

Decisions Denying Certiorari.

313 U. S.

No. 1033. B. B. CHEMICAL Co. v. ELLIS ET AL. June 2, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted. *Mr. Harrison F. Lyman* for petitioner. *Mr. Robert Cushman* for respondents. Reported below: 117 F. 2d 829.

No. 1012. SOUTHPORT PETROLEUM Co. v. NATIONAL LABOR RELATIONS BOARD. June 2, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted, limited to the question of the correctness of denial by the Circuit Court of Appeals of the petitioner's motion to remand to the National Labor Relations Board for further evidence. *Mr. Morris D. Meyer* for petitioner. *Solicitor General Biddle* and *Messrs. Arnold Raum, Robert B. Watts, Laurence A. Knapp, and Mortimer B. Wolf* for respondent. Reported below: 117 F. 2d 90.

DECISIONS DENYING CERTIORARI, FROM APRIL 1, 1941, THROUGH JUNE 2, 1941.

No. 692. MACOMBER v. HUDSPETH, WARDEN. April 7, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Ora B. Macomber, pro se.* Reported below: 115 F. 2d 114.

No. 802. BOONE ET AL. v. EQUITABLE HOLDING Co. ET AL. April 7, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Messrs. Samuel Biern and Connor Hall* for petitioners. *Mr. Christopher B. Garnett* for respondents.

No. 811. *GALE ET AL. v. UNION BAG & PAPER CORP.* April 7, 1941. 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. John J. Hennessy* for petitioners. *Mr. David S. Atkinson* for respondent. Reported below: 116 F. 2d 27.

No. 814. *VERNON v. WILSON, WARDEN.* April 7, 1941. Petition for writ of certiorari to the Supreme Court of Alabama, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. Walter S. Smith* for petitioner. *Messrs. Thomas S. Lawson*, Attorney General of Alabama, and *William H. Loeb*, Assistant Attorney General, for respondent. Reported below: 240 Ala. 577; 200 So. 560.

No. 799. *HACKNER ET AL. v. GUARANTY TRUST CO. ET AL.* April 7, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Justice Roberts* and *Mr. Justice Douglas* took no part in the consideration and decision of this application. *Mr. Meyer Abrams* for petitioners. *Mr. Ralph M. Carson* for respondents. Reported below: 117 F. 2d 95.

No. 784. *SUPERIOR TANNING CO. v. NATIONAL LABOR RELATIONS BOARD.* April 7, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. Lewis F. Jacobson* and *David Silbert* for petitioner. *Solicitor General Biddle* and *Messrs. Thomas E. Harris, Robert B. Watts, Laurence A. Knapp*, and *Mortimer B. Wolf* for respondent. Reported below: 117 F. 2d 881.

Decisions Denying Certiorari.

313 U. S.

No. 785. *WENZEL & HENOCK CONSTRUCTION CO. v. METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA.* April 7, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Arthur E. Moreton* for petitioner. *Messrs. James H. Howard, Charles C. Cooper, Jr., and James S. Bennett* for respondent. Reported below: 115 F. 2d 25.

No. 804. *PARKER v. ILLINOIS.* April 7, 1941. Petition for writ of certiorari to the Supreme Court of Illinois denied. *Mr. Irving Breakstone* for petitioner. *Messrs. George F. Barrett, Attorney General of Illinois, Albert E. Hallett, Jr., and James W. Breen, Assistant Attorneys General*, for respondent. Reported below: 374 Ill. 524; 30 N. E. 2d 11.

No. 806. *HOUSTON LIGHTING & POWER CO. v. CITY OF WEST UNIVERSITY PLACE ET AL.* April 7, 1941. Petition for writ of certiorari to the Supreme Court of Texas denied. *Messrs. W. P. Hamblen and Frank G. Coates* for petitioner. *Mr. Sam Davis* for respondents. Reported below: 135 Tex. 463; 138 S. W. 2d 520; 143 S. W. 2d 923.

No. 807. *EDWARD J. DARBY & SON, INC. v. ROTHENSIES, COLLECTOR OF INTERNAL REVENUE.* April 7, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. G. Plantou Middleton* for petitioner. *Solicitor General Biddle, Assistant Attorney General Clark, and Mr. Sewall Key* for respondent. Reported below: 116 F. 2d 268.

No. 808. *CLAPP v. STEWART-WARNER CORPORATION.* April 7, 1941. Petition for writ of certiorari to the Cir-

313 U. S.

Decisions Denying Certiorari.

cuit Court of Appeals for the Seventh Circuit denied. *Messrs. Bruce B. Krost and Albert J. Fihe* for petitioner. *Messrs. Lynn A. Williams and Warren C. Horton* for respondent. Reported below: 116 F. 2d 68.

No. 809. *McDONELL v. GAREE ET AL.* April 7, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Frank K. Lemon* for petitioner. *Mr. Howard L. Doyle* for respondents. Reported below: 116 F. 2d 78.

No. 810. *CONSOLIDATED FREIGHTWAYS, INC. v. RAILROAD COMMISSION OF CALIFORNIA.* April 7, 1941. Petition for writ of certiorari to the Supreme Court of California denied. *Mr. Herbert W. Erskine* for petitioner. *Mr. Ira H. Rowell* for respondent.

No. 823. *JAX ICE & COLD STORAGE CO., TRADING AS JAX BREWING CO., v. COE, U. S. COMMISSIONER OF PATENTS, ET AL.* April 7, 1941. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Messrs. Thomas L. Meade, Jr. and Nelson J. Jewett* for petitioner. *Assistant Attorney General Shea* and *Messrs. Newman A. Townsend, Melvin H. Siegel, and J. F. H. Mothershead* for the Commissioner of Patents; and *Messrs. Herbert H. Porter, Robert F. Whitehead, and Eugene G. Mason* for the Jackson Brewing Co., respondents. Reported below: 118 F. 2d 12.

No. 824. *COLUMBIAN NATIONAL LIFE INSURANCE CO. v. RODGERS.* April 7, 1941. Petition for writ of certiorari

to the Circuit Court of Appeals for the Tenth Circuit denied. *Mr. F. H. Nash* for petitioner. *Mr. Robert Stone* for respondent. Reported below: 116 F. 2d 705.

No. 828. *SEGALL v. COMMISSIONER OF INTERNAL REVENUE*; and

No. 829. *TANT v. COMMISSIONER OF INTERNAL REVENUE*. April 7, 1941. Petition for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Don M. Harlan* for petitioners. *Assistant Attorney General Clark* and *Messrs. N. A. Townsend, Sewall Key, Thomas E. Harris*, and *Maurice J. Mahoney* for respondent. Reported below: 114 F. 2d 706.

No. 830. *STEIN, DOING BUSINESS AS STEIN BROKERAGE CO., v. ALABAMA*. April 7, 1941. Petition for writ of certiorari to the Supreme Court of Alabama denied. *Mr. Marion R. Vickers* for petitioner. *Messrs. Thomas S. Lawson*, Attorney General of Alabama, *John W. Lapsley*, and *J. Edward Thornton*, Assistant Attorneys General, for respondent. Reported below: 29 Ala. App. 565; 240 Ala. 324; 199 So. 11, 13.

No. 837. *LEIBY ET AL. v. CITY OF MANCHESTER ET AL.* April 7, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. *Messrs. Joseph F. Rutherford* and *Hayden Covington* for petitioners. *Mr. J. Vincent Broderick* for respondents. Reported below: 117 F. 2d 661.

No. 856. *TEXAS ET AL. v. MISSION INDEPENDENT SCHOOL DISTRICT*. April 7, 1941. Petition for writ of cer-

313 U. S.

Decisions Denying Certiorari.

tiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. Gerald C. Mann*, Attorney General of Texas, and *Messrs. Geo. W. Barcus, Clarence E. Crowe, Claud O. Boothman*, and *Ocie Speer*, Assistant Attorneys General, for petitioners. *Messrs. Vernon B. Hill* and *Ireland Graves* for respondent. Reported below: 116 F. 2d 175.

No. 629. *HARRIS, ADMINISTRATOR, v. ZION'S SAVINGS BANK & TRUST CO.* See *ante*, p. 541.

No. 922. *CONNOR v. CALIFORNIA ET AL.* See *ante*, p. 542.

No. 844. *MYERS v. AMERICAN WELL WORKS.* April 14, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Warren G. Myers, pro se.* Reported below: 114 F. 2d 252.

No. 852. *CAHILL v. STATE OF NEW YORK.* April 14, 1941. Petition for writ of certiorari to the Court of Appeals of the State of New York, and motion for leave to proceed further *in forma pauperis*, denied. *James Cahill, pro se.* Reported below: 266 N. Y. 546, 285 N. Y. 547; 195 N. E. 193; 32 N. E. 2d 833.

No. 815. *SEMINOLE NATION v. UNITED STATES.* April 14, 1941. Petition for writ of certiorari to the Court of Claims denied. *Mr. Paul M. Niebell* for petitioner. *Solicitor General Biddle* for the United States. Reported below: 92 Ct. Cls. 210.

No. 818. *DAVISON-PAXON COMPANY v. CALDWELL*. April 14, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Houston White* for petitioner. Reported below: 115 F. 2d 189.

No. 825. *OWER ET AL. v. PROVO BENCH CANAL & IRRIGATION CO. ET AL.* April 14, 1941. Petition for writ of certiorari to the Supreme Court of Utah denied. *Mr. Wm. A. Hilton* for petitioners. *Mr. H. A. Rich* for respondents. Reported below: 99 Utah 267; 101 P. 2d 375.

No. 843. *HERMAN, DOING BUSINESS AS HERMAN OIL CO., v. TRAVELERS MUTUAL CASUALTY CO.* April 14, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Robert Stone* for petitioner. Reported below: 116 F. 2d 151.

No. 846. *STANDARD GAS & ELECTRIC CO. v. DEEP ROCK OIL CORP. ET AL.; and*

No. 847. *STANDARD GAS & ELECTRIC CO. v. DEEP ROCK OIL CORP.* April 14, 1941. Petition for writs of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Messrs. A. Louis Flynn, Jacob K. Javits, Wilbur J. Holleman, and Selig J. Levitan* for petitioner. *Mr. Jason L. Honigman* for John M. Taylor et al.; *Messrs. William P. Sidley and James F. Oates, Jr.* for the Reorganization Committee; *Messrs. George S. Ramsey and Villard Martin* for H. N. Greis, Trustee; and *Solicitor General Biddle* and *Messrs. Richard H. Demuth, Chester T. Lane, Bernard D. Cahn, and Homer Kripke* for the Securities & Exchange Commission. Reported below: 117 F. 2d 615.

No. 862. MCQUAY-NORRIS MANUFACTURING Co. v. NATIONAL LABOR RELATIONS BOARD. April 14, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. Alan W. Boyd, Kurt F. Pantzer, and Charles M. Wells* for petitioner. *Solicitor General Biddle* and *Mr. Robert B. Watts* for respondent. Reported below: 116 F. 2d 748.

No. 769. WALSH v. JOHNSTON, WARDEN. April 28, 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. *Mr. A. W. Boyken* for petitioner. Reported below: 115 F. 2d 806.

No. 835. MANGIARACINO v. LACLEDE STEEL Co. April 28, 1941. Petition for writ of certiorari to the Supreme Court of Missouri denied for the reason that application therefor was not made within the time provided by law. Section 8 (a), Act of February 13, 1925 (43 Stat. 936, 940). *Mr. Leo Lyng* for petitioner. *Mr. Lyle M. Allen* for respondent. Reported below: 347 Mo. 36; 145 S. W. 2d 388.

No. 854. PHILLIPS PETROLEUM Co. v. TAYLOR ET AL. April 28, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. **MR. JUSTICE DOUGLAS** took no part in the consideration and decision of this application. *Messrs. H. D. Emery and Rayburn L. Foster* for petitioner. Reported below: 116 F. 2d 994.

No. 855. HIRSON, PERMANENT RECEIVER, v. KOCH. April 28, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. **MR.**

JUSTICE DOUGLAS took no part in the consideration and decision of this application. *Messrs. Milton C. Weisman* and *Max L. Rothenberg* for petitioner. *Mr. Ralph G. Albrecht* for respondent. *Messrs. John J. Bennett, Jr.*, Attorney General of the State of New York, *Ambrose V. McCall*, and *John R. O'Hanlon*, and *Bertha Schwartz*, Assistant Attorneys General, filed a brief on behalf of the State of New York, as *amicus curiae*, in support of the petitioner. Reported below: 116 F. 2d 243.

No. 872. *GOCHENOUR ET AL. v. GEORGE AND FRANCES BALL FOUNDATION ET AL.* April 28, 1941. 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. *Messrs. Meyer Abrams* and *Joseph L. Stern* for petitioners. *Messrs. William H. Thompson, Perry E. O'Neal*, and *Patrick J. Smith* for respondents. Reported below: 117 F. 2d 259.

No. 743. *McKAY ET AL. v. RETAIL AUTOMOBILE SALES-MEN'S LOCAL UNION No. 1067 ET AL.* April 28, 1941. Petition for writ of certiorari to the Supreme Court of California denied. *Mr. C. Fenton Nichols* for petitioners. *Mr. Joseph C. Sharp* for respondents. Reported below: 16 Cal. 2d 311; 106 P. 2d 373.

No. 834. *CITIES SERVICE OIL Co. v. DUNLAP ET AL.* April 28, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. Clayton L. Orn, David B. Trammell*, and *Hayes McCoy* for petitioner. *Mr. Angus G. Wynne* for respondents. Reported below: 117 F. 2d 31.

313 U. S.

Decisions Denying Certiorari.

No. 848. *CONTINENTAL CASUALTY CO. v. GILLER CONCRETE CO., INC., ET AL.* April 28, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. T. J. Blackwell* for petitioner. Reported below: 116 F. 2d 431.

No. 849. *CITY OF MILWAUKEE v. CITY OF WEST ALLIS.* April 28, 1941. Petition for writ of certiorari to the Supreme Court of Wisconsin denied. *Mr. Walter J. Mattison* for petitioner. *Messrs. Louis Quarles and John C. Doerfer* for respondent. Reported below: 236 Wis. 371; 294 N. W. 625.

No. 850. *ULM v. MOORE-McCORMACK LINES, INC.* April 28, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Joseph S. Robinson* for petitioner. *Mr. John C. Crawley* for respondent. Reported below: 117 F. 2d 222.

No. 864. *ARCADE-SUNSHINE CO., INC. v. NATIONAL LABOR RELATIONS BOARD.* April 28, 1941. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Messrs. Irving G. McCann and Alvin L. Newmyer* for petitioner. *Solicitor General Biddle* and *Messrs. Thomas E. Harris, Robert B. Watts, and Laurence A. Knapp* for respondent. Reported below: 118 F. 2d 49.

No. 865. *HAFFENREFFER BREWING CO. v. COMMISSIONER OF INTERNAL REVENUE.* April 28, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. *Mr. Lawrence E. Green* for petitioner. *Solicitor General Biddle, Assistant Attorney*

General Clark, and *Messrs. Sewall Key, Richard H. Demuth*, and *Morton K. Rothschild* for respondent. Reported below: 116 F. 2d 465.

No. 816. *KALB v. FEUERSTEIN ET AL.* April 28, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. Elmer McClain and William Lemke* for petitioner. *Mr. J. Arthur Moran* for respondents. Reported below: 116 F. 2d 775.

No. 831. *TEGTMAYER v. TEGTMAYER ET AL.* April 28, 1941. Petition for writ of certiorari to the Appellate Court, First District, of Illinois, denied. *Mr. Joseph Heller* for petitioner. *Mr. L. Duncan Lloyd* for respondents. Reported below: 306 Ill. App. 169; 28 N. E. 2d 303.

No. 860. *THE ARIOSA v. THE SEGUNDO*; and
No. 861. *THE ARIOSA v. A/S IRAVANS REDERI, OWNER OF THE SEGUNDO.* April 28, 1941. Petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Charles W. Hagen* for petitioner. *Mr. John W. Griffin* for respondents. Reported below: 116 F. 2d 492.

No. 867. *CURTIS v. UTAH FUEL CO. ET AL.* April 28, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Nicholas J. Curtis, pro se.*

Nos. 873, 881, and 887. *LEHIGH VALLEY RAILROAD CO. v. MARTIN, STATE TAX COMMISSIONER OF NEW JERSEY, ET AL.*;

313 U. S.

Decisions Denying Certiorari.

Nos. 874, 879, and 885. *DELAWARE, LACKAWANNA & WESTERN RAILROAD Co. v. SAME*;

Nos. 875, 880, and 886. *ERIE RAILROAD Co. v. SAME*;

Nos. 876, 882, and 888. *NEW JERSEY & NEW YORK RAILROAD Co. v. SAME*;

Nos. 877, 883, and 889. *NEW YORK CENTRAL RAILROAD Co. v. SAME*; and

Nos. 878, 884, and 890. *NEW YORK & LONG BRANCH RAILROAD Co. v. SAME*. April 28, 1941. Petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Messrs. Maximilian M. Stallman, Maurice Bower Saul, Richard W. Barrett, Jacob Aronson, Herbert A. Taylor, and Douglas Swift* for petitioners. *Messrs. David T. Wilentz, Attorney General of New Jersey, and Duane E. Minard* for respondents. Reported below: 115 F. 2d 968.

No. 898. *INDEPENDENT WAREHOUSES, INC. v. DIMINO ET AL.* April 28, 1941. Petition for writ of certiorari to the Supreme Court of New York denied. *Mr. John Ross Lauer* for petitioner. *Messrs. John J. Bennett, Jr., Attorney General of New York, Henry Epstein, Solicitor General, Joseph A. McLaughlin, and Roy Wiedersum, Assistant Attorneys General*, for the Industrial Board of the State of New York; and *Mr. William L. F. Gardiner* for *Regina C. Dimino*, respondents. Reported below: 259 App. Div. 942; 284 N. Y. 481; 19 N. Y. S. 2d 846; 31 N. E. 2d 911.

No. 905. *NORTHWESTERN BREWERS SUPPLY CO. ET AL. v. SCHMIT, TRUSTEE*. April 28, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. David Charness* for petitioners. *Mr. Herbert J. Rushton* for respondent. Reported below: 117 F. 2d 738.

No. 915. *CITIZENS NATIONAL BANK v. FIDELITY & DEPOSIT COMPANY OF MARYLAND*. April 28, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. J. Blanc Monroe and Monte M. Lemann* for petitioner. *Mr. Albert B. Hall* for respondent. Reported below: 117 F. 2d 852.

No. 921. *FUNKS GROVE GRAIN CO. v. ALTON RAILROAD CO.* April 28, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Thomas P. Lantry* for petitioner. *Messrs. Silas H. Strawn, Frank H. Towner, Guy A. Gladson, and Bryce L. Hamilton* for respondent. Reported below: 117 F. 2d 210.

No. 857. *TINKOFF v. KLEIN-EXEL, TRUSTEE*; and

No. 858. *TINKOFF v. McMANUS, TRUSTEE IN BANKRUPTCY*. On petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit. May 5, 1941. The motion for leave to proceed further *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds that the application for the writs of certiorari was not filed within the time provided by law. Section 8 (a), Act of February 13, 1925 (43 Stat. 936, 940). The petition for writs of certiorari is therefore also denied. *Payoff Tinkoff, pro se.* Reported below: 101 F. 2d 660.

No. 767. *SABIN ET AL. v. HOME OWNERS' LOAN CORPORATION*. May 5, 1941. The motion to proceed on type-written papers is granted. The petition for writ of certiorari to the Supreme Court of Oklahoma is denied. *Milton Roe Sabin and Bertha Florence Sabin, pro se.* Reported below: 187 Okla. 504; 105 P. 2d 245.

313 U. S.

Decisions Denying Certiorari.

No. 866. *McLAUGHLIN LAND & LIVESTOCK Co. v. BANK OF AMERICA NATIONAL TRUST & SAVINGS ASSN.* May 5, 1941. Petition for writ of certiorari to the District Court of Appeal, 1st Appellate District, of California, denied. MR. JUSTICE DOUGLAS took no part in the consideration and decision of this application. *Mr. George Thomas Davis* for petitioner. *Mr. Herbert W. Erskine* for respondent. Reported below: 40 Cal. App. 2d 620; 105 P. 2d 607.

No. 871. *NIAGARA HUDSON POWER CORP. v. HOEY, COLLECTOR OF INTERNAL REVENUE.* May 5, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. MR. JUSTICE DOUGLAS took no part in the consideration and decision of this application. *Messrs. Horace R. Lamb* and *Randall J. Le Boeuf, Jr.* for petitioner. *Assistant Solicitor General Fahy*, *Assistant Attorney General Clark*, and *Messrs. Sewall Key, Richard H. Demuth*, and *Joseph M. Jones* for respondent. Reported below: 117 F. 2d 414.

No. 894. *NATIONAL LABOR RELATIONS BOARD v. E. I. DUPONT DE NEMOURS & Co.; and*

No. 895. *NATIONAL LABOR RELATIONS BOARD v. ASSOCIATION OF CHEMICAL EMPLOYEES AT BELLE WORKS OF E. I. DUPONT DE NEMOURS & Co.* May 5, 1941. Petition for writs of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. MR. JUSTICE ROBERTS took no part in the consideration and decision of this application. *Solicitor General Biddle* and *Mr. Robert B. Watts* for petitioner. *Mr. Robert S. Spilman* for E. I. Du Pont de Nemours & Co., and *Mr. Charles S. Rhyne* for the Association of Chemical Employees, respondents. Reported below: 116 F. 2d 388.

Nos. 899 and 900. *HAMBURGER v. DYER, TRUSTEE, ET AL.* May 5, 1941. Petition for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. MR. JUSTICE MURPHY took no part in the consideration and decision of this application. *Mr. Meyer Abrams* for petitioner. *Messrs. Harry H. Mead and Isadore Levin* for respondents. Reported below: 117 F. 2d 932.

No. 901. *BAKERY & PASTRY DRIVERS & HELPERS LOCAL 802 ET AL. v. WOHL ET AL.* On petition for writ of certiorari to the Court of Appeals of the State of New York. May 5, 1941. It does not appear from the record that the federal question presented by the petition was necessarily decided by the Court of Appeals. The petition for certiorari is denied, *Lynch v. New York ex rel. Pierson*, 293 U. S. 52; *Honeyman v. Hanan*, 300 U. S. 14, 18. *Mr. Edward C. Maguire* for petitioners. *Hyman Wohl and Louis Platzman, pro se.* Reported below: 284 N. Y. 788; 31 N. E. 2d 765.

No. 891. *LAYTON ET AL. v. THAYNE ET AL.* May 5, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Mr. J. D. Skeen* for petitioners. *Mr. John Jenson* for respondents. Reported below: 116 F. 2d 796.

No. 892. *BUTTARS v. UTAH MORTGAGE LOAN CORP.* May 5, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Mr. J. D. Skeen* for petitioner. *Mr. Hadlond P. Thomas* for respondent. Reported below: 116 F. 2d 622.

No. 893. *PAYNE FURNACE & SUPPLY CO., INC. v. WILLIAMS-WALLACE COMPANY.* May 5, 1941. Petition for

313 U. S.

Decisions Denying Certiorari.

writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. Frederick S. Lyon and Leonard S. Lyon* for petitioner. *Mr. A. Donham Owen* for respondent. Reported below: 117 F. 2d 823.

No. 896. *CAMPBELL v. AMERICAN FOREIGN STEAMSHIP CORP.* May 5, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Ruth Gottdiener* for petitioner. *Mr. Corydon B. Dunham* for respondent. Reported below: 116 F. 2d 926.

No. 902. *ARMATURE EXCHANGE INCORPORATED v. UNITED STATES.* May 5, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Edwin A. Meserve* for petitioner. *Solicitor General Biddle, Assistant Attorney General Clark, and Messrs. Sewall Key, Thomas E. Harris, and Newton K. Fox* for the United States. Reported below: 116 F. 2d 969.

No. 923. *McGURREN v. McVEIGH ET AL.* May 5, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Charles H. Soelke* for petitioner. *Messrs. Thomas Dodd Healy and Bernhardt Frank* for respondents. Reported below: 117 F. 2d 672.

No. 925. *MORROW v. SCOFIELD, COLLECTOR OF INTERNAL REVENUE.* May 5, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. Harry C. Weeks and Benj. L. Bird* for petitioner. *Solicitor General Biddle, Assistant Attorney General Clark, and Messrs. Sewall Key and Richard H. Demuth* for respondent. Reported below: 116 F. 2d 17.

No. 930. *CHESAPEAKE & OHIO RAILWAY Co. v. RICHARDSON*. May 5, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Ben B. Wickham* for petitioner. *Mr. M. C. Harrison* for respondent. Reported below: 116 F. 2d 860.

No. 929. *ROLAND v. PORT COMPRESS Co.* May 12, 1941. Petition for writ of certiorari to the County Court of Nueces County, Texas, and motion for leave to proceed further *in forma pauperis*, denied. *James W. Roland, pro se*. *Mr. Frank M. Kemp* for respondent.

No. 910. *SHUSHAN v. UNITED STATES*;
No. 911. *NEWMAN ET AL. v. UNITED STATES*;
No. 912. *MILLER v. UNITED STATES*; and
No. 913. *WAGUESPACK v. UNITED STATES*. May 12, 1941. The motion for leave to file a supplemental petition in No. 911 is granted. The petitions for writs of certiorari to the Circuit Court of Appeals for the Fifth Circuit are denied. MR. JUSTICE MURPHY took no part in the consideration and decision of these applications. *Mr. Hugh M. Wilkinson* for petitioner in No. 910. *Messrs. Morris L. Ernst, James J. Magner, David V. Cahill, Isaac S. Heller, Theodore S. Jaffin*, and *Benjamin Kaplan* for petitioners in No. 911. *Messrs. Warren O. Coleman and Edward R. Schowalter* for petitioner in No. 912. *Mr. W. J. Waguespack, Jr.* for petitioner in No. 913. *Assistant Solicitor General Fahy, Assistant Attorney General Berge*, and *Messrs. Oscar A. Provost, Harold Rosenwald, and Fred E. Strine* for the United States. Reported below: 117 F. 2d 110.

No. 916. *WEIL ET AL. v. UNITED STATES*. May 12, 1941. Petition for writ of certiorari to the Circuit Court

313 U.S.

Decisions Denying Certiorari.

of Appeals for the Second Circuit denied. The CHIEF JUSTICE took no part in the consideration and decision of this application. *Mr. Eugene J. Morris* for petitioners. *Solicitor General Biddle, Assistant Attorney General Clark, and Messrs. Sewall Key, Thomas E. Harris, and Newton K. Fox* for the United States. *Messrs. Harold L. Smith and John F. Caskey* filed a brief on behalf of the Mortgage Corporation of New York, as *amicus curiae*, in support of the petition. Reported below: 115 F. 2d 999.

No. 935. FIRST NATIONAL BANK OF TEMPLE v. CONTINENTAL CASUALTY CO. May 12, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Walker Saulsbury* for petitioner. *Mr. Allen Wight* for respondent. Reported below: 116 F. 2d 885.

No. 936. WILLIAM DAVIES CO., INC. v. ILLINOIS EX REL. TOMAN, COUNTY TREASURER. May 12, 1941. Petition for writ of certiorari to the Supreme Court of Illinois denied. *Mr. Charles M. Haft* for petitioner. *Messrs. Thomas J. Courtney, Barnet Hodes, and J. Herzl Segal* for respondent. Reported below: 375 Ill. 397; 31 N. E. 2d 602.

No. 937. EQUITABLE LIFE ASSURANCE SOCIETY v. MARSHALL, ADMINISTRATOR. May 12, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Messrs. Ferris D. Stone, Cleveland Thurber, and William J. Shaw* for petitioner. *Mr. David I. Hubar* for respondent. Reported below: 116 F. 2d 901.

No. 940. UNITED STATES EX REL. JUMP ET AL. v. ICKES, SECRETARY OF THE INTERIOR. May 12, 1941. Petition

for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Messrs. Neal E. McNeill and Seth W. Richardson* for petitioners. *Assistant Solicitor General Fahy, Assistant Attorney General Littell*, and *Messrs. Thomas E. Harris and Vernon L. Wilkinson* for respondent. Reported below: 117 F. 2d 769.

No. 949. *TRAVELERS INSURANCE CO. v. WILKINS*. May 12, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. Francis M. Holt and Sam R. Marks* for petitioner. *Mr. Herman Ulmer* for respondent. Reported below: 117 F. 2d 646.

No. 951. *CANTERBURY ET AL. v. BARNHART ET AL.*; and No. 952. *JAMES v. BARNHART ET AL.* May 26, 1941. Petitions for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit, and motions for leave to proceed *in forma pauperis*, denied. *Mr. Harvey H. Smith* for petitioners. *Mr. Urban C. Stover* for respondents. Reported below: 117 F. 2d 604.

No. 954. *SPRUILL v. BALLARD ET AL.* May 26, 1941. 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. *Georgia M. Spruill, pro se.*

No. 955. *WAGNER v. CALIFORNIA ET AL.*; and No. 956. *MELENDEZ v. CALIFORNIA ET AL.* May 26, 1941. Petitions for writs of certiorari to the Supreme Court of California, and motions for leave to proceed further *in forma pauperis*, denied. *Ray Wagner and George Melendez, pro se.*

313 U. S.

Decisions Denying Certiorari.

No. 939. *PHILBROOK ET AL. v. UNITED STATES.* May 26, 1941. 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. *Mr. Eugene D. O'Sullivan* for petitioners. Reported below: 117 F. 2d 632.

No. 995. *SHAPIRO v. STATE OF NEW YORK.* May 26, 1941. Petition for writ of certiorari to the County Court, County of Kings, New York, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. Copal Mintz* for petitioner. *Mr. Henry J. Walsh* for respondent. Reported below: 260 App. Div. 930; 23 N. Y. S. 2d 56.

Nos. 1006 and 1007. *WARNER COMPANY v. LOVERICH.* May 26, 1941. Petition 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 this application. *Mr. Everett H. Brown, Jr.* for petitioner. Reported below: 118 F. 2d 690.

No. 983. *BRUNET v. S. S. KRESGE Co.* May 26, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Justice Stone* and *Mr. Justice Roberts* took no part in the consideration and decision of this application. *Messrs. Samuel A. Rinnella and Harry G. Fins* for petitioner. *Mr. Carl E. Abramson* for respondent. Reported below: 115 F. 2d 713.

No. 1045. *NICHOLS ET AL. v. TODD, TRUSTEE, ET AL.* May 26, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Jus-*

TICE DOUGLAS took no part in the consideration and decision of this application. *Mr. James V. Hayes* for petitioners. Reported below: 116 F. 2d 979.

No. 914. *NALDER v. FEDERAL LAND BANK OF BERKELEY ET AL.* May 26, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Mr. J. D. Skeen* for petitioner. *Solicitor General Biddle* and *Messrs. Thomas E. Harris* and *Robert K. McConaughay* for respondents. Reported below: 116 F. 2d 1004.

No. 920. *WRIGHTSMAN PETROLEUM Co. v. UNITED STATES.* May 26, 1941. Petition for writ of certiorari to the Court of Claims denied. *Messrs. Charles D. Hamel* and *John Enrietto* for petitioner. *Solicitor General Biddle, Assistant Attorney General Clark*, and *Mr. Sewall Key* for the United States. Reported below: 92 Ct. Cls. 217; 35 F. Supp. 86.

No. 933. *MUTUAL LIFE INSURANCE Co. OF NEW YORK v. MENIN, TRUSTEE IN BANKRUPTCY, ET AL.* May 26, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. G. Bowdoin Craighill* for petitioner. *Mr. Gerson C. Young* for Abraham I. Menin, Trustee in Bankruptcy, and *Mr. J. Arthur Leve* for Parke-Bernet Galleries, Inc., respondents. Reported below: 115 F. 2d 975.

No. 941. *CONTINENTAL CASUALTY Co. v. UNITED STATES.* May 26, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Robert B. McCormick* for petitioner. *Solicitor General Biddle, Assistant Attorney General Shea*,

313 U. S.

Decisions Denying Certiorari.

and *Messrs. Melvin H. Siegel, Thomas E. Harris, and Paul A. Sweeney* for the United States. Reported below: 117 F. 2d 506.

No. 950. *SUPERIOR COURT OF CALIFORNIA v. CAMINETTI, INSURANCE COMMISSIONER*. May 26, 1941. Petition for writ of certiorari to the Supreme Court of California denied. *Mr. U. S. Webb* and *Hester Webb* for petitioner. Reported below: 16 Cal. 2d 838; 108 P. 2d 911.

No. 953. *KEARNS COAL CORP. v. UNITED STATES FIDELITY & GUARANTY CO.* May 26, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Henry B. Twombly* and *Lemuel Skidmore* for petitioner. *Mr. William Dike Reed* for respondent. Reported below: 118 F. 2d 33.

No. 960. *GARDNER, TRUSTEE IN BANKRUPTCY, v. DOETHLAFF, BANKRUPT*; and

No. 961. *GARDNER, TRUSTEE IN BANKRUPTCY, v. PENN MUTUAL LIFE INSURANCE CO.* May 26, 1941. Petition for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Charles Auerbach* for petitioner. *Mr. Walter T. Kinder* for respondents. Reported below: 117 F. 2d 582.

No. 964. *MELLON ET AL., EXECUTORS, v. DRISCOLL, COLLECTOR OF INTERNAL REVENUE*. May 26, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Wm. S. Moorhead* for petitioners. *Solicitor General Biddle, Assistant Attorney General Clark*, and *Messrs. Sewall Key* and *Samuel H. Levy* for respondent. Reported below: 117 F. 2d 477.

No. 973. *LANE ET AL. v. HAYTIAN CORPORATION OF AMERICA.* May 26, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Sydney Krause* for petitioners. *Mr. Henry M. Wise* for respondent. Reported below: 117 F. 2d 216.

No. 988. *NEW YORK & CUBA MAIL STEAMSHIP CO. v. CONTINENTAL INSURANCE CO.* May 26, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Roscoe H. Hupper* and *Chauncey I. Clark* for petitioner. *Messrs. Cletus Keating, Arthur M. Boal, and James H. Herbert* for respondent. Reported below: 117 F. 2d 404.

No. 928. *CUTLER MAIL CHUTE CO. v. CAPITAL MAIL CHUTE CORP.* May 26, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Carl P. Geopel* for petitioner. *Mr. Robert I. Dennison* for respondent. Reported below: 118 F. 2d 63.

No. 931. *FRANKLIN LIFE INSURANCE CO. v. UNITED STATES.* May 26, 1941. Petition for writ of certiorari to the Court of Claims denied. *Mr. Warren W. Grimes* for petitioner. *Solicitor General Biddle, Assistant Attorney General Clark, and Messrs. Sewall Key and Richard H. Demuth* for the United States. Reported below: 93 Ct. Cls. 259; 37 F. Supp. 155.

No. 942. *VAUGHN ET UX. v. CONTINENTAL ROYALTY CO.* May 26, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs.*

313 U. S.

Decisions Denying Certiorari.

Ben D. Clower and *Frank Bezoni* for petitioners. *Mr. Robert Gerald Storey* for respondent. Reported below: 116 F. 2d 72.

No. 943. *COLLINS v. MOSHER ET AL.*; and

No. 944. *LOUNT v. MOSHER ET AL.* May 26, 1941. Petition for writs of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. John J. McCullough* for petitioners. *Mr. J. L. Gust* for respondents. Reported below: 115 F. 2d 900, 903.

No. 945. *COLLINS ET AL. v. SOCONY-VACUUM OIL CO., INC.* May 26, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Hall Etter* for petitioners. *Mr. Robert Eikel, Jr.* for respondent. Reported below: 116 F. 2d 8.

No. 947. *WHITE ET UX. v. THOMAS, COLLECTOR OF INTERNAL REVENUE.* May 26, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Wm. A. Blakley* for petitioners. *Solicitor General Biddle, Assistant Attorney General Clark, and Messrs. Sewall Key and Richard H. Demuth* for respondent. Reported below: 116 F. 2d 147.

No. 957. *CREEK NATION v. UNITED STATES.* May 26, 1941. Petition for writ of certiorari to the Court of Claims denied. *Messrs. Paul M. Niebell and W. W. Spalding* for petitioner. *Solicitor General Biddle and Assistant Attorney General Littell* for the United States. Reported below: 92 Ct. Cls. 269.

No. 958. KETTLEMAN HILLS ROYALTY SYNDICATE No. 1 *v.* COMMISSIONER OF INTERNAL REVENUE. May 26, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Robert Holland Eckhoff* for petitioner. *Solicitor General Biddle, Assistant Attorney General Clark, and Messrs. Sewall Key and William L. Cary* for respondent. Reported below: 116 F. 2d 382.

No. 967. BRYAN ET AL., EXECUTORS, *v.* BALL ET AL. May 26, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. Daniel Bartlett and Arthur F. Freund* for petitioners. Reported below: 116 F. 2d 950.

No. 969. SOUTH ATLANTIC STEAMSHIP Co. *v.* NATIONAL LABOR RELATIONS BOARD. May 26, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Edward Brennan* for petitioner. *Solicitor General Biddle, and Messrs. Richard H. Demuth, Robert B. Watts, Laurence A. Knapp, and Bertram Edises* for respondent. Reported below: 116 F. 2d 480.

No. 972. ROBERTS *v.* BOARD OF PUBLIC INSTRUCTION. May 26, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Stuart B. Warren* for petitioner. *Mr. John D. Kennedy* for respondent. Reported below: 117 F. 2d 943.

No. 978. COMPAÑIA ESPAÑOLA DE NAVEGACION MARITIMA, S. A., ET AL. *v.* ROBERTO HERNANDEZ, INC. May 26, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Burton*

313 U.S.

Decisions Denying Certiorari.

H. White and *Roscoe H. Hupper* for petitioners. *Mr. Joseph K. Inness* for respondent. Reported below: 116 F. 2d 849.

No. 979. *BOWEN v. NEW YORK LIFE INSURANCE CO.* May 26, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. J. L. London* for petitioner. Reported below: 117 F. 2d 298.

No. 982. *COHAN v. ELDER ET UX.* May 26, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Burnett Wolfson* for petitioner. *Mr. Allan J. Carter* for respondents. Reported below: 118 F. 2d 850.

No. 984. *SANITARY DISTRICT OF CHICAGO v. GUTHARD ET AL.* May 26, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. Ernst Buehler, Edmund D. Adcock, Ralph M. Snyder, Arthur C. Denison, and Wallace R. Lane* for petitioner. *Messrs. Lynn A. Williams and Warren C. Horton* for respondents. Reported below: 118 F. 2d 899.

No. 985. *PHILLIPS, TRUSTEE, v. ARNOLD.* May 26, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Gaius G. Gannon* for petitioner. *Mr. John H. Crooker* for respondent. Reported below: 117 F. 2d 497.

No. 986. *SOMA PETO v. HOWELL.* May 26, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. J. Robert Cohler* for

petitioner. *Messrs. Amos C. Miller, Edward R. Adams, and Robert W. Wales* for respondent. Reported below: 117 F. 2d 249.

No. 989. *POTASH ET AL. v. UNITED STATES*. May 26, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Kenneth E. Walser* for petitioners. *Solicitor General Biddle, Assistant Attorney General Berge*, and *Mr. Oscar A. Provost* for the United States. Reported below: 118 F. 2d 54.

No. 990. *UNITED STATES v. NUNNALLY INVESTMENT CO.* May 26, 1941. Petition for writ of certiorari to the Court of Claims denied. *Assistant Solicitor General Fahy* for the United States. *Mr. W. A. Sutherland* for respondent. Reported below: 92 Ct. Cls. 358; 36 F. Supp. 332.

No. 1001. *ERNEST E. MARKS CO. v. UNITED STATES*. May 26, 1941. Petition for writ of certiorari to the Court of Customs and Patent Appeals denied. *Mr. Delbert A. Clithero* for petitioner. *Solicitor General Biddle* and *Messrs. Charles D. Lawrence and John R. Benney* for the United States. Reported below: 117 F. 2d 542.

No. 792. *RICHARD ARCHBOLD v. COMMISSIONER OF INTERNAL REVENUE*;

No. 793. *ADRIAN ARCHBOLD v. SAME*;

No. 794. *JOHN ARCHBOLD v. SAME*; and

No. 795. *VAN BEUREN v. SAME*. May 26, 1941. Petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. William R. Spofford* for petitioners. *Solicitor General Biddle* for respondent. Reported below: 115 F. 2d 1005.

313 U.S.

Decisions Denying Certiorari.

No. 819. *AUGUSTUS v. COMMISSIONER OF INTERNAL REVENUE*. May 26, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Messrs. Orville Smith and Erwin N. Griswold* for petitioner. *Solicitor General Biddle* for respondent. Reported below: 118 F. 2d 38.

No. 836. *VAN VRANKEN v. HELVERING, COMMISSIONER OF INTERNAL REVENUE*. May 26, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Lee McCanliss* for petitioner. *Solicitor General Biddle* for respondent. Reported below: 115 F. 2d 709.

No. 959. *CHADWICK ET AL. v. UNITED STATES*. June 2, 1941. 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. Maxwell Shapiro* for petitioners. *Solicitor General Biddle, Assistant Attorney General Berge, and Messrs. Oscar A. Provost and Fred E. Strine* for the United States. Reported below: 117 F. 2d 902.

No. 966. *BELAND v. UNITED STATES*. June 2, 1941. The motion to proceed on the typewritten record is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit is denied. *Mr. J. Forest McCutcheon* for petitioner. *Solicitor General Biddle, Assistant Attorney General Berge, and Messrs. Oscar A. Provost and Fred E. Strine* for the United States. Reported below: 117 F. 2d 958.

No. 1021. *SHERWIN v. UNITED STATES*; and
No. 1022. *SHERIDAN v. UNITED STATES*. On petition for writs of certiorari to the Circuit Court of Appeals for the Ninth Circuit. June 2, 1941. The motion to use the record in Nos. 319 and 320 is granted. The petition for writs of certiorari to the Circuit Court of Appeals for the Ninth Circuit, and the motion for leave to proceed further *in forma pauperis*, are denied. *Mr. Earl C. Demoss* for petitioners. Reported below: 118 F. 2d 828.

No. 917. *FARNSWORTH v. SANFORD, WARDEN*. June 2, 1941. 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. John F. Finerty* for petitioner. Reported below: 115 F. 2d 375.

No. 1003. *GLASS v. RYAN, WARDEN*. June 2, 1941. 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. *Harold Glass, pro se*.

No. 1040. *WEITLAUF v. UNITED STATES*. June 2, 1941. 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. Jordan R. Bentley* for petitioner. Reported below: 118 F. 2d 394.

No. 1049. *RILEY ET AL. v. ILLINOIS*. June 2, 1941. Petition for writ of certiorari to the Supreme Court of Illinois, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. Wm. Scott Stewart* for petitioners.

313 U. S.

Decisions Denying Certiorari.

Mr. George F. Barrett, Attorney General of Illinois, for respondent. Reported below: 376 Ill. 364; 33 N. E. 2d 872.

No. 1053. *PEARSON v. CALIFORNIA*. June 2, 1941. Petition for writ of certiorari to the District Court of Appeal, Second Appellate District, of California, and motion for leave to proceed further *in forma pauperis*, denied. *Clarence Pearson, pro se*. Reported below: 41 Cal. App. 2d 614; 107 P. 2d 463.

No. 1060. *BOERNER v. UNITED STATES*. June 2, 1941. 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. C. Joseph Danahy* for petitioner. Reported below: 117 F. 2d 387.

No. 1081. *BECK v. UNITED STATES*. June 2, 1941. 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. Rule XI of the Criminal Appeals Rules, 292 U. S. 665-666. Mr. JUSTICE DOUGLAS took no part in the consideration and decision of this application. *Christian W. Beck, pro se*. Reported below: 118 F. 2d 178.

No. 838. *MUNICIPALITY OF GUAYANILLA v. PUBLIC SERVICE COMMISSION OF PUERTO RICO ET AL.* June 2, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. *Messrs. Ismael Soldevila and Pedro M. Porrata* for petitioner. *Messrs. William Catron Rigby, George A. Malcolm, and Nathan R. Margold* for the Public Service Commission; and *Mr. C.*

Dominguez Rubio for *J. Stella Rodríguez*, respondents.
Reported below: 116 F. 2d 15.

No. 962. *MARTIN M. GOLDMAN v. UNITED STATES*;

No. 963. *SHULMAN v. UNITED STATES*; and

No. 980. *THEODORE GOLDMAN v. UNITED STATES*.

June 2, 1941. Petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Jacob W. Friedman* for petitioners in Nos. 962 and 980. *Mr. Jeremiah T. Mahoney* for petitioner in No. 963. *Solicitor General Biddle, Assistant Attorney General Berge*, and *Messrs. Oscar A. Provost and Louis B. Schwartz* for the United States. Reported below: 118 F. 2d 310.

No. 965. *BURK BROTHERS v. NATIONAL LABOR RELATIONS BOARD*. June 2, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Walter T. Fahy* for petitioner. *Solicitor General Biddle* and *Messrs. Richard H. Demuth, Robert B. Watts, Laurence A. Knapp, and Morris P. Glushien* for respondent. Reported below: 117 F. 2d 686.

No. 977. *LLOYD-SMITH v. COMMISSIONER OF INTERNAL REVENUE*. June 2, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. John P. Ohl* for petitioner. *Solicitor General Biddle, Assistant Attorney General Clark*, and *Messrs. Sewall Key, Arnold Raum, and Samuel H. Levy* for respondent. Reported below: 116 F. 2d 642.

No. 987. *SABINE TOWING Co., INC. v. CONTINENTAL INSURANCE Co., INC.* June 2, 1941. Petition for writ of

313 U. S.

Decisions Denying Certiorari.

certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. M. A. Grace* for petitioner. *Messrs. Arthur M. Boal* and *H. C. Hughes* for respondent. Reported below: 117 F. 2d 694.

No. 994. *WONG YIM v. UNITED STATES*. June 2, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. James M. Hanley* for petitioner. *Solicitor General Biddle*, *Assistant Attorney General Berge*, and *Messrs. George F. Kneip* and *W. Marvin Smith* for the United States. Reported below: 118 F. 2d 667.

No. 996. *WOMEN'S CATHOLIC ORDER OF FORESTERS v. CITY OF ENNIS ET AL.* June 2, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Thomas C. Hall* for petitioner. *Mr. James G. Martin* for respondents. Reported below: 116 F. 2d 270.

No. 998. *BIELSKI v. SAMUELS*. June 2, 1941. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied. *Messrs. William S. Doty* and *Thomas A. Thornton* for petitioner. Reported below: 340 Pa. 528; 17 A. 2d 616.

No. 1000. *ARNOLD, JUDGE OF THE PROBATE COURT, v. WYERS*. June 2, 1941. Petition for writ of certiorari to the Supreme Court of Missouri denied. *Mr. Julius T. Muench* for petitioner. Reported below: 347 Mo. 413; 147 S. W. 2d 644.

No. 1002. *FISKE ET AL. v. WALLACE*. June 2, 1941. Petition for writ of certiorari to the Circuit Court of Ap-

peals for the Eighth Circuit denied. *Messrs. Oscar E. Buder and G. A. Buder, Jr.* for petitioners. *Messrs. James C. Jones, Lon O. Hocker, and Frank Y. Gladney* for respondent. Reported below: 117 F. 2d 149.

No. 1005. *TAYLOR v. COMMISSIONER OF INTERNAL REVENUE*. June 2, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. John S. Miller and James J. Magner* for petitioner. *Solicitor General Biddle, Assistant Attorney General Clark, and Messrs. Sewall Key and J. Louis Monarch* for respondent. Reported below: 117 F. 2d 189.

No. 1011. *PESNELL v. DEPARTMENT OF INDUSTRIAL RELATIONS*. June 2, 1941. Petition for writ of certiorari to Supreme Court of Alabama denied. *Messrs. Rossie Rogers, Hugh A. Locke, and Yelverton Cowherd* for petitioner. *Messrs. Frank R. Broadway and James A. Simpson* for respondent. Reported below: 240 Ala. 457; 199 So. 726.

No. 1014. *VALLEY MOULD & IRON CORP. v. NATIONAL LABOR RELATIONS BOARD*. June 2, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Ernest S. Ballard* for petitioner. *Solicitor General Biddle and Messrs. Arnold Raum, Robert B. Watts, Laurence A. Knapp, and Morris P. Glushien* for respondent. Reported below: 116 F. 2d 760.

No. 1015. *CHENILLE MANUFACTURING CO., INC., ET AL. v. SCHIFRIN*. June 2, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Second

Circuit denied. *Mr. Robert J. Blum* for petitioners. *Mr. Meyer Schifrin* for respondent. Reported below: 117 F. 2d 92.

No. 1017. *MILLER v. UNITED STATES*. June 2, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. Warren E. Miller and Stephen A. Cross* for petitioner. *Solicitor General Biddle* and *Messrs. Julius C. Martin, Wilbert C. Pickett, Fendall Marbury, and W. Marvin Smith* for the United States. Reported below: 117 F. 2d 256.

No. 1020. *PRISCILLA BAKING CO. ET AL. v. COMMISSIONER OF INTERNAL REVENUE*. June 2, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. *Mr. O. Walker Taylor* for petitioners. *Solicitor General Biddle, Assistant Attorney General Clark, and Messrs. Sewall Key and F. E. Youngman* for respondent. Reported below: 117 F. 2d 375.

No. 1023. *PICKETT, GENERAL CHAIRMAN OF THE BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS, ETC., v. UNION TERMINAL CO.* June 2, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. Charles M. Hay and S. D. Flanagan* for petitioner. *Solicitor General Biddle* and *Messrs. Richard H. Demuth, Gerald D. Reilly, and Irving J. Levy* filed a brief on behalf of the Administrator of the Wage and Hour Division, U. S. Department of Labor, as *amicus curiae*, in support of petitioner. Reported below: 118 F. 2d 328.

No. 1025. *ATCHISON, TOPEKA & SANTA FE RAILWAY CO. v. COOPER*. June 2, 1941. Petition for writ of cer-

tiorari to the Supreme Court of Missouri denied. *Messrs. Cyrus Crane, Geo. J. Mersereau, John N. Monteith, and Horace F. Blackwell, Jr.* for petitioner. *Mr. C. A. Randolph* for respondent. Reported below: 347 Mo. 555; 148 S. W. 2d 773.

No. 1028. *NETZEL v. MICHIGAN*. June 2, 1941. Petition for writ of certiorari to the Supreme Court of Michigan denied. *Mr. Odin H. Johnson* for petitioner. *Messrs. Herbert J. Rushton*, Attorney General of Michigan, *Edmund E. Shepherd*, Solicitor General, and *Glenn C. Gillespie* for respondent. Reported below: 295 Mich. 353; 294 N. W. 708.

No. 1030. *COWAN ET AL., TRUSTEES, v. HAMILTON NATIONAL BANK, TRUSTEE*. June 2, 1941. Petition for writ of certiorari to the Supreme Court of Tennessee denied. *Messrs. M. W. Egerton* and *James L. Clarke, Jr.* for petitioners. *Mr. Frank Montgomery* for respondent. Reported below: 177 Tenn. 94; 146 S. W. 2d 359.

No. 1034. *PEARL ET AL. v. COUNTY OF GARFIELD*. June 2, 1941. Petition for writ of certiorari to the Supreme Court of Nebraska denied. *Messrs. J. A. C. Kennedy* and *Geo. L. De Lacy* for petitioners. *Mr. William F. Manasil* for respondent. Reported below: 138 Neb. 810; 295 N. W. 820.

No. 1042. *NIMERICK v. UNITED STATES*. June 2, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Arthur R. Seelig* for petitioner. *Solicitor General Biddle, Assistant Attor-*

313 U. S.

Decisions Denying Certiorari.

ney General Berge, and *Messrs. Oscar A. Provost* and *Louis B. Schwartz* for the United States. Reported below: 118 F. 2d 464.

No. 1019. *CENTRAL NATIONAL BANK, TRUSTEE, v. O'BRIEN, EXECUTOR.* June 2, 1941. Petition for writ of certiorari to the Court of Appeals, Franklin County, Ohio, denied. *Mr. Orlin F. Goudy* for petitioner. *Messrs. Fred C. Rector* and *Richard T. Rector* for respondent. Reported below: 62 Ohio App. 413; 24 N. E. 2d 607.

No. 1041. *THOMAS ET AL. v. ROSSETTER ET AL.* June 2, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Lloyd C. Whitman* for petitioners. *Mr. Isaac E. Ferguson* for respondents. Reported below: 117 F. 2d 639.

No. 1050. *VAN AUKEN, ADMINISTRATOR, ET AL. v. SECOND NATIONAL BANK & TRUST CO., TRUSTEE, ET AL.* June 2, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Messrs. Howell Van Aukon* and *William Lucking* for petitioners. *Messrs. Frank A. Rockwith* and *George R. Effler* for respondents. Reported below: 117 F. 2d 938.

No. 1051. *DIAMANTOPOULOS, MINISTER TO THE UNITED STATES FOR THE KINGDOM OF GREECE, v. AMERICAN TOBACCO CO. ET AL.* June 2, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Carver W. Wolfe* for petitioner. *Messrs. T. Catesby Jones* and *Henry N. Longley* for respondents. Reported below: 119 F. 2d 1022.

No. 1054. *VAN AUKEN, ADMINISTRATOR, ET AL. v. SECOND NATIONAL BANK & TRUST CO., TRUSTEE, ET AL.* June 2, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Messrs. Howell Van Auken and William Lucking* for petitioners. *Messrs. Frank A. Rockwith and George R. Effler* for respondents. Reported below: 117 F. 2d 1009.

No. 1031. *BROOKS ET AL. v. UNITED STATES ET AL.* June 2, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. Merritt C. Mechem and Arthur T. Hannett* for petitioners. *Solicitor General Biddle, Assistant Attorney General Littell*, and *Messrs. Richard H. Demuth and Vernon L. Wilkinson* for respondents. Reported below: 119 F. 2d 636.

No. 1032. *MARLIN-ROCKWELL CORPORATION v. NATIONAL LABOR RELATIONS BOARD.* June 2, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Dana B. Hellings* for petitioner. *Solicitor General Biddle* and *Messrs. Arnold Raum, Robert B. Watts, and Laurence A. Knapp* for respondent. Reported below: 116 F. 2d 586.

No. 1058. *RAND v. HELVERING, COMMISSIONER OF INTERNAL REVENUE.* June 2, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. Daniel N. Kirby and Harry W. Kroeger* for petitioner. *Solicitor General Biddle, Assistant Attorney General Clark*, and *Messrs. Sewall Key and L. W. Post* for respondent. Reported below: 116 F. 2d 929.

No. 924. *TOM WING ART v. CARMICHAEL, DISTRICT DIRECTOR OF THE U. S. IMMIGRATION AND NATURALIZATION SERVICE.* June 2, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. William H. Wylie* for petitioner. *Solicitor General Biddle, Assistant Attorney General Berge, and Messrs. Oscar A. Provost and W. Marvin Smith* for respondent. Reported below: 117 F. 2d 158.

No. 1046. *THE PRESS CO., INC. v. NATIONAL LABOR RELATIONS BOARD ET AL.* June 2, 1941. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Mr. Elisha Hanson* for petitioner. *Solicitor General Biddle and Messrs. Arnold Raum, Robert B. Watts, Laurence A. Knapp, and Mortimer B. Wolf* for respondents. Reported below: 118 F. 2d 937.

No. 1052. *REED & PRINCE MANUFACTURING CO. v. NATIONAL LABOR RELATIONS BOARD.* June 2, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. *Mr. Charles B. Rugg* for petitioner. *Solicitor General Biddle and Messrs. Richard H. Demuth, Robert B. Watts, Laurence A. Knapp, and Mortimer B. Wolf* for respondent. Reported below: 118 F. 2d 874.

No. 1056. *SINGER MANUFACTURING CO. v. NATIONAL LABOR RELATIONS BOARD.* June 2, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Frederick H. Wood* for petitioner. *Solicitor General Biddle and Messrs. Arnold Raum, Robert B. Watts, Laurence A. Knapp, and Morris P. Glushien* for respondent. Reported below: 119 F. 2d 131.

Rehearing Granted.

313 U. S.

No. 1071. AMERICAN-WEST AFRICAN LINE, INC. *v.* LYDECKER, EXECUTOR. June 2, 1941. Petition for writ of certiorari to the Supreme Court of the State of New York denied. *Mr. Geo. Whitefield Betts, Jr.* for petitioner. *Messrs. Silas B. Axtell and Dominick Blasi* for respondent. Reported below: 261 App. Div. 817; 25 N. Y. S. 2d 798.

No. 1074. SOLVAY PROCESS CO. *v.* NATIONAL LABOR RELATIONS BOARD. June 2, 1941. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. J. Justin Moore, Charles Vernon Porter, and Edmund M. Preston* for petitioner. Reported below: 117 F. 2d 83.

PETITIONS FOR REHEARING GRANTED, FROM
APRIL 1, 1941, THROUGH JUNE 2, 1941.

No. 761. CRENSHAW *v.* UNITED STATES. April 7, 1941. The petition for rehearing is granted. The order denying certiorari, 312 U. S. 703, is vacated and the petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit is granted. *Messrs. L. E. Gwinn and Charles C. Grassham* for petitioner. *Solicitor General Biddle, Assistant Attorney General Berge, and Mr. George F. Kneip* for the United States. Reported below: 116 F. 2d 737.

No. 584. COMMERCIAL MOLASSES CORP. *v.* NEW YORK TANK BARGE CORP.;

No. 586. NEW YORK, CHICAGO & ST. LOUIS RAILROAD CO. *v.* FRANK;

No. 587. TOUCEY *v.* NEW YORK LIFE INSURANCE CO.;

No. 603. GRAY, DIRECTOR OF THE BITUMINOUS COAL DIVISION OF THE DEPARTMENT OF THE INTERIOR, ET AL. *v.* POWELL ET AL., RECEIVERS; and