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erty for petitioners. *Messrs. Greek L. Rice*, Attorney General of Mississippi, and *J. A. Lauderdale* for respondents. Reported below: 103 F. 2d 544.

No. 939. *WEISS ET AL. v. UNITED STATES*. June 5, 1939. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted, limited to the question whether the trial court properly received in evidence intercepted telephone communications. *Messrs. Theodore Kiendl, Lloyd Paul Stryker, and Jacob W. Friedman* for petitioners. *Solicitor General Jackson*, and *Messrs. William W. Barron, George F. Kneip, Fred E. Strine, and W. Marvin Smith* for the United States. Reported below: 103 F. 2d 348.

No. 993. *UNITED STATES v. SPONENBARGER ET AL.* June 5, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Solicitor General Jackson* for the United States. No appearance for respondents. Reported below: 101 F. 2d 506.

DECISIONS DENYING CERTIORARI, FROM APRIL 18, 1939, THROUGH JUNE 5, 1939.

No. 862. *FLETCHER v. WHEAT ET AL.* April 24, 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. *Edmond C. Fletcher, pro se*. No appearance for respondents. Reported below: 69 App. D. C. 259; 100 F. 2d 432.

No. 722. *OLSSON v. UNITED STATES*. April 24, 1939. Petition for writ of certiorari to the Court of Claims denied. *Messrs. Luther E. Morrison and C. B. Des Jardins*

for petitioner. *Solicitor General Jackson, Assistant Attorney General Whitaker, and Messrs. Paul A. Sweeney and Paul A. Freund* for the United States. Reported below: 87 Ct. Cls. 642.

No. 751. *JENSEN ET AL. v. CANADIAN INDEMNITY CO.* April 24, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Denver S. Church* for petitioners. *Mr. Norman S. Sterry* for respondent. Reported below: 98 F. 2d 469.

No. 760. *LOTSCH v. UNITED STATES.* April 24, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Arthur L. Burchell* for petitioner. *Solicitor General Jackson, Assistant Attorney General McMahon, and Messrs. William W. Barron and W. Marvin Smith* for the United States. Reported below: 102 F. 2d 35.

No. 761. *ARDENGI v. COMMISSIONER OF INTERNAL REVENUE.* April 24, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Charles M. Lyman* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key and Arnold Raum* for respondent. Reported below: 100 F. 2d 406.

No. 762. *GOLDBERG v. COMMISSIONER OF INTERNAL REVENUE.* April 24, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Edward H. McDermott* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key, Joseph M. Jones, and Charles A. Horsky* for respondent. Reported below: 100 F. 2d 601.

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No. 763. BLACK RIVER VALLEY BROADCASTS, INC. *v.* McNinch et al. April 24, 1939. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Mr. Eliot C. Lovett* for petitioner. *Solicitor General Jackson, Assistant Attorney General Arnold, and Messrs. Robert M. Cooper, William J. Dempsey, William C. Koplovitz, and Andrew G. Haley* for respondents. Reported below: 69 App. D. C. 311; 101 F. 2d 235.

Nos. 764 and 765. DRUSILLA CARR LAND CORP. ET AL. *v.* GARY LAND CO. April 24, 1939. Petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. George E. Billett* for petitioners. *Messrs. Kemper K. Knapp and Frank B. Pattee* for respondent. Reported below: 101 F. 2d 897.

No. 856. HINES *v.* TEXAS;

No. 857. RYAN *v.* SAME;

No. 858. BROWN *v.* SAME; and

No. 859. HUNTER *v.* SAME. See *ante*, p. 609.

No. 815. WILLIAMSON *v.* COMMISSIONER OF INTERNAL REVENUE. May 1, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. MR. JUSTICE REED took no part in the consideration and decision of this application. *Mr. Murray Seasingood* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key and Berryman Green* for respondent. Reported below: 100 F. 2d 735.

No. 844. RASH, ADMINISTRATOR, *v.* NORFOLK & WESTERN RY. Co. May 1, 1939. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied

for the want of a final judgment. *Mr. A. A. Lilly* for petitioner. *Messrs. Whitwell W. Coxe, Joseph M. Sanders,* and *A. W. Reynolds* for respondent. Reported below: 120 W. Va. 540; 200 S. E. 583.

No. 721. CITY OF ROCKFORD *v.* LA PARR ET AL.; and

No. 811. LA PARR ET AL. *v.* CITY OF ROCKFORD. May 1, 1939. Petitions for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. David D. Madden* for the City of Rockford. *Messrs. R. P. Lichtenwalner* and *George P. Barse* for La Parr et al. Reported below: 100 F. 2d 564.

No. 738. GUMP *v.* CALIFORNIA ET AL. May 1, 1939. Petition for writ of certiorari to the Supreme Court of California denied. *Edgar Roy Gump, pro se.* No appearance for respondents.

No. 754. TWENTIETH CENTURY BUS OPERATORS, INC., ET AL. *v.* UNITED STATES. May 1, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Irving E. Burdick* for petitioners. *Solicitor General Jackson, Assistant Attorney General McMahan,* and *Messrs. William W. Barron, M. Joseph Matan,* and *W. Marvin Smith* for the United States. Reported below: 101 F. 2d 700.

No. 768. NATIONAL LIFE & ACCIDENT INSURANCE CO. *v.* HOLBROOK. May 1, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Wm. N. Bonner* for petitioner. No appearance for respondent. Reported below: 100 F. 2d 780.

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- No. 775. *ANDERSON v. UNITED STATES*;
 No. 776. *BANCA v. SAME*;
 No. 777. *CHANDLER v. SAME*;
 No. 778. *CHUNES v. SAME*;
 No. 779. *COSTELLO v. SAME*;
 No. 780. *CROMPTON v. SAME*;
 No. 781. *DOAH v. SAME*;
 No. 782. *EVANS v. SAME*;
 No. 783. *FANCHER v. SAME*;
 No. 784. *GENT v. SAME*;
 No. 785. *GRAMLICH v. SAME*;
 No. 786. *HARRISON v. SAME*;
 No. 787. *HEINE v. SAME*;
 No. 788. *JOHNSON v. SAME*;
 No. 789. *LAVERSO v. SAME*;
 No. 790. *LEE v. SAME*;
 No. 791. *LOWE v. SAME*;
 No. 792. *MADDOX v. SAME*;
 No. 793. *MATAYA v. SAME*;
 No. 794. *MCGILL v. SAME*;
 No. 795. *MELTON v. SAME*;
 No. 796. *NEWMAN v. SAME*;
 No. 797. *ANTHONY PROFETA v. SAME*;
 No. 798. *SALVADORE PROFETA v. SAME*;
 No. 799. *RUDOLPH v. SAME*;
 No. 800. *SCHNEIDER v. SAME*;
 No. 801. *STANLEY v. SAME*;
 No. 802. *STEWART v. SAME*;
 No. 803. *TARRO v. SAME*;
 No. 804. *TATMAN v. SAME*;
 No. 805. *TAYLOR v. SAME*;
 No. 806. *THOMPSON v. SAME*;
 No. 807. *TOMBAZZI v. SAME*; and
 No. 808. *WAGNER v. SAME*. May 1, 1939. Petition
 for writs of certiorari to the Circuit Court of Appeals for

the Seventh Circuit denied. *Messrs. George I. Haight, A. M. Fitzgerald, and Benjamin F. Goldstein* for petitioners. *Solicitor General Jackson, Assistant Attorney General McMahon, and Messrs. William W. Barron, Fred E. Strine, Paul M. Plunkett, and W. Marvin Smith* for the United States. Reported below: 101 F. 2d 325.

No. 819. *CITIZENS NATIONAL BANK v. FIDELITY & DEPOSIT COMPANY OF MARYLAND*. May 1, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. R. C. Fulbright* for petitioner. *Mr. Albert B. Hall* for respondent. Reported below: 100 F. 2d 807; 101 *id.* 974.

No. 824. *McCoy v. SOUTHERN PACIFIC Co.* May 1, 1939. Petition for writ of certiorari to the District Court of Appeal, 1st Appellate District, of California, denied. *Mr. Herbert W. Erskine* for petitioner. *Mr. Arthur B. Dunne* for respondent. Reported below: 29 Cal. App. 2d 16; 83 P. 2d 970.

No. 831. *GREEN v. CITY OF STUART*. May 1, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. T. T. Oughterson* for petitioner. *Mr. George W. Coleman* for respondent. Reported below: 101 F. 2d 309.

No. 848. *SCHOOL DISTRICT OF HAVERFORD TOWNSHIP v. AMERICAN SURETY Co.* May 1, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Albert J. Williams* for petitioner. *Mr. Wm. A. Schnader* for respondent. Reported below: 101 F. 2d 300.

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No. 853. DAYTON RUBBER MANUFACTURING CO. ET AL. v. STAGNARO, TRADING AS CINCINNATI BELTING CO., ET AL. May 1, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Messrs. H. A. Toulmin and H. A. Toulmin, Jr.* for petitioners. *Messrs. Edwin S. Clarkson and Humbert B. Powell* for respondents. Reported below: 101 F. 2d 808.

No. 766. DEMUTH v. COMMISSIONER OF INTERNAL REVENUE. May 1, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Mark Eisner and Ferdinand Tannenbaum* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Mr. Sewall Key and Helen R. Carloss* for respondent. Reported below: 100 F. 2d 1012.

No. 876. SWEET ET AL. v. COMMISSIONER OF INTERNAL REVENUE. May 1, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. *Mr. Malcolm Donald* for petitioners. No appearance for respondent. Reported below: 102 F. 2d 103.

No. —, original. EX PARTE JOHN P. GOODMAN; and
No. —, original. EX PARTE RICHARD BUNDY. See
ante, p. 612.

No. 918. RODRIQUEZ ET AL. v. WARD. May 15, 1939. Petition for writ of certiorari to the Supreme Court of New Mexico, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. J. H. Paxton* for petitioners. No appearance for respondent. Reported below: 43 N. M. 191; 88 P. 2d 277.

No. 919. *KAMMERER v. NEW YORK*. May 15, 1939. Petition for writ of certiorari to the Court of Appeals of New York, and motion for leave to proceed further *in forma pauperis*, denied. *Fred Kammerer, pro se*. No appearance for respondent. Reported below: 278 N. Y. 703; 16 N. E. 2d 851.

No. 874. *FLETCHER v. BOOTH ET AL.* May 15, 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. *Edmond C. Fletcher, pro se*. No appearance for respondents. Reported below: 69 App. D. C. 351; 101 F. 2d 676.

No. 884. *MORROW v. UNITED STATES*. May 15, 1939. 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. Edward H. S. Martin* for petitioner. *Solicitor General Jackson, and Messrs. Julius C. Martin, Wilbur C. Pickett, W. Marvin Smith, and Fendall Marbury* for the United States. Reported below: 101 F. 2d 654.

No. 713. *SAENGER ET AL. v. ADAM*. May 15, 1939. Petition for writ of certiorari to the Court of Civil Appeals, Ninth Supreme Judicial District, of Texas, denied for the want of a final judgment. *Mr. Oliver J. Todd* for petitioners. *Mr. M. G. Adams* for respondent. Reported below: 119 S. W. 2d 687.

No. 861. *RICEBAUM ET AL. v. UNITED STATES*; and
No. 871. *MENDELSON ET AL. v. SAME*. May 15, 1939. Petitions for writs of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *MR.*

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JUSTICE DOUGLAS took no part in the consideration and decision of these applications. *Messrs. A. Walton Nall and George F. Callaghan* for petitioners in No. 861. *Mr. John M. Slaton* for petitioners in No. 871. *Solicitor General Jackson, Assistant Attorney General McMahon, and Messrs. William W. Barron, J. Albert Woll, and William J. Connor* for the United States. Reported below: 101 F. 2d 628.

Nos. 821 and 822. AMERICAN EMPLOYERS' INSURANCE Co. *v.* MONTGOMERY; and

No. 823. UNITED STATES CASUALTY Co. *v.* SAME. May 15, 1939. Petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. R. Randolph Hicks* for petitioners. *Messrs. Robert H. Richards, Aaron Finger, and Thomas J. Crawford* for respondent. Reported below: 101 F. 2d 1005.

No. 812. UNITED STATES EX REL. FORADIS *v.* REIMER, COMMISSIONER OF IMMIGRATION. May 15, 1939. 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 Messrs. William W. Barron and W. Marvin Smith* for respondent. Reported below: 101 F. 2d 1022.

No. 816. ROSENBAUM GRAIN CORP. ET AL. *v.* UNITED STATES. May 15, 1939. Petition for writ of certiorari to the Court of Customs and Patent Appeals denied. *Mr. Delbert A. Clithero* for petitioners. *Solicitor General Jackson and Mr. John R. Benney* for the United States. Reported below: 26 C. C. P. A. (Customs) 202.

No. 820. UNITED STATES FOR THE USE AND BENEFIT OF F. B. SPEARS & SONS *v.* ARTHUR STORM CO. ET AL. May 15, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Messrs. P. J. J. Nicolaidēs and William F. Kelly* for petitioner. *Mr. Samuel Shapero* for respondents. Reported below: 101 F. 2d 524.

No. 830. VIRGINIA IRON, COAL & COKE CO. *v.* COMMISSIONER OF INTERNAL REVENUE. May 15, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. *Messrs. Horace M. Fox, Lewis A. Nuckols, Karl D. Loos, and Preston B. Kavanagh* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key and Ellis N. Slack* for respondent. Reported below: 99 F. 2d 919.

No. 836. CONTINENTAL CASUALTY CO. *v.* FIRST NATIONAL BANK OF TEMPLE. May 15, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. Allen Wight and O. O. Touchstone* for petitioner. *Messrs. Walker Saulsbury and David B. Trammell* for respondent. Reported below: 100 F. 2d 308.

No. 837. CROOK *v.* ZORN, TRUSTEE IN BANKRUPTCY. May 15, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. W. M. Crook, pro se.* No appearance for respondent. Reported below: 100 F. 2d 792.

No. 841. CURTIS *v.* WATSON. May 15, 1939. Petition for writ of certiorari to the Supreme Court of New York denied. *Mr. Knowlton Durham* for petitioner.

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Mr. Hyman W. Gamso for respondent. Reported below: 254 App. Div. 861; 168 Misc. 246; 5 N. Y. S. 562, 563.

No. 842. FEDERAL RESERVE BANK *v.* ALGAR ET AL. May 15, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Messrs. Yale L. Schekter* and *Clarence L. Cole* for petitioner. *Mr. Leonard D. Algar, pro se.* Reported below: 100 F. 2d 941.

No. 846. AUGUSTUS *v.* NEW AMSTERDAM CASUALTY CO. May 15, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. V. Russell Donaghy* for petitioner. No appearance for respondent. Reported below: 100 F. 2d 581.

No. 850. FALSTAFF BREWING CORP. *v.* THOMPSON. May 15, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. Isidor Ziegler* and *W. C. Fraser* for petitioner. No appearance for respondent. Reported below: 101 F. 2d 301.

No. 851. FRANKLIN, ADMINISTRATRIX, *v.* WUNDERLICH ET AL. May 15, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Richard T. Rives* for petitioner. *Mr. Dempsey M. Powell* for respondents. Reported below: 100 F. 2d 164.

No. 855. CAMPBELL, ADMINISTRATOR, *v.* BEEDLE ET AL. May 15, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Samuel A. Mitchell* for petitioner. *Mr. Albert E. L.*

Gardner for respondents. Reported below: 100 F. 2d 798.

No. 866. *FALVEY v. FOREMAN-STATE NATIONAL BANK ET AL.* May 15, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Patrick J. Falvey, pro se. Messrs. Weymouth Kirkland, Howard Ellis, Herman Waldman, Edward R. Adams, and James F. Oates, Jr.* for respondents. Reported below: 101 F. 2d 409.

No. 832. *MONTGOMERY v. UNITED STATES.* May 15, 1939. Petition for writ of certiorari to the Court of Claims denied. *Messrs J. Marvin Haynes, Thomas G. Haight, and James O. Wynn* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Mr. Sewall Key and Louise Foster* for the United States. Reported below: 87 Ct. Cls. 218; 23 F. Supp. 919.

No. 839. *WARD ET AL. v. SHELL PETROLEUM CORP. ET AL.* May 15, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Oliver J. Todd* for petitioners. No appearance for respondents. Reported below: 100 F. 2d 778.

No. 868. *GLENMORE DISTILLERIES CO. v. NATIONAL DISTILLERS PRODUCTS CORP.* May 15, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. *Messrs. Guy B. Hazelgrove and Ralph T. Catterall* for petitioner. *Messrs. Thomas B. Gay, Gerald J. Craugh, Edward A. Craighill, Jr., and Lewis F. Powell, Jr.* for respondent. Reported below: 101 F. 2d 479.

No. 872. *CONWAY, TRUSTEE, v. BONNER.* May 15, 1939. Petition for writ of certiorari to the Circuit Court

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of Appeals for the Fifth Circuit denied. *Mr. John McGlasson* for petitioner. *Messrs. Walker Saulsbury and David B. Trammell* for respondent. Reported below: 100 F. 2d 786.

No. 875. SOUTHERN PACIFIC CO. *v.* UNITED STATES. May 15, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. Henley Clifton Booth, W. I. Gilbert, and W. I. Gilbert, Jr.* for petitioner. *Solicitor General Jackson, Assistant Attorney General McMahon, and Messrs. William W. Barron, Charles A. Horsky, and M. Joseph Matan* for the United States. Reported below: 100 F. 2d 984.

No. 879. L. A. SALOMON & BRO. *v.* UNITED STATES. May 15, 1939. Petition for writ of certiorari to the Court of Customs and Patent Appeals denied. *Messrs. Dean Hill Stanley and John Q. Tilson* for petitioners. *Solicitor General Jackson and Mr. John R. Benney* for the United States. Reported below: 26 C. C. P. A. (Customs) 302.

No. 833. UNITED STATES TRUST CO., EXECUTOR, *v.* UNITED STATES. May 22, 1939. Motion to remand, and petition for writ of certiorari to the Court of Claims, denied. *Messrs. Simon Lyon, R. B. H. Lyon, and Earl W. Shinn* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key and Warner W. Gardner* for the United States. Reported below: 87 Ct. Cls. 721; 23 F. Supp. 476.

No. 900. CVELICH, ADMINISTRATRIX, *v.* ERIE RAILROAD Co. May 22, 1939. Petition for writ of certiorari to the Court of Errors and Appeals of New Jersey denied for

the want of a final judgment. *Mr. Alex Simpson* for petitioner. *Mr. Edward A. Markley* for respondent. Reported below: 122 N. J. L. 26; 4 A. 2d 271.

No. 834. SEIBERLING ET AL., EXECUTORS, *v.* UNITED STATES; and

No. 835. LEHIGH VALLEY TRUST CO. ET AL. *v.* SAME. May 22, 1939. Petition for writs of certiorari to the Court of Claims denied. *Mr. Arthur E. Otto* for petitioners. *Solicitor General Jackson*, *Assistant Attorney General Morris*, and *Messrs. Sewall Key* and *Charles A. Horsky* for the United States. Reported below: 87 Ct. Cls. 611, 631; 22 F. Supp. 397, 407.

No. 840. BERRY OIL CO. *v.* UNITED STATES. May 22, 1939. Petition for writ of certiorari to the Court of Claims denied. *Mr. Robert A. Littleton* for petitioners. *Solicitor General Jackson*, *Assistant Attorney General Morris*, and *Messrs. Sewall Key* and *Robert K. McConaughy* for the United States. Reported below: 87 Ct. Cls. 546; 25 F. Supp. 97.

No. 864. IN THE MATTER OF SIDEBOTHAM. May 22, 1939. Petition for writ of certiorari to the Supreme Court of California denied. *Mr. Michael G. Luddy* for petitioner. *Mr. Earl Warren*, Attorney General of California, for Thornton, Sheriff, respondent. Reported below: 12 Cal. 2d 434; 85 P. 2d 453.

No. 869. GOMILLION *v.* UNION BRIDGE & CONSTRUCTION Co. May 22, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. M. G. Adams* for petitioner. *Mr. Major T. Bell* for respondent. Reported below: 100 F. 2d 937.

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No. 870. WAYNE, TRUSTEE IN BANKRUPTCY, *v.* CUTLER-HAMMER, INC. May 22, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. Marion Smith and Harold Hirsch* for petitioner. *Mr. E. Harold Sheats* for respondent. Reported below: 101 F. 2d 823.

No. 873. CHESAPEAKE & OHIO RY. Co. *v.* VIGOR, ADMINISTRATRIX. May 22, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Albert H. Cole* for petitioner. *Mr. James N. Beery* for respondent. Reported below: 101 F. 2d 865.

No. 882. HELVERING, COMMISSIONER OF INTERNAL REVENUE, *v.* HAWAIIAN PHILIPPINE Co. May 22, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Solicitor General Jackson* for petitioner. *Mr. George E. Cleary* for respondent. Reported below: 100 F. 2d 988.

No. 883. JACKSKION *v.* UNITED STATES. May 22, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Louis Halle* for petitioner. *Solicitor General Jackson, Assistant Attorney General McMahon, and Messrs. William W. Barron, Benjamin M. Parker, and W. Marvin Smith* for the United States. Reported below: 102 F. 2d 683.

No. 885. PROVUS BROTHERS, INC. *v.* HOLMAN ET AL. May 22, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Lewis F. Jacobson* for petitioner. *Mr. Reuben L. Freeman* for respondents. Reported below: 99 F. 2d 212.

No. 887. *EATON v. COMMISSIONER OF INTERNAL REVENUE*. May 22, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Frank J. Maguire* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key and Lee A. Jackson* for respondent. Reported below: 100 F. 2d 1013.

No. 889. *MISSOURI-KANSAS-TEXAS RAILROAD v. HAMARSTROM*. May 22, 1939. Petition for writ of certiorari to the Kansas City Court of Appeals, of Missouri, denied. *Messrs. Ellison A. Neel and Armwell L. Cooper* for petitioner. *Messrs. Walter A. Raymond and Fenton Hume* for respondent. Reported below: 233 Mo. App. 1103.

No. 890. *CHICAGO, ST. PAUL, MINNEAPOLIS & OMAHA RY. Co. v. KULP, ADMINISTRATOR*. May 22, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. Warren Newcome and William T. Faricy* for petitioner. *Mr. Mortimer H. Boutelle* for respondent. Reported below: 102 F. 2d 352.

No. 892. *JENKINS ET AL., EXECUTORS, v. BITGOOD, FORMERLY ACTING COLLECTOR OF INTERNAL REVENUE*. May 22, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Curtiss K. Thompson and John H. Weir* for petitioners. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key, Maurice J. Mahoney, and Warner W. Gardner* for respondent. Reported below: 101 F. 2d 17.

No. 893. *RUSHMORE ET AL. v. LANE*. May 22, 1939. Petition for writ of certiorari to the Court of Errors and

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Appeals of New Jersey denied. *Mr. Jay Leo Rothschild* for petitioners. *Mr. Samuel Kaufman* for respondent. Reported below: 125 N. J. Eq. 310; 4 A. 2d 55.

No. 896. HARDEE, RECEIVER, *v.* MURPHY, ATTORNEY GENERAL. May 22, 1939. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Messrs. Swagar Sherley, Charles P. Wilson, H. B. Weaver, Jr., George B. Springston, and George P. Barse* for petitioner. *Solicitor General Jackson, Assistant Attorney General Whitaker, and Messrs. Paul A. Sweeney and Harry LeRoy Jones* for respondent. Reported below: 102 F. 2d 622.

No. 898. AMICK, TRUSTEE IN BANKRUPTCY, *v.* HOTZ, TRUSTEE. May 22, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. Dupuy G. Warrick and Leland Hazard* for petitioner. No appearance for respondent. Reported below: 101 F. 2d 311.

No. 904. RICE, TRUSTEE IN BANKRUPTCY, *v.* SMITH ENGINEERING Co.; and

No. 905. SAME *v.* SMITH ENGINEERING Co. ET AL. May 22, 1939. Petition for writs of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. Adolphus E. Graupner and M. S. Gunn* for petitioner. *Messrs. Sterling M. Wood and Wallace Sheehan* for respondents. Reported below: 102 F. 2d 492.

No. 942. MIN-A-MAX Co., INC. *v.* SUNDHOLM. May 22, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. Elwood Hansmann, Albin C. Ahlberg, and H. C. Shull* for petitioner. No appearance for respondent. Reported below: 102 F. 2d 187.

No. 971. *BECKER v. WALKER, WARDEN*. May 29, 1939. Petition for writ of certiorari to the Superior Court, County of Hartford, Connecticut, and motion for leave to proceed further *in forma pauperis*, denied. *Arthur Matthew Becker, pro se*. No appearance for respondent.

No. 923. *HOLLEY v. GENERAL AMERICAN LIFE INS. CO. ET AL.* See *ante*, p. 615.

No. 961. *SEARS, ROEBUCK & Co., INC. v. SAMSON-UNITED CORP.* May 29, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. MR. JUSTICE ROBERTS took no part in the consideration or decision of this application. *Messrs. Joseph H. Milans and Max W. Zabel* for petitioner. *Mr. W. Brown Morton* for respondent. Reported below: 103 F. 2d 312.

No. 895. *CHASE v. AVERY*. May 29, 1939. Petition for writ of certiorari to the Court of Customs and Patent Appeals denied. *Messrs. Robert C. Watson and George M. Anderson* for petitioner. *Messrs. Leonard S. Lyon and Theodore H. Lassagne* for respondent. Reported below: 26 C. C. P. A. (Patents) 823; 101 F. 2d 205.

No. 897. *TOUCEY v. NEW YORK LIFE INSURANCE CO.* May 29, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Arthur Miller* for petitioner. *Messrs. Samuel W. Sawyer and Louis H. Cooke* for respondent. Reported below: 102 F. 2d 16.

No. 899. *BIG LAKE OIL Co. v. COMMISSIONER OF INTERNAL REVENUE*. May 29, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Third

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Circuit denied. *Messrs. S. Leo Rushlander and Edgar J. Goodrich* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key, L. W. Post, and Charles A. Horsky* for respondent. Reported below: 95 F. 2d 573.

No. 903. SHEPARD *v.* COMMISSIONER OF INTERNAL REVENUE. May 29, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Leland K. Neeves* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key and Berryman Green* for respondent. Reported below: 101 F. 2d 595.

No. 908. HUDSON *v.* MOONIER; and

No. 909. FITCH, EXECUTRIX, *v.* SAME. May 29, 1939. Petitions for writs of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. James C. Jones, Lon O. Hocker, and James C. Jones, Jr.* for petitioners. *Messrs. Roberts P. Elam and Mark D. Eagleton* for respondent. Reported below: 102 F. 2d 96.

No. 910. DITTO, INC. *v.* STANDARD MAILING MACHINES Co. May 29, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. *Messrs. Joseph H. Milans and Max W. Zabel* for petitioner. *Mr. George P. Dike* for respondent. Reported below: 100 F. 2d 446.

No. 911. DEMPSEY *v.* PINK, SUPERINTENDENT OF INSURANCE. May 29, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Bruce Fuller and S. Wallace Dempsey* for petitioner. *Mr. Alfred C. Bennett* for respondent. Reported below: 101 F. 2d 72.

No. 916. CHICAGO GREAT WESTERN R. CO. ET AL. *v.* ROBINSON. May 29, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Norris Brown* for petitioners. *Mr. Byron G. Burbank* for respondent. Reported below: 101 F. 2d 994.

No. 917. WHITESIDE, TRUSTEE, *v.* ROCKY MOUNTAIN FUEL Co. May 29, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Mr. G. Dexter Blount* for petitioner. *Mr. Albert L. Vogl* for respondent. Reported below: 101 F. 2d 765.

No. 920. HIRSCH ET AL. *v.* MURPHY, ATTORNEY GENERAL, ET AL. May 29, 1939. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Messrs. Dean Hill Stanley and Otto C. Sommerich* for petitioners. *Solicitor General Jackson, Assistant Attorney General Whitaker, and Messrs. Paul A. Sweeney, Harry LeRoy Jones, and Fred Esch* for respondents. Reported below: 70 App. D. C. 1; 102 F. 2d 269.

No. 924. BROWN *v.* GESELLSCHAFT FUR DRAHTLOSE TELEGRAPHIE M. B. H. May 29, 1939. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Messrs. Stanton C. Peelle, Paul E. Lesh, Dale D. Drain, and Jerome F. Barnard* for petitioner. *Messrs. G. Thomas Dunlop, Geo. Whiteford Betts, Jr., and Frank J. Hogan* for respondent. Reported below: 104 F. 2d 227.

No. 925. HUDSON & MANHATTAN R. Co. *v.* CAHILL ET AL. May 29, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit

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denied. *Mr. William D. Whitney* for petitioner. *Solicitor General Jackson, Assistant Attorney General Arnold, and Messrs. Robert L. Stern, Charles A. Horsky, and Daniel W. Knowlton* for Cahill et al., respondents. *Messrs. Ezra Brainerd, Jr. and Alex. M. Bull* for the Brotherhood of Locomotive Engineers et al., intervening-respondents. Reported below: 103 F. 2d 327.

No. 929. FIRST NATIONAL BANK, ADMINISTRATOR, *v.* UNITED STATES. May 29, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. John E. Hughes* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key and James E. Murphy* for the United States. Reported below: 102 F. 2d 907.

No. 931. BALTIMORE & OHIO R. Co. *v.* SPOTTS. May 29, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Edward W. Rawlins* for petitioner. *Messrs. Tom Davis and Ernest A. Michel* for respondent. Reported below: 102 F. 2d 160.

No. 936. SPECK *v.* LAVINO SHIPPING Co., AGENT. May 29, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Abraham E. Freedman* for petitioner. No appearance for respondent. Reported below: 101 F. 2d 716.

No. 963. FLICKER ET AL., CO-ADMINISTRATORS, *v.* RABINOVICH. May 29, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. William A. Monten* for petitioners. No appearance for respondent. Reported below: 101 F. 2d 857.

No. 947. *PARKER ET AL. v. UNITED STATES*. June 5, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Messrs. Harry Green, J. Mercer Davis, and George S. Silzer* for petitioners. No appearance for the United States. Reported below: 103 F. 2d 857.

No. 957. *ZAHN v. HUDSPETH, WARDEN*. June 5, 1939. 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. *Joseph A. Zahn, pro se*. No appearance for respondent. Reported below: 102 F. 2d 759.

No. 962. *MARTINI v. JOHNSTON, WARDEN*. June 5, 1939. 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. *Louis Martini, pro se*. No appearance for respondent. Reported below: 103 F. 2d 597.

No. 974. *FARNSWORTH v. SANFORD, WARDEN*. June 5, 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. *Mr. George S. Hawke* for petitioner. No appearance for respondent. Reported below: 103 F. 2d 888.

No. 980. *HARGIS v. SWOPE, JUDGE, ET AL.* June 5, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *A. H. Hargis, pro se*. No appearance for respondents. Reported below: 98 F. 2d 1006; 103 *id.* 1012.

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No. 984. *CARRUTHERS ET AL. v. REED, KEEPER*. June 5, 1939. 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. Leon H. Ransom* for petitioners. No appearance for respondent. Reported below: 102 F. 2d 933.

No. 989. *ENGLER v. UNITED STATES*. June 5, 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. *Richard A. Engler, pro se*. No appearance for the United States.

No. 1004. *JURGENSEN v. NEBRASKA*. June 5, 1939. Petition for writ of certiorari to the Supreme Court of Nebraska, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. Charles E. Foster* for petitioner. No appearance for respondent. Reported below: 135 Neb. 136; 280 N. W. 886.

No. 891. *GRAHAM ET AL. v. UNITED STATES*; and

No. 901. *HEED ET AL. v. SAME*. June 5, 1939. Petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Moses Polakoff* for petitioners in No. 891. *Mr. Lewis Landes* for petitioners in No. 901. *Solicitor General Jackson*, and *Messrs. William W. Barron, J. Albert Woll, M. Joseph Matan*, and *W. Marvin Smith* for the United States. Reported below: 102 F. 2d 436.

No. 894. *LOOMIS, TRUSTEE IN BANKRUPTCY, v. COUNTY OF GILA ET AL.* June 5, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Welburn Mayoock* for petitioner.

Mr. Charles L. Strouss for respondents. Reported below: 101 F. 2d 827; 103 *id.* 312.

No. 915. CITY OF LOS ANGELES *v.* BORAX CONSOLIDATED, LTD. ET AL. June 5, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. Ray L. Chesebro* and *Loren A. Butts* for petitioner. *Messrs. Gurney E. Newlin* and *A. W. Ashburn* for respondents. Reported below: 102 F. 2d 52.

No. 921. MARSHALL COUNTY BANK *v.* CROWTHER. June 5, 1939. Petition for writ of certiorari to the Circuit Court of Marshall County, West Virginia, denied. *Messrs. Karl Michelet* and *Martin Brown* for petitioner. No appearance for respondent.

No. 922. BELK BROTHERS CO. *v.* MAXWELL, COMMISSIONER OF REVENUE. June 5, 1939. Petition for writ of certiorari to the Supreme Court of North Carolina denied. *Mr. Thomas C. Guthrie* for petitioner. *Mr. Harry McMullan* for respondent. Reported below: 215 N. C. 10; 200 S. E. 915.

No. 926. PARTRIDGE ET AL. *v.* MARTIN ET AL. June 5, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *June C. Smith* for petitioners. No appearance for respondents. Reported below: 102 F. 2d 284.

No. 927. GLIWA ET AL. *v.* UNITED STATES STEEL CORP. ET AL. June 5, 1939. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied. *Agnes Gliwa, pro se.* *Mr. William Wallace Booth* for respondents. Reported below: 332 Pa. 515; 3 A. 2d 778.

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No. 928. *PARK & TILFORD IMPORT CORP. v. UNITED STATES*. June 5, 1939. Petition for writ of certiorari to the Court of Customs and Patent Appeals denied. *Mr. B. A. Levett* for petitioner. *Solicitor General Jackson* and *Mr. John R. Benney* for the United States. Reported below: 26 C. C. P. A. (Customs) 342.

No. 933. *BETHLEHEM SHIPBUILDING CORP. ET AL. v. CARDILLO ET AL.* June 5, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. *Messrs. Elias Field* and *La Rue Brown* for petitioners. *Solicitor General Jackson*, *Assistant Attorney General Whitaker*, and *Messrs. Paul A. Sweeney* and *Henry A. Julicher* for respondents. Reported below: 102 F. 2d 299.

No. 935. *COURT LINE, LTD. v. ISTHMIAN STEAMSHIP Co.* June 5, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. John W. Griffin*, *David Corbin*, and *Wharton Poor* for petitioner. *Messrs. Henry N. Longley* and *L. deGrove Potter* for respondent. Reported below: 102 F. 2d 916.

No. 937. *MOHAWK RUBBER Co. v. UNITED STATES*. June 5, 1939. Petition for writ of certiorari to the Court of Claims denied. *Messrs. Allen H. Gardner* and *Fredrick L. Pearce* for petitioner. *Solicitor General Jackson*, *Assistant Attorney General Morris*, and *Messrs. Sewall Key* and *Charles A. Horsky* for the United States. Reported below: 88 Ct. Cls. 50; 25 F. Supp. 228.

No. 938. *DONNELLEY v. COMMISSIONER OF INTERNAL REVENUE*. June 5, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit

denied. *Mr. John S. Miller* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key and Lee A. Jackson* for respondent. Reported below: 101 F. 2d 879.

No. 941. FRUIT INDUSTRIES, LTD. *v.* BISCEGLIA BROTHERS CORP. June 5, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mabel Walker Willebrandt* for petitioner. *Messrs. Joseph W. Henderson and Thomas F. Mount* for respondent. Reported below: 101 F. 2d 752.

No. 948. TOWNSHEND, TRUSTEE *v.* UNION TRUST CO. June 5, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. *Messrs. Rolla D. Campbell and Selden S. McNeer* for petitioner. *Mr. Walter H. Buck* for respondent. Reported below: 101 F. 2d 903.

No. 956. TRUSCON STEEL CO. ET AL. *v.* SIMS. June 5, 1939. Petition for writ of certiorari to the Supreme Court of Missouri denied. *Messrs. Henry N. Ess, Elton L. Marshall, and Paul Barnett* for petitioners. No appearance for respondent. Reported below: 343 Mo. 1216; 126 S. W. 2d 204.

No. 973. SCHUMACHER ET AL., TRUSTEES, ET AL. *v.* SMITH. June 5, 1939. Petition for writ of certiorari to the District Court of Appeal, 3d Appellate District, of California, denied. *Mr. Allan P. Matthew* for petitioners. *Mr. Louis E. Goodman* for respondent. Reported below: 30 Cal. App. 2d 251; 85 P. 2d 967.

No. 880. CHICKASAW NATION *v.* UNITED STATES. June 5, 1939. Petition for writ of certiorari to the Court

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of Claims denied. *Messrs. Melven Cornish and William H. Fuller* for petitioner. *Solicitor General Jackson, Assistant Attorney General Collett, and Mr. C. W. Leaphart* for the United States. Reported below: 87 Ct. Cls. 91.

No. 960. TRUSTEES OF LUMBER INVESTMENT ASSN. *v.* HELVERING, COMMISSIONER OF INTERNAL REVENUE. June 5, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. William S. Bennet* for petitioner. *Solicitor General Jackson* for respondent. Reported below: 100 F. 2d 18.

No. 966. STEPHENSON *v.* COMMISSIONER OF INTERNAL REVENUE. June 5, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. H. Ralph Burton* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key and Warren F. Wattles* for respondent. Reported below: 101 F. 2d 33.

No. 964. SCHERMANN *v.* YELLOW CAB Co. June 5, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Charles V. Falkenberg* for petitioner. *Mr. John A. Bloomington* for respondent. Reported below: 101 F. 2d 363.

No. 946. PRICE-WILLIAMS *v.* NEW YORK LIFE INSURANCE Co. June 5, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. James M. Carson* for petitioner. *Messrs. Louis H. Cooke and J. L. Doggett* for respondent. Reported below: 101 F. 2d 482.

No. 986. RITHOLZ ET AL. *v.* AMERICAN OPTOMETRIC ASSN. June 5, 1939. Petition for writ of certiorari to

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the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. John E. Borden* for petitioners. *Mr. John J. Yowell* for respondent. Reported below: 101 F. 2d 986.

No. 965. SLATTERY ET AL. *v.* ILLINOIS BELL TELEPHONE Co. June 5, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. MR. JUSTICE FRANKFURTER took no part in the consideration or decision of this application. *Messrs. John E. Cassidy, Montgomery S. Winning, and Harry R. Booth* for petitioners. *Messrs. Kenneth F. Burgess, Leslie N. Jones, and W. Clyde Jones* for respondent. Reported below: 102 F. 2d 58.

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BY THE COURT, FROM APRIL 18, 1939,
THROUGH JUNE 5, 1939.

No. 773. HELVERING, COMMISSIONER OF INTERNAL REVENUE, *v.* STILWELL. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit. April 24, 1939. Dismissed on motion of counsel for the petitioner. *Solicitor General Jackson* for petitioner. *Mr. Herbert Pope* for respondent. Reported below: 101 F. 2d 588.

No. 829. MINNESOTA TAX COMMISSION ET AL. *v.* GEERY. On petition for writ of certiorari to the Supreme Court of Minnesota. April 24, 1939. Dismissed on motion of counsel for the petitioner. *Messrs. Alfred W. Bowen and Chester S. Wilson* for petitioners. No appearance for respondent. Reported below: 204 Minn. 107; 282 N. W. 673.