

No. —, original. *EX PARTE J. R. PALMER*. April 4, 1938. Motion for leave to file petition for writ of habeas corpus denied.

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No. 16, original. *MISSOURI v. IOWA*. April 4, 1938. The answer of the defendant is received and ordered filed.

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No. 805. *INDIANA EX REL. VALENTINE v. MARKER, TRUSTEE*. On petition for writ of certiorari to the Supreme Court of Indiana. Decided April 11, 1938. *Per Curiam*: The petition for writ of certiorari is granted and the judgment is reversed upon the authority of *Indiana ex rel. Anderson v. Brand*, ante, p. 95. MR. JUSTICE BLACK dissents. *Messrs. Paul R. Shafer and Thomas F. O'Mara* for petitioner. No appearance for respondent. Reported below: 213 Ind. —; 8 N. E. 2d 231.

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No. —. *PALKA v. WALKER, WARDEN*. April 11, 1938. The application for stay of execution pending filing of petition for writ of certiorari is denied.

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#### DECISIONS GRANTING CERTIORARI, FROM JANUARY 18, 1938, THROUGH APRIL 11, 1938.

No. 647. *BATES MANUFACTURING CO. v. UNITED STATES*. January 31, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted. *Messrs. Charles B. Rugg, F. Brian Holland, and Warren F. Farr* for petitioner. *Solicitor General Reed, Assistant Attorney General Morris, and Messrs. Sewall Key and F. E. Youngman* for the United States. By leave of Court, *Messrs. Theodore B. Benson and John Jennings, Jr.* filed a brief on behalf of Pinnacle Mills, as *amicus curiae*, in support of petitioner. Reported below: 93 F. 2d 721.

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No. 680. *HALE v. KENTUCKY*. January 31, 1938. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Court of Appeals of Kentucky also granted. *Messrs. Charles H. Houston and Leon A. Ransom* for petitioner. No appearance for respondent. Reported below: 269 Ky. 743; 108 S. W. 2d 716.

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No. 730. *COSMAN v. UNITED STATES*. See *ante*, p. 617.

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No. 699. *JOHNSON v. ZERBST, WARDEN*. February 14, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Mr. Elbert P. Tuttle* for petitioner. *Acting Solicitor General Bell, Assistant Attorney General McMahon*, and *Messrs. William W. Barron, Bates Booth, and W. Marvin Smith* for respondent. Reported below: 92 F. 2d 748.

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No. 667. *UNITED STATES v. KAPLAN*. February 14, 1938. Petition for writ of certiorari to the Court of Claims granted. MR. JUSTICE REED took no part in the consideration or decision of this application. *Solicitor General Reed* for the United States. *Mr. Llewellyn A. Luce* for respondent. Reported below: 85 Ct. Cls. 158; 18 F. Supp. 965.

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No. 668. *UNITED STATES v. SHOSHONE TRIBE OF INDIANS*. February 14, 1938. Petition for writ of certiorari to the Court of Claims granted. MR. JUSTICE STONE and MR. JUSTICE REED took no part in the consideration or decision of this application. *Solicitor General Reed* for the United States. *Messrs. George M. Tunison, Charles J. Kappler and Albert W. Jefferis* for respondent. Reported below: 85 Ct. Cls. 331.

Nos. 715 and 716. *WRIGHT v. UNION CENTRAL LIFE INS. CO.* February 28, 1938. Petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Messrs. Samuel E. Cook, Wm. Lemke, Elmer McClain and Ray M. Foreman* for petitioner. *Messrs. Arthur S. Lytton, Louis M. Mantynband, Stanley K. Henshaw, and Virgil D. Parish* for respondent. Reported below: 91 F. 2d 894.

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No. 706. *NATIONAL LABOR RELATIONS BOARD v. MACKAY RADIO & TELEGRAPH CO.* February 28, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. MR. JUSTICE REED took no part in the consideration or decision of this application. *Solicitor General Reed* and *Mr. Charles Fahy* for petitioner. *Messrs. H. W. O'Melveny and Howard L. Kern* for respondent. Reported below: 87 F. 2d 611; 92 F. 2d 761.

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No. 723. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. NATIONAL GROCERY CO.* February 28, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. MR. JUSTICE REED took no part in the consideration or decision of this application. *Solicitor General Reed* for petitioner. *Messrs. Edwin F. Smith and James D. Carpenter, Jr.* for respondent. Reported below: 92 F. 2d 931.

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No. 779. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. GERHARDT*;

No. 780. *SAME v. WILSON*; and

No. 781. *SAME v. MULCAHY.* February 28, 1938. Petition for writs of certiorari to the Circuit Court of Ap-



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peals for the Second Circuit granted. The CHIEF JUSTICE took no part in the consideration or decision of this application. *Acting Solicitor General Bell* for petitioner. *Messrs. Julius Henry Cohen* and *Austin J. Tobin* for respondents. Reported below: 92 F. 2d 999.

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No. 746. *TAFT, EXECUTOR, v. COMMISSIONER OF INTERNAL REVENUE*. March 7, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. *Mr. Robert A. Taft* for petitioner. *Acting Solicitor General Bell, Assistant Attorney General Morris*, and *Mr. J. Louis Monarch* and *Louise Foster* for respondent. Reported below: 92 F. 2d 667.

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No. 756. *FEDERAL TRADE COMMISSION v. GOODYEAR TIRE & RUBBER CO.* March 7, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. MR. JUSTICE STONE and MR. JUSTICE REED took no part in the consideration or decision of this application. *Acting Solicitor General Bell* for petitioner. *Mr. William B. Cockley* for respondent. Reported below: 92 F. 2d 677.

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No. 773. *AETNA INSURANCE CO. v. UNITED FRUIT CO.*;

No. 774. *UNION MARINE & GENERAL INS. CO. v. SAME*; and

No. 775. *BOSTON INSURANCE CO. v. SAME*. March 14, 1938. Petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Messrs. D. Roger Englar, T. Catesby Jones, Oscar R. Houston*, and *Martin Detels* for petitioners. *Messrs. Cletus Keating* and *Richard Sullivan* for respondent. Reported below: 92 F. 2d 576.

No. 796. COLEMAN ET AL. *v.* MILLER, SECRETARY, ET AL. March 28, 1938. Petition for writ of certiorari to the Supreme Court of Kansas granted. *Mr. Robert Stone* for petitioners. By leave of Court, *Attorney General Cummings* filed a memorandum on behalf of the United States as *amicus curiae*, in support of the decision below. Reported below: 146 Kan. 390; 71 P. 2d 518.

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No. 802. GREAT NORTHERN RAILWAY CO. ET AL. *v.* LEONIDAS. March 28, 1938. Petition for writ of certiorari to the Supreme Court of Montana granted. *Messrs. R. E. L. Smith and Taylor B. Weir* for petitioners. *Mr. Lester H. Loble* for respondent. Reported below: 105 Mont. 302; 72 P. 2d 1007.

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No. 811. GUARANTY TRUST CO., EXECUTOR, *v.* VIRGINIA. March 28, 1938. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia granted. *Mr. Jas. R. Caskie* for petitioner. *Messrs. Abram P. Staples, W. W. Martin, and Henry R. Miller, Jr.* for respondent. Reported below: 169 Va. 414; 193 S. E. 534.

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No. 814. VALLI ET AL. *v.* UNITED STATES. March 28, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted. *Mr. Essex S. Abbott* for petitioners. *Solicitor General Jackson, Assistant Attorney General McMahon, and Messrs. William W. Barron and W. Marvin Smith* for the United States. Reported below: 94 F. 2d 687.

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No. 782. ZERBST, WARDEN, *v.* KIDWELL;

No. 783. SAME *v.* SMITH;

No. 784. SAME *v.* COLLINS;

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No. 785. *SAME v. OWENS*;

No. 786. *SAME v. PEEL*;

No. 787. *SAME v. JONES*;

No. 788. *SAME v. STONE*; and

No. 789. *SAME v. SULLIVAN*. March 28, 1938. Petition for writs of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. MR. JUSTICE REED took no part in the consideration or decision of this application. *Acting Solicitor General Bell* for petitioner. *Mr. J. F. Kemp* for respondents. Reported below: 92 F. 2d 756.

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No. 815. *UNITED STATES v. ONE 1936 MODEL FORD*. April 4, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted. MR. JUSTICE BUTLER and MR. JUSTICE STONE took no part in the consideration or decision of this application. *Acting Solicitor General Bell* for the United States. *Messrs. Duane R. Dills and Eugene E. Heaton* for respondent. Reported below: 93 F. 2d 771.

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No. 805. *INDIANA EX REL. VALENTINE v. MARKER. TRUSTEE*. See *ante*, p. 628.

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No. 860. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. WINMILL*. April 11, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Solicitor General Jackson* for petitioner. *Mr. Thomas M. Wilkins* for respondent. Reported below: 93 F. 2d 494.

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No. 864. *LOWE BROTHERS CO. v. UNITED STATES*. April 11, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted.



*Messrs. William Cogger and John E. Hughes* for petitioner. *Solicitor General Jackson* for the United States. Reported below: 92 F. 2d 905.

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No. 882. ALLEN, COLLECTOR OF INTERNAL REVENUE, *v.* REGENTS OF THE UNIVERSITY SYSTEM OF GEORGIA. April 11, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Solicitor General Jackson* for petitioner. *Messrs. M. J. Yeomans, Marion Smith, M. E. Kilpatrick, and Hamilton Lokey* for respondents. Reported below: 93 F. 2d 887.

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No. 902. CHANDLER ET AL. *v.* WISE ET AL. April 11, 1938. Petition for writ of certiorari to the Court of Appeals of Kentucky granted. *Mr. J. W. Jones* for petitioners. *Messrs. Lafon Allen and Oldham Clarke* for respondents. Reported below: 270 Ky. 1; 108 S. W. 2d 1024.

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DECISIONS DENYING CERTIORARI, FROM JANUARY 18, 1938, THROUGH APRIL 11, 1938.

No. 684. POLLITT *v.* COX; and

No. 736. SAME *v.* WHEAT. January 31, 1938. Petitions for writs of certiorari to the Court of Appeals for the District of Columbia, and motions for leave to proceed further *in forma pauperis*, denied. *Basil H. Pollitt, pro se.* Reported below: See 68 App. D. C. 90; 93 F. 2d 249.

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No. 711. HILL *v.* RAILROAD INDUSTRIAL FINANCE CO. ET AL. January 31, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. Robert L. Hill, pro se.* Reported below: 93 F. 2d 973.