

305 U. S.

Decisions Denying Certiorari.

D. Whitney for petitioner. *Mr. Harry Hoffman* for respondents. Reported below: 254 App. Div. 844.

DECISIONS DENYING CERTIORARI, FROM OCTOBER 3, 1938, THROUGH JANUARY 16, 1939.

No. 21. *NEBLETT ET AL. v. CARPENTER, INSURANCE COMMISSIONER, ET AL.* See *ante*, p. 562.

No. 129. *DENSON v. BOARD OF COMMISSIONERS OF THE STATE BAR.* October 10, 1938. Petition for writ of certiorari to the Supreme Court of Alabama, and motion for leave to proceed further *in forma pauperis*, denied. MR. JUSTICE BLACK took no part in the consideration and decision of this application. *Mr. William Augustus Denson* for petitioner. *Mr. Benjamin F. Ray* for respondents. Reported below: 235 Ala. 313; 178 So. 434.

No. 109. *FLETCHER v. UNITED STATES.* October 10, 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. *Edmond G. Fletcher, pro se.* No appearance for the United States.

No. 117. *STORY v. RIVES.* October 10, 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. *Mr. James J. Laughlin* for petitioner. No appearance for respondent. Reported below: 68 App. D. C. 325; 97 F. 2d 182.

No. 170. *PFAFF v. UNITED STATES.* October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit, and motion for leave to

proceed further *in forma pauperis*, denied. *Mr. Warren E. Miller* for petitioner. No appearance for the United States. Reported below: 93 F. 2d 823.

No. 171. *TAYLOR v. UNITED STATES*. October 10, 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. Henry E. Kahn* for petitioner. No appearance for the United States. Reported below: 96 F. 2d 16.

No. 172. *FREEMAN v. UNITED STATES*. October 10, 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. Henry E. Kahn* for petitioner. No appearance for the United States. Reported below: 96 F. 2d 13.

No. 184. *IN RE MINNIE REESE RICHARDSON WRAGG*. October 10, 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. Reported below: 95 F. 2d 252.

No. 192. *CASWELL v. MORGENTHAU, SECRETARY OF THE TREASURY, ET AL.* October 10, 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. *Mr. James A. Creswell* for petitioner. No appearance for respondents. Reported below: 69 App. D. C. 17; 98 F. 2d 296.

305 U. S.

Decisions Denying Certiorari.

No. 225. *FUTRELL, ADMINISTRATRIX, v. NEWPORT NEWS ET AL.* October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. William Davis Butts* for petitioner. No appearance for respondents. Reported below: 97 F. 2d 566.

No. 263. *ROBERTSON ET AL. v. CHRONISTER ET AL.* October 10, 1938. Petition for writ of certiorari to the Supreme Court of Arkansas, and motion for leave to proceed further *in forma pauperis*, denied. *Dora Robertson, pro se.* No appearance for respondents. Reported below: 196 Ark. 141; 116 S. W. 2d 1048.

No. 281. *HELLMUTH v. HELLMUTH.* October 10, 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. *Messrs. Dorsey K. Offutt, Reynolds Robertson, and Albert W. Fox* for petitioner. No appearance for respondent. Reported below: 69 App. D. C. 64; 98 F. 2d 431.

No. 317. *KELLY v. JOHNSTON, WARDEN.* October 10, 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. *Walter Kelly, pro se.* No appearance for respondent. Reported below: 99 F. 2d 582.

No. 326. *IRVIN v. ZERBST, WARDEN.* October 10, 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. *John Irvin, pro se.* No appearance for respondent. Reported below: 97 F. 2d 257.

No. 327. *REED v. COLPOYS.* October 10, 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. *Mr. James J. Laughlin* for petitioner. No appearance for respondent. Reported below: 99 F. 2d 396.

No. 353. *AURYNGER v. RADIO CORPORATION OF AMERICA.* October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. John J. Aurynger, pro se.* *Mr. Stephen H. Philbin* for respondent. Reported below: 98 F. 2d 765.

No. 6. *MOONEY v. SMITH, WARDEN.* October 10, 1938. Petition for writ of certiorari to the Supreme Court of California denied. Dissenting: MR. JUSTICE BLACK and MR. JUSTICE REED. *Messrs. Frank P. Walsh, John F. Finnerty, and George T. Davis* for petitioner. *Messrs. U. S. Webb and Wm. F. Cleary* for respondent. Reported below: 10 Cal. 2d 1; 73 P. 2d 554.

No. 43. *MILLIKEN ET AL. v. MEYER.* October 10, 1938. Petition for writ of certiorari to the Supreme Court of Colorado denied, as it does not appear from the record that there is a final judgment. *Messrs. C. R. Ellery and Harold H. Healy* for petitioners. *Mr. James A. Greenwood* for respondent. Reported below: 101 Colo. 564; 76 P. 2d 420.

305 U. S.

Decisions Denying Certiorari.

No. 105. *PALMER ET AL. v. CONNECTICUT RAILWAY & LIGHTING Co.* October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. MR. JUSTICE BRANDEIS took no part in the consideration and decision of this application. *Messrs. Hermon J. Wells and James Garfield* for petitioners. *Mr. George W. Martin* for respondent. Reported below: 95 F. 2d 483.

No. 76. *MAYTAG COMPANY v. HURLEY MACHINE CO. ET AL.*; and

No. 77. *SAME v. EASY WASHING MACHINE CORP.* On petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit; and

No. 352. *SAME v. GENERAL ELECTRIC SUPPLY CORP.* On petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit. October 10, 1938. Motion to defer consideration of the applications for writs of certiorari in these cases, and petitions for writs of certiorari, denied. *Messrs. Thomas G. Haight, Wallace R. Lane, Benton Baker, Oscar W. Jeffery, and Nelson E. Johnson* for petitioner. *Messrs. William H. Davis and Dean S. Edmonds* for respondents. Reported below: Nos. 76 and 77, 96 F. 2d 87.

No. 143. *HOWTH v. FARRAR ET AL.* October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Wm. Andress, Jr.* for petitioner. *Mr. William E. Allen* for respondents. Reported below: 94 F. 2d 654.

No. 162. *MOSHER v. CONWAY.* October 10, 1938. Petition for writ of certiorari to the Supreme Court of Arizona denied for the reason that application therefor

was not made within the time provided by law. Section 8 (a), Act of February 13, 1925 (43 Stat. 936, 940). *Mr. John W. Ray* for petitioner. No appearance for respondent. Reported below: 51 Ariz. 275; 76 P. 2d 231.

No. 166. TOLEDO PRESSED STEEL Co. v. STANDARD PARTS, INC.; and

No. 167. SAME v. HUEBNER SUPPLY Co. October 10, 1938. Motion to defer consideration of the application for writs of certiorari in these cases, and petition for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit, denied. *Mr. Wilber Owen* for petitioner. *Messrs. William P. Blair and Will Freeman* for respondents. Reported below: 93 F. 2d 336.

No. 168. INDIANAPOLIS ET AL. v. CHASE NATIONAL BANK, TRUSTEE, ET AL. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. MR. JUSTICE BUTLER took no part in the consideration and decision of this application. *Messrs. Floyd J. Mattice, William H. Thompson, and Albert L. Rabb* for petitioners. *Messrs. Howard F. Burns and William L. Taylor* for respondents. Reported below: 96 F. 2d 363.

No. 32. GEORGE E. WARREN CORP. v. UNITED STATES. October 10, 1938. Petition for writ of certiorari to the Court of Customs and Patent Appeals denied. *Mr. Geo. W. Dalzell* for petitioner. *Solicitor General Jackson, and Messrs. Charles D. Lawrence and John R. Benney* for the United States. Reported below: 25 C. C. P. A. (Cust.) 450; 97 F. 2d 105.

305 U. S.

Decisions Denying Certiorari.

No. 33. UNITED STATES *v.* DRIVER. October 10, 1938. Petition for writ of certiorari to the Court of Claims denied. *Solicitor General Jackson* for the United States. *Messrs. Samuel T. Ansell* and *Mahlon C. Masterson* for respondent. Reported below: 85 Ct. Cls. 702.

No. 34. PENICK & FORD, LTD. *v.* INTERNATIONAL PATENTS DEVELOPMENT CO. ET AL. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Stephen H. Philbin* for petitioner. *Messrs. Percival H. Truman* and *Charles H. Howson* for respondents. Reported below: 94 F. 2d 1018.

No. 35. BROOKS, ADMINISTRATRIX, *v.* SEATTLE. October 10, 1938. Petition for writ of certiorari to the Supreme Court of Washington denied. *Messrs. George F. Hannan* and *W. H. Cook* for petitioner. *Messrs. A. C. Van Soelen* and *John A. Homer* for respondent. Reported below: 193 Wash. 253; 74 P. 2d 1008.

No. 36. COLLINS *v.* DYE. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. John W. Ray* for petitioner. No appearance for respondent. Reported below: 94 F. 2d 799.

No. 37. RUSSELL & TUCKER ET AL. *v.* UNITED STATES;
No. 38. PORTER BROTHERS & BIFFLE ET AL. *v.* SAME;
No. 39. PRICE ET AL. *v.* SAME;
No. 206. UNITED STATES *v.* RUSSELL & TUCKER ET AL.;
No. 207. SAME *v.* PORTER BROTHERS & BIFFLE ET AL.;
and

No. 208. *SAME v. PRICE ET AL.* October 10, 1938. Petitions for writs of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. Blatchford Downing, Dayton Moses, and Ogden K. Shannon* for petitioners in No. 37 and respondents in No. 206. *Mr. R. E. Taylor* for petitioners in Nos. 38 and 39 and respondents in Nos. 207 and 208. *Solicitor General Jackson, Assistant Attorney General Whitaker, and Mr. Paul A. Sweeney* for the United States. Reported below: 95 F. 2d 684, 694, 687.

No. 40. *WABASH RAILWAY Co. v. BRIDAL.* October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Homer Hall* for petitioner. No appearance for respondent. Reported below: 94 F. 2d 117.

No. 41. *KRUPP NIROSTA Co. ET AL. v. COE, COMMISSIONER OF PATENTS.* October 10, 1938. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Mr. Fritz v. Briesen* for petitioners. *Solicitor General Jackson, Assistant Attorney General Whitaker, and Messrs. R. F. Whitehead and Paul P. Stoutenburgh* for respondent. Reported below: 68 App. D. C. 323; 96 F. 2d 1013.

No. 42. *AMERICAN TOBACCO Co. v. BOWERS, EXECUTOR.* October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Robert H. Montgomery, Thomas G. Haight, J. Marvin Haynes, and James O. Wynn* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key and F. E. Youngman* for respondent. Reported below: 94 F. 2d 1010.

305 U. S.

Decisions Denying Certiorari.

No. 44. PARAMINO LUMBER CO. ET AL. *v.* MARSHALL, DEPUTY COMMISSIONER. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. Cassius E. Gates and Edward G. Dobrin* for petitioners. *Solicitor General Jackson, Assistant Attorney General Whitaker, and Messrs. Henry A. Julicher and Charles Fahy* for respondent. Reported below: 95 F. 2d 203.

No. 45. KANSAS EX REL. BECK, ATTORNEY GENERAL, ET AL. *v.* OCCIDENTAL LIFE INSURANCE CO. ET AL. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Messrs. Clarence V. Beck, John L. Hunt, and John G. Egan* for petitioners. *Messrs. George E. Brammer, Joseph Brody, and Clyde B. Charlton* for Occidental Life Ins. Co., and *Mr. T. M. Lillard* for Clyde W. Miller et al., respondents. Reported below: 95 F. 2d 935.

No. 46. WILLIAM B. SCAIFE & SONS CO. *v.* DRISCOLL, COLLECTOR. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Messrs. James M. Magee and Edmund W. Arthur* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key and Paul S. McMahon* for respondent. Reported below: 94 F. 2d 664.

No. 47. GUETTEL ET AL. *v.* UNITED STATES. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Maurice H. Winger* for petitioners. *Solicitor General Jackson, Assistant Attorney General Morris, and Mr. Sewall Key and Helen R. Carloss* for the United States. Reported below: 95 F. 2d 229.

No. 50. *VOORHEES v. SYCK, SHERIFF*. October 10, 1938. Petition for writ of certiorari to the Supreme Court of Minnesota denied. *Mr. Matthias N. Orfield* for petitioner. No appearance for respondent. Reported below: 202 Minn. 252; 277 N. W. 926.

No. 52. *LILLY v. SMITH, COLLECTOR*. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. George L. Denny and William H. Thompson* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key and F. E. Youngman* for respondent. Reported below: 96 F. 2d 341.

No. 54. *BECKER STEEL Co. v. CUMMINGS, ATTORNEY GENERAL, ET AL.* October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. E. Crosby Kindleberger* for petitioner. *Solicitor General Jackson, Assistant Attorney General Whitaker, and Mr. Harry LeRoy Jones* for respondents. Reported below: 95 F. 2d 319.

No. 58. *PROCTER & GAMBLE Co. v. COE, COMMISSIONER OF PATENTS*. October 10, 1938. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Messrs. Frederic D. McKenney, Marston Allen, Charles E. Riordon, and C. Russell Riordon* for petitioner. *Solicitor General Jackson, Assistant Attorney General Whitaker, and Mr. R. F. Whitehead* for respondent. By leave of Court, *Messrs. Joshua R. H. Potts, Basel H. Brune, and Eugene Vincent Clarke* filed a brief as *amici curiae* on behalf of J. L. Prescott Co., in support of respondent. Reported below: 68 App. D. C. 246; 96 F. 2d 518.

305 U. S.

Decisions Denying Certiorari.

Nos. 59 and 60. *SHUBRICK ET AL. v. VAN CAMP PRODUCTS Co. ET AL.* October 10, 1938. Petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. Clair McTurnan, William R. Higgins, Denver C. Harlan, John G. Buchanan, and William J. Kyle, Jr.* for petitioners. *Messrs. George W. Palmer, James W. Noel, Paul Y. Davis, and Kurt F. Pantzer* for respondents. Reported below: 95 F. 2d 206.

No. 61. *BERRY, TRUSTEE, v. AUSTIN, EXECUTOR, ET AL.* October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. James N. Hardin* for petitioner. No appearance for respondents. Reported below: 95 F. 2d 932.

No. 62. *CLEVELAND-CLIFFS IRON Co. v. MARTINI, ADMINISTRATOR.* October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Messrs. Thomas H. Garry and Gilbert R. Johnson* for petitioner. *Mr. James C. Connell* for respondent. Reported below: 96 F. 2d 632.

No. 64. *ELKHORN COAL Co. v. HELVERING, COMMISSIONER OF INTERNAL REVENUE.* October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. *Mr. Leo H. Hoffman* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key and Ellis N. Slack* for respondent. Reported below: 95 F. 2d 732.

No. 65. *FAIRBANKS v. UNITED STATES.* October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Arthur F. Driscoll* for petitioner. *Solicitor General Jackson, Assis-*

tant Attorney General Morris, and Messrs. Sewall Key and A. F. Prescott for the United States. Reported below: 95 F. 2d 794.

No. 67. GREIMAN, TRUSTEE, *v.* METROPOLITAN LIFE INSURANCE CO. ET AL. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Murray Greiman, pro se. Mr. Harry Cole Bates* for Metropolitan Life Ins. Co. et al.; *Mr. Edward A. Markley* for Equitable Life Assurance Society; and *Mr. Samuel Milberg* for Samuel S. Sachs, respondents. By leave of Court, *Mr. Sam T. Swansen* filed a brief on behalf of the Northwestern Mutual Life Ins. Co., as *amicus curiae*, in support of respondents. Reported below: 96 F. 2d 823.

No. 72. ARKANSAS LOUISIANA GAS CO. *v.* TEXARKANA ET AL. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. J. Merrick Moore, H. C. Walker, Jr., William C. Fitzhugh, and William H. Arnold, Jr.*, for petitioner. *Messrs. Willis B. Smith and Benjamin E. Carter* for respondents. Reported below: 96 F. 2d 179.

No. 78. COX ET AL. *v.* THOMPSON ET AL.; and

No. 204. THOMPSON ET AL. *v.* PARK SAVINGS BANK ET AL. October 10, 1938. Petitions for writs of certiorari to the Court of Appeals for the District of Columbia denied. *Messrs. Joseph T. Sherier, Otis Beall Kent, J. S. Flannery, and A. A. Hoehling, Jr.* for petitioners in No. 78. *Messrs. Sherier, Kent, Flannery, and Adolph A. Hoehling* for respondents in No. 204. *Messrs. E. Hilton Jackson, William E. Richardson, J. Bruce Kremer, and Herbert M. Bing-*

ham for respondents in No. 78. *Messrs. E. Hilton Jackson and William E. Richardson* for petitioners in No. 204. Reported below: No. 204, 68 App. D. C. 272; 96 F. 2d 544.

No. 79. INDIAN TERRITORY OIL & GAS CO. *v.* INDIAN TERRITORY ILLUMINATING OIL CO. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Mr. W. H. Kornegay* for petitioner. *Messrs. W. P. McGinnis, Donald Prentice, Samuel H. Riggs, and W. T. Anglin* for respondent. Reported below: 95 F. 2d 711.

No. 80. DEPARTMENT OF WATER AND POWER OF LOS ANGELES *v.* ANDERSON. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. Ray L. Chesebro and S. B. Robinson* for petitioner. *Mr. Fred S. Alward* for respondent. Reported below: 95 F. 2d 577.

No. 81. HIGGINS ET AL. *v.* OKLAHOMA CITY. October 10, 1938. Petition for writ of certiorari to the Supreme Court of Oklahoma denied. *Mr. Warren E. Libby* for petitioners. *Mr. W. H. Brown* for respondent.

No. 82. McMULLIN, EXECUTRIX, *v.* SHEEHAN, COLLECTOR OF INTERNAL REVENUE. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Howard G. Cook* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key and Harry Marselli* for respondent. Reported below: 95 F. 2d 129.

No. 83. *DYSART, TRUSTEE v. UNITED STATES*. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. Howard G. Cook and Robert T. McCracken* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key and Harry Marselli* for the United States. Reported below: 95 F. 2d 652.

No. 84. *MORRIS, TRUSTEE, v. SAMPSELL ET AL.* October 10, 1938. Petition for writ of certiorari to the Supreme Court of Wisconsin denied. *Messrs. Howard L. Duane and Walter L. Gold* for petitioner. *Mr. William Ryan* for respondents. Reported below: 224 Wis. 560; 272 N. W. 53.

No. 86. *COLLINS v. STREITZ*. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. John W. Ray* for petitioner. No appearance for respondent. Reported below: 95 F. 2d 430.

No. 87. *NESBIT ET AL., EXECUTORS, v. FREDERICK SNARE CORP.* October 10, 1938. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Messrs. Roger O'Donnell, Lambert O'Donnell, Thomas W. O'Brien, and William J. Peters* for petitioners. *Messrs. Brice Clagett and Challen B. Ellis* for respondent. Reported below: 68 App. D. C. 263; 96 F. 2d 535.

No. 88. *BOGY v. UNITED STATES*. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Charles M. Bryan* for petitioner. *Solicitor General Jackson, and Messrs.*

305 U. S.

Decisions Denying Certiorari.

Hugh A. Fisher, William W. Barron, and W. Marvin Smith for the United States. Reported below: 96 F. 2d 734.

No. 89. *BOYCE v. UNITED STATES*. October 10, 1938. Petition for writ of certiorari to the Court of Claims denied. *Messrs. Wm. R. Green, Jr. and Hugh Satterlee* for petitioner. *Acting Solicitor General Gardner, Assistant Attorney General Morris, and Mr. Sewall Key* for the United States. Reported below: 86 Ct. Cls. 114; 21 F. Supp. 274.

No. 90. *WRIGHT, ADMINISTRATRIX, v. UNITED STATES*. October 10, 1938. Petition for writ of certiorari to the Court of Claims denied. *Messrs. Martin J. McNamara and Wm. S. Hodges* for petitioner. *Acting Solicitor General Townsend, Assistant Attorney General Whitaker, and Mr. Paul A. Sweeney* for the United States. Reported below: 86 Ct. Cls. 290.

No. 91. *CHIARA ET AL. v. DELAWARE, LACKAWANNA & WESTERN R. Co.* October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Peter P. Artaserse* for petitioners. *Mr. Walter J. Larrabee* for respondent. Reported below: 95 F. 2d 663.

No. 92. *MOTLOW v. SOUTHERN HOLDING & SECURITIES CORP. ET AL.* October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. Patrick H. Cullen and Clem F. Storckman* for petitioner. *Mr. John S. Leahy* for respondent Southern Holding & Securities Corporation. *Messrs. John T. Harding and David A. Murphy* for respondents Home Insurance Co. et al. Reported below: 95 F. 2d 721.

No. 93. HOME INDEMNITY CO. *v.* NATIONAL MOTORSHIP CORP. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Edwin R. Wolff* for petitioner. *Mr. Courtland Palmer* for respondent. Reported below: 96 F. 2d 88.

No. 95. VITAGRAPH, INC., ET AL., *v.* PERELMAN ET AL. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Gordon A. Block* for petitioners. *Mr. Benjamin M. Golder* for respondents. Reported below: 95 F. 2d 142.

No. 99. HURLBUT ET AL. *v.* MEYERSON. October 10, 1938. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Mr. Dean Hill Stanley* for petitioners. *Mr. C. Leo DeOrsey* for respondent. Reported below: 68 App. D. C. 360; 98 F. 2d 232.

No. 100. CLEMENTS *v.* UNITED STATES. October 10, 1938. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Mr. Warren E. Miller* for petitioner. *Solicitor General Jackson*, and *Messrs. Julius C. Martin, Wilbur C. Pickett, Young M. Smith*, and *W. Marvin Smith* for the United States. Reported below: 68 App. D. C. 261; 96 F. 2d 533.

No. 101. MEANS, EXECUTRIX, *v.* FALETTI, TRUSTEE, ET AL. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Gerald T. Wiley* for petitioner. *Mr. Harry J. Lurie* for respondents. Reported below: 95 F. 2d 451.

305 U. S.

Decisions Denying Certiorari.

No. 103. *MERCER v. LENCE*, DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Messrs. Orr Chapman and Fred J. Babcock* for petitioner. *Acting Solicitor General Townsend*, and *Messrs. Hugh A. Fisher, William W. Barron, and W. Marvin Smith* for respondent. Reported below: 96 F. 2d 122.

No. 106. *EVELOFF ET AL. v. WILLING*, RECEIVER. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Milton A. Kamsler* for petitioners. *Mr. George P. Barse* for respondent. Reported below: 94 F. 2d 344.

No. 107. *MASSACHUSETTS PROTECTIVE ASSN., INC., v. SWASEY*. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. F. H. Nash and Pearce C. Rodey* for petitioner. *Mr. Fred Blair Townsend* for respondent. Reported below: 96 F. 2d 265.

No. 108. *BATANGAS TRANSPORTATION CO. v. MANILA RAILROAD CO. ET AL.* October 10, 1938. Petition for writ of certiorari to the Supreme Court of the Philippines denied. *Messrs. Frederic R. Coudert, George R. Harvey, S. W. O'Brien, and Mahlon B. Doing* for petitioner. *Messrs. Quintin Paredes and Ramon Diokno* for respondents.

No. 110. *LOOSE-WILES BISCUIT CO. v. RASQUIN*. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

Mr. Carroll G. Walter for petitioner. *Acting Solicitor General Townsend, Assistant Attorney General Morris, and Messrs. Sewall Key and James E. Murphy* for respondent. Reported below: 95 F. 2d 438.

No. 111. PORTER *v.* UNITED STATES. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. James C. Leaton* for petitioner. *Acting Solicitor General Townsend, and Messrs. Hugh A. Fisher, William W. Barron and W. Marvin Smith* for the United States. Reported below: 96 F. 2d 773.

No. 114. U. S. FIDELITY & GUARANTY Co. *v.* MERCANTILE HOME BANK & TRUST Co. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Louis M. Denit* for petitioner. *Mr. James P. Kem* for respondent. Reported below: 96 F. 2d 655.

No. 115. MUTUAL BENEFIT HEALTH & ACCIDENT ASSN. *v.* WARRELL. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Thomas B. Pryor* for petitioner. *Messrs. Frank Pace and Charles I. Evans* for respondent. Reported below: 96 F. 2d 447.

No. 116. REED ET AL. *v.* UNITED STATES. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Henry A. Uterhart and Alfred M. Schaffer* for petitioners. *Acting Solicitor General Townsend, Assistant Attorney General McMahan, and Mr. William W. Barron* for the United States. Reported below: 96 F. 2d 785.

305 U. S.

Decisions Denying Certiorari.

No. 119. *CANTER ET AL. v. RAMSEY ET AL.* October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Frank Aranow, William E. Leahy, and William J. Hughes, Jr.* for petitioners. *Mr. Joseph Fairbanks* for respondents. Reported below: 96 F. 2d 50.

No. 121. *CORRAL, WODISKA Y CA. v. ANDERSON, THORSON & Co. ET AL.* October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. Silas H. Strawn, K. I. McKay and Harold A. Smith* for petitioner. *Messrs. Justus Chancellor and James A. O'Callaghan* for respondents. Reported below: 95 F. 2d 11.

No. 122. *STEINTHAL v. ARLINGTON SAMPLE BOOK Co.* October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Harry Langsam* for petitioner. *Messrs. Daniel C. Donoghue and Walter T. Fahy* for respondent. Reported below: 94 F. 2d 748.

No. 123. *GROSS ET AL. v. SAGINAW BROADCASTING Co.* October 10, 1938. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Mr. Arthur W. Scharfeld* for petitioners. No appearance for respondent. Reported below: 68 App. D. C. 282; 96 F. 2d 554.

No. 124. *ROGERS OIL & GAS Co. v. HELVERING, COMMISSIONER OF INTERNAL REVENUE*; and

No. 125. *GRISON OIL CORP. v. HELVERING, COMMISSIONER OF INTERNAL REVENUE.* October 10, 1938. Petition for writ of certiorari to the Circuit of Appeals for the

Tenth Circuit denied. *Mr. Chas. H. Garnett* for petitioners. *Acting Solicitor General Townsend, Assistant Attorney General Morris, and Messrs. Sewall Key, Warren F. Wattles, and Warner W. Gardner* for respondent. Reported below: 96 F. 2d 125.

No. 126. PRUDENTIAL INSURANCE CO. *v.* HEROLD. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Messrs. Frederick J. Shoyer and Kendall H. Shoyer* for petitioner. *Mr. G. Coe Farrier* for respondent. Reported below: 96 F. 2d 996.

No. 131. CITY NATIONAL BANK ET AL. *v.* STERNBERG. October 10, 1938. Petition for writ of certiorari to the Supreme Court of Arkansas denied. *Messrs. James B. McDonough and William L. Curtis* for petitioners. *Messrs. Harry P. Daily and John P. Woods* for respondent. Reported below: 195 Ark. 503; 114 S. W. 2d 39.

No. 132. WOOLLEY *v.* UNITED STATES. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Emmett E. Doherty* for petitioner. *Acting Solicitor General Townsend, and Messrs. Hugh A. Fisher, William W. Barron, and Warner W. Gardner* for the United States. Reported below: 97 F. 2d 258.

No. 134. MITCHELL *v.* ILLINOIS. October 10, 1938. Petition for writ of certiorari to the Supreme Court of Illinois denied. *Messrs. John V. Hanney, George E. Billett, and Warren C. Lee* for petitioner. No appearance for respondent. Reported below: 368 Ill. 399; 14 N. E. 2d 216.

305 U. S.

Decisions Denying Certiorari.

No. 135. GRUENWALD ET AL. *v.* MOIR HOTEL CO. ET AL. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Meyer Abrams* for petitioners. *Mr. Frederic Burnham* for respondent Continental Illinois National Bank & Trust Co. *Mr. Fletcher Lewis* for respondents Warren W. Jones et al. *Mr. Harold V. Amberg* for respondent First National Bank of Chicago. Reported below: 96 F. 2d 932.

No. 136. BRUSH-MOORE NEWSPAPERS, INC., *v.* COMMISSIONER OF INTERNAL REVENUE. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. William H. Vodrey* for petitioner. *Acting Solicitor General Townsend*, *Assistant Attorney General Morris*, and *Messrs. Sewall Key* and *Lee A. Jackson* for respondent. Reported below: 95 F. 2d 900.

Nos. 137 and 138. FOLEY, EXECUTOR, ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Messrs. J. Harry LaBrum*, *George E. Beechwood*, and *Mark E. Lefever* for petitioners. *Acting Solicitor General Townsend*, *Assistant Attorney General Morris*, and *Messrs. Sewall Key* and *Berryman Green* for respondent. Reported below: 94 F. 2d 958.

No. 139. ERCEG, GUARDIAN, *v.* FAIRBANKS EXPLORATION Co. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Morgan J. Doyle* for petitioner. *Messrs. Alfred Sutro* and *Francis R. Kirkham* for respondent. Reported below: 95 F. 2d 850.

No. 140. *LONG v. COMMISSIONER OF INTERNAL REVENUE*. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. Jefferson P. Chandler and John F. Gilbert* for petitioner. *Acting Solicitor General Gardner, Assistant Attorney General Morris, and Messrs. Sewall Key, John J. Pringle, Jr., and Robert K. McConnaughey* for respondent. Reported below: 96 F. 2d 270.

No. 141. *CHESSER ET AL. v. UNITED PRODUCTION CORP.* October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. W. L. Matthews and J. W. Ragsdale* for petitioners. No appearance for respondent. Reported below: 94 F. 2d 790; 95 *id.* 521.

No. 144. *PUBLIC MUTUAL BENEFIT FOUNDATION v. HUNT, INSURANCE COMMISSIONER OF PENNSYLVANIA*. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Messrs. Benjamin Dowden, Archibald Palmer, and Ralph W. Rymer* for petitioner. *Mr. Guy K. Bard* for respondent. Reported below: 94 F. 2d 749.

No. 145. *MCGRATH ET AL., TRUSTEES, v. DAVISON*. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Emanuel Celler* for petitioners. *Messrs. Alfred T. Davison and Orrin G. Judd* for respondent. Reported below: 96 F. 2d 157.

No. 148. *BRINK ET AL., TRUSTEES, v. COMMISSIONER OF CORPORATIONS AND TAXATION*. October 10, 1938. Petition for writ of certiorari to the Supreme Judicial Court

305 U. S.

Decisions Denying Certiorari.

of Massachusetts, County of Suffolk, denied. *Mr. Lawrence E. Green* for petitioners. *Messrs. Paul A. Dever* and *Edward O. Proctor* for respondent. Reported below: 13 N. E. 2d 2.

No. 149. *MURPHY v. KENTON COUNTY BAR ASSOCIATION EX REL. FINNEGAN ET AL.* October 10, 1938. Petition for writ of certiorari to the Court of Appeals of Kentucky denied. *Mr. S. H. Brown* for petitioner. *Mr. Harry Brent Mackay* for respondents. Reported below: 272 Ky. 617; 114 S. W. 2d 722.

Nos. 152 and 153. *SECURITIES ALLIED CORP. v. COMMISSIONER OF INTERNAL REVENUE.* October 10, 1938. Petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mabel Walker Willebrandt* for petitioner. *Acting Solicitor General Townsend*, *Assistant Attorney General Morris*, and *Messrs. Sewall Key* and *L. W. Post* for respondent. Reported below: 95 F. 2d 384.

No. 155. *EDELSTEIN v. UNITED STATES.* October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. David P. Siegel* for petitioner. *Acting Solicitor General Townsend*, and *Messrs. Hugh A. Fisher*, *William W. Barron*, and *W. Marvin Smith* for the United States. Reported below: 97 F. 2d 271.

No. 156. *MISSOURI PACIFIC R. Co. v. GRAVES.* October 10, 1938. Petition for writ of certiorari to the Supreme Court of Missouri denied. *Mr. Thomas J. Cole* for petitioner. *Mr. Wendell W. McCanles* for respondent. Reported below: 342 Mo. 542; 118 S. W. 2d 787.

No. 157. *COLLINS v. FINLEY*. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. John W. Ray* for petitioner. *Messrs. Allan K. Perry* and *Charles L. Strouss* for respondent. Reported below: 94 F. 2d 935.

No. 159. *HARRIS v. MISSOURI PACIFIC R. Co.* October 10, 1938. Petition for writ of certiorari to the Supreme Court of Missouri denied. *Messrs. H. G. Waltner, Jr.* and *Franklin E. Reagan* for petitioner. *Mr. Thomas J. Cole* for respondent. Reported below: 342 Mo. 330; 114 S. W. 2d 988.

No. 160. *MORSE v. UNITED STATES*. October 10, 1938. Petition for writ of certiorari to the Court of Claims denied. *Mr. L. L. Hamby* for petitioner. *Solicitor General Jackson*, *Assistant Attorney General Whitaker*, and *Mr. Paul A. Sweeney* for the United States. Reported below: 86 Ct. Cls. 649; 25 F. Supp. 580.

No. 173. *PENNROAD CORPORATION v. LADNER, FORMER COLLECTOR*. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Messrs. George G. Chandler*, *Robert T. McCracken*, and *C. B. Heiserman* for petitioner. *Acting Solicitor General Townsend*, *Assistant Attorney General Morris*, and *Messrs. Sewall Key*, *Paul S. McMahon*, and *Robert K. McConnaughey* for respondent. Reported below: 97 F. 2d 10.

No. 174. *UNITED STATES EX REL. FINK v. REIMER, COMMISSIONER OF IMMIGRATION*. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Benjamin*

305 U. S.

Decisions Denying Certiorari.

Koenigsberg for petitioner. *Solicitor General Jackson*, *Assistant Attorney General McMahon*, and *Messrs. William W. Barron* and *W. Marvin Smith* for respondent. Reported below: 96 F. 2d 217.

No. 175. SOUTHERN RAILWAY Co. v. LUNSFORD, ADMINISTRATRIX. October 10, 1938. Petition for writ of certiorari to the Court of Appeals of Georgia denied. *Messrs. G. E. Maddox*, *Rembert Marshall*, *Sidney S. Alderman*, and *S. R. Prince* for petitioner. *Mr. Reuben R. Arnold* for respondent. Reported below: 57 Ga. App. 53; 194 S. E. 602.

No. 176. SOUTHERN RAILWAY Co. v. GOREE. October 10, 1938. Petition for writ of certiorari to the Court of Appeals of Georgia denied. *Messrs. G. E. Maddox*, *Rembert Marshall*, *Sidney S. Alderman*, and *S. R. Prince* for petitioner. *Mr. Reuben R. Arnold* for respondent. Reported below: 57 Ga. App. 63; 194 S. E. 609.

No. 178. UNITED STATES v. POWELL ET AL. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. *Solicitor General Jackson* for the United States. *Mr. W. R. C. Cocks* for respondents. Reported below: 95 F. 2d 752.

No. 185. UNITED STATES EX REL. U. S. BORAX Co. v. ICKES, SECRETARY OF THE INTERIOR. October 10, 1938. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Messrs. Philip F. Herrick*, *William E. Colby*, and *Samuel Herrick* for petitioner. *Acting Solicitor General Townsend*, *Acting Assistant*

Attorney General Collett, and *Mr. Oscar A. Provost* for respondent. Reported below: 68 App. D. C. 399; 98 F. 2d 271.

No. 186. UNITED STATES *v.* FRENCH ET AL. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Solicitor General Jackson* for the United States. *Mr. Wayne G. Cook* for respondents. Reported below: 95 F. 2d 922.

No. 187. SEEMAN *v.* UNITED STATES. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. David P. Siegel* for petitioner. *Solicitor General Jackson*, *Assistant Attorney General McMahon*, and *Messrs. William W. Barron* and *W. Marvin Smith* for the United States. Reported below: 96 F. 2d 732.

No. 190. GINSBURG *v.* UNITED STATES. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. I. Harvey Levinson* for petitioner. *Solicitor General Jackson*, *Assistant Attorney General McMahon*, and *Mr. W. Marvin Smith* for the United States. Reported below: 96 F. 2d 882.

No. 193. LUCIANO *v.* NEW YORK; and

No. 194. BETILLO ET AL. *v.* SAME. October 10, 1938. Petitions for writs of certiorari to the Supreme Court of New York denied. *Mr. Moses Polakoff* for petitioner in No. 193. *Mr. Stanley H. Fuld* for respondent in No. 193. *Mr. David P. Siegel* for petitioner in No. 194. No appearance for respondent in No. 194. Reported below: 277 N. Y. 348; 14 N. E. 2d 433.

305 U. S.

Decisions Denying Certiorari.

No. 196. *WITTE v. PARKER*. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. *Mr. Harry N. Guterman* for petitioner. No appearance for respondent. Reported below: 97 F. 2d 461.

No. 197. *MAYER v. AMES, DIRECTOR OF SAFETY, ET AL.* October 10, 1938. Petition for writ of certiorari to the Supreme Court of Ohio denied. *Messrs. Alfred H. Myers and Cedric Vogel* for petitioner. *Messrs. John D. Ellis and Ed F. Alexander* for respondents. Reported below: 133 Ohio St. 458; 14 N. E. 2d 217.

No. 198. *KANSAS CITY SOUTHERN RY. CO. v. LARSEN*. October 10, 1938. Petition for writ of certiorari to the Supreme Court of Arkansas denied. *Messrs. Frank H. Moore, James B. McDonough, Joseph R. Brown, and A. F. Smith* for petitioner. *Mr. Tom Poe* for respondent. Reported below: 195 Ark. 808; 114 S. W. 2d 1081.

No. 199. *MINNEAPOLIS, ST. P. & S. S. M. RY. Co. v. INDUSTRIAL COMMISSION ET AL.* October 10, 1938. Petition for writ of certiorari to the Supreme Court of Wisconsin denied. *Mr. William A. Hayes* for petitioner. *Mr. Mortimer Levitan* for respondents. Reported below: 227 Wis. 563; 279 N. W. 42.

No. 201. *DERN ET AL. v. TANNER ET AL.* October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. John A. Shelton and Horace S. Davis* for petitioners. No appearance for respondents. Reported below: 96 F. 2d 401.

No. 202. SINGER SEWING MACHINE Co. *v.* AMERICAN SAFETY TABLE Co. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Robert C. Watson* for petitioner. *Messrs. Thomas G. Haight and Samuel E. Darby, Jr.* for respondent. Reported below: 95 F. 2d 543.

No. 205. BACHE ET AL. *v.* LOUISIANA OIL RFG. CORP. ET AL. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. H. Struve Hensel and Sidney L. Herold* for petitioners. *Messrs. Robert Roberts, Jr., Elias Goldstein, and Henry C. Walker, Jr.* for respondents. Reported below: 97 F. 2d 445.

No. 209. KILGALLON ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. James J. Kilgallon and John M. Treveiler* for petitioners. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key, John J. Pringle, Jr., and Charles A. Horsky* for respondent. Reported below: 96 F. 2d 337.

No. 211. EVANS ET AL. *v.* TEXTILE DYEING & PRINTING Co. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Messrs. Thomas G. Haight and E. W. Marshall* for petitioners. *Mr. Ralph E. Slayton* for respondent. Reported below: 96 F. 2d 639.

No. 215. DRAINAGE DISTRICT No. 1 OF RICHARDSON COUNTY ET AL. *v.* MOONEY. October 10, 1938. Petition

305 U. S.

Decisions Denying Certiorari.

for writ of certiorari to the Supreme Court of Nebraska denied. *Mr. Leonard A. Flansburg* for petitioners. *Mr. J. A. C. Kennedy* for respondent. Reported below: 133 Neb. 197; 274 N. W. 467; 278 N. W. 368.

No. 216. SANTA BARBARA COUNTY ET AL. *v.* THOMAS B. BISHOP Co. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. Percy C. Heckendorf* and *David R. Faries* for petitioners. *Messrs. S. M. Haskins* and *Sterling Carr* for respondent. Reported below: 96 F. 2d 198.

No. 217. DUGGER, TRUSTEE, *v.* JENKINS ET AL. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Ernest F. Smith* for petitioner. *Mr. Collins Denney, Jr.* for respondents. Reported below: 96 F. 2d 727.

No. 218. MAGALHAES *v.* ROJAS ET AL. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. Maurice Leon, Joseph H. Choate, Jr., Oscar Lawler, and Max Felix* for petitioner. *Mr. Louis W. Myers* for respondents. Reported below: 96 F. 2d 614.

No. 219. MISSISSIPPI EX REL. ROY *v.* McLEAN. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Gerald Fitzgerald* for petitioner. No appearance for respondent. Reported below: 96 F. 2d 741.

No. 220. UNJIENG *v.* PHILIPPINE ISLANDS ET AL. October 10, 1938. Petition for writ of certiorari to the Su-

preme Court of the Philippines denied. *Mr. A. D. Gibbs* for petitioner. *Messrs. Jose Yulo, Clyde Alton Dewitt and Eugene Arthur Perkins* for respondents.

No. 223. NATIONAL CONFERENCE ON LEGALIZING LOTTERIES, INC., *v.* FARLEY, POSTMASTER GENERAL. October 10, 1938. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Mr. Horace J. Donnelly, Jr.* for petitioner. *Solicitor General Jackson, Assistant Attorney General McMahan, and Messrs. William W. Barron and W. Marvin Smith* for respondent. Reported below: 68 App. D. C. 319; 96 F. 2d 861.

No. 224. PENNSYLVANIA PUBLIC UTILITY COMM'N *v.* UNION TRACTION Co. ET AL. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Messrs. Joseph Ominsky and Guy K. Bard* for petitioner. *Messrs. Francis Shank Brown and Joseph Gilfillan* for respondents. Reported below: 98 F. 2d 1021.

No. 226. PERRY *v.* UNITED STATES. October 10, 1938. Petition for writ of certiorari to the Court of Claims denied. *Messrs. John M. Perry and Hersey Egginton* for petitioner. *Solicitor General Jackson, and Messrs. Harry LeRoy Jones, Paul A. Freund, Herman Oliphant, and Bernard Bernstein* for the United States. Reported below: 87 Ct. Cls. 182.

No. 230. EQUITABLE LIFE ASSURANCE SOCIETY ET AL. *v.* MACDONALD. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Stephen V. Carey* for petitioners. *Mr. W. C. McCulloch* for respondent. Reported below: 96 F. 2d 437.

305 U. S.

Decisions Denying Certiorari.

No. 232. KANSAS CITY SOUTHERN RY. CO. *v.* INTERSTATE COMMERCE COMMISSION ET AL. October 10, 1938. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Messrs. Samuel W. Moore, Frank H. Moore, A. F. Smith, W. E. Davis, and T. P. Littlepage* for petitioner. *Messrs. E. M. Reidy and Daniel W. Knowlton* for Interstate Commerce Comm'n; *Mr. Samuel W. Sawyer* for Kansas City Terminal Ry. Co.; and *Messrs. Bruce Scott, Walter McFarland, W. F. Dickinson, Wallace T. Hughes, A. C. Spencer, Dana T. Smith, H. H. Larimore, F. W. Clements, Charles H. Woods, and R. S. Outlaw* for Atchison, Topeka & S. F. Ry. Co. et al., respondents. Reported below: 68 App. D. C. 396; 98 F. 2d 268.

No. 233. RED RIVER BROADCASTING CO. *v.* FEDERAL COMMUNICATIONS COMMISSION ET AL. October 10, 1938. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Mr. Paul M. Segal* for petitioner. *Solicitor General Jackson, Assistant Attorney General Arnold, and Mr. Hampson Gary* for respondents. Reported below: 69 App. D. C. 3; 98 F. 2d 282.

Nos. 234 and 236. SCRIPPS ET AL., EXECUTORS, *v.* COMMISSIONER OF INTERNAL REVENUE; and

Nos. 235 and 237. HOWARD ET AL., SUCCESSOR TRUSTEES, *v.* COMMISSIONER OF INTERNAL REVENUE. October 10, 1938. Petition for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. John C. Morley* for petitioners. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key and Ellis N. Slack* for respondent. Reported below: 96 F. 2d 492.

No. 239. WEST TENNESSEE POWER & LIGHT CO. *v.* JACKSON ET AL. October 10, 1938. Petition for writ of

certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Roane Waring* for petitioner. *Mr. W. P. Moss* for respondents. Reported below: 97 F. 2d 979.

No. 248. SCHEUER ET AL. *v.* UNITED STATES. October 10, 1938. Petition for writ of certiorari to the Court of Claims denied. *Mr. W. Bissell Thomas* for petitioners. No appearance for the United States. Reported below: 85 Ct. Cls. 592; 21 F. Supp. 116.

No. 250. PURVIN ET AL., EXECUTORS, *v.* COMMISSIONER OF INTERNAL REVENUE. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Allen H. Gardner* for petitioners. *Solicitor General Jackson*, *Assistant Attorney General Morris*, and *Messrs. Sewall Key, F. E. Youngman*, and *Edward J. Ennis* for respondent. Reported below: 96 F. 2d 929.

No. 251. SPOKANE SILVER & LEAD CO. *v.* PRICE ET AL. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Paul Howland* for petitioner. *Mr. C. A. Wilson* for respondents. Reported below: 97 F. 2d 237.

No. 257. FLORATOS *v.* UNITED STATES. October 10, 1938. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Mr. Josiah Lyman* for petitioner. *Solicitor General Jackson*, *Assistant Attorney General McMahon*, and *Mr. W. Marvin Smith* for the United States. Reported below: 99 F. 2d 353.

305 U. S.

Decisions Denying Certiorari.

No. 259. *STENECK ET AL. v. NEW JERSEY*. October 10, 1938. Petition for writ of certiorari to the Hudson County Court of Quarter Sessions, of New Jersey, denied. *Mr. Edward A. Markley* for petitioners. *Messrs. Frank G. Schlosser* and *Atwood C. Wolf* for respondent. Reported below: 118 N. J. L. 268; 120 N. J. L. 188; 192 A. 381; 198 A. 848.

No. 261. *FORD MOTOR Co. v. CULLUM*. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. S. Austin Wier* for petitioner. No appearance for respondent. Reported below: 96 F. 2d 1.

No. 262. *HARTFORD ACCIDENT & INDEMNITY Co. v. COLLINS*. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. A. P. Pujo* for petitioner. *Mr. J. O. Modisette* for respondent. Reported below: 96 F. 2d 83.

No. 268. *HIRAM WALKER & SONS, INC., v. UNITED STATES*. October 10, 1938. Petition for writ of certiorari to the Court of Customs and Patent Appeals denied. *Mr. Benjamin A. Levett* for petitioner. *Solicitor General Jackson* and *Mr. Edward J. Ennis* for the United States. Reported below: 25 C. C. P. A. (Cust.) 190; 99 F. 2d 337.

No. 272. *MEMPHIS FURNITURE MFG. Co. v. NATIONAL LABOR RELATIONS BOARD*. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Hamilton E. Little* for petitioner. *Solicitor General Jackson*, and *Messrs. A. H.*

Feller, Charles A. Horsky, Charles Fahy, and Robert B. Watts for respondent. Reported below: 96 F. 2d 1018.

No. 273. FEDERAL RESERVE BANK *v.* LEVY. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Shippen Lewis* for petitioner. *Mr. Louis Levinson* for respondent. Reported below: 97 F. 2d 50.

No. 278. UTAH POWER & LIGHT CO. *v.* PROVO CITY ET AL. October 10, 1938. Petition for writ of certiorari to the Supreme Court of Utah denied. *Mr. A. J. G. Priest* for petitioner. *Messrs. William A. Hilton and Elias Hansen* for respondents. Reported below: 94 Utah 203; 74 P. 2d 1191.

No. 279. CURTIS BAY TOWING CO. *v.* DEAN. October 10, 1938. Petition for writ of certiorari to the Court of Appeals of Maryland denied. *Mr. William L. Marbury, Jr.* for petitioner. *Messrs. George Forbes and Henry L. Wortche* for respondent. Reported below: 174 Md. 498; 199 A. 521.

No. 280. CHICAGO TELEPHONE SUPPLY CO. *v.* UNITED STATES. October 10, 1938. Petition for writ of certiorari to the Court of Claims denied. *Mr. Edward J. Metzdorf* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Mr. Sewall Key* for the United States. Reported below: 87 Ct. Cls. 425; 23 F. Supp. 471.

No. 282. CLEVELAND CLINIC FOUNDATION ET AL. *v.* HUMPHRYS ET AL. October 10, 1938. Petition for writ

305 U.S.

Decisions Denying Certiorari.

of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Howard F. Burns* for petitioners. *Messrs. Thomas B. Gilchrist* and *Luther Day* for respondents. Reported below: 97 F. 2d 849.

No. 283. LAUGHARN, TRUSTEE, *v.* BERNSTEIN ET AL. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Reuben G. Hunt* for petitioner. *Mr. Roland G. Swaffield* for respondents. Reported below: 96 F. 2d 616; 97 *id.* 505.

No. 284. EASTHOM-MELVIN CO. ET AL. *v.* HOFFMAN ET AL. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Harold O. Mulks* for petitioners. *Mr. Charles H. Hamill* for respondents. Reported below: 97 F. 2d 392.

No. 285. BLUE VALLEY CREAMERY CO. *v.* CONSOLIDATED PRODUCTS CO. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Joseph Joffe* for petitioner. *Mr. John T. Chadwell* for respondent. Reported below: 97 F. 2d 23.

No. 288. WISLAR *v.* UNITED STATES. October 10, 1938. Petition for writ of certiorari to the Court of Customs and Patent Appeals denied. *Mr. Edwin R. Wakefield* for petitioner. *Solicitor General Jackson*, and *Messrs. John R. Benney* and *Charles A. Horsky* for the United States. Reported below: 97 F. 2d 152.

No. 289. ADAMS, RECEIVER, ET AL. *v.* EASTMAN ET AL. October 10, 1938. Petition for writ of certiorari to the

Supreme Court of New York denied. *Mr. Anthony V. Lynch, Jr.* for petitioners. *Mr. John W. Drye, Jr.* for respondents.

No. 290. HUMBOLDT LOVELOCK IRRIGATION, L. & P. CO. *v.* UNITED STATES ET AL. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Clarence M. Hawkins* for petitioner. *Solicitor General Jackson, Assistant Attorney General McFarland,* and *Mr. Oscar A. Provost* for the respondents. Reported below: 97 F. 2d 38.

No. 292. JACOB RUPPERT *v.* UNITED STATES. October 10, 1938. Petition for writ of certiorari to the Court of Claims denied. *Mr. Howe P. Cochran* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris,* and *Mr. Sewall Key* for the United States. Reported below: 86 Ct. Cls. 396; 22 F. Supp. 428.

No. 293. SHELTON ET AL. *v.* ALLEN. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. George L. Shelton, pro se.* *Solicitor General Jackson, Assistant Attorney General Morris,* and *Messrs. Sewall Key, J. Louis Monarch, Thomas G. Carney,* and *Warner W. Gardner* for respondent. Reported below: 96 F. 2d 102.

No. 296. IN THE MATTER OF MORRIS PIERCE PALEY. October 10, 1938. Petition for writ of certiorari to the Supreme Court of New York denied. *Mr. Harold H. Corbin* for petitioner. *Mr. Felix C. Benvenga* in opposition. Reported below: 277 N. Y. 732; 252 App. Div. 850; 14 N. E. 2d 826; 300 N. Y. S. 997.

305 U. S.

Decisions Denying Certiorari.

No. 297. UNITED STATES *v.* UTAH-IDAHO SUGAR CO. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Solicitor General Jackson* for the United States. *Mr. Charles D. Hamel* for respondent. Reported below: 96 F. 2d 756.

No. 298. GRAFFIS ET AL. *v.* WOODWARD, U. S. DISTRICT JUDGE, ET AL. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Clifford C. Bradbury* for petitioners. *Messrs. John R. Nicholson* and *Frank Parker Davis* for respondents. Reported below: 96 F. 2d 329.

No. 299. AMERICAN SURETY CO. *v.* HACK, RECEIVER; and

No. 300. HACK, RECEIVER, *v.* AMERICAN SURETY CO. October 10, 1938. Petitions for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Burke G. Slaymaker* for American Surety Co. *Messrs. Samuel D. Miller* and *Sidney S. Miller* for Hack. Reported below: 96 F. 2d 939.

No. 305. KROGER GROCERY CO. ET AL. *v.* MARTIN ET AL. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Messrs. Frank E. Wood, Robert S. Marx, John C. Doolan,* and *Harry Kasfir* for petitioners. No appearance for respondents. Reported below: 97 F. 2d 348.

No. 319. DUPONT *v.* COMMISSIONER OF INTERNAL REVENUE. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit

denied. *Messrs. Robert N. Miller, Ward Loveless and Frederick O. Graves* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key and Joseph M. Jones* for respondent. Reported below: 98 F. 2d 459.

No. 393. *WALL v. UNITED STATES*. October 17, 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. Hal M. Black* for petitioner. No appearance for the United States. Reported below: 97 F. 2d 672.

No. 66. *RHODES v. RHODES*. October 17, 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. *M. Pearl McCall and Martha R. Gold* for petitioner. No appearance for respondent. Reported below: 68 App. D. C. 313; 96 F. 2d 715.

No. 128. *DALHOVER v. UNITED STATES*. October 17, 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. *Mr. C. Bonar Tinkham* for petitioner. No appearance for the United States. Reported below: 96 F. 2d 355.

No. 147. *JONES v. UNITED STATES*. October 17, 1938. 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. Leonidas C. Dyer* for petitioner. No appearance for the United States.

305 U. S.

Decisions Denying Certiorari.

No. 306. CONSOLIDATED AUTOMATIC MERCHANDISING CORP. ET AL. *v.* UNITED STATES. October 17, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Nathan A. Smyth* for petitioners. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key and Lee A. Jackson* for the United States. Reported below: 96 F. 2d 996.

No. 307. AUTOMATIC TOY CORP. *v.* BUDDY "L" MFG. Co. ET AL. October 17, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Raymond F. Adams and George E. Middleton* for petitioner. *Mr. Merrill M. Blackburn* for respondents. Reported below: 97 F. 2d 991.

No. 313. HART ET AL. *v.* UNITED ARTISTS CORP. October 17, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Joseph Fischer* for petitioners. *Mr. Arthur F. Driscoll* for respondent. Reported below: 96 F. 2d 1017.

No. 315. HOUSE *v.* COMMISSIONER OF INTERNAL REVENUE. October 17, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Emily Marx* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key, Warren F. Wattles, and Charles A. Horsky* for respondent. Reported below: 97 F. 2d 516.

No. 322. CELITE CORPORATION *v.* DECALITE COMPANY. October 17, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

Messrs. Frederick S. Lyon and Leonard S. Lyon for petitioner. *Messrs. Charles E. Donnelly and Frederick Bachman* for respondent. Reported below: 96 F. 2d 242.

No. 323. *BIDDLE PURCHASING CO. ET AL. v FEDERAL TRADE COMM'N.* October 17, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Adrien F. Busick, Raymond N. Beebe, Seth W. Richardson, and Samuel H. Kaufman* for petitioners. *Solicitor General Jackson and Mr. W. T. Kelley* for respondent. Reported below: 96 F. 2d 687.

No. 331. *HARTFORD FIRE INSURANCE CO. v. PALACE CAFE, INC.; and*

No. 332. *NATIONAL SECURITY FIRE INSURANCE CO. v. SAME.* October 17, 1938. Petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. C. G. Myers and G. A. Farabaugh* for petitioners. *Mr. Thad M. Talcott, Jr.* for respondent. Reported below: 97 F. 2d 766.

No. 333. *SCHMITT, ADMINISTRATOR, v. PLATT.* October 17, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. William Milton Fitch* for petitioner. No appearance for respondent. Reported below: 102 F. 2d 1013.

No. 334. *LOWELL ET AL. v. TRIPLETT ET AL.* October 17, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. *Messrs. Clifton V. Edwards, Gaylord Lee Clark, and John B. Brady* for petitioners. *Messrs. Stephen H. Philbin and Charles Markell* for respondents. Reported below: 97 F. 2d 521.

305 U. S.

Decisions Denying Certiorari.

No. 335. RAFFOLD PROCESS CORP. *v.* CASTANEA PAPER Co. October 17, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Messrs. Thomas G. Haight, Harrison F. Lyman and Edgar H. Kent* for petitioner. *Mr. William H. Davis* for respondent. Reported below: 98 F. 2d 355.

No. 336. THOMPSON *v.* KERNER, ATTORNEY GENERAL. October 17, 1938. Petition for writ of certiorari to the Appellate Court, 1st District of Illinois, denied. *Mr. James W. Breen* for petitioner. *Mr. Otto Kerner*, Attorney General of Illinois, for respondent. Reported below: 293 Ill. App. 454; 13 N. E. 2d 110.

No. 337. LANCASHIRE SHIPPING Co. *v.* DURNING, COLLECTOR OF CUSTOMS. October 17, 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, Assistant Attorney General Whitaker and Messrs. Warner W. Gardner and Henry A. Julicher* for respondent. Reported below: 98 F. 2d 751.

No. 341. MASONITE CORPORATION *v.* SECURITIES & EXCHANGE COMM'N. October 17, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. Fletcher Lewis and Clarence N. Boord* for petitioner. *Solicitor General Jackson, Assistant Attorney General Arnold, and Messrs. Robert L. Stern, Chester T. Lane, and Robert E. Kline, Jr.* for respondent. Reported below: 97 F. 2d 1008.

No. 345. STATE LINE & SULLIVAN RAILROAD Co. *v.* PHILLIPS, COLLECTOR OF INTERNAL REVENUE. October

17, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Lawrence E. Green* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key and Lee A. Jackson* for respondent. Reported below: 98 F. 2d 651.

No. 346. *DEPPE v. UNITED STATES BOARD OF TAX APPEALS ET AL.* October 17, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. William P. Deppe, pro se. Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key and Carlton Fox* for respondents.

No. 351. *MISSISSIPPI FOR THE USE OF SMITH ET AL. v. BRABHAM, SHERIFF, ET AL.* October 17, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. J. N. Flowers* for petitioners. No appearance for respondents. Reported below: 96 F. 2d 210.

No. 354. *NEW YORK, CHICAGO & ST. L. R. Co. v. HAYNES.* October 17, 1938. Petition for writ of certiorari to the Circuit Court of Madison County, Illinois, denied. *Messrs. Clarence E. Pope and H. F. Driemeyer* for petitioner. *Mr. Thomas Williamson* for respondent.

No. 356. *O'BRIEN v. FIRST NATIONAL BANK, TRUSTEE.* October 17, 1938. Petition for writ of certiorari to the Appellate Court, 1st District, of Illinois, denied. *Mr. Lloyd C. Whitman* for petitioner. *Messrs. Harold V. Amberg and Walter H. Jacobs* for respondent. Reported below: 293 Ill. App. 474; 12 N. E. 2d 917.

305 U. S.

Decisions Denying Certiorari.

No. 68. ALEXANDER *v.* UNITED STATES;

No. 69. DEBEH *v.* SAME;

No. 70. GEORGE M. LINDSAY *v.* SAME; and

No. 71. GEORGE M. LINDSAY, JR., *v.* SAME. October 17, 1938. Petition for writs of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. Leonidas C. Dyer and Patrick H. Cullen* for petitioners. *Solicitor General Jackson*, and *Messrs. Hugh A. Fisher, William W. Barron, and W. Marvin Smith* for the United States. Reported below: 95 F. 2d 873.

No. 411. LINDSEY ET AL. *v.* WASHINGTON. October 24, 1938. Petition for writ of certiorari to the Supreme Court of Washington, and motion for leave to proceed further *in forma pauperis*, denied. *Elbert B. Lindsey, pro se. E. R. Lindsey, pro se.* No appearance for respondent. Reported below: 194 Wash. 129; 77 P. 2d 596.

No. 379. SCARBOROUGH ET AL. *v.* LONG ET AL. October 24, 1938. Petition for writ of certiorari to the Supreme Court of Georgia, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. Joseph B. Brennan* for petitioners. *Mr. W. D. Thomson* for respondent. Reported below: 186 Ga. 412; 197 S. E. 796.

No. 402. TOMPKINS *v.* ERIE RAILROAD Co. October 24, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. Alexander L. Strouse* for petitioner. No appearance for respondent. Reported below: 98 F. 2d 49.

No. 380. GREAT ATLANTIC & PACIFIC TEA Co. *v.* LOUISIANA. October 24, 1938. Petition for writ of certiorari

to the Supreme Court of Louisiana denied for the reason that the judgment sought herein to be reviewed is based upon a non-federal ground adequate to support it. *Mr. Hugh M. Wilkinson* for petitioner. *Messrs. Gaston L. Porterie, Justin C. Daspit, F. A. Blanche, and E. Leland Richardson* for respondent. Reported below: 190 La. 925; 183 So. 219.

No. 321. *INGRAM DAY LUMBER CO. v. UNITED STATES*. October 24, 1938. Petition for writ of certiorari to the Court of Claims denied. *Messrs. Raymond M. Hudson and Minor Hudson* for petitioner. *Solicitor General Jackson, Assistant Attorney General Whitaker, and Messrs. Paul A. Sweeney and Henry A. Julicher* for the United States. Reported below: 87 Ct. Cls. 468.

Nos. 343 and 344. *PANCOE v. SOUTHMAN, TRUSTEE, ET AL.* October 24, 1938. Petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Harris F. Williams* for petitioner. *Mr. Walter H. Eckert* for respondents. Reported below: 96 F. 2d 886.

No. 347. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. EUGENE W. WATERBURY*;

No. 348. *SAME v. DONALD N. WATERBURY*;

No. 349. *SAME v. CHARLOTTE M. WATERBURY*; and

No. 350. *SAME v. WHITFORD N. WATERBURY*. October 24, 1938. Petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Solicitor General Jackson* for petitioner. *Mr. Allin H. Pierce* for respondents. Reported below: 97 F. 2d 383.

No. 355. *LAWRENCE v. NORTH CAROLINA*. October 24, 1938. Petition for writ of certiorari to the Supreme Court

305 U.S.

Decisions Denying Certiorari.

of North Carolina denied. *Mr. Thomas C. Guthrie* for petitioner. *Mr. Harry McMullan* for respondent. Reported below: 213 N. C. 674; 197 S. E. 586.

No. 357. THOMPSON, TRUSTEE, *v.* STOTT, ADMINISTRATRIX. October 24, 1938. Petition for writ of certiorari to the Appellate Court, 4th District of Illinois, denied. *Messrs. Josiah Whitnel* and *T. T. Railey* for petitioner. *Messrs. Mark D. Eagleton* and *Roberts P. Elam* for respondent. Reported below: 294 Ill. App. 450; 14 N. E. 2d 246.

No. 358. STRAUSS, ADMINISTRATRIX, ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. October 24, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. Samuel M. Shortridge* and *Henry C. Clausen* for petitioners. *Solicitor General Jackson*, *Assistant Attorney General Morris*, and *Messrs. Sewall Key* and *Berryman Green* for respondent. Reported below: 97 F. 2d 549.

No. 361. TATE *v.* COMMISSIONER OF INTERNAL REVENUE; and

No. 362. TATE, EXECUTRIX, *v.* COMMISSIONER OF INTERNAL REVENUE. October 24, 1938. Petition for writs of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Thomas Bond* for petitioner. *Solicitor General Jackson*, *Assistant Attorney General Morris*, and *Messrs. Sewall Key* and *Harry Marselli* for respondent. Reported below: 97 F. 2d 658.

No. 363. INTERNATIONAL COMPANY *v.* OCCIDENTAL LIFE INSURANCE Co. October 24, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the

Eighth Circuit denied. *Mr. Walter N. Davis* for petitioner. *Messrs. George E. Brammer and Clyde B. Charlton* for respondent. Reported below: 98 F. 2d 138.

No. 366. CALDWELL *v.* STANDARD ACCIDENT INSURANCE Co. October 24, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Chas. S. Coffey* for petitioner. *Messrs. Merritt U. Hayden and Harry L. Greene* for respondent. Reported below: 98 F. 2d 364.

No. 369. MORTGAGE GUARANTEE Co. *v.* HERBERT V. APARTMENTS CORP. October 24, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Harry Miller* for petitioner. *Mr. Joseph Varbalow* for respondent. Reported below: 98 F. 2d 662.

No. 372. STALEY ELEVATOR CO. ET AL. *v.* OTIS ELEVATOR Co. October 24, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. William H. Davis* for petitioners. *Mr. Edwin W. Sims* for respondent. Reported below: 98 F. 2d 699.

No. 378. AMERICAN GLYCERIN Co. *v.* EASON OIL Co. ET AL. October 24, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Messrs. Charles L. Yancey and G. C. Spillers* for petitioner. *Messrs. P. C. Simons, L. E. McKnight, and R. W. Simons* for respondents. Reported below: 98 F. 2d 479.

No. 397. NEW YORK LIFE INSURANCE Co. *v.* JACKSON ET AL. October 24, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

305 U. S. Decisions Denying Certiorari.

Messrs. Rudolph J. Kramer, Bruce A. Campbell, and Louis H. Cooke for petitioner. *Mr. Arthur J. Freund* for respondents. Reported below: 98 F. 2d 950.

No. 240. ANDERSON ET AL. *v.* NORTHERN STATES CONTRACTING CO. ET AL.;

No. 241. BROWN ET AL. *v.* SWORDS-McDOUGAL CO. ET AL.; and

No. 242. KNOX ET AL. *v.* MASSACHUSETTS BONDING & INSURANCE CO. See *ante*, p. 566.

No. 151. BOLLER *v.* KANSAS. See *ante*, p. 568.

No. 420. MILLER *v.* LYKES BROTHERS-RIPLEY S. S. Co. November 7, 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. Samuel Miller, pro se. Messrs. Geo. H. Terriberry, Jos. M. Rault, and Walter Carroll* for respondent. Reported below: 98 F. 2d 185.

No. 422. HAMMOND *v.* PLUMMER, WARDEN. November 7, 1938. Petition for writ of certiorari to the Supreme Court of California, and motion for leave to proceed further *in forma pauperis*, denied. *C. L. Hammond, pro se.* No appearance for respondent.

No. 429. PREBYL *v.* PRUDENTIAL INSURANCE CO. November 7, 1938. 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. *Milton Prebyl, pro se.* No appearance for respondent. Reported below: 98 F. 2d 199.

No. 400. *HERNDON v. PULASKI COUNTY*. November 7, 1938. Petition for writ of certiorari to the Supreme Court of Arkansas, and motion for leave to proceed herein on the typewritten record, denied. *Mr. Will G. Akers* for petitioner. No appearance for respondent. Reported below: 196 Ark. 284; 117 S. W. 2d 1051.

No. 303. *ARTHUR C. HARVEY CO. v. UNITED STATES*. November 7, 1938. Petition for writ of certiorari to the Court of Claims denied. *Mr. O. Walker Taylor* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris*, and *Mr. Sewall Key* for the United States. Reported below: 87 Ct. Cls. 320; 23 F. Supp. 444.

No. 365. *STANDARD EDUCATION SOCIETY ET AL. v. FEDERAL TRADE COMMISSION*. November 7, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Henry Ward Beer* for petitioners. *Solicitor General Jackson, Assistant Attorney General Arnold*, and *Messrs. Hugh B. Cox, Robert L. Stern, W. T. Kelley, Martin A. Morrison*, and *James W. Nichol* for respondent. Reported below: 97 F. 2d 513.

No. 370. *EMERSON v. COMMISSIONER OF INTERNAL REVENUE*. November 7, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Sigurd A. Emerson, pro se*. *Solicitor General Jackson, Assistant Attorney General Morris*, and *Messrs. Sewall Key and Berryman Green* for respondent. Reported below: 98 F. 2d 650.

No. 376. *COOPER v. O'CONNOR ET AL.* November 7, 1938. Petition for writ of certiorari to the Court of Ap-

305 U. S.

Decisions Denying Certiorari.

peals for the District of Columbia denied. *Messrs. Richard L. Merrick and Wade H. Cooper* for petitioner. *Mr. H. Winship Wheatley* for respondents. Reported below: 99 F. 2d 143.

No. 377. *COOPER v. O'CONNOR ET AL.* November 7, 1938. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Messrs. Richard L. Merrick and Wade H. Cooper* for petitioner. *Messrs. H. Winship Wheatley, Swagar Sherley, and Charles F. Wilson* for respondents. Reported below: 99 F. 2d 135.

No. 381. *AERO NECK BAND & COLLAR CO. ET AL. v. BEAVER MANUFACTURING CO.* November 7, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. W. Hastings Swenarton and J. Preston Swecker* for petitioners. *Mr. Irving F. Goodfriend* for respondent. Reported below: 97 F. 2d 363.

No. 382. *CHICAGO PNEUMATIC TOOL CO. v. HUGHES TOOL CO.* November 7, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Messrs. Thomas G. Haight, William F. Hall, and Earle W. Evans* for petitioner. *Mr. George I. Haight* for respondent. Reported below: 97 F. 2d 945.

No. 383. *JOHN MORRELL & CO. v. DOYLE ET AL.* November 7, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. Hugh M. Morris, Edward T. Fenwick, Charles R. Fenwick, and Alexander L. Nichols* for petitioner. *Messrs. Edward S. Rogers and W. M. Acton* for respondents. Reported below: 97 F. 2d 232.

No. 386. FLORIDA POWER & LIGHT CO. *v.* MIAMI ET AL. November 7, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. John F. MacLane and Jno. P. Stokes* for petitioner. *Messrs. Sidney S. Hoehl and John W. Watson, Jr.* for respondents. Reported below: 98 F. 2d 180.

No. 387. CAROLINE C. SPALDING *v.* UNITED STATES; and

No. 388. SILSBY M. SPALDING *v.* SAME. November 7, 1938. Petition for writs of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. Robert N. Miller and Joseph D. Peeler* for petitioners. *Solicitor General Jackson, Assistant Attorney General Morris,* and *Messrs. Sewall Key and A. F. Prescott* for the United States. Reported below: 97 F. 2d 697.

No. 389. BROWN, EXECUTRIX, *v.* COMMISSIONER OF INTERNAL REVENUE. November 7, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. H. C. Walters* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris,* and *Messrs. Sewall Key and Arnold Raum* for respondent. Reported below: 95 F. 2d 184.

No. 390. BOYER, ADMINISTRATRIX, *v.* BACKUS ET AL. November 7, 1938. Petition for writ of certiorari to the Supreme Court of Michigan denied. *Mr. Howard H. Campbell* for petitioner. *Messrs. Thomas G. Long and John C. Bills* for respondents. Reported below: 282 Mich. 593, 701; 276 N. W. 564; 280 N. W. 756.

No. 396. HALSTED *v.* STATE HIGHWAY COMMISSIONER. November 7, 1938. Petition for writ of certiorari to the Supreme Court of Michigan denied. *Mr. Harry W. Jones*

305 U. S. Decisions Denying Certiorari.

for petitioner. *Messrs. H. Victor Spike and Raymond W. Starr* for respondent. Reported below: 284 Mich. 414; 279 N. W. 883.

No. 406. ENGINEERING & RESEARCH CORP. ET AL. *v.* HORNI SIGNAL MANUFACTURING CORP. November 7, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Samuel E. Darby, Jr.* for petitioners. *Mr. Daniel V. Mahoney* for respondent. Reported below: 98 F. 2d 682.

No. 424. JOHNSON, ADMINISTRATRIX, *v.* STROMBERG CARLSON TELEPHONE MFG. CO. November 7, 1938. Petition for writ of certiorari to the Court of Appeals of New York denied. *Mr. William L. Clay* for petitioner. *Mr. William Charles Combs* for respondent. Reported below: 278 N. Y. 600; 276 *id.* 621; 250 App. Div. 352; 12 N. E. 2d 607; 16 N. E. 2d 119; 294 N. Y. S. 173.

No. 371. GEORGE W. HELME CO. *v.* UNITED STATES. November 7, 1938. Petition for writ of certiorari to the Court of Claims denied. *Mr. Philip Sheridan McNally* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Mr. Sewall Key* for the United States. Reported below: 87 Ct. Cls. 474; 23 F. Supp. 787.

No. 394. GLIWA *v.* U. S. STEEL CORP. ET AL. November 7, 1938. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied. *Agnes Gliwa, pro se.* *Mr. William Wallace Booth* for respondents. Reported below: 330 Pa. 515; 199 A. 916.

No. 395. CARUSI ET AL. *v.* SCHULMERICK. November 7, 1938. Petition for writ of certiorari to the Court of

Appeals for the District of Columbia denied. *Mr. Henry I. Quinn* for petitioners. *Messrs. Alvin L. Newmyer, David G. Bress, Howard W. Vesey, and Donald C. Beeler* for respondent. Reported below: 98 F. 2d 605.

Nos. 398 and 399. ADAMS ET AL. *v.* GREAT LAKES UTILITIES CORP. ET AL. November 7, 1938. Petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Hubert G. King* for petitioners. *Messrs. Hugh M. Morris and Edwin D. Steel, Jr.* for respondents. Reported below: 96 F. 2d 767.

No. 401. C. I. T. CORPORATION *v.* HIMES, TRUSTEE, ET AL. November 7, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Messrs. Louis Caplan and Charles H. Sachs* for petitioner. *Mr. Leslie R. Himes, pro se.* Reported below: 98 F. 2d 589.

No. 404. SAINT PAUL MERCURY INDEMNITY Co. *v.* RED CAB Co. November 7, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Burke G. Slaymaker* for petitioner. *Mr. William E. Reiley* for respondent. Reported below: 98 F. 2d 189.

No. 414. HAMMOND *v.* IRVING TRUST Co., TRUSTEE. November 7, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Edwin J. Lukas* for petitioner. *Mr. Murray C. Bernays* for respondent. Reported below: 98 F. 2d 703.

No. 403. FERRIBEE *v.* UNITED STATES ET AL. November 14, 1938. Petition for writ of certiorari to the Circuit

305 U. S.

Decisions Denying Certiorari.

Court of Appeals for the Seventh Circuit denied. *Messrs. Joseph E. Snowden and W. Robert Ming, Jr.* for petitioner. *Solicitor General Jackson, Assistant Attorney General McFarland and Mr. Oscar Provost* for the United States, and *Mr. Harold L. Reeve* for George T. O'Brien et al., respondents. Reported below: 97 F. 2d 759.

No. 408. HARVEY ET AL. *v.* FEDERAL LAND BANK ET AL. November 14, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Joseph G. M. Browne* for petitioners. *Solicitor General Jackson*, and *Mr. Peyton R. Evans* for Regional Agricultural Credit Corp., and *Mr. Peyton R. Evans, Mr. Thomas M. Darnall, and May T. Bigelow* for Federal Land Bank of Springfield, Massachusetts, respondents. Reported below: 97 F. 2d 918.

No. 412. BURNETT *v.* AMALGAMATED PHOSPHATE CO. November 14, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. O. K. Reaves* for petitioner. *Messrs. Thos. B. Adams and K. I. McKay* for respondent. Reported below: 96 F. 2d 974.

No. 413. STATE FARM MUTUAL AUTO INSURANCE CO. *v.* HINDEL, ADMINISTRATRIX. November 14, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Burke G. Slaymaker* for petitioner. No appearance for respondent. Reported below: 97 F. 2d 777.

No. 415. BOARD OF DIRECTORS OF ST. FRANCIS LEVEE DISTRICT *v.* KURN ET AL., TRUSTEES. November 14, 1938.

Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. Walter G. Riddick, Charles T. Coleman, and Burk Mann* for petitioner. *Messrs. E. L. Westbrooke, A. P. Stewart, and J. W. Jamison* for respondents. Reported below: 98 F. 2d 394.

No. 419. *LATZ ET AL. v. RELIANCE GRAPHIC CORP. ET AL.* November 14, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Max Shlivek* for petitioners. *Messrs. Emanuel Celler and Asher Blum* for respondents. Reported below: 98 F. 2d 679.

No. 407. *MORGAN ET AL. v. UNITED STATES.* November 21, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. Horace C. Wilkinson and L. E. Gwinn* for petitioners. *Solicitor General Jackson, Assistant Attorney General McMahon, and Mr. William W. Barron* for the United States. Reported below: 98 F. 2d 473.

No. 421. *NATIONAL BUILDERS BANK v. BROWN ET AL.* November 21, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Charles S. Macaulay* for petitioner. *Messrs. Daniel Anderson and Emmett J. McCarthy* for respondents. Reported below: 97 F. 2d 733.

No. 425. *GUARNERI v. KESSLER, DISTRICT DIRECTOR OF IMMIGRATION, ET AL.* November 21, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Ignatius Edward Uzzo* for

305 U. S.

Decisions Denying Certiorari.

petitioner. *Solicitor General Jackson, Assistant Attorney General McMahon, and Messrs. William W. Barron and W. Marvin Smith* for respondents. Reported below: 98 F. 2d 580.

No. 434. JULIUS KAYSER & CO. ET AL. *v.* ROSEDALE KNITTING CO. November 21, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Messrs. Hugh M. Morris, Noah A. Stancliffe, and Charles H. Howson* for petitioners. *Messrs. Thomas G. Haight, Samuel E. Darby, Jr., and Henry N. Paul* for respondent. Reported below: 98 F. 2d 839.

No. 320. UNJIENG ET AL. *v.* NATIONAL CITY BANK ET AL. December 5, 1938. Motion to consider this application on an abbreviated record granted. Petition for writ of certiorari to the Supreme Court of the Philippines denied. *Messrs. Frederic R. Coudert, Mahlon B. Doing, and Lewis A. R. Innerarity* for petitioners. *Mr. Carl A. Mead* for National City Bank, and *Messrs. James Ross, Ewald E. Selph, and James M. Ross* for Malabon Sugar Co. et al., respondents.

No. 427. GEORGE K. GARRETT CO. *v.* NATIONAL LOCK WASHER CO. December 5, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Messrs. Henry N. Paul, Jr. and Leonard L. Kalish* for petitioner. *Mr. Thomas G. Haight* for respondent. Reported below: 98 F. 2d 643.

No. 428. ARKANSAS NATURAL GAS CORP. *v.* SARTOR ET AL. December 5, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. H. C. Walker, Jr. and Elias Goldstein* for

petitioner. No appearance for respondents. Reported below: 98 F. 2d 527.

No. 431. UNITED STATES EX REL. GAROS *v.* REIMER, COMMISSIONER OF IMMIGRATION. December 5, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. John S. Wise, Jr.* for petitioner. *Solicitor General Jackson, Assistant Attorney General McMahon, and William W. Barron* for respondent. Reported below: 97 F. 2d 1019.

No. 435. TOBANI ET AL. *v.* CARL FISCHER, INC. December 5, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Sydney Rosenthal* for petitioners. *Mr. Francis Gilbert* for respondent. Reported below: 98 F. 2d 57.

No. 438. PHOENIX FINANCE CORP. *v.* IOWA-WISCONSIN BRIDGE CO. ET AL. December 5, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. Lon O. Hocker and Casper Schenk* for petitioner. *Messrs. Fred A. Ontjes and Wm. C. Green* for Iowa-Wisconsin Bridge Co. et al., and *Messrs. Rex H. Fowler and C. S. Bradshaw* for First Trust & Savings Bank et al., respondents. Reported below: 98 F. 2d 416.

No. 439. STANTON ET AL., EXECUTORS, *v.* COMMISSIONER OF INTERNAL REVENUE. December 5, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. Herbert Pope and Benjamin M. Price* for petitioners. *Solicitor*

305 U. S.

Decisions Denying Certiorari.

General Jackson, Assistant Attorney General Morris, and Mr. J. Louis Monarch for respondent. Reported below: 98 F. 2d 739.

No. 440. *CANNON v. TINKHAM*. December 5, 1938. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Messrs. Robert H. McNeill and Claude L. Dawson* for petitioner. *Messrs. Roger J. Whiteford and P. H. Marshall* for respondent. Reported below: 69 App. D. C. 98; 99 F. 2d 133.

No. 450. *JONES v. ST. PAUL FIRE & MARINE INS. CO.* December 5, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Daniel MacDougald* for petitioner. *Mr. Lloyd E. Elliott* for respondent. Reported below: 98 F. 2d 448.

No. 433. *NEWCOMB v. UNITED STATES*. December 5, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. James E. Fenton* for petitioner. *Solicitor General Jackson, Assistant Attorney General McFarland, and Mr. Oscar A. Provost* for the United States. Reported below: 98 F. 2d 25.

No. 443. *MARYLAND CASUALTY CO. v. UNITED STATES FOR THE USE OF HARRINGTON, ADMINISTRATOR, ET AL.* December 5, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Frank Gibbons* for petitioner. *Mr. John S. Powers* for Harrington, and *Mr. Arthur E. Sutherland, Jr.* for Bonsignore et al., respondents.

No. 444. *SIMMONS, TRADING AS PARIS IMPORT CO., ET AL. v. FARLEY, POSTMASTER GENERAL*. December 5, 1938.

Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Mr. Horace J. Donnelly, Jr.* for petitioners. *Solicitor General Jackson, Assistant Attorney General McMahon,* and *Messrs. William W. Barron* and *W. Marvin Smith* for respondent. Reported below: 69 App. D. C. 110; 99 F. 2d 343.

No. 445. CASTELL, ANCILLARY EXECUTOR, *v.* UNITED STATES. December 5, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Charles D. Hamel, John Enrietto,* and *Brainard Avery* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris,* and *Messrs. Sewall Key* and *A. F. Prescott* for the United States. Reported below: 98 F. 2d 88.

No. 451. DUBISKE *v.* UNITED STATES. December 5, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Lloyd F. Loux* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris,* and *Messrs. Sewall Key, J. Louis Monarch,* and *Paul R. Russell* for the United States. Reported below: 98 F. 2d 361.

No. 452. OHIO CASUALTY INSURANCE CO. *v.* MARR ET AL. December 5, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Mr. Raymond G. Brown* for petitioner. No appearance for respondents. Reported below: 98 F. 2d 973.

No. 457. MARKS *v.* UNITED STATES. December 5, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Allen*

305 U. S.

Decisions Denying Certiorari.

H. Gardner and *George M. Morris* for petitioner. *Solicitor General Jackson*, *Assistant Attorney General Morris*, and *Messrs. Sewall Key*, *Carlton Fox*, and *Charles A. Horsky* for the United States. Reported below: 98 F. 2d 564.

No. 464. ANCHOR STOVE & RANGE CO. *v.* RYMER ET AL. December 5, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Messrs. Walter F. Murray* and *Vaughn Miller* for petitioner. *Mr. J. B. Sizer* for respondents. Reported below: 97 F. 2d 689.

No. 430. GEIBEL ET AL. *v.* STATE BAR OF CALIFORNIA. December 12, 1938. Petition for writ of certiorari to the Supreme Court of California denied. *Messrs. Martin E. Geibel* and *Charles R. Morfoot*, *pro se.* *Mr. Philbrick McCoy* for respondent. Reported below: 11 Cal. 2d 412; 79 P. 2d 1073.

No. 446. NATIONAL LABOR RELATIONS BOARD *v.* PENINSULAR & OCCIDENTAL STEAMSHIP Co. December 12, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Solicitor General Jackson* and *Mr. Charles Fahy* for petitioner. *Messrs. Scott M. Loftin*, *Jno. P. Stokes*, and *Harold B. Wahl* for respondent. By leave of Court, *Mr. Charlton Ogburn* filed a brief on behalf of the American Federation of Labor, as *amicus curiae*, in support of respondent. Reported below: 98 F. 2d 411.

No. 458. KRUMM *v.* BIRKHOFER ET AL. December 12, 1938. Petition for writ of certiorari to the District Court of Appeal, 4th Appellate District, of California, denied. *Mr. Benjamin W. Shipman* for petitioner. *Mr. Ernest*

Clewe for respondents. Reported below: 27 Cal. App. 513; 81 P. 2d 609.

No. 459. GUMBEL *v.* NEW ORLEANS TERMINAL CO. December 12, 1938. Petition for writ of certiorari to the Supreme Court of Louisiana denied. *Mr. Purnell M. Milner* for petitioner. No appearance for respondent. Reported below: 190 La. 904; 183 So. 212.

No. 461. CHEMICAL FOUNDATION, INC. *v.* GENERAL ANILINE WORKS, INC. December 12, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Messrs. Seward Davis* and *Drury W. Cooper* for petitioner. *Mr. Thomas G. Haight* for respondent. Reported below: 99 F. 2d 276.

No. 468. SIEGEL *v.* MISSOURI-KANSAS-TEXAS R. CO. December 12, 1938. Petition for writ of certiorari to the Supreme Court of Missouri denied. *Messrs. Douglas H. Jones* and *N. Murray Edwards* for petitioner. *Messrs. Charles S. Burg* and *Everett Paul Griffin* for respondent. Reported below: 342 Mo. 1130; 119 S. W. 2d 376.

No. 506. GENTLE, ADMINISTRATOR, *v.* WESTERN & ATLANTIC RAILROAD. December 19, 1938. Petition for writ of certiorari to the Court of Appeals of Georgia denied for the want of a final judgment and motion for leave to proceed further herein *in forma pauperis* also denied. *Messrs. John H. Gentle, B. P. Gambrell,* and *Reuben R. Arnold* for petitioner. *Messrs. Walton Whitwell* and *Wm. H. Swiggart* for respondent. Reported below: 58 Ga. App. 252; 198 S. E. 257.

305 U.S.

Decisions Denying Certiorari.

No. 511. *DOAK v. FEDERAL LAND BANK OF BALTIMORE*. December 19, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. William B. Doak, pro se*. No appearance for respondent. Reported below: 99 F. 2d 145.

No. 476. *MCQUILLEN ET AL. v. DILLON ET AL.* December 19, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. The CHIEF JUSTICE took no part in the consideration and decision of this application. *Mr. Samuel Gottlieb* for petitioners. *Mr. John T. Cahill* for Clarence Dillon et al., *Mr. Watson Washburn* for Edward A. Deeds et al., and *Mr. Philip A. Carroll* for National Cash Register Co., respondents. Reported below: 98 F. 2d 726.

No. 469. *GLIWA v. UNITED STATES STEEL CORP. ET AL.* December 19, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Agnes Gliwa, pro se*. *Mr. William Wallace Booth* for respondents. Reported below: 98 F. 2d 113.

No. 471. *RIO VISTA HOTEL & IMPROVEMENT Co. v. BELLE MEAD DEVELOPMENT CORP.* December 19, 1938. Petition for writ of certiorari to the Supreme Court of Florida denied. *Mr. Joseph A. Scarlett* for petitioner. *Mr. Charles W. Proctor* for respondent. Reported below: 132 Fla. 88; 182 So. 417.

No. 472. *TERMINAL RAILROAD ASSN. v. ALY.* December 19, 1938. Petition for writ of certiorari to the Supreme Court of Missouri denied. *Messrs. Walter N.*

Davis, T. M. Pierce, and J. L. Howell for petitioner. *Mr. William H. Allen* for respondent. Reported below: 342 Mo. 1116; 119 S. W. 2d 363.

No. 473. HUMPHREY ET AL. *v.* SOUTHERN PACIFIC CO. December 19, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Harry W. Glensor* for petitioners. *Mr. Arthur B. Dunne* for respondent. Reported below: 97 F. 2d 29.

No. 474. OQUENDO *v.* FEDERAL RESERVE BANK OF NEW YORK ET AL. December 19, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Benjamin A. Wilder and Michael M. Platzman* for petitioner. *Messrs. Ralph M. Carson and Chester Bordeau* for respondents. Reported below: 98 F. 2d 708.

No. 477. WOHL ET AL. *v.* REALTY ASSOCIATES SECURITIES CORP. December 19, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Emanuel Harris* for petitioners. *Mr. Frederick A. Keck* for respondent. Reported below: 98 F. 2d 722.

No. 529. HURT *v.* ZERBST, WARDEN. January 3, 1939. 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. *Payne Hurt, pro se.* No appearance for respondent. Reported below: 99 F. 2d 1007.

No. 533. DE MARIOS *v.* HUDSPETH, WARDEN. January 3, 1939. Petition for writ of certiorari to the Circuit

305 U.S.

Decisions Denying Certiorari.

Court of Appeals for the Tenth Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Alfred De Marios, pro se*. No appearance for respondent. Reported below: 99 F. 2d 274.

No. 540. *ROSS v. WILSON, WARDEN*. January 3, 1939. Petition for writ of certiorari to the Supreme Court of New York, and motion for leave to proceed further *in forma pauperis*, denied. *Joseph Ross, pro se*. No appearance for respondent. Reported below: 250 App. Div. 143; 279 N. Y. 169; 295 N. Y. S. 42; 9 N. E. 2d 822.

No. 467. *MARKET STREET RAILWAY CO. v. SAN FRANCISCO ET AL.* January 3, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. William M. Abbott* for petitioner. *Messrs. John J. O'Toole, Henry Heidelberg, George Olshausen, and Joseph C. Sharp* for respondents. Reported below: 98 F. 2d 628.

No. 470. *GLICK ET AL. v. BANK OF AMERICA NATIONAL TRUST & SAVINGS ASSN.* January 3, 1939. Petition for writ of certiorari to the Superior Court of California, Appellate Department, denied. *Mr. Clayton L. Howland* for petitioners. *Mr. Hugo A. Steinmeyer* for respondent.

No. 480. *W. E. HEDGER TRANSPORTATION CORP. v. JAMES RICHARDSON & SONS.* January 3, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Horace T. Atkins* for petitioner. *Mr. Henry E. Otto* for respondent. Reported below: 98 F. 2d 55.

No. 483. *KEIG, TRUSTEE IN BANKRUPTCY, ET AL. v. HARRIS TRUST & SAVINGS BANK ET AL.*;

No. 484. *SAME v. HARRIS TRUST & SAVINGS BANK*; and

No. 485. *SAME v. FIRST NATIONAL BANK*. January 3, 1939. Petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. William W. Wilson and Edmund D. Adcock* for petitioners. *Messrs. Charles LeRoy Brown and Jacob Logan Fox* for Harris Trust & Savings Bank, and *Messrs. Francis X. Busch, Harold V. Amberg, James J. Magner, and Cassius M. Doty* for First National Bank, respondents. Reported below: 98 F. 2d 952.

No. 494. *MILLS DEVELOPMENT CORP. ET AL. v. SHIPP & HEAD, INC.* January 3, 1939. Petition for writ of certiorari to the Supreme Court of Florida denied. *Messrs. Claude Pepper, C. L. Waller, and George F. Shea* for petitioners. *Messrs. Alfred R. Kline and W. H. Burwell* for respondent. Reported below: 126 Fla. 490, 495; 171 So. 533, 535; 183 So. 189.

No. 488. *SCOTT COUNTY ET AL. v. KENT, RECEIVER*. January 3, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. J. A. Fowler* for petitioners. *Mr. George P. Barse* for respondent. Reported below: 97 F. 2d 971.

Nos. 496 and 497. *LOFLAND v. FOX, RECEIVER*. January 3, 1939. Petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Wm. Elmer Brown, Jr.* for petitioner. No appearance for respondent. Reported below: 98 F. 2d 589.

305 U. S.

Decisions Denying Certiorari.

No. 500. UNITED STATES TRUST CO. ET AL., EXECUTORS, *v.* COMMISSIONER OF CORPORATIONS & TAXATION;

No. 501. BRETT *v.* SAME; and

No. 502. HIGH *v.* SAME. January 3, 1939. Petition for writs of certiorari to the Supreme Judicial Court of Massachusetts denied. *Messrs. Samuel Gottlieb and Israel Gorovitz* for petitioners. *Messrs. Paul A. Dever*, Attorney General of Massachusetts, and *Edward O. Proctor*, Assistant Attorney General, for respondent. Reported below: 13 N. E. 2d 6.

No. 546. CLEMENTS *v.* CLEMENTS ET AL. January 9, 1939. Petition for writ of certiorari to the Court of Appeals, 1st Appellate District, of Ohio, and motion for leave to proceed further *in forma pauperis*, denied. *Messrs. Alfred H. Myers* and *Albert Spievack* for petitioner. No appearance for respondents.

No. 503. LONG BEACH DOCK & TERMINAL CO. *v.* PACIFIC DOCK & TERMINAL CO. January 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. Walter M. Campbell* and *John F. McCarthy* for petitioner. *Messrs. George E. Farrand, Edward W. Tuttle*, and *Stephen M. Farrand* for respondent. Reported below: 98 F. 2d 833.

No. 510. JENKINS PETROLEUM PROCESS CO. *v.* SINCLAIR REFINING Co. January 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. *Messrs. James Craig Peacock, Paul F. Myers, Howard A. Hartman*, and *Henry Herrick Bond* for petitioner. *Messrs. Nathan L. Miller* and *Frank E. Barrows* for respondent. Reported below: 99 F. 2d 10.

No. 512. *MCADOO & NEBLETT ET AL. v. F. P. NEWPORT CORP. ET AL.* January 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. Wm. H. Neblett and R. Dean Warner* for petitioners. *Mr. Richard A. Turner* for H. F. Metcalf, Trustee in Bankruptcy, and *Mr. James E. Shelton* for Security First National Bank, respondents. Reported below: 98 F. 2d 453.

No. 519. *MINNEAPOLIS, ST. P. & S. S. M. RY. Co. v. PIKE RAPIDS POWER Co.* January 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. John L. Erdall* for petitioner. *Mr. James G. Nye* for respondent. Reported below: 99 F. 2d 902.

No. 373. *PALMER ET AL., TRUSTEES, v. PALMER ET AL., TRUSTEES.* January 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. MR. JUSTICE BRANDEIS took no part in the consideration and decision of this application. *Messrs. James Garfield and Hermon J. Wells* for petitioners. *Messrs. Robert G. Dodge and Talcott M. Banks, Jr.* for respondents. Reported below: 98 F. 2d 670.

No. 340. *NORTH WHITTIER HEIGHTS CITRUS ASSN. v. NATIONAL LABOR RELATIONS BOARD.* January 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Ivan G. McDaniel* for petitioner. *Solicitor General Jackson* and *Mr. Charles Fahy* for respondent. Reported below: 97 F. 2d 1010.

No. 249. *GOODMAN v. UNITED STATES.* See *ante*, p. 578.

No. 562. WILLIAMS *v.* PENNSYLVANIA RAILROAD CO. January 16, 1939. 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. *Mr. Ernest B. Williams, pro se.* No appearance for respondent.

No. 565. BIMBO *v.* ILLINOIS. January 16, 1939. Petition for writ of certiorari to the Supreme Court of Illinois, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. Wm. Scott Stewart* for petitioner. No appearance for respondent. Reported below: 369 Ill. 618; 17 N. E. 2d 573.

No. 573. BROWN *v.* ZERBST, WARDEN. January 16, 1939. 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. *John H. Brown, pro se.* No appearance for respondent. Reported below: 99 F. 2d 745.

No. 547. OHIO EX REL. GREEN *v.* KING, CLERK OF COURT, ET AL. January 16, 1939. Petition for writ of certiorari to the Supreme Court of Ohio, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. Carl Green* for petitioner. No appearance for respondents. Reported below: 134 Ohio St. 284; 16 N. E. 2d 342.

No. 499. BRYAN ET AL. *v.* UNITED STATES. January 16, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Messrs. Chas. L. Yancey and Grover C. Spillers* for petitioners. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key and J. Louis Monarch* for the United States. Reported below: 99 F. 2d 549.

No. 513. *POTTS v. FLIPPEN, ADMINISTRATOR, ET AL.* January 16, 1939. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied. *Mr. James Sheppard Potts, pro se.* No appearance for respondents. Reported below: 171 Va. 52; 197 S. E. 422.

No. 515. *LIFSON, ADMINISTRATOR, ET AL. v. COMMISSIONER OF INTERNAL REVENUE.* January 16, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. George T. Altman* for petitioners. *Solicitor General Jackson, Assistant Attorney General Morris,* and *Messrs. Sewall Key and Harry Marselli* for respondent. Reported below: 98 F. 2d 508.

No. 526. *INTERNATIONAL LADIES' GARMENT WORKERS' UNION ET AL. v. DONNELLY GARMENT CO. ET AL.* January 16, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. Frank P. Walsh, Jerome Walsh,* and *Roy W. Rucker* for petitioners. *Messrs. James A. Reed, Robert J. Ingraham,* and *William S. Hogsett* for Donnelly Garment Co. et al., and *Messrs. Frank E. Tyler and Alfred N. Gossett* for Donnelly Garment Workers' Union, respondents. Reported below: 99 F. 2d 309.

No. 527. *SCHWARTZ SALES CO. v. STEINER SALES CO.* January 16, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Mr. Wm. Nevarre Cromwell* for petitioner. *Mr. Harold Olsen* for respondent. Reported below: 98 F. 2d 999.