

filed. This cause is set for hearing on Monday, February 26 next, on the motion for leave to file the bill of complaint and the return to the rule to show cause.

No. 562. *CONNOR v. CALIFORNIA ET AL.* Certiorari, *post*, p. 547, to the Supreme Court of California. January 15, 1940. It is ordered that H. Thomas Austern, Esq., of Washington, D. C., a member of the bar of this Court, be appointed to serve as counsel for the petitioner in this case.

No. 19. *OKLAHOMA PACKING CO., FORMERLY WILSON & CO., INC., ET AL. v. OKLAHOMA GAS & ELECTRIC CO. ET AL.* January 15, 1940. The decision of the Supreme Court of Oklahoma in *Community Natural Gas Co. v. Corporation Commission*, 182 Okla. 137; 76 P. 2d 393, having been brought to the attention of this Court for the first time in the petition of respondents for a rehearing of the disposition made of this cause in the opinion delivered on December 4, 1939, that opinion is hereby withdrawn and replaced by the opinion of this day, 309 U. S. 4. The petition for rehearing is denied.

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

No. 204. *KOBILKIN v. PILLSBURY, DEPUTY COMMISSIONER OF U. S. EMPLOYEES' COMPENSATION COMMISSION, ET AL.* October 9, 1939. Motion for leave to proceed *in forma pauperis*, and petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit, granted. *Mr. George Olshausen* for petitioner. *Solicitor General Jackson* for Warren H. Pillsbury; and *Messrs. Herman Phleger and Maurice E. Harrison* for Matson Navigation Co., respondents. Reported below: 103 F. 2d 667.

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No. 201. BUCKSTAFF BATH HOUSE CO. *v.* MCKINLEY, COMMISSIONER, ET AL. See *ante*, p. 508.

No. 239. FISCHER *v.* PAULINE OIL & GAS CO. See *ante*, p. 509.

No. 49. GRIFFITHS *v.* COMMISSIONER OF INTERNAL REVENUE. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Mr. Delbert A. Clithero* for petitioner. *Solicitor General Jackson* for respondent. Reported below: 103 F. 2d 110.

No. 63. LETULLE *v.* SCOFIELD, U. S. COLLECTOR OF INTERNAL REVENUE. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Mr. Homer L. Bruce* for petitioner. *Assistant Solicitor General Bell, Assistant Attorney General Morris, and Messrs. Sewall Key, Joseph M. Jones, and Robert K. McConnaughey* for respondent. Reported below: 103 F. 2d 20.

No. 69. PEARSON, STATE TREASURER, *v.* MCGRAW ET AL., EXECUTORS. October 9, 1939. Petition for writ of certiorari to the Supreme Court of Oregon granted. *Mr. I. H. Van Winkle*, Attorney General of Oregon, for petitioner. No appearance for respondents. Reported below: 161 Ore. 1; 86 P. 2d 424; 87 P. 2d 766.

No. 70. AMERICAN FEDERATION OF LABOR ET AL. *v.* NATIONAL LABOR RELATIONS BOARD. October 9, 1939. Petition for writ of certiorari to the Court of Appeals for the District of Columbia granted. *Mr. Joseph A. Padway* for petitioners. *Assistant Solicitor General Bell* and *Messrs. Robert L. Stern, Charles A. Horsky, Charles*

Fahy, and *Mortimer B. Wolf* for respondent. Reported below: 70 App. D. C. 62; 103 F. 2d 933.

No. 73. POSTAL STEAMSHIP CORPORATION *v.* EL ISLEO ET AL.; and

No. 74. SAME *v.* SOUTHERN PACIFIC Co. October 9, 1939. Petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Messrs. John C. Crawley* and *Earl Farwell* for petitioner. *Messrs. Chauncey I. Clark* and *Burton H. White* for respondents. Reported below: 101 F. 2d 4.

No. 110. HELVERING, COMMISSIONER OF INTERNAL REVENUE, *v.* HALLOCK ET AL.;

No. 111. SAME *v.* HALLOCK, EXECUTRIX; and

No. 112. SAME *v.* SQUIRE, SUPERINTENDENT OF BANKS OF OHIO. October 9, 1939. Petition for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. *Solicitor General Jackson* for petitioner. *Mr. William B. Stewart* for respondents in Nos. 110 and 111. *Mr. W. H. Annat* for respondent in No. 112. Reported below: 102 F. 2d 1.

No. 262. SOUTH CHICAGO COAL & DOCK Co. ET AL. *v.* BASSETT, DEPUTY COMMISSIONER. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Messrs. Robert J. Folonie* and *Hayes McKinney* for petitioners. *Solicitor General Jackson* and *Messrs. Paul A. Sweeney* and *Aaron B. Holman* for respondent. Reported below: 104 F. 2d 522.

No. 122. CHICOT COUNTY DRAINAGE DISTRICT *v.* BAXTER STATE BANK ET AL. October 9, 1939. Petition for

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writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Messrs. Grover T. Owens, S. Lasker Ehrman, and E. L. McHaney, Jr.* for petitioner. *Mr. G. W. Hendricks* for respondents. Reported below: 103 F. 2d 847.

No. 129. GENERAL AMERICAN TANK CAR CORP. *v.* EL DORADO TERMINAL Co. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Messrs. Allan P. Matthew and John O. Moran* for petitioner. *Mr. W. F. Williamson* for respondent. Reported below: 104 F. 2d 903.

No. 151. DEPUTY ET AL. *v.* DUPONT. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Solicitor General Jackson* for petitioners. *Messrs. George Wharton Pepper and James S. Y. Ivins* for respondent. Reported below: 103 F. 2d 257.

No. 152. CHANNAN SINGH *v.* HAFF, DISTRICT DIRECTOR OF IMMIGRATION. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Mr. Marshall B. Woodworth* for petitioner. *Solicitor General Jackson, Assistant Attorney General Rogge, and Messrs. William W. Barron and W. Marvin Smith* for respondent. Reported below: 103 F. 2d 303.

No. 176. HAGGAR COMPANY *v.* HELVERING, COMMISSIONER OF INTERNAL REVENUE. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Mr. Lloyd E. Elliott* for petitioner. *Solicitor General Jackson* for respondent. Reported below: 104 F. 2d 24.

No. 193. NATIONAL LABOR RELATIONS BOARD *v.* WATERMAN STEAMSHIP CORP. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Assistant Solicitor General Bell* and *Mr. Charles Fahy* for petitioner. *Mr. Gessner T. McCorvey* for respondent. By leave of Court, *Mr. Charlton Ogburn* filed a brief on behalf of the American Federation of Labor, as *amicus curiae*, opposing the petition. Reported below: 103 F. 2d 157.

No. 210. MORGAN, EXECUTOR, *v.* COMMISSIONER OF INTERNAL REVENUE. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Messrs. Brode B. Davis* and *Arthur M. Kracke* for petitioner. *Solicitor General Jackson* and *Messrs. Sewall Key, Joseph M. Jones,* and *Richard H. Demuth* for respondent. Reported below: 103 F. 2d 636.

No. 236. UNITED STATES FOR THE USE AND BENEFIT OF MIDLAND LOAN FINANCE CO. *v.* NATIONAL SURETY CORP. ET AL. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Mr. Benedict Deinard* for petitioner. *Messrs. R. O. Sullivan* and *Pierce Butler, Jr.* for National Surety Corp., and *Mr. Henry N. Benson* for Patrick J. Malone, respondents. Reported below: 103 F. 2d 450.

No. 237. MILLER *v.* HATFIELD, TRUSTEE, ET AL. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. *Mr. Elmer McClain* for petitioner. *Mr. H. E. Garling* for respondents. Reported below: 101 F. 2d 748.

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No. 242. KEYS, ADMINISTRATRIX, *v.* PENNSYLVANIA RAILROAD Co. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. Simone N. Gazan* for petitioner. *Messrs. Ray Rood Allen and Frederic D. McKenney* for respondent. Reported below: 104 F. 2d 663.

No. 243. HELVERING, COMMISSIONER OF INTERNAL REVENUE, *v.* FITCH. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Assistant Solicitor General Bell* for petitioner. *Mr. John B. Clayton Stiver* for respondent. Reported below: 103 F. 2d 702.

No. 246. DEITRICK, RECEIVER, *v.* GREANEY. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted. *Messrs. Brenton K. Fisk, George P. Barse, and James Louis Robertson* for petitioner. *Mr. Thomas H. Mahony* for respondent. Reported below: 103 F. 2d 83.

No. 265. FEDERAL COMMUNICATIONS COMMISSION *v.* POTTSVILLE BROADCASTING Co. October 9, 1939. Petition for writ of certiorari to the Court of Appeals for the District of Columbia granted. *Assistant Solicitor General Bell and Mr. William J. Dempsey* for petitioner. *Messrs. Eliot C. Lovett and Charles D. Drayton* for respondent. Reported below: 70 App. D. C. 157; 105 F. 2d 36.

No. 272. NATIONAL LICORICE Co. *v.* NATIONAL LABOR RELATIONS BOARD. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sec-

ond Circuit granted. *Messrs. Edward M. Ladden* for petitioner. *Solicitor General Jackson* and *Messrs. Charles A. Horsky, Charles Fahy, Laurence A. Knapp, and Mortimer B. Wolf* for respondent. Reported below: 104 F. 2d 655.

No. 300. BRUNO *v.* UNITED STATES. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. M. Michael Edelstein* for petitioner. *Solicitor General Jackson, Assistant Attorney General Rogge, and Messrs. Amos W. W. Woodcock and George F. Kneip* for the United States. Reported below: 105 F. 2d 921.

No. 310. BERRY, ADMINISTRATRIX, *v.* MIDTOWN SERVICE CORP. ET AL. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Messrs. Harold R. Medina and Frank L. Tyson* for petitioner. *Messrs. Samuel H. Kaufman and Emil Weitzner* for respondents. Reported below: 104 F. 2d 107.

No. 146. HIGGINS, COLLECTOR OF INTERNAL REVENUE, *v.* SMITH. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Solicitor General Jackson* for petitioner. *Mr. David Sher* for respondent. Reported below: 102 F. 2d 456.

No. 317. HELVERING, COMMISSIONER OF INTERNAL REVENUE, *v.* JOHNSON. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Solicitor General Jackson* for petitioner. *Messrs. Stanley S. Waite and Abraham Lowenhaupt* for respondent. Reported below: 104 F. 2d 140.

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No. 68. *HELIS v. WARD, EXECUTRIX, ET AL.* October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted, limited to the question whether a new trial should not have been granted. *Mr. Eugene D. Saunders* for petitioner. *Messrs. Wm. N. Bonner and Wm. D. Gordon* for respondents. Reported below: 102 F. 2d 519; 103 *id.* 519.

No. 56. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. F. & R. LAZARUS & Co.* October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. *MR. JUSTICE REED* took no part in the consideration and decision of this application. *Solicitor General Jackson* for petitioner. *Messrs. Murray Seasongood and Robert P. Goldman* for respondent. Reported below: 101 F. 2d 728.

No. 253. *NATIONAL LABOR RELATIONS BOARD v. INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS ET AL.* October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. *Assistant Solicitor General Bell* and *Mr. Charles Fahy* for petitioner. *Messrs. John B. Hollister, Isaac Lobe Straus, and Sigmund Levin* for respondents. Reported below: 105 F. 2d 598.

No. 80. *FUR WORKERS UNION No. 21238 v. FUR WORKERS UNION, LOCAL No. 72, ET AL.* October 9, 1939. Petition for writ of certiorari to the Court of Appeals for the District of Columbia granted. *MR. JUSTICE ROBERTS* took no part in the consideration and decision of this application. *Mr. Irvin Goldstein* for petitioner. *Mr. Louis B. Boudin* for respondents. Reported below: 70 App. D. C. 122; 105 F. 2d 1.

No. 183. ROTHENSIENS, COLLECTOR OF INTERNAL REVENUE, *v.* CASSELL, SURVIVING EXECUTOR. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Solicitor General Jackson* for petitioner. *Mr. Harold D. Saylor* for respondent. Reported below: 103 F. 2d 834.

No. 132. BONET, TREASURER, *v.* TEXAS COMPANY (P. R.) INC. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted. MR. JUSTICE STONE took no part in the consideration and decision of this application. *Messrs. William Catron Rigby* and *Nathan R. Margold* for petitioner. *Mr. Thomas Kirby Schmuck* for respondent. Reported below: 102 F. 2d 710.

No. 196. BHAGAT SINGH *v.* HAFF, DISTRICT DIRECTOR OF IMMIGRATION & NATURALIZATION. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Mr. Roger O'Donnell* for petitioner. *Solicitor General Jackson, Assistant Attorney General Rogge*, and *Messrs. William W. Barron* and *W. Marvin Smith* for respondent. Reported below: 104 F. 2d 122.

No. 156. YEARSLEY ET AL. *v.* W. A. ROSS CONSTRUCTION Co. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Messrs. Robert Van Pelt* and *Ernest B. Perry* for petitioners. *Mr. Clay C. Rogers* for respondent. Reported below: 103 F. 2d 589.

No. 309. DANFORTH *v.* UNITED STATES. October 9, 1939. Petition for writ of certiorari to the Circuit Court

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of Appeals for the Eighth Circuit granted. *Mr. J. L. London* for petitioner. *Solicitor General Jackson, Assistant Attorney General Littell, and Mr. C. W. Leaphart* for the United States. Reported below: 102 F. 2d 5; 105 *id.* 318.

No. 229. REAL ESTATE - LAND TITLE & TRUST Co. *v.* UNITED STATES. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. MR. JUSTICE ROBERTS and MR. JUSTICE REED took no part in the consideration and decision of this application. *Mr. Maurice Bower Saul* for petitioner. *Solicitor General Jackson and Messrs. Sewall Key, J. Louis Monarch, and Arnold Raum* for the United States. Reported below: 102 F. 2d 582.

No. 230. CARPENTER *v.* WABASH RAILWAY Co. ET AL. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted, limited to the question of the right of the petitioner to intervene in order to assert priority. *Messrs. Mark D. Eagleton, Hyman G. Stein, and Roberts P. Elam* for petitioner. *Mr. Homer Hall* for Wabash Railway Co. et al.; *Mr. Charles Nagel* for Chase National Bank; and *Mr. Thomas W. White* for Central Hanover Bank & Trust Co., respondents. Reported below: 103 F. 2d 996.

No. 240. NARDONE ET AL. *v.* UNITED STATES. October 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted, limited to the question whether the trial court correctly disposed of petitioners' claim that a portion of the respondent's evidence was procured through the illegal interception of telephone and telegraph messages and the question of the propriety of a preliminary inquiry to ascertain that fact.

MR. JUSTICE REED took no part in the consideration and decision of this application. *Mr. David V. Cahill* for Nardone, and *Mr. Louis Halle* for Gottfried, petitioners. *Solicitor General Jackson, Assistant Attorney General Rogge,* and *Messrs. George F. Kneip* and *W. Marvin Smith* for the United States. Reported below: 106 F. 2d 41.

No. 124. *AVERY v. ALABAMA.* October 16, 1939. Motion for leave to proceed *in forma pauperis*, and petition for writ of certiorari to the Supreme Court of Alabama, granted. *Mr. Edward H. Saunders* for petitioner. *Messrs. Thomas S. Lawson,* Attorney General of Alabama, and *William H. Loeb,* Assistant Attorney General, for respondent. Reported below: 237 Ala. 616; 188 So. 391.

No. 346. *UNITED STATES v. SOCONY-VACUUM OIL CO., INC., ET AL.;* and

No. 347. *SOCONY-VACUUM OIL CO., INC. ET AL. v. UNITED STATES.* October 16, 1939. Petitions for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Mr. Newman A. Townsend* for petitioner in No. 346. *Messrs. William J. Donovan* and *Ralstone R. Irvine* for the Socony-Vacuum Oil Co. et al. *Solicitor General Jackson, Assistant Attorney General Arnold,* and *Messrs. John Henry Lewin* and *Charles H. Weston* for respondent in No. 347. Reported below: 105 F. 2d 809.

No. 316. *McNINCH ET AL. v. HEITMEYER.* October 16, 1939. Petition for writ of certiorari to the Court of Appeals for the District of Columbia granted. *Messrs. Newman A. Townsend* and *William J. Dempsey* for petitioners. *Mr. Clarence C. Dill* for respondent. Reported below: 70 App. D. C. 162; 105 F. 2d 41.

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No. 329. RUSSELL ET AL. *v.* TODD ET AL. October 16, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted, limited to the question of the application of the New York statute of limitations. *Messrs. Ralph M. Carson and Samuel A. Pleasants* for petitioners. *Mr. George A. Spiegelberg* for respondents. Reported below: 104 F. 2d 169.

No. 342. AMALGAMATED UTILITY WORKERS *v.* CONSOLIDATED EDISON CO., INC., ET AL. October 16, 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 petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit is also granted. *Mr. Louis B. Boudin* for petitioner. *Mr. William L. Ransom* for respondents. *Messrs. Isaac Lobe Straus and Claude A. Hope* for International Brotherhood of Electrical Workers et al., respondents. Reported below: 106 F. 2d 991.

No. 195. CHAMBERS ET AL. *v.* FLORIDA. October 23, 1939. Motion for leave to proceed *in forma pauperis*, and petition for writ of certiorari to the Supreme Court of Florida, granted. *Mr. Leon Ransom* for petitioners. *Messrs. George Couper Gibbs*, Attorney General of Florida, and *Tyrus A. Norwood*, Assistant Attorney General, for respondent. Reported below: 136 Fla. 568; 187 So. 156.

No. 354. FEDERAL HOUSING ADMINISTRATION, REGION NO. 4, *v.* BURR, DOING BUSINESS AS SECRETARIAL SERVICE BUREAU. October 23, 1939. Petition for writ of certiorari to the Supreme Court of Michigan granted. *Solicitor General Jackson* for petitioner. *Mr. Gus O. Nations*

for respondent. Reported below: 289 Mich. 91; 286 N. W. 169.

No. 370. *MONTROSE CEMETERY Co. v. COMMISSIONER OF INTERNAL REVENUE*. October 23, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Messrs. Elden McFarland and E. J. Quinn* for petitioner. *Solicitor General Jackson* for respondent. Reported below: 105 F. 2d 238.

No. 355. *UNITED STATES v. MOSCOW FIRE INSURANCE Co. ET AL.* October 23, 1939. Petition for writ of certiorari to the Supreme Court of New York granted. The petitioner having applied for a stay pending the final disposition of the cause in this Court, It is hereby ordered that the application for a stay be granted and that the Bank of New York & Trust Company (Bank of New York) be, and it hereby is stayed from making any payment whatsoever pursuant to the judgment of the Supreme Court of the State of New York dated August 22, 1934 until further order of this Court. MR. JUSTICE REED took no part in the consideration and decision of these applications. *Solicitor General Jackson* for the United States. *Messrs. Paul C. Whipp and Lounsbury D. Bates* for Lucke; *Mr. Samson Selig* for Sawyer et al.; *Mr. George H. Engelhard* for Jakubovic et al.; *Mr. Hartwell Cabell* for Heckscher & Gottlieb et al.; and *Mr. Borris M. Komar* for Morro et al., respondents. Reported below: 280 N. Y. 286, 848; 20 N. E. 2d 758; 21 N. E. 2d 890.

No. 383. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. CLIFFORD*. November 6, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Solicitor General Jackson* for

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petitioner. *Mr. F. H. Stinchfield* for respondent. Reported below: 105 F. 2d 586.

No. 384. HELVERING, COMMISSIONER OF INTERNAL REVENUE, *v.* WOOD. November 6, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Solicitor General Jackson* for petitioner. *Mr. Ralph S. Rounds* for respondent. Reported below: 104 F. 2d 1013.

No. 386. DICKINSON INDUSTRIAL SITE, INC. *v.* COWAN ET AL. November 6, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Messrs. Walter A. Wade, Benjamin Wham, and George W. Ott* for petitioner. *Mr. Samuel E. Hirsch* for respondents. Reported below: 104 F. 2d 771.

No. 419. HELVERING, COMMISSIONER OF INTERNAL REVENUE, *v.* KEHOE. November 6, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Solicitor General Jackson* for petitioner. *Messrs. Leo W. White, R. M. O'Hara, W. H. Gillespie, and Robert T. McCracken* for respondent. Reported below: 105 F. 2d 552.

No. 399. BRYANT ET AL., EXECUTORS, *v.* COMMISSIONER OF INTERNAL REVENUE. November 6, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Messrs. J. Gilmer Körner, Jr. and David S. Day* for petitioners. *Solicitor General Jackson* for respondent. Reported below: 104 F. 2d 1011.

No. 437. McCABE *v.* BOSTON TERMINAL Co. November 13, 1939. Petition for writ of certiorari to the Supe-

rior Court in and for the County of Suffolk, Massachusetts, granted. *Mr. Henry Lawlor* for petitioner. *Mr. John L. Hall* for respondent. Reported below: 22 N. E. 2d 33.

No. 459. *H. ROUW Co. v. CRIVELLA*. November 13, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Mr. William L. Curtis* for petitioner. *Messrs. Harry P. Daily* and *John P. Woods* for respondent. By special leave of Court, *Solicitor General Jackson* and *Mr. Mastin G. White* filed a memorandum on behalf of the United States, as *amicus curiae*, in support of the petition. Reported below: 105 F. 2d 434.

No. 462. *GERMANTOWN TRUST Co., TRUSTEE, v. COMMISSIONER OF INTERNAL REVENUE*. November 13, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Messrs. Shippen Lewis* and *Paul F. Myers* for petitioner. *Solicitor General Jackson*, *Assistant Attorney General Clark*, and *Messrs. Sewall Key*, *Arnold Raum*, and *F. E. Youngman* for respondent. Reported below: 106 F. 2d 139.

No. 460. *NATIONAL LABOR RELATIONS BOARD v. FALK CORPORATION*. November 13, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Solicitor General Jackson* and *Mr. Charles Fahy* for petitioner. *Mr. Leon B. Lamfrom* for respondent. *Mr. Giles F. Clark* for Independent Union of Falk Employees, intervener. Reported below: 102 F. 2d 383; 106 *id.* 454.

No. 479. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. BRUUN*. November 22, 1939. Petition for

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writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Solicitor General Jackson* for petitioner. *Mr. John H. McEvers* for respondent. Reported below: 105 F. 2d 442.

No. 481. THOMPSON, TRUSTEE, *v.* MAGNOLIA PETROLEUM CO. ET AL. See *post*, p. 630.

No. 482. SHELDON ET AL. *v.* METRO-GOLDWYN PICTURES CORP. ET AL. December 4, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. Arthur F. Driscoll* for petitioners. *Messrs. John W. Davis* and *Samuel D. Cohen* for respondents. Reported below: 106 F. 2d 45.

No. 473. MCGOLDRICK, COMPTROLLER OF THE CITY OF NEW YORK, *v.* GULF OIL CORPORATION. December 4, 1939. Petition for writ of certiorari to the Supreme Court of New York granted. *Messrs. William C. Chanler, Paxton Blair, Sol Charles Levine, and Jerome R. Hellerstein* for petitioner. *Mr. Matthew S. Gibson* for respondent. By special leave of Court, *Messrs. George deForest Lord* and *Woodson D. Scott* filed a brief on behalf of the Cunnard White Star Ltd., as *amicus curiae*, opposing the petition. Reported below: 256 App. Div. 207; 281 N. Y. 647; 9 N. Y. S. 2d 544; 22 N. E. 2d 480.

No. 474. MCGOLDRICK, COMPTROLLER OF THE CITY OF NEW YORK, *v.* A. H. DUGRENIER, INC. ET AL. December 4, 1939. Petition for writ of certiorari to the Supreme Court of New York granted. *Messrs. William C. Chanler, Paxton Blair, and Sol Charles Levine* for petitioner. *Messrs. John H. Jackson* and *Haig H. Davidian*

for respondents. Reported below: 255 App. Div. 961; 281 N. Y. 608, 669; 22 N. E. 2d 172, 764.

No. 475. MCGOLDRICK, COMPTROLLER OF THE CITY OF NEW YORK, *v.* BERWIND-WHITE COAL MINING Co. December 4, 1939. Petition for writ of certiorari to the Supreme Court of New York granted. *Messrs. William C. Chanler, Paxton Blair, and Jerome R. Hellerstein* for petitioner. *Messrs. John W. Davis, Montgomery B. Angell, and Marvin Lyons* for respondent. Reported below: 255 App. Div. 961; 281 N. Y. 610, 670; 22 N. E. 2d 173, 764.

No. 365. LEONA PIATT GRAY *v.* UNION JOINT STOCK LAND BANK;

No. 366. CARL H. GRAY *v.* SAME; and

No. 367. PIATT *v.* SAME. See *ante*, p. 523.

No. 412. MORRISON *v.* FEDERAL LAND BANK ET AL.; and

No. 413. MORRISON, EXECUTRIX, *v.* SAME. See *ante*, p. 524.

No. 235. POTTER *v.* UNION CENTRAL LIFE INSURANCE Co. See *ante*, p. 524.

No. 499. FEDERAL COMMUNICATIONS COMMISSION *v.* SANDERS BROTHERS RADIO STATION. December 11, 1939. Petition for writ of certiorari to the Court of Appeals for the District of Columbia granted. *Solicitor General Jackson* and *Mr. William J. Dempsey* for petitioner. *Messrs. Louis G. Caldwell, Reed T. Rollo, and Percy H. Russell, Jr.* for respondent. Reported below: 70 App. D. C. 297; 106 F. 2d 321.

No. 500. MINNESOTA *v.* NATIONAL TEA CO. ET AL. December 11, 1939. Petition for writ of certiorari to the Supreme Court of Minnesota granted. *Messrs. J. A. A. Burnquist*, Attorney General of Minnesota, *Matthias N. Orfield*, and *George W. Markham* for petitioner. *Messrs. Michael J. Doherty*, *Wilfrid E. Rumble*, and *William Mitchell* for respondents. Reported below: 205 Minn. 443; 286 N. W. 360.

No. 514. THORNHILL *v.* ALABAMA. December 11, 1939. Petition for writ of certiorari to the Court of Appeals of Alabama granted. *Messrs. James J. Mayfield* and *Joseph A. Padway* for petitioner. *Messrs. Thos. S. Lawson*, Attorney General of Alabama, and *William H. Loeb*, Assistant Attorney General, for respondent. Reported below: 28 Ala. App. 527; 189 So. 913, 914.

No. 562. CONNOR *v.* CALIFORNIA ET AL. December 18, 1939. Motion for leave to proceed *in forma pauperis*, and petition for writ of certiorari to the Supreme Court of California, granted. *Frank S. Connor, pro se.* No appearance for respondents.

No. 571. COBBLEDICK ET AL. *v.* UNITED STATES;

No. 572. BRAWNER ET AL. *v.* SAME; and

No. 573. PALMUTH ET AL. *v.* SAME. December 18, 1939. The petition for writs of certiorari to the Circuit Court of Appeals for the Ninth Circuit in these cases is granted. *Messrs. Felix T. Smith* and *Chalmers G. Graham* for petitioners. *Solicitor General Jackson* for the United States. Reported below: 107 F. 2d 975.

No. 542. CITY OF YONKERS *v.* DOWNEY, RECEIVER;

Nos. 543 and 544. LOEHR, MAYOR, ET AL. *v.* SAME;
and

No. 545. CITY OF YONKERS, TRUSTEE, *v.* SAME. December 18, 1939. Petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. E. J. Dimock* for petitioners in Nos. 543, 544, and 545, and with *Mr. J. Donald Rawlings* for petitioner in No. 542. *Mr. George P. Barse* for respondent. Reported below: 106 F. 2d 69.

No. 537. HELVERING, COMMISSIONER OF INTERNAL REVENUE, *v.* TYNG; and

No. 538. SAME *v.* BUCHSBAUM. See *ante*, p. 527.

No. 569. UNITED STATES *v.* UNITED STATES FIDELITY & GUARANTY Co. ET AL. January 8, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted. *Solicitor General Jackson* for the United States. *Mr. Bower Broaddus* for respondents. Reported below: 106 F. 2d 804.

No. 570. UNITED STATES *v.* SHAW, ADMINISTRATOR. January 8, 1940. Petition for writ of certiorari to the Supreme Court of Michigan granted. *Solicitor General Jackson* for the United States. *Messrs. Eugene F. Black* and *Howell Van Auken* for respondent. Reported below: 290 Mich. 311; 287 N. W. 477.

No. 559. HELVERING, COMMISSIONER OF INTERNAL REVENUE, *v.* PRICE. January 15, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted. *Solicitor General Jackson* for petitioner. *Messrs. David H. Blair, C. R. Wharton,* and *Julius C. Smith* for respondent. Reported below: 106 F. 2d 336.

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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