

DECISIONS DENYING CERTIORARI, FROM APRIL
12, 1938, THROUGH MAY 31, 1938.

No. 927. *STOKES ET AL. v. UNITED STATES*. April 25, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit, and motion for leave to proceed further *in forma pauperis*, denied, for the reason that the Court, upon examination of the papers herein submitted, finds that the application for writ of certiorari was not made within the time provided by law. *Mr. James Frank Kemp* for petitioners. No appearance for the United States. Reported below: 93 F. 2d 744.

Nos. 928 and 929. *RIFFEE v. MARION STEAM SHOVEL Co.*;

No. 930. *WILLIAM BRAMMER ET AL. v. ALLOY CAST STEEL Co. ET AL.*;

No. 931. *SHERMAN BRAMMER v. SAME*; and

No. 932. *NOGGLE, EXECUTRIX, v. SAME*. April 25, 1938. Petitions for writs of certiorari to the Supreme Court of Ohio, and motion for leave to proceed further *in forma pauperis*, denied. *Messrs. Paul D. Smith and Thomas H. Sutherland* for petitioners. No appearance for respondents. Reported below: 133 Ohio St. 109, 117, 118; 11 N. E. 2d 1022; 12 N. E. 2d 295.

No. 943. *CONWAY v. ALLEN, JUDGE, ET AL.* April 25, 1938. Petition for writ of certiorari to the Supreme Court of Washington, and motion for leave to proceed further *in forma pauperis*, denied. *Tom Conway, pro se*. No appearance for respondent.

No. 944. *SISCHO v. ADERHOLD, WARDEN*. April 25, 1938. Petition for writ of certiorari to the Circuit Court

304 U. S.

Decisions Denying Certiorari.

of Appeals for the Tenth Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Wesley Leroy Sischo, pro se*. No appearance for respondent. Reported below: 93 F. 2d 1015.

No. 949. LINDSEY ET AL. *v.* WASHINGTON. April 25, 1938. Petition for writ of certiorari to the Supreme Court of Washington, and motion for leave to proceed further *in forma pauperis*, denied. *E. R. Lindsey, pro se*. No appearance for respondent. Reported below: 94 Wash. Dec. No. 3, p. 93; 77 P. 2d 596.

No. 829. HELVERING, COMMISSIONER OF INTERNAL REVENUE, *v.* KINGS COUNTY DEVELOPMENT Co. April 25, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Acting Solicitor General Bell* for petitioner. *Mr. Bradford M. Melvin* for respondent. Reported below: 93 F. 2d 33.

No. 848. GORNEY ET AL. *v.* TRUSTEES OF MILWAUKEE COUNTY ORPHANS BOARD. April 25, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. George C. Brown* for petitioners. *Mr. Albert B. Houghton* for respondents. Reported below: 93 F. 2d 107.

No. 850. ITALIA FLOTTE RIUNITE COSULICH ET AL. *v.* KATZ ET AL. April 25, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Homer L. Loomis* for petitioners. *Mr. Forrest E. Single* for respondents. Reported below: 93 F. 2d 1007.

No. 858. HIGHWAY ENGINEERING & CONSTRUCTION Co. v. HILLSBOROUGH COUNTY. April 25, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. Peter O. Knight, C. Fred Thompson, George C. Bedell and John Bell* for petitioner. *Mr. W. F. Himes* for respondent. Reported below: 94 F. 2d 419.

No. 859. SHEEHAN, ADMINISTRATRIX, v. NEW YORK, N. H. & H. R. Co. April 25, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Thomas J. O'Neill* for petitioner. *Mr. Edward R. Brumley* for respondent. Reported below: 93 F. 2d 442.

No. 861. FRANKLIN LIFE INS. Co. v. STAATS. April 25, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Jerome F. Barnard* for petitioner. *Mr. A. B. Cole* for respondent. Reported below: 94 F. 2d 481.

No. 863. ATCHISON, T. & S. F. RY. Co. v. TAYLOR. April 25, 1938. Petition for writ of certiorari to the Appellate Court, First District, of Illinois, denied. *Mr. Charles H. Woods* for petitioner. *Messrs. Walter H. Newton and Mortimer H. Boutelle* for respondent. Reported below: 292 Ill. App. 457; 11 N. E. 2d 610.

No. 865. MOTOR WHEEL CORP. v. RUBSAM CORP. April 25, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Messrs. Carroll R. Taber and James G. Martin* for petitioner. *Mr. Justin R. Whiting* for respondent. Reported below: 92 F. 2d 129.

304 U. S.

Decisions Denying Certiorari.

No. 866. ILLINOIS EX REL. HAKANSON *v.* PALMER, DIRECTOR. April 25, 1938. Petition for writ of certiorari to the Supreme Court of Illinois denied. *Mr. Dean Lake Traxler* for petitioner. *Mr. Otto Kerner* for respondent. Reported below: 367 Ill. 513; 11 N. E. 2d 931.

No. 878. MOLLY-ES DOLL OUTFITTERS ET AL. *v.* GRUELLE. April 25, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Messrs. Harry Langsam, Leon Sacks, and Peter P. Zion* for petitioners. *Messrs. Edward G. Curtis and Daniel L. Morris* for respondent. Reported below: 94 F. 2d 172.

No. 879. COHEN *v.* SWIFT & Co. April 25, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. Greenberry Simmons and M. K. Hobbs* for petitioner. *Messrs. Henry Veeder and Albert H. Veeder* for respondent. Reported below: 95 F. 2d 131.

No. 880. MERSHON ET AL. *v.* SPRAGUE SPECIALTIES Co. April 25, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. *Messrs. Drury W. Cooper and C. Blake Townsend* for petitioners. *Mr. Vernon M. Dorsey* for respondent. Reported below: 92 F. 2d 313.

No. 883. COUNTY OF WESTCHESTER *v.* MONTROSE CONTRACTING Co. April 25, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. William A. Davidson and Francis*

J. Morgan for petitioner. *Messrs. Howard G. Wilson* and *Frederick W. Newton* for respondent. Reported below: 94 F. 2d 580.

No. 884. *MALONE v. UNITED STATES*. April 25, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. John Weaver* for petitioner. *Solicitor General Jackson*, *Assistant Attorney General Morris*, and *Messrs. Sewall Key*, *William H. Boyd*, and *A. M. Sellers* for the United States. Reported below: 94 F. 2d 281.

No. 885. *EQUITABLE LIFE INS. CO. v. GERMANTOWN TRUST CO., TRUSTEE*. April 25, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Phineas M. Henry* for petitioner. *Mr. J. Rich Guckes* for respondent. Reported below: 94 F. 2d 898.

No. 886. *WIESE v. COMMISSIONER OF INTERNAL REVENUE*. April 25, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. H. Kennedy McCook* for petitioner. *Solicitor General Jackson*, *Assistant Attorney General Morris*, and *Messrs. Sewall Key* and *Morton K. Rothschild* for respondent. Reported below: 93 F. 2d 921.

No. 874. *FORT WORTH ET AL. v. LONE STAR GAS CO.* April 25, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. R. E. Rouer* for petitioners. *Messrs. Roy C. Coffee*, *Marshall Newcomb*, and *Ogden K. Shannon* for respondent. Reported below: 93 F. 2d 584.

304 U. S.

Decisions Denying Certiorari.

No. 881. *WARKENTIN v. SCHLOTFELDT*, DISTRICT DIRECTOR OF IMMIGRATION AND NATURALIZATION. April 25, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Charles P. Schwartz* for petitioner. *Solicitor General Jackson*, *Assistant Attorney General McMahon*, and *Messrs. William W. Barron* and *W. Marvin Smith* for respondent. Reported below: 93 F. 2d 42.

No. 889. *FLORENCE ET AL. v. CRUMMER*. April 25, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. William Lipscomb*, *Charles L. Black*, and *Ireland Graves* for petitioners. *Messrs. Dexter Hamilton* and *Blatchford Downing* for respondent. Reported below: 93 F. 2d 542.

No. 893. *R. J. REYNOLDS TOBACCO Co. v. ROBERTSON*, COLLECTOR OF INTERNAL REVENUE. April 25, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. *Mr. Alexander H. Sands* for petitioner. *Solicitor General Jackson*, *Assistant Attorney General Morris*, and *Messrs. Sewall Key* and *Lee A. Jackson* for respondent. Reported below: 22 F. Supp. 187; 94 F. 2d 167.

No. 910. *ARMSTRONG ET AL. v. VIRGINIA IRON, COAL & COKE Co.* April 25, 1938. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied. *Mr. William H. Werth* for petitioners. *Mr. Lewis A. Nuckols* for respondent. Reported below: 169 Va. 306; 193 S. E. 919.

Nos. 917 and 918. *BERGSON v. FIDELITY-PHILADELPHIA TRUST Co., TRUSTEE*. April 25, 1938. Petitions for

writs of certiorari to the Supreme Court of Pennsylvania denied. *Mr. Walter B. Gibbons* for petitioner. *Mr. Joseph First* for respondent. Reported below: 328 Pa. 547, 548; 196 A. 28, 30.

No. 923. *COX v. McELLAGOTT, FIRE COMMISSIONER.* April 25, 1938. Petition for writ of certiorari to the Supreme Court of New York denied. *Mr. W. H. K. Davey* for petitioner. *Mr. Paxton Blair* for respondent. Reported below: 276 N. Y. 604; 12 N. E. 2d 598.

No. 19, original. *EX PARTE BASIL H. POLLITT.* May 2, 1938. The motion for leave to file petition for writ of certiorari is granted. Motion for leave to proceed further *in forma pauperis* and petition for writ of certiorari denied. *Basil H. Pollitt, pro se.*

No. 1003. *HICKS v. INDIANA.* May 2, 1938. On petition for writ of certiorari to the Supreme Court of Indiana. Motion for stay denied. Motion for leave to proceed further *in forma pauperis* and petition for writ of certiorari denied. *Mr. Stephens L. Blakely* for petitioner. No appearance for respondent. Reported below: 213 Ind. —; 11 N. E. 2d 171.

No. 971. *MCDONALD v. UNITED STATES.* May 2, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. Claude L. Dawson* for petitioner. No appearance for respondent. Reported below: 94 F. 2d 893.

304 U. S.

Decisions Denying Certiorari.

No. 981. *SIMPSON v. MASSACHUSETTS*. May 2, 1938. Petition for writ of certiorari to the Superior Court, County of Middlesex, Massachusetts, and motion for leave to proceed further *in forma pauperis* denied. *Edward P. Simpson, pro se. Messrs. Paul A. Dever and James J. Ronan* for respondent. Reported below: 13 N. E. 2d 939.

No. 985. *SPRUILL v. DORSEY*. May 2, 1938. Petition for writ of certiorari to the Court of Appeals for the District of Columbia, and motion for leave to proceed further *in forma pauperis*, denied. *Georgia M. Spruill, pro se*. No appearance for respondent.

No. 891. *PHILADELPHIA v. UNION TRACTION Co.* See *ante*, p. 543.

No. 969. *BARTOLINI v. MASSACHUSETTS*. May 2, 1938. Petition for writ of certiorari to the Superior Court, County of Norfolk, Massachusetts, denied. *Mr. George B. Lourie* for petitioner. *Messrs. Paul A. Dever and James J. Ronan* for respondent. Reported below: 13 N. E. 2d 382.

No. 890. *INTERNATIONAL MERCANTILE MARINE Co. v. LOWE, DEPUTY COMMISSIONER, U. S. EMPLOYEES' COMPENSATION COMM'N, ET AL.* May 2, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Ray Rood Allen* for petitioner. No appearance for respondents. Reported below: 93 F. 2d 663.

No. 894. ODOM ET AL. *v.* NEW YORK LIFE INS. Co.; and
No. 895. ODOM ET AL. *v.* SAME. May 2, 1938. Petition for writs of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. John R. L. Smith* for petitioners. *Messrs. Louis H. Cooke and Shepard Bryan* for respondent. Reported below: 93 F. 2d 641.

No. 897. NEW YORK LIFE INS. Co. *v.* GOLIGHTLY, ADMINISTRATOR, ET AL. May 2, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. Louis H. Cooke and Earl King* for petitioner. *Mr. Abe D. Waldauer* for respondents. Reported below: 94 F. 2d 316.

No. 898. FOX & LONDON, INC. *v.* PENNSYLVANIA RAILROAD Co. May 2, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Ernie Adamson* for petitioner. *Mr. Martin Conboy* for respondent. Reported below: 93 F. 2d 669.

No. 900. GULF REFINING Co. ET AL. *v.* NORTON, DEPUTY COMMISSIONER, ET AL. May 2, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Frank H. Myers* for petitioners. *Solicitor General Jackson, Assistant Attorney General Whitaker, and Mr. Henry A. Julicher* for respondents. Reported below: 94 F. 2d 380.

No. 903. TAMPA INTEROCEAN STEAMSHIP Co. *v.* JORGENSEN. May 2, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. George H. Terriberry, Jos. M. Rault, and Walter*

304 U. S.

Decisions Denying Certiorari.

Carroll for petitioner. *Mr. W. J. Waguespack* for respondent. Reported below: 93 F. 2d 927.

No. 906. PEOPLES LIFE INS. CO. *v.* WHITESIDE, ADMINISTRATRIX, ET AL. May 2, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. William Lipscomb* for petitioner. *Mr. Ogden K. Shannon* for respondents. Reported below: 94 F. 2d 409.

No. 922. PACIFIC-ATLANTIC STEAMSHIP CO. ET AL. *v.* WEYERHAEUSER TIMBER CO. ET AL. May 2, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Cletus Keating, William H. McGrann, and Richard Sullivan* for petitioners. *Messrs. T. Catesby Jones, D. Roger Englar, James W. Ryan, J. M. Richardson Lyeth, Chauncey I. Clark, and Burton H. White* for respondents. Reported below: 94 F. 2d 834.

No. 967. WIL-LOW CAFETERIAS, INC., ET AL. *v.* 650 MADISON AVENUE CORP. May 2, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. William M. Chadbourne, Samuel C. Duberstein, and Samuel Miller* for petitioners. *Messrs. William D. Mitchell, Rollin Browne, and Henry L. Glenn* for respondent. Reported below: 95 F. 2d 306.

No. 943. CONWAY *v.* ALLEN, JUDGE, ET AL. See *ante*, p. 547.

No. 958. BLUMGART ET AL. *v.* ST. LOUIS-SAN FRANCISCO RY. Co. May 16, 1938. Petition for writ of certiorari to

the Circuit Court of Appeals for the Eighth Circuit denied. MR. JUSTICE BRANDEIS took no part in the consideration or decision of this application. *Mr. Frank E. Karelsen, Jr.* for petitioners. *Messrs. Alexander P. Stewart and Joseph W. Jamison* for respondent. Reported below: 94 F. 2d 712.

No. 961. PENNSYLVANIA PUBLIC UTILITY COMM'N *v.* UNION TRACTION CO. ET AL. May 16, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. MR. JUSTICE ROBERTS took no part in the consideration or decision of this application. *Messrs. Joseph Ominsky and Charles J. Margiotti* for petitioner. *Messrs. Francis Shunk Brown and Joseph Gilfillan* for respondent.

No. 899. SHAMA *v.* UNITED STATES. May 16, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Henry C. Shull* for petitioner. *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 1.

No. 901. BANKERS MORTGAGE CO. ET AL. *v.* MOTTER, COLLECTOR OF INTERNAL REVENUE. May 16, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Messrs. Thomas M. Lillard and Otis S. Allen* for petitioners. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key and Warren F. Wattles* for respondent. Reported below: 93 F. 2d 778.

304 U.S.

Decisions Denying Certiorari.

No. 908. BONET, TREASURER, *v.* BOWIE ET AL., TRUSTEES. May 16, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. *Messrs. William Cattron Rigby and Nathan R. Margold* for petitioner. *Mr. Earle T. Fiddler* for respondents. Reported below: 93 F. 2d 323.

No. 911. HARGER *v.* OKLAHOMA GAS & ELECTRIC CO. May 16, 1938. Petition for writ of certiorari to the Supreme Court of Arkansas denied. *Mr. Allen McReynolds* for petitioner. *Messrs. Joseph M. Hill and Henry L. Fitzhugh* for respondent. Reported below: 195 Ark. 107; 111 S. W. 2d 485.

No. 913. DAVIDSON *v.* COMMISSIONER OF INTERNAL REVENUE. May 16, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. J. A. C. Kennedy and Ralph E. Svoboda* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key and Harry Marselli* for respondent. Reported below: 94 F. 2d 303.

No. 925. GILMORE, GUARDIAN, *v.* UNITED STATES. May 16, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. L. E. Gwinn* for petitioner. *Solicitor General Jackson and Messrs. Julius C. Martin, Wilbur C. Pickett, Fendall Marbury and W. Marvin Smith* for the United States. Reported below: 93 F. 2d 774.

No. 935. SMITH *v.* METROPOLITAN LIFE INS. CO. ET AL. May 16, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Meyer Abrams* for petitioner. No appearance for respondents. Reported below: 94 F. 2d 277.

No. 936. NATIONAL CARBON CO. *v.* WESTERN SHADE CLOTH CO. May 16, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. Thomas G. Haight and George A. Chritton* for petitioner. *Messrs. William H. Davis and Albert J. Fihe* for respondent. Reported below: 93 F. 2d 94.

No. 939. PULITZER PUBLISHING CO. *v.* CURRENT NEWS FEATURES, INC. May 16, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. John Raeburn Green* for petitioner. *Mr. Guy Mason* for respondent. Reported below: 94 F. 2d 682.

No. 950. CENTURY INDEMNITY CO. *v.* STANDARD CAHILL Co. May 16, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Sydney Krause* for petitioner. *Mr. James Marshall* for respondent. Reported below: 93 F. 2d 1000.

No. 951. UNION CENTRAL LIFE INS. CO. ET AL. *v.* BANK OF COMMERCE & TRUST Co. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Gerald FitzGerald* for petitioners. *Mr. Julian C. Wilson* for respondent. Reported below: 94 F. 2d 922.

304 U.S.

Decisions Denying Certiorari.

No. 955. FORT WORTH *v.* McCAMEY ET AL. May 16, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. R. E. Rouer* for petitioner. *Messrs. Clay Cooke* and *H. C. Ray* for respondents. Reported below: 93 F. 2d 964.

No. 959. CONNECTICUT RAILWAY & LIGHTING Co. *v.* CONNECTICUT Co. May 16, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. George W. Martin* for petitioner. *Messrs. James Garfield* and *Hermon J. Wells* for respondent. Reported below: 95 F. 2d 311.

No. 914. CRESCENT WHARF & WAREHOUSE Co. ET AL. *v.* PILLSBURY, DEPUTY COMMISSIONER, ET AL. May 16, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Joseph D. Peeler* for petitioners. *Solicitor General Jackson*, *Assistant Attorney General Whitaker*, and *Mr. Henry A. Julicher* for the Deputy Commissioner, and *Mr. Arch E. Ekdale* for Alfred E. Hunter, respondents. Reported below: 93 F. 2d 761.

No. 926. MILLHISER ET AL. *v.* CHASE NATIONAL BANK, TRUSTEE. May 16, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. *Messrs. E. Randolph Williams*, *Henry W. Anderson*, and *Wirt P. Marks, Jr.* for petitioners. *Messrs. John S. Eggleston* and *Arthur A. Gammell* for respondent. Reported below: 93 F. 2d 695.

No. 933. BENTLEY *v.* HELVERING, COMMISSIONER OF INTERNAL REVENUE. May 16, 1938. Petition for writ of

certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. John W. Ford* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris,* and *Messrs. Sewall Key and Berryman Green* for respondent. Reported below: 93 F. 2d 998.

No. 940. INDUSTRIAL TRUST CO. ET AL. *v.* BRODERICK, COLLECTOR OF INTERNAL REVENUE. May 16, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. *Mr. Ira Lloyd Letts* for petitioners. *Solicitor General Jackson, Assistant Attorney General Morris,* and *Messrs. Sewall Key and L. W. Post* for respondent. Reported below: 94 F. 2d 927.

No. 942. DAVILLA *v.* BRUNSWICK-BALKE-COLLENDER Co. May 16, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Moses H. Heonig* for petitioner. *Mr. Charles S. Rosenschein* for respondent. Reported below: 94 F. 2d 567.

No. 952. BRITAIN *v.* LOUISVILLE & NASHVILLE R. Co. May 16, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Horace B. Wilkinson* for petitioner. *Messrs. Charles H. Eyster and White E. Gibson* for respondent. Reported below: 93 F. 2d 159.

No. 953. GEORGE E. WARREN CORP. *v.* UNITED STATES. May 16, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Geo. W. Dalzell* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris,* and *Messrs. Sewall Key and Edward H. Horton* for the United States. Reported below: 94 F. 2d 597.

No. 956. HARTFORD TRANSPORTATION CO. *v.* LEE TRANSIT CORP. May 16, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Charles W. Hagen* for petitioner. *Mr. Robert S. Hume* for respondent. Reported below: 95 F. 2d 1008.

No. 962. OLIVER-SHERWOOD CO. ET AL. *v.* PATTERSON BALLAGH CORP. ET AL. May 16, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. A. W. Boyken and Benjamin F. Bledsoe* for petitioners. *Messrs. Ford W. Harris, Frederick S. Lyon and Leonard S. Lyon* for respondents. Reported below: 95 F. 2d 70.

No. 968. AMERICAN LECITHIN CO. *v.* J. C. FERGUSON MFG. WORKS, INC. May 16, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. *Messrs. Edward G. Curtis and Daniel L. Morris* for petitioner. *Messrs. Russell Wiles and George A. Chritton* for respondent. Reported below: 94 F. 2d 729.

No. 977. STOODY CO. *v.* MILLS-ALLOYS, INC. ET AL. May 16, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. Fred H. Miller, Charles C. Montgomery, and William Stanley* for petitioner. *Mr. John Flam* for respondents. Reported below: 94 F. 2d 413.

No. 980. MCALVAY ET AL. *v.* STOCKWELL ET AL. May 23, 1938. See *ante*, p. 547.

No. 1018. EX PARTE TINKOFF. May 23, 1938. 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. *Paysoff Tinkoff, pro se*. Reported below: 95 F. 2d 651.

No. 1020. CLARK *v.* CALIFORNIA. May 23, 1938. Petition for writ of certiorari to the District Court of Appeal, 3rd Appellate District, of California, and motion for leave to proceed further *in forma pauperis*, denied. *Frank Clark, pro se*. Reported below: 24 Cal. App. 2d 302; 74 P. 2d 1070.

No. 1031. DOLL *v.* JOHNSTON, WARDEN. May 23, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Edward Doll, pro se*. Reported below: 95 F. 2d 838.

No. 946. HINES, ADMINISTRATOR OF VETERANS' AFFAIRS *v.* COPSEY, GUARDIAN. May 23, 1938. Petition for writ of certiorari to the Supreme Court of California denied for the want of a final judgment. *Messrs. James T. Brady, Edward E. Odom, Y. D. Mathes, and James B. Burns* for petitioner. *Mr. Allan C. Rowe* for respondent. Reported below: 10 Cal. 2d 748; 76 P. 2d 691.

No. 973. HOLYOKE WATER POWER Co. *v.* AMERICAN WRITING PAPER Co. May 23, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. MR. JUSTICE STONE took no part in the consideration or decision of this application. *Messrs. Bentley W. Warren, Samuel Williston, Nathan P. Avery, James M. Healy, and Donald C. Starr* for petitioner. *Messrs. Claude R. Branch, Charles P. Curtis, Jr., and Rus-*

304 U. S.

Decisions Denying Certiorari.

sell L. Davenport for respondent. Reported below: 94 F. 2d 931.

No. 979. *GLOBE INDEMNITY CO. v. UNITED STATES.* May 23, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. MR. JUSTICE STONE took no part in the consideration or decision of this application. *Messrs. F. Morse Hubbard and Barham R. Gary* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key and James E. Murphy* for the United States. Reported below: 94 F. 2d 576.

No. 990. *E. I. DUPONT DE NEMOURS & CO. v. WAXED PRODUCTS CO.* May 23, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. MR. JUSTICE ROBERTS took no part in the consideration or decision of this application. *Messrs. J. Harry Covington and Harry D. Nims* for petitioner. *Messrs. Thomas D. Thacher, Ellis W. Leavenworth, and L. A. Janney* for respondent. Reported below: 85 F. 2d 75.

No. 1009. *NORTHERN PACIFIC RY. CO. v. TWOHY BROTHERS CO.* May 23, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. MR. JUSTICE BUTLER took no part in the consideration or decision of this application. *Mr. Charles A. Hart* for petitioner. *Messrs. De Lancey C. Smith and W. Lair Thompson* for respondent. Reported below: 95 F. 2d 220.

No. 907. *CARLISLE LUMBER CO. v. NATIONAL LABOR RELATIONS BOARD.* May 23, 1938. Petition for writ of cer-

tiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. Charles H. Paul, George Donworth, and Charles T. Donworth* for petitioner. *Solicitor General Jackson, and Messrs. Robert L. Stern, Charles Fahy, Richard B. Watts, and Laurence A. Knapp* for respondent. Reported below: 94 F. 2d 138.

No. 954. *BRADSHAW v. EASTUS, U. S. ATTORNEY, ET AL.* May 23, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. W. B. Harrell and L. E. Martlew* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key, William H. Boyd, M. Leo Looney, Jr., and Earl C. Crouther* for respondents. Reported below: 94 F. 2d 788.

No. 963. *UNITED STATES ET AL. v. SILVER LINE, LTD. ET AL.* May 23, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Solicitor General Jackson* for petitioners. *Messrs. Ira S. Lillick and Joseph J. Geary* for respondents. Reported below: 94 F. 2d 754.

No. 964. *EPPLEY HOTELS Co. v. LINCOLN ET AL.* May 23, 1938. Petition for writ of certiorari to the Supreme Court of Nebraska denied. *Mr. William J. Hotz* for petitioner. *Mr. Frederick H. Wagener* for respondents. Reported below: 133 Neb. 550; 276 N. W. 196.

No. 970. *REMINGTON RAND, INC., v. NATIONAL LABOR RELATIONS BOARD.* May 23, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. George H. Bond, George H.*

304 U. S.

Decisions Denying Certiorari.

Cohen, and *Tracy H. Ferguson* for petitioner. *Solicitor General Jackson*, and *Messrs. Robert L. Stern, Charles Fahy, Richard B. Watts, and Laurence A. Knapp* for respondent. Reported below: 94 F. 2d 862.

No. 972. *ARN ET AL. v. DUNNETT ET AL.* May 23, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Messrs. T. P. Gore and Finis E. Riddle* for petitioners. *Mr. Wesley E. Disney* for respondents. Reported below: 93 F. 2d 634.

No. 974. *CONSUMERS CONSTRUCTION CO. v. COMMISSIONER OF INTERNAL REVENUE.* May 23, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. *Mr. Bernhard Knollenberg* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key and Ellis N. Slack* for respondent. Reported below: 94 F. 2d 731.

No. 978. *AMERICAN NATIONAL BANK v. AMES ET AL.* May 23, 1938. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied. *Messrs. George P. Barse, Tazewell Taylor, and L. E. Birdzell* for petitioner. *Messrs. Wm. G. Maupin and James E. Heath* for respondents. Reported below: 169 Va. 711; 194 S. E. 784.

No. 988. *ALAMO NATIONAL BANK v. COMMISSIONER OF INTERNAL REVENUE*; and

No. 989. *ALEXANDER v. SAME.* May 23, 1938. Petition for writs of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Robert Ash* for petitioners. *Solicitor General Jackson, Assistant Attorney*

General Morris, and *Messrs. Sewall Key and Joseph M. Jones* for respondent. Reported below: 95 F. 2d 622, 624.

No. 992. CONWAY ROAD ESTATES CO. *v.* FIRST NATIONAL BANK. May 12, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. J. L. London* for petitioner. *Mr. Hyman G. Stein* for respondent. Reported below: 94 F. 2d 736.

No. 998. WHITE ET AL. *v.* WOOD. May 23, 1938. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Mr. Abraham Chasnow* for petitioners. *Mr. Henry I. Quinn* for respondent. Reported below: 97 F. 2d 646.

No. 999. CAROLINA POWER & LIGHT CO. *v.* SOUTH CAROLINA PUBLIC SERVICE AUTHORITY ET AL.;

No. 1000. SOUTH CAROLINA POWER CO. *v.* SOUTH CAROLINA PUBLIC SERVICE AUTHORITY; and

No. 1001. SOUTH CAROLINA ELECTRIC & GAS CO. *v.* SOUTH CAROLINA PUBLIC SERVICE AUTHORITY ET AL. May 23, 1938. Petition for writs of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. *Messrs. Arthur R. Young, Wm. M. Rogers, Raymond T. Jackson*, and *W. C. McLain* for petitioners. *Messrs. R. M. Jefferies* and *W. J. McLeod, Jr.* for the Public Service Authority and its Board of Directors. *Solicitor General Jackson*, *Assistant Attorney General Morris*, and *Messrs. Paul A. Freund, Robert E. Sher*, and *Enoch E. Ellison* for federal officers *Harold L. Ickes* and *Harry L. Hopkins*. Reported below: 94 F. 2d 520.

No. 1012. CHICAGO *v.* JOSEPH, RECEIVER. May 23, 1938. Petition for writ of certiorari to the Circuit Court

304 U. S.

Decisions Denying Certiorari.

of Appeals for the Seventh Circuit denied. *Messrs. Barnet Hodes, Joseph F. Grossman, and J. Herzl Segal* for petitioner. *Messrs. Emmett J. McCarthy, George P. Barse, Robert R. Hanley, and Robert F. Carey* entered an appearance for respondent. Reported below: 95 F. 2d 444.

No. 872. BLACK DIAMOND STEAMSHIP CORP. *v.* NATIONAL LABOR RELATIONS BOARD. May 23, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. John W. Crandall* for petitioner. *Solicitor General Jackson, Robert L. Stern, Charles Fahy, Richard B. Watts, and Laurence A. Knapp* for respondent. Reported below: 94 F. 2d 875.

No. 993. CHAMPLIN REFINING CO. *v.* RYAN, SECRETARY OF STATE OF KANSAS. See *ante*, p. 549.

No. 1045. MOSHER *v.* AMERICAN SURETY CO. ET AL. May 31, 1938. See *ante*, p. 550.

No. 948. NED ET AL. *v.* ROBINSON. May 31, 1938. See *ante*, p. 550.

No. 22, original. EX PARTE HARRY M. BLAIR. May 31, 1938. The motion to defer consideration is denied. The motion for leave to file petition for writ of certiorari is granted and the petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit is denied. MR. JUSTICE ROBERTS took no part in the consideration or decision of this application. *Mr. George Pfeil* for petitioner. Reported below: 95 F. 2d 995.

No. 1021. BLAIR ET AL. *v.* McCLINTIC, JUDGE. May 31, 1938. The motion to defer consideration is denied and the petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit is denied. MR. JUSTICE ROBERTS took no part in the consideration or decision of this application. *Mr. George Pfeil* for petitioners. *Messrs. T. R. White* and *Thomas Hart* for respondent. Reported below: 95 F. 2d 995.

No. 1049. FOWLER, ADMINISTRATOR, ET AL. *v.* SEYMOUR, TRUSTEE. May 31, 1938. The petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit is denied. *Mr. Calvin S. Mauk* for petitioners. *Mr. Thomas S. Tobin* for respondent. Reported below: 95 F. 2d 627.

No. 18, original. EX PARTE TINKOFF. May 31, 1938. The petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit is denied. *Paysoff Tinkoff, pro se.*

No. 1051. SUHAY ET AL. *v.* UNITED STATES. May 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. Joseph H. Brady* for petitioners. No appearance for the United State. Reported below: 95 F. 2d 890.

No. 1062. CARNEVALE *v.* NEW YORK. May 31, 1938. Petition for writ of certiorari to the Supreme Court of New York, and motion for leave to proceed further *in forma pauperis*, denied. *Michael Carnevale, pro se.* *Mr. Henry Epstein* for respondent. Reported below: 277 N. Y. 667; 14 N. E. 2d 211; 252 App. Div. 835.

304 U. S.

Decisions Denying Certiorari.

No. 1067. *SANDLOFER v. NEW YORK CITY*. May 31, 1938. Petition for writ of certiorari to the Supreme Court of New York, and motion for leave to proceed further *in forma pauperis*, denied. *Abraham Sandlofer, pro se*. No appearance for respondent.

No. 1064. *LONERGAN v. UNITED STATES*. May 31, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. Pierce Lonergan* for petitioner. No appearance for the United States. Reported below: 95 F. 2d 642.

No. 986. *MCCAUGHN, DIRECTOR OF WHARVES, v. PHILADELPHIA PIERS, INC., ET AL.* May 31, 1938. Petition for writ of certiorari to the Supreme Court of Pennsylvania is denied for the want of a final judgment. *Messrs. G. Coe Farrier and J. Harry LaBrum* for petitioner. *Messrs. Wm. A. Schnader, J. R. Guckes, and Windsor F. Cousins* for respondents. Reported below: 329 Pa. 147; 196 A. 861.

No. 937. *MUTUAL BENEFIT HEALTH & ACCIDENT ASSN. v. MOYER*. May 31, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Philip E. Horan* for petitioner. *Mr. George B. Grigsby* for respondent. Reported below: 94 F. 2d 906.

Nos. 982 and 983. *AMERICAN WOOLEN CO. v. UNITED STATES*. May 31, 1938. Petition for writs of certiorari to the Court of Claims is denied. *Messrs. Melville F. Weston and John W. Townsend* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Mr.*

Sewall Key for the United States. Reported below: 85 Ct. Cls. 101; 18 F. Supp. 783.

No. 987. *PACIFIC STEAMSHIP LINES, LTD. v. MACK.* May 31, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Keith R. Ferguson* for petitioner. No appearance for respondent. Reported below: 94 F. 2d 95.

No. 994. *MACKEY v. LITTLE ROCK ET AL.* May 31, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. Sam T. Poe and Tom Poe* for petitioner. *Messrs. Horace Chamberlin and George B. Rose* for respondents. Reported below: 94 F. 2d 546.

No. 995. *LIVERMORE v. MILLER, COLLECTOR OF INTERNAL REVENUE.* May 31, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Joseph D. Farish* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key, J. Louis Monarch, and Paul R. Russell* for respondent. Reported below: 94 F. 2d 111.

No. 1002. *PILLSBURY FLOUR MILLS Co. v. UNITED STATES.* May 31, 1938. Petition for writ of certiorari to the Court of Customs and Patent Appeals denied. *Mr. Clark Hempstead* for petitioner. *Solicitor General Jackson, and Messrs. Charles D. Lawrence and John R. Benny* for the United States. Reported below: 25 C. C. P. A. (Customs) 351.

304 U. S.

Decisions Denying Certiorari.

No. 1005. *MURRAY ET AL. v. NEW YORK CITY ET AL.* May 31, 1938. Petition for writ of certiorari to the Supreme Court of New York denied. *Messrs. A. Gordon Murray* and *Albert G. Avery* for petitioners. *Mr. Paxton Blair* for respondents. Reported below: 278 N. Y. 475; 15 N. E. 2d 69; 252 App. Div. 853; 300 N. Y. S. 431.

No. 1006. *WHITE v. YOUNGBLOOD.* May 31, 1938. Petition for writ of certiorari to the Supreme Court of Illinois denied. *Mr. Richard E. Westbrooke* for petitioner. *Corinne L. Rice* for respondent. Reported below: 367 Ill. 632; 12 N. E. 2d 650.

No. 1007. *UNITED STATES EX REL. SCHMIDT ET AL. v. MILES, U. S. MARSHAL.* May 31, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. W. G. Cavett* for petitioners. *Solicitor General Jackson*, and *Messrs. Hugh A. Fisher, William W. Barron*, and *W. Marvin Smith* for respondent. Reported below: 97 F. 2d 881.

No. 1013. *LITTLEJOHN v. UNITED STATES.* May 31, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. A. M. Fitzgerald, Geo. B. Gillespie*, and *Edmund Burke* for petitioner. *Solicitor General Jackson*, and *Messrs. Hugh A. Fisher* and *W. Marvin Smith* for the United States. Reported below: 96 F. 2d 368.

No. 1024. *MEYERS v. UNITED STATES.* May 31, 1938. Petition for writ of certiorari to the Circuit Court of Ap-

peals for the Sixth Circuit denied. *Mr. Arthur H. Ratner* for petitioner. *Solicitor General Jackson*, and *Messrs. Hugh A. Fisher, Mahlon D. Kiefer, and W. Marvin Smith* for the United States. Reported below: 94 F. 2d 433.

No. 1034. CLARKE *v.* MARTIN, TRUSTEE. May 31, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Walter H. Eckert* for petitioner. *Mr. Livingston E. Osborne* for respondent. Reported below: 95 F. 2d 26.

No. 1041. UNITED STATES EX REL. REIBECK ET AL. *v.* KELLY, U. S. MARSHAL, ET AL. May 31, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Joseph Heller* for petitioners. *Solicitor General Jackson* and *Mr. Hugh A. Fisher* for the respondents. Reported below: 95 F. 2d 1022.

No. 1022. MOREHEAD ET AL. *v.* CENTRAL TRUST CO., EXECUTOR. May 31, 1938. Petition for writ of certiorari to the Supreme Court of Ohio denied. *Mr. George S. Hawke* for petitioners. *Mr. Wm. J. Rielly* for respondent. Reported below: 54 Ohio App. 9.

No. 1014. FIRST NATIONAL BANK & TRUST Co. *v.* UHL, RECEIVER. May 31, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Benn M. Corwin* for petitioner. No appearance for respondent. Reported below: 94 F. 2d 1013.

304 U. S.

Decisions Denying Certiorari.

No. 1054. *BREEN ET AL. v. UNITED STATES*. May 31, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. David V. Cahill* for petitioners. No appearance for the United States. Reported below: 96 F. 2d 782.

No. 1055. *CALLAGHAN ET AL. v. BROOKLYN TRUST CO.* May 31, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Emanuel Celler and Thomas Cradock Hughes* for petitioners. *Mr. Ralph W. Crolley* for respondent. Reported below: 96 F. 2d 161.

No. 1015. *JOHNSON v. IGLEHEART BROTHERS, INC.* May 31, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Albert Stump* for petitioner. *Messrs. George S. Herr, Lester E. Waterbury, and Oscar McPeak* for respondent. Reported below: 95 F. 2d 4.

No. 1058. *CENTRAL EXECUTIVE COUNCIL OF REMINGTON RAND EMPLOYEES' ASSNS. v. NATIONAL LABOR RELATIONS BOARD*. May 31, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Charles H. Houston and Leon A. Ransom* for petitioner. No appearance for respondent. Reported below: 94 F. 2d 862.

No. 1011. *GOLDSTONE v. PAYNE*. May 31, 1938. Petition for writ of certiorari to the Circuit Court of Appeals

for the Second Circuit denied. *Mr. Benjamin Schenker* for petitioner. *Mr. Neil P. Cullom* for respondent. Reported below: 94 F. 2d 855.

No. 1061. *MELLON v. UNITED STATES*. May 31, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Wm. Matthews* for petitioner. No appearance for the United States. Reported below: 96 F. 2d 462.

CASES DISPOSED OF WITHOUT CONSIDERATION BY THE COURT, FROM APRIL 12, 1938, THROUGH MAY 31, 1938.

No. 814. *VALLI ET AL. v. UNITED STATES*. Certiorari to the Circuit Court of Appeals for the First Circuit. May 31, 1938. Dismissed on motion of counsel for the petitioners. *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.

PETITIONS FOR REHEARING GRANTED, FROM APRIL 12, 1938, THROUGH MAY 31, 1938.

Nos. 396 and 1053. *KELLOGG Co. v. NATIONAL BISCUIT COMPANY*. May 31, 1938. The motion for leave to file a second petition for rehearing is granted. The second petition for rehearing is granted. The order denying a writ of certiorari is vacated and the petition for writ of certiorari seeking review of the judgment of the Circuit Court of Appeals entered on April 12, 1937, is granted. The petition for writ of certiorari seeking review of the order recalling and clarifying the mandate of the Circuit Court of Appeals is also granted. Further proceedings in the United States District Court for the District of Dela-