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*Curiam*: The appeal is dismissed for the 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), of the Judicial Code (43 Stat. 936, 938), certiorari is denied. *Mr. Benjamin E. Pierce* for appellant. Reported below: 190 Ga. 850; 10 S. E. 2d 926.

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No. —, original. *EX PARTE CLARENCE KELLY*. January 6, 1941. The motion for leave to file petition for writ of habeas corpus is denied.

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DECISIONS GRANTING CERTIORARI, FROM OCTOBER 7, 1940, THROUGH JANUARY 6, 1941.

No. 90. *SAMPAYO v. BANK OF NOVA SCOTIA*. October 14, 1940. Motion for leave to proceed *in forma pauperis*, and petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit, granted. *Mr. F. B. Fornaris* for petitioner. *Mr. Henri Brown* for respondent. Reported below: 109 F. 2d 743.

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No. 72. *BEAL, COUNTY ATTORNEY, ET AL. v. MISSOURI PACIFIC RAILROAD CORP.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Messrs. Walter R. Johnson*, Attorney General of Nebraska, *H. Emerson Kokjer*, and *Edwin Vail*, Assistant Attorneys General, for petitioners. *Messrs. J. A. C. Kennedy*, *G. L. De Lacy*, *R. E. Svoboda*, and *E. J. Svoboda* for respondent. Reported below: 108 F. 2d 897.

No. 78. *A. C. FROST & Co. v. COEUR D'ALENE MINES CORP.* October 14, 1940. Petition for writ of certiorari to the Supreme Court of Idaho granted. *Messrs. Ernest L. Wilkinson, Charles J. Kappler, and John W. Cragun* for petitioner. *Messrs. James A. Wayne and W. H. Langroise* for respondent. Reported below: 61 Idaho 21; 98 P. 2d 965.

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No. 85. *FEDERAL TRADE COMMISSION v. BUNTE BROTHERS, INC.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Solicitor General Biddle* for petitioner. *Messrs. Theodore E. Rein and Samuel G. Clawson* for respondent. Reported below: 110 F. 2d 412.

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No. 97. *VOELLER ET AL. v. NEILSTON WAREHOUSE CO. ET AL.* October 14, 1940. Petition for writ of certiorari to the Supreme Court of Ohio granted. *Messrs. Carrington T. Marshall and Orland R. Crawfis* for petitioners. *Mr. Francis J. Wright* for respondents. Reported below: 136 Ohio St. 427; 26 N. E. 2d 442.

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No. 120. *PALMER ET AL., TRUSTEES, v. WEBSTER & ATLAS NATIONAL BANK, TRUSTEE.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. Hermon J. Wells* for petitioners. *Mr. Robert H. Davison* for respondent. Reported below: 111 F. 2d 215.

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No. 188. *UNITED STATES v. COWDEN MANUFACTURING Co.* October 14, 1940. Petition for writ of certiorari to the Court of Claims granted. *Solicitor General Biddle*

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for the United States. *Mr. Phil D. Morelock* for respondent. Reported below: 91 Ct. Cls. 75; 32 F. Supp. 141.

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No. 194. MARYLAND CASUALTY CO. *v.* PACIFIC COAL & OIL CO. ET AL. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. *Messrs. Paca Oberlin and Parker Fulton* for petitioner. Reported below: 111 F. 2d 214.

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No. 200. RECONSTRUCTION FINANCE CORPORATION *v.* J. G. MENIHAN CORPORATION ET AL. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Solicitor General Biddle* for petitioner. *Mr. George H. Harris* for respondents. Reported below: 111 F. 2d 940.

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No. 212. HURON HOLDING CORP. ET AL. *v.* LINCOLN MINE OPERATING CO. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Mr. Daniel Gordon Judge* for petitioners. *Messrs. D. Worth Clark and William H. Langroise* for respondent. Reported below: 111 F. 2d 438.

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No. 237. HELVERING, COMMISSIONER OF INTERNAL REVENUE, *v.* LEGERSE ET AL. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Solicitor General Biddle* for petitioner. *Mr. Frederick O. McKenzie* for respondents. Reported below: 110 F. 2d 734.

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No. 251. MILLINERY CREATOR'S GUILD, INC., ET AL. *v.* FEDERAL TRADE COMMISSION. October 14, 1940. Peti-



tion for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. Francis L. Driscoll* for petitioners. *Messrs. N. A. Townsend and Richard P. Whiteley* for respondent. Reported below: 109 F. 2d 175.

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No. 253. *HIGGINS v. COMMISSIONER OF INTERNAL REVENUE*. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Messrs. Selden Bacon and Orwill V. W. Hawkins* for petitioner. *Mr. N. A. Townsend* for respondent. Reported below: 111 F. 2d 795.

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No. 257. *HORMEL v. HELVERING, COMMISSIONER OF INTERNAL REVENUE*. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Mr. R. C. Alderson* for petitioner. *Mr. N. A. Townsend* for respondent. Reported below: 111 F. 2d 1.

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No. 274. *MAASS, SOLE SURVIVING EXECUTOR, v. HIGGINS, COLLECTOR OF INTERNAL REVENUE*. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. Wilbur C. Davidson* for petitioner. *Solicitor General Biddle, Assistant Attorney General Clark, and Messrs. Sewall Key and Lee A. Jackson* for respondent. Reported below: 111 F. 2d 78.

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No. 291. *EQUITABLE LIFE INSURANCE Co. v. HALSEY, STUART & Co.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Messrs. Joseph G. Gamble and Alden B. Howland* for petitioner. *Messrs. Edward R. Johnston*

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and *Floyd E. Thompson* for respondent. Reported below: 112 F. 2d 302.

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No. 293. *ARMOUR & COMPANY v. ALTON RAILROAD CO. ET AL.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Messrs. Charles J. Faulkner, John Potts Barnes, and Paul E. Blanchard* for petitioner. *Messrs. Bryce L. Hamilton and Frank H. Towner* for Holman D. Pettibone, Trustee, et al., and *Messrs. Kenneth F. Burgess, James F. Oates, Jr., and Douglas F. Smith* for other respondents. Reported below: 111 F. 2d 913.

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No. 327. *RAWLINGS, RECEIVER, v. RAY.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Messrs. George P. Barse and Lee Roy Stover;* and *Harriet Buckingham* for petitioner. Reported below: 111 F. 2d 695.

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No. 346. *MAGUIRE ET AL. v. COMMISSIONER OF INTERNAL REVENUE.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Mr. Albert H. Veeder* for petitioners. *Solicitor General Biddle* for respondent. Reported below: 111 F. 2d 843.

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No. 349. *KELLEAM ET AL. v. MARYLAND CASUALTY CO. ET AL.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted. *Mr. Warren E. Miller* for petitioners. *Mr. John J. Carmody* for the Maryland Casualty Co., and *Mr. W. V. Pryor* for Mrs. Ethel Riddler et al., respondents. Reported below: 112 F. 2d 940.

No. 74. *STONER v. NEW YORK LIFE INSURANCE CO.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Mr. Kendall B. Randolph* for petitioner. *Messrs. Paul M. Peterson, William H. Becker, and Louis H. Cooke* for respondent. Reported below: 109 F. 2d 874.

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No. 92. *GUGGENHEIM v. RASQUIN, COLLECTOR OF INTERNAL REVENUE.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *MR. JUSTICE ROBERTS* took no part in the consideration and decision of this application. *Mr. Paul B. Barringer, Jr.* for petitioner. *Solicitor General Biddle* for respondent. Reported below: 110 F. 2d 371.

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No. 113. *GAINES ET UX. v. HELVERING, COMMISSIONER OF INTERNAL REVENUE.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *MR. JUSTICE ROBERTS* took no part in the consideration and decision of this application. *Messrs. Frank E. Karelsen, Jr. and Frederick Baum* for petitioners. *Attorney General Jackson* for respondent. Reported below: 111 F. 2d 144.

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No. 183. *TAFT ET UX. v. HELVERING, COMMISSIONER OF INTERNAL REVENUE.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted, limited to the second question presented by the petition. *Messrs. Henry W. Taft and Clarence Castimore* for petitioners. *Attorney General Jackson* for respondent. Reported below: 111 F. 2d 145.

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Nos. 242 and 243. *PHILADELPHIA COMPANY ET AL. v. DIPPLE ET AL.* October 14, 1940. Petition for writs of



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certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Messrs. W. A. Seifert, Lee C. Beatty, and Hill Burgwin* for petitioners. *Mr. A. E. Kountz* for respondents. Reported below: 111 F. 2d 932.

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No. 121. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. NORTHWEST STEEL ROLLING MILLS, INC.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Solicitor General Biddle* for petitioner. *Mr. D. G. Eggerman* for respondent. Reported below: 110 F. 2d 286.

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Nos. 281 and 282. *WOODS, COURT TRUSTEE, v. CITY NATIONAL BANK & TRUST CO. OF CHICAGO ET AL.* October 14, 1910. Motion to dispense with the printing of an additional record, and petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit, granted. *Mr. Weightstill Woods* for petitioner. *Mr. Vincent O'Brien* for respondents. Reported below: 111 F. 2d 834.

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No. 235. *NATIONAL LABOR RELATIONS BOARD v. LINK-BELT COMPANY*; and

No. 236. *SAME v. INDEPENDENT UNION OF CRAFTSMEN.* October 14, 1940. Petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *MR. JUSTICE ROBERTS* took no part in the consideration and decision of these applications. *Solicitor General Biddle* and *Mr. Charles Fahy* for petitioner. *Mr. Herbert Pope* for respondent in No. 235. *Mr. Benjamin Wham* for respondent in No. 236. Reported below: 110 F. 2d 506.

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No. 368. *TYLER, EXECUTRIX, v. HELVERING, COMMISSIONER OF INTERNAL REVENUE.* October 14, 1940. Pe-

tion for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Mr. Harry B. Betty* for petitioner. *Solicitor General Biddle* for respondent. Reported below: 111 F. 2d 422.

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No. 371. ESTATE OF KELLER ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Messrs. J. Smith Christy and Ferdinand T. Weil* for petitioners. *Solicitor General Biddle* for respondent. Reported below: 113 F. 2d 833.

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No. 255. RODDEWIG, CHAIRMAN, ET AL. *v.* SEARS, ROEBUCK & Co.; and

No. 256. SAME *v.* MONTGOMERY WARD & Co., INC. October 14, 1940. Petition for writs of certiorari to the Supreme Court of Iowa granted. MR. JUSTICE STONE and MR. JUSTICE ROBERTS took no part in the consideration and decision of this application. *Messrs. John M. Rankin*, Attorney General of Iowa, and *John E. Mulroney*, Assistant Attorney General, for petitioners. *Messrs. Charles Lederer, Joseph G. Gamble, and Ralph L. Read* for respondent in No. 255. *Messrs. Stuart S. Ball and Maxwell A. O'Brien* for respondent in No. 256. Reported below: 228 Iowa 1273, 1301; 292 N. W. 130, 142.

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No. 205. HELVERING, COMMISSIONER OF INTERNAL REVENUE, *v.* EUBANK. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Solicitor General Biddle* for petitioner. *Messrs. Harry J. Rudick and John W. Drye, Jr.* for respondent. Reported below: 110 F. 2d 737.



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No. 267. *SIX COMPANIES OF CALIFORNIA ET AL. v. JOINT HIGHWAY DISTRICT No. 13 OF CALIFORNIA.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted, limited to the first question presented by the petition. *Messrs. Paul S. Marrin, Max Thelen, DeLancey C. Smith, and Jewel Alexander* for petitioners. *Messrs. Theodore P. Wittschen and Archibald B. Tinning* for respondent. Reported below: 110 F. 2d 620.

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No. 287. *BROWDER v. UNITED STATES.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. MR. JUSTICE MURPHY took no part in the consideration and decision of this application. *Messrs. Walter H. Pollak and Carl S. Stern; and Carol King* for petitioner. *Solicitor General Biddle, Assistant Attorney General Rogge, and Messrs. Raoul Berger, George F. Kneip, and W. Marvin Smith* for the United States. Reported below: 113 F. 2d 97.

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No. 338. *WARSZOWER v. UNITED STATES.* October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. MR. JUSTICE MURPHY took no part in the consideration and decision of this application. *Messrs. Osmond K. Fraenkel and Edward I. Aronow* for petitioner. *Solicitor General Biddle, Assistant Attorney General Rogge, and Messrs. George F. Kneip and W. Marvin Smith* for the United States. Reported below: 113 F. 2d 100.

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No. 330. *OPP COTTON MILLS, INC., ET AL. v. ADMINISTRATOR OF THE WAGE AND HOUR DIVISION OF THE DE-*

PARTMENT OF LABOR. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Messrs. Ben F. Cameron and W. Gordon McKelvey* for petitioners. *Messrs. N. A. Townsend and Gerard Reilly* for respondent. Reported below: 111 F. 2d 23.

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No. 377. *EDWARDS v. UNITED STATES*. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted. MR. JUSTICE DOUGLAS took no part in the consideration and decision of this application. *Mr. J. Forrest McCutcheon* for petitioner. *Solicitor General Biddle, Assistant Attorney General Rogge, and Messrs. William W. Barron, J. Albert Woll, William J. Connor, George F. Kneip, and W. Marvin Smith* for the United States. Reported below: 113 F. 2d 286.

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No. 362. *UNITED STATES v. BETHLEHEM STEEL CORPORATION ET AL.*; and

No. 363. *UNITED STATES SHIPPING BOARD MERCHANT FLEET CORPORATION v. BETHLEHEM SHIPBUILDING CORPORATION, LTD.* October 14, 1940. Petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit granted. MR. JUSTICE STONE, MR. JUSTICE ROBERTS, and MR. JUSTICE MURPHY took no part in the consideration and decision of this application. *Solicitor General Biddle* for petitioners. *Mr. Frederick H. Wood* for respondents. Reported below: 113 F. 2d 301.

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No. 381. *Z. & F. ASSETS REALIZATION CORPORATION v. HULL, SECRETARY OF STATE, ET AL.*; and

No. 382. *AMERICAN-HAWAIIAN STEAMSHIP CO. v. SAME*. October 14, 1940. Petitions for writs of cer-

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tiorari to the Court of Appeals for the District of Columbia granted. MR. JUSTICE ROBERTS took no part in the consideration and decision of these applications. *Messrs. Frank Roberson, John F. Condon, Jr., John Bassett Moore, and Joseph M. Proskauer* for petitioner in No. 381. *Mr. Fred K. Nielsen* for petitioner in No. 382. *Solicitor General Biddle, Assistant Attorney General Shea, and Messrs. Melvin H. Siegel and Francis J. McNamara* for the Secretary of State et al., and *Mr. William D. Mitchell* for the Lehigh Valley Railroad Co., respondents. Reported below: 114 F. 2d 464.

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No. 364. SMITH *v.* O'GRADY, WARDEN. October 21, 1940. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Supreme Court of Nebraska is granted. *Albert Smith, pro se. Messrs. Walter R. Johnson, Attorney General of Nebraska, H. Emerson Kokjer, C. S. Beck, and Charles F. Bongardt, Assistant Attorneys General,* for respondent.

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No. 304. CARTER OIL Co. *v.* WELKER ET AL. October 21, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Messrs. L. G. Owen and Henry I. Green* for petitioner. *Messrs. William M. Acton, Paul J. Wimsey, and Lawrence T. Allen* for respondents. Reported below: 112 F. 2d 299.

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No. 336. BERRY *v.* UNITED STATES. October 21, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. C. L. Dawson* for petitioner. *Solicitor General Biddle and Messrs. Julius C. Martin and Wilbur C. Pickett* for the United States. Reported below: 111 F. 2d 615.



No. 344. *CONWAY v. O'BRIEN*. October 21, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Messrs. Herbert G. Barber, Paul E. Lesh, and Jerome F. Barnard* for petitioner. *Mr. Edwin W. Lawrence* for respondent. Reported below: 111 F. 2d 611.

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No. 369. *HEMPHILL v. UNITED STATES*. October 21, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Mr. Melville Monheimer* 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: 112 F. 2d 505.

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No. 373. *JUST ET AL. v. CHAMBERS, EXECUTRIX*. October 21, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Messrs. Samuel W. Fordyce, Walter R. Mayne, M. L. Mershon, and W. O. Mehrtens* for petitioners. *Messrs. Raymond Parmer and Vernon Sims Jones* for respondent. Reported below: 113 F. 2d 105.

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No. 384. *BREISCH v. CENTRAL RAILROAD OF NEW JERSEY*. October 21, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Mr. Fred B. Gerner* for petitioner. *Mr. George W. Aubrey* for respondent. Reported below: 112 F. 2d 595.

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No. 393. *UNITED STATES v. PELZER*. October 21, 1940. Petition for writ of certiorari to the Court of Claims

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granted. *Solicitor General Biddle* for the United States. *Mr. Robert A. Littleton* for respondent. Reported below: 90 Ct. Cls. 614; 31 F. Supp. 770.

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No. 337. *SCHWINN v. UNITED STATES*. See *ante*, p. 616.

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Nos. 133 and 134. *LISENBA v. CALIFORNIA*. See *ante*, p. 617.

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No. 141. *VANDENBARK v. OWENS-ILLINOIS GLASS CO.* October 28, 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*, granted. *Messrs. Paul D. Smith* and *Thomas H. Sutherland* for petitioner. *Messrs. Lloyd T. Williams* and *Lawrence E. Broh-Kahn* for respondent. Reported below: 110 F. 2d 310.

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No. 173. *WALKER v. JOHNSTON, WARDEN*. October 28, 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*, granted. *Mr. Charles E. Wyzanski, Jr.* for petitioner. *Solicitor General Biddle*, *Assistant Attorney General Rogge*, and *Messrs. George F. Kneip* and *W. Marvin Smith* for respondent. Reported below: 109 F. 2d 436.

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No. 315. *EVANS v. UNITED STATES*. October 28, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit, and motion for leave to proceed *in forma pauperis*, granted. *Mr. Richard H. Wels* for petitioner. *Solicitor General Biddle*, *Assistant*

*Attorney General Rogge*, and *Mr. William W. Barron* for the United States. Reported below: 113 F. 2d 935.

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No. 319. *SHERWIN v. UNITED STATES*; and

No. 320. *SHERIDAN v. UNITED STATES*. October 28, 1940. The motion for leave to proceed *in forma pauperis* is granted. The petition for writs of certiorari to the Circuit Court of Appeals for the Ninth Circuit is granted. *Mr. Earl C. Demoss* for petitioners. *Solicitor General Biddle*, *Assistant Attorney General Rogge*, and *Messrs. William W. Barron, J. Albert Woll, and William J. Connor* for the United States. Reported below: 112 F. 2d 503.

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No. 400. *CONSOLIDATED ROCK PRODUCTS CO. ET AL. v. DU BOIS*; and

No. 444. *BADGLEY ET AL. v. SAME*. October 28, 1940. Petitions for writs of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Messrs. Paul R. Watkins* and *Dana Latham* for petitioners in No. 400. *Messrs. Homer I. Mitchell* and *John C. Macfarland* for petitioners in No. 444. *Mr. Kenneth E. Grant* for respondent. By leave of Court, *Solicitor General Biddle* and *Messrs. Richard H. Demuth, David W. Knowlton, Chester T. Lane, Martin Riger, George Rosier, Homer Kripke, and Irving S. Rogers* filed briefs on behalf of the Interstate Commerce Commission et al., as *amici curiae*, in support of petitioners. Reported below: 114 F. 2d 102.

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No. 421. *INDIANAPOLIS ET AL. v. CHASE NATIONAL BANK, TRUSTEE, ET AL.*;

No. 422. *SAME v. CHASE NATIONAL BANK, TRUSTEE*;

No. 423. *CHASE NATIONAL BANK, TRUSTEE, v. CITIZENS GAS CO. ET AL.*; and



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NO. 424. CHASE NATIONAL BANK, TRUSTEE, *v.* INDIANAPOLIS GAS CO. ET AL. October 28, 1940. Petitions for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Messrs. William H. Thompson, Edward H. Knight, Perry O'Neal, and Patrick J. Smith* for petitioners in Nos. 421 and 422 and respondents in Nos. 423 and 424. *Messrs. Howard F. Burns, William L. Taylor, and Harvey J. Elam* for the Chase National Bank. *Messrs. Paul Y. Davis and William G. Sparks* for Citizens Gas Co., and *Messrs. Louis B. Ewbank and William R. Higgins* for Indianapolis Gas Co., respondents in Nos. 423 and 424. Reported below: 113 F. 2d 217.

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NO. 425. METROPOLITAN CASUALTY INSURANCE CO. *v.* STEVENS. October 28, 1940. Petition for writ of certiorari to the Supreme Court of Michigan granted. *Mr. Alan W. Boyd* for petitioner. *Messrs. Archibald Broomfield and Lloyd T. Crane* for respondent. Reported below: 293 Mich. 31; 291 N. W. 211.

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NO. 264. HELVERING, COMMISSIONER OF INTERNAL REVENUE, *v.* PAN-AMERICAN LIFE INSURANCE CO. October 28, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Solicitor General Biddle* for petitioner. *Messrs. Eugene J. McGivney and William Marshall Bullitt* for respondent. Reported below: 111 F. 2d 366.

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NO. 413. CONTINENTAL OIL CO. *v.* NATIONAL LABOR RELATIONS BOARD. October 28, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted, limited to the first and second questions presented by the petition. *Messrs. James J. Cosgrove,*

*Elmer L. Brock, John P. Akolt, E. R. Campbell, and Milton Smith* for petitioner. *Solicitor General Biddle* and *Messrs. Thomas E. Harris, Charles Fahy, Robert B. Watts, Laurence A. Knapp, and Morris P. Glushien* for respondent. Reported below: 113 F. 2d 473.

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No. 419. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. HUTCHINGS*. October 28, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Solicitor General Biddle* for petitioner. Reported below: 111 F. 2d 229.

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No. 436. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. ESTATE OF ENRIGHT ET AL.* November 12, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Solicitor General Biddle* for petitioner. *Mr. James D. Carpenter, Jr.* for respondents. Reported below: 112 F. 2d 919.

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No. 437. *HARRISON, COLLECTOR OF INTERNAL REVENUE, v. SCHAFFNER*. November 12, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Solicitor General Biddle* for petitioner. *Messrs. Isaac H. Mayer, Carl Meyer, Herbert A. Friedlich, and Louis A. Kohn* for respondent. Reported below: 113 F. 2d 449.

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No. 442. *NATIONAL LABOR RELATIONS BOARD v. EXPRESS PUBLISHING Co.* November 12, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Solicitor General Biddle* and *Mr. Charles Fahy* for petitioner. Reported below: 111 F. 2d 588.

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No. 472. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. GAMBRILL*;

No. 473. *SAME v. CAMPBELL*;

No. 474. *SAME v. KNOX*; and

No. 475. *SAME v. ROGERS*. November 12, 1940. Petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Solicitor General Biddle* for petitioner. Reported below: 112 F. 2d 530.

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No. 484. *UNITED STATES v. COOPER CORPORATION ET AL.* November 12, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Solicitor General Biddle* for the United States. *Messrs. Luther Day, Lyman M. Bass, Paul H. Arthur, John C. Bruton, Jr., Charles Wesley Dunn, Thurlow M. Gordon, Paul Van Anda, and Joseph F. Murray* for respondents. Reported below: 114 F. 2d 413.

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No. 447. *WESTINGHOUSE ELECTRIC & MANUFACTURING CO. v. NATIONAL LABOR RELATIONS BOARD*. November 12, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *MR. JUSTICE ROBERTS* took no part in the consideration and decision of this application. *Mr. Roswell L. Gilpatric, Charles P. Reinwald, Donald C. Swatland, and F. Harold Smith* for petitioner. *Solicitor General Biddle* and *Messrs. Thomas E. Harris, Robert B. Watts, and Laurence A. Knapp, and Miss Ruth Weyand* for respondent. Reported below: 112 F. 2d 657.

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No. 479. *PFAFF ET AL., EXECUTORS, v. COMMISSIONER OF INTERNAL REVENUE*. November 12, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for



the Second Circuit granted. *Mr. Laurence Sovik* for petitioners. *Solicitor General Biddle* for respondent. Reported below: 113 F. 2d 114.

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No. 486. *POWERS v. COMMISSIONER OF INTERNAL REVENUE*. November 12, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted. *Mr. Ralph G. Boyd* for petitioner. *Solicitor General Biddle* for respondent. Reported below: 115 F. 2d 209.

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No. 494. *UNITED STATES v. RYERSON ET AL.*; and

No. 495. *RYERSON ET AL. v. UNITED STATES*. November 12, 1940. Petitions for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Solicitor General Biddle* for the United States. *Messrs. Walter T. Fisher* and *Wm. N. Haddad* for respondents in No. 494 and petitioners in No. 495. Reported below: 114 F. 2d 150.

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No. 564. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. OREGON MUTUAL LIFE INSURANCE CO.* November 12, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Solicitor General Biddle* for petitioner. *Mr. William Marshall Bullitt* for respondent. Reported below: 112 F. 2d 468.

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No. 128. *MOSBACHER v. UNITED STATES*. See *ante*, p. 619.

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No. 500. *UNITED STATES v. SHERWOOD*. November 18, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Solicitor Gen-*

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*eral Biddle* for the United States. *Messrs. M. Carl Levine and David Morgulas* for respondent. Reported below: 112 F. 2d 587.

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No. 510. ESTATE OF ABENDROTH ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE; and

No. 511. ESTATE OF BLACQUE ET AL. *v.* SAME. November 18, 1940. Petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Messrs. Rollin Browne, James D. Ouchterloney, and George Craven* for petitioners. *Solicitor General Biddle* for respondent. Reported below: 114 F. 2d 1017.

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No. 516. HELVERING, COMMISSIONER OF INTERNAL REVENUE, *v.* RICHTER. November 18, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted, limited to the first question presented by the petition for the writ. *Solicitor General Biddle* for petitioner. *Messrs. Richard H. Wilmer and Douglas L. Hatch* for respondent. Reported below: 114 F. 2d 452.

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No. 517. HORT *v.* COMMISSIONER OF INTERNAL REVENUE. November 25, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted, limited to the first question presented by the petition for the writ. *Messrs. Walter J. Rosston and Edwin Hort* for petitioner. *Solicitor General Biddle* for respondent. Reported below: 112 F. 2d 167.

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No. 537. FASHION ORIGINATORS' GUILD OF AMERICA, INC., ET AL. *v.* FEDERAL TRADE COMMISSION. November 25, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Messrs.*

*Charles B. Rugg, Milton C. Weisman, Archibald Cox, and Melvin A. Albert* for petitioners. *Solicitor General Biddle* for respondent. Reported below: 114 F. 2d 80.

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No. 547. NATIONAL LABOR RELATIONS BOARD *v.* FOOTE BROTHERS GEAR & MACHINE CORP.; and

No. 548. SAME *v.* INDEPENDENT UNION OF GEAR WORKERS. See *ante*, p. 620.

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No. 521. PITTSBURGH PLATE GLASS CO. *v.* NATIONAL LABOR RELATIONS BOARD; and

No. 523. CRYSTAL CITY GLASS WORKERS' UNION *v.* SAME. December 9, 1940. Petitions for writs of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Messrs. J. W. McAfee, Leland Hazard, and Joseph T. Owens* for petitioner in No. 521. *Mr. Henry H. Oberschelp* for petitioner in No. 523. *Solicitor General Biddle* and *Mr. Robert B. Watts* for respondent. Reported below: 113 F. 2d 698.

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No. 535. UNITED STATES *v.* CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD CO. ET AL. December 9, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Solicitor General Biddle* for the United States. *Messrs. F. W. Root, A. C. Erdall, A. N. Whitlock, and C. S. Jefferson* for respondents. Reported below: 113 F. 2d 919.

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No. 549. PUBLIC SERVICE COMMISSION OF MISSOURI ET AL. *v.* BRASHEAR FREIGHT LINES, INC., ET AL. December 16, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Messrs. James H. Linton, Daniel C. Rogers, and Edgar*



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*H. Wayman* for petitioners. *Messrs. Kenneth Teasdale and Paul G. Koontz* for respondents. Reported below: 114 F. 2d 1.

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No. 584. *COMMERCIAL MOLASSES CORPORATION v. NEW YORK TANK BARGE CORP., CHARTERED OWNER.* December 16, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Messrs. T. Catesby Jones and Leonard J. Matteson* for petitioner. *Mr. Robert S. Erskine* for respondent. Reported below: 114 F. 2d 248.

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No. 550. *MOORE v. ILLINOIS CENTRAL RAILROAD CO.* December 16, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Messrs. Geo. Butler and Garner W. Green* for petitioner. *Messrs. James L. Byrd, Clinton H. McKay, E. C. Craig, and V. W. Foster* for respondent. Reported below: 112 F. 2d 959.

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No. 558. *NYE ET AL. v. UNITED STATES ET AL.* December 23, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted. *Mr. J. Bayard Clark* for petitioners. *Solicitor General Biddle, Assistant Attorney General Rogge, and Messrs. Raoul Berger, George F. Kneip, and W. Marvin Smith* for the United States. Reported below: 113 F. 2d 1006.

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No. 587. *TOUCEY v. NEW YORK LIFE INSURANCE CO.* January 6, 1941. Motion for leave to proceed *in forma pauperis*, and petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit, granted. *Samuel R. Toucey, pro se.* *Messrs. Samuel W. Sawyer and Louis H. Cooke* for respondent. Reported below: 112 F. 2d 927.

No. 603. GRAY, DIRECTOR OF THE BITUMINOUS COAL DIVISION, DEPARTMENT OF THE INTERIOR, ET AL. *v.* POWELL ET AL. January 6, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted. *Solicitor General Biddle* and *Mr. Abe Fortas* for petitioners. *Messrs. W. R. C. Cocke* and *Jos. F. Johnston* for respondents. Reported below: 114 F. 2d 752.

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DECISIONS DENYING CERTIORARI, FROM OCTOBER 7, 1940, THROUGH JANUARY 6, 1941.

No. 158. BADER *v.* ILLINOIS; and

No. 189. HARTFORD ACCIDENT & INDEMNITY CO. ET AL. *v.* DELTA & PINE LAND CO. See *ante*, p. 610.

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No. 240. WRIGHT *v.* SECURITY-FIRST NATIONAL BANK OF LOS ANGELES. See *ante*, p. 611.

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No. 896, October Term, 1939. McCAMPBELL *v.* WAR-RICH CORPORATION ET AL. See *ante*, p. 612.

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No. 230. VILES *v.* JOHNSON, JUDGE. October 14, 1940. Petition for writ of certiorari to the Supreme Court of Colorado, and motion for leave to proceed further *in forma pauperis*, denied. The motion for leave to file petition for writ of mandamus is also denied. *Edmond L. Viles, pro se.* Reported below: 100 Colo. 50; 65 P. 2d 1089.

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No. 309. BENSON *v.* UNITED STATES. October 14, 1940. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit, and motion for leave to