

No. —, original. *EX PARTE ROBERT H. DENTON, JR.* June 3, 1940. Motion for leave to file petition for writ of habeas corpus denied.

No. —, original. *EX PARTE ALBERT SMITH.* June 3, 1940. Motion for leave to file petition for writ of mandamus denied.

No. 15, original. *KANSAS v. MISSOURI.* June 3, 1940. Motion of E. A. Cole for leave to file a Bill of Intervention denied. *Messrs. Jay S. Parker*, Attorney General of Kansas, *A. B. Mitchell*, Assistant Attorney General, *Clarence V. Beck*, and *Errett P. Scrivner* for complainant. *Mr. Robert Stone* for E. A. Cole.

No. 785. *LOWMAN v. FEDERAL LAND BANK OF LOUISVILLE ET AL.* June 3, 1940. Motion for leave to file second petition for rehearing in this case granted. See *post*, p. 656.

No. 930. *RAILROAD COMMISSION OF TEXAS ET AL. v. HUMBLE OIL & REFINING Co.* Appeal from the District Court of the United States for the Western District of Texas. June 3, 1940. In this case probable jurisdiction is noted. The motion to advance is denied. The motion for stay is granted and the enforcement of the decree of the District Court is stayed pending the determination of the case by this Court.

DECISIONS GRANTING CERTIORARI, FROM
APRIL 23, 1940, THROUGH JUNE 3, 1940.

No. 907. *BERNARDS ET AL. v. JOHNSON ET AL.* April 29, 1940. 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. *Martin J. Bernards* and *Lena Bernards, pro se*. Reported below: 103 F. 2d 567.

No. 843. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. JANNEY ET AL.* April 29, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. MR. JUSTICE ROBERTS took no part in the consideration and decision of this application. *Attorney General Jackson* for petitioner. Reported below: 103 F. 2d 564.

No. 847. *STERN BROTHERS & Co. v. HELVERING, COMMISSIONER OF INTERNAL REVENUE.* April 29, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Messrs. Arthur Mag* and *John H. McEvers* for petitioner. *Solicitor General Biddle* for respondent. Reported below: 108 F. 2d 309.

No. 864. *FEDERAL COMMUNICATIONS COMMISSION v. COLUMBIA BROADCASTING SYSTEM OF CALIFORNIA, INC.* May 6, 1940. Petition for writ of certiorari to the Court of Appeals for the District of Columbia granted. *Solicitor General Biddle* and *Mr. William J. Dempsey* for petitioner. *Mr. D. M. Patrick* for respondent. Reported below: 108 F. 2d 737.

No. 865. *FEDERAL COMMUNICATIONS COMMISSION v. ASSOCIATED BROADCASTERS.* May 6, 1940. Petition for writ of certiorari to the Court of Appeals for the District of Columbia granted. *Solicitor General Biddle* and *Mr. William J. Dempsey* for petitioner. Reported below: 108 F. 2d 737.

No. 867. C. E. STEVENS CO. ET AL. *v.* FOSTER & KLEISER CO. ET AL. May 6, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Messrs. H. B. Jones and Wheeler Grey* for petitioners. *Messrs. Herbert W. Clark and Stephens V. Carey* for respondents. Reported below: 109 F. 2d 764.

Nos. 888 and 889. WEST ET AL. *v.* AMERICAN TELEPHONE & TELEGRAPH Co. May 6, 1940. Petition for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. *Messrs. Orlin F. Goudy and H. L. Deibel* for petitioners. *Mr. William B. Cockley* for respondent. Reported below: 108 F. 2d 347.

No. 901. WRIGHT *v.* UNION CENTRAL LIFE INSURANCE Co. ET AL. May 20, 1940. Motion for leave to proceed *in forma pauperis*, and petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit, granted. *Messrs. Samuel E. Cook and William Lemke* for petitioner. *Messrs. Arthur S. Lytton and Virgil D. Parish* for respondents. Reported below: 108 F. 2d 359, 361.

No. 417. NEW WORLD LIFE INSURANCE Co. *v.* UNITED STATES. See *post*, p. 654.

No. 707. REPUBLIC STEEL CORP. *v.* NATIONAL LABOR RELATIONS BOARD. See *post*, p. 655.

No. 892. WISCONSIN ET AL. *v.* J. C. PENNEY Co. May 20, 1940. Petition for writ of certiorari to the Supreme Court of Wisconsin granted. *Mr. Harold H. Persons* for

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petitioners. *Messrs. W. H. Dannat Pell and G. Burgess Ela* for respondent. Reported below: 233 Wis. 286; 289 N. W. 677.

No. 893. *WISCONSIN ET AL. v. F. W. WOOLWORTH CO.* May 20, 1940. Petition for writ of certiorari to the Supreme Court of Wisconsin granted. *Mr. Harold H. Persons* for petitioners. *Messrs. Edward Cornell, Martin A. Schenck, Orrin G. Judd, and G. Burgess Ela* for respondent. Reported below: 233 Wis. 305; 289 N. W. 685.

No. 894. *WISCONSIN ET AL. v. MINNESOTA MINING & MANUFACTURING Co.* May 20, 1940. Petition for writ of certiorari to the Supreme Court of Wisconsin granted. *Mr. Harold H. Persons* for petitioners. *Messrs. Frederick J. Miller, John L. Connolly, and G. Burgess Ela* for respondent. Reported below: 233 Wis. 306; 289 N. W. 686.

No. 895. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. HAMMEL ET AL.* May 20, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. *Solicitor General Biddle* for petitioner. Reported below: 108 F. 2d 753.

No. 897. *J. E. RILEY INVESTMENT Co. v. COMMISSIONER OF INTERNAL REVENUE.* May 20, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Messrs. Robert Ash and William J. Sebald* for petitioner. *Solicitor General Biddle, Assistant Attorney General Clark, and Messrs. Sewall Key, Joseph M. Jones, and Richard H. Demuth* for respondent. Reported below: 110 F. 2d 655.

No. 868. UNITED STATES *v.* FALCONE ET AL. May 20, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Solicitor General Biddle* for the United States. Reported below: 109 F. 2d 579.

No. 914. McCLAIN *v.* COMMISSIONER OF INTERNAL REVENUE. May 20, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Mr. M. E. Kilpatrick* for petitioner. *Solicitor General Biddle* for respondent. Reported below: 110 F. 2d 878.

No. 929. AMERICAN FEDERATION OF LABOR ET AL. *v.* SWING ET AL. May 20, 1940. Motion to use the certified record filed in No. 615 as a part of the record in this case, and petition for writ of certiorari to the Supreme Court of Illinois, granted. *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. 13; 372 Ill. 91; 18 N. E. 2d 258; 22 N. E. 2d 857.

No. 946. HELVERING, COMMISSIONER OF INTERNAL REVENUE, *v.* THOMSON. May 20, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Solicitor General Biddle* for petitioner. *Mr. T. F. Davis Haines* for respondent. Reported below: 108 F. 2d 642.

No. 548. NEUBERGER *v.* COMMISSIONER OF INTERNAL REVENUE. See *post*, p. 655.

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No. 353. MILK WAGON DRIVERS UNION OF CHICAGO, LOCAL No. 753 ET AL. *v.* MEADOWMOOR DAIRIES, INC. See *post*, p. 655.

No. 953. BOWMAN *v.* LOPERENA ET AL. June 3, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Mr. L. A. Luce* for petitioner. Reported below: 110 F. 2d 348.

No. 967. RYAN *v.* EMPLOYERS' LIABILITY ASSURANCE CORP., LTD. June 3, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. *Mr. M. Y. Yost* for petitioner. *Mr. John R. Kistner* for respondent. Reported below: 109 F. 2d 690.

No. 977. KLOEB, JUDGE, *v.* ARMOUR & COMPANY. June 3, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. *Messrs. Percy R. Taylor* and *Nolan Boggs* for petitioner. *Messrs. Edward W. Kelsey, Jr.* and *Fred A. Smith* for respondent. Reported below: 109 F. 2d 72.

No. 996. H. J. HEINZ CO. *v.* NATIONAL LABOR RELATIONS BOARD. June 3, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. *Messrs. Earl F. Reed* and *Charles M. Thorp, Jr.* for petitioner. *Solicitor General Biddle* and *Mr. Charles Fahy* for respondent. Reported below 110 F. 2d 843.

No. 1005. JACKSON, ATTORNEY GENERAL OF THE UNITED STATES, ON BEHALF OF THE UNITED STATES AND

AS SUCCESSOR TO THE ALIEN PROPERTY CUSTODIAN, *v.* IRVING TRUST CO., EXECUTOR, ET AL. June 3, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Solicitor General Biddle* for petitioner. *Messrs. Leonard B. Smith, Selden Bacon,* and *Nathan L. Miller* for respondents. Reported below: 109 F. 2d 714.

No. 1024. *GORIN v. UNITED STATES*; and

No. 1025. *SALICH v. SAME.* June 3, 1940. Petition for writs of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Messrs. Isaac Pacht, Donald R. Richberg, Seth W. Richardson,* and *Harry Graham Balter* for petitioners. *Solicitor General Biddle, Assistant Attorney General Rogge,* and *Messrs. William W. Barron, George F. Kneip, Fred E. Strine,* and *W. Marvin Smith* for the United States. Reported below: 111 F. 2d 712.

No. 978. *MILLIKEN ET AL. v. MEYER.* June 3, 1940. Petition for writ of certiorari to the Supreme Court of Colorado granted. *Messrs. Jean S. Breitenstein* and *Harold H. Healy* for Milliken et al.; and *Mr. Edward M. Freeman* for Texas Production Co.,—petitioners. *Mr. Fred S. Caldwell* for respondent. Reported below: 105 Colo. 532; 100 P. 2d 151.

No. 962. *ELECTRO-CHEMICAL ENGRAVING CO., INC. v. COMMISSIONER OF INTERNAL REVENUE.* June 3, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. B. S. Barron* for petitioner. *Solicitor General Biddle* for respondent. Reported below 110 F. 2d 614.

No. 992. *RECONSTRUCTION FINANCE CORPORATION ET AL. v. PRUDENCE SECURITIES ADVISORY GROUP ET AL.*

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June 3, 1940. The motion to dispense with the further printing of the record is granted, and the petition is deemed properly filed in accordance with Rule 38. The petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit is granted. *Solicitor General Biddle* and *Messrs. Claude E. Hamilton, Jr., Charles M. McCarty, J. M. Richardson Lyeth, and Emery H. Sykes* for petitioners. *Mr. Percival E. Jackson* for Prudence Securities Advisory Group et al.; *Mr. Mark Hyman* for Metz Committee et al.; and *Mr. Grosvenor M. Calkins, pro se*,—respondents. Reported below: 111 F. 2d 37.

No. 972. *TIMES-MIRROR COMPANY ET AL. v. SUPERIOR COURT OF CALIFORNIA*. June 3, 1940. Petition for writ of certiorari to the Supreme Court of California granted. *Messrs. T. B. Cosgrove* and *John N. Cramer* for petitioners. *Messrs. Wm. B. McKesson, Allen W. Ashburn, and Isaac Pacht* for respondent. By leave of Court, briefs of *amici curiae* were filed by *Mr. Elisha Hanson* on behalf of American Newspaper Publishers Association; and by *Mr. A. L. Wirin, Leo Gallagher, and Grover Johnson* on behalf of American Civil Liberties Union, Southern California Branch,—in support of the petition. Reported below: 15 Cal. 2d 99; 98 P. 2d 1029.

Nos. 993 and 994. *GRAND TRUNK WESTERN RAILROAD Co. v. STEPHENSON, ADMINISTRATRIX*. June 3, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted, limited to the question whether the District Court properly disposed of the causes in view of Illinois Revised Statutes 1937, Chapter 70, § 2. *Mr. Silas H. Strawn* for petitioner. *Mr. Ralph F. Potter* for respondent. Reported below: 110 F. 2d 401.