

307 U. S.

Decisions Granting Certiorari.

striking out of the second full paragraph on page 12, in the first line, the word "that" and the words "is invalid," and inserting, after the word "decision," the words "as to." In other respects the petition is denied.

Reported as amended, *ante*, p. 5; see also, *ante*, p. 613.

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

Nos. 745 and 746. *BOTELER, TRUSTEE, v. INGELS, DIRECTOR OF MOTOR VEHICLES OF CALIFORNIA, ET AL.* April 24, 1939. Petition for writs of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Mr. Thomas S. Tobin* for petitioner. *Messrs. Earl Warren* and *Frank W. Richards* for respondents. Reported below: 100 F. 2d 915.

No. 767. *NATIONAL LABOR RELATIONS BOARD v. NEWPORT NEWS SHIPBUILDING & DRY DOCK Co.* April 24, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted. *Solicitor General Jackson* and *Mr. Charles Fahy* for petitioner. *Messrs. Fred H. Skinner, John Marshall, H. H. Rumble,* and *Percy Carmel* for respondents. Reported below: 101 F. 2d 841.

No. 867. *JOHN HANCOCK MUTUAL LIFE INSURANCE Co. v. BARTELS.* April 24, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Mr. John H. Bickett, Jr.* for petitioner. No appearance for respondent. Reported below: 100 F. 2d 813.

No. 847. *CITIES SERVICE OIL Co. v. DUNLAP ET AL.* May 1, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Messrs.*

Clayton L. Orn, David D. Trammell, and Hayes McCoy for petitioner. *Mr. Angus G. Wynne* for respondents. Reported below: 100 F. 2d 294.

No. 854. UNITED STATES *v.* GLENN L. MARTIN CO. May 1, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted. *Solicitor General Jackson* for the United States. *Mr. John T. Koehler* for respondent. Reported below: 100 F. 2d 793.

No. 838. F. H. E. OIL CO. *v.* COMMISSIONER OF INTERNAL REVENUE. May 1, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. MR. JUSTICE REED took no part in the consideration and decision of this application. *Mr. Harry C. Weeks* for petitioner. *Solicitor General Jackson* for respondent. Reported below: 102 F. 2d 596.

No. 845. FRANKLIN ET AL. *v.* UNITED STATES. May 15, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. *Mr. Sam Costen* for petitioners. *Solicitor General Jackson, Assistant Attorney General Whitaker, and Messrs. Paul A. Sweeney and Aaron B. Holman* for the United States. Reported below: 101 F. 2d 459.

No. 881. ESTATE OF SANFORD *v.* COMMISSIONER OF INTERNAL REVENUE. May 15, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Messrs. John W. Davis, Montgomery B. Angell, and William A. Carr* for petitioner. *Solicitor General Jackson* for respondent. Reported below: 103 F. 2d 81.

307 U. S.

Decisions Granting Certiorari.

Nos. 817 and 818. *CASE ET AL. v. LOS ANGELES LUMBER PRODUCTS Co.* May 22, 1939. Petition for writs of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Mr. Robert M. Clarke* for petitioners. *Messrs. David R. Faries and Woodward M. Taylor* for respondent. Reported below: 100 F. 2d 963.

No. 886. *RETAIL FOOD CLERKS & MANAGERS UNION, LOCAL NO. 1357, ET AL. v. UNION PREMIER FOOD STORES, INC., ET AL.* May 22, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. MR. JUSTICE ROBERTS took no part in the consideration and decision of this application. *Mr. Jos. A. Padway* for petitioners. *Mr. Harry Shapiro* for respondents. Reported below: 101 F. 2d 475.

No. 912. *RASQUIN, COLLECTOR OF INTERNAL REVENUE, v. HUMPHREYS.* May 22, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Solicitor General Jackson* for petitioner. *Messrs. Sidney W. Davidson and Allin H. Pierce* for respondent. Reported below: 101 F. 2d 1012.

No. 913. *NEIRBO COMPANY ET AL. v. BETHLEHEM SHIPBUILDING CORP.* May 29, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Messrs. Robert P. Weil and Lawrence Arnold Tanzer* for petitioners. *Mr. Wm. D. Whitney* for respondent. Reported below: 103 F. 2d 765.

No. 940. *UNITED STATES v. JOHN McSHAIN, INC.* June 5, 1939. Petition for writ of certiorari to the Court of Claims granted. *Solicitor General Jackson* for the United States. *Mr. A. M. Holcombe* for respondent. Reported below: 88 Ct. Cls. 284.

No. 943. *McGOLDRICK, COMPTROLLER, v. COMPAGNIE GENERALE TRANSATLANTIQUE*. June 5, 1939. Petition for writ of certiorari to the Supreme Court of New York granted. *Messrs. William C. Chanler, Paxton Blair, and Sol Charles Levine* for petitioner. *Messrs. Harold S. Deming and Donald Havens* for respondent. Reported below: 279 N. Y. 192; 254 App. Div. 237; 18 N. E. 2d 28; 4 N. Y. S. 2d 661.

No. 944. *McGOLDRICK, COMPTROLLER, v. FELT & TARRANT MFG. CO.* June 5, 1939. Petition for writ of certiorari to the Supreme Court of New York granted. *Messrs. William C. Chanler, Paxton Blair, and Sol Charles Levine* for petitioner. *Mr. Newton K. Fox* for respondent. Reported below: 279 N. Y. 678; 254 App. Div. 246; 18 N. E. 2d 311; 4 N. Y. S. 2d 615.

No. 951. *UNITED STATES v. STONE, U. S. DISTRICT JUDGE*. June 5, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Solicitor General Jackson* for the United States. *Mr. Weymouth Kirkland* for respondent. Reported below: 101 F. 2d 870.

No. 914. *PEPPER v. LITTON*. June 5, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted. *Mr. Robert Burrow* for petitioner. *Mr. Henry Roberts* for respondent. Reported below: 100 F. 2d 830.

No. 998. *INTERSTATE NATURAL GAS CO. ET AL. v. STONE, COMMISSIONER OF FRANCHISE TAX, ET AL.* June 5, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Messrs. Marcellus Green, Garner W. Green, and Wm. A. Dough-*

307 U. S.

Decisions Denying Certiorari.

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*