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Decisions Denying Certiorari.

No. 588. NATIONAL LABOR RELATIONS BOARD ET AL. *v.* BRADFORD DYEING ASSOCIATION (U. S. A.) ET AL. January 15, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted. *Solicitor General Jackson* and *Mr. Charles Fahy* for petitioners. *Messrs. Harry Parsons Cross* and *George Paul Slade* for Bradford Dyeing Assn., and *Mr. William G. Feely* for B. D. A. Employees Federation, respondents. Reported below: 106 F. 2d 119.

No. 563. DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION *v.* COLBURN ET AL. January 15, 1940. Petition for writ of certiorari to the Court of Errors and Appeals of New Jersey granted. The Court directs the attention of counsel to the question of the jurisdiction of this Court. *Mr. Edward P. Stout* for petitioner. *Mr. Egbert Rosecrans* for respondents. Reported below: 123 N. J. L. 197; 8 A. 2d 563.

DECISIONS DENYING CERTIORARI, FROM
OCTOBER 2, 1939, THROUGH JANUARY 15, 1940.

No. 141. MILLER *v.* UNITED STATES. October 9, 1939. On consideration of the suggestion of a diminution of the record and motion for a writ of certiorari in that relation, the motion for a writ of certiorari is granted. Motion for leave to proceed further *in forma pauperis*, and petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit, denied. *William Roy Miller, pro se.* No appearance for the United States. Reported below: 104 F. 2d 343.

No. 86. REGER *v.* HUDSPETH, WARDEN. October 9, 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. *Fred Reger, pro se*. No appearance for respondent. Reported below: 103 F. 2d 825.

No. 106. NELSON *v.* UNITED STATES. October 9, 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. Charles I. Evans* for petitioner. No appearance for the United States. Reported below: 102 F. 2d 515.

No. 119. GLOVER *v.* COMPAGNIE GENERALE TRANS-ATLANTIQUE. October 9, 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. Brantly Harris* for petitioner. No appearance for respondent. Reported below: 103 F. 2d 557.

No. 130. DODGE ET AL. *v.* DODGE ET AL. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. Felix Hebert* for petitioners. *Mr. George S. Fuller* for respondents. Reported below: 102 F. 2d 703.

No. 139. PELL *v.* T. J. HALL Co. October 9, 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. *James T. Pell, pro se*. No appearance for respondent. Reported below: 102 F. 2d 1017.

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No. 145. LACY *v.* TEXAS. October 9, 1939. Petition for writ of certiorari to the Court of Criminal Appeals of Texas, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. W. P. Hamblen* for petitioner. No appearance for respondent. Reported below: 137 Texas Crim. Rep. 362; 128 S. W. 2d 1165.

No. 182. PRICE *v.* ILLINOIS. October 9, 1939. Petition for writ of certiorari to the Supreme Court of Illinois, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. Richard E. Westbrook* for petitioner. No appearance for respondent. Reported below: 371 Ill. 137; 20 N. E. 2d 61.

No. 184. LINDSEY *v.* McCAULEY, WARDEN. October 9, 1939. Petition for writ of certiorari to the Supreme Court of Washington, and motion for leave to proceed further *in forma pauperis*, denied. *E. R. Lindsey, pro se.* No appearance for respondent.

No. 188. JACOBS *v.* NEW YORK. October 9, 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. *Jerome A. Jacobs, pro se.* No appearance for respondent. Reported below: 254 App. Div. 721; 280 N. Y. 562; 4 N. Y. S. 2d 999; 20 N. E. 2d 15.

No. 199. BOYER *v.* CITY OF SALINA ET AL. October 9, 1939. Petition for writ of certiorari to the Supreme Court of Kansas, and motion for leave to proceed further *in forma pauperis*, denied. *James E. Boyer, pro se.* No appearance for respondents.

No. 200. *BOYER v. SALINA JOURNAL ET AL.* October 9, 1939. Petition for writ of certiorari to the Supreme Court of Kansas, and motion for leave to proceed further *in forma pauperis*, denied. *James E. Boyer, pro se.* No appearance for respondents.

No. 205. *PULLIN v. UNITED STATES.* October 9, 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. James F. Kemp* for petitioner. No appearance for the United States. Reported below: 104 F. 2d 57.

No. 208. *MCGOWEN v. UNITED STATES.* October 9, 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. Josiah Lyman* for petitioner. No appearance for respondent. Reported below: 70 App. D. C. 268; 105 F. 2d 791.

No. 214. *IN RE PAYSOFF TINKOFF.* October 9, 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. *Paysoff Tinkoff, pro se.* Reported below: 101 F. 2d 341.

No. 215. *VAN NEWKIRK v. CITIES SERVICE OIL CO.* October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Charles Van Newkirk, pro se.* *Mr. Abbot P. Mills* for respondent. Reported below: 103 F. 2d 899.

No. 216. *BUCKNER v. HUDSPETH, WARDEN.* October 9, 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. *Walker B. Buckner, pro se.* No appearance for respondent. Reported below: 105 F. 2d 396.

No. 224. *PFAFF v. McCAULEY, WARDEN.* October 9, 1939. Petition for writ of certiorari to the Supreme Court of Washington, and motion for leave to proceed further *in forma pauperis*, denied. *Emil Pfaff, pro se.* No appearance for respondent.

No. 227. *HOROSKO v. SCHOOL DISTRICT OF MOUNT PLEASANT ET AL.* October 9, 1939. Petition for writ of certiorari to the Supreme Court of Pennsylvania, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. Milford J. Meyer* for petitioner. No appearance for respondents. Reported below: 135 Pa. Super. 102; 335 Pa. 369; 4 A. 2d 601; 6 A. 2d 866.

No. 255. *REGAN v. REMER, SUPERINTENDENT, UNITED STATES PRISON CAMP No. 11, KOOSKIA, IDAHO.* October 9, 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. *Daniel C. Regan, pro se.* No appearance for respondent. Reported below: 104 F. 2d 704.

No. 263. *GARRISON v. JOHNSTON, WARDEN.* October 9, 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. *Or-*

ville Chester Garrison, pro se. No appearance for respondent. Reported below: 104 F. 2d 128.

No. 298. *FOUCHAUX v. BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS.* October 9, 1939. Petition for writ of certiorari to the Supreme Court of Louisiana, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. F. Carter Johnson, Jr.* for petitioner. No appearance for respondent. Reported below: 193 La. 182; 186 So. 103; 190 So. 373.

No. 303. *MEYERS ET AL. v. CALIFORNIA.* October 9, 1939. Petition for writ of certiorari to the District Court of Appeal, 3d Appellate District, of California, and motion for leave to proceed further *in forma pauperis*, denied. *Marian Meyers* and *Harold Lacombe, pro se.* No appearance for respondent. Reported below: 31 Cal. App. 2d. 515; 88 P. 2d 212.

No. 305. *YON v. FLORIDA.* October 9, 1939. Petition for writ of certiorari to the Supreme Court of Florida, and motion for leave to proceed further *in forma pauperis*, denied. *Earl Yon, pro se.* No appearance for respondent. Reported below: 138 Fla. 770; 190 So. 252.

No. 336. *HICKS v. NATIONAL LABOR RELATIONS BOARD ET AL.* October 9, 1939. 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 H. Sands* for petitioner. No appearance for respondents.

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No. 340. YUEN ET AL. *v.* CALIFORNIA. October 9, 1939. Petition for writ of certiorari to the District Court of Appeal, 3d Appellate District, of California, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. George Olshausen* for petitioners. *Mr. Earl Warren*, Attorney General of California, for respondent. Reported below: 32 Cal. App. 2d 151; 89 P. 2d 438; 90 P. 2d 291.

No. 341. SPEAR *v.* CALIFORNIA. October 9, 1939. Petition for writ of certiorari to the District Court of Appeal, 3d Appellate District, of California, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. George Olshausen* for petitioner. *Mr. Earl Warren*, Attorney General of California, for respondent. Reported below: 32 Cal. App. 2d 165; 89 P. 2d 445.

No. 371. FLETCHER *v.* JONES ET AL., TRUSTEES. October 9, 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: 70 App. D. C. 179; 105 F. 2d 58.

No. 294. O'BRIEN *v.* CALMAR STEAMSHIP CORP. October 9, 1939. The motion to proceed on typewritten papers is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit is denied. *Mr. Abraham E. Freedman* for petitioner. *Mr. Frank A. Bull* for respondent. Reported below: 104 F. 2d 148.

No. 57. RINN ET AL. *v.* ASBESTOS MANUFACTURING CO. ET AL. October 9, 1939. Petition for writ of cer-

tiorari to the Circuit Court of Appeals for the Seventh Circuit denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion that the petition for writ of certiorari should be granted. *Mr. Rayford W. Lemley* for petitioners. *Messrs. Eben Lesh and U. S. Lesh* for respondents. Reported below: 101 F. 2d 344.

No. 64. TOWN OF WALKERTON *v.* NEW YORK, CHICAGO & ST. LOUIS RAILROAD Co. October 9, 1939. Petition for writ of certiorari to the Supreme Court of Indiana denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion that the petition for writ of certiorari should be granted. *Mr. Henry M. Dowling* for petitioner. *Mr. Russell P. Harker* for respondent. Reported below: 215 Ind. 206; 18 N. E. 2d 799.

No. 190. KOWALESKI, ADMINISTRATOR *v.* PENNSYLVANIA RAILROAD Co. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion that the petition for writ of certiorari should be granted. *Mr. E. Burke Finnerty* for petitioner. *Mr. John A. Hartpence* for respondent. Reported below: 103 F. 2d 827.

No. 238. MADDEN, DOING BUSINESS AS KOHL & MADDEN PRINTING INK Co. *v.* MAC SIM BAR PAPER Co. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion that the petition for writ of certiorari should be granted. *Mr. Harry C. Howard* for petitioner. *Mr. Marvin J. Schaberg* for respondent. Reported below: 103 F. 2d 974.

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No. 249. WOODS, COURT TRUSTEE, *v.* INDEMNITY INSURANCE Co.; and

No. 250. SAME *v.* GRANADA APARTMENTS, INC., ET AL. October 9, 1939. Petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. MR. JUSTICE ROBERTS took no part in the consideration and decision of this application. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion that the petition for writs of certiorari should be granted. *Mr. Weightstill Woods* for petitioner. No appearance for respondents. Reported below: 104 F. 2d 528.

No. 58. FEDERAL TRADE COMMISSION *v.* GOODYEAR TIRE & RUBBER Co. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. MR. JUSTICE STONE and MR. JUSTICE REED took no part in the consideration and decision of this application. *Solicitor General Jackson* and *Mr. W. T. Kelley* for petitioner. *Mr. Grover Higgins* for respondent. Reported below: 101 F. 2d 620.

No. 88. WINGET KICKERNICK Co. ET AL. *v.* S. S. KRESGE Co. ET AL. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. MR. JUSTICE STONE and MR. JUSTICE ROBERTS took no part in the consideration and decision of this application. *Mr. Frank A. Whiteley* for petitioners. *Messrs. M. J. Doherty, W. E. Rumble, and W. H. Dannat Pell* for respondents. Reported below: 102 F. 2d 740.

Nos. 95 and 96. J. L. PRESCOTT Co. *v.* PROCTER & GAMBLE Co. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. MR. JUSTICE STONE took no part in the

consideration and decision of this application. *Mr. Harry D. Nims* for petitioner. *Messrs. Marston Allen, Frank F. Dinsmore, Thos. G. Haight, and Drury W. Cooper* for respondent. Reported below: 102 F. 2d 773.

No. 98. CORN PRODUCTS REFINING CO. ET AL. *v.* LOFT, INC. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. The CHIEF JUSTICE and MR. JUSTICE ROBERTS took no part in the consideration and decision of this application. *Messrs. Joseph J. Daniels, William G. Davis, Frank H. Hall, Samuel D. Miller, Howard S. Young, Abraham Lowenhaupt, Paul Y. Davis, C. C. LeForgee, and James W. Noel*, for petitioners. *Messrs. Everett Sanders, Frank C. Dailey, and Edward F. Howrey* for respondent. Reported below: 103 F. 2d 1.

Nos. 158 and 159. MCCORMICK ET AL. *v.* RECONSTRUCTION FINANCE CORP.;

No. 160. WERNER ET AL. *v.* SAME;

No. 161. BELE, TRUSTEE, ET AL. *v.* SAME; and

No. 162. UTILITY & INDUSTRIAL CORP. *v.* SAME. October 9, 1939. Petitions for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. MR. JUSTICE REED took no part in the consideration and decision of these applications. *Messrs. George T. Buckingham, Edward R. Johnston, Ralph M. Shaw, Frank H. Towner, Samuel M. Rinaker, Michael F. Gallagher, Earl B. Wilkinson, Matthias Concannon, James F. Oates, Jr., Herbert M. Lautmann, Carroll J. Lord, Benjamin V. Becker, Paul R. Conaghan, and Harold L. Reeve* for petitioners in No. 158; *Messrs. Samuel M. Rinaker, Michael F. Gallagher, and Earl B. Wilkinson* for petitioners in No. 159; *Mr. Franklin J. Stransky* for peti-

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tioners in Nos. 160, 161, and 162. *Solicitor General Jackson, Assistant Attorney General Rogge, and Messrs. Harold Rosenwald, Warner W. Gardner, Clifford J. Durr, and Hans A. Klagsbrunn* for respondent. Reported below: 102 F. 2d 305.

No. 169. *BLAFFER v. COMMISSIONER OF INTERNAL REVENUE*; and

No. 170. *FARISH v. SAME*. October 9, 1939. The application that these cases be consolidated for the purpose of filing petitions for writs of certiorari and that only the record in No. 169 be printed is granted. The petition for writs of certiorari to the Circuit Court of Appeals for the Fifth Circuit is denied. *Mr. Walter E. Barton* for petitioners. *Assistant Solicitor General Bell and Mr. Sewall Key and Miss Helen R. Carloss* for respondent. Reported below: 103 F. 2d 489, 1007; 104 *id.* 833.

No. 180. *THOMPSON, TRUSTEE, v. MURPHY ET AL., EXECUTORS, ET AL.* October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *MR. JUSTICE REED* and *MR. JUSTICE DOUGLAS* took no part in the consideration and decision of this application. *Messrs. Fred L. Williams, Earl F. Nelson, and Fred L. English* for petitioner. *Messrs. William H. Boyd and Ben B. Wickham* for *Murphy et al.*, and *Messrs. Clan Crawford, Benj. F. Fiery, and Howard F. Burns* for *Tomlinson et al.*, respondents. Reported below: 104 F. 2d 10.

Nos. 218 and 219. *THOMPSON, TRUSTEE, v. TERMINAL SHARES, INC., ET AL.* October 9, 1939. Petition for writs of certiorari to the Circuit Court of Appeals for the

Eighth Circuit denied. MR. JUSTICE REED and MR. JUSTICE DOUGLAS took no part in the consideration and decision of this application. *Mr. R. B. Caldwell* for petitioner. *Mr. William B. Cockley* for Terminal Shares, Inc. et al.; *Messrs. Godfrey Goldmark* and *Henry N. Ess* for Guaranty Trust Co. et al.; and *Messrs. Clan Crawford, Benj. F. Fiery,* and *Howard F. Burns* for Tomlinson et al., respondents. Reported below: 104 F. 2d 1, 9.

No. 213. OLLEY ET AL. *v.* PHILADELPHIA & READING COAL & IRON CO. ET AL. October 9, 1939. The motion to dispense with the printing of the record is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit is denied. MR. JUSTICE DOUGLAS took no part in the consideration and decision of this application. *Mr. Vincent A. Carroll* for petitioners. *Mr. Penrose Hertzler* for respondents. Reported below: 103 F. 2d 869.

No. 313. DAYTON HOTEL CO. *v.* CHAS. A. KRAUSE MILLING CO. ET AL. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. MR. JUSTICE DOUGLAS took no part in the consideration and decision of this application. *Mr. Robert W. Wales* for petitioner. *Mr. Morris Karon* for respondents.

No. 257. STANDARD OIL CO. *v.* BONICI. October 9, 1939. It appearing that the judgment has been paid and that the cause has become moot the petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit is denied. MR. JUSTICE ROBERTS took no part in the consideration and decision of this application.

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Messrs. Vernon S. Jones and Raymond Parmer for petitioner. No appearance for respondent. Reported below: 103 F. 2d 437.

No. 36. *TOSTE v. MACLEOD, AUDITOR OF PUERTO RICO, ET AL.* October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. *Mr. James R. Beverley* for petitioner. *Messrs. William Cattron Rigby and Nathan R. Margold* for respondents. Reported below: 101 F. 2d 20.

No. 41. *ALLIED AGENTS, INC. v. UNITED STATES.* October 9, 1939. Petition for writ of certiorari to the Court of Claims denied. *Messrs. William J. Duiker, Clyde Y. Morris, and Bradford S. Magill* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Mr. Sewall Key* for the United States. By special leave of Court, *Mr. Donald Horne* filed a brief, as *amicus curiae*, in support of the petition; *Mr. Thomas M. Wilkins* was on the brief. Reported below: 88 Ct. Cls. 315; 26 F. Supp. 98.

No. 46. *GRIFFIN v. SMITH, COLLECTOR OF INTERNAL REVENUE, and*

No. 47. *SAME v. UNITED STATES.* October 9, 1939. Petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. S. Leo Ruslander, James E. Watson, and Frank C. Dailey* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key and Lee A. Jackson* for respondents. Reported below: 101 F. 2d 348.

No. 147. *SMITH v. HIGGINS, COLLECTOR OF INTERNAL REVENUE.* October 9, 1939. Petition for writ of certio-

rari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. David Sher* for petitioner. *Assistant Solicitor General Bell* and *Messrs. Sewall Key, J. Louis Monarch, Joseph M. Jones, and Warner W. Gardner* for respondent. Reported below: 102 F. 2d 456.

No. 179. *JONES v. PAGE ET AL.* October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. Joseph B. Brennan* and *W. A. Sutherland* for petitioner. *Solicitor General Jackson* and *Messrs. Sewall Key, J. Louis Monarch, and Mills Kitchin* for respondents. Reported below: 102 F. 2d 144.

No. 50. *CONSOLIDATED FREIGHT LINES, INC., v. COMMISSIONER OF INTERNAL REVENUE.* October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Erskine Wood* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key and Lee A. Jackson* for respondent. Reported below: 101 F. 2d 813.

No. 51. *F. J. KRESS BOX CO. ET AL. v. CITY OF PITTSBURGH ET AL.* October 9, 1939. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied. *Mr. A. E. Kountz* for petitioners. *Mr. Cornelius D. Scully* for respondents. Reported below: 333 Pa. 121; 4 A. 2d 528.

No. 52. *LYDERS v. COUNTY OF DEL NORTE.* October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. C. F. R. Ogilby* and *Eric Lyders* for petitioner. *Mr. Charles Reagh* for respondent. Reported below: 100 F. 2d 876.

NO. 53. HYMAN, TRUSTEE IN BANKRUPTCY, *v.* McLENDON ET AL. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. *Messrs. L. D. Jennings and Marion W. Seabrook* for petitioner. No appearance for respondents. Reported below: 102 F. 2d 189; 103 *id.* 294.

NO. 54. BALL *v.* UNITED STATES. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *John D. Ball, pro se. Solicitor General Jackson and Messrs. Julius C. Martin, Wilbur C. Pickett, Young M. Smith and W. Marvin Smith* for the United States. Reported below: 101 F. 2d 272.

NO. 55. MARSHALL ET AL. *v.* DESERT PROPERTIES CO., A COMMON LAW TRUST, ET AL. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. George R. Wickham* for petitioners. *Mr. Harry H. Parsons* for respondents. Reported below: 103 F. 2d 551.

NO. 59. BLAND ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. Everett Sanders and L. A. Gravelle* for petitioners. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key and Arnold Raum* for respondent. Reported below: 102 F. 2d 157.

NO. 60. CHICAGO & NORTHWESTERN RY. Co. *v.* INDUSTRIAL COMMISSION OF ILLINOIS ET AL. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Cook County, Illinois, denied. *Mr. Weldon A. Dayton* for petitioner. *Mr. Joseph F. Elward* for respondents.

No. 61. McCUE ET AL., TRUSTEES, *v.* HUTCHINSON ET AL. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. *Mr. James M. Guiher* for petitioners. No appearance for respondents. Reported below: 101 F. 2d 111.

No. 62. HUTCHINSON ET AL. *v.* McCUE ET AL., TRUSTEES. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. *Mr. Okey P. Keadle* for petitioners. No appearance for respondents. Reported below: 101 F. 2d 111.

No. 65. EDWARD & JOHN BURKE, LTD. *v.* UNITED STATES. October 9, 1939. Petition for writ of certiorari to the Court of Customs and Patent Appeals denied. *Messrs. Benjamin A. Levett, James L. Gerry and Allan R. Brown* for petitioner. *Assistant Solicitor General Bell* and *Mr. John R. Benney* for the United States. Reported below: 26 C. C. P. A. (Customs) 374.

No. 66. LOUISVILLE TRUST CO. *v.* NATIONAL BANK OF KENTUCKY ET AL. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Squire R. Ogden* for petitioner. *Messrs. Robert S. Marx, Frank E. Wood, Edward P. Humphrey,* and *Harry Kasfir* for respondents. Reported below: 102 F. 2d 137.

No. 67. WALKER, TRUSTEE IN BANKRUPTCY, ET AL. *v.* L. MAXCY, INC. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. Claude L. Gray* and *John W.*

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Harrell for petitioners. *Messrs. Howell M. Hampton* and *O. K. Reaves* for respondent. Reported below: 103 F. 2d 24.

No. 71. *ROBY-SOMERS COAL CO. v. ROUTZAHN, COLLECTOR OF INTERNAL REVENUE.* October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Messrs. Arthur C. Denison, Raymond T. Jackson,* and *John C. Morley* for petitioner. *Assistant Solicitor General Bell* and *Messrs. Sewall Key* and *Warren F. Wattles* for respondent. Reported below: 100 F. 2d 228.

No. 76. *ROURANGE, ADMINISTRATRIX, v. COLUMBIAN STEAMSHIP Co.* October 9, 1939. Petition for writ of certiorari to the Court of Appeals of New York denied. *Messrs. Silas Blake Artell* and *Charles A. Ellis* for petitioner. *Mr. Ray Rood Allen* for respondent. Reported below: 254 App. Div. 906; 280 N. Y. 591; 5 N. Y. S. 2d 537; 20 N. E. 2d 28.

No. 79. *STILL ET AL. v. UNION CIRCULATION Co.* October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Arthur I. Obre* for petitioners. *Mr. I. Maurice Wormser* for respondent. Reported below: 101 F. 2d 11.

No. 81. *CUDAHY PACKING Co. v. NATIONAL LABOR RELATIONS BOARD.* October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Edward S. Stringer* for petitioner. *Assistant Solicitor General Bell* and *Messrs. Charles A. Horsky, Charles Fahy, Robert B. Watts,* and *Mortimer B. Wolf* for respondent. Reported below: 102 F. 2d 745.

No. 82. PITTSBURGH FORGING CO. ET AL. *v.* AMERICAN FOUNDRY EQUIPMENT Co. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Messrs. Thomas G. Haight and William F. Hall* for petitioners. *Messrs. George Wharton Pepper, Drury W. Cooper, and Albert M. Austin* for respondent. Reported below: 102 F. 2d 964.

No. 83. ORTIZ OIL Co. *v.* COMMISSIONER OF INTERNAL REVENUE. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Harry C. Weeks* for petitioner. *Assistant Solicitor General Bell* and *Messrs. Sewall Key, Joseph M. Jones, and Robert K. McConnaughey* for respondent. Reported below: 102 F. 2d 508.

No. 84. PITCAIRN ET AL., RECEIVERS, *v.* AMERICAN REFRIGERATOR TRANSIT Co. ET AL. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. Homer Hall and Frank C. Nicodemus, Jr.* for petitioners. *Messrs. J. A. C. Kennedy and Thomas T. Railey* for respondents. Reported below: 101 F. 2d 929.

No. 85. SHAPIRO ET AL. *v.* EVENING TIMES PRINTING & PUBLISHING Co. October 9, 1939. Petition for writ of certiorari to the Court of Errors and Appeals of New Jersey denied. *Carol King* and *Mr. Abraham J. Isserman* for petitioners. *Mr. Louis Adler* for respondent. Reported below: 125 N. J. Eq. 270; 4 A. 2d 843.

No. 90. PHOENIX BLUE DIAMOND EXPRESS *v.* MENDEZ ET AL. October 9, 1939. Petition for writ of certi-

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orari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Henderson Stockton* for petitioner. *Mr. Allen K. Perry* for respondents. Reported below: 103 F. 2d 66.

No. 91. CALIFORNIA FRUIT GROWERS EXCHANGE *v.* NEW YORK, NEW HAVEN & HARTFORD RAILROAD Co. October 9, 1939. Petition for writ of certiorari to the Supreme Court of Errors of Connecticut denied. *Messrs. George E. Farrand, James W. Carpenter, Preston C. King, Jr., and Karl D. Loos* for petitioner. *Mr. Edward R. Brumley* for respondent. Reported below: 125 Conn. 241; 5 A. 2d 353.

No. 93. F. S. LEWIS & CO. ET AL. *v.* UNITED STATES. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Cassius M. Doty* for petitioners. *Assistant Solicitor General Bell* and *Messrs. Sewall Key* and *Robert K. McConnaughey* for the United States. Reported below: 102 F. 2d 177.

No. 97. GELLMAN *v.* OLIVER MACHINERY Co. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Clarence E. Threedy* for petitioner. *Mr. Frank E. Liverance, Jr.* for respondent. Reported below: 104 F. 2d 11.

No. 99. ROBINSON, EXECUTRIX, *v.* COMMISSIONER OF INTERNAL REVENUE. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Robert E. Barber* for petitioner. *Assistant Solicitor General Bell* and *Messrs. Sewall Key, J. Louis Monarch,* and *L. W. Post* for respondent. Reported below: 100 F. 2d 847.

No. 100. SOUTHERN EXTRACT Co. v. GREEN. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Forrest Andrews* for petitioner. *Mr. W. W. Piper* for respondent. Reported below: 103 F. 2d 232.

No. 105. LOUISVILLE REFINING Co. v. NATIONAL LABOR RELATIONS BOARD. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. A. Shelby Winstead* for petitioner. *Assistant Solicitor General Bell* and *Messrs. Charles A. Horsky, Charles Fahy, Robert B. Watts, and Mortimer B. Wolf* for respondent. Reported below: 102 F. 2d 678.

No. 107. KRASKIN v. KRASKIN. October 9, 1939. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Messrs. Lester Wood and Bernard M. Chernoff* for petitioner. *Mr. Raymond Neudecker* for respondent. Reported below: 70 App. D. C. 85; 104 F. 2d 218.

No. 108. HOSPELHORN, RECEIVER, v. CORBIN. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Northampton County, Virginia, denied. *Mr. J. Purdon Wright* for petitioner. *Mr. Stewart K. Powell* for respondent.

No. 109. LANE ET AL. v. EWALD. October 9, 1939. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Messrs. H. Mason Welch and Herbert R. Grossman* for petitioners. *Messrs. William J. Rowan and Eldridge Hood Young* for respondent. Reported below: 70 App. D. C. 89; 104 F. 2d 222.

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No. 113. *BOWEN ET AL. v. HART*. October 9, 1939. Petition for writ of certiorari to the Supreme Court of South Carolina denied. *Mr. A. H. Dagnall* for petitioners. No appearance for respondent. Reported below: 190 S. C. 473; 2 S. E. 2d 52.

No. 114. *TOLEDO RAILWAYS & LIGHT CO. v. McMACKEN, COLLECTOR OF INTERNAL REVENUE, ET AL.* October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. George D. Welles* for petitioner. *Assistant Solicitor General Bell* and *Messrs. Sewall Key, J. Louis Monarch, and Robert K. McConnaughey* for respondents. Reported below: 103 F. 2d 72.

No. 115. *CARBO-FROST, INC. v. PURE CARBONIC, INC., ET AL.* October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. Paul R. Stinson, Arthur Mag, and Roy B. Thomson* for petitioner. *Messrs. Sanford H. E. Freund and Samuel W. Sawyer* for respondents. Reported below: 103 F. 2d 210.

No. 116. *SCHMIDT ET AL. v. UNITED STATES ET AL.*; and

No. 117. *NORTHERN PACIFIC RAILROAD Co., BY SCHMIDT ET AL. v. SAME.* October 9, 1939. Petitions for writs of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. Thomas Boylan, Robert L. Edmiston, Raymond M. Hudson, Minor Hudson, and Geoffrey Creyke, Jr.* for petitioners. *Assistant Solicitor General Bell, Assistant Attorney General Littell, and Messrs. E. E. Danly, Walter L. Pope, and Warner W. Gardner* for the United States. *Messrs. Lorenzo B.*

daPonte, Grandin Tracy Vought, Alfred N. Heuston, and John B. Marsh for Northern Pacific Ry. Co. et al., respondents. Reported below: 102 F. 2d 589.

No. 118. GRAIN HANDLING CO. ET AL. *v.* McMANIGAL, DEPUTY COMMISSIONER, ET AL. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. John B. Richards* for petitioners. *Solicitor General Jackson* and *Messrs. Paul Campbell, Paul A. Sweeney, and Warner W. Gardner* for McManigal, and *Mr. Charles H. Kendall* entered an appearance for Sweeney, respondents. Reported below: 102 F. 2d 464.

No. 123. FIRST NATIONAL BANK OF HUGHES SPRINGS, TEXAS, ET AL. *v.* CENTURY INSURANCE Co. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Hugh Carney* for petitioners. No appearance for respondent. Reported below: 102 F. 2d 726.

No. 125. IDENTIFICATION DEVICES, INC. ET AL. *v.* UNITED STATES. October 9, 1939. Petition for writ of certiorari to the Court of Claims denied. *James M. Rulong, pro se.* *Solicitor General Jackson* and *Mr. Paul A. Sweeney* for the United States. Reported below: 89 Ct. Cls. 141.

No. 126. SHREVE ET AL. *v.* UNITED STATES. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Leslie C. Hardy* for petitioners. *Assistant Solicitor General Bell, Assistant Attorney General Rogge, and Messrs. William W. Barron, J. Albert Woll, and M. Joseph Matan* for the United States. Reported below: 103 F. 2d 796.

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No. 127. *DEVOE v. UNITED STATES*. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Clyde Taylor* for petitioner. *Assistant Solicitor General Bell, Assistant Attorney General Rogge, and Messrs. William W. Barron and Robert K. McConnaughey* for the United States. Reported below: 103 F. 2d 584.

No. 131. *GALVESTON TRUCK LINE CORP. v. TEXAS*. October 9, 1939. Petition for writ of certiorari to the Court of Civil Appeals, 5th Supreme Judicial District, of Texas, denied. *Mr. Frank A. Leffingwell* for petitioner. *Messrs. Gerald C. Mann, Attorney General of Texas, R. E. Kepke, H. Grady Chandler, James Noel, Assistant Attorneys General, and Harold W. McCracken* for respondent. Reported below: 123 S. W. 2d 797.

No. 133. *FETTY v. CARROLL, ADMINISTRATOR*. October 9, 1939. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied. *Messrs. Arthur G. Stone and Donald O. Blagg* for petitioner. *Mrs. Lillian S. Robertson* for respondent. Reported below: 2 S. E. 2d 521.

No. 134. *HANSON ET AL. v. BRUUN ET AL.* October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Therrett Towles* for petitioners. *Messrs. O. C. Moore and W. Lair Thompson* for respondents. Reported below: 103 F. 2d 685.

No. 135. *PENN MUTUAL LIFE INSURANCE Co. v. FORCIER ET AL.* October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth

Circuit denied. *Messrs. Robert Dechert, James C. Jones, Lon O. Hocker, and James C. Jones, Jr.* for petitioner. No appearance for respondents. Reported below: 103 F. 2d 166.

No. 136. *MEACHAM v. HALLEY*. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. H. C. Ray* for petitioner. *Mr. W. E. Wassell* for respondent. Reported below: 103 F. 2d 967.

No. 137. *NEW YORK LIFE INSURANCE CO. v. MALLOY ET AL.* October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. *Messrs. Jonathan Piper and Louis H. Cooke* for petitioner. *Mr. Robert W. Upton* for respondents. Reported below: 103 F. 2d. 439.

No. 140. *TOLENTINO v. PHILIPPINE ISLANDS*. October 9, 1939. Petition for writ of certiorari to the Supreme Court of the Philippines denied. *Moises T. Tolentino, pro se. Solicitor General Jackson, Assistant Attorney General Rogge, and Messrs. William W. Barron, George F. Kneip, Fred E. Strine, Jose Abad Santos, Secretary of Justice and Attorney General of the Philippines, and Roman Ozaeta, Solicitor General of the Philippines,* for respondent.

No. 142. *McVAY v. SWIFT ET AL.* October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Hanun Gardner* for petitioner. *Mr. E. B. Dubuisson* for respondents. Reported below: 102 F. 2d 771.

No. 144. *DODD v. AETNA LIFE INSURANCE CO.* October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Shields M. Goodwin* for petitioner. *Messrs. Grover T. Owens, S. Lasker Ehrman, and E. L. McHaney, Jr.* for respondent. Reported below: 103 F. 2d 793.

No. 148. *BARNETT v. HINES, ADMINISTRATOR OF VETERANS' AFFAIRS.* October 9, 1939. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Messrs. Robert H. McNeill and Ashby Williams* for petitioner. *Solicitor General Jackson* and *Messrs. Paul A. Sweeney and John M. George* for respondent. Reported below: 70 App. D. C. 217; 105 F. 2d 96.

No. 149. *AMERICAN RIO GRANDE LAND & IRRIGATION CO., DEBTOR, ET AL. v. HIDALGO & CAMERON COUNTY WATER CONTROL & IMPROVEMENT DISTRICT No. 9.* October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. Joel H. Berry, Dexter Hamilton, and William A. Vinson* for petitioners. No appearance for respondent. Reported below: 103 F. 2d 509.

No. 153. *UNITED STATES EX REL. JORCZAK v. RAGEN, WARDEN.* October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Steve Jorczak, pro se* and *Richard E. Westbrooks* for petitioner. *Messrs. John E. Cassidy, Attorney General of Illinois, and Wm. C. Clausen, Assistant Attorney General,* for respondent. Reported below: 102 F. 2d 184.

No. 154. *INTERNATIONAL-GREAT NORTHERN RAILROAD CO. ET AL. v. LUCAS ET AL.* October 9, 1939. Petition for

writ of certiorari to the Court of Civil Appeals, 11th Supreme Judicial District, of Texas, denied. *Messrs. Robert H. Kelley and Roy C. Sewell* for petitioners. No appearance for respondents. Reported below: 123 S. W. 2d 760.

No. 155. *WILSON ET AL. v. UNITED STATES*. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. James F. Kemp* for petitioners. *Solicitor General Jackson, Assistant Attorney General Rogge, Messrs. Mahlon D. Kiefer, Fred E. Strine, and W. Marvin Smith* for the United States. Reported below: 104 F. 2d 81.

No. 163. *DAVIS v. UNITED STATES*. October 9, 1939. Petition for writ of certiorari to the Court of Claims denied. *Messrs. Robert H. Montgomery, Thomas G. Haight, J. Marvin Haynes, and James O. Wynn* for petitioner. *Solicitor General Jackson, Assistant Attorney General Clark, and Messrs. Sewall Key, J. Louis Monarch, and Arnold Raum* for the United States. By special leave of Court, *Mr. Hugh Satterlee* filed a brief, as *amicus curiae*, in support of the petition. Reported below: 88 Ct. Cls. 579; 26 F. Supp. 1007.

No. 312. *UNITED LIGHT & POWER CO. v. COMMISSIONER OF INTERNAL REVENUE*. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. Robert N. Miller, Homer Hendricks, and Kenneth F. Burgess* for petitioner. *Solicitor General Jackson and Messrs. Sewall Key, Maurice J. Mahoney, and Richard H. Demuth* for respondent. Reported below: 105 F. 2d 866.

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No. 390. GILBERT D. HEDDEN, TRANSFEREE, *v.* COMMISSIONER OF INTERNAL REVENUE;

No. 391. CONNEEN, TRANSFEREE, *v.* SAME.

No. 392. HATTIE S. HEDDEN, TRANSFEREE, *v.* SAME;
and

No. 393. GERTRUDE S. HEDDEN, TRANSFEREE, *v.* SAME.
October 9, 1939. Petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Messrs. Frederick H. Wood and Ralph E. Lum* for petitioners. *Solicitor General Jackson, Assistant Attorney General Clark, and Messrs. Sewall Key, Arnold Raum, and Maurice J. Mahoney* for respondent. Reported below: 105 F. 2d 311.

No. 164. ILLINOIS EX REL. HOLLIE ET AL. *v.* CHICAGO PARK DISTRICT ET AL. October 9, 1939. Petition for writ of certiorari to the Supreme Court of Illinois denied. *Messrs. Walter F. Dodd, Myer N. Rosengard, and Samuel A. Rinella* for petitioners. *Mr. Joseph B. Fleming* for respondents. Reported below: 296 Ill. App. 365; 16 N. E. 2d 161.

No. 165. CLIFFS CORPORATION *v.* UNITED STATES. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Luther Day* for petitioner. *Solicitor General Jackson and Messrs. Sewall Key, J. Louis Monarch, and Warner W. Gardner* for the United States. Reported below: 103 F. 2d 77.

No. 166. CABLE *v.* COMMISSIONER OF INTERNAL REVENUE. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. J. Nelson Anderson* for petitioner. *Solici-*

tor General Jackson and Messrs. Sewall Key and Harry Marselli for respondent. Reported below: 102 F. 2d 977.

No. 167. *CORRIGAN v. COMMISSIONER OF INTERNAL REVENUE*. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. J. Nelson Anderson* for petitioner. *Solicitor General Jackson and Messrs. Sewall Key and Harry Marselli* for respondent. Reported below: 103 F. 2d 1010.

No. 168. *R. L. BLAFFER & Co. v. COMMISSIONER OF INTERNAL REVENUE*. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Walter E. Barton* for petitioner. *Assistant Solicitor General Bell and Messrs. Sewall Key, Berryman Green, and Warner W. Gardner* for respondent. Reported below: 103 F. 2d 487.

No. 171. *BODINE v. COMMISSIONER OF INTERNAL REVENUE*. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Messrs. W. R. Spofford and Schofield Andrews* for petitioner. *Solicitor General Jackson and Messrs. Sewall Key, Arnold Raum, and Joseph M. Jones* for respondent. Reported below: 103 F. 2d 982.

No. 172. *RENNER COMPANY v. MCNEFF BROTHERS*. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Norman A. Emery* for petitioner. *Messrs. James R. Garfield and Clare M. Vrooman* for respondent. Reported below: 102 F. 2d 664.

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No. 175. *McKesson & Robbins, Inc. v. Edwards, Collector of Internal Revenue*. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Donald Horne* for petitioner. *Solicitor General Jackson* and *Messrs. Sewall Key, J. Louis Monarch, W. Croft Jennings,* and *Warner W. Gardner* for respondent. Reported below: 102 F. 2d 995.

No. 177. *Minnesota Tribune Co. v. Willcuts et al.* October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Arnold L. Guesmer* for petitioner. *Solicitor General Jackson* and *Messrs. Sewall Key, J. Louis Monarch, Arnold Raum,* and *Paul S. McMahon* for respondents. Reported below: 103 F. 2d 947.

No. 178. *United States ex rel. New River Co. v. Morgenthau, Secretary of the Treasury, et al.* October 9, 1939. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Messrs. J. Bruce Kremer, George S. Fuller, Herbert M. Bingham, Bruce A. Low,* and *H. Donald Kistler* for petitioner. *Solicitor General Jackson* and *Messrs. Sewall Key, Arnold Raum,* and *Lee A. Jackson* for respondents. Reported below: 70 App. D. C. 171; 105 F. 2d 50.

No. 181. *Minneec v. United States*. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Ray E Lane* for petitioner. *Solicitor General Jackson, Assistant Attorney General Rogge,* and *Messrs. William W. Barron, J. Albert Woll, M. Joseph Matan,* and *W. Marvin Smith* for the United States. Reported below: 104 F. 2d 575.

No. 185. *FABIAN, EXECUTRIX, ET AL. v. CONWAY ET AL.* October 9, 1939. Petition for writ of certiorari to the Supreme Court of Montana denied. *Mr. S. P. Wilson* for petitioners. *Mr. J. A. Poore* for respondents. Reported below: 108 Mont. 287; 89 P. 2d 1022.

No. 186. *LEVEY, EXECUTRIX, v. SMITH, COLLECTOR OF INTERNAL REVENUE.* October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. Joseph J. Daniels* and *G. R. Redding* for petitioner. *Solicitor General Jackson* and *Mr. Sewall Key* and *Louise Foster* for respondent. Reported below: 103 F. 2d 643.

No. 187. *MILINKOVITCH v. SUPERINTENDENT OF INSURANCE OF NEW YORK, LIQUIDATOR, ET AL.* October 9, 1939. Petition for writ of certiorari to the Supreme Court of New York denied. *Mr. Louis Boehm* for petitioner. *Mr. J. Paul Brennan* for the Superintendent of Insurance, and *Messrs. Edwin D. Hays* and *Ralph Wolf* for National Bondholders Corp. et al., respondents. Reported below: 254 App. Div. 835; 280 N. Y. 514; 6 N. Y. S. 2d 160; 19 N. E. 2d 921.

No. 191. *BANK OF COMMERCE LIQUIDATING CO. v. BECKER, COLLECTOR OF INTERNAL REVENUE;* and

No. 192. *MERCANTILE LIQUIDATING CO. v. SAME.* October 9, 1939. Petition for writs of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. Abraham Lowenhaupt* and *Stanley S. Waite* for petitioners. *Solicitor General Jackson* and *Messrs. Sewall Key* and *Lee A. Jackson* for respondent. Reported below: 102 F. 2d 633; 103 *id.* 1007.

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No. 197. FEDERAL CRUDE OIL Co. *v.* YOUNT-LEE OIL Co. ET AL. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. William D. Gordon and E. E. East-erling* for petitioner. *Messrs. Beeman Strong and Will E. Orgain* for respondents. Reported below: 103 F. 2d 171.

No. 198. WELLS, TRUSTEE, *v.* BOYLE, TREASURER OF CUYAHOGA COUNTY, OHIO. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Amos Burt Thompson* for petitioner. *Mr. Fred W. Green* for respondent. Reported below: 103 F. 2d 237.

No. 202. RALPH FELDMAN *v.* UNITED STATES; and
No. 203. JACOB FELDMAN *v.* SAME. October 9, 1939. Petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Warren H. Van Kirk* for petitioners. *Solicitor General Jackson, Assistant Attorney General Rogge, and Messrs. Mahlon D. Kiefer and W. Marvin Smith* for the United States. Reported below: 104 F. 2d 255.

No. 206. A. S. BOYLE Co. *v.* PACIFIC MARINE SUPPLY Co. ET AL. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. George P. Dike and Cedric W. Porter* for petitioner. *Mr. Fred H. Miller* for respondents. Reported below: 103 F. 2d 288.

No. 207. McLEAN ET AL. *v.* TEXAS COMPANY. October 9, 1939. Petition for writ of certiorari to the Circuit

Court of Appeals for the Fifth Circuit denied. *Messrs. William D. Gordon and E. E. Easterling* for petitioners. *Messrs. C. R. Wharton, John C. Jackson, and John E. Green, Jr.* for respondent. Reported below: 103 F. 2d 989.

No. 209. *ROGERS ET AL. v. COMMISSIONER OF INTERNAL REVENUE.* October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. L. A. Luce, Claude I. Parker, and John B. Milliken* for petitioners. *Solicitor General Jackson and Messrs. Sewall Key, J. Louis Monarch, S. Dee Hanson, and Richard H. Demuth* for respondent. Reported below: 103 F. 2d 790.

No. 211. *CONNERS MARINE CO. v. AMERICAN MOLASSES CO. ET AL.* October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Charles W. Hagen* for petitioner. *Mr. Chauncey I. Clark* for respondents. Reported below: 103 F. 2d 772.

No. 217. *BASS, ADMINISTRATRIX, v. DEHNER, EXECUTRIX.* October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Mr. R. Preston Shealey* for petitioner. *Mr. Austin F. Canfeld* for respondent. Reported below: 103 F. 2d 28.

No. 221. *MANILA ELECTRIC CO. v. PASAY TRANSPORTATION Co.* October 9, 1939. Petition for writ of certiorari to the Supreme Court of the Philippines denied. *Mr. Ewald E. Selph* for petitioner. *Mr. Ramon Diokno* for respondent.

NO. 223. CARRIER ENGINEERING CORP. *v.* HORVATH ET AL. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Charles J. Staples* for petitioner. *Messrs. Richard Ford and Merlin Whiley* for Horvath, and *Mr. Frank Parker Davis* for McCord Radiator & Mfg. Co., respondents. Reported below: 100 F. 2d 326.

NO. 225. DE ARYAN *v.* AKERS. October 9, 1939. Petition for writ of certiorari to the Supreme Court of California denied. *C. Leon de Aryan, pro se.* *Roy O. Akers, pro se.* Reported below: 12 Cal. 2d 781; 87 P. 2d 695.

NO. 228. GENERAL TIRE & RUBBER CO. *v.* FISK RUBBER CORP. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Messrs. Albert L. Ely and William C. McCoy* for petitioner. *Messrs. F. O. Richey and F. G. Neal* for respondent. Reported below: 104 F. 2d 740.

NO. 231. GARRISON *v.* THOMPSON ET AL., TRUSTEES. October 9, 1939. Petition for writ of certiorari to the Supreme Court of Missouri denied. *Mr. Walter H. Maloney* for petitioner. *Messrs. Thomas J. Cole, A. Z. Patterson, and DeWitt C. Chastain* for respondents. Reported below: 344 Mo. 579; 127 S. W. 2d 649.

NO. 232. TERMINAL RAILROAD ASSOCIATION OF ST. LOUIS *v.* SHEEHAN, ADMINISTRATRIX. October 9, 1939. Petition for writ of certiorari to the Supreme Court of Missouri denied. *Messrs. T. M. Pierce and Walter Naylor Davis* for petitioner. *Messrs. Mark D. Eagleton and*

Roberts P. Elam for respondent. Reported below: 344 Mo. 586; 127 S. W. 2d 657.

No. 241. NOBLE, COMMITTEE, *v.* UNITED STATES. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Jacob W. Friedman* for petitioner. *Messrs. N. A. Townsend, Julius C. Martin, Wilbur C. Pickett, Thomas E. Walsh, and W. Marvin Smith* for the United States. Reported below: 103 F. 2d 1017.

No. 244. KELLOGG SWITCHBOARD & SUPPLY Co. *v.* MICHIGAN BELL TELEPHONE Co. ET AL. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Messrs. S. Ashley Guthrie and Curtis B. Camp* for petitioner. *Messrs. Merrill E. Clark and William R. Ballard* for respondents. Reported below: 99 F. 2d 203.

No. 245. KELLOGG SWITCHBOARD & SUPPLY Co. *v.* MICHIGAN BELL TELEPHONE Co. ET AL. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Messrs. S. Ashley Guthrie and Curtis B. Camp* for petitioner. *Messrs. Merrill E. Clark and William R. Ballard* for respondents. Reported below: 99 F. 2d 207.

No. 247. GREANEY *v.* DEITRICK, RECEIVER. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. *Mr. Thomas H. Mahony* for petitioner. No appearance for respondent. Reported below: 103 F. 2d 83.

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No. 248. LITCHFIELD & MADISON RY. CO. *v.* GIESEKING. October 9, 1939. Petition for writ of certiorari to the Supreme Court of Missouri denied. *Messrs. Samuel H. Liberman* and *T. M. Pierce* for petitioner. *Mr. Louis E. Miller* for respondent. Reported below: 344 Mo. 672; 127 S. W. 2d 700.

No. 254. MERRITT, RECEIVER, ET AL. *v.* MT. FOREST FUR FARMS. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. William Wilson Brashear* for petitioners. *Messrs. Ross W. Shumaker* and *Robert S. Marx* for respondent. Reported below: 103 F. 2d 69.

No. 258. COULTER, TRUSTEE, *v.* BLIEDEN, TRUSTEE, ET AL. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. Edward H. Coulter* and *Kenneth W. Coulter* for petitioner. *Mr. Arthur L. Adams* for respondents. Reported below: 104 F. 2d 29.

No. 259. HINSHAW, ADMINISTRATRIX, *v.* NEW ENGLAND MUTUAL LIFE INSURANCE Co.; and

No. 260. SAME *v.* MASSACHUSETTS MUTUAL LIFE INSURANCE Co. October 9, 1939. Petition for writs of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Ira B. Burns* for petitioner. *Mr. Samuel W. Sawyer* for respondent in No. 259; and *Mr. Edgar Shook* for respondent in No. 260. Reported below: 104 F. 2d 45.

No. 261. PRUDENTIAL INSURANCE Co. *v.* NELSON, TRUSTEE IN BANKRUPTCY. October 9, 1939. Petition for

writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. William Marshall Bullitt* for petitioner. *Mr. Chas. S. Coffey* for respondent. Reported below: 101 F. 2d 441.

No. 264. WALSH ET AL., DOING BUSINESS UNDER THE FIRM NAME AND STYLE OF GARBUTT-WALSH *v.* TADLOCK ET AL. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. Lloyd S. Nix* and *Lilian M. Fish* for petitioners. *Mr. Adam Thompson* for respondents. Reported below: 104 F. 2d 131.

No. 267. CROWE COAL CO. *v.* NATIONAL LABOR RELATIONS BOARD. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Frank H. Terrell* for petitioner. *Solicitor General Jackson* and *Messrs. Charles Fahy, Laurence A. Knapp, and Mortimer B. Wolf* for respondent. Reported below: 104 F. 2d 633.

No. 269. HAYNES DRILLING CO. *v.* INDIAN TERRITORY ILLUMINATING OIL Co. October 9, 1939. Petition for writ of certiorari to the Supreme Court of Oklahoma denied. *Mr. Harry O. Glasser* for petitioner. *Messrs. W. P. McGinnis* and *Donald Prentice* for respondent. Reported below: 185 Okla. 122; 90 P. 2d 639.

No. 273. FRANK HODOROWICZ *v.* UNITED STATES;

No. 274. DOWAIT *v.* SAME; and

No. 275. PETER HODOROWICZ *v.* SAME. October 9, 1939. Petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. George*

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K. Bowden for petitioners. *Solicitor General Jackson*, *Assistant Attorney General Rogge*, and *Messrs. Mahlon D. Kiefer* and *W. Marvin Smith* for the United States. Reported below: 105 F. 2d 218.

No. 276. *MIKE HODOROWICZ v. UNITED STATES*; and
No. 277. *DOWAIT v. SAME*. October 9, 1939. Petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. George K. Bowden* for petitioners. *Solicitor General Jackson*, *Assistant Attorney General Rogge*, and *Messrs. Mahlon D. Kiefer* and *W. Marvin Smith* for the United States. Reported below: 105 F. 2d 220.

No. 278. *PENNSYLVANIA RAILROAD CO. v. SELWAY, ADMINISTRATRIX*. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Ray Rood Allen* and *Frederic D. McKenney* for petitioner. *Mr. Simone N. Gazan* for respondent. Reported below: 105 F. 2d 1021.

No. 279. *SCHENCK EX REL. CHU GUAY OI v. WARD, U. S. COMMISSIONER OF IMMIGRATION*. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. *Mr. John W. Schenck* for petitioner. *Solicitor General Jackson*, *Assistant Attorney General Rogge*, and *Messrs. George F. Kneip*, *Fred E. Strine*, and *W. Marvin Smith* for respondent. Reported below: 104 F. 2d 93.

No. 280. *WOODS v. RAINS ET UX*. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Ap-

peals for the Eighth Circuit denied. *Weightstill Woods, pro se*. No appearance for respondents. Reported below: 104 F. 2d 137.

No. 282. *ZEGURA v. UNITED STATES*. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Roger O'Donnell* for petitioner. *Solicitor General Jackson, Assistant Attorney General Rogge, and Messrs. George F. Kneip and Richard H. Demuth* for the United States. Reported below: 104 F. 2d 34.

No. 283. *SOUTHWESTERN GAS & ELECTRIC CO. v. CITY OF TEXARKANA ET AL.* October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. John J. King and William H. Arnold, Jr.* for petitioner. *Mr. Ed B. Levee, Jr.* for respondents. Reported below: 104 F. 2d 847.

No. 285. *LOS ANGELES v. IRVING TRUST CO., TRUSTEE, ET AL.* October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. David M. Wood and W. Morton Carden* for petitioner. *Mr. Allen R. Memhard* for respondents. Reported below: 103 F. 2d 785.

No. 287. *VALLETTE ET AL. v. CITY OF VERO BEACH*. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. E. R. Sloan* for petitioners. *Mr. Robert J. Pleus* for respondent. Reported below: 104 F. 2d 59.

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No. 288. CITY OF MOHALL ET AL. *v.* FIRST NATIONAL BANK OF SLEEPY EYE ET AL. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. W. H. Shure and P. M. Clark* for petitioners. No appearance for respondents. Reported below: 105 F. 2d 315.

No. 289. HEININGER ET AL. *v.* FARLEY, POSTMASTER GENERAL. October 9, 1939. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Messrs. John J. Sirica and Floyd Lanham* for petitioners. *Solicitor General Jackson, Assistant Attorney General Rogge, and Messrs. William W. Barron and George F. Kneip* for respondent. Reported below: 70 App. D. C. 200; 105 F. 2d 79.

No. 290. RAMBUSCH DECORATING CO. *v.* BROTHERHOOD OF PAINTERS, DECORATORS & PAPERHANGERS OF AMERICA ET AL. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. David Groberg* for petitioner. No appearance for respondents. Reported below: 105 F. 2d 134.

No. 291. WEST, TRUSTEE, ET AL. *v.* CITY OF EL PASO; and

No. 292. CITY OF EL PASO *v.* WEST, TRUSTEE, ET AL. October 9, 1939. Petitions for writs of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. James H. Pershing and Robert G. Bosworth* for West et al. *Mr. A. W. Norcop* for the City of El Paso. Reported below: 102 F. 2d 927; 104 *id.* 96.

No. 293. RAKONICK *v.* HAMILTON BROWN SHOE CO. ET AL. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Joseph Rakonick, pro se.* No appearance for respondents. Reported below: 103 F. 2d 533.

No. 295. JAMISON *v.* WILLOUGHBY. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Inghram D. Hook* for petitioner. No appearance for respondent. Reported below: 103 F. 2d 821.

No. 299. WOODMEN OF THE WORLD LIFE INSURANCE SOCIETY *v.* FEDERAL COMMUNICATIONS COMMISSION ET AL. October 9, 1939. 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 Messrs. Robert E. Sher, Hugh B. Cox, and William J. Dempsey* for respondents. Reported below: 70 App. D. C. 196; 105 F. 2d 75.

No. 304. MCKEEVER ET AL., LIQUIDATORS, ET AL. *v.* FONTENOT, U. S. COLLECTOR. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. David Paine* for petitioners. *Solicitor General Jackson* and *Messrs. Sewall Key* and *Joseph M. Jones* for respondent. Reported below: 104 F. 2d 326.

No. 306. READING *v.* TRAVELERS INSURANCE CO. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

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Mr. J. Fred Katzmaier for petitioner. *Mr. R. Granville Curry* for respondent. Reported below: 104 F. 2d 257.

No. 320. LAMBORN & Co. *v.* UNITED STATES. October 9, 1939. Petition for writ of certiorari to the Court of Customs and Patent Appeals denied. *Mr. Alfred C. B. McNevin* for petitioner. *Solicitor General Jackson* and *Messrs. Charles D. Lawrence* and *John R. Benney* for the United States. Reported below: 104 F. 2d 75.

No. 325. BOB *v.* UNITED STATES. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. George F. Thompson* for petitioner. *Solicitor General Jackson*, *Assistant Attorney General Rogge*, and *Messrs. William W. Barron*, *J. Albert Woll*, *William J. Connor*, and *W. Marvin Smith* for the United States. Reported below: 106 F. 2d 27.

No. 328. NUDELMAN *v.* UNITED STATES. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Leo L. Donahoe* for petitioner. *Solicitor General Jackson* and *Assistant Attorney General Littell* for the United States. Reported below: 104 F. 2d 549.

No. 226. CLEVELAND *v.* SANFORD, WARDEN. October 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. *Gaylie R. Cleveland*, *pro se*. No appearance for respondent. Reported below: 103 F. 2d 887.

No. 374. *WILSON v. LOUISVILLE JOINT STOCK LAND BANK ET AL.* October 16, 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. Morton S. Hawkins* for petitioner. *Mr. Gerald R. Redding* for respondents. Reported below: 105 F. 2d 302.

No. 157. *WEBER v. UNITED STATES.* October 16, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. MR. JUSTICE DOUGLAS took no part in the consideration and decision of this application. *Mr. H. C. Wade* for petitioner. *Solicitor General Jackson, Assistant Attorney General Rogge, and Messrs. William W. Barron, George F. Kneip, and W. Marvin Smith* for the United States. Reported below: 103 F. 2d 301; 104 *id.* 300.

No. 266. *VIRGINIAN RAILWAY CO. v. UNITED STATES.* October 16, 1939. Petition for writ of certiorari to the Court of Claims denied. *Messrs. W. H. T. Loyall and John C. Donnally* for petitioner. *Solicitor General Jackson and Mr. Paul A. Sweeney* for the United States. Reported below: 88 Ct. Cls. 142.

No. 268. *FEDERAL EXPORT CORPORATION v. UNITED STATES.* October 16, 1939. Petition for writ of certiorari to the Court of Claims denied. *Messrs. Henry M. Ward, Kingman Brewster, and O. R. Folsom-Jones* for petitioner. *Solicitor General Jackson and Messrs. Sewall Key and Richard H. Demuth* for the United States. Reported below: 88 Ct. Cls. 60; 25 F. Supp. 109.

No. 302. *PALMER ET AL., TRUSTEES OF THE PROPERTY OF OLD COLONY RAILROAD CO., v. PALMER ET AL., TRUS-*

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TEES OF THE PROPERTY OF NEW YORK, NEW HAVEN & HARTFORD RAILROAD CO. ET AL.; and

No. 321. PALMER ET AL., TRUSTEES OF THE PROPERTY OF NEW YORK, NEW HAVEN & HARTFORD RAILROAD CO. ET AL. *v.* PALMER ET AL., TRUSTEES OF THE PROPERTY OF OLD COLONY RAILROAD Co. October 16, 1939. Petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Robert G. Dodge and Oscar M. Shaw* for the Trustees of the Old Colony R. Co. *Mr. Hermon J. Wells* for the Trustees of the New York, N. H. & H. R. Co. Reported below: 104 F. 2d 161.

No. 308. UNION DREDGING CO. *v.* BRASHEAR, ADMINISTRATRIX. October 16, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Jewel Alexander* for petitioner. *Messrs. Daniel W. Hone, S. Hasket Derby, and Joseph C. Sharp* for respondent. Reported below: 104 F. 2d 762.

No. 315. STATE AUTOMOBILE MUTUAL INSURANCE CO. *v.* YORK ET AL. October 16, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. *Mr. Murray Allen* for petitioner. *Mr. Kenneth C. Royall* for respondents. Reported below: 104 F. 2d 730.

No. 319. CENTRAL RAILROAD COMPANY OF NEW JERSEY *v.* PENNSYLVANIA RAILROAD Co. October 16, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Paul Speer* for petitioner. *Mr. Chauncey I. Clark* for respondent. Reported below: 103 F. 2d 428.

No. 323. MITCHELL ET AL. *v.* OTTINGER, RECEIVER. October 16, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

Messrs. Walter B. Gibbons and John Martin Doyle for petitioners. No appearance for respondent. Reported below: 105 F. 2d 334.

No. 326. UNIVIS CORPORATION ET AL. *v.* RIPS ET AL.; and

No. 327. SAME *v.* GRIMSHAW. October 16, 1939. Petition for writs 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. Victor D. Borst and Otto F. Barthel* for respondents. Reported below: 104 F. 2d 749.

No. 330. AMERICAN NATIONAL INSURANCE Co. *v.* YEE LIM SHEE ET AL. October 16, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. John Walton Dinkelspiel* for petitioner. *Messrs. A. B. Bianchi and James M. Hanley* for respondents. Reported below: 104 F. 2d 688.

No. 331. NEW YORK LIFE INSURANCE Co. *v.* OSTROFF ET AL. October 16, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. Edwin A. Meserve and Louis H. Cooke* for petitioner. No appearance for respondents. Reported below: 104 F. 2d 986.

No. 332. WATERMAN *v.* NEW YORK LIFE INSURANCE Co. October 16, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Arthur Rosenblum* for petitioner. *Mr. Louis H. Cooke* for respondent. Reported below: 104 F. 2d 990.

No. 333. *TAYLOR v. MERRILL, TRUSTEE*. October 16, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. John W. Ross and Francis M. Hartman* for petitioner. *Mr. Fred Blair Townsend* for respondent. Reported below: 104 F. 2d 710.

No. 334. *STARK v. HOWE SOUND CO. ET AL.* October 16, 1939. Petition for writ of certiorari to the Court of Appeals of New York denied. *Mr. Anthony Kabatt* for petitioner. *Mr. Thomas D. Thacher* for respondents. Reported below: 241 App. Div. 637; 242 *id.* 668; 254 *id.* 919; 280 N. Y. 622, 837; 148 Misc. 686; 266 N. Y. S. 368; 269 N. Y. S. 936; 271 N. Y. S. 1097; 5 N. Y. S. 2d 551; 20 N. E. 2d 1007; 21 N. E. 2d 885.

No. 337. *CORPORATION OF AMERICA v. CAMPBELL*. October 16, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. Hugo A. Steinmeyer and Louis Ferrari* for petitioner. *Mr. George A. Judson* for respondent. Reported below: 105 F. 2d 197.

No. 338. *SCHUMACHER ET AL., TRUSTEES, v. KING*. October 16, 1939. Petition for writ of certiorari to the District Court of Appeal, 1st Appellate District, of California, denied. *Messrs. Allan P. Matthew and John O. Moran* for petitioners. *Mr. Louis E. Goodman* for respondent. Reported below: 32 Cal. App. 2d 172; 89 P. 2d 466.

No. 339. *DOTY, SECRETARY OF BANKING, RECEIVER, v. UNITED STATES*. October 16, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Albert T. Bauerle* for petitioner.

Solicitor General Jackson and Messrs. Sewall Key and Richard H. Demuth for the United States. Reported below: 104 F. 2d 260.

No. 344. MARTIN, TRUSTEE, *v.* NEW YORK LIFE INSURANCE Co. October 16, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. John Marshall Giltinon* for petitioner. *Messrs. John E. MacLeish and Louis H. Cooke* for respondent. Reported below: 104 F. 2d 573.

No. 345. MARTIN, TRUSTEE, *v.* EQUITABLE LIFE ASSURANCE SOCIETY. October 16, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. John Marshall Giltinon* for petitioner. *Messrs. Frederic Burnham and David F. Rosenthal* for respondent. Reported below: 104 F. 2d 573.

No. 348. LUKE HANNON *v.* UNITED STATES;

No. 349. JOSEPH HANNON *v.* SAME;

No. 350. THOMAS HANNON *v.* SAME;

No. 351. ROSENBERG *v.* SAME; and

No. 352. STONE *v.* SAME. October 16, 1939. Petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Jacob Weinstein* for petitioners. *Solicitor General Jackson, Assistant Attorney General Rogge, and Messrs. Mahlon D. Kiefer and W. Marvin Smith* for the United States. Reported below: 105 F. 2d 390.

No. 406. ALLEN *v.* ILLINOIS; and

No. 448. GENDUSA *v.* LOUISIANA. See *ante*, p. 511.

No. 94. *BURAK v. UNITED STATES*. October 23, 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. *Mr. Theodore S. Turner* for petitioner. No appearance for the United States. Reported below: 101 F. 2d 137.

No. 189. *BERNARDS ET AL. v. JOHNSTON ET AL.* October 23, 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. *Martin J. Bernards* and *Lena Bernards, pro se*. *Messrs. H. G. Platt* and *William L. Brewster* for respondents. Reported below: 103 F. 2d 567.

No. 233. *LARGE v. METROPOLITAN LIFE INSURANCE CO.* October 23, 1929. 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. *Herbert Large, pro se*. No appearance for respondent. Reported below: 103 F. 2d 593.

No. 234. *WHARTON ET AL. v. SHENANDOAH PUBLISHING HOUSE ET AL.* October 23, 1939. 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. *Annie R. Wharton* and *M. Elston Wharton, pro se*. No appearance for respondents. Reported below: 101 F. 2d 310.

No. 284. *HILL v. TOPEKA MORRIS PLAN.* October 23, 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. *Robt. L. Hill, pro se*. No appearance for respondent. Reported below: 105 F. 2d 299.

No. 404. LEWIS-KURES ET AL. *v.* EDWARD R. WALSH & Co. October 23, 1939. 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. *Messrs. Silas Blake Axtell and Winter S. Martin* for petitioners. *Mr. William Butler* for respondent. Reported below: 102 F. 2d 42.

No. 439. LEWIS *v.* ASHE, WARDEN, ET AL. October 23, 1939. Petition for writ of certiorari to the Supreme Court of Pennsylvania, and motion for leave to proceed further *in forma pauperis*, denied. *Thomas Lewis, pro se*. No appearance for respondents. Reported below: 335 Pa. 575; 7 A. 2d 296.

No. 353. MILK WAGON DRIVERS UNION OF CHICAGO, LOCAL 753, ET AL. *v.* MEADOWMOOR DAIRIES, INC. October 23, 1939. On consideration of the suggestion of a diminution of the record and motion for a writ of certiorari in that relation, the motion for a writ of certiorari is granted. The petitioner for writ of certiorari to the Supreme Court of Illinois is denied. *Messrs. Joseph Padway and Myron D. Alexander* for petitioners. *Mr. Charles S. Deneen* for respondent. Reported below: 371 Ill. 377; 21 N. E. 2d 308.

No. 372. HARVEY *v.* CITY OF ST. PETERSBURG. October 23, 1939. Petition for writ of certiorari to the

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Supreme Court of Florida denied for the want of a final judgment. *Mr. C. I. Carey* for petitioner. *Mr. Erle B. Askeu* for respondent. Reported below: 138 Fla. 597; 189 So. 861.

No. 375. *STACKPOLE SONS, INC., ET AL. v. HOUGHTON MIFFLIN Co.* October 23, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. MR. JUSTICE FRANKFURTER took no part in the consideration and decision of this application. *Messrs. Murray C. Bernays* and *Henry Gale* for petitioners. *Mr. Archie O. Dawson* for respondent. Reported below: 104 F. 2d 306.

No. 307. *MARSHALL v. UNITED STATES.* October 23, 1939. Petition for writ of certiorari to the Court of Claims denied. *Messrs. C. Leo DeOrsey, Milton W. King,* and *Bernard I. Nordlinger* for petitioner. *Solicitor General Jackson, Assistant Attorney General Clark,* and *Mr. Sewall Key* for the United States. Reported below: 88 Ct. Cls. 393; 26 F. Supp. 474.

No. 335. *WESTERN UNION TELEGRAPH CO. ET AL. v. PARKER RUST-PROOF CO. ET AL.;* and

No. 414. *PARKER RUST-PROOF CO. ET AL. v. WESTERN UNION TELEGRAPH CO. ET AL.* October 23, 1939. Petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Alfred M. Houghton, Wade H. Ellis, Challen B. Ellis,* and *Woodson P. Houghton* for Western Union Telegraph Co. et al. *Messrs. Scott H. Lilly* and *Wilber Owen* for Parker Rust-Proof Co. et al. Reported below: 105 F. 2d 976.

No. 356. *IN THE MATTER OF DAN W. TRACY.* October 23, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

Mr. Isaac Lobe Straus for petitioner. *Mr. Walter Gordon Merritt* for Allen Bradley Co. et al. Reported below: 106 F. 2d 96.

No. 358. STANDARD SURETY & CASUALTY CO. *v.* STANDARD ACCIDENT INSURANCE CO. October 23, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. E. R. Morrison* and *Douglas Stripp* for petitioner. *Messrs. Paul V. Barnett* and *Henry N. Ess* for respondent. Reported below: 104 F. 2d 492.

No. 360. COLTMAN *v.* COLGATE-PALMOLIVE-PEET CO. October 23, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Samuel E. Darby, Jr.* for petitioner. *Messrs. Drury W. Cooper, Louis Quarles, Arthur M. Hood, Mason Trowbridge,* and *David A. Fox* for respondent. Reported below: 104 F. 2d 508.

Nos. 361 and 362. JAMES TALCOTT, INC. *v.* GLAVIN, TRUSTEE. October 23, 1939. Petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Messrs. Sidney L. Jacobs* and *Emanuel Weitz* for petitioner. *Mr. Walter J. Bilder* for respondent. Reported below: 104 F. 2d 851.

No. 363. GLENN ET AL. *v.* LEWIS ET AL. October 23, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Mr. H. A. Ledbetter* for petitioners. *Mr. William Belton Moore* for Lewis, and *Solicitor General Jackson, Assistant Attorney General Littell,* and *Messrs. C. W. Leaphart* and *Norman MacDonald* for the United States, respondents. Reported below: 105 F. 2d 398.

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No. 364. *WALES v. JACOBS*. October 23, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Harry F. Payer* for petitioner. *Mr. R. T. Jackson* for respondent. Reported below: 104 F. 2d 264.

No. 368. *NEIDICH v. COMMISSIONER OF INTERNAL REVENUE*. October 23, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Ruby R. Vale* for petitioner. *Solicitor General Jackson, Assistant Attorney General Clark, and Mr. Sewall Key* for respondent. Reported below: 105 F. 2d 1019.

No. 369. *SIG ELLINGSON & Co. v. MASON CITY PRODUCTION CREDIT ASSOCIATION*. October 23, 1939. Petition for writ of certiorari to the Supreme Court of Minnesota denied. *Mr. Clarence G. Myers* for petitioner. *Solicitor General Jackson and Messrs. Peyton R. Evans, Russell D. Burchard, Richard H. Demuth, and Joseph F. Cowern* for respondent. Reported below: 205 Minn. 537; 286 N. W. 713.

No. 373. *ACME TANK CLEANING PROCESS CORP. v. SALVAGE PROCESS CORP. ET AL.* October 23, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. W. Hastings Swenarton* for petitioner. *Messrs. Albert Stickney and Hersey Egginton* for respondents. Reported below: 104 F. 2d 105.

No. 377. *UNITED STATES v. AMERICAN MEDICAL ASSOCIATION ET AL.* October 23, 1939. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Solicitor General Jackson* for peti-

tioner. *Messrs. William E. Leahy, Chas. S. Baker, Seth W. Richardson, and John E. Laskey* for respondents. Reported below: 28 F. Supp. 752.

No. 378. *BRITISH-AMERICAN TOBACCO CO. v. FEDERAL RESERVE BANK OF NEW YORK*. October 23, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Joseph M. Hartfield and Roy H. Callahan* for petitioner. *Messrs. Walter S. Logan, Dean G. Acheson, and Charles A. Horsky* for respondent. Reported below: 104 F. 2d 652; 105 *id.* 935.

No. 408. *DEAN v. UNITED STATES*. November 6, 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. *Harry Dean, pro se*. No appearance for the United States. Reported below: 104 F. 2d 1013.

No. 434. *QUEEN v. UNITED STATES*. November 6, 1939. 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. Chas. G. Lee, Jr.*, for petitioner. No appearance for the United States. Reported below: 105 F. 2d 146.

No. 286. *PARMELE v. OHIO*. November 6, 1939. The motion for leave to proceed on a typewritten record is granted. The motion of John Rossel to be made a party is denied because filed too late. The petition for writ of certiorari to the Supreme Court of Ohio is denied. *Mr. Robert W. Newton* for petitioner. *Mr. Joel S. Rhinefort* for respondent. Reported below: 135 Ohio St. 134; 19 N. E. 2d 901.

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No. 382. *McKENNEY v. SWAYNE & HOYT, LTD., ET AL.* November 6, 1939. The motion for leave to proceed on a typewritten record is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit is denied. *Mr. Alex W. Swords* for petitioner. *Messrs. Geo. H. Terriberry* and *Jos. M. Rault* for respondents. Reported below: 104 F. 2d 20.

No. 428. *CLARK v. DEITRICK, RECEIVER, ET AL.* November 6, 1939. The motion for leave to file typewritten documents as part of the record in lieu of printing is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit is denied. *Messrs. Thomas H. Mahony* and *David Stoneman* for petitioner. *Messrs. Brenton K. Fisk* and *Andrew J. Aldridge* entered an appearance for respondents. Reported below: 105 F. 2d 265.

No. 441. *STANDARD OIL COMPANY OF NEW JERSEY v. A/B SVENSKA AMERIKA LINIEN.* November 6, 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 and decision of this application. *Messrs. William H. McGrann* and *Ira A. Campbell* for petitioner. *Mr. John W. Griffin* for respondent. Reported below: 105 F. 2d 924.

No. 318. *TEXAS COMPANY ET AL. v. PARISH OF JEFFERSON.* November 6, 1939. Petition for writ of certiorari to the Supreme Court of Louisiana denied. *Messrs. R. E. Milling, Chas. H. Blish, R. C. Milling,* and *Eugene Saunders* for petitioners. *Mr. Henry H. Chaffe* for respondent. Reported below: 192 La. 934; 189 So. 580.

No. 357. *HAMMOND CLOCK Co. v. ELECTRIC AUTO-LITE Co.* November 6, 1939. Petition for writ of cer-

tiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Clifford C. Bradbury* for petitioner. *Mr. Edmund B. Whitcomb* for respondent. Reported below: 104 F. 2d 288.

No. 379. *FRAZIE v. ORLEANS DREDGING Co.* November 6, 1939. Petition for writ of certiorari to the Supreme Court of Mississippi denied. *Messrs. William H. Watkins, C. F. Engle, S. B. Laub, and Jos. E. Brown* for petitioner. *Messrs. Gerald Brandon and Gerald H. Brandon* for respondent. Reported below: 188 So. 538.

No. 381. *RIECK v. HELVERING, COMMISSIONER OF INTERNAL REVENUE.* November 6, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Messrs. W. A. Seifert and W. W. Booth* for petitioner. *Solicitor General Jackson, Assistant Attorney General Clark, and Messrs. Sewall Key, Joseph M. Jones, and Richard H. Demuth* for respondent. Reported below: 104 F. 2d 294.

No. 385. *CITY OF LONG BEACH ET AL. v. METCALF, TRUSTEE.* November 6, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Roland G. Swaffield* for petitioners. No appearance for respondent. Reported below: 103 F. 2d 483.

No. 387. *VIDAL, RECEIVER, v. GARCIA, ATTORNEY GENERAL OF PUERTO RICO, ET AL.* November 6, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. *Messrs. Henri Brown* and

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Carroll G. Walter for petitioner. *Messrs. William Catron Rigby* and *Nathan R. Margold* for respondents. Reported below: 104 F. 2d 606.

No. 389. LUCKENBACH STEAMSHIP CO. *v.* THE SYLVAN ARROW ET AL. November 6, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Herman J. Galloway* and *George R. Shields* for petitioner. *Messrs. Chauncey I. Clark* and *Paul Speer* for respondents. Reported below: 104 F. 2d 102.

No. 395. CARNEGIE-ILLINOIS STEEL CORP. *v.* BERGER, RECEIVER. November 6, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Messrs. H. E. Hackney* and *John C. Bane, Jr.*, for petitioner. *Mr. George H. McWherter* for respondent. Reported below: 105 F. 2d 485.

No. 398. LOUISVILLE & NASHVILLE RAILROAD CO. *v.* GRIZZARD, ADMINISTRATOR. November 6, 1939. Petition for writ of certiorari to the Supreme Court of Alabama denied. *Messrs. R. E. Steiner, B. P. Crum,* and *Robert E. Steiner, Jr.*, for petitioner. *Messrs. Richard T. Rives* and *Walter J. Knabe* for respondent. Reported below: 238 Ala. 49; 189 So. 203.

No. 401. ALVORD ET AL. *v.* TOWN OF BELLEAIR ET AL. November 6, 1939. Petition for writ of certiorari to the Supreme Court of Florida denied. *Mr. O. K. Reaves* for petitioners. *Mr. Harry L. Thompson* for respondents. Reported below: 133 Fla. 221, 345; 136 *id.* 549; 139 *id.* 1; 183 So. 711; 188 So. 652; 191 So. 434.

No. 402. *Haverstick v. Drainage District No. 7 of Poinsett County, Arkansas*. November 6, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. Walter P. Armstrong and C. T. Carpenter* for petitioner. *Mr. Chas. D. Frierson* for respondent. Reported below: 104 F. 2d 696.

No. 403. *Barry v. Hughes et al.* November 6, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Laurence A. Janney* for petitioner. *Mr. Arthur F. Driscoll* for respondents. Reported below: 103 F. 2d 427.

No. 410. *Sunshine Anthracite Coal Co. v. Ickes, Secretary of the Interior, et al.* November 6, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. Henry Adamson and Geo. O. Patterson* for petitioner. *Solicitor General Jackson, Assistant Attorney General Arnold, and Mr. Robert E. Sher* for respondents. Reported below: 105 F. 2d 559.

No. 311. *Wright v. Albany Port District Commission et al.* November 6, 1939. Petition for writ of certiorari to the Supreme Court of New York denied. *Mr. Isadore Bookstein* for petitioner. *Mr. Gerald Donovan* for respondents. Reported below: 254 App. Div. 915; 280 N. Y. 731; 281 N. Y. 666; 21 N. E. 2d 512; 22 N. E. 2d 489.

No. 405. *Lykes Brothers Ripley Steamship Co. v. Smith*. November 6, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Cir-

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cuit denied. *Messrs. George H. Terriberry and Jos. M. Rault* for petitioner. No appearance for respondent. Reported below: 105 F. 2d 604.

No. 415. CROSLY CORPORATION *v.* FEDERAL COMMUNICATIONS COMMISSION. November 6, 1939. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Mr. Duke M. Patrick* for petitioner. *Solicitor General Jackson, Assistant Attorney General Arnold, and Messrs. Hugh B. Cox, Robert M. Cooper, William J. Dempsey, William C. Koplovitz, and Miss Fanny Neyman* for respondent. Reported below: 106 F. 2d 833.

No. 416. VILLAGE OF DOWNERS GROVE *v.* JOSEPH, RECEIVER. November 6, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Lester C. Davidson* for petitioner. No appearance for respondent. Reported below: 104 F. 2d 974.

No. 418. STACKPOLE CARBON Co. *v.* NATIONAL LABOR RELATIONS BOARD. November 6, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Earl F. Reed* for petitioner. *Solicitor General Jackson and Messrs. Wilber Stammler, Charles Fahy, Robert B. Watts, and Laurence A. Knapp* for respondent. Reported below: 105 F. 2d 167.

No. 420. GENERAL AMERICAN LIFE INSURANCE Co. *v.* CENTRAL NATIONAL BANK OF CLEVELAND, TRUSTEE. November 6, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Robert H. Jamison* for petitioner. *Mr. H. H. Marshman* for respondent. Reported below: 105 F. 2d 878.

No. 421. *McKAY v. FORT SHELBY HOTEL Co., DEBTOR, ET AL.* November 6, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Burt D. Cady* for petitioner. No appearance for respondents. Reported below: 104 F. 2d 1015.

No. 422. *ROYAL INDEMNITY Co. v. UNITED STATES.* November 6, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Graham Sumner and Robert H. O'Brien* for petitioner. *Solicitor General Jackson and Messrs. Robert K. McConnaughey and Vine H. Smith* for the United States. Reported below: 104 F. 2d 641.

No. 423. *BORNN, DOING BUSINESS AS BORNN DISTILLING Co., v. UNITED STATES.* November 6, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Redmond F. Kernan* for petitioner. *Solicitor General Jackson and Messrs. Robert K. McConnaughey and Vine H. Smith* for the United States. Reported below: 104 F. 2d 641.

No. 424. *DENNIS ET AL. v. PITNER ET AL.* November 6, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. William P. Bair* for petitioners. *Mr. Frank Parker Davis* for respondents. Reported below: 106 F. 2d 142.

No. 432. *UNITED STATES v. ROSARIO, BENEFICIARY.* November 6, 1939. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Solicitor General Jackson* for the United States. *Mr. Warren E. Miller* for respondent. Reported below: 106 F. 2d 844.

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No. 435. McALLISTER TOWING & TRANSPORTATION Co. v. AMERICAN DIAMOND LINES, INC., ET AL. November 6, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Chauncey I. Clark* for petitioner. *Mr. John W. Crandall* for respondents. Reported below: 101 F. 2d 45; 104 *id.* 670.

No. 436. DANCIGER ET AL. v. JACOBS, ADMINISTRATOR, ET AL. November 6, 1939. Petition for writ of certiorari to the Supreme Court of Missouri denied. *Messrs. I. J. Ringolsky, Wm. G. Boatright, and Harry L. Jacobs* for petitioners. *Messrs. Donald W. Johnson and Charles V. Garnett* for respondents. Reported below: 345 Mo. —; 130 S. W. 2d 588.

No. 440. GOUAX ET AL. v. BOVAY ET AL., TRUSTEES, ET AL. November 6, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Solicitor General Jackson* for petitioners. No appearance for respondents. Reported below: 105 F. 2d 256.

No. 451. CITY OF READING v. RAE. November 6, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Robert T. McCracken* for petitioner. *Mr. Roy G. Bostwick* for respondent. Reported below: 106 F. 2d 458.

No. 469. PETERSON ET AL. v. WOODS, COURT TRUSTEE, ET AL. November 6, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. George T. Buckingham, Don Kenneth Jones, and Vincent O'Brien* for petitioners. No appearance for respondents. Reported below: 104 F. 2d 970.

No. 400. FIRST NATIONAL BANK OF ALBUQUERQUE *v.* STATE TAX COMMISSION ET AL. See *ante*, p. 515

No. 470. SPRUILL *v.* BALLARD ET AL. November 13, 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. *Georgia M. Spruill, pro se.* *Mr. Ross H. Snyder* for respondents.

No. 478. CATO *v.* SMITH, WARDEN. November 13, 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. *Joseph Cato, pro se.* No appearance for respondent. Reported below: 104 F. 2d 885.

No. 484. FISCHER *v.* McCAULEY, WARDEN. November 13, 1939. Petition for writ of certiorari to the Supreme Court of Washington, and motion for leave to proceed further *in forma pauperis*, denied. *Clarence H. Fischer, pro se.* No appearance for respondent.

No. 87. WHITE *v.* TEXAS. November 13, 1939. Petition for writ of certiorari to the Court of Criminal Appeals of Texas, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. Carter Wesley* for petitioner. No appearance for respondent. Reported below: 138 Texas Crim. Rep. —; 128 S. W. 2d 51.

No. 128. POTTER *v.* MAYO, CUSTODIAN OF THE FLORIDA STATE PRISON, ET AL. November 13, 1939. Petition for writ of certiorari to the Supreme Court of Florida, and

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motion for leave to proceed further *in forma pauperis*, denied. *Ed. Potter, pro se. Mr. George Couper Gibbs*, Attorney General of Florida, for respondents. Reported below: 137 Fla. 593; 188 So. 784.

No. 376. WARFIELD COMPANY *v.* AMERICAN LECITHIN Co.; and

No. 455. AMERICAN LECITHIN Co. *v.* WARFIELD COMPANY. November 13, 1939. Petitions for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. Russell Wiles and George A. Chritton* for the Warfield Company. *Messrs. Thomas G. Haight, Edward G. Curtis, Daniel L. Morris, and Ira J. Wilson* for the American Lecithin Co. By leave of Court, *Messrs. George P. Dike and Cedric W. Porter* filed a brief on behalf of the Dewey & Almy Chemical Co., as *amicus curiae*, in support of the petition. Reported below: 105 F. 2d 207.

No. 409. DIXIE WHOLESALE GROCERY, INC. *v.* MARTIN, COMMISSIONER OF REVENUE, ET AL. November 13, 1939. Petition for writ of certiorari to the Court of Appeals of Kentucky denied. *Messrs. Richard T. Von Hoene and Frank Lee Dils* for petitioner. No appearance for respondents. Reported below: 278 Ky. 705; 129 S. W. 2d 181.

No. 425. GALENA MANUFACTURING Co. *v.* SUPERIOR OIL WORKS. November 13, 1939. Petition for writ of certiorari to the Court of Customs and Patent Appeals denied. *Messrs. Henry M. Huxley, Ralph Munden, and E. W. Shepard* for petitioner. *Mr. James Hamilton* for respondent. Reported below: 104 F. 2d 400.

No. 433. FULLERTON ET AL. *v.* PITTSBURGH. November 13, 1939. Petition for writ of certiorari to the Supreme

Court of Pennsylvania denied. *William G. Fullerton, pro se*. No appearance for respondent.

No. 442. *CAMPISI v. UNITED STATES*. November 13, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Frederic M. P. Pearse* for petitioner. *Solicitor General Jackson, Assistant Attorney General Rogge, and Messrs. Mahlon D. Kiefer and W. Marvin Smith* for the United States. Reported below: 106 F. 2d 994.

No. 443. *DAVIS v. SHELLY ET AL.* November 13, 1939. Petition for writ of certiorari to the District Court of Appeal, 1st Appellate District of California, denied. *Messrs. Alvin Gerlack and Warren E. Miller* for petitioner. No appearance for respondents. Reported below: 32 Cal. App. 2d 711; 90 P. 2d 842.

No. 444. *NATIONAL CANDY CO. v. FEDERAL TRADE COMMISSION*;

No. 445. *MARCH OF TIME CANDIES, INC. v. SAME*; and

No. 446. *DIETZ GUM CO. ET AL. v. SAME*. November 13, 1939. Petitions for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. Abraham Lowenhaupt and Irvin H. Fathchild* for petitioners. *Solicitor General Jackson, Assistant Attorney General Arnold, and Messrs. James C. Wilson, Wilber Stammler, and W. T. Kelley* for respondent. Reported below: 104 F. 2d 999.

No. 450. *ALTON RAILROAD CO. v. JACKSON COUNTY, MISSOURI*. November 13, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Charles M. Miller* for petitioner. *Mr. John B. Pew* for respondent. Reported below: 105 F. 2d 633.

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No. 452. *COBB v. HOWARD UNIVERSITY*. November 13, 1939. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Messrs. Wm. E. Leahy and George D. Horning, Jr.*, for petitioner. *Messrs. Spencer Gordon and Fontaine C. Bradley* for respondent. Reported below: 106 F. 2d 860.

No. 454. *GLOBE & RUTGERS FIRE INSURANCE CO. ET AL. v. UNITED STATES ET AL.* November 13, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Forrest E. Single* for petitioners. *Solicitor General Jackson, Assistant Attorney General Shea, and Mr. Paul A. Sweeney* for respondents. Reported below: 105 F. 2d 160.

No. 456. *GEORGE v. VICTOR TALKING MACHINE CO.* November 13, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Messrs. Robert L. Nase and Q. C. Davis, Jr.*, for petitioner. *Messrs. Lawrence B. Morris, Floyd H. Bradley, David Mackay, Louis Levinson, Samuel H. Richards, and Isaac Levy* for respondent. Reported below: 105 F. 2d 697.

No. 438. *CARTER, CHAIRMAN, ET AL. v. POWELL ET AL.* November 13, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Theo. T. Turnbull* for petitioners. *Mr. Jos. F. Johnston* for respondents. Reported below: 104 F. 2d 428, 1012.

No. 411. *LOVVORN v. DAVIDSON, JUDGE.* November 22, 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.

James A. Lovvorn, pro se. No appearance for respondent.

No. 483. *WILSON v. UNITED STATES.* November 22, 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. Thomas M. David* for petitioner. No appearance for the United States. Reported below: 107 F. 2d 253.

No. 507. *HARTMAN v. GREENE.* November 22, 1939. Petition for writ of certiorari to the Supreme Court of Louisiana, and motion for leave to proceed further *in forma pauperis*, denied. *Robert A. Hartman, pro se.* No appearance for respondent. Reported below: 193 La. 234; 190 So. 390.

No. 490. *UNITED STATES v. DESROCHERS.* See *ante*, p. 519.

No. 417. *NEW WORLD LIFE INSURANCE CO. v. UNITED STATES.* November 22, 1939. Petition for writ of certiorari to the Court of Claims denied. *Mr. Walter E. Barton* for petitioner. *Solicitor General Jackson, Assistant Attorney General Clark*, and *Messrs. Sewall Key and Guy Patten* for the United States. Reported below: 88 Ct. Cls. 405; 26 F. Supp. 444.

No. 453. *GOLD, SILVER & TUNGSTEN, INC. v. WALLACE, EXECUTOR, ET AL.* November 22, 1939. Petition for writ of certiorari to the Supreme Court of Colorado denied. *Mr. Horace N. Hawkins* for petitioner. *Mr. Melvin C. Goss* for respondents. Reported below: 104 Colo. 273; 91 P. 2d 975.

No. 457. *GANS STEAMSHIP LINE v. UNITED STATES*. November 22, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Jacob S. Seidman and John E. Hughes* for petitioner. *Solicitor General Jackson, Assistant Attorney General Clark*, and *Messrs. Sewall Key, J. Louis Monarch, and Paul R. Russell* for the United States. Reported below: 105 F. 2d 955.

No. 471. *SCHLAFLY, EXECUTOR, v. BECKER, COLLECTOR OF INTERNAL REVENUE*. November 22, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. Abraham Lowenhaupt and Stanley S. Waite* for petitioner. *Solicitor General Jackson, Assistant Attorney General Clark*, and *Messrs. Sewall Key and Harry Marselli* for respondent. Reported below: 104 F. 2d 871.

No. 472. *BEMIS, EXECUTOR, v. BECKER, COLLECTOR OF INTERNAL REVENUE*. November 22, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. Abraham Lowenhaupt and Stanley S. Waite* for petitioner. *Solicitor General Jackson, Assistant Attorney General Clark*, and *Messrs. Sewall Key and Harry Marselli* for respondent. Reported below: 104 F. 2d 871.

No. 481. *THOMPSON, TRUSTEE, v. MAGNOLIA PETROLEUM Co. ET AL.* November 22, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Thomas T. Railey* for petitioner. *Messrs. Craig Van Meter and Fred H. Kelly* for respondents. Reported below: 106 F. 2d 217.

No. 506. *BENNETT v. UNITED STATES*. December 4, 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. C. L. Dawson* for petitioner. No appearance for the United States. Reported below: 107 F. 2d 204.

No. 553. *SCHENK v. CALIFORNIA ET AL.* December 4, 1939. Petition for writ of certiorari to the Supreme Court of California, and motion for leave to proceed further *in forma pauperis*, denied. *Robert Schenk, pro se.* No appearance for respondents. Reported below: 19 Cal. App. 2d 503; 65 P. 2d 895.

No. 555. *NALLY v. MISSOURI*. December 4, 1939. Petition for writ of certiorari to the Supreme Court of Missouri, and motion for leave to proceed further *in forma pauperis*, denied. *George W. Nally, pro se.* No appearance for respondent.

No. 549. *GROSECLOSE v. PLUMMER, WARDEN*. December 4, 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. The motion for leave to file petition for writ of habeas corpus is denied. *Mrs. Gladys Towles Root* for petitioner. No appearance for respondent. Reported below: 106 F. 2d 311.

No. 488. *DUGAN v. UNITED STATES*. On petition for writ of certiorari to the Court of Claims. December 4, 1939. The motion of petitioner for an order releasing the proceedings in this case from the various orders of

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secrecy imposed thereon by the court below is denied. On consideration of the suggestion of a diminution of the record and motion for a writ of certiorari in that relation, the motion for a writ of certiorari is denied. The petition for a writ of certiorari is also denied and the Clerk of this Court is directed to return to the Court of Claims the papers filed in this case. *Joseph Dugan, pro se.* No appearance for the United States.

No. 491. *HAMRICK ET AL. v. BRYAN ET AL.* December 4, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. MR. JUSTICE DOUGLAS took no part in the consideration and decision of this application. *Mr. Rollin E. Gish* for petitioners. *Messrs. Grover C. Spillers and I. J. Underwood* for respondents. Reported below: 106 F. 2d 245.

No. 501. *COOPER v. O'CONNOR ET AL.* December 4, 1939. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. MR. JUSTICE FRANKFURTER took no part in the consideration and decision of this application. *Mr. George B. Fraser and Wade H. Cooper, pro se,* for petitioner. *Messrs. Brice Clagett, George Baillie Springston, and Charles E. Wainwright* for respondents. Reported below: 107 F. 2d 207.

No. 461. *TITAN METAL MANUFACTURING Co. v. NATIONAL LABOR RELATIONS BOARD.* December 4, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Clarence R. Kramer* for petitioner. *Solicitor General Jackson and Messrs. Charles Fahy, Robert B. Watts, Laurence A. Knapp, and Owsley Vose* for respondent. Reported below: 106 F. 2d 254.

No. 489. UNITED STATES GUARANTEE CO. *v.* ELKINS ET AL. December 4, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Messrs. Joseph W. Henderson, Thomas F. Mount, and George M. Brodhead, Jr.* for petitioner. *Mr. Earl G. Harrison* for respondents. Reported below: 106 F. 2d 136.

No. 492. OAK WOODS CEMETERY ASSOCIATION *v.* COMMISSIONER OF INTERNAL REVENUE. December 4, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. Paul E. Shorb and M. P. Wormhoudt* for petitioner. *Solicitor General Jackson, Assistant Attorney General Clark, and Messrs. Sewall Key and Robert K. McConnaughey* for respondent.

No. 493. EMERSON ELECTRIC MANUFACTURING CO. *v.* EMERSON RADIO & PHONOGRAPH CORP. ET AL. December 4, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Lawrence C. Kingsland and Edmund C. Rogers* for petitioner. *Messrs. Samuel E. Darby, Jr. and Louis D. Fletcher* for respondents. Reported below: 105 F. 2d 908.

No. 480. JUSTIN HAYNES & CO. *v.* FEDERAL TRADE COMMISSION. December 4, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Arthur L. Kitchin* for petitioner. *Solicitor General Jackson, Assistant Attorney General Arnold, and Messrs. James C. Wilson, Wilber Stammer, and W. T. Kelley* for respondent. Reported below: 105 F. 2d 988.

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No. 505. METRO-GOLDWYN PICTURES CORP. ET AL. *v.* SHELDON ET AL. December 4, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. John W. Davis and Samuel D. Cohen* for petitioners. *Mr. Arthur F. Driscoll* for respondents. Reported below: 106 F. 2d 45.

No. 485. TWEEDIE *v.* COMMISSIONER OF INTERNAL REVENUE. December 4, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Charles W. Hagen* for petitioner. *Solicitor General Jackson, Assistant Attorney General Clark, and Messrs. Sewall Key and Morton K. Rothschild* for respondent. Reported below: 104 F. 2d 1016.

No. 494. HERDER ET AL. *v.* HELVERING, COMMISSIONER OF INTERNAL REVENUE. December 4, 1939. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Mr. Camden R. McAtee* for petitioners. *Solicitor General Jackson, Assistant Attorney General Clark, and Mr. Sewall Key* for respondent. Reported below: 70 App. D. C. 287; 106 F. 2d 153.

No. 495. PORTO RICO RAILWAY, LIGHT & POWER Co. *v.* COLOM, COMMISSIONER OF THE INTERIOR OF PUERTO RICO, ET AL. December 4, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. *Messrs. Henri Brown and Carroll G. Walter* for petitioner. *Solicitor General Jackson, Assistant Attorney General Shea, and Messrs. William Catron Rigby and Robert E. Sher* for respondents. Reported below: 106 F. 2d 345.

No. 496. *RIOS v. BAETJER ET AL., TRUSTEES.* December 4, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. *Messrs. Nelson Gammans and Henry G. Molino* for petitioner. *Mr. Earle T. Fiddler* for respondents. Reported below: 106 F. 2d 163.

No. 497. *SEASIDE IMPROVEMENT CO. v. COMMISSIONER OF INTERNAL REVENUE.* December 4, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Lawrence Koenigsberger* for petitioner. *Solicitor General Jackson, Assistant Attorney General Clark,* and *Messrs. Sewall Key and Warren F. Wattles* for respondent. Reported below: 105 F. 2d 990.

No. 498. *STONEGA COKE & COAL CO. v. PRICE ET AL.* December 4, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. *Mr. Mercer B. Tate, Jr.* for petitioner. *Mr. Robert G. Kelly* for respondents. Reported below: 106 F. 2d 411.

No. 517. *GUY v. UNITED STATES.* December 11, 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. James J. Laughlin* for petitioner. No appearance for the United States. Reported below: 107 F. 2d 288. See *ante*, p. 525.

No. 510. *UNITED STATES v. KLEIN, ESCHEATOR OF PENNSYLVANIA.* December 11, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. MR. JUSTICE REED took no part in the

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consideration and decision of this application. *Solicitor General Jackson* for the United States. *Messrs. Albert H. Ladner, Jr. and A. Jere Creskoff* for respondent. Reported below: 106 F. 2d 213.

No. 359. NATIONAL CITY BANK OF CLEVELAND, TRUSTEE, *v.* EUCLID-DOAN CO. ET AL. December 11, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. MR. JUSTICE DOUGLAS took no part in the consideration and decision of this application. *Messrs. Clan Crawford and Frank Harrison* for petitioner. *Messrs. James A. Butler and Morris Berick* for respondents. Reported below: 104 F. 2d 712.

No. 324. A. F. HAMACEK MARINE CORP. *v.* UNITED STATES. December 11, 1939. Petition for writ of certiorari to the Court of Claims denied. *Messrs. Hyman M. Goldstein and Harry C. Bierman* for petitioner. *Solicitor General Jackson and Assistant Attorney General Shea* for the United States. Reported below: 26 F. Supp. 467.

No. 504. D'ALLESSANDRO ET AL. *v.* BECHTOL. December 11, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. W. D. Bell* for petitioners. *Mr. Harry L. Thompson* for respondent. Reported below: 104 F. 2d 845.

No. 511. BOEING *v.* COMMISSIONER OF INTERNAL REVENUE. December 11, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. Elmer E. Todd and Frank E.*

Holman for petitioner. *Solicitor General Jackson*, *Assistant Attorney General Clark*, and *Messrs. Sewall Key, F. E. Youngman*, and *Richard H. Demuth* for respondent. Reported below: 106 F. 2d 305.

No. 512. *CRISCUOLO ET AL. v. SWEINS ET AL.* December 11, 1939. Petition for writ of certiorari to the District Court of Appeal, 1st Appellate District, of California, denied. *Mr. H. W. Hutton* for petitioners. *Mr. Thomas A. Thacher* for respondents. Reported below: 32 Cal. App. 2d 244; 89 P. 2d 674.

No. 513. *SHOAF v. FITZPATRICK.* December 11, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. L. E. Gwinn* for petitioner. No appearance for respondent. Reported below: 104 F. 2d 290.

No. 516. *DUNN ET AL. v. MICCO ET AL.* December 11, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Mr. Chas. B. Rogers* for petitioners. *Mr. Preston C. West* for respondents. Reported below: 106 F. 2d 356.

No. 539. *ATCHISON, TOPEKA & SANTA FE RY. Co. v. BAKER, TREASURER OF BACA COUNTY, ET AL.* December 11, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Messrs. W. W. Grant, Morrison Shafroth, Chas. H. Woods*, and *Henry W. Toll* for petitioner. *Messrs. Byron G. Rogers* and *Henry E. Lutz* for respondents. Reported below: 106 F. 2d 525.

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Nos. 429 and 430. ABRAHAM & STRAUS, INC. *v.* ART METAL WORKS, INC. December 11, 1939. Petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Holland S. Duell* for petitioner. *Messrs. Kenneth S. Neal and Joseph Lorenz* for respondent. Reported below: 107 F. 2d 940, 944.

No. 449. NEW YORK LIFE INSURANCE CO. *v.* GAMER, EXECUTRIX. December 11, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. Charles R. Leonard and J. A. Poore* for petitioner. *Mr. William Meyer* for respondent. Reported below: 106 F. 2d 375.

No. 487. WINCHESTER MANUFACTURING CO. *v.* UNITED STATES. December 18, 1939. Petition for writ of certiorari to the Court of Claims denied. *Messrs. Claude E. Koss and Oscar P. Mast* for petitioner. *Solicitor General Jackson, Assistant Attorney General Clark, and Mr. Sewall Key* for the United States. Reported below: 88 Ct. Cls. 89; 25 F. Supp. 102; 29 *id.* 695.

No. 515. KANSAS CITY SOUTHERN RY. CO. ET AL. *v.* CITY OF SHREVEPORT. December 18, 1939. Petition for writ of certiorari to the Supreme Court of Louisiana denied. *Messrs. Frank H. Moore, C. Huffman Lewis, W. Scott Wilkinson, A. B. Freyer, and James B. McDonough, Jr.*, for petitioners. No appearance for respondent. Reported below: 193 La. 277; 190 So. 404.

No. 540. CARROLL, EXECUTOR, ET AL. *v.* NEW YORK LIFE INSURANCE CO. December 18, 1939. Petition for

writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. J. W. McAfee* for petitioners. No appearance for respondent. Reported below: 106 F. 2d 445.

No. 509. *LEVINE v. FARLEY, POSTMASTER GENERAL, ET AL.* January 2, 1940. 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. Frederick A. Ballard* for petitioner. No appearance for respondents. Reported below: 107 F. 2d 186.

No. 535. *UNIVERSAL SERVICE ASSOCIATION ET AL. v. SECURITIES & EXCHANGE COMMISSION.* January 2, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. MR. JUSTICE DOUGLAS took no part in the consideration and decision of this application. *Mr. Justus Chancellor* for petitioners. *Solicitor General Jackson* and *Messrs. Warner W. Gardner, Chester T. Lane, Christopher M. Jenks, and W. McNeil Kennedy* for respondent. Reported below: 106 F. 2d 232.

No. 502. *CASSEL ET AL. v. RADIO-KEITH-ORPHEUM CORP. ET AL.*; and

No. 577. *STIRN v. ATLAS CORPORATION ET AL.* January 2, 1940. Petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied. MR. JUSTICE DOUGLAS took no part in the consideration and decision of these applications. *Mr. Myron Kommel* for petitioners in No. 502. *Messrs. George L. Schein* and *Joseph M. Cohen* for Independent Committee for the Protection of Common Stockholders of Radio-Keith-Orpheum Corp., and *Mr. Thomas D. Thacher* for Atlas

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Corporation, respondents in No. 502. *Mr. Wm. D. Sattiel* for petitioner in No. 577. *Mr. Whitney North Seymour* for Atlas Corporation, respondent in No. 577. Reported below: 106 F. 2d 22.

No. 551. ATLANTIC REFINING CO. *v.* JAMES B. BERRY SONS' CO. January 2, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. MR. JUSTICE ROBERTS took no part in the consideration and decision of this application. *Messrs. Theodore S. Kenyon and Edgar F. Baumgartner* for petitioner. *Messrs. Thomas G. Haight and William F. Hall* for respondent. Reported below: 106 F. 2d 644.

No. 546. SCHOLARSHIP ENDOWMENT FOUNDATION *v.* NICHOLAS, COLLECTOR OF INTERNAL REVENUE. January 2, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Messrs. Wilbur F. Denious and Hudson Moore* for petitioner. *Solicitor General Jackson, Assistant Attorney General Clark, and Messrs. Sewall Key and S. Dee Hanson* for respondent. Reported below: 106 F. 2d 552.

No. 547. STEINBRECHER, TRUSTEE, *v.* TOMAN, COUNTY TREASURER AND COUNTY COLLECTOR OF COOK COUNTY, ILLINOIS. January 2, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. Dwight S. Bobb and Charles S. Macaulay* for petitioner. *Messrs. Jacob Shamberg and Francis S. Clamitz* for respondent. Reported below: 105 F. 2d 704.

No. 548. NEUBERGER *v.* COMMISSIONER OF INTERNAL REVENUE. January 2, 1940. Petition for writ of certio-

rari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Joseph M. Proskauer and Wilbur H. Friedman* for petitioner. *Solicitor General Jackson, Assistant Attorney General Clark, and Messrs. Sewall Key, F. E. Youngman and Richard H. Demuth* for respondent. Reported below: 104 F. 2d 649.

No. 556. *ANGLO CALIFORNIA NATIONAL BANK ET AL. v. LAZARD ET AL.* January 2, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. T. B. Cosgrove and John N. Cramer* for petitioners. *Messrs. Byron C. Hanna and Harold C. Morton* for respondents. Reported below: 106 F. 2d 693.

No. 565. *DEAN RUBBER MANUFACTURING Co. ET AL. v. KILLIAN, TRUSTEE.* January 2, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Arthur C. Brown* for petitioners. *Messrs. F. O. Richey and B. D. Watts* for respondent. Reported below: 106 F. 2d 316.

No. 554. *BROWN ET UX. v. MAGRUDER, U. S. COLLECTOR OF INTERNAL REVENUE.* January 2, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. *Mr. Thos. F. Cadwalader* for petitioners. *Solicitor General Jackson, Assistant Attorney General Clark, and Messrs. Sewall Key, Arnold Raum, Berryman Green, and Richard H. Demuth* for respondent. Reported below: 106 F. 2d 428.

No. 560. *PUBLICICKER v. SHALLCROSS ET AL.* January 2, 1940. Petition for writ of certiorari to the Circuit Court

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of Appeals for the Third Circuit denied. *Mr. Harry Shapiro* for petitioner. *Mr. Gordon A. Block* for respondents. Reported below: 106 F. 2d 949.

No. 566. GREAT ATLANTIC & PACIFIC TEA CO. *v.* FEDERAL TRADE COMMISSION. January 2, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Caruthers Ewing* for petitioner. *Solicitor General Jackson*, *Assistant Attorney General Arnold*, and *Messrs. James C. Wilson*, *Robert K. McConnaughey*, *Wilber Stammer*, *W. T. Kelley*, and *Joseph J. Smith, Jr.* for respondent. Reported below: 106 F. 2d 667.

No. 568. MERRICK ET AL. *v.* AMERICAN SECURITY & TRUST Co. January 2, 1940. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Messrs. Richard L. Merrick*, *Leo A. Rover*, and *William J. Rowan* for petitioners. *Messrs. Frederic D. McKenney*, *John S. Flannery*, *G. Bowdoin Craighill*, and *John E. Larson* for respondent. Reported below: 107 F. 2d 271.

Nos. 575 and 576. JOHNSON *v.* COMMISSIONER OF INTERNAL REVENUE. January 2, 1940. Petition for writs of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Justin D. Bowersock* for petitioner. *Solicitor General Jackson*, *Assistant Attorney General Clark*, and *Messrs. Sewall Key*, *Arnold Raum* and *Miss Louise Foster* for respondent. Reported below: 105 F. 2d 454.

No. 610. SANDERS *v.* ALDREDGE, SHERIFF. January 8, 1940. Petition for writ of certiorari to the Supreme Court of Georgia, and motion for leave to proceed further *in*

forma pauperis, denied. *Mr. Joseph S. Crespi* for petitioner. No appearance for respondent. Reported below: 186 Ga. 335; 197 S. E. 801.

No. 550. *MIMS v. NEW MEXICO*. January 8, 1940. Petition for writ of certiorari to the Supreme Court of New Mexico denied for the want of a final judgment. *Mr. Edwin Mechem* for petitioner. No appearance for respondent. Reported below: 43 N. M. 318; 92 P. 2d 993.

No. 557. *INTERSTATE OIL CO. ET AL. v. GORMLEY, RECEIVER*. January 8, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Cyril W. McClean* for petitioners. *Mr. C. Roy Smith* for respondent. Reported below: 105 F. 2d 431.

No. 574. *HARTFORD ACCIDENT & INDEMNITY CO. v. PETROLEUM ROYALTIES CO. ET AL.* January 8, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Mr. Hunter L. Johnson* for petitioner. *Messrs. A. F. Moss and Harry H. Rogers* for respondents. Reported below: 106 F. 2d 440.

No. 621. *VILES v. PRUDENTIAL INSURANCE CO.* January 15, 1940. 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. *Edmond L. Viles, pro se*. No appearance for respondent. Reported below: 107 F. 2d 696.

No. 585. *WILTON REALTY CORP. ET AL. v. WEADOCK, EXAMINER, SECURITIES & EXCHANGE COMMISSION, ET AL.* January 15, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

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MR. JUSTICE DOUGLAS took no part in the consideration and decision of this application. *Messrs. Jason L. Honigman* for Wilton Realty Corp., and *Mr. George E. Brand* for Equitable Trust Co., petitioners. *Messrs. Paul Weadock* and *Harold H. Armstrong* for Weadock, and *Solicitor General Jackson* and *Mr. Chester T. Lane* for the Securities & Exchange Commission, respondents. Reported below: 106 F. 2d 1022.

No. 581. *WIEGAND ET AL. v. W. BINGHAM CO. ET AL.* January 15, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Messrs. Victor D. Borst* and *William E. Chilton* for petitioners. *Messrs. J. Bernhard Thiess* and *George William Hansen* for respondents. Reported below: 106 F. 2d 546.

No. 584. *CRANE-JOHNSON Co. v. COMMISSIONER OF INTERNAL REVENUE.* January 15, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. John E. Hughes* for petitioner. *Solicitor General Jackson*, *Assistant Attorney General Clark*, and *Messrs. Sewall Key* and *Lee A. Jackson* for respondent. By special leave of Court, briefs of *amici curiae* were filed by *Mr. H. H. Hoppe* on behalf of Warren Telephone Co. et al., and by *Messrs. Harry O. Glasser*, *Robert L. Judd*, and *W. S. Greathouse*, on behalf of several corporate taxpayers, in support of the petition. Reported below: 105 F. 2d 740.

CASES DISPOSED OF WITHOUT CONSIDERATION BY THE COURT, THROUGH JANUARY 15, 1940.

No. 314. *ROEDENBECK FARMS, INC., ET AL. v. BROUSSARD ET AL.* Appeal from the Court of Civil Appeals, 9th Supreme Judicial District, of Texas. August 24, 1939.