

312 U. S.

Decisions Granting Certiorari.

DECISIONS GRANTING CERTIORARI, FROM
JANUARY 7, 1941, THROUGH MARCH 31, 1941.

No. 210. MANUFACTURERS TRUST CO. ET AL. *v.* PRUDENCE SECURITIES ADVISORY GROUP ET AL.;

No. 211. ENDELMAN ET AL. *v.* PRUDENCE-BONDS CORP. ET AL.;

No. 214. KELBY, TRUSTEE, *v.* PRUDENCE SECURITIES ADVISORY GROUP ET AL.;

No. 259. PRUDENCE REALIZATION CORP. *v.* PRUDENCE-BONDS CORP.; and

No. 273. DAVISON *v.* PRUDENCE SECURITIES ADVISORY GROUP ET AL. See *ante*, p. 649.

No. 284. DENHAM *v.* MUNSON LINE, INC. See *ante*, p. 650.

No. 601. SAMPSELL, TRUSTEE IN BANKRUPTCY, *v.* IMPERIAL PAPER & COLOR CORP. January 13, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Mr. Thomas S. Tobin* for petitioner. *Mr. Hiram E. Casey* for respondent. Reported below: 114 F. 2d 49.

No. 387. PHELPS DODGE CORPORATION *v.* NATIONAL LABOR RELATIONS BOARD; and

No. 641. NATIONAL LABOR RELATIONS BOARD *v.* PHELPS DODGE CORPORATION. January 13, 1941. Petitions for writs 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 these applications. *Messrs. Denison Kitchel, Matthew C. Fleming,* and *William E. Stevenson* for the Phelps Dodge Corporation. *Solicitor General Biddle* and *Messrs. Thomas*

E. Harris, Charles Fahy, Robert B. Watts, Laurence A. Knapp, and Morris P. Glushien for the National Labor Relations Board. Reported below: 113 F. 2d 202.

No. 624. PHOENIX FINANCE CORP. *v.* IOWA-WISCONSIN BRIDGE Co. January 20, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Messrs. James R. Morford and Casper Schenk* for petitioner. *Messrs. Fred A. Ontjes and Wm. C. Green* for respondent. Reported below: 115 F. 2d 1.

No. 625. UTILITIES INSURANCE Co. *v.* POTTER ET AL. January 20, 1941. Petition for writ of certiorari to the Supreme Court of Oklahoma granted, limited to the first question presented by the petition for the writ. *Mr. Clayton B. Pierce* for petitioner. *Mr. John W. Barry* for respondents. Reported below: 188 Okla. 145; 105 P. 2d 259.

No. 629. HARRIS, ADMINISTRATOR, *v.* ZION'S SAVINGS BANK & TRUST Co. February 3, 1941. Petition for writ of certiorari to the Supreme Court of Utah granted. *Mr. J. D. Skeen* for petitioner. *Mr. Hadlond P. Thomas* for respondent. Reported below: 105 P. 2d 461.

No. 654. DEPARTMENT OF TREASURY OF INDIANA ET AL. *v.* WOOD PRESERVING CORP. February 3, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Messrs. Samuel D. Jackson, Attorney General of Indiana, Joseph W. Hutchinson, and Joseph P. McNamara, Deputy Attorneys General,* for petitioners. *Messrs. Frederick E. Matson, Harry T.*

312 U.S.

Decisions Granting Certiorari.

Ice, and *Carleton M. Crick* for respondent. Reported below: 114 F. 2d 922.

No. 655. DEPARTMENT OF TREASURY OF INDIANA ET AL. *v.* INGRAM-RICHARDSON MANUFACTURING CO. February 3, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Messrs. Samuel D. Jackson*, Attorney General of Indiana, *Joseph W. Hutchinson*, and *Joseph P. McNamara*, Deputy Attorneys General, for petitioners. *Messrs. Earl B. Barnes*, *Alan W. Boyd*, and *Charles M. Wells* for respondent. Reported below: 114 F. 2d 889.

No. 666. DETROLA RADIO & TELEVISION CORP. *v.* HAZELTINE CORPORATION. February 3, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. *Messrs. Samuel E. Darby, Jr.* and *Floyd H. Crews* for petitioner. *Messrs. William H. Davis* and *R. M. Adams* for respondent. Reported below: 117 F. 2d 238.

No. 627. HELVERING, COMMISSIONER OF INTERNAL REVENUE, *v.* WILLIAM FLACCUS OAK LEATHER CO. February 10, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Solicitor General Biddle* for petitioner. *Mr. John A. McCann* for respondent. Reported below: 114 F. 2d 783.

No. 678. BALTIMORE & OHIO RAILROAD CO. *v.* KEPNER. February 10, 1941. Petition for writ of certiorari to the Supreme Court of Ohio granted. *Messrs. Morison R. Waite* and *William A. Eggers* for petitioner. *Mr. Edward M. Ballard* for respondent. Reported below: 137 Ohio St. 206, 409; 28 N. E. 2d 586; 30 N. E. 2d 982.

Nos. 408 and 409. CITY BANK FARMERS TRUST CO., TRUSTEE, *v.* COMMISSIONER OF INTERNAL REVENUE. February 10, 1941. Petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Messrs. Rollin Browne, John G. Jackson, Jr., and George Craven* for petitioner. *Solicitor General Biddle* for respondent. Reported below: 112 F. 2d 457.

No. 705. UNITED STATES *v.* FLORIAN, EXECUTOR. See *ante*, p. 656.

No. 687. CALIFORNIA *v.* THOMPSON. February 17, 1941. Petition for writ of certiorari to the Superior Court, Appellate Department, County of Los Angeles, California, granted. *Messrs. Ray L. Chesebro, Frederick Von Schrader, John L. Bland and Bourke Jones* for petitioner.

No. 683. UNITED STATES *v.* PYNE ET AL., EXECUTORS. February 17, 1941. Petition for writ of certiorari to the Court of Claims granted. *Solicitor General Biddle* for the United States. *Mr. Allen G. Gartner* for respondents. Reported below: 92 Ct. Cls. 44; 35 F. Supp. 81.

No. 684. HELVERING, COMMISSIONER OF INTERNAL REVENUE, *v.* REYNOLDS. February 17, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted, limited to the questions presented by the petition, with the exception of the question whether the remainder was vested or contingent under the law of North Carolina. *Solicitor General Biddle* for petitioner. *Messrs. J. Gilmer Körner, Jr. and H. G. Hudson* for respondent. Reported below: 114 F. 2d 804.

312 U. S.

Decisions Granting Certiorari.

No. 700. JOURNEYMEN TAILORS LOCAL NO. 195 OF THE AMALGAMATED CLOTHING WORKERS OF AMERICA ET AL. *v.* MILLER'S INC. See *ante*, p. 658.

No. 14, original. *EX PARTE* FORREST HOLIDAY. March 3, 1941. The motion for leave to file petition for writ of certiorari is granted. The motion to proceed *in forma pauperis* is granted and the petition for a writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit is granted. *Forrest Holiday, pro se.*

No. 671. KINNEY, SECRETARY OF LABOR OF NEBRASKA, *v.* NEBRASKA EX REL. WESTERN REFERENCE & BOND ASSOCIATION, INC., ET AL. March 3, 1941. Petition for writ of certiorari to the Supreme Court of Nebraska granted. *Messrs. Walter R. Johnson*, Attorney General of Nebraska, and *Don Kelley*, Assistant Attorney General, for petitioner. *Mr. Walter Gordon Merritt* for respondents. Reported below: 138 Neb. 574; 293 N. W. 393.

No. 714. CHRISTENSON, ADMINISTRATRIX, *v.* UNION PACIFIC RAILROAD Co. March 3, 1941. Petition for writ of certiorari to the Supreme Court of Nebraska granted. *Mr. Gordon A. Nicholson* for petitioner. *Mr. Thomas W. Bockes* for respondent. Reported below: 137 Neb. 538; 290 N. W. 246.

No. 715. ARKANSAS CORPORATION COMMISSION ET AL. *v.* THOMPSON, TRUSTEE. March 3, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Messrs. Jack Holt*, Attorney General of Arkansas, *Leffel Gentry*, Assistant Attorney General, *Henry L. Fitzhugh*, and *Joseph M. Hill* for peti-

tioners. *Messrs. Thomas T. Railey, Harvey G. Combs, and James M. Chaney* for respondent. Reported below: 116 F. 2d 179.

No. 740. *GELFERT, EXECUTOR, v. NATIONAL CITY BANK OF NEW YORK*. March 3, 1941. Petition for writ of certiorari to the Supreme Court of New York granted. *Mr. George Link, Jr.* for petitioner. *Mr. Barney B. Fensterstock* for respondent. Reported below: 257 App. Div. 465, 1076; 284 N. Y. 13; 13 N. Y. S. 2d 600; 14 N. Y. S. 2d 995; 29 N. E. 2d 449.

No. 741. *KLAXON COMPANY v. STENTOR ELECTRIC MANUFACTURING Co., INC.* March 3, 1941. 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. *Messrs. James D. Carpenter, Jr. and John Thomas Smith* for petitioner. *Messrs. Murray C. Bernays and Paul Leahy* for respondent. Reported below: 115 F. 2d 268.

No. 556. *EARLY, COLLECTOR OF INTERNAL REVENUE, v. REID*. See *ante*, p. 661.

No. 729. *LOMAX v. TEXAS*. March 10, 1941. Motion for leave to proceed *in forma pauperis*, and petition for writ of certiorari to the Court of Criminal Appeals of Texas, granted. *Mr. F. S. K. Whittaker* for petitioner. Reported below: 136 Tex. Cr. R. 108; 124 S. W. 2d 126; 144 S. W. 2d 555.

No. 718. *BROOKS v. DEWAR ET AL.* March 10, 1941. Petition for writ of certiorari to the Supreme Court of

312 U. S.

Decisions Granting Certiorari.

Nevada granted. *Solicitor General Biddle* for petitioner. *Mr. William J. Donovan* for respondents. Reported below: 60 Nev. 219; 106 P. 2d 755.

No. 732. *JENKINS v. KURN ET AL., TRUSTEES.* March 10, 1941. Petition for writ of certiorari to the Supreme Court of Missouri granted. *Mr. Harry G. Waltner, Jr.* for petitioner. Reported below: 146 Mo. 904; 144 S. W. 2d 76.

No. 717. *UNITED STATES, GUARDIAN OF THE INDIANS OF THE TRIBE OF HUALPAI IN ARIZONA, v. SANTA FE PACIFIC RAILROAD Co.* March 10, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Solicitor General Biddle* and *Messrs. Nathan R. Margold, Richard H. Hanna, William A. Brophy, and Felix S. Cohen* for petitioner. *Mr. Charles H. Woods* for respondent. Reported below: 114 F. 2d 420.

No. 727. *SHAMROCK OIL & GAS CORP. v. SHEETS ET AL.* March 10, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted, limited to the first question presented by the petition for the writ. *Messrs. R. C. Johnson, Joseph B. Dooley, and R. A. Wilson* for petitioner. Reported below: 115 F. 2d 880.

No. 734. *CARY v. COMMISSIONER OF INTERNAL REVENUE;*

No. 735. *FLAGLER v. COMMISSIONER OF INTERNAL REVENUE;*

No. 736. *ESTATE OF FLAGLER ET AL. v. COMMISSIONER OF INTERNAL REVENUE;* and

No. 737. *MATTHEWS v. COMMISSIONER OF INTERNAL REVENUE*. March 10, 1941. Petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Messrs. Roswell L. Gilpatric and Joseph C. White* for petitioners. *Solicitor General Biddle* for respondent. Reported below: 116 F. 2d 800.

No. 631. *CASEBEER v. HUDSPETH, WARDEN*. See *ante*, p. 662.

No. 744. *POSEY v. UNITED STATES*. See *ante*, p. 663.

No. 755. *GRIFFIN, ADMINISTRATOR, v. McCOACH, TRUSTEE*. March 17, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Mr. Jos. W. Bailey, Jr.* for petitioner. *Mr. Carl B. Callaway* for respondent. Reported below: 116 F. 2d 261.

No. 79. *CITY COMPANY OF NEW YORK, INC. v. STERN*; and

No. 89. *CHASE SECURITIES CORP. v. VOGEL*. See *ante*, p. 666.

No. 776. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. NEBRASKA BRIDGE SUPPLY & LUMBER CO.* See *ante*, p. 666.

No. 789. *CANTEY v. McLAIN LINE, INC., ET AL.* See *ante*, p. 667.

No. 277. *AUTOMATIC DEVICES CORP. v. SINKO TOOL & MFG. CO.* See *post*, p. 711.

312 U.S.

Decisions Denying Certiorari.

No. 782. AMERICAN SURETY CO. OF NEW YORK *v.* BETHLEHEM NATIONAL BANK ET AL. March 31, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Mr. George P. Williams, Jr.* for petitioner. *Messrs. George P. Barse* and *H. P. McFadden* for respondents. Reported below: 116 F. 2d 75.

No. 758. NATIONAL LABOR RELATIONS BOARD *v.* VIRGINIA ELECTRIC & POWER Co.; and

No. 759. NATIONAL LABOR RELATIONS BOARD *v.* INDEPENDENT ORGANIZATION OF EMPLOYEES OF THE VIRGINIA ELECTRIC & POWER Co. March 31, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted. *Solicitor General Biddle* and *Mr. Robert B. Watts* for petitioner. *Messrs. T. Justin Moore* and *Stephen H. Simes* for respondent in No. 758. *Mr. Paul E. Hadlick* for respondent in No. 759. Reported below: 115 F. 2d 414.

No. 812. TEXTILE MILLS SECURITIES CORP. *v.* COMMISSIONER OF INTERNAL REVENUE. March 31, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Mr. Edmund S. Kochersperger* for petitioner. *Solicitor General Biddle* for respondent. Reported below: 117 F. 2d 62.

DECISIONS DENYING CERTIORARI, FROM JANUARY 7, 1941, THROUGH MARCH 31, 1941.

No. 498. STEWART *v.* JOHNSTON. January 13, 1941. 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. The motion for leave to file petition for writ of mandamus is also denied. *J. L. Stewart, pro se.* Reported below: 97 F. 2d 548.