. 910. SAME *v.* THE JOHN J. BARLUM ET AL. April 30, 1934. Petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Messrs. Ferris D. Stone, Ray M. Stanley, and Ellis H. Gidley* for petitioner. *Messrs. George E. Brand and Thomas C. Burke* for respondents. Reported below: 68 F. (2d) 946.

No. 914. McNALLY *v.* HILL, WARDEN. May 7, 1934. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Mr. John S. Wise, Jr.*, for petitioner. *Solicitor General Biggs* and *Messrs. Harry S. Ridgely and W. Marvin Smith* for respondent. Reported below: 69 F. (2d) 38.

No. 924. VIRGINIA *v.* IMPERIAL COAL SALES CO., INC. May 7, 1934. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia granted. *Messrs. Henry R. Miller, Jr., and W. W. Martin* for petitioner. *Mr. James R. Caskie* for respondent. Reported below: 161 Va. 718; 167 S.E. 268.

No. 954. LONG *v.* ANSELL. May 7, 1934. Petition for writ of certiorari to the Court of Appeals of the District of Columbia granted. *Messrs. Seth W. Richardson, Joseph E. Davies, Adrien F. Busick, and Raymond N. Beebe* for petitioner. No appearance for respondent. Reported below: 63 App.D.C. 68; 69 F. (2d) 386.

No. 977. BRITISH-AMERICAN TOBACCO CO., LTD. *v.* HELVERING, COMMISSIONER OF INTERNAL REVENUE. May 7, 1934. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr.*

H. H. Shelton for petitioner. *Solicitor General Biggs* for respondent. Reported below: 69 F. (2d) 528.

No. 946. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. POWERS, EXECUTOR, ET AL.* May 14, 1934. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted. *Solicitor General Biggs* for petitioner. *Mr. J. Colby Bassett* for respondents. Reported below: 68 F. (2d) 634.

No. 969. *IRVING TRUST CO., TRUSTEE IN BANKRUPTCY, v. A. W. PERRY, INC.* May 14, 1934. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Messrs. Charles K. Beekman and Edward K. Hanlon* for petitioner. *Messrs. John M. Perry and Thos. F. Dougherty* for respondent. Reported below: 69 F. (2d) 90.

No. 962. *METROPOLITAN CASUALTY INSURANCE CO. v. BROWNELL, RECEIVER.* May 21, 1934. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Mr. James W. Noel* for petitioner. *Messrs. Sidney S. Miller and Samuel D. Miller* for respondent. Reported below: 68 F. (2d) 481.

No. 973. *ICKES, SECRETARY OF THE INTERIOR, v. VIRGINIA-COLORADO DEVELOPMENT CORP.* May 21, 1934. Petition for writ of certiorari to the Court of Appeals of the District of Columbia granted. *Solicitor General Biggs* for petitioner. No appearance for respondent. Reported below: 63 App.D.C. 47; 69 F. (2d) 123.

No. 994. *GILLIS, RECEIVER, v. CALIFORNIA.* May 28, 1934. Petition for writ of certiorari to the Circuit Court

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of Appeals for the Ninth Circuit granted. *Mr. Ernest C. Carman* for petitioner. *Messrs. U. S. Webb* and *H. H. Linney* for respondent. Reported below: 69 F. (2d) 746.

No. 964. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. WIESE*. See *ante*, p. 614.

No. 1037. *NATIONAL PAPER PRODUCTS CO. v. HELVERING, COMMISSIONER OF INTERNAL REVENUE*; and

No. 1038. *ZELLERBACH PAPER CO. v. SAME*. June 4, 1934. Petition for writs of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Messrs. John Francis Neylan* and *J. Paul Miller* for petitioners. *Solicitor General Biggs, Assistant Attorney General Wideman*, and *Messrs. Erwin N. Griswold* and *James W. Morris* for respondent. Reported below: 69 F. (2d) 857.

No. 1039. *ZELLERBACH PAPER CO. v. HELVERING, COMMISSIONER OF INTERNAL REVENUE*;

No. 1040. *ZELLERBACH PAPER CO., TRANSFEREE, v. SAME*; and

No. 1041. *NATIONAL PAPER PRODUCTS CO. v. SAME*. June 4, 1934. Petition for writs of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Messrs. John Francis Neylan* and *J. Paul Miller* for petitioners. *Solicitor General Biggs, Assistant Attorney General Wideman*, and *Messrs. Erwin N. Griswold* and *James W. Morris* for respondent. Reported below: 69 F. (2d) 852.

No. 1033. *BROTHERHOOD OF LOCOMOTIVE FIREMEN & ENGINEMEN ET AL. v. PINKSTON*. June 4, 1934. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. *Mr. Thomas Stevenson* for

petitioners. *Mr. James R. Garfield* for respondent. Reported below: 69 F. (2d) 600.

DECISIONS DENYING CERTIORARI, FROM
MARCH 20 TO AND INCLUDING JUNE 4, 1934.

No. 885. *SILSBY v. LOUISIANA*. See *ante*, p. 599.

No. 862. *BRAVERMAN v. TERRILL BOND & MORTGAGE Co. ET AL.* See *ante*, p. 600.

No. 860. *FINE v. UNITED STATES*. April 2, 1934. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. Lawrence M. Fine, pro se*. No appearance for the United States. Reported below: 67 F. (2d) 591.

No. 872. *MARSHALL v. NEW YORK*. April 2, 1934. Petition for writ of certiorari to the Supreme Court of New York, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. John Marshall, pro se*. No appearance for respondent.

No. 679. *RUBIO v. SOTTO*. April 2, 1934. Petition for writ of certiorari to the Supreme Court of the Philippine Islands, and motion for leave to proceed further *in forma pauperis*, denied. *Elizabeth Rubio, pro se*. No appearance for respondent.

No. 884. *PREVETTE, ADMINISTRATOR, ET AL. v. UNITED STATES*. April 2, 1934. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit, and