

296 U. S.

Decisions Granting Certiorari.

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.

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.

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.

DECISIONS GRANTING CERTIORARI, FROM
OCTOBER 7, 1935, TO AND INCLUDING JANU-
ARY 6, 1936.

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

No. 151. CHAPMAN *v.* HOAGE, DEPUTY COMMISSIONER, ET AL. October 14, 1935. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia is granted. The motion for leave to proceed *in forma pauperis* is also granted. Messrs. Harlan Wood and James P. Donovan for petitioner. Messrs. G. Bowdoin Craighill and Frank H. Myers for respondents. Reported below: 64 App. D. C. 349; 78 F. (2d) 233.

No. 192. TYSON *v.* UNITED STATES. October 14, 1935. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit is granted. The motion for leave to proceed *in forma pauperis* is also granted. Mr. J. Melville Broughton for petitioner. Solicitor General Reed and Messrs. Will G. Beardslee, Wilbur C. Pickett, Randolph C. Shaw, and W. Marvin Smith for the United States. Reported below: 76 F. (2d) 533.

No. 199. DISMUKE *v.* UNITED STATES. October 14, 1935. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit is granted. The motion for leave to proceed *in forma pauperis* is also granted. Mr. John J. McCreary for petitioner. Solicitor General Reed and Messrs. James W. Morris, Alexander Holtzoff, Paul A. Sweeney, and M. Leo Looney, Jr., for the United States. Reported below: 76 F. (2d) 715; 77 *id.* 1017.

No. 33. UNITED STATES *v.* CALIFORNIA. October 14, 1935. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. Solicitor General Reed for the United States. Messrs. U. S. Webb and Ralph O. Marron for respondent. Reported below: 75 F. (2d) 41.

296 U. S.

Decisions Granting Certiorari.

No. 61. JOHN A. NELSON Co. *v.* COMMISSIONER OF INTERNAL REVENUE. October 14, 1935. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Mr. J. S. Seidman* for petitioner. *Solicitor General Reed*, *Assistant Attorney General Wideman*, and *Messrs. Sewall Key* and *A. F. Prescott* for respondent. Reported below: 75 F. (2d) 696.

Nos. 69 and 70. HELVERING, COMMISSIONER OF INTERNAL REVENUE *v.* SCHWEITZER. October 14, 1935. Petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Solicitor General Reed* for petitioner. *Mr. Hugh W. McCulloch* for respondent. Reported below: 75 F. (2d) 702.

No. 75. UNITED STATES *v.* SAFETY CAR HEATING & LIGHTING Co.; and

No. 76. ROGERS, COLLECTOR OF INTERNAL REVENUE, *v.* SAME. October 14, 1935. Petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Solicitor General Reed* for petitioners. *Messrs. Thomas G. Haight*, *Robert H. Montgomery*, and *Henry T. Stetson* for respondent. Reported below: 76 F. (2d) 133.

Nos. 78 and 79. HELVERING, COMMISSIONER OF INTERNAL REVENUE, *v.* COLEMAN-GILBERT ASSOCIATES. October 14, 1935. Petition for writs of certiorari to the Circuit Court of Appeals for the First Circuit granted. *Solicitor General Reed* for petitioner. *Messrs. Henry Herrick Bond* and *Ralph E. Tibbetts* for respondent. Reported below: 76 F. (2d) 191.

No. 114. POSADAS, COLLECTOR OF INTERNAL REVENUE, *v.* NATIONAL CITY BANK OF NEW YORK. October 14, 1935. Petition for writ of certiorari to the Supreme Court of the Philippine Islands granted. *Mr. William Cattron Rigby* for petitioner. *Messrs. Harry W. Forbes and Carl A. Mead* for respondent.

No. 115. PUBLIC SERVICE COMMISSION OF PUERTO RICO *v.* HAVEMEYER ET AL. October 14, 1935. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted. *Messrs. William Cattron Rigby, Benjamin J. Horton, and Nathan R. Margold* for petitioner. *Mr. Ralph S. Rounds* for respondents. Reported below: 74 F. (2d) 637.

No. 116. OKLAHOMA EX REL. OKLAHOMA TAX COMMISSION ET AL. *v.* BARNSDALL REFINERIES, INC. ET AL. October 14, 1935. Petition for writ of certiorari to the Supreme Court of Oklahoma granted. *Messrs. C. D. Cund, C. W. King, E. L. Richardson, Edwin Dabney, and Earl Foster* for petitioners. *Messrs. Edward H. Chandler, James B. Diggs, R. W. Garrett, Wm. H. Zwick, and L. G. Owen* for respondents. Reported below: 171 Okla. 145; 41 P. (2d) 918.

No. 125. PALMER CLAY PRODUCTS CO. *v.* BROWN, TRUSTEE. October 14, 1935. Petition for writ of certiorari to the Municipal Court of Boston, County of Suffolk, Massachusetts, granted. *Messrs. Frank H. Pardee, F. Paul Welsh, and Edward F. Smith* for petitioner. *Messrs. Harrison J. Barrett and Matthew Brown* for respondent. Reported below: 290 Mass. —; 195 N. E. 122.

296 U. S.

Decisions Granting Certiorari.

No. 127. RADIO CORPORATION OF AMERICA *v.* RAYTHEON MANUFACTURING Co. October 14, 1935. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted. *Messrs. John W. Davis, Manton Davis, John L. Hall, Claude R. Branch, and Frederick A. Ballard* for petitioner. *Mr. Edward F. McClennen* for respondent. Reported below: 76 F. (2d) 943.

No. 157. ST. LOUIS CAN Co. *v.* GENERAL AMERICAN LIFE INSURANCE Co. ET AL. October 14, 1935. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Messrs. T. M. Pierce and Samuel H. Liberman* for petitioner. *Messrs. Fred L. Williams, Earl F. Nelson, Fred L. English, and Everett Paul Griffin* for respondents. Reported below: 77 F. (2d) 598.

No. 169. UNITED STATES TRUST COMPANY OF NEW YORK, TRUSTEE, *v.* COMMISSIONER OF INTERNAL REVENUE. October 14, 1935. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. Clay Judson* for petitioner. *Solicitor General Reed, Assistant Attorney General Wideman, and Messrs. James W. Morris and John MacC. Hudson* for respondent. Reported below: 75 F. (2d) 973.

No. 173. HELVERING, COMMISSIONER OF INTERNAL REVENUE, *v.* SALVAGE; and

No. 280. SALVAGE *v.* HELVERING, COMMISSIONER OF INTERNAL REVENUE. October 14, 1935. Petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Solicitor General Reed, Assist-*

ant Attorney General Wideman, Mr. James W. Morris, and Miss Helen R. Carloss for Helvering. Messrs. John G. Jackson and William H. White, Jr., for Salvage. Reported below: 76 F. (2d) 112.

No. 178. GREAT NORTHERN RY. CO. *v.* WEEKS, STATE TAX COMMISSIONER, ET AL. October 14, 1935. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Messrs. F. G. Dorety and C. J. Murphy* for petitioner. *Mr. P. O. Sathre* for respondents. Reported below: 77 F. (2d) 405.

No. 195. UNITED STATES *v.* BANK OF NEW YORK & TRUST Co.;

No. 196. SAME *v.* PRESIDENT AND DIRECTORS OF THE MANHATTAN Co.; and

No. 197. SAME *v.* PINK. October 14, 1935. Petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Solicitor General Reed* for the United States. *Messrs. Paul C. Whipp, Samson Selig, Frederick B. Campbell, L. D. Bates, Hartwell Cabell, and Milton B. Ignatius* for respondent in No. 195. *Messrs. Leroy B. Iserman and Robert J. Sykes* for respondent in No. 196. *Messrs. Alfred L. Green, John M. Downes, and Clarence C. Fowler* for respondent in No. 197. Reported below: 77 F. (2d) 866, 881, 880.

No. 218. CAHN, EXECUTOR, *v.* UNITED STATES. October 14, 1935. Petition for writ of certiorari to the Court of Claims granted. *Messrs. John W. Townsend and Claude E. Koss* for petitioner. *Solicitor General Reed, Assistant Attorney General Wideman, and Mr. James W.*

296 U. S.

Decisions Granting Certiorari.

Morris for the United States. Reported below: 81 Ct. Cls. 308; 10 F. Supp. 577.

No. 226. MANHATTAN GENERAL EQUIPMENT Co. v. COMMISSIONER OF INTERNAL REVENUE; and

No. 227. COLLIER SERVICE CORP. v. SAME. October 14, 1935. Petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Messrs. Laurence Graves, Samuel H. Kaufman, Emil Weitzner, and Brode B. Davis* for petitioners. *Solicitor General Reed, Assistant Attorney General Wideman, and Messrs. James W. Morris and Arnold Raum* for respondent. Reported below: 76 F. (2d) 892.

No. 265. UNITED STATES v. ATKINSON. October 14, 1935. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Solicitor General Reed* for the United States. *Messrs. Warren E. Miller, Thornton Hardie, and A. H. Culwell* for respondent. Reported below: 76 F. (2d) 564.

No. 272. UNITED STATES v. RIZZO. October 14, 1935. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Solicitor General Reed* for the United States. *Messrs. Louis Halle, Milton P. Kroopp, and Samuel I. Kessler* for respondent. Reported below: 73 F. (2d) 1010.

No. 301. BROWN ET AL. v. MISSISSIPPI. October 14, 1935. Petition for writ of certiorari to the Supreme Court of Mississippi granted. *Messrs. J. Morgan Stevens* and

Earl Brewer for petitioners. *Messrs. Greek L. Rice, William Henry Maynard, and William Dow Conn, Jr.,* for respondent. Reported below: 173 Miss. 542; 161 So. 465.

No. 335. *NOBLE ET AL. v. OKLAHOMA CITY*; and

No. 336. *HIGGINS ET AL. v. SAME.* October 14, 1935. Petition for writs of certiorari to the Supreme Court of Oklahoma granted. *Messrs. Charles H. Garnett, Warren E. Libby, Henry L. Goddard, Fred E. Suits and Fred Ptak* for petitioners. *Messrs. Harlan T. Deupree and W. H. Brown* for respondent. Reported below: 172 Okla. 182; 44 P. (2d) 135.

No. 351. *TERMINAL WAREHOUSE CO. v. PENNSYLVANIA R. CO. ET AL.* October 14, 1935. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Messrs. T. R. White, Walter W. Ahrens, John J. Hickey, and Wm. A. Schnader* for petitioner. *Messrs. John Hampton Barnes, Frederic D. McKenney, M. Hampton Todd, Robert T. McCracken, and George G. Chandler* for respondents. Reported below: 78 F. (2d) 591.

No. 356. *WINE RAILWAY APPLIANCE CO. v. ENTERPRISE RAILWAY EQUIPMENT CO.* October 14, 1935. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. *Mr. Gilbert P. Ritter* for petitioner. *Mr. George I. Haight* for respondent. Reported below: 77 F. (2d) 159.

No. 360. *PENNSYLVANIA R. CO. v. ILLINOIS BRICK CO.* October 14, 1935. Petition for writ of certiorari to the Appellate Court of Illinois, First District, granted.

296 U.S.

Decisions Granting Certiorari.

Messrs. Frederic D. McKenney, Henry Wolfe Bickl , Frank J. Loesch, and Edward M. Burke for petitioner. *Mr. Abraham R. Miller* for respondent. Reported below: 278 Ill. App. 623.

No. 377. *WHITFIELD v. OHIO*. October 14, 1935. Petition for writ of certiorari to the Supreme Court of Ohio granted. *Messrs. Wm. Logan Martin and Thomas E. Knight, Jr.*, for petitioner. *Messrs. John W. Bricker, William S. Evatt, Harry B. Hawes, Raymond A. Walsh, and Bon Geaslin* for respondent. Reported below: 129 Oh. St. 543, 196 N. E. 164; 49 Oh. App. 530, 197 N. E. 605.

No. 379. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. SAN JOAQUIN FRUIT & INVESTMENT CO.* October 14, 1935. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Solicitor General Reed* for petitioner. *Messrs. Geo. W. Naus, J. Robert Sherrod, and Joseph D. Peeler* for respondent. Reported below: 77 F. (2d) 723.

No. 399. *SOUTHERN RY. CO. v. LUNSFORD, ADMINISTRATRIX*. October 14, 1935. Petition for writ of certiorari to the Court of Appeals of Georgia granted. *Messrs. Sidney S. Alderman, S. R. Prince, G. E. Maddox, and H. O'B. Cooper* for petitioner. *Mr. Reuben R. Arnold* for respondent. Reported below: 50 Ga. App. 829; 179 S. E. 571.

No. 401. *UNITED STATES v. BUTLER ET AL., RECEIVERS*. October 14, 1935. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted. *Solicitor General Reed* for the United States. *Messrs.*

Edward R. Hale and Bennett Sanderson for respondents. Reported below: 78 F. (2d) 1.

Nos. 403 and 404. *ASHWANDER ET AL. v. TENNESSEE VALLEY AUTHORITY ET AL.* October 14, 1935. Petition for writs of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Mr. Forney Johnston* for petitioners. *Solicitor General Reed* and *Messrs. James Lawrence Fly, John Lord O'Brian, Noel T. Dowling, and Paul A. Freund* for respondents. Reported below: 78 F. (2d) 578.

No. 46. *UNITED STATES v. KESTERSON ET AL.* October 14, 1935. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted. *Solicitor General Reed* for the United States. *Mr. Frank Hickman* for respondents. Reported below: 76 F. (2d) 913.

No. 174. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. MINNESOTA TEA CO.* October 14, 1935. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Solicitor General Reed* for petitioner. *Messrs. Oscar Mitchell, James G. Nye, Homer Hendricks, Robert N. Miller, and C. J. McGuire* for respondent. Reported below: 76 F. (2d) 797.

Nos. 175 and 176. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. PETERSON.* October 14, 1935. Petition for writs of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Solicitor General Reed* for petitioner. *Messrs. Oscar Mitchell, James G. Nye, Homer Hendricks, Robert N. Miller, and C. J. McGuire* for respondent. Reported below: 76 F. (2d) 806.

296 U. S.

Decisions Granting Certiorari.

No. 184. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. WATTS*;

No. 185. *SAME v. SICARD*; and

No. 186. *SAME v. SLOANE*. October 14, 1935. Petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Solicitor General Reed* for petitioner. *Messrs. Samuel Seabury and John F. McCabe* for respondents. Reported below: 75 F. (2d) 981.

No. 187. *G. & K. MANUFACTURING CO. v. COMMISSIONER OF INTERNAL REVENUE*. October 14, 1935. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted limited to the question of the application of the statutory provisions as to reorganization. *Mr. Llewellyn A. Luce* for petitioner. *Solicitor General Reed, Assistant Attorney General Wideman, and Messrs. Sewall Key and J. Louis Monarch* for respondent. Reported below: 76 F. (2d) 454.

No. 82. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. BLUMENTHAL*. October 14, 1935. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Solicitor General Reed* for petitioner. *Mr. Walter H. Liebman, Jr.*, for respondent. Reported below: 76 F. (2d) 507.

No. 108. *SWANSON ET AL, TRUSTEES, v. COMMISSIONER OF INTERNAL REVENUE*. October 14, 1935. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Mr. Arnold R. Baar* for petitioners. *Solicitor General Reed, Assistant Attorney General Wideman, and Messrs. James W. Morris and A. F. Prescott* for respondent. Reported below: 76 F. (2d) 651.

No. 238. *HELVERING, COMMISSIONER OF INTERNAL REVENUE v. COMBS ET AL., TRUSTEES.* October 14, 1935. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Solicitor General Reed* for petitioner. *Messrs. Dana Latham and Melvin D. Wilson* for respondents. Reported below: 76 F. (2d) 682.

No. 83. *BINGHAM ET AL. v. UNITED STATES.* October 14, 1935. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted. *Mr. George S. Fuller* for petitioners. *Solicitor General Reed, Assistant Attorney General Wideman, and Messrs. David E. Hudson, James W. Morris, and Arnold Raum* for the United States. Reported below: 76 F. (2d) 573.

No. 213. *INDUSTRIAL TRUST CO., ET AL., EXECUTORS, v. UNITED STATES.* October 14, 1935. Petition for writ of certiorari to the Court of Claims granted. *Mr. Charles P. Taft* for petitioners. *Solicitor General Reed, Assistant Attorney General Wideman, and Mr. James W. Morris* for the United States. Reported below: 80 Ct. Cls. 647; 9 F. Supp. 817.

No. 262. *BECKER, COLLECTOR OF INTERNAL REVENUE, v. ST. LOUIS UNION TRUST CO. ET AL., EXECUTORS.* October 14, 1935. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Solicitor General Reed* for petitioner. *Mr. Thomas S. McPheeters* for respondents. Reported below: 76 F. (2d) 851.

No. 110. *UNITED STATES v. FIRST NATIONAL BANK OF BOSTON ET AL., TRUSTEES.* October 14, 1935. Petition

for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted. *Solicitor General Reed* for the United States. *Mr. George S. Fuller* for respondents. Reported below: 76 F. (2d) 200.

No. 111. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. LEE*. October 14, 1935. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted. *Solicitor General Reed* for petitioner. *Mr. Hugh W. McCulloch* for respondent. Reported below: 76 F. (2d) 203.

No. 137. *OGLE v. HELVERING, COMMISSIONER OF INTERNAL REVENUE*. October 14, 1935. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. J. B. Faegre* for petitioner. *Solicitor General Reed* for respondent. Reported below: 77 F. (2d) 338.

No. 232. *BRONX BRASS FOUNDRY, INC., v. IRVING TRUST CO., TRUSTEE IN BANKRUPTCY*. October 14, 1935. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. Maxwell H. Goldstein* for petitioner. *Mr. Edward F. Unger* for respondent. Reported below: 76 F. (2d) 935.

Nos. 375 and 376. *MEYER ET AL. v. KENMORE GRANVILLE HOTEL CO. ET AL.* October 14, 1935. Petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Messrs. Meyer Abrams* and *Max Shulman* for petitioners. *Messrs. I. E. Ferguson* and *Arthur M. Cox* for respondents. Reported below: 77 F. (2d) 1004; 78 *id.* 1018.

No. 270. PRUDENCE Co., INC. *v.* FIDELITY & DEPOSIT Co. ET AL. October 14, 1935. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted, limited to the question of the measure of damages. *Mr. Alfred T. Davison* for petitioner. *Messrs. John W. Davis* and *Joseph F. Murray* for respondents. Reported below: 77 F. (2d) 834.

No. 273. COMMONWEALTH TRUST COMPANY OF PITTSBURGH, TRUSTEE, ET AL. *v.* ATWOOD, RECEIVER. October 14, 1935. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted, limited to the question of jurisdiction and its appropriate exercise. *Mr. W. Denning Stewart* for petitioners. *Mr. John G. Frazer* for respondent. Reported below: 78 F. (2d) 92.

No. 348. CITY OF LINCOLN ET AL. *v.* RICKETTS, TRUSTEE IN BANKRUPTCY. October 14, 1935. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted, limited to the question of the application of § 64b of the Bankruptcy Act. *Mr. Karl W. Kindlberger* for petitioners. *Mr. Allen W. Field* for respondent. Reported below: 77 F. (2d) 425.

No. 439. RAND *v.* HELVERING, COMMISSIONER OF INTERNAL REVENUE. October 14, 1935. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Mr. J. B. Faegre* for petitioner. *Solicitor General Reed* for respondent. Reported below: 79 F. (2d) 24.

No. 494. DIBBLEE *v.* COMMISSIONER OF INTERNAL REVENUE. October 14, 1935. Petition for writ of certio-

296 U. S.

Decisions Granting Certiorari.

rari to the Circuit Court of Appeals for the Ninth Circuit granted. *Mr. Clark R. Fletcher* for petitioner. *Solicitor General Reed* for respondent. Reported below: 75 F. (2d) 617.

No. 428. *TUTTLE ET AL. v. HARRIS ET AL.* October 21, 1935. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Mr. George T. Buckingham* for petitioners. *Mr. William J. Grace* for respondents. Reported below: 78 F. (2d) 409.

No. 443. *UNITED STATES v. CERTAIN LANDS IN THE CITY OF LOUISVILLE ET AL.* October 28, 1935. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. *Solicitor General Reed* for the United States. *Mr. Charles G. Middleton* for respondents. Reported below: 78 F. (2d) 684.

No. 490. *BUS & TRANSPORT SECURITIES CORP. v. COMMISSIONER OF INTERNAL REVENUE.* November 11, 1935. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Mr. Albert E. James* for petitioner. *Solicitor General Reed* for respondent. Reported below: 79 F. (2d) 509.

No. 566. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. MCILVAINE ET AL., TRUSTEES.* November 11, 1935. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Solicitor General Reed* for petitioner. *Mr. Clay Judson* for respondents. Reported below: 78 F. (2d) 787.

No. 4. *VAN DER WEYDE v. OCEAN TRANSPORT CO., LTD. ET AL.* November 18, 1935. Petition for writ of certio-

rari to the Circuit Court of Appeals for the Ninth Circuit granted, limited to the question of the application to this controversy of the Treaty of Commerce and Navigation of July 4, 1827, between the United States and the Kingdom of Sweden and Norway (8 Stat. 346). The motion of respondent, Ocean Transport Co., Ltd., to print additional parts of the record is denied. *Mr. John P. Hannon* for petitioner. *Messrs. Lane Summers, F. T. Merritt, and W. H. Hayden* for respondents. Reported below: 73 F. (2d) 922.

No. 525. GREAT WESTERN POWER CO. *v.* COMMISSIONER OF INTERNAL REVENUE. November 18, 1935. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Messrs. Thomas R. Dempsey and A. Calder Mackay* for petitioner. *Solicitor General Reed, Assistant Attorney General Wideman, and Messrs. James W. Morris and A. F. Prescott* for respondent. Reported below: 79 F. (2d) 94.

No. 546. UNITED STATES SHIPPING BOARD MERCHANT FLEET CORP. ET AL. *v.* RHODES; and

No. 547. O'CONNOR, COMPTROLLER OF THE CURRENCY, ET AL. *v.* SAME. November 25, 1935. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia granted, limited to the question of the right of respondent, to bring this suit without prior demand upon, and refusal by, the Comptroller of the Currency or the receiver, or both. *Solicitor General Reed and Messrs. George P. Barse, Swagar Sherley, Frederick DeC. Faust, and Charles F. Wilson* for petitioners. *Messrs. Charles A. Douglas, Hugh H. Obear, and R. L. Merrick* for respondent. Reported below: 65 App. D. C. 21; 79 F. (2d) 146.

296 U. S.

Decisions Granting Certiorari.

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., INC. *v.* SAME. November 25, 1935. The petitions for writs of certiorari to the Circuit Court of Appeals for the Fifth Circuit are granted. The motions for injunction restraining the collection of the assailed tax, pending the hearing and determination of the causes in this Court, are granted, upon condition that the amount of the assailed taxes, as they accrue from month to month, shall be paid over to a depository to be appointed by the Court, the order for injunction to be settled by the Chief Justice upon two days' notice.

MR. JUSTICE BRANDEIS, MR. JUSTICE STONE, and MR. JUSTICE CARDOZO dissent from the action of the Court in granting the injunction. *Messrs. Homer L. Bruce and John P. Bullington* for petitioners in Nos. 577 to 581, inclusive. *Messrs. Ralph J. Schwarz and M. B. Redmann* for petitioner in No. 585. *Mr. C. A. McCoy* for petitioners in Nos. 586 and 587. *Solicitor General Reed, Assistant Attorney General Wideman, and Messrs. Andrew D. Sharpe, M. H. Eustace, and Edward H. Horton* for respondent. Reported below: 79 F. (2d) 700.

No. 533. DUPARQUET HUOT & MONEUSE CO. ET AL. *v.* EVANS ET AL. November 25, 1935. Petition for writ of certiorari to the Circuit Court of Appeals for the Second

Circuit granted. *Messrs. Mark M. Horblit and Harold Harper* for petitioners. *Mr. Daniel A. Shirk* for respondents. Reported below: 78 F. (2d) 678.

No. 545. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. STOKES*. See *ante*, p. 551.

No. 388. *TRIPLETT ET AL. v. LOWELL*. On petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit. December 9, 1935. It is ordered that the petition for rehearing in this case be, and it hereby is, granted. The order heretofore entered on October 14, 1935, [*post*, p. 621] denying the petition for writ of certiorari in this case is vacated, and it is ordered that the petition for writ of certiorari be, and the same hereby is, granted. *Mr. Samuel E. Darby, Jr.*, for petitioners. *Messrs. C. V. Edwards and John B. Brady* for respondent. Reported below: 77 F. (2d) 556.

No. 539. *CALLAGHAN ET AL. v. RECONSTRUCTION FINANCE CORP.*; and

No. 540. *STITT v. SAME*. December 9, 1935. Petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. Percival E. Jackson* for petitioner in No. 539. *Mr. Theodore Stitt, pro se. Solicitor General Reed* for respondent. Reported below: 79 F. (2d) 187.

No. 552. *MCCANDLESS ET AL. v. UNITED STATES*. December 9, 1935. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Mr. Urban Earl Wild* for petitioners. *Solicitor General*

296 U. S.

Decisions Granting Certiorari.

Reed, Assistant Attorney General Blair and Mr. Aubrey Lawrence for the United States. Reported below: 74 F. (2d) 596.

No. 583. *CHANDLER, RECEIVER, v. PEKETZ*. December 23, 1935. Petition for writ of certiorari to the Supreme Court of Colorado granted. *Messrs. Harry S. Silverstein and Harold F. Collins* for petitioner. No appearance for respondent. Reported below: 97 Colo. 268; 49 P. (2d) 425.

No. 602. *NEW YORK LIFE INSURANCE CO. v. VIGLAS*. December 23, 1935. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted. *Messrs. Louis H. Cooke, Frederick H. Nash, and Claude R. Branch* for petitioner. *Mr. Harris J. Booras* for respondent. Reported below: 78 F. (2d) 829.

No. 636. *CARTER v. CARTER COAL CO. ET AL.*; and
No. 651. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, ET AL. v. CARTER ET AL.* December 23, 1935. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia granted. *Messrs. Frederick H. Wood, William D. Whitney, and Richard H. Wilmer* for Carter. *Mr. Karl J. Hardy* for Carter Coal Co. *Solicitor General Reed* for the Commissioner.

No. 649. *R. C. TWAY COAL CO. ET AL. v. GLENN*. December 23, 1935. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. *Mr. Charles I. Dawson* for petitioners. *Solicitor General Reed and Assistant Attorney General Dickinson* for respondent.

No. 650. *R. C. TWAY COAL CO. ET AL. v. CLARK*. December 23, 1935. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. *Mr. Charles I. Dawson* for petitioners. *Solicitor General Reed* and *Assistant Attorney General Dickinson* for respondent.

No. 599. *LEAHY v. STATE TREASURER ET AL.* January 6, 1935. Petition for writ of certiorari to the Supreme Court of Oklahoma granted. *Mr. C. S. Macdonald* for petitioner. *Messrs. C. D. Cund* and *C. W. King* for respondents. Reported below: 173 Okla. 614; 49 P. (2d) 570.

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

No. 363. *LEVY v. IRVING TRUST CO., TRUSTEE IN BANKRUPTCY*. See *ante*, p. 539.

No. 128. *LINDERHOLM v. KANSAS*. October 14, 1935. Petition for writ of certiorari to the Supreme Court of Kansas and motion for leave to proceed further *in forma pauperis* denied. *Mr. Justus B. Linderholm, pro se*. No appearance for respondent.

No. 153. *LOVE v. NORDBYE, JUDGE*. October 14, 1935. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit and motion for leave to proceed further *in forma pauperis* denied. *Mr. H. R. Love, pro se*. No appearance for respondent.