

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

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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.

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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.

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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-

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Rehearings Granted.

ware are stayed pending action of the Court upon the writs of certiorari hereby granted. MR. JUSTICE STONE and MR. JUSTICE ROBERTS took no part in the consideration or decision of these applications. *Messrs. W. H. Crichton-Clarke, Edward S. Rogers, Robert T. McCracken, and Thomas D. Thacher* for petitioner in No. 396. *Messrs. Thomas D. Thacher and W. H. Crichton-Clarke* for petitioner in No. 1053. *Messrs. Thomas G. Haight, David A. Reed, Drury W. Cooper, and Charles A. Vilas* for respondent. Reported below: 91 F. 2d 150. See 302 U. S. 654, 733, 777.

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No. 674. *SCHRIBER-SCHROTH CO. v. CLEVELAND TRUST CO. ET AL.*;

No. 675. *ABERDEEN MOTOR SUPPLY CO. v. SAME*; and

No. 676. *F. E. ROWE SALES CO. v. SAME*. 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 certiorari is vacated and the petition for writs of certiorari is granted. *Messrs. Thomas G. Haight, George L. Wilkinson, John H. Brunninga, and John H. Sutherland* for petitioners. *Messrs. A. C. Denison, F. O. Richey, and Wm. C. McCoy* for respondents. Reported below: 92 F. 2d 330. See 303 U. S. 639, 667.

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No. 357. *GENERAL TALKING PICTURES CORP. v. WESTERN ELECTRIC CO.* May 31, 1938. The petition for rehearing is granted upon the first two questions presented in the petition for writ of certiorari and the cause is assigned for argument on Monday, October 10, 1938. The motion to stay the mandate pending rehearing and determination by the Court is granted. *Messrs. Samuel E. Darby, Jr. and Ephraim Berliner* for petitioner. *Messrs. Merrell E. Clark and Henry R. Ashton* for respondents. Reported below: 91 F. 2d 922. See *ante*, p. 175.