

line on page four thereof and substituting the word "intra-state" therefor, so that the sentence will read: "The fair value of its intrastate property was thus claimed to be \$38,350,882.32 and the net amount available at the Commission's rate for return on intrastate deliveries of gas as less than four per cent." Reported as amended, *ante*, p. 224.

---

No. 72. CROWN CORK & SEAL CO. *v.* FERDINAND GUTMANN Co. May 31, 1938. The motion to amend the judgment is denied. *Messrs. Thomas G. Haight and John J. Darby* for petitioner. *Mr. Wm. E. Warland* for respondent. Reported below: 86 F. 2d 698. See *ante*, p. 159.

---

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

No. 437. HINDERLIDER, STATE ENGINEER, ET AL. *v.* LAPLATA RIVER & CHERRY CREEK DITCH Co. See *ante*, p. 92.

---

No. 877. STAHMANN ET AL. *v.* VIDAL, COLLECTOR OF INTERNAL REVENUE. April 25, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted, limited to the question whether the petitioners were the proper parties to maintain the suit. *Mr. Thornton Hardie* for petitioners. *Solicitor General Jackson, Assistant Attorney General Morris*, and *Messrs. Sewall Key and F. E. Youngman* for respondent. Reported below: 93 F. 2d 902.

---

No. 905. DAVIS *v.* DAVIS. April 25, 1938. Petition for writ of certiorari to the Court of Appeals for the

304 U. S.

Decisions Granting Certiorari.

District of Columbia granted. *Mr. Joseph T. Sherier* for petitioner. *Mr. Crandall Mackey* for respondent. Reported below: 96 F. 2d 512.

---

No. 915. FEDERAL POWER COMMISSION *v.* METROPOLITAN EDISON CO. ET AL. April 28, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. MR. JUSTICE ROBERTS took no part in the consideration or decision of this application. *Solicitor General Jackson* and *Mr. Oswald Ryan* for petitioner. *Messrs. Walter Biddle Saul, C. Edward Paxson, Edward F. Huber,* and *Geo. J. Banigan* for respondents. Reported below: 94 F. 2d 943.

---

No. 18, original. EX PARTE PAYSOFF TINKOFF. May 2, 1938. The motion for leave to proceed *in forma pauperis* is granted. The motion for leave to file petition for writ of certiorari is also granted. *Paysoff Tinkoff, pro se.*

---

No. 904. WAIALUA AGRICULTURAL CO. *v.* CHRISTIAN ET AL.; and

No. 909. CHRISTIAN *v.* WAIALUA AGRICULTURAL CO. May 2, 1938. Petitions for writs of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Messrs. Herman Phleger, Maurice E. Harrison,* and *J. Garner Anthony* for the Waiialua Agricultural Co. *Messrs. M. C. Sloss* and *Charles M. Hite* for Eliza R. P. Christian et al. Reported below: 93 F. 2d 603; 94 *id.* 806.

---

No. 869. NEW YORK LIFE INS. CO. *v.* JACKSON ET AL. See *ante*, p. 261.

No. 924. *ROSENTHAL v. NEW YORK LIFE INS. CO.*  
See *ante*, p. 263.

---

No. 912. *DAVIDSON v. COMMISSIONER OF INTERNAL REVENUE.* May 16, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *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 300.

---

No. 920. *STOLL v. GOTTLIEB.* May 16, 1938. Petition for writ of certiorari to the Supreme Court of Illinois granted. *Messrs. A. W. Froehde and Russell F. Locke* for petitioner. *Mr. David J. Shipman* for respondent. Reported below: 368 Ill. 88; 12 N. E. 2d 881.

---

No. 934. *UNITED STATES v. CONTINENTAL NATIONAL BANK & TRUST Co., TRUSTEE, ET AL.* May 16, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Solicitor General Jackson* for the United States. *Mr. Herbert Pope* for respondents. Reported below: 94 F. 2d 81.

---

No. 941. *STEELMAN, TRUSTEE, v. ALL CONTINENT CORP. ET AL.* May 16, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Mr. Wm. Elmer Brown, Jr.* for petitioner. *Mr. Clarence L. Cole* for respondents. Reported below: 96 F. 2d 20.

304 U. S.

Decisions Granting Certiorari.

No. 916. CONSOLIDATED EDISON CO. ET AL. *v.* NATIONAL LABOR RELATIONS BOARD ET AL.; and

No. 957. INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS ET AL. *v.* SAME. May 16, 1938. Petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. Wm. L. Ransom* for petitioners in No. 916. *Messrs. Isaac Lobe Straus and Claude A. Hope* for petitioners in No. 957. *Solicitor General Jackson*, and *Messrs. Robert L. Stern, Charles Fahy, and Laurence A. Knapp* for the National Labor Relations Board et al. Reported below: 95 F. 2d 390.

---

No. 921. NEBLETT ET AL. *v.* CARPENTER, INSURANCE COMMISSIONER, ET AL. May 16, 1938. Petition for writ of certiorari to the Supreme Court of California granted. MR. JUSTICE REED took no part in the consideration or decision of this application. *Messrs. William H. Neblett and R. Dean Warner* for petitioners. *Mr. U. S. Webb*, Attorney General of California, and *Miss Hester Webb* for the Insurance Commissioner. *Messrs. T. B. Cosgrove and John N. Cramer* for Carroll C. Day et al. Reported below: 10 Cal. 2d 307; 74 P. 2d 761.

---

No. 938. HUDSON ET AL. *v.* MOONIER. See *ante*, p. 397.

---

No. 945. HINES, ADMINISTRATOR OF VETERANS' AFFAIRS, *v.* LOWREY, COMMITTEE. May 23, 1938. Petition for writ of certiorari to the Supreme Court of New York granted. *Messrs. James T. Brady, Edward E. Odom, and Y. D. Mathes* for petitioner. *Mr. Louis J. Altkrug* for respondent.

No. 966. TEXAS CONSOLIDATED THEATRES, INC., *v.* PITTMAN. May 23, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Mr. Jos. W. Bailey, Jr.* for petitioner. No appearance for respondent. Reported below: 93 F. 2d 21; 94 *id.* 203.

---

No. 1004. MUTUAL BENEFIT, HEALTH & ACCIDENT ASSN. *v.* BOWMAN. May 31, 1938. See *ante*, p. 549.

---

No. 1030. OIL SHARES INC. *v.* COMMERCIAL TRUST CO. ET AL. See *ante*, p. 551.

---

Nos. 396 and 1053. KELLOGG CO. *v.* NATIONAL BISCUIT CO. May 31, 1938. See *post*, p. 586.

---

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. See *post*, p. 587.

---

No. 984. SHIELDS ET AL. *v.* UTAH IDAHO CENTRAL RAILROAD CO. May 31, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted. *Solicitor General Jackson* and *Mr. Daniel W. Knowlton* for petitioners. *Messrs. J. H. DeVine* and *J. A. Howell* for respondent. Reported below: 95 F. 2d 911.

---

No. 1008. COLORADO NATIONAL BANK ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. May 31, 1938. Petition for writ of certiorari to the Circuit Court of Appeals

304 U. S.

Decisions Granting Certiorari.

for the Tenth Circuit granted. *Messrs. Morrison Shafroth, W. W. Grant, and Henry W. Toll* for petitioners. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key, Carlton Fox and S. Dee Hanson* for respondent. Reported below: 95 F. 2d 160.

---

No. 1042. *LYETH v. HOEY, COLLECTOR OF INTERNAL REVENUE*. May 31, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Messrs. J. M. Richardson Lyeth, Will R. Gregg, and Allin H. Pierce* for petitioner. *Solicitor General Jackson* for respondent. Reported below: 96 F. 2d 141.

---

No. 1043. *SCHER v. UNITED STATES*. May 31, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. *Mr. A. L. Greenspun* for petitioner. *Solicitor General Jackson, Hugh A. Fisher, Mahlon D. Kiefer, and W. Marvin Smith* for the United States. Reported below: 95 F. 2d 64.

---

No. 1048. *HARRIS ET AL. v. AVERY BRUNDAGE CO. ET AL.* May 31, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Mr. Benjamin F. J. Odell* for petitioners. *Mr. Sigmund W. David* for respondents. Reported below: 95 F. 2d 373.

---

No. 1016. *SOVEREIGN CAMP OF THE WOODMEN OF THE WORLD v. BOLIN ET AL.* May 31, 1938. Petition for writ of certiorari to the Kansas City Court of Appeals, of Missouri, granted. *Messrs. John T. Harding, D. A. Murphy, and Rainey T. Wells* for petitioner. *Mr. Ray Weightman* for respondents. Reported below: 112 S. W. 2d 582.