

DECISIONS PER CURIAM, ETC., FROM OCTOBER
2, 1939, THROUGH JANUARY 15, 1940.*

No. 10, original. *TEXAS v. NEW MEXICO ET AL.* October 2, 1939. Final report submitted by *Mr. Charles Warren*, Special Master.

No. 75. *BADDOUR, ADMINISTRATRIX, v. LONG BEACH.* Appeal from the Supreme Court of New York. October 9, 1939. *Per Curiam*: The appeal is dismissed for want of a substantial federal question. *Euclid v. Ambler*, 272 U. S. 365, 387-388; *Zahn v. Board of Public Works*, 274 U. S. 325, 327-328; *Lewis v. Mayor*, 290 U. S. 585; *Jewish Mental Society v. Village of Hastings*, 297 U. S. 666; *West Brothers Brick Co. v. Alexandria*, 302 U. S. 658. *Miss Winifred Sullivan* for appellant. No appearance for appellee. Reported below: 251 App. Div. 834; 279 N. Y. 167, 794; 297 N. Y. S. 796; 18 N. E. 2d 18; 19 N. E. 2d 90.

No. 143. *NEW YORK EX REL. RETSOF MINING Co. v. GRAVES ET AL., CONSTITUTING THE STATE TAX COMMISSION OF NEW YORK.* Appeal from the Supreme Court of New York. October 9, 1939. *Per Curiam*: Without passing on the question whether the jurisdiction of the Court of Appeals was properly invoked by application for leave to appeal to that court, the motion to dismiss the appeal to this Court is granted and the appeal is dismissed for want of a substantial federal question. *And-*

*MR. JUSTICE BUTLER took no part in the consideration and decision of any of the cases reported in this volume. See *ante*, p. III.

For decisions on applications for certiorari, see *post*, pp. 530, 549; for rehearing, p. 630. For cases disposed of without consideration by the Court, p. 627.

erson v. Forty-Two Broadway Co., 239 U. S. 69, 72-73; *Denman v. Slayton*, 282 U. S. 514, 519-520. *Mr. Henry B. Twombly* for appellant. *Messrs. John J. Bennett, Jr.*, Attorney General of New York, and *Wendell P. Brown*, Assistant Attorney General, for appellees. Reported below: 225 App. Div. 921; 7 N. Y. S. 2d 769.

No. 150. *HIGHWAY STEEL & MANUFACTURING Co. v. CRAWFORD COUNTY CIRCUIT COURT ET AL.* Appeal from the Supreme Court of Arkansas. October 9, 1939. *Per Curiam*: The appeal is dismissed for want of a substantial federal question. *Hess v. Pawloski*, 274 U. S. 352; *St. Mary's Petroleum Co. v. West Virginia*, 203 U. S. 183, 191-192; *Bain Peanut Co. v. Pinson*, 282 U. S. 499. *Messrs. Thomas B. Pryor and Thomas B. Pryor, Jr.* for appellant. No appearance for appellees. Reported below: 198 Ark. 134; 127 S. W. 2d 816.

No. 194. *BROWN v. MASSACHUSETTS.* Appeal from the Superior Court, County of Suffolk, Massachusetts. October 9, 1939. *Per Curiam*: The appeal is dismissed for want of a substantial federal question. *Semler v. Oregon Dental Examiners*, 294 U. S. 608. *Mr. Frank L. Simpson* for appellant. No appearance for appellee. Reported below: 20 N. E. 2d 478.

No. 212. *RADIUM DIAL Co. v. RYAN, CLERK OF THE CIRCUIT COURT OF LA SALLE COUNTY.* Appeal from the Supreme Court of Illinois. October 9, 1939. *Per Curiam*: The appeal is dismissed for want of a substantial federal question. *Louisville & Nashville R. Co. v. Schmidt*, 177 U. S. 230, 236; *Holmes v. Conway*, 241 U. S. 624, 631-632; *Hardware Dealers Mutual Fire Ins. Co. v. Glidden Co.*, 284 U. S. 151, 158; *Snyder v. Massa-*

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chusetts, 291 U. S. 97, 105. *Messrs. Walter Bachrach and Arthur Magid* for appellant. *Messrs. Taylor E. Wilhelm and Leonard J. Grossman* for appellee. Reported below: 371 Ill. 597; 21 N. E. 2d 749.

No. 296. ILLINOIS EX REL. EITEL ET AL. *v.* TOMAN ET AL.; and

No. 297. ILLINOIS EX REL. SEARS, ROEBUCK & Co. *v.* SAME. Appeals from the Supreme Court of Illinois. October 9, 1939. *Per Curiam*: The motions to dismiss are granted and the appeals are dismissed for want of a substantial federal question. *League v. Texas*, 184 U. S. 156, 161-162; *Kentucky Union Co. v. Kentucky*, 219 U. S. 140, 152-153; *Satterlee v. Matthewson*, 2 Pet. 378, 413; *Violet Trapping Co. v. Grace*, 297 U. S. 119, 120; *Ingraham v. Hanson*, 297 U. S. 378, 381; *Schenebeck v. McCrary*, 298 U. S. 36, 37. MR. JUSTICE STONE and MR. JUSTICE ROBERTS took no part in the consideration or decision of No. 297. *Mr. Murry Nelson* for appellants. *Mr. Jacob Shamberg* for appellees. Reported below: 371 Ill. 367; 21 N. E. 2d 318.

No. 322. HIBBARD, SPENCER, BARTLETT & Co. *v.* CHICAGO. Appeal from the Appellate Court, First District, 1st Division, of Illinois. October 9, 1939. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Central Land Co. v. Laidley*, 159 U. S. 103, 112; *Patterson v. Colorado*, 205 U. S. 454, 461; *Willoughby v. Chicago*, 235 U. S. 45, 50; *O'Neil v. Northern Colorado Irrigation Co.*, 242 U. S. 20, 26-27; *Dunbar v. City of New York*, 251 U. S. 516, 519; *Rooker v. Fidelity Trust Co.*, 261 U. S. 114, 118; *Tidal Oil Co. v. Flanagan*, 263 U. S. 444, 450; *American Railway Express Co. v. Kentucky*, 273 U. S.

269, 273. *Messrs. Frederic Burnham and David F. Rosenthal* for appellant. *Messrs. Barnet Hodes, Joseph F. Grossman, and J. Herzl Segal* for appellee. Reported below: 299 Ill. App. 614; 19 N. E. 2d 625.

Nos. 173 and 174. TRUSTEES OF PILLSBURY ACADEMY *v.* MINNESOTA. Appeals from the Supreme Court of Minnesota. October 9, 1939. *Per Curiam*: The motions to affirm are granted and the judgments of the Supreme Court of Minnesota are affirmed. *Violet Trapping Co. v. Grace*, 297 U. S. 119, 120; *Ingraham v. Hanson*, 297 U. S. 378, 381; *Schenebeck v. McCrary*, 298 U. S. 36, 37. MR. JUSTICE BLACK took no part in the consideration or decision of these cases. *Messrs. Herbert T. Park and G. A. Youngquist* for appellants. *Messrs. Chester S. Wilson, Alfred W. Bowen, and Frank J. Williams* for appellee. Reported below: 204 Minn. 365; 283 N. W. 727.

No. 301. CAROLINE PRODUCTS CO. *v.* WALLACE, SECRETARY OF AGRICULTURE, ET AL. Appeal from the District Court of the United States for the District of Columbia. October 9, 1939. *Per Curiam*: The motion to affirm is granted and the decree of the District Court of the United States for the District of Columbia is affirmed. *Hygrade Provision Co. v. Sherman*, 266 U. S. 497, 500; *Spielman Motor Co. v. Dodge*, 295 U. S. 89, 95-96. *Messrs. George N. Murdock and Frank K. Nebeker* for appellant. *Assistant Solicitor General Bell* for appellees. Reported below: 27 F. Supp. 110; 30 *id.* 266.

No. 21. FLORIDA EX REL. VARS *v.* KNOTT, STATE TREASURER & INSURANCE COMMISSIONER. Appeal from the Supreme Court of Florida. October 9, 1939. *Per*

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Curiam: The death of William W. Vars, the appellant in this cause, having been suggested by counsel for the said appellant, and counsel for the appellee having indicated that they have no objection, the appeal is dismissed on the ground that the cause of action has abated. *Martin v. Baltimore & Ohio R. Co.*, 151 U. S. 673, 691-692, 703; *Kaipu v. Pinkham*, 206 U. S. 566; *Beard v. Arkansas*, 207 U. S. 601, 602; *Seale v. Georgia*, 209 U. S. 554. *Mr. Dean Acheson* for appellant. No appearance for appellee. Reported below: 135 Fla. 206; 184 So. 752.

No. 22. FLORIDA EX REL. HARDWARE MUTUAL CASUALTY CO. ET AL. *v.* KNOTT, STATE TREASURER & INSURANCE COMMISSIONER. Appeal from the Supreme Court of Florida. October 9, 1939. *Per Curiam*: It appearing that the cause has become moot, the motion to vacate and remand is granted and the judgment of the Supreme Court of Florida is vacated and the cause is remanded for such further proceedings as by that court may be deemed appropriate. *Mr. Dean Acheson* for appellants. No appearance for appellee. Reported below: 136 Fla. 552; 185 So. 927.

No. —, original. EX PARTE RICHARD J. THOMAS;

No. —, original. EX PARTE JOHN S. FARNSWORTH;

No. —, original. EX PARTE J. R. PALMER;

No. —, original. EX PARTE CLYDE H. WALKER ET AL.;

and

No. —, original. EX PARTE E. R. LINDSEY. October 9, 1939. The motions for leave to file petitions for writs of habeas corpus denied.

No. —. EX PARTE JOHN F. STRUTHERS; and

No. —. EX PARTE GEORGE GOSSMAN ET AL. October 9, 1939. Application denied.

No. —, original. *EX PARTE NORTHERN PACIFIC R. CO.*, BY SCHMIDT ET AL. October 9, 1939. Motion for leave to file petition for writ of mandamus denied.

No. —. *NORTHERN PACIFIC R. CO.*, BY SCHMIDT ET AL. *v. UNITED STATES ET AL.*; and

No. —. *SCHMIDT ET AL. v. UNITED STATES ET AL.* October 9, 1939. The applications for the allowance of appeals presented to MR. JUSTICE REED and referred by him to the Court are denied. Reported below: 102 F. 2d 589.

No. —, original. *OKLAHOMA EX REL. WILLIAMSON, ATTORNEY GENERAL OF OKLAHOMA, v. WOODRING, SECRETARY OF WAR.* October 9, 1939. A rule is ordered to issue, returnable within forty days, requiring the defendant to show cause why leave to file the Bill of Complaint should not be granted. The Court directs the attention of the Attorney General of the United States to this case in which the complainant seeks to restrain the enforcement of an act of Congress upon the ground that it is repugnant to the Constitution of the United States.

No. 10, original, October Term 1935. *WYOMING v. COLORADO.* October 9, 1939. A rule is ordered to issue, returnable within forty days, requiring the defendant to show cause why leave to file the petition for rule to show cause should not be granted.

No. 201. *BUCKSTAFF BATH HOUSE CO. v. MCKINLEY, COMMISSIONER, ET AL.* Appeal from the Supreme Court of Arkansas. October 9, 1939. The appeal is dismissed for want of jurisdiction. Section 237 (a), Judicial Code, as amended by the Act of February 13, 1925 (43 Stat.

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936, 937). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari as required by § 237 (c), Judicial Code, as amended (43 Stat. 936, 938), certiorari is granted. *Mr. Terrell Marshall* for petitioner. *Mr. W. L. Pope* for respondents. Reported below: 198 Ark. 91; 127 S. W. 2d 802.

No. 239. FISCHER *v.* PAULINE OIL & GAS CO. Appeal from the Supreme Court of Oklahoma. October 9, 1939. The appeal is dismissed for want of jurisdiction. Section 237 (a), Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari as required by § 237 (c), Judicial Code, as amended (43 Stat. 936, 938), certiorari is granted. *Mr. Claude H. Rosenstein* for appellant. *Mr. Charles E. France* for appellee. Reported below: 185 Okla. 108; 90 P. 2d 411.

No. 8. ZIFFRIN, INC. *v.* MARTIN, COMMISSIONER OF REVENUE OF KENTUCKY, ET AL. Appeal from the District Court of the United States for the Eastern District of Kentucky. October 12, 1939. H. Clyde Reeves, Commissioner of Revenue of Kentucky, Member of Kentucky Tax Commission and Member of Kentucky State Alcoholic Beverage Control Board, substituted as a party appellee in the place and stead of James W. Martin, formerly Commissioner of Revenue of Kentucky, etc., per stipulation of counsel, on motion of *Mr. Norton L. Goldsmith* for the appellant. Reported below: 24 F. Supp. 924.

Nos. —, —. BESS *v.* WEST VIRGINIA. October 16, 1939. The petitions for the allowance of appeals, referred by the CHIEF JUSTICE to the Court, are denied.

No. —. IN THE MATTER OF THE COMPLAINT OF EDMOND C. FLETCHER. October 16, 1939. Motion of Edmond C. Fletcher for leave to file complaint denied.

No. —, original. EX PARTE JOHN WILSON. October 16, 1939. Motion for leave to file petition for writ of habeas corpus denied.

No. 10, original. TEXAS *v.* NEW MEXICO ET AL. October 16, 1939. The Special Master having presented his final report stating that the cause has been settled, it is ordered, adjudged, and decreed as follows:

1. The report of the Special Master is received, filed, and confirmed.

2. The bill of complaint is dismissed.

3. The Special Master is directed to return to the proper parties the original copies of the record of the testimony and the exhibits introduced into evidence before him.

4. Costs, including the compensation and expenses of the Special Master, shall be paid one-half by the State of Texas and one-half by the State of New Mexico and the Middle Rio Grande Conservancy District, the State of Texas to be reimbursed by the State of New Mexico and the Middle Rio Grande Conservancy District to the extent of one-half of all sums heretofore disbursed by it on account of expenses of the Special Master.

(Earlier phases of this litigation are reported in 296 U. S. 547; 297 U. S. 693, 698; 298 U. S. 639, 644; 300 U. S. 645; 302 U. S. 658; 304 U. S. 551.)

No. 431. HOEY, DOING BUSINESS AS MIDLAND SERVICE Co. *v.* UNITED STATES ET AL. Appeal from the District Court of the United States for the Northern District of

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Illinois. October 23, 1939. *Per Curiam*: The motion for a stay is denied. The decree is affirmed. *Interstate Commerce Comm'n v. Union Pacific R. Co.*, 222 U. S. 541, 547-548; *Los Angeles Switching Case*, 234 U. S. 294, 311-312; *United States v. American Tin Plate Co.*, 301 U. S. 402, 411. *Mr. Lloyd C. Whitman* for appellant. *Messrs. Daniel W. Knowlton and Edward M. Reidy* for appellees.

No. 406. ALLEN *v.* ILLINOIS. Appeal from the Supreme Court of Illinois; and

No. 448. GENDUSA *v.* LOUISIANA. Appeal from the Supreme Court of Louisiana. October 23, 1939. *Per Curiam*: The appeals are dismissed for want of jurisdiction. Section 237 (a), Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeals were allowed as petitions for writs of certiorari, as required by § 237 (c) of the Judicial Code, as amended (43 Stat. 936, 938), certiorari is denied. The motions for leave to proceed further *in forma pauperis* are also denied. *Mr. Wm. Scott Stewart* for appellant in No. 406. *Mr. M. C. Scharff* for appellant in No. 448. No appearance for appellees. Reported below: No. 406, 368 Ill. 368; 14 N. E. 2d 397; and No. 448, 193 La. 59; 190 So. 332.

No. —, original. EX PARTE LOUIS MARTINI. October 23, 1939. Motion for leave to file petition for writ of habeas corpus denied.

No. 9, original. ARKANSAS *v.* TENNESSEE. October 23, 1939. The report of the Special Master herein is received and ordered to be filed. It is ordered that exceptions to the said report, if any, be filed on or before November 20, next; that briefs upon such exceptions be filed

on or before December 18; and that reply briefs, if any, be filed on or before January 2. The cause is assigned for hearing on Monday, January 8, next, at the head of the call for that day.

No. 2. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. BANDINI PETROLEUM Co.*; and

No. 3. *SAME v. WILSHIRE ANNEX OIL Co.* Certiorari, 306 U. S. 628, to the Circuit Court of Appeals for the Ninth Circuit. November 6, 1939. Judgments reversed, per stipulation of counsel to abide the decision in *Helvering, Commissioner of Internal Revenue, v. Wilshire Oil Co.*, ante, p. 90. *Solicitor General Jackson* for petitioner. *Mr. Joseph D. Brady* for respondents. Reported below: 95 F. 2d 971.

No. 31. *TEXAS ELECTRIC RAILWAY Co. v. EASTUS, UNITED STATES ATTORNEY, ET AL.* Appeal from the District Court of the United States for the Northern District of Texas. Argued October 20, 1939. Decided November 6, 1939. *Per Curiam*: The judgment is affirmed. *Shields v. Utah Idaho Central R. Co.*, 305 U. S. 177; *Interstate Commerce Comm'n v. Union Pacific R. Co.*, 222 U. S. 541, 547-548; *Los Angeles Switching Case*, 234 U. S. 294, 311-312; *United States v. American Tin Plate Co.*, 301 U. S. 402, 411. *Messrs. J. M. Burford* and *Robert E. Quirk*, with whom *Mr. C. D. Cass* was on the brief, for appellant. *Mr. Robert L. Stern*, with whom *Solicitor General Jackson, Assistant Attorney General Arnold*, and *Messrs. Daniel W. Knowlton* and *Nelson Thomas* were on the brief, for appellees. Reported below: 25 F. Supp. 825.

No. 43. *UNITED STATES v. JOHN McSHAIN, INC.* Certiorari, 307 U. S. 619, to the Court of Claims. Argued

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October 20, 1939. Decided November 6, 1939. *Per Curiam*: The judgment is reversed, and the cause is remanded to the Court of Claims with instructions to enter judgment in favor of the United States. *Plumley v. United States*, 226 U. S. 545, 547; *Merrill-Ruckgaber Co. v. United States*, 241 U. S. 387, 393. Mr. Richard H. Demuth, with whom Solicitor General Jackson, Assistant Attorney General Shea, and Messrs. Paul A. Sweeney and Charles A. Horsky were on the brief, for the United States. Mr. Prentice E. Edrington, with whom Mr. Herman J. Galloway was on the brief, for respondent. Reported below: 88 Ct. Cls. 284.

Order amended, *post*, p. 520.

No. 388. GRAYBAR ELECTRIC CO. ET AL. *v.* CURRY, COMMISSIONER OF REVENUE, ET AL. Appeal from the Supreme Court of Alabama. November 6, 1939. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. *Banker Bros. v. Pennsylvania*, 222 U. S. 210; *Wiloil Corporation v. Pennsylvania*, 294 U. S. 169. Mr. L. D. Gardner, Jr. for appellants. Messrs. Thomas S. Lawson, Attorney General of Alabama, and John W. Lapsley, Assistant Attorney General, for appellees. Reported below: 238 Ala. 116; 189 So. 186.

No. 396. W. T. CARTER & BROS. ET AL. *v.* SHORT ET AL. Appeal from the Supreme Court of Texas. November 6, 1939. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a properly presented substantial federal question. (1) *Godchaux Co. v. Estopinal*, 251 U. S. 179; *Rooker v. Fidelity Trust Co.*, 261 U. S. 114, 117; *Herndon v. Georgia*, 295 U. S. 441, 443; (2) Compare *Litchfield v. Register*, 9 Wall. 575, 577-578; *Minnesota v. Lane*, 247 U. S. 243, 250; *Lane v. Darling-*

ton, 249 U. S. 331, 333. *Messrs. John P. Bullington and Dillon Anderson* for appellants. *Messrs. H. Grady Chandler and Henry H. Brooks* for appellees. Reported below: 133 Texas 202; 126 S. W. 2d 953.

No. 458. *CHRISTIE ET AL. v. BROUSSARD ET AL.* Appeal from the Court of Civil Appeals, 9th Supreme Judicial District, of Texas. November 6, 1939. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a properly presented substantial federal question. (1) *Mutual Life Insurance Co. v. McGrew*, 188 U. S. 291, 308; *Godchaux Co. v. Estopinal*, 251 U. S. 179; *Home for Incurables v. City of New York*, 187 U. S. 155, 158; (2) *Roberts v. City of New York*, 295 U. S. 264, 278; *Seattle Ry. v. Linhoff*, 231 U. S. 568, 570; *Cross Lake Shooting & Fishing Club v. Louisiana*, 224 U. S. 632, 638; *Ross v. Oregon*, 227 U. S. 150, 162. *Mr. Robert L. Cole* for appellants. *Messrs. E. B. Pickett, Will E. Orgain, and E. E. Easterling* for appellees. Reported below: 124 S. W. 2d 929; 127 *id.* 168.

No. 468. *ROEDENBECK FARMS, INC., ET AL. v. BROUSSARD ET AL.* Appeal from the Court of Civil Appeals, 9th Supreme Judicial District, of Texas. November 6, 1939. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a properly presented substantial federal question. (1) *Mutual Life Ins. Co. v. McGrew*, 188 U. S. 291, 308; *Zadig v. Baldwin*, 166 U. S. 485, 488; *Home for Incurables v. City of New York*, 187 U. S. 155, 158; (2) *Roberts v. City of New York*, 295 U. S. 264, 278; *Seattle Ry. v. Linhoff*, 231 U. S. 568, 570; *Cross Lake Shooting & Fishing Club v. Louisiana*, 224 U. S. 632, 638; *Ross v. Oregon*, 227 U. S. 150, 162. *Mr. John H. Crooker* for appellants. *Messrs. E. B. Pickett, E. E. Easterling, and Will E. Orgain* for appellees.

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Messrs. William D. Gordon and E. E. Easterling for Marrs McLean, appellee. Reported below: 124 S. W. 2d 929; 127 *id.* 168.

No. 394. MINNESOTA EX REL. PEARSON *v.* PROBATE COURT OF RAMSEY COUNTY ET AL. Appeal from the Supreme Court of Minnesota. November 6, 1939. It is ordered that Michael F. Kinkead, present probate judge of Ramsey County, be substituted as a party appellee in the place of Albin S. Pearson, pursuant to stipulation of counsel. Reported below: 205 Minn. 545; 287 N. W. 297.

No. —. PHILADELPHIA-DETROIT LINES, INC. *v.* UNITED STATES, ET AL. November 7, 1939. The application of the appellant for the suspension of the challenged order of the Interstate Commerce Commission pending an appeal herein has been referred by MR. JUSTICE BLACK to the Court and the application is denied.

No. 32. CITY OF ATLANTA *v.* NATIONAL BITUMINOUS COAL COMMISSION ET AL. Appeal from the District Court of the United States for the District of Columbia. November 7, 1939. Harold L. Ickes, Secretary of the Interior, substituted as the party appellee in the place and stead of National Bituminous Coal Commission and Percy Tetlow, Chairman, et al., on motion of *Mr. J. C. Murphy* for the appellant.

No. 400. FIRST NATIONAL BANK OF ALBUQUERQUE *v.* STATE TAX COMMISSION ET AL. Appeal from the Supreme Court of New Mexico. November 13, 1939. *Per Curiam*: The appeal is dismissed for want of a substantial federal question. *Bell's Gap Railroad Co. v. Pennsylv-*

vania, 134 U. S. 232, 236-238; *Des Moines Bank v. Fairweather*, 263 U. S. 103. The petition for writ of certiorari is denied. *Mr. Quincy D. Adams* for appellant. No appearance for appellees. Reported below: 43 N. M. 307; 92 P. 2d 987.

No. 447. LEONARD, TRADING AS COMMUNITY VARIETY STORE, *v.* MAXWELL, COMMISSIONER OF REVENUE. Appeal from the Supreme Court of North Carolina. November 13, 1939. *Per Curiam*: The motion for leave to file a statement as to jurisdiction is granted. The motion to dismiss is also granted and the appeal is dismissed for want of a substantial federal question. (1) *American Sugar Refining Co. v. Louisiana*, 179 U. S. 89, 93-95; *Carmichael v. Southern Coal Co.*, 301 U. S. 495, 509-510; *Rapid Transit Corp. v. New York*, 303 U. S. 573, 578-581. (2) *Smiley v. Kansas*, 196 U. S. 447, 457; *Darnell v. Indiana*, 226 U. S. 390, 398. *Mr. J. M. Wells, Jr.* for appellant. *Mr. Harry McMullan* for appellee. Reported below: 216 N. C. 89; 3 S. E. 2d 316.

No. 27. FRANKLIN ET AL. *v.* UNITED STATES. Certiorari, 307 U. S. 618, to the Circuit Court of Appeals for the Sixth Circuit. Argued November 7, 1939. Decided November 13, 1939. *Per Curiam*: The judgment is affirmed upon the ground that the District Court had no jurisdiction to entertain the suit. Judicial Code, § 24 (20); 28 U. S. C. § 41 (20). See *Otis Elevator Co. v. United States*, 18 F. Supp. 87 (D. C. S. D. N. Y.). *Mr. Sam Costen* submitted for petitioners. *Mr. Warner W. Gardner*, with whom *Solicitor General Jackson*, *Assistant Attorney General Shea*, and *Messrs. Paul A. Sweeney* and *Aaron B. Holman* were on the brief, for the United States. Reported below: 101 F. 2d 459.

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No. 32. CITY OF ATLANTA *v.* ICKES, SECRETARY OF THE INTERIOR. Appeal from the District Court of the United States for the District of Columbia. Argued November 7, 1939. Decided November 13, 1939. *Per Curiam*: The judgment is affirmed on the ground that the appellant has no standing to maintain the suit. *Tennessee Power Co. v. Tennessee Valley Authority*, 306 U. S. 118, 142; *Alabama Power Co. v. Ickes*, 302 U. S. 464, 478-479; *Sprunt & Son v. United States*, 281 U. S. 249, 255-256; *Aetna Life Insurance Co. v. Haworth*, 300 U. S. 227, 240-241. Mr. J. C. Murphy, with whom Messrs. John A. McIntire and Charles S. Rhyne were on the brief, for appellant. Solicitor General Jackson, Assistant Attorney General Arnold, and Messrs. Robert L. Stern, Warner W. Gardner, and Abe Fortas were on a brief for appellee. Reported below: 26 F. Supp. 606.

No. —, original. EX PARTE WILLIAM BAYLEY. November 13, 1939. Motion for leave to file petition for writ of habeas corpus denied.

No. 12, original. MISSOURI *v.* IOWA. November 13, 1939. The counsel for the respective parties to the above-entitled cause having stipulated and agreed that this cause has been fully settled and compromised and that it shall be dismissed and have filed a stipulation to that effect,

It is ordered, adjudged, and decreed that the Bill of Complaint in this cause be, and it hereby is, dismissed, and that the costs, including the compensation of the Special Master, shall be divided equally between the parties. Messrs. Roy McKittrick, Attorney General of Missouri, Frank W. Hayes, Assistant Attorney General, M. E. Casey, and Mrs. Ruth L. Waltner for complainant.

Messrs. Fred D. Everett, Attorney General of Iowa, and *Horace E. Pike*, Assistant Attorney General, for defendant.

No. 429 (October Term, 1938). *PREBYL v. PRUDENTIAL INSURANCE CO.* November 13, 1939. Motion for leave to file protest and declaration of rights denied. *Milton Prebyl, pro se.* No appearance for respondent. See 305 U. S. 577, 641, 673.

No. 193. *NATIONAL LABOR RELATIONS BOARD v. WATERMAN STEAMSHIP CORP.* November 13, 1939. Motion of the National Maritime Union of America for leave to intervene denied.

No. 6. *INLAND WATERWAYS CORP. ET AL. v. HARDEE, RECEIVER.* Certiorari, 306 U. S. 626, to the Court of Appeals for the District of Columbia. November 13, 1939. The motion for substitution is granted and Frederick J. Young, Receiver of the Commercial National Bank of Washington, D. C., is substituted as the party respondent in the place and stead of Cary H. Hardee, resigned.

No. 316. *McNINCH ET AL. v. HEITMEYER.* Certiorari, *post*, p. 540, to the Court of Appeals for the District of Columbia. November 13, 1939. J. Lawrence Fly, Chairman of the Federal Communications Commission substituted as a party petitioner in the place and stead of Frank R. McNinch, resigned, on motion of *Mr. Solicitor General Jackson* for the petitioners.

No. 486. *MADISON AVENUE CORP. v. STOKES, COMMISSIONER OF FINANCE & TAXATION OF TENNESSEE.*

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Appeal from the Supreme Court of Tennessee. November 22, 1939. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Gregg Dyeing Co. v. Query*, 286 U. S. 472, 476; *Brown-Forman Co. v. Kentucky*, 217 U. S. 563, 571-572; *Swiss Oil Corporation v. Shanks*, 273 U. S. 407, 412-413; *Roberts & Schaefer Co. v. Emmerson*, 271 U. S. 50, 54-55. *Mr. F. E. Hagler* for appellant. *Mr. W. F. Barry* for appellee.

No. 48. UNITED STATES *v.* STONE, UNITED STATES DISTRICT JUDGE. Certiorari, 307 U. S. 620, to the Circuit Court of Appeals for the Seventh Circuit. Argued November 10, 1939. Decided November 22, 1939. *Per Curiam*: The judgment is affirmed by an equally divided Court. *Assistant Attorney General Arnold*, with whom *Solicitor General Jackson*, and *Messrs. Charles H. Weston* and *John Henry Lewin* were on the brief, for the United States. *Mr. Weymouth Kirkland*, with whom *Messrs. Howard Ellis*, *John L. McInerney*, and *David Fisher* were on the brief, for respondent. Reported below: 101 F. 2d 870.

No. —. EX PARTE JOHN MULDOON. November 22, 1939. Application denied.

No. 193. NATIONAL LABOR RELATIONS BOARD *v.* WATERMAN STEAMSHIP CORP. November 22, 1939. Motion of the American Federation of Labor for leave to intervene denied.

No. 490. UNITED STATES *v.* DESROCHERS. November 22, 1939. The petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit is struck

from the docket upon the ground that the petition is not presented by or on behalf of the United States, the party to the record. *Messrs. Horace M. Gray and Charles E. Wythe* for petitioner. *Mr. Edgar J. Treacy* for respondent. Reported below: 105 F. 2d 919.

No. 19. OKLAHOMA PACKING CO., FORMERLY WILSON & CO., INC., ET AL. *v.* OKLAHOMA GAS & ELECTRIC CO. ET AL. Opinion delivered December 4, 1939, withdrawn and replaced on January 15, 1940. See *post*, p. 530; 309 U. S. 4.

No. 508. MARK *v.* WISCONSIN. Appeal from the Supreme Court of Wisconsin. December 4, 1939. *Per Curiam*: The motion for leave to file the motion to dismiss the appeal is granted. The motion to dismiss is also granted and the appeal is dismissed for want of a substantial federal question. *Hurtado v. California*, 110 U. S. 516; *Bolln v. Nebraska*, 176 U. S. 83; *Lem Woon v. Oregon*, 229 U. S. 586. The motion for leave to proceed further *in forma pauperis* is denied. *Ralph Mark, pro se. Mr. Harold H. Persons*, Assistant Attorney General of Wisconsin, for appellee. Reported below: 228 Wis. 377; 280 N. W. 299.

No. —. PETERS *v.* NANGLE ET AL. December 4, 1939. Application denied.

No. —. PORESKEY *v.* ELY ET AL. December 4, 1939. The application presented to the CHIEF JUSTICE and referred by him to the Court is denied.

No. 43. UNITED STATES *v.* JOHN McSHAIN, INC. December 4, 1939. It is ordered that the order in this

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case dated November 6, 1939, *ante*, p. 512, be, and it hereby is, amended to read as follows:

"*Per Curiam*: The judgment is reversed to the extent that it includes the \$1,877.93 alleged to be due from the United States in paragraphs XIV through XXIV of the petition to the Court of Claims, and the cause is remanded to the Court of Claims with instructions to enter judgment in favor of the United States with regard to this item. *Plumley v. United States*, 226 U. S. 545, 547; *Merrill-Ruckgaber Co. v. United States*, 241 U. S. 387, 393."

Nos. 15 and 16. *BOTELER, TRUSTEE OF RICHMAID CREAMERIES, INC., v. INGELS, DIRECTOR OF MOTOR VEHICLES OF CALIFORNIA, ET AL.* December 4, 1939. Ordered that the first sentence in the second paragraph on page 3 of the opinion be amended to read:

"*First*. Subdivision 57 (j) prohibits allowance of a tax penalty against the bankrupt estate only if incurred by the bankrupt before bankruptcy by reason of his own delinquency."

It is further ordered that the petition for rehearing be denied.

Opinion reported as amended, *ante*, p. 57.

No. 549. *GROSECLOSE v. PLUMMER, WARDEN.* See *post*, p. 614.

No. 68. *HELIS v. WARD, EXECUTRIX, ET AL.* December 4, 1939. The motion of Agnes E. Lewis and others for leave to intervene is denied. The motion to proceed further *in forma pauperis* is also denied. Reported below: 102 F. 2d 519; 103 *id.* 519.

No. 488. *DUGAN v. UNITED STATES.* See *post*, p. 614.

NO. 193. NATIONAL LABOR RELATIONS BOARD *v.* WATERMAN STEAMSHIP CORP. December 8, 1939. Motion for leave to file brief of the National Maritime Union of America as *amicus curiae* submitted by Mr. Joseph Kovner in that behalf and the motion denied.

NO. 503. CAVICCHI, DOING BUSINESS AS WADE BUTTON CO., *v.* MOHAWK MANUFACTURING CO., INC. Appeal from the Supreme Court of New York. December 11, 1939. *Per Curiam*: The appeal is dismissed for want of a substantial federal question. *Red Cross Line v. Atlantic Fruit Co.*, 264 U. S. 109; *New Marshall Co. v. Marshall Engine Co.*, 223 U. S. 473, 478; *Geneva Furniture Co. v. Karpen*, 238 U. S. 254, 259. Mr. Alan N. Mann for appellant. Mr. David M. Palley entered an appearance for appellee. Reported below: 256 App. Div. 1069; 281 N. Y. 53; 12 N. Y. S. 2d 360; 22 N. E. 2d 179, 763.

NO. 77. INTERSTATE NATURAL GAS CO. ET AL. *v.* STONE, COMMISSIONER OF FRANCHISE TAX, ET AL. Certiorari, 307 U. S. 620, to the Circuit Court of Appeals for the Fifth Circuit. Argued December 4, 1939. Decided December 11, 1939. *Per Curiam*: The judgment is affirmed. *Southern Gas Corporation v. Alabama*, 301 U. S. 148, 153, 156-157. Mr. Garner W. Green, with whom Messrs. Wm. A. Dougherty, Maxwell Bramlette, and Marcellus Green were on the brief, for petitioners. Messrs. Greek L. Rice, Attorney General of Mississippi, and J. A. Lauderdale, Assistant Attorney General, were on a brief for respondents. Reported below: 103 F. 2d 544.

NO. 80. FUR WORKERS UNION No. 21238 *v.* FUR WORKERS UNION, LOCAL No. 72, ET AL. Certiorari, *post*, p. 537, to the Court of Appeals for the District of Colum-

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bia. Argued December 6, 1939. Decided December 11, 1939. *Per Curiam*: The judgment is affirmed. *Lauf v. E. G. Shinner & Co.*, 303 U. S. 323; *New Negro Alliance v. Grocery Co.*, 303 U. S. 552. Cf. *Senn v. Tile Layers Union*, 301 U. S. 468. *Mr. Irvin Goldstein* for petitioner. *Messrs. Samuel Levine, Sidney C. Schlesinger, and Louis B. Boudin* were on a brief for respondents. Reported below: 70 App. D. C. 122; 105 F. 2d 1.

No. 317. HELVERING, COMMISSIONER OF INTERNAL REVENUE, *v.* JOHNSON. Certiorari, *post*, p. 536, to the Circuit Court of Appeals for the Eighth Circuit. Argued December 5, 1939. Decided December 11, 1939. *Per Curiam*: The judgment is affirmed by an equally divided Court. *Assistant Attorney General Clark* and *Mr. Arnold Raum*, with whom *Solicitor General Jackson* and *Messrs. Sewall Key* and *Joseph M. Jones* were on the brief, for petitioner. *Mr. Abraham Lowenhaupt*, with whom *Mr. Stanley S. Waite* was on the brief, for respondent. Reported below: 104 F. 2d 140.

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

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

No. 367. PIATT *v.* SAME. On petition for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit. December 11, 1939. *Per Curiam*: Motion for leave to proceed *in forma pauperis*, and petition for writs of certiorari, granted. The judgments of the Circuit Court of Appeals are reversed, and the causes are remanded to the District Court for further proceedings. See *John Hancock Mutual Life Ins. Co. v. Bartels*, *ante*, p. 180. *Mr. William Lemke* for petitioners. *Mr. A. G. Masters* for respondent. Reported below: 105 F. 2d 275.

No. 412. MORRISON *v.* FEDERAL LAND BANK OF LOUISVILLE, KENTUCKY, ET AL.; and

No. 413. MORRISON, EXECUTRIX, *v.* SAME. On petition for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit. December 11, 1939. *Per Curiam*: Motion for leave to proceed *in forma pauperis*, and petition for writs of certiorari, granted. The judgments of the Circuit Court of Appeals are reversed, and the causes are remanded to the District Court for further proceedings. See *John Hancock Mutual Life Ins. Co. v. Bartels*, ante, p. 180. *Mr. William Lemke* for petitioner. No appearance for respondents. Reported below: 105 F. 2d 279.

No. 235. POTTER *v.* UNION CENTRAL LIFE INSURANCE Co. ET AL. On petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit. December 11, 1939. *Per Curiam*: The petition for writ of certiorari is granted. As the appeal from the order of the District Court filed December 4, 1937, was duly perfected, the Circuit Court of Appeals had jurisdiction and its order dismissing the appeal was error. The order is reversed and the cause is remanded to the Circuit Court of Appeals for further proceedings. *Mr. Elmer McClain* for petitioner. *Messrs. Virgil D. Parish and Stanley K. Henshaw* for respondents. Reported below: 102 F. 2d 1010.

No. 237. MILLER *v.* HATFIELD, TRUSTEE, ET AL. December 11, 1939. Motion of the petitioner for leave to proceed *in forma pauperis* as to the printing of the record granted. *Mr. Elmer McClain* for petitioner. *Mr. H. E. Garling* for respondents. Reported below: 101 F. 2d 748.

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No. 517. GUY *v.* UNITED STATES. December 13, 1939. Order denying petition for writ of certiorari (*post*, p. 618) ordered withheld pending the filing and determination of a timely petition for rehearing. Reported below: 107 F. 2d 288.

No. 183. ROTHENSIES, COLLECTOR OF INTERNAL REVENUE, *v.* CASSELL, SURVIVING EXECUTOR. December 13, 1939. Craig Huston, Administrator d. b. n. c. t. a. of the Estate of George F. Uber, deceased, substituted as the party respondent in the place and stead of Linford B. Cassell, per stipulation of counsel, on motion of *Mr. William R. Spofford* for the respondent.

No. 92. MADDEN, EXECUTOR, *v.* KENTUCKY, BY MARTIN, COMMISSIONER OF REVENUE OF THE COMMONWEALTH OF KENTUCKY. December 14, 1939. H. Clyde Reeves, present Commissioner of Revenue of Kentucky, substituted as party appellee in the place and stead of James W. Martin, resigned, as per stipulation of counsel, on motion of *Mr. Leo T. Wolford* in that behalf.

No. 78. UNITED STATES *v.* BALTIMORE & ANNAPOLIS RAILROAD Co. ET AL. Appeal from the Court of Appeals of Maryland. Argued December 11, 1939. Decided December 18, 1939. *Per Curiam*: The appeal is dismissed for want of a substantial federal question. *Hendrick v. Maryland*, 235 U. S. 610, 622-623; *Kane v. New Jersey*, 242 U. S. 160, 167; *Hodge Co. v. Cincinnati*, 284 U. S. 335, 337; *South Carolina State Highway Dept. v. Barnwell Bros.*, 303 U. S. 177, 189. Assistant Attorney General *Shea*, with whom Solicitor General *Jackson* and Messrs. *Warner W. Gardner*, *Paul A. Sweeney*, and *Enoch*

E. Ellison were on the brief, for the United States. *Mr. Edgar Allan Poe* was on a brief for the Baltimore & Annapolis Railroad Co., and *Mr. J. Purdon Wright* was on a brief for O. E. Weller et al., appellees. Reported below: 176 Md. 383; 4 A. 2d 734.

No. —, original. OKLAHOMA EX REL. WILLIAMSON, ATTORNEY GENERAL, *v.* WOODRING, SECRETARY OF WAR. December 18, 1939. The return to the rule to show cause is received and ordered filed. This cause is set for hearing on Monday, January 29, 1940, on the motion for leave to file the bill of complaint and the return to the rule to show cause.

No. —, original. PENNSYLVANIA *v.* NEW JERSEY ET AL. December 18, 1939. A rule is ordered to issue, returnable January 5, 1940, requiring the defendants to show cause why leave to file the bill of complaint should not be granted.

No. 35. RETAIL FOOD CLERKS & MANAGERS UNION, LOCAL NO. 1357, ET AL. *v.* UNION PREMIER FOOD STORES, INC., ET AL. Certiorari, 307 U. S. 619, to the Circuit Court of Appeals for the Third Circuit. Argued December 6, 1939. Decided January 2, 1940. *Per Curiam*: As it appears that the cause has become moot, the judgment of the Circuit Court of Appeals is reversed, without costs to either party in this Court, and the cause is remanded to the District Court with directions to dismiss the complaint. *United States v. Hamburg American Co.*, 239 U. S. 466, 477-478; *Heitmuller v. Stokes*, 256 U. S. 359, 362-363; *Brownlow v. Schwartz*, 261 U. S. 216, 218. *Mr. Joseph A. Padway* for petitioners. *Mr. Harry Shapiro* for respondents. Reported below: 101 F. 2d 475.

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No. 564. *LACOE v. COUNTY OF SAN DIEGO*. Appeal from the District Court of Appeal, 4th Appellate District, of California. January 2, 1940. *Per Curiam*: The appeal is dismissed for want of a substantial federal question. *Kidd v. Alabama*, 188 U. S. 730; *Darnell v. Indiana*, 226 U. S. 390, 398. *Messrs. W. Sumner Holbrook, Jr., Donald V. Hunter, and Homer R. Hendricks* for appellant. No appearance for appellee. Reported below: 33 Cal. App. 2d 692; 92 P. 2d 809.

No. 578. *QUANAHA, ACME & PACIFIC RY. CO. v. UNITED STATES ET AL.* Appeal from the District Court of the United States for the Northern District of Texas. January 2, 1940. *Per Curiam*: The decree is affirmed. *Central R. Co. v. United States*, 257 U. S. 247, 257; *Interstate Commerce Commission v. Union Pacific R. Co.*, 222 U. S. 541, 547-548; *Los Angeles Switching Case*, 234 U. S. 294, 311-312; *United States v. American Tin Plate Co.*, 301 U. S. 402, 411. *Mr. Robert E. Quirk* for appellant. *Mr. Philip A. Walker* for West Texas Cottonoil Co. et al., appellees. Reported below: 28 F. Supp. 916.

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

No. 538. *SAME v. BUCHSBAUM*. On petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit. January 2, 1940. *Per Curiam*: The petitions for writs of certiorari are granted. The judgments are reversed and the causes are remanded to the Circuit Court of Appeals for further proceedings. *LeTulle v. Scofield, ante*, p. 415. *Solicitor General Jackson* for petitioner. *Mr. Wayne Johnson* for respondent in No. 537. *Messrs. J. R. Sherrod, Homer Hendricks, and Robert N. Miller* for respondent in No. 538. Reported below: 106 F. 2d 55.

No. —, original. EX PARTE HARMON METZ WALEY;

No. —, original. EX PARTE E. R. LINDSEY;

No. —, original. EX PARTE J. R. PALMER. January 2, 1940. The motions for leave to file petitions for writs of habeas corpus are denied.

No. —. PORESKEY *v.* ELY. January 2, 1940. Motion for a reconsideration of the application herein denied.

No. 598. PHILADELPHIA-DETROIT LINES, INC., *v.* UNITED STATES ET AL. Appeal from the District Court of the United States for the Southern District of Florida. January 8, 1940. *Per Curiam*: The judgment is affirmed. *Hoey v. United States*, ante, p. 510; *Louisville & Nashville R. Co. v. Sloss-Sheffield Co.*, 295 F. 53, 56, affirmed 269 U. S. 217; *Spiller v. Atchison, T. & S. F. Ry. Co.*, 253 U. S. 117, 126. *Messrs. Dan R. Schwartz, Edward S. Brashears, Leo P. Kitchen, and Albert F. Beasley* for appellant. No appearance for appellees. 31 F. Supp. 188.

No. —, original. EX PARTE GEORGE H. GIBSON. January 8, 1940. Motion for leave to file petition for writ of habeas corpus denied.

No. —. IN THE MATTER OF LOVELAND. January 8, 1940. French B. Loveland, a member of the Bar of this Court, having made return in response to the rule to show cause issued on December 4, 1939, and the costs therein mentioned having been paid, the said rule, in view of the explanation submitted in said return, is discharged.

No. 552. MURRAY, RECEIVER, ET AL. *v.* CITY OF NEW YORK ET AL.; and

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No. 558. ROBERTS, RECEIVER, *v.* MURRAY, RECEIVER, ET AL. January 8, 1940. The motion to defer consideration of the petitions for writs of certiorari in these cases is granted and consideration is deferred until March 1, 1940. The CHIEF JUSTICE took no part in the consideration and decision of this motion. Reported below: 103 F. 2d 889.

No. 614. PUBLIC SERVICE COMMISSION OF WISCONSIN *v.* WISCONSIN TELEPHONE Co. January 8, 1940. Motion of the Committee on Public Utilities of National Lawyers Guild for leave to file a brief as *amicus curiae* submitted by *Mr. Harry Booth* in that behalf and the motion denied.

No. 242. KEYS, ADMINISTRATRIX, *v.* PENNSYLVANIA RAILROAD Co. Certiorari, *post*, p. 535, to the Circuit Court of Appeals for the Second Circuit. Argued January 8, 1940. Decided January 15, 1940. *Per Curiam*: The judgment of the Circuit Court of Appeals is reversed and that of the District Court is affirmed upon the ground that the question of assumption of risk was properly submitted to the jury. *Mr. Simone N. Gazan* for petitioner. *Mr. Ray Rood Allen*, with whom *Mr. Frederic D. McKenney* was on the brief, for respondent. Reported below: 104 F. 2d 663.

No. —, original. EX PARTE EDWARD QUINN; and

No. —, original. EX PARTE WAYNE WAGGONER. January 15, 1940. The motions for leave to file petitions for writs of habeas corpus are denied.

No. —, original. PENNSYLVANIA *v.* NEW JERSEY ET AL. January 15, 1940. The return of the individual defendants to the rule to show cause is received and ordered

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.