

309 U.S.

Decisions Denying Certiorari.

petitioners. *Messrs. Angus Roy Shannon and William C. Graves* for respondents. Reported below: 372 Ill. 369; 24 N. E. 2d 37.

No. 825. *L. SINGER & SONS ET AL. v. UNION PACIFIC RAILROAD Co.*; and

No. 826. *KANSAS CITY, MISSOURI, v. L. SINGER & SONS ET AL.* April 22, 1940. Petitions for writs of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Mr. John M. Cleary* for petitioners. *Mr. Henry N. Ess* for Union Pacific Railroad Co., respondent. Reported below: 109 F. 2d 493.

No. 581. *PALMER ET AL., TRUSTEES, v. CONNECTICUT RAILWAY & LIGHTING Co.* April 22, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Messrs. James Garfield and Hermon J. Wells* for petitioners. *Mr. George W. Martin* for respondent. Reported below: 109 F. 2d 568.

DECISIONS DENYING CERTIORARI, FROM JANUARY 16, 1940, THROUGH APRIL 22, 1940.

No. 605. *MILAR v. BURLEIGH, EXECUTRIX, ET AL.* January 29, 1940. Petition for writ of certiorari to the Supreme Court of Ohio, and motion for leave to proceed further *in forma pauperis*, denied. *Anna May Milar, pro se.* Reported below: 135 Ohio St. 587; 21 N. E. 2d 677.

No. 617. *STEWART v. ST. SURE, U. S. DISTRICT JUDGE.* January 29, 1940. 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*, de-

nied. *J. L. Stewart, pro se.* Reported below: 109 F. 2d 162.

No. 649. *COX v. WILSON, WARDEN, ET AL.* January 29, 1940. Petition for writ of certiorari to the Washington County Court, of New York, and motion for leave to proceed further *in forma pauperis*, denied. *Thomas R. Cox, pro se.*

No. 625. *GETZ ET AL. v. BALTIMORE & OHIO R. CO. ET AL.* January 29, 1940. The motion to dispense with the printing of the record is granted. The petition for writ of certiorari to the District Court of the United States for the District of Maryland is denied. MR. JUSTICE ROBERTS took no part in the consideration and decision of these applications. *Messrs. Meyer Abrams and Gersh I. Moss* for petitioners. *Messrs. Henry W. Anderson and Leonard D. Adkins* for respondents. Reported below: 29 F. Supp. 608.

No. 604. *STANDARD OIL COMPANY OF CALIFORNIA ET AL. v. UNITED STATES.* January 29, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. MR. JUSTICE STONE took no part in the consideration and decision of this application. *Messrs. Oscar Lawler, Donald R. Richberg, Eugene M. Prince, and William H. Burges* for petitioners. *Solicitor General Jackson, Mr. John W. Preston and Annette Abbott Adams* for the United States. By leave of Court, briefs of *amici curiae* were filed by *Messrs. Edward D. Landels and Stanley A. Weigel*, on behalf of the California Land Title Assn.; and by *Messrs. Earl Warren, Attorney General of California, Robert W. Harrison, Chief Assistant Attorney General, and F. Walter French, Deputy Attorney General*, on behalf of that State,—in support of the petition. Reported below: 107 F. 2d 402.

309 U. S.

Decisions Denying Certiorari.

No. 583. *WOODALL v. COMMISSIONER OF INTERNAL REVENUE*. January 29, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Todd W. Johnson* for petitioner. *Solicitor General Jackson, Assistant Attorney General Clark, and Messrs. Sewall Key, Arnold Raum, and F. E. Youngman* for respondent. Reported below: 105 F. 2d 474.

No. 600. *WILLIAMS ET AL. v. EMERY BIRD THAYER DRY GOODS CO. ET AL.* January 29, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. R. B. Caldwell, Barton Corneau, and Henry M. Channing* for petitioners. *Messrs. Frederick H. Wood and Armwell L. Cooper* for respondents. Reported below: 107 F. 2d 965.

No. 561. *CHEROKEE FUEL CO. v. UNITED STATES*. January 29, 1940. Petition for writ of certiorari to the Court of Claims denied. *Messrs. M. Walton Hendry and Josephus C. Trimble* for petitioner. *Solicitor General Jackson, Assistant Attorney General Shea, and Mr. Paul A. Sweeney* for the United States. Reported below: 89 Ct. Cls. 279.

No. 590. *GEIBEL v. SCOTT, JUDGE OF THE SUPERIOR COURT OF CALIFORNIA*. January 29, 1940. Petition for writ of certiorari to the Supreme Court of California denied. *Martin E. Geibel, pro se. Mr. W. B. McKesson* for respondent.

No. 601. *RUHLIN ET AL. v. NEW YORK LIFE INSURANCE Co.* January 29, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

Messrs. John E. Evans, Sr. and Charles H. Sachs for petitioners. *Mr. William H. Eckert* for respondent. Reported below: 106 F. 2d 921.

No. 602. *HOUSMAN v. COMMISSIONER OF INTERNAL REVENUE*. January 29, 1940. Petition for writ of certiorari 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, Arnold Raum, and F. E. Youngman* for respondent. Reported below: 105 F. 2d 973.

No. 607. *McCURDY v. NEW YORK LIFE INSURANCE Co.* January 29, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Mr. Robert C. Faulston* for petitioner. *Messrs. Louis H. Cooke and Austin M. Cowan* for respondent. Reported below: 106 F. 2d 181.

No. 618. *GEORGE ALLISON & Co. ET AL. v. INTERSTATE COMMERCE COMMISSION*. January 29, 1940. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Messrs. Harrison Tweed and F. Trowbridge vom Baur* for petitioners. *Messrs. E. M. Reidy and Daniel W. Knowlton* for respondent. Reported below: 70 App. D. C. 375; 107 F. 2d 180.

No. 624. *KROGER GROCERY & BAKING Co. v. BARKER*. January 29, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Wayne Ely* for petitioner. *Mr. Scerial Thompson* for respondent. Reported below: 107 F. 2d 530.

309 U. S.

Decisions Denying Certiorari.

No. 626. FRANCE MANUFACTURING CO. *v.* JEFFERSON ELECTRIC Co. January 29, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Messrs. Albert R. Teare and Arthur C. Denison* for petitioner. *Messrs. Frank Parker Davis and John A. Dienner* for respondent. Reported below: 106 F. 2d 605.

No. 614. PUBLIC SERVICE COMMISSION *v.* WISCONSIN TELEPHONE Co. On petition for writ of certiorari to the Supreme Court of Wisconsin. February 5, 1940. The motion of the National Association of Railroad and Utilities Commissioners for leave to file a brief *amicus curiae* is granted. The petition for writ of certiorari is denied upon the ground that the Court is unable to find that the decision of the highest court of the State did not rest upon an adequate non-federal ground. Judicial Code, § 237 (b), 28 U. S. C. 344 (b). *Lynch v. New York*, 293 U. S. 52; *Honeyman v. Hanan*, 300 U. S. 14; *New York City v. Central Savings Bank*, 306 U. S. 661; *McGoldrick v. Gulf Oil Corp.*, ante, p. 2. *Mr. Harold M. Wilkie* for petitioner. *Messrs. Edwin S. Mack, J. Gilbert Hardgrove, Frederic Sammond, Baxter Milne, and C. M. Bracelen* for respondent. By leave of Court, briefs of *amici curiae* were filed by *Solicitor General Biddle* and *Messrs. J. Phillip Wenchel, Daniel W. Knowlton, David W. Robinson, Jr., and William J. Dempsey*, on behalf of the United States; and by *Messrs. John E. Benton and Clyde S. Bailey*, on behalf of the National Association of Railroad and Utilities Commissioners,—in support of the petition. Reported below: 232 Wis. 274; 287 N. W. 122, 593.

No. 628. STEWART ET AL. *v.* CAPITAL TRANSIT Co. February 5, 1940. Petition for writ of certiorari to the Court of Appeals for the District of Columbia, and mo-

tion for leave to proceed further *in forma pauperis*, denied. *Mr. Emory B. Smith* for petitioners. Reported below: 70 App. D. C. 346; 108 F. 2d 1.

No. 661. *WEST v. WASHINGTON ET AL.* February 5, 1940. Petition for writ of certiorari to the Supreme Court of Washington, and motion for leave to proceed further *in forma pauperis*, denied. *Fred Hartzell West, pro se.*

No. 670. *ROBERTSON ET AL. v. CHRONISTER ET AL.* February 5, 1940. Petition for writ of certiorari to the Supreme Court of Arkansas, and motion for leave to proceed further *in forma pauperis*, denied. *Dora Robertson, pro se.* Reported below: 199 Ark. 373; 134 S. W. 2d 517.

No. 631. *PARKER v. AMERICAN SOCIETY OF MECHANICAL ENGINEERS.* February 5, 1940. Petition for writ of certiorari to the Court of Appeals of New York, and motion for leave to proceed further *in forma pauperis*, denied. *John Parker, pro se.* Reported below: 281 N. Y. 586, 692; 22 N. E. 2d 163; 23 N. E. 2d 20.

No. 639. *SHELLEY v. JORDAN, ASSISTANT DISTRICT DIRECTOR OF NATURALIZATION AND IMMIGRATION.* February 5, 1940. 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 for the reason that the Court, upon examination of the papers herein submitted, finds that the application for a writ of certiorari was not filed within the time provided by law. § 8 (a), Act of February 13, 1925 (43 Stat. 936, 940). *Rebecca Shelley, pro se.* Reported below: 106 F. 2d 1016.

309 U. S.

Decisions Denying Certiorari.

No. 589. C. W. BLAKESLEE & SONS, INC., ET AL. v. UNITED STATES. February 5, 1940. Motion to remand, and petition for writ of certiorari to the Court of Claims, denied. *Mr. Raymond E. Hackett* for petitioners. *Solicitor General Biddle, Assistant Attorney General Shea, and Messrs. Paul A. Sweeney and Robert K. McConaughy* for the United States. Reported below: 89 Ct. Cls. 226.

No. 615. AMERICAN FEDERATION OF LABOR ET AL. v. SWING ET AL. February 5, 1940. Petition for writ of certiorari to the Supreme Court of Illinois denied for the want of a final judgment. *Messrs. Walter F. Dodd and Daniel D. Carmell* for petitioners. *Messrs. Samuel A. Rinella and Myer N. Rosengard* for respondents. Reported below: 298 Ill. App. 63; 372 Ill. 91; 18 N. E. 2d 258; 22 N. E. 2d 857.

No. 599. SANFORD CORPORATION v. COMMISSIONER OF INTERNAL REVENUE. February 5, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Theodore B. Benson* for petitioner. *Solicitor General Biddle, Assistant Attorney General Clark, and Mr. Sewall Key* for respondent. Reported below: 106 F. 2d 882.

No. 606. LEE, TRADING AS VITAMIN PRODUCTS Co., v. UNITED STATES. February 5, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Francis E. McGovern* for petitioner. *Solicitor General Jackson, Assistant Attorney General Rogge, and Messrs. William W. Barron and Benjamin M. Parker* for the United States. Reported below: 107 F. 2d 522.

No. 609. COHEN, TRADING AS STEWART'S JEWELRY SHOP *v.* GLOBE INDEMNITY Co. February 5, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Horace S. Whitman* for petitioner. *Mr. Edward H. Cushman* for respondent. Reported below: 106 F. 2d 687.

No. 611. LUZIERS', INC. *v.* NEE, COLLECTOR OF INTERNAL REVENUE. February 5, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. John B. Gage* and *Albert F. Hillix* for petitioner. *Solicitor General Biddle*, *Assistant Attorney General Clark*, and *Messrs. Sewall Key*, *Arnold Raum*, and *F. E. Youngman* for respondent. Reported below: 106 F. 2d 130.

No. 612. LEWIS *v.* VENDOME BAGS, INC. February 5, 1940. Petition for writ of certiorari to the Circuit Court of Appeal for the Second Circuit denied. *Messrs. Samuel E. Darby, Jr.* and *Walter A. Darby* for petitioner. *Mr. Michael Halperin* for respondent. Reported below: 108 F. 2d 16.

No. 616. SEVERSON *v.* HANFORD TRI-STATE AIRLINES, INC., ET AL. February 5, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. S. W. Jensch* for petitioner. *Messrs. Wilfrid E. Rumble* and *Pierce Butler, Jr.*, for respondents. Reported below: 105 F. 2d 622.

No. 619. HARDONCOURT *v.* HARDONCOURT. February 5, 1940. Petition for writ of certiorari to the Supreme Court of New York denied. *Arthur Hardoncourt, pro se.*

309 U. S.

Decisions Denying Certiorari.

Mr. James W. Bailey for respondent. Reported below: 254 App. Div. 899; 255 *id.* 779; 281 N. Y. 599, 678; 7 N. Y. S. 2d 110; 22 N. E. 2d 168, 873.

No. 623. PORT OF SEATTLE *v.* FIDELITY & DEPOSIT COMPANY OF MARYLAND. February 5, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. Glenn J. Fairbrook* and *George Donworth* for petitioner. *Mr. Loren Grinstead* for respondent. Reported below: 106 F. 2d 777.

No. 586. WILLIAMS *v.* ALDREDGE, SHERIFF. February 5, 1940. Petition for writ of certiorari to the Supreme Court of Georgia denied. *Mr. Elbert P. Tuttle* for petitioner. *Mr. A. S. Skelton* for respondent. Reported below: 188 Ga. 607; 4 S. E. 2d 469.

No. 594. DUNHAM *v.* OMAHA & COUNCIL BLUFFS STREET RAILWAY Co. February 5, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Harry Cole Bates* for petitioner. *Mr. Joseph M. Hartfield* for respondent. Reported below: 106 F. 2d 1.

No. 685. MURPHY *v.* WARDEN OF CLINTON STATE PRISON. February 12, 1940. 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. Joseph G. M. Browne* for petitioner. *Messrs. John J. Bennett, Jr.*, Attorney General of New York, and *Henry Epstein*, Solicitor General, for respondent. Reported below: 108 F. 2d 861.

No. 689. HADEN *v.* DOWD, WARDEN. February 12, 1940. Petition for writ of certiorari to the Supreme Court of Indiana, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. Oscar B. Thiel* for petitioner. Reported below: 216 Ind. —; 23 N. E. 2d 676.

No. 608. CENTURY DISTILLING CO. *v.* CONTINENTAL DISTILLING CORP. February 12, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Messrs. Edward S. Rogers, Karl D. Loos, and William T. Woodson* for petitioner. *Messrs. Thomas G. Haight and Leonard L. Kalish* for respondent. Reported below: 106 F. 2d 486.

No. 620. CROWLEY, RECEIVER, *v.* ICKES, SECRETARY OF THE INTERIOR. February 12, 1940. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Mr. James E. Trask* for petitioner. *Solicitor General Biddle, Assistant Attorney General Shea, and Messrs. Frederick Bernays Wiener, Richard H. Demuth, and Aaron B. Holman* for respondent. Reported below: 107 F. 2d 256.

No. 627. BAKER *v.* WISCONSIN. February 12, 1940. Petition for writ of certiorari to the Supreme Court of Wisconsin denied. *Mr. Van B. Wake* for petitioner. *Mr. Harold H. Persons* for respondent. Reported below: 232 Wis. 383; 286 N. W. 535; 287 N. W. 690.

No. 636. EVANS ET AL. *v.* JOHNSTON ET AL. February 12, 1940. Petition for writ of certiorari to the Appellate Court, First District, of Illinois, denied. *Messrs. Charles S. Deneen and Roy Massena* for petitioners. *Messrs.*

309 U. S.

Decisions Denying Certiorari.

Harold M. McLaughlin, Samuel S. Holmes, and Theodore Schmidt for respondents. Reported below: 300 Ill. App. 78; 20 N. E. 2d 841.

No. 640. MCGREGOR, RECEIVER, *v.* BOARD OF PUBLIC UTILITY COMMISSIONERS ET AL. February 12, 1940. Petition for writ of certiorari to the Court of Errors and Appeals of New Jersey denied. *Mr. George W. C. McCarter* for petitioner. *Mr. Frank H. Sommer* for the Board of Public Utility Commissioners; and *Mr. Michael J. Bruder* for Town of Harrison, respondents. Reported below: 123 N. J. L. 303; 8 A. 2d 350.

No. 647. PETERS *v.* MUTUAL LIFE INSURANCE CO. February 12, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. C. H. Welles, 3d*, for petitioner. *Mr. Reese H. Harris* for respondent. Reported below: 107 F. 2d 9.

No. 673. JOHN HANCOCK MUTUAL LIFE INSURANCE Co. *v.* LAMPERT. February 12, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. George W. Riley and Walter R. Kuhn* for petitioner. *Mr. David Groberg* for respondent. Reported below: 107 F. 2d 1016.

No. 656. SOVA *v.* W-R COMPANY (formerly WILCOX-RICH CORPORATION). February 26, 1940. 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. *Alfred L. Sova, pro se.* *Mr. Arthur W. Dickey* for respondent. Reported below: 106 F. 2d 478.

No. 677. *McKee v. Johnston, Warden*. February 26, 1940. 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. *Frank McKee, pro se*. Reported below: 109 F. 2d 273.

No. 686. *Bostic v. Rives, Superintendent*. February 26, 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. Martin S. Vilas* for petitioner. Reported below: 107 F. 2d 649.

No. 709. *IN RE EDMOND C. FLETCHER*. February 26, 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. *Edmond C. Fletcher, pro se*. Reported below: 107 F. 2d 666.

No. 645. *Manton v. United States*; and

No. 646. *Spector v. Same*. February 26, 1940. Petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied. MR. JUSTICE STONE and MR. JUSTICE MURPHY took no part in the consideration and decision of these applications. *Messrs. William E. Leahy* and *William J. Hughes, Jr.* for petitioner in No. 645. *Mr. Harry E. Ratner* for petitioner in No. 646. *Solicitor General Biddle*, *Assistant Attorney General Rogge*, and *Messrs. John T. Cahill*, *William W. Barron*, *George F. Kneip*, and *W. Marvin Smith* for the United States. Reported below: 107 F. 2d 834.

No. 658. *Carolina, Clinchfield & Ohio Railway v. Sarah Good Hosiery Mills, Inc.* February 26, 1940.

309 U. S.

Decisions Denying Certiorari.

Petition for writ of certiorari to the Supreme Court of North Carolina denied for the want of a final judgment. *Messrs. J. W. Pless and Kester Walton* for petitioner. *Mr. J. Y. Gordan, Jr.* for respondent. Reported below: 216 N. C. 474; 5 S. E. 2d 324.

No. 633. SHAKESPEARE COMPANY *v.* ENTERPRISE MANUFACTURING CO. ET AL. February 26, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. William S. Hodges* for petitioner. *Messrs. Arthur C. Denison and A. L. Ely* for respondents. Reported below: 106 F. 2d 800.

Nos. 641 and 642. CARNEGIE-ILLINOIS STEEL CORP. ET AL. *v.* COLD METAL PROCESS Co. February 26, 1940. Petitions for writs of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Messrs. Merrell E. Clark and John E. Jackson* for petitioners. *Messrs. Thomas G. Haight and Walter J. Blenko* for respondent. Reported below: 108 F. 2d 322.

No. 644. NATIONAL BISCUIT Co. *v.* SEYMOUR ET AL. February 26, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Messrs. William C. Cannon and Ralph E. Cooper* for petitioner. *Mr. John L. Seymour* for respondents. Reported below: 107 F. 2d 58.

No. 657. SHARPE *v.* COMMISSIONER OF INTERNAL REVENUE. February 26, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Paul F. Myers* for petitioner. *Solicitor General Jackson, Assistant Attorney General Clark,*

and *Messrs. Sewall Key* and *Harry Marselli* for respondent. Reported below: 107 F. 2d 13.

No. 659. *FLORIDA BLUE RIDGE CORP. v. TENNESSEE ELECTRIC POWER Co.* February 26, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. J. Howell Green* for petitioner. *Mr. Dan MacDougald* for respondent. Reported below: 106 F. 2d 913.

No. 663. *CLUM v. GUARDIAN LIFE INSURANCE Co.* February 26, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Gustave B. Garfield* for petitioner. *Mr. Walter L. Hill* for respondent. Reported below: 106 F. 2d 592.

No. 665. *HASENBERG v. NEW YORK CREDITMEN'S ASSN.* February 26, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. J. Bertram Wegman* and *Jesse Climenko* for petitioner. *Mr. George C. Levin* for respondent. Reported below: 107 F. 2d 1020.

No. 580. *MUNICIPAL COUNCIL OF SAN RAFAEL ET AL. v. HOSPITAL DE SAN JUAN DE DIOS.* February 26, 1940. Petition for writ of certiorari to the Supreme Court of the Philippines denied. *Mr. Thomas E. Rhodes* for petitioners. *Mr. Gabriel La ó* for respondent.

No. 660. *BATES v. UNITED STATES.* February 26, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Herbert Pope*

309 U. S.

Decisions Denying Certiorari.

for petitioner. *Solicitor General Biddle, Assistant Attorney General Clark, and Messrs. Sewall Key, Ellis N. Slack, Richard H. Demuth, Edward H. Foley, Jr., Bernard Bernstein, and Joseph B. Friedman* for the United States. Reported below: 108 F. 2d 407.

No. 666. *CANTLEY, RECEIVER, v. ANDREWS ET AL.* February 26, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. George C. Willson and Peyton R. Evans, and Miss May T. Bigelow* for petitioner. *June C. Smith* for respondents. Reported below: 107 F. 2d 642.

No. 676. *ATLANTIC GREYHOUND CORP. ET AL. v. LYON ET AL.* February 26, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. *Mr. George E. Allen* for petitioners. *Messrs. V. P. Randolph, Jr. and Archibald G. Robertson* for respondents. Reported below: 107 F. 2d 157.

No. 747. *CONSIDINE v. PENNSYLVANIA.* March 4, 1940. Petition for writ of certiorari to the Supreme Court of Pennsylvania, and motion for leave to proceed further *in forma pauperis*, denied. *Robert Considine, pro se.*

No. 678. *GREENWOOD COUNTY v. DUKE POWER CO. ET AL.* March 4, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. MR. JUSTICE REED took no part in the consideration and decision of this application. *Messrs. W. H. Nicholson, James F. Dreher, and D. W. Robinson, Jr.* for petitioner. *Messrs. W. S. O'B. Robinson, Jr. and Wm. B. McGuire, Jr.* for respondents. Reported below: 107 F. 2d 484.

No. 637. *COMPANIA GENERAL DE TABACOS DE FILIPINAS v. COLLECTOR OF INTERNAL REVENUE*. March 4, 1940. Petition for writ of certiorari to the Supreme Court of the Philippines denied. *Messrs. C. A. Dewitt and E. A. Perkins* for petitioner. *Messrs. Nathan R. Margold and John B. Jago* for respondent.

No. 648. *WINKELMAN v. ALLMAN*. March 4, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Walter C. Fox, Jr.* for petitioners. *Mr. Roy G. Allman* for respondent. Reported below: 106 F. 2d 663.

No. 668. *PUGET SOUND NAVIGATION Co. v. UNITED STATES*. March 4, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. Lawrence Bogle, Edward G. Dobrin, and Cassius E. Gates* for petitioner. *Solicitor General Biddle, Assistant Attorney General Shea, and Mr. Paul A. Sweeney* for the United States. Reported below: 107 F. 2d 73.

No. 680. *SHYVERS v. SECURITY-FIRST NATIONAL BANK OF LOS ANGELES*. March 4, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. John A. Jorgenson* for petitioner. *Mr. Edmund W. Pugh* for respondent. Reported below: 108 F. 2d 611.

No. 684. *CLARK v. UNITED STATES*. March 4, 1940. 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 Biddle, Assistant Attorney General Clark, and Messrs. Joseph W. Burns*

309 U. S.

Decisions Denying Certiorari.

and *Lee A. Jackson* for the United States. Reported below: 108 F. 2d 969.

No. 688. *PETTINGILL v. FULLER*. March 4, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Florence E. Moore* for petitioner. *Mr. John W. Redmond* for respondent. Reported below: 107 F. 2d 933.

No. 691. *SOUTHERN PACIFIC CO. v. SHERMAN, ADMINISTRATRIX*. March 4, 1940. Petition for writ of certiorari to the District Court of Appeal, First Appellate District, of California, denied. *Mr. Arthur B. Dunne* for petitioner. *Mr. Louis E. Goodman* for respondent. Reported below: 34 Cal. App. 2d 490; 93 P. 2d 812.

No. 735. *GORDON ET AL. v. WIRTZ ET AL.* See *ante*, p. 630.

No. 669. *MCDONALD v. NEW YORK*. March 11, 1940. Petition for writ of certiorari to the Court of Appeals of New York, and motion for leave to proceed further *in forma pauperis*, denied. *George McDonald, pro se*. Reported below: 256 App. Div. 956; 281 N. Y. 776; 11 N. Y. S. 2d 233; 24 N. E. 2d 25.

No. 679. *BUCKNER ET AL. v. UNITED STATES*. March 11, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. MR. JUSTICE DOUGLAS and MR. JUSTICE MURPHY took no part in the consideration and decision of this application. *Mr. Moses Polakoff* for petitioners. *Solicitor General Biddle, 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: 108 F. 2d 921.

No. 725. *McLEAN ET AL. v. BURKINSHAW, ANCILLARY COMMITTEE*. March 11, 1940. The motion of the guardian ad litem for leave to file brief in opposition to the petition for writ of certiorari is granted. The petition for writ of certiorari to the Court of Appeals for the District of Columbia is denied. *Messrs. Robert H. McNeill and George B. Fraser* for petitioners. *Mr. Neil Burkinshaw, pro se*. By leave of Court, *Mr. Austin F. Canfield*, guardian ad litem, filed a brief, opposing the petition. Reported below: 107 F. 2d 665.

No. 672. *BERLINER HANDELS-GESELLSCHAFT v. UNITED STATES*. March 11, 1940. Petition for writ of certiorari to the Court of Claims denied. *Messrs. Maxwell C. Katz, Otto C. Sommerich, and Raymond T. Heilpern* for petitioner. *Solicitor General Biddle, Assistant Attorney General Clark, and Messrs. Sewall Key and Thomas E. Harris* for the United States. Reported below: 90 Ct. Cls. 75; 30 F. Supp. 490.

No. 692. *SOUTHERN PACIFIC Co. v. WEIAND, ADMINISTRATRIX*. March 11, 1940. Petition for writ of certiorari to the District Court of Appeal, Third Appellate District, of California, denied. *Messrs. Arthur B. Dunne and George R. Freeman* for petitioner. *Mr. Herbert W. Erskine* for respondent. Reported below: 34 Cal. App. 2d 500; 93 P. 2d 1023.

No. 693. *SOUTHERN PACIFIC Co. v. WOODWARD, ADMINISTRATRIX*. March 11, 1940. Petition for writ of

309 U. S.

Decisions Denying Certiorari.

certiorari to the District Court of Appeal, Third Appellate District, of California, denied. *Messrs. Arthur B. Dunne, William H. Devlin, A. I. Diepenbrock, and Horace B. Wulff* for petitioner. *Mr. Stephen W. Downey* for respondent. Reported below: 35 Cal. App. 2d 130; 94 P. 2d 1028.

No. 694. *ARBETMAN ET AL. v. RECONSTRUCTION FINANCE CORPORATION ET AL.* March 11, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Meyer Abrams* for petitioners. *Solicitor General Biddle* and *Messrs. Clifford J. Durr, Hans A. Klagsbrunn, and William S. Allen* for respondents. Reported below: 109 F. 2d 167.

No. 695. *DONALD ET AL. v. DISTRICT OF COLUMBIA.* March 11, 1940. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Mr. James T. Crouch* for petitioners. *Messrs. Elwood H. Seal, Vernon E. West, and Milton D. Korman* for respondent. Reported below: 108 F. 2d 15.

No. 696. *CLARKE v. GOLD DUST CORP.* March 11, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. James M. Snee* for petitioner. *Mr. George W. C. McCarter* for respondent. Reported below: 106 F. 2d 598.

No. 700. *FLANNERY ET AL. v. FLANNERY BOLT CO.* March 11, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. W. Denning Stewart* for petitioners. *Messrs. Roy G. Bostwick and William H. Parmelee* for respondent. Reported below: 108 F. 2d 531.

No. 701. *BARRETT v. MORGENTHAU, SECRETARY OF THE TREASURY, ET AL.* March 11, 1940. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Messrs. William Cattron Rigby, Hugh C. Smith, and Eugene R. West* for petitioner. *Solicitor General Biddle, Assistant Attorney General Shea, and Messrs. Paul A. Sweeney and Richard H. Demuth* for respondents. By leave of Court, *Mr. William H. McGrann* filed a brief on behalf of the Retired Officers of the U. S. Navy et al., as *amici curiae*, in support of the petition. Reported below: 108 F. 2d 481.

No. 708. *BOROUGH OF EDGEWATER v. BODINE, JUSTICE, ET AL.* Petition for writ of certiorari to the Court of Errors and Appeals of New Jersey denied. *Mr. Milton T. Lasher* for petitioner. *Mr. Samuel Slaff* for respondents. Reported below: 125 N. J. L. 212; 8 A. 2d 375.

No. 710. *LINEA SUD-AMERICANA, INC. v. 7,295.40 TONS OF LINSEED AND ARCHER-DANIELS-MIDLAND Co.* March 11, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Roscoe H. Hupper and F. Herbert Prem* for petitioner. *Messrs. Ira A. Campbell and Clement C. Rinehart* for respondent. Reported below: 108 F. 2d 755.

No. 711. *HOLT v. UNITED STATES.* March 11, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Olin R. Holt, pro se. Solicitor General Biddle, Assistant Attorney General Rogge, and Messrs. William W. Barron, Fred E. Strine, George F. Kneip, and W. Marvin Smith* for the United States. Reported below: 108 F. 2d 365.

309 U. S.

Decisions Denying Certiorari.

No. 716. VAIL, EXECUTRIX, *v.* COUNTY OF SOMERSET. March 11, 1940. Petition for writ of certiorari to the Supreme Court of New Jersey denied. *Mr. T. Girard Wharton* for petitioner. *Mr. Ralph E. Lum* for respondent. Reported below: 123 N. J. L. 415; 8 A. 2d 696.

No. 723. EMPLOYERS LIABILITY ASSURANCE CORP. *v.* NEWTON. March 11, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. *Messrs. R. M. Hughes, Jr. and Leon T. Seawell* for petitioner. *Messrs. William Shepherd Drewry and Charles B. Godwin, Jr.* for respondent. Reported below: 107 F. 2d 164.

No. 739. LOVE *v.* UNITED STATES. March 25, 1940. 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. *Harold R. Love, pro se.* Reported below: 108 F. 2d 43.

No. 699. KING *v.* REALTY MORTGAGE CO. ET AL. March 25, 1940. 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. JUSTICE BLACK took no part in the consideration and decision of these applications. *Mr. Erle Pettus* for petitioner. *Mr. Douglas Arant* for respondents. Reported below: 107 F. 2d 90.

No. 731. UNITED STATES *v.* STANDARD OIL COMPANY OF CALIFORNIA. March 25, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. MR. JUSTICE STONE took no part in the

consideration and decision of this application. *Solicitor General Biddle* for the United States. *Messrs. Oscar Lawler, Donald R. Richberg, Eugene M. Prince, and Wm. H. Burges* for respondent. Reported below: 107 F. 2d 402.

No. 653. CLEVELAND TRUST CO. ET AL. *v.* SCHRIBER-SCHROTH Co.;

No. 654. SAME *v.* ABERDEEN MOTOR SUPPLY COMPANY; and

No. 655. SAME *v.* F. E. ROWE SALES Co. March 25, 1940. The motion to consider the petition for writs of certiorari on a reduced number of copies of the record is granted. The petition for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit is denied. MR. JUSTICE ROBERTS took no part in the consideration and decision of these applications. *Messrs. Arthur C. Denison, F. O. Richey, Wm. C. McCoy, and Milton Tibbetts* for petitioners. *Messrs. John H. Bruninga and John H. Sutherland* for respondents. Reported below: 108 F. 2d 109.

No. 718. AMERICAN CASUALTY Co. *v.* WINDHAM ET AL. March 25, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. MR. JUSTICE ROBERTS took no part in the consideration and decision of this application. *Mr. T. Baldwin Martin* for petitioner. Reported below: 107 F. 2d 88.

No. 722. STEWART *v.* PENNSYLVANIA (CITY OF JEANNETTE). March 25, 1940. 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 writ of certiorari to the Mayor's Court, City of Jeannette, Pennsylvania,

309 U. S.

Decisions Denying Certiorari.

is denied. *Messrs. Joseph F. Rutherford and Hayden C. Covington* for petitioner. *Mr. Harris C. Arnold* for respondent. Reported below: 137 Pa. Super. 445; 9 A. 2d 179.

No. 687. *KERNOCHAN, EXECUTOR, v. UNITED STATES*. March 25, 1940. Petition for writ of certiorari to the Court of Claims denied. *Mr. L. L. Hamby* for petitioner. *Solicitor General Biddle, Assistant Attorney General Clark, and Messrs. Sewall Key and Arnold Raum* for the United States. Reported below: 89 Ct. Cls. 507; 29 F. Supp. 860.

No. 697. *RUBENSTEIN v. UNITED STATES*. March 25, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Messrs. Wm. E. Leahy, Wm. J. Hughes, Jr., and James F. Reilly* for petitioner. *Solicitor General Biddle, Assistant Attorney General Clark, and Messrs. Joseph W. Burns and Lee A. Jackson* for the United States. Reported below: 108 F. 2d 1019.

No. 702. *GLADE CANDY CO. v. FEDERAL TRADE COMMISSION*;

No. 703. *SHUPE-WILLIAMS CANDY CO. v. SAME*; and

No. 704. *OSTLER CANDY CO. v. SAME*. March 25, 1940. Petition for writs of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Mr. Herldon H. Bowen* for petitioners. *Solicitor General Biddle, Assistant Attorney General Arnold, and Messrs. Charles H. Weston and W. T. Kelley* for respondent. Reported below: 106 F. 2d 962.

No. 706. *ELMWOOD CORPORATION v. UNITED STATES*. March 25, 1940. Petition for writ of certiorari to the

Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Douglas Arant* for petitioner. *Solicitor General Biddle*, *Assistant Attorney General Clark*, and *Messrs. Sewall Key*, *Arnold Raum*, and *Maurice J. Mahoney* for the United States. Reported below: 107 F. 2d 111.

No. 712. *BANNER MACHINE CO. v. ROUTZAHN, COLLECTOR OF INTERNAL REVENUE*. March 25, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. John W. Ford* for petitioner. *Solicitor General Biddle*, *Assistant Attorney General Clark*, and *Messrs. Sewall Key* and *Warren F. Wattles* for respondent. Reported below: 107 F. 2d 147.

No. 717. *TATLE v. SCHMIDT, TRUSTEE IN BANKRUPTCY*. March 25, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. David Charness* for petitioner. *Mr. Giles F. Clark* for respondent. Reported below: 108 F. 2d 453.

No. 736. *PAINÉ & WILLIAMS CO. v. BALDWIN RUBBER CO.* March 25, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Messrs. John F. Oberlin* and *Howard F. Burns* for petitioner. *Messrs. George I. Haight*, *Rockwell T. Gust*, and *Clarence B. Zewadski* for respondent. Reported below: 107 F. 2d 350.

No. 761. *GULF OIL CORP. v. MCGOLDRICK, COMPTROLLER OF THE CITY OF NEW YORK*. March 25, 1940. Petition for writ of certiorari to the Supreme Court of New York denied. *Mr. Matthew S. Gibson* for petitioner. *Messrs. William C. Chanler*, *Paxton Blair*, and *Sol*

309 U. S.

Decisions Denying Certiorari.

Charles Levine for respondent. Reported below: 256 App. Div. 207; 281 N. Y. 647; 282 N. Y. 612; 9 N. Y. S. 2d 544; 22 N. E. 2d 480; 25 N. E. 2d 392.

No. 720. *MEREDITH v. CONE ET AL.* March 25, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Robert J. Pleus* for petitioner. *Messrs. Harry L. Thompson and Giles J. Patterson* for respondents. Reported below: 109 F. 2d 476.

No. 721. *WORRELL v. FEDERAL LAND BANK OF BALTIMORE.* March 25, 1940. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied. *Mr. Grover C. Worrell* for petitioner. *Solicitor General Biddle and Messrs. Thomas E. Harris, Robert K. McConaughy, and Thomas M. Darnall, and Miss May T. Bigelow* for respondent. Reported below: 174 Va. 175; 3 S. E. 2d 402.

No. 726. *FLEISHER ENGINEERING & CONSTRUCTION CO. ET AL. v. UNITED STATES FOR THE USE AND BENEFIT OF HALLENBECK.* March 25, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Frank Gibbons* for petitioners. *Alice B. Marion* for respondent. Reported below: 107 F. 2d 925.

No. 728. *BUDER v. NEW YORK TRUST Co.* March 25, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Mark Eisner* for petitioner. *Messrs. David Paine and Joseph M. Hartfield* for respondent. Reported below: 107 F. 2d 705.

No. 729. *GOLDSMITH v. UNITED STATES*. March 25, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Horace G. Marks* for petitioner. *Solicitor General Biddle*, *Assistant Attorney General Rogge*, and *Messrs. George F. Kneip, Fred E. Strine, and W. Marvin Smith* for the United States. Reported below: 108 F. 2d 917.

No. 737. *UNION SIMPLEX TRAIN CONTROL Co. v. GENERAL RAILWAY SIGNAL Co.* March 25, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Edward M. Colbach* for petitioner. *Mr. Clifton V. Edwards* for respondent. Reported below: 106 F. 2d 1018.

No. 741. *H. E. FLETCHER Co. v. NATIONAL LABOR RELATIONS BOARD*. March 25, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. *Mr. Richard B. Walsh* for petitioner. *Solicitor General Biddle* and *Messrs. Thomas E. Harris, Charles Fahy, Robert B. Watts, and Laurence A. Knapp* for respondent. Reported below: 108 F. 2d 459.

No. 743. *NORTH AMERICAN ACCIDENT INSURANCE Co. v. TEBBS*. March 25, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Mr. Ernest D. Hurd* for petitioner. *Mr. George A. Critchlow* for respondent. Reported below: 107 F. 2d 853.

No. 744. *EDDY v. RECONSTRUCTION FINANCE CORPORATION ET AL.* March 25, 1940. Petition for writ of certiorari

309 U. S.

Decisions Denying Certiorari.

to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Samuel Silbiger and John Kennedy White* for petitioner. *Solicitor General Biddle* and *Mr. C. J. Durr* for respondents.

No. 745. *YGNACIO SANCHEZ v. UNITED STATES*. March 25, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. G. C. Mann* for petitioner. *Solicitor General Biddle, Assistant Attorney General Rogge, and Messrs. William W. Barron, George F. Kneip, and W. Marvin Smith* for the United States. Reported below: 108 F. 2d 735.

No. 746. *MCDONALD, TESTAMENTARY GUARDIAN, ET AL. v. MUTUAL LIFE INSURANCE CO.* March 25, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Messrs. John A. Osoinuch and Charles C. Brown* for petitioners. *Mr. Millsaps Fitzhugh* for respondent. Reported below: 108 F. 2d 32.

No. 751. *UNITED STATES v. POWE ET AL.* March 25, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Solicitor General Biddle* for the United States. *Mr. Harry T. Smith* for respondents. Reported below: 109 F. 2d 147.

No. 753. *WHAM, TRUSTEE, v. MARTIN ET AL.* March 25, 1940. Petition for writ of certiorari to the Supreme Court of Illinois denied. *Mr. Edward W. Rawlins* for petitioner. *Mr. Charles C. Spencer* for respondents. Reported below: 372 Ill. 258; 23 N. E. 2d 692.

No. 758. ALLEN *v.* COMMISSIONER OF INTERNAL REVENUE. March 25, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Messrs. Edward H. Green and Lawrence A. Baker* for petitioner. *Attorney General Jackson, Assistant Attorney General Clark, and Messrs. Sewall Key, Lee A. Jackson, and Richard H. Demuth* for respondent. Reported below: 108 F. 2d 961.

No. 772. SUMMER *v.* MANUFACTURERS TRUST CO. March 25, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. David Haar* for petitioner. *Mr. Dan Gordan Judge* for respondent. Reported below: 107 F. 2d 396.

No. 775. HANOVER FIRE INSURANCE CO. *v.* NEWMAN'S, INC. March 25, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Dan MacDougald* for petitioner. *Mr. A. C. Wheeler* for respondent. Reported below: 108 F. 2d 561.

No. 784. KEIG, TRUSTEE IN BANKRUPTCY, *v.* LAKE SHORE ATHLETIC CLUB MEMBERS' COMMITTEE ET AL. March 25, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. Roy Massena and Donald N. Schaffer* for petitioner. *Mr. Roy D. Keehn* for respondents. Reported below: 107 F. 2d 865.

No. 785. LOWMAN *v.* FEDERAL LAND BANK OF LOUISVILLE ET AL. April 1, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit, and motion for leave to proceed further *in forma*

309 U. S.

Decisions Denying Certiorari.

pauperis, denied. *Mr. Samuel E. Cook* for petitioner. Reported below: 107 F. 2d 540.

No. 740. UNITED STATES EX REL. KARPATHIU *v.* SCHLOTFELDT, DISTRICT DIRECTOR OF IMMIGRATION AND NATURALIZATION. April 1, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied for the reason that application therefor was not made within the time provided by law. § 8(a), Act of February 13, 1925 (43 Stat. 936, 940). *Mr. George E. Dierssen* for petitioner. *Solicitor General Biddle*, *Assistant Attorney General Rogge*, and *Messrs. William W. Barron* and *W. Marvin Smith* for respondent. Reported below: 106 F. 2d 928.

No. 754. LANDAY *v.* UNITED STATES;

No. 755. LANE *v.* SAME;

No. 756. ATTIX *v.* SAME; and

No. 757. BROWN *v.* SAME. April 1, 1940. Petition for writs 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. Edward N. Barnard* and *William G. Comb* for petitioners. *Solicitor General Biddle*, *Assistant Attorney General Rogge*, and *Messrs. William W. Barron*, *J. Albert Woll*, *M. Joseph Matan*, and *William J. Connor* for the United States. Reported below: 108 F. 2d 698.

No. 714. CUBAN-AMERICAN SUGAR CO. *v.* UNITED STATES. April 1, 1940. Petition for writ of certiorari to the Court of Claims denied. *Messrs. David A. Buckley, Jr.*, *Jacob H. Gilbert*, *Harvey L. Rabbitt*, and *Loring M. Black*; and *Susan Brandeis* for petitioner. *Solicitor General Biddle*, *Assistant Attorney General Clark*, and

Messrs. Sewall Key and Arnold Raum for the United States. Reported below: 89 Ct. Cls. 215; 27 F. Supp. 307.

No. 760. AMERICAN EMPLOYERS' INSURANCE CO. *v.* WILLIAMS. April 1, 1940. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Mr. Frank H. Myers* for petitioner. Reported below: 107 F. 2d 953.

No. 762. BALTIMORE & OHIO RAILROAD CO. *v.* RADER. April 1, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. Edward W. Rawlins and James F. Wright* for petitioner. *Messrs. Joseph D. Ryan and V. Russell Donaghy* for respondent. Reported below: 108 F. 2d 980.

No. 763. GENERAL MOTORS ACCEPTANCE CORP. *v.* COLLIER, TRUSTEE IN BANKRUPTCY. April 1, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. John Thomas Smith* for petitioner. Reported below: 106 F. 2d 584.

No. 764. POLAND UNION *v.* FIRST NATIONAL BANK OF HERKIMER ET AL. April 1, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Leonard W. Ferris and Edward L. Smith* for petitioner. *Mr. James P. O'Donnell* for respondents. Reported below: 109 F. 2d 54.

No. 766. BOESCH MANUFACTURING CO. ET AL. *v.* UNITED STATES HAT MACHINERY CORP. April 1, 1940.

309 U. S.

Decisions Denying Certiorari.

Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Robert S. Blair, Daniel L. Morris, Paul A. Blair, and John C. Blair* for petitioners. *Messrs. Vernon M. Dorsey and T. Clay Lindsey* for respondent. Reported below: 108 F. 2d 417.

No. 769. VANDERBILT, BY GILCHRIST, GENERAL GUARDIAN, *v.* HELVERING, COMMISSIONER OF INTERNAL REVENUE. April 1, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. F. Sims McGrath and Clarence Castimore* for petitioner. *Solicitor General Biddle, Assistant Attorney General Clark, and Messrs. Sewall Key, Arnold Raum, and Morton K. Rothschild* for respondent. Reported below: 107 F. 2d 1023.

No. 771. OSWALD JAEGER BAKING CO. *v.* COMMISSIONER OF INTERNAL REVENUE. April 1, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Giles F. Clark* for petitioner. *Solicitor General Biddle, Assistant Attorney General Clark, and Messrs. Sewall Key, Arnold Raum, and F. E. Youngman* for respondent. Reported below: 108 F. 2d 375.

No. 776. S. C. LOVELAND, INC. ET AL. *v.* PENNSYLVANIA SUGAR CO. April 1, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. *Messrs. Forrest E. Single, Lester S. Parsons, and James J. Lenihan* for petitioners. *Messrs. T. Catesby Jones and Leonard J. Matteson* for respondent. Reported below: 108 F. 2d 603.

No. 798. *FRANKLIN LIFE INSURANCE Co. v. CRITZ*. April 1, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Ed C. Brewer* for petitioner. *Mr. J. L. Roberson* for respondent. Reported below: 109 F. 2d 417.

No. 773. *MCCANN v. NEW YORK STOCK EXCHANGE ET AL.* April 8, 1940. 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. JUSTICE DOUGLAS took no part in the consideration and decision of these applications. *Gene McCann, pro se. Mr. Charles H. Tuttle* for respondents. Reported below: 107 F. 2d 908.

No. 707. *REPUBLIC STEEL CORP. v. NATIONAL LABOR RELATIONS BOARD ET AL.*; and

No. 787. *CENTRAL COUNCIL OF STEEL PLANTS, NORTHERN DISTRICT, REPUBLIC STEEL CORP. v. NATIONAL LABOR RELATIONS BOARD.* April 8, 1940. Petitions for writs 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 these applications. *Messrs. Luther Day, Thomas F. Patton, Joseph W. Henderson, and Mortimor S. Gordon* for petitioner in No. 707. *Mr. Frank T. Bow* for petitioner in No. 787. *Solicitor General Biddle and Messrs. Thomas E. Harris, Charles Fahy, Robert B. Watts, Laurence A. Knapp, and Mortimer B. Wolf, and Ruth Weyand* for respondents. Reported below: 107 F. 2d 472.

No. 738. *LAWYERS TITLE INSURANCE Co. v. LAWYERS TITLE INSURANCE CORP.* April 8, 1940. Petition for writ of certiorari to the Court of Appeals for the District of

309 U. S.

Decisions Denying Certiorari.

Columbia denied. *Messrs. Louis M. Denit and Clarence A. Brandenburg* for petitioner. *Mr. Andrew D. Christian* for respondent. Reported below: 109 F. 2d 35.

No. 765. *KELLY ET AL. v. ANAHEIM FIRST NATIONAL BANK ET AL.* April 8, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Charles C. Montgomery* for petitioners. Reported below: 107 F. 2d 890.

No. 786. *CLAWSON & BALS, INC. v. HARRISON, COLLECTOR OF INTERNAL REVENUE.* April 8, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. E. R. Morrison* for petitioner. *Solicitor General Biddle, Assistant Attorney General Clark, and Messrs. Sewall Key, Arnold Raum, and George H. Zeutzius* for respondent. Reported below: 108 F. 2d 991.

No. 790. *VAN CAMP MILK Co. v. FRANZEL, TRUSTEE IN BANKRUPTCY, ET AL.* April 8, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. Paul Y. Davis and Kurt F. Pantzer* for petitioner. *Messrs. James W. Noel, Clair McTurnan, William R. Higgins, Denver C. Harlan, and Joseph J. Daniels* for respondents. Reported below: 107 F. 2d 568.

No. 794. *SNIDER v. MOORE.* April 8, 1940. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Mr. Cornelius H. Doherty* for petitioner. *Messrs. Seth W. Richardson and Alfons B. Landa* for respondent. Reported below: 109 F. 2d 840.

No. 795. NATIONAL ELECTRIC SIGNAL Co. v. CITY OF ELECTRA ET AL. April 8, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Munson H. Lane* for petitioner. *Messrs. Henry R. Ashton* and *S. J. Brooks* for respondents. Reported below: 108 F. 2d 37.

No. 797. DOYLE ET AL. v. LORING, ADMINISTRATRIX, ET AL. April 8, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Messrs. S. J. Rose* and *Joseph A. Padway* for petitioners. *Mr. W. Morris Miles* for respondents. Reported below: 107 F. 2d 337.

No. 802. AMERICAN EAGLE FIRE INSURANCE CO. ET AL. v. GAYLE ET AL. April 8, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Frank M. Drake* for petitioners. *Mr. Orie S. Ware* for respondents. Reported below: 108 F. 2d 116.

No. 806. AMERICAN STEAMSHIP OWNERS MUTUAL PROTECTION & INDEMNITY ASSN., INC. v. EXPORT STEAMSHIP CORP. ET AL. April 8, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Ira A. Campbell* for petitioner. *Mr. John W. Griffin* for Export Steamship Corp. et al., and *Mr. Arthur M. Boal* for American Insurance Co.,—respondents. Reported below: 108 F. 2d 1013.

No. 819. YARDLEY v. HOUGHTON MIFFLIN Co. April 22, 1940. 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.*

309 U. S.

Decisions Denying Certiorari.

Sidney S. Bobbe for petitioner. *Messrs. Drury W. Cooper, Thomas J. Byrne, and Allan C. Bakewell* for respondent. Reported below: 108 F. 2d 28.

Nos. 748 and 749. MISSOURI-KANSAS PIPE LINE CO. *v.* COLUMBIA GAS & ELECTRIC CORP. ET AL. April 22, 1940. Petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit denied. MR. JUSTICE DOUGLAS and MR. JUSTICE MURPHY took no part in the consideration and decision of this application. *Mr. Arthur G. Logan* for petitioner. *Messrs. Douglas M. Moffat and Clarence A. Southerland* for Columbia Gas & Electric Corp. et al., and *Messrs. Daniel O. Hastings, William H. Button, and James B. Alley* for Columbia Oil & Gasoline Corp.,—respondents. *Attorney General Jackson* and *Assistant Attorney General Arnold* filed a memorandum on behalf of the United States, opposing the petition. Reported below: 108 F. 2d 614.

No. 792. DAVIS *v.* SECURITIES & EXCHANGE COMMISSION. April 22, 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 petitioner. *Solicitor General Biddle* and *Messrs. Richard H. Demuth, Chester T. Lane, and Christopher M. Jenks* for respondent. Reported below: 109 F. 2d 6.

No. 793. STEELMAN ET AL. *v.* WICHITA FALLS & SOUTHERN RAILWAY Co. April 22, 1940. Petition for writ of certiorari to the District Court of the United States for the Northern District of Texas denied. *Mr. David M. Palley* for petitioners. *Messrs. Clarence A.*

Miller and *John B. King* for respondent. Reported below: 30 F. Supp. 750.

No. 800. WELCH ET UX. *v.* UNITED STATES EX REL. TENNESSEE VALLEY AUTHORITY; and

No. 801. LEWIS ET AL. *v.* SAME. April 22, 1940. Petitions for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Russell R. Kramer* for petitioners. *Solicitor General Biddle* and *Messrs. William C. Fitts, Jr.* and *Thomas E. Harris* for respondent. Reported below: 108 F. 2d 95.

No. 807. PET MILK Co. *v.* GRAY. April 22, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Wayne Ely* for petitioner. *Mr. Ralph F. Lesemann* for respondent. Reported below: 108 F. 2d 974.

No. 811. ANDERSON *v.* UNITED STATES. April 22, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. Robert Ash, W. J. Sebald, Roy Messena,* and *Donald N. Schaffer* for petitioner. *Solicitor General Biddle, Assistant Attorney General Clark,* and *Messrs. Sewall Key* and *Richard H. Demuth* and *Miss Louise Foster* for the United States. Reported below: 108 F. 2d 475.

No. 812. CORTE ET AL. *v.* ALBERT MILLER & Co. April 22, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. Samuel M. Johnston* and *Wm. H. Armbrecht* for petitioners. *Mr. Harry T. Smith* for respondent. Reported below: 107 F. 2d 432.

309 U. S.

Decisions Denying Certiorari.

No. 791. JOHN P. SQUIRE Co. v. UNITED STATES. April 22, 1940. Petition for writ of certiorari to the Court of Claims denied. *Mr. W. Parker Jones* for petitioner. *Solicitor General Biddle, Assistant Attorney General Clark,* and *Messrs. Sewall Key and J. Louis Monarch* for the United States. Reported below: 90 Ct. Cls. 276; 30 F. Supp. 708.

No. 810. SCALES ET UX. v. PRUDENTIAL INSURANCE Co. April 22, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Wallace E. Davis* for petitioners. *Mr. J. Thomas Gurney* for respondent. Reported below: 109 F. 2d 119.

No. 820. VAN EVERY v. COMMISSIONER OF INTERNAL REVENUE. April 22, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Howard B. Henshey* for petitioner. *Solicitor General Biddle, Assistant Attorney General Clark,* and *Messrs. Sewall Key and Thomas E. Harris and Miss Louise Foster* for respondent. Reported below: 108 F. 2d 650.

No. 824. HARTFORD ACCIDENT & INDEMNITY Co. v. CARDILLO, DEPUTY COMMISSIONER, ET AL. April 22, 1940. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Mr. Cornelius H. Doherty* for petitioner. *Solicitor General Biddle, Assistant Attorney General Shea,* and *Mr. Paul A. Sweeney* for respondents. Reported below: 109 F. 2d 674.

Nos. 827, 828, 829, and 830. OSTERLING v. COMMONWEALTH TRUST Co. ET AL. April 22, 1940. Petition for writs of certiorari to the Supreme Court of Pennsylvania

denied. *Mr. John D. Stedeford* for petitioner. *Mr. Samuel G. Wagner* for respondents. Reported below: 337 Pa. 225; 10 A. 2d 17.

No. 831. *LOWELL TRUCKING CORP. ET AL. v. NIAGARA FIRE INSURANCE Co.* April 22, 1940. Petition for writ of certiorari to the Superior Court in and for the County of Essex, Massachusetts, denied. *Mr. John F. Havlin* for petitioners. *Mr. Albert T. Gould* for respondent. Reported below: 23 N. E. 2d 873.

No. 832. *CENTENNIAL OIL Co. v. THOMAS, COLLECTOR OF INTERNAL REVENUE.* April 22, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Harry C. Weeks* for petitioner. *Solicitor General Biddle, Assistant Attorney General Clark, and Messrs. Sewall Key and Lee A. Jackson* for respondent. Reported below: 109 F. 2d 359.

No. 837. *YORK, NEBRASKA, v. IOWA-NEBRASKA LIGHT & POWER Co.* April 22, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. Ernest B. Perry and Robert Van Pelt* for petitioner. *Mr. George A. Lee* for respondent. Reported below: 109 F. 2d 683.

No. 855. *HUNT, ADMINISTRATOR, ET AL. v. SEELEY ET AL.* April 22, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Scott Snodgrass* for petitioners. *Mr. T. R. Boone* for respondents. Reported below: 109 F. 2d 595.