

William A. McSwain, Frederic Burnham, Frederick Seccord, Charles Myers, Edwin H. Cassels, George L. Shearer, M'Cready Sykes, A. N. Whitlock, John B. Marsh, William V. Hodges, and Frederick J. Moses for respondents. Reported below: 124 F. 2d 754.

No. 887. WARREN-BRADSHAW DRILLING CO. *v.* HALL, AGENT, ET AL. June 8, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Mr. Sam Clammer* for petitioner. Reported below: 124 F. 2d 42.

No. 1249. MOTHER LODE COALITION MINES CO. *v.* COMMISSIONER OF INTERNAL REVENUE. June 8, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted, limited to the first question stated in the Government's memorandum. *Messrs. Paul E. Shorb and Charles A. Horsky* for petitioner. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key, Carlton Fox, and Archibald Cox* for respondent. Reported below: 125 F. 2d 657.

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MARCH 31, 1942, THROUGH JUNE 8, 1942.

No. 11, original. EX PARTE FORREST HOLIDAY. April 6, 1942. The motion for leave to file petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit is granted. 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 no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied. *Forrest Holiday, pro se.* *Solicitor General Fahy* and

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Messrs. Oscar A. Provost and W. Marvin Smith for Johnston, Warden.

No. 1035. PENNSYLVANIA EX REL. BUSSEY *v.* SMITH, WARDEN. On petition for writ of certiorari to the Supreme Court of Pennsylvania. April 6, 1942. 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 writ 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 writ of certiorari is therefore also denied. *George R. Bussey, pro se.*

No. 918. GILMORE *v.* UNITED STATES. April 6, 1942. 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. *Dewey Gilmore, pro se. Solicitor General Fahy and Assistant Attorney General Berge* for the United States. Reported below: 124 F. 2d 537.

No. 925. WELLS *v.* UNITED STATES. April 6, 1942. 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. *Selvie Windfield Wells, pro se. Solicitor General Fahy and Assistant Attorney General Berge* for the United States. Reported below: 124 F. 2d 334.

No. 984. GRAHAM *v.* AMRINE, WARDEN. April 6, 1942. Petition for writ of certiorari to the Supreme Court of Kansas, and motion for leave to proceed further *in forma pauperis*, denied. *Hayward Graham, pro se.* Reported below: 154 Kan. 164, 117 P. 2d 583.

No. 986. *CAMPEAU v. AMRINE, WARDEN*. April 6, 1942. Petition for writ of certiorari to the Supreme Court of Kansas, and motion for leave to proceed further *in forma pauperis*, denied. *Al Campeau, pro se*.

No. 995. *WEST v. MAHONEY, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY*. April 6, 1942. Petition for writ of certiorari to the Superior Court, King County, State of Washington, and motion for leave to proceed further *in forma pauperis*, denied. *Fred Hartzell West, pro se*.

No. 955. *GRANT ET AL. v. SOUTH CAROLINA*. April 6, 1942. Petition for writ of certiorari to the Supreme Court of South Carolina, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. Leon A. Ransom* for petitioners. *Mr. John M. Daniel*, Attorney General of South Carolina, for respondent. Reported below: 199 S. C. 412, 19 S. E. 2d 638.

No. 985. *OWENS-ILLINOIS GLASS Co. v. NATIONAL LABOR RELATIONS BOARD*. April 6, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. The CHIEF JUSTICE and MR. JUSTICE ROBERTS took no part in the consideration or decision of this application. *Mr. Henry A. Middleton* for petitioner. *Solicitor General Fahy* and *Messrs. Robert B. Watts* and *Ernest A. Gross* for respondent. Reported below: 123 F. 2d 670.

No. 940. *CARIBBEAN EMBROIDERY COOPERATIVE, INC., ET AL. v. FLEMING, ADMINISTRATOR OF THE WAGE AND HOUR DIVISION, U. S. DEPARTMENT OF LABOR*. April 6, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. *Mr. James R. Beverley* for

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petitioners. *Solicitor General Fahy* and *Messrs. Warner W. Gardner* and *Irving J. Levy* for respondent. Reported below: 123 F. 2d 749.

No. 945. HARTFORD FIRE INSURANCE CO. *v.* LEITHAUSER, ADMINISTRATOR. April 6, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Messrs. Clarence G. Myers, Harold W. Fraser, and Ross W. Shumaker* for petitioner. *Mr. John F. Hunter* for respondent. Reported below: 124 F. 2d 117.

No. 970. GREAT SOUTHERN LIFE INSURANCE CO. ET AL. *v.* WILLIAMS. April 6, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Clinton C. Small* for petitioners. *Mr. E. Byron Singleton* for respondent. Reported below: 124 F. 2d 38.

No. 981. RANDALL *v.* LABADDIE BOTTOMS RIVER PROTECTION DISTRICT OF FRANKLIN COUNTY, Mo. April 6, 1942. Petition for writ of certiorari to the Supreme Court of Missouri denied. *Messrs. J. Wesley McAfee* and *Louis H. Breuer* for petitioner. *Mr. Gustavus A. Buder, Jr.* for respondent. Reported below: 348 Mo. 867, 156 S. W. 2d 713.

No. 987. FEDERAL POWER COMMISSION *v.* SAFE HARBOR WATER POWER CORP. April 6, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Solicitor General Fahy* and *Mr. Richard J. Connor* for petitioner. *Messrs. Charles Markell* and *E. M. Sturtevant* for respondent. *Mr. Joseph Sherbow* filed a brief on behalf of the Public Service Commission of Maryland, as *amicus curiae*, in support of petitioner. Reported below: 124 F. 2d 800.

No. 990. *HALL v. UNITED STATES*. April 6, 1942. Petition for writ of certiorari to the Court of Claims denied. *Mr. Robert Ash* for petitioner. *Solicitor General Fahy* for the United States. Reported below: 95 Ct. Cls. 539, 43 F. Supp. 130.

No. 994. *FOWLER v. PILSON ET AL.* April 6, 1942. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Messrs. S. Wallace Dempsey* and *Bruce Fuller* for petitioner. *Mr. Arthur Hellen* for respondents. Reported below: 123 F. 2d 918.

No. 996. *NORTHERN MINING CORP. v. TRUNZ*. April 6, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Leon R. Jacobs* for petitioner. *Messrs. William A. Kirk, R. F. Gaines,* and *Nat Schmulowitz* for respondent. Reported below: 124 F. 2d 14.

No. 998. *NILES FIRE BRICK CO. v. NATIONAL LABOR RELATIONS BOARD*. April 6, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Messrs. Paul Z. Hodge* and *George W. Secrest* for petitioner. *Solicitor General Fahy* and *Messrs. Robert B. Watts, Ernest A. Gross,* and *Morris P. Glushien* for respondent. Reported below: 124 F. 2d 366.

No. 1007. *LANGROISE, EXECUTOR, v. CUMMINGS, TRUSTEE*. April 6, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. D. Worth Clark* and *William H. Langroise* for petitioner. *Messrs. Oliver O. Haga* and *T. Pope Shepherd* for respondent. Reported below: 123 F. 2d 969.

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No. 1013. *PARKER ET AL. v. ILLINOIS*. April 6, 1942. Petition for writ of certiorari to the Supreme Court of Illinois denied. *Mr. William Scott Stewart* for petitioners. Reported below: 378 Ill. 461, 38 N. E. 2d 760.

No. 1014. *RAYNER v. UNITED NORTH & SOUTH DEVELOPMENT Co.* April 6, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. James D. Williamson* for petitioner. *Mr. H. Grady Chandler* for respondent. Reported below: 124 F. 2d 512.

No. 1015. *EISENLORD, ADMINISTRATOR, v. ELLIS ET AL.* April 6, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Bentley M. McMullin* for petitioner. *Mr. Harry A. Allen* for respondents. Reported below: 125 F. 2d 127.

No. 1024. *TAMPAX INCORPORATED ET AL. v. PERSONAL PRODUCTS CORP. ET AL.* April 6, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. W. Brown Morton* for petitioners. *Mr. Stephen H. Philbin* for respondents. Reported below: 123 F. 2d 722.

No. 1062. *MORRIS v. TEXAS*. April 13, 1942. Petition for writ of certiorari to the Court of Criminal Appeals of Texas, and motion for leave to proceed further *in forma pauperis*, denied. *McKinley Morris, pro se*. Reported below: 158 S. W. 2d 812.

No. 1009. *BERSIA ET AL. v. UNITED STATES*. April 13, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. *MR. JUSTICE*

JACKSON took no part in the consideration and decision of this application. *Messrs. Homer L. Loomis and Charles Ruzicka* for petitioners. *Solicitor General Fahy* and *Assistant Attorney General Berge* for the United States. Reported below: 124 F. 2d 310.

No. 1010. *PIERACCINI ET AL. v. UNITED STATES*. April 13, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. MR. JUSTICE JACKSON took no part in the consideration and decision of this application. *Messrs. Homer L. Loomis and Charles Ruzicka* for petitioners. *Solicitor General Fahy* and *Assistant Attorney General Berge* for the United States. Reported below: 124 F. 2d 310.

No. 1011. *SCHIAFFINO ET AL. v. UNITED STATES*. April 13, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. MR. JUSTICE JACKSON took no part in the consideration and decision of this application. *Messrs. Homer L. Loomis and Charles Ruzicka* for petitioners. *Solicitor General Fahy* and *Assistant Attorney General Berge* for the United States. Reported below: 124 F. 2d 310.

No. 1019. *BACH ET AL., EXECUTORS, v. ROTHENSIES, COLLECTOR OF INTERNAL REVENUE*. April 13, 1942. The motion to defer consideration of the petition for writ of certiorari is denied. The petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit is denied. *Messrs. Henry S. Drinker and Frederick E. S. Morrison* for petitioners. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key and Samuel H. Levy* for respondent. Reported below: 124 F. 2d 306.

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No. 961. GERKE ET AL. *v.* UNITED STATES. April 13, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Samuel I. Kessler* for petitioners. *Solicitor General Fahy, Assistant Attorney General Berge,* and *Mr. Oscar A. Provost* for the United States. Reported below: 125 F. 2d 243.

No. 991. EDWIN L. WIEGAND CO. ET AL. *v.* HAROLD E. TRENT CO. ET AL. April 13, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Hadley F. Freeman* for petitioners. *Messrs. Harvey Lechner* and *Edward H. Davis* for respondents. Reported below: 122 F. 2d 920.

No. 993. NORRISTOWN BOX CO. *v.* NATIONAL LABOR RELATIONS BOARD. April 13, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Messrs. J. B. Hillegass* and *Wm. J. Moran, Jr.* for petitioner. *Solicitor General Fahy* and *Messrs. Robert L. Stern, Robert B. Watts, Ernest A. Gross,* and *Morris P. Glushien* for respondent. Reported below: 124 F. 2d 429.

No. 997. COVIELLO *v.* NEW YORK CENTRAL RAILROAD Co. April 13, 1942. Petition for writ of certiorari to the Court of Errors and Appeals of New Jersey denied. *Mr. Edward A. Markley* for petitioner. *Mr. John A. Hartpence* for respondent. Reported below: 127 N. J. L. 596, 23 A. 2d 385.

No. 1005. BOHNKE ET AL. *v.* STATE OF NEW YORK. April 13, 1942. Petition for writ of certiorari to the County Court of Suffolk County, New York, denied. *Mr. Hayden C. Covington* for petitioners. *Mr. John J. Bennett, Jr.,*

Attorney General of New York, for respondent. *Miss Dorothy Kenyon* filed a brief on behalf of the American Civil Liberties Union, as *amicus curiae*, in support of the petitioners. Reported below: 175 Misc. 989, 27 N. Y. S. 2d 241, 287 N. Y. 154, 38 N. E. 2d 478.

No. 1008. *MCDONALD ET AL. v. BANTA CARBONA IRRIGATION DISTRICT*. April 13, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. W. Coburn Cook* for petitioners. *Mr. A. L. Cowell* for respondent. Reported below: 123 F. 2d 968.

No. 1022. *GREEN v. McLAREN, MAJOR, UNITED STATES ARMY*. April 13, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Warren Eldreth Green, pro se. Solicitor General Fahy, Assistant Attorney General Berge, and Mr. Oscar A. Provost* for respondent. Reported below: 123 F. 2d 862.

No. 1023. *MILK & ICE CREAM DRIVERS AND DAIRY EMPLOYEES UNION, LOCAL No. 225, ET AL. v. WISCONSIN EMPLOYMENT RELATIONS BOARD ET AL.* April 13, 1942. Petition for writ of certiorari to the Supreme Court of Wisconsin denied. *Messrs. Joseph A. Padway and I. E. Goldberg* for petitioners. *Messrs. James Ward Rector, Deputy Attorney General of Wisconsin, and N. S. Boardman, Assistant Attorney General, for respondents.* Reported below: 238 Wis. 379, 299 N. W. 31.

No. 1056. *CHESTNUT SECURITIES Co. v. OKLAHOMA TAX COMMISSION*. April 13, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Mr. Richard B. McDermott* for petitioner.

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Mr. F. M. Dudley for respondent. Reported below: 125 F. 2d 571.

No. 1113. VIATOR *v.* STATE TAX COMMISSION ET AL.
See *ante*, p. 644.

No. 926. PICKENS *v.* UNITED STATES. April 27, 1942.
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. *Elmer Bently Pickens, pro se.* Solicitor General *Fahy* and Assistant Attorney General *Berge* for the United States. Reported below: 123 F. 2d 333.

No. 1030. TINKOFF ET AL. *v.* GOLD, TRUSTEE, ET AL.
April 27, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Ella H. Tinkoff* and *Paysoff Tinkoff, pro se.* Mr. *Robert Mack David* for respondents. Reported below: 123 F. 2d 528.

No. 1032. MCGREW *v.* JOHNSTON, WARDEN. April 27, 1942. 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. *Sam McGrew, pro se.* Solicitor General *Fahy*, Assistant Attorney General *Berge*, and Mr. *Oscar A. Provost* for respondent. Reported below: 124 F. 2d 432.

No. 1053. JONES *v.* BROPHY, WARDEN. April 27, 1942.
Petition for writ of certiorari to the County Court of Cayuga County, New York, and motion for leave to proceed further *in forma pauperis*, denied. *Lemphis Jones, pro se.* Reported below: 262 App. Div. 1063, 287 N. Y. 687, 30 N. Y. S. 2d 838, 39 N. E. 2d 299.

No. 1099. *MEREDITH v. AMRINE ET AL.* April 27, 1942. Petition for writ of certiorari to the Supreme Court of Kansas, and motion for leave to proceed further *in forma pauperis*, denied. *Bert Meredith, pro se.* Reported below: 155 Kan. 7, 122 P. 2d 759.

No. 960. *MOSHER v. HUDSPETH, WARDEN.* April 27, 1942. 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. *John Mosher, pro se. Solicitor General Fahy, Assistant Attorney General Berge, and Messrs. Oscar A. Provost and Henry J. Fox* for respondent. Reported below: 123 F. 2d 401.

No. 1043. *MCCLEARY v. HUDSPETH, WARDEN.* April 27, 1942. 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. *Arthur R. McCleary, pro se. Solicitor General Fahy and Assistant Attorney General Berge* for respondent. Reported below: 124 F. 2d 445.

No. 1061. *RODGERS v. MARTIN, WARDEN.* April 27, 1942. Petition for writ of certiorari to the Supreme Court of New York, and motion for leave to proceed further *in forma pauperis*, denied. *Charles D. Rodgers, pro se.* Reported below: 262 App. Div. 1057, 263 App. Div. 774, 30 N. Y. S. 2d 255, 32 N. Y. S. 2d 374.

No. 1068. *ILLINOIS NORTHERN UTILITIES Co. v. CITY OF GENESEO ET AL.*; and

No. 1069. *CENTRAL ILLINOIS ELECTRIC & GAS Co. v. VILLAGE OF HEYWORTH ET AL.* April 27, 1942. Peti-

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tion for writs of certiorari to the Supreme Court of Illinois denied. MR. JUSTICE DOUGLAS took no part in the consideration and decision of this application. *Messrs. David F. Taber and Claude A. Roth* for petitioners. *Messrs. Conrad H. Poppenhusen and Anan Raymond* for respondents. Reported below: 378 Ill. 506, 39 N. E. 2d 26.

No. 1106. *REFIOR v. LANSING DROP FORGE CO. ET AL.* April 27, 1942. Petition for writ 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. Arthur E. Fixel* for petitioner. *Messrs. Alva M. Cummins and Raymond K. Dykema* for respondents. Reported below: 124 F. 2d 440.

No. 1021. *POWELL ET AL., RECEIVERS, v. MARYLAND TRUST CO., SUCCESSOR TRUSTEE; and*

No. 1075. *NEW YORK TRUST CO., SURVIVING TRUSTEE, v. MARYLAND TRUST CO., SUCCESSOR TRUSTEE.* April 27, 1942. Petitions for writs of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. *Messrs. W. R. C. Cocke and Harold J. Gallagher* for petitioners in No. 1021. *Messrs. George M. Lanning and Irwin L. Tappen* for petitioner in No. 1075. *Messrs. Edward Duffy and Carlyle Barton* for respondent. Reported below: 125 F. 2d 260.

No. 1033. *DAKOTA TRACTOR & EQUIPMENT Co. v. UNITED STATES.* April 27, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. W. H. Shure* for petitioner. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key and Benjamin M. Brodsky* for the United States. Reported below: 125 F. 2d 20.

No. 1034. *MARINE v. COE, COMMISSIONER OF PATENTS*. April 27, 1942. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Mr. Richard E. Marine, pro se. Solicitor General Fahy, Assistant Attorney General Shea, and Mr. Melvin H. Siegel* for respondent. Reported below: 123 F. 2d 340.

No. 1037. *BRIDGEPORT CITY TRUST CO. ET AL., EXECUTORS, v. COMMISSIONER OF INTERNAL REVENUE*. April 27, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Charles B. McInnis* for petitioners. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key and Lee A. Jackson* for respondent. Reported below: 124 F. 2d 48.

No. 1044. *FARM BUREAU MUTUAL AUTOMOBILE INSURANCE CO. v. VIOLANO, ADMINISTRATRIX, ET AL.* April 27, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Guy M. Page* for petitioner. *Mr. Martin J. Roess, Jr.* for respondents. Reported below: 123 F. 2d 692.

No. 1047. *ASSOCIATED HOSPITAL SERVICE CORP. v. HASSETT, FORMER ACTING COLLECTOR*. April 27, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. *Mr. John P. Carr* for petitioner. *Solicitor General Fahy, Assistant Attorney General Clark, and Mr. Sewall Key* for respondent. Reported below: 125 F. 2d 611.

No. 1049. *FEDERAL DEPOSIT INSURANCE CORPORATION, RECEIVER, v. WHITE ET AL.* April 27, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the

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Fourth Circuit denied. *Messrs. Francis C. Brown, James M. Kane, and Tazewell Taylor* for petitioner. *Mr. Stewart K. Powell* for respondents. Reported below: 124 F. 2d 429.

No. 1050. *COYLE ET AL. v. SKIRVIN ET AL.* April 27, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Messrs. W. H. Brown and James E. Anderson* for petitioners. *Messrs. Fred P. Branson and D. I. Johnston* for respondents. Reported below: 124 F. 2d 934.

No. 1051. *JOHNSON ET AL. v. KERSH LAKE DRAINAGE DISTRICT ET AL.* April 27, 1942. Petition for writ of certiorari to the Supreme Court of Arkansas denied. *Messrs. Edward W. Brockman and Charles T. Coleman* for petitioners. *Messrs. A. H. Rowell, A. H. Rowell, Jr., J. W. Dickey, and A. F. House* for respondents. Reported below: 157 S. W. 2d 39.

No. 1058. *MIDLAND COOPERATIVE WHOLESALE, INC. v. ICKES, SECRETARY OF THE INTERIOR, ET AL.* April 27, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Daniel C. Rogers* for petitioner. *Solicitor General Fahy* and *Messrs. Robert L. Stern, Nathan R. Margold, Arnold Levy, and Walter Freedman* for respondents. Reported below: 125 F. 2d 618.

No. 1066. *MASSACHUSETTS BONDING & INSURANCE Co. v. MASSEY ET AL.* April 27, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Wm. N. Bonner* for petitioner. *Mr. J. C. Darroch* for respondents. Reported below: 123 F. 2d 447.

No. 983. HANKINS, RECEIVER, *v.* UNITED STATES. April 27, 1942. Petition for writ of certiorari to the Supreme Court of Louisiana denied. *Mr. Frank J. Looney* for petitioner. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key and Michael H. Cardozo, IV,* for the United States. Reported below: 198 La. 999, 5 So. 2d 314.

No. 1038. UNITED STATES *v.* AMERICAN NATIONAL BANK & TRUST CO., ADMINISTRATOR. April 27, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Solicitor General Fahy and Messrs. Julius C. Martin, Wilbur C. Pickett, Fendall Marbury, and W. Marvin Smith* for the United States. *Messrs. Stephen A. Cross and Edward H. S. Martin* for respondent. Reported below: 124 F. 2d 743.

No. 1039. UNITED STATES *v.* SHEPANEK, ADMINISTRATRIX. April 27, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Solicitor General Fahy and Messrs. Julius C. Martin, Wilbur C. Pickett, Fendall Marbury, and W. Marvin Smith* for the United States. *Mr. Edward H. S. Martin* for respondent. Reported below: 124 F. 2d 747.

No. 1090. UNITED STATES *v.* LAWSON, ADMINISTRATRIX, ET AL. April 27, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Solicitor General Fahy and Messrs. Julius C. Martin, Wilbur C. Pickett, Fendall Marbury, and W. Marvin Smith* for the United States. *Messrs. Blakey Helm, John C. Doolan, and Nelson Helm* for respondent. Reported below: 124 F. 2d 1020.

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No. 1041. *BASKIN v. UNITED STATES*. April 27, 1942. Petition for writ of certiorari to the Court of Claims denied. *Mr. Marion W. Seabrook* for petitioner. *Solicitor General Fahy, Assistant Attorney General Shea, and Mr. Melvin H. Siegel* for the United States. Reported below: 95 Ct. Cls. 455.

No. 1042. *NAILLING v. UNITED STATES*. April 27, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. L. E. Gwinn* for petitioner. *Solicitor General Fahy, Assistant Attorney General Berge, and Mr. John Ford Baecher* for the United States. Reported below: 124 F. 2d 431.

No. 1052. *HOGUE v. DUFFY, WARDEN*. April 27, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *J. Frank Hogue, pro se. Mr. Earl Warren, Attorney General of California, for respondent*. Reported below: 124 F. 2d 864.

No. 1057. *INLAND STEEL CO. v. LEBOLD ET AL.* April 27, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. Carl Meyer, Frederic Burnham, and Herbert A. Friedlich* for petitioner. *Messrs. Silas H. Strawn, Frank H. Towner, and Arthur D. Welton, Jr.* for respondents. Reported below: 125 F. 2d 369.

No. 1077. *CASELL v. HOWARD UNIVERSITY*. April 27, 1942. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Messrs. Charles S. Baker, Carroll L. Beedy, and Benjamin L. Tepper* for petitioner. *Mr. George E. C. Hayes* for respondent. Reported below: 126 F. 2d 6.

No. 1078. NATIONAL ELECTRIC PRODUCTS CORP. *v.* TRIANGLE CONDUIT & CABLE CO., INC. April 27, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Dean S. Edmonds* for petitioner. *Messrs. Samuel E. Darby, Jr., Louis D. Fletcher,* and *Floyd H. Crews* for respondent. Reported below: 125 F. 2d 1008.

No. 1095. PENNSYLVANIA RAILROAD CO. *v.* MILLER. April 27, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. Frederic D. McKenney, John S. Flannery, G. Bowdoin Craighill, R. Aubrey Bogley,* and *William F. Zearfaus* for petitioner. *Mr. J. P. Cox, Jr.* for respondent. Reported below: 124 F. 2d 160.

No. 1160. BOARD OF TRUSTEES OF THE TOWN OF CEBOLLETA LAND GRANT *v.* L BAR CATTLE CO., INC. See *ante*, p. 645.

No. 976. CONTINENTAL ILLINOIS NATIONAL BANK & TRUST CO., CONSERVATOR, *v.* UNITED STATES. May 4, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. Warren E. Miller* for petitioner. *Solicitor General Fahy* and *Messrs. Julius C. Martin* and *Wilbur C. Pickett* for the United States. Reported below: 123 F. 2d 1013.

No. 1031. JONES *v.* KANSAS ET AL. May 4, 1942. Petition for writ of certiorari to the Supreme Court of Kansas, and motion for leave to proceed further *in forma pauperis*, denied. *Virdo Jones, pro se.* Reported below: 154 Kan. 629, 121 P. 2d 263.

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No. 1081. PRICE *v.* JOHNSTON, WARDEN. May 4, 1942. 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. *Homer C. Price, pro se. Solicitor General Fahy, Assistant Attorney General Berge, and Messrs. Oscar A. Provost and Henry J. Fox* for respondent. Reported below: 125 F. 2d 806.

No. 1108. QUINN, ADMINISTRATRIX, *v.* AMERICAN RANGE LINES, INC., ET AL. May 4, 1942. Petition for writ of certiorari to the Supreme Court of Pennsylvania, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. Abraham E. Freedman* for petitioner. *Messrs. J. Harry LaBrum and James S. Benn, Jr.* for respondents. Reported below: 344 Pa. 85, 23 A. 2d 487.

No. 1153. BAUER *v.* MARTIN, WARDEN. May 4, 1942. Petition for writ of certiorari to the Supreme Court of New York, and motion for leave to proceed further *in forma pauperis*, denied. *Alfred Bauer, pro se.* Reported below: 263 App. Div. 923, 32 N. Y. S. 2d 382.

No. 1102. MILLER *v.* DUFFY, WARDEN. May 4, 1942. 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. *John Russell Miller, pro se.* Reported below: 126 F. 2d 826.

No. 1103. MILLER *v.* DUFFY, WARDEN. May 4, 1942. Petition for writ of certiorari to the Supreme Court of California, and motion for leave to proceed further *in forma pauperis*, denied. *John Russell Miller, pro se.*

No. 1117. HARRINGTON *v.* MARTIN, WARDEN. May 4, 1942. Petition for writ of certiorari to the Supreme Court of New York, and motion for leave to proceed further *in forma pauperis*, denied. *James Harrington, pro se.* Reported below: 263 App. Div. 922, 263 App. Div. 1025, 32 N. Y. S. 2d 406, 34 N. Y. S. 2d 270.

No. 1129. WETZEL *v.* SCHAEFER, TRUSTEE. May 4, 1942. 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. *Ed Wetzel, pro se.* Reported below: 124 F. 2d 308.

No. 1134. COPLEY *v.* INDUSTRIAL ACCIDENT COMMISSION ET AL. May 4, 1942. Petition for writ of certiorari to the Supreme Court of California, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. Wallace Shepard* for petitioner. *Messrs. Everett A. Corten and Franke J. Creede* for respondents. Reported below: 19 Cal. 2d 287, 120 P. 2d 879.

No. 1149. CONTARDI *v.* SMITH, WARDEN. May 4, 1942. Petition for writ of certiorari to the Supreme Court of Pennsylvania, and motion for leave to proceed further *in forma pauperis*, denied. *Frank Contardi, pro se.* Reported below: 344 Pa. 61, 24 A. 2d 10.

No. 1079. PERLSTEIN ET AL. *v.* UNITED STATES. May 4, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. MR. JUSTICE MURPHY took no part in the consideration or decision of this application. *Mr. Paul M. Salsburg* for petitioners. *Solicitor General Fahy, Assistant Attorney General Clark,*

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and *Messrs. Sewall Key, Arnold Raum, and Ellis N. Slack* for the United States. Reported below: 126 F. 2d 789.

No. 1097. *WALLER v. YOEUELL, SUPERINTENDENT*. May 4, 1942. The motion for leave to proceed on the type-written record is granted. The petition for writ of certiorari to the Supreme Court of Appeals of Virginia is denied. *Messrs. John F. Finerty, Thomas H. Stone, and Morris Shapiro* for petitioner. *Mr. Abram P. Staples*, Attorney General of Virginia, for respondent. *Mr. Thurgood Marshall* filed a brief on behalf of the American Civil Liberties Union, as *amicus curiae*, in support of petitioner. Reported below: 178 Va. 294, 16 S. E. 2d 808.

No. 923. *PHILLIPS PIPE LINE CO. v. UNITED STATES*. May 4, 1942. Petition for writ of certiorari to the Court of Claims denied. *Messrs. Howard C. Westwood, H. D. Emery, Rayburn L. Foster, and Dwight Taylor* for petitioner. *Solicitor General Fahy, Assistant Attorney General Clark, and Mr. Sewall Key* for the United States. Reported below: 94 Ct. Cls. 462, 40 F. Supp. 981.

No. 1091. *NATIONAL MANUFACTURE & STORES CORP. v. ALLEN, COLLECTOR OF INTERNAL REVENUE*. May 4, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. M. E. Kilpatric and Welborn B. Cody* for petitioner. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key and Arthur A. Armstrong* for respondent. Reported below: 125 F. 2d 239.

No. 1092. *CITY OF OAKLAND v. UNITED STATES*. May 4, 1942. Petition for writ of certiorari to the Circuit Court

of Appeals for the Ninth Circuit denied. *Messrs. Charles A. Beardsley and W. Reginald Jones* for petitioner. *Solicitor General Fahy* and *Assistant Attorney General Littell* for the United States. Reported below: 124 F. 2d 959.

No. 1101. *NEAL v. MARYLAND*. May 4, 1942. Petition for writ of certiorari to the Court of Appeals of Maryland denied. *Mr. Eldridge Hood Young* for petitioner. Reported below: 180 Md. 279.

No. 709. *HELVERING, COMMISSIONER OF INTERNAL REVENUE v. KAY MANUFACTURING CORP.* May 4, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Solicitor General Fahy* for petitioner. Reported below: 122 F. 2d 443.

No. 1142. *GOODALE v. CAMPBELL ET AL.* May 11, 1942. Petition for writ of certiorari to the Supreme Court of Michigan, and motion for leave to proceed further *in forma pauperis*, denied. *Hazel Frances Goodale, pro se. Mr. Harry C. Howard* for respondents.

No. 1111. *PIGNATELLI v. UNITED STATES*. May 11, 1942. The motion to proceed on typewritten papers is granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Emmet L. Holbrook* for petitioner. *Solicitor General Fahy, Assistant Attorney General Berge, and Mr. Oscar A. Provost* for the United States. Reported below: 125 F. 2d 643.

No. 1116. *UNITED STATES EX REL. McDERMOTT v. JAEGER, U. S. MARSHAL*. May 11, 1942. Petition for writ

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of certiorari to the Circuit Court of Appeals for the Second Circuit denied. MR. JUSTICE JACKSON took no part in the consideration or decision of this application. *Mr. Homer L. Loomis* for petitioner. *Solicitor General Fahy, Assistant Attorney General Berge, and Messrs. Oscar A. Provost and W. Marvin Smith* for respondent. Reported below: 126 F. 2d 1002.

No. 1082. *WEATHERS v. UNITED STATES*. May 11, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Philip Donald DeHoff* for petitioner. *Solicitor General Fahy, Assistant Attorney General Berge, and Mr. John Ford Baecher* for the United States. Reported below: 126 F. 2d 118.

No. 1104. *MILBURN v. MARTHA HEALD*; and
No. 1105. *MILBURN v. ORLAND HEALD*. May 11, 1942. Petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Barnabas F. Sears* for petitioner. *Mr. Joseph D. Ryan* for respondents. Reported below: 125 F. 2d 8.

No. 1109. *MONTGOMERY v. UNITED STATES*. May 11, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Jacob Weinstein* for petitioner. *Solicitor General Fahy, Assistant Attorney General Berge, and Messrs. Oscar A. Provost and Henry J. Fox* for the United States. Reported below: 126 F. 2d 151.

No. 1110. *HUFFMAN v. HOME OWNERS' LOAN CORPORATION*. May 11, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. Price Wickersham, William S. Hogsett, and Hale*

Houts for petitioner. *Solicitor General Fahy*, *Assistant Attorney General Shea*, and *Messrs. Melvin H. Siegel* and *Oscar H. Davis* for respondent. Reported below: 124 F. 2d 684.

No. 1114. *GULF REFINING CO. v. MARK C. WALKER & SON CO. ET AL.*; and

No. 1115. *GULF REFINING CO. v. CHARLES WEAVER & CO., INC.* May 11, 1942. Petition for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. J. W. Canada* for petitioner. *Mr. Wm. M. Hall* for Mark C. Walker & Son Co. et al., respondents in No. 1114, and for respondent in No. 1115; and *Mr. J. A. Osoinach* for Shelby County, respondent in No. 1114. Reported below: 124 F. 2d 420.

No. 1131. *RYAN v. CROSS ET AL.* May 11, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. Herman L. Ekern*, *Herbert H. Naujoks*, and *David S. Lansden* for petitioner. Reported below: 124 F. 2d 883.

No. 1135. *ANDREWS ET AL. v. EQUITABLE LIFE ASSURANCE SOCIETY ET AL.* May 11, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. David H. Caplow* and *Sol Andrews* for petitioners. *Messrs. Frederic Burnham*, *Miles G. Seeley*, *Edward R. Johnston*, *Walter H. Eckert*, *Owen Rall*, and *Arthur M. Cox* for respondents. Reported below: 124 F. 2d 788.

No. 1136. *ADDRESSOGRAPH-MULTIGRAPH CORP. v. AMERICAN EXPANSION BOLT & MANUFACTURING CO.* May 11,

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1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Philip M. Aitken* for petitioner. *Mr. Samuel W. Banning* for respondent. Reported below: 124 F. 2d 706.

No. 1144. *McCOACH, TRUSTEE, v. GRIFFIN, ADMINISTRATOR*. May 11, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Carl B. Callaway* for petitioner. *Mr. Jos. W. Bailey, Jr.*, for respondent. Reported below: 123 F. 2d 550.

No. 1154. *BANQUE DE FRANCE v. SUPREME COURT OF THE STATE OF NEW YORK ET AL.* See *ante*, p. 646.

No. 914. *CASEBEER v. HUDSPETH, WARDEN*. May 25, 1942. 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. *Edward Casebeer, pro se*. *Solicitor General Fahy* and *Assistant Attorney General Berge* for respondent. Reported below: 121 F. 2d 914.

No. 1215. *PRICE v. NATIONAL SURETY CORP.* May 25, 1942. 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. *Homer C. Price, pro se*. Reported below: 127 F. 2d 726.

No. 1224. *WARD v. STATE OF NEW YORK*. May 25, 1942. Petition for writ of certiorari to the Supreme Court of New York, and motion for leave to proceed further *in forma pauperis*, denied. *Theophilus Ward, pro se*.

No. 1227. *CAMPEAU v. AMRINE, WARDEN.* May 25, 1942. Petition for writ of certiorari to the Supreme Court of Kansas, and motion for leave to proceed further *in forma pauperis*, denied. *Al Campeau, pro se.*

No. 1098. *COTTRELL v. SANFORD, WARDEN.* May 25, 1942. 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. *Augustus H. Cottrell, pro se. Solicitor General Fahy, Assistant Attorney General Berge, and Messrs. Oscar A. Provost and W. Marvin Smith* for respondent. Reported below: 123 F. 2d 75.

No. 1177. *MOYER v. HINES, ADMINISTRATOR OF VETERANS' AFFAIRS.* May 25, 1942. 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. Thomas H. Sutherland* for petitioner. *Solicitor General Fahy, Assistant Attorney General Shea, and Mr. Paul A. Sweeney* for respondent.

No. 1230. *WEIDHAAS v. LOEW'S, INC., ET AL.* May 25, 1942. 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. *Francis E. Weidhaas, pro se. Messrs. Samuel E. Darby, Jr., Samuel D. Cohen, and Walter A. Darby* for respondents. Reported below: 125 F. 2d 544.

No. 1253. *ROZEA v. STATE OF NEW YORK.* May 25, 1942. Petition for writ of certiorari to the Supreme Court of New York, and motion for leave to proceed further *in forma pauperis*, denied. *Charles Edward Rozea, pro se.* Reported below: 262 App. Div. 778, 28 N. Y. S. 2d 740.

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No. 1132. *HOLLEY v. UNITED STATES*. May 25, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. MR. JUSTICE MURPHY took no part in the consideration or decision of this application. *Mr. Paul B. Moody* for petitioner. *Solicitor General Fahy*, *Assistant Attorney General Clark*, and *Messrs. Sewall Key* and *Benjamin M. Brodsky* for the United States. Reported below: 124 F. 2d 909.

No. 1145. *LEMAR ET AL. v. KENTENIA CUMBERLAND CORP. ET AL.* May 25, 1942. The motion for leave to proceed on typewritten papers is granted. The petition for writ of certiorari to the Court of Appeals of Kentucky is denied. *W. J. Lemar, pro se*. Reported below: 288 Ky. 326, 156 S. W. 2d 183.

No. 1156. *ROSS v. COMMISSIONER OF INTERNAL REVENUE*. May 25, 1942. The motion to defer consideration of the application for writ of certiorari is denied. The petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit is denied. *Mr. L. A. Luce* for petitioner. *Solicitor General Fahy*, *Assistant Attorney General Clark*, and *Messrs. Sewall Key*, *Bernard Chertcoff*, and *Robert L. Stern* for respondent. Reported below: 125 F. 2d 767.

No. 1229. *KLAXON COMPANY v. STENTOR ELECTRIC MANUFACTURING Co.* May 25, 1942. The motion to use the certified transcript in No. 741, October Term, 1940, and to dispense with the printing thereof is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit is denied. *Mr. John Thomas Smith* for petitioner. *Messrs. E. Ennalls Berl*, *Murray C. Bernays*, *Henry Gale*, and *Abraham Friedman* for respondent. Reported below: 125 F. 2d 820.

No. 1084. *GEORGE R. COOKE CO. v. MAKI*. May 25, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Thomas H. Adams* for petitioner. Reported below: 124 F. 2d 663.

No. 1093. *MASSENGILL v. WILSON, ADMINISTRATOR*. May 25, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Fred H. Parrin* for petitioner. *Mr. Joseph K. Brown* for respondent. Reported below: 124 F. 2d 666.

No. 1096. *NEZ PERCE TRIBE OF INDIANS v. UNITED STATES*. May 25, 1942. Petition for writ of certiorari to the Court of Claims denied. *Messrs. F. M. Goodwin, Lawrence Cake, C. C. Dill, and Ernest L. Wilkinson* for petitioner. *Solicitor General Fahy* and *Assistant Attorney General Littell* for the United States. Reported below: 95 Ct. Cls. 1.

No. 1118. *STEELE v. NORTH CAROLINA*. May 25, 1942. Petition for writ of certiorari to the Supreme Court of North Carolina denied. *Mr. Julius C. Smith* for petitioner. *Messrs. Harry McMullan*, Attorney General of North Carolina, and *T. W. Bruton*, Assistant Attorney General, for respondent. Reported below: 220 N. C. 685, 18 S. E. 2d 132.

No. 1120. *MAGGIO ET AL. v. UNITED STATES*. May 25, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Harold Simandl* for petitioners. *Solicitor General Fahy*, *Assistant Attorney General Berge*, and *Messrs. Oscar A. Provost* and *Henry J. Fox* for the United States. Reported below: 126 F. 2d 155.

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No. 1123. EVERGREEN FARMS CO. *v.* WILLACY COUNTY WATER CONTROL & IMPROVEMENT DISTRICT No. 1. May 25, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. D. F. Strickland* for petitioner. *Messrs. John D. McCall* and *Sawnie B. Smith* for respondent. Reported below: 124 F. 2d 1.

No. 1124. MILLER ET AL. *v.* UNITED STATES. May 25, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Messrs. Haveth E. Mau* and *Robert Houston French* for petitioners. *Solicitor General Fahy*, *Assistant Attorney General Berge*, and *Messrs. Oscar A. Provost* and *W. Marvin Smith* for the United States. Reported below: 125 F. 2d 517.

No. 1126. HEFLIN ET AL. *v.* UNITED STATES. May 25, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. P. H. Odom* for petitioners. *Solicitor General Fahy*, *Assistant Attorney General Berge*, and *Mr. Oscar A. Provost* for the United States. Reported below: 125 F. 2d 700.

No. 1139. FIRST NATIONAL BANK, EXECUTOR, ET AL. *v.* MINNESOTA MINES, INC. May 25, 1942. Petition for writ of certiorari to the Supreme Court of Colorado denied. *Mr. Irving B. Melville* for petitioners. Reported below: 109 Colo. 6, 121 P. 2d 488.

No. 1143. FRANHAM DISTRIBUTORS, INC. *v.* NEW YORK WORLD'S FAIR 1939 INC. ET AL. May 25, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Alexander Pfeiffer* for petitioner. *Mr. George DeForest Lord* for the New York

World's Fair 1939 Inc., and *Messrs. Lowell Wadmond and Edward D. Robbins* for Swift & Co., respondents. Reported below: 124 F. 2d 82.

No. 1146. *DAVENPORT HOSIERY MILLS ET AL. v. FISHER, RECEIVER*. May 25, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Vaughn Miller* for petitioners. *Mr. Phil B. Whitaker* for respondent. Reported below: 124 F. 2d 1018.

No. 1147. *RATH ET AL. v. CROSBY*. May 25, 1942. Petition for writ of certiorari to the Supreme Court of Ohio denied. *Messrs. Joseph A. Padway and James A. Glenn* for petitioners. *Messrs. Welles K. Stanley and Harry E. Smoyer* for respondent. Reported below: 139 Ohio St. 151, 38 N. E. 2d 392.

No. 1148. *OCCIDENTAL LIFE INSURANCE CO. v. EILER*. May 25, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. James C. Jones and James C. Jones, Jr.* for petitioner. *Mr. John V. Lee* for respondent. Reported below: 126 F. 2d 429.

No. 1151. *WARREN, ADMINISTRATRIX, v. HAINES, TRADING AS ANNADALE CREAMERY CO.* May 25, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Richard J. Mackey* for petitioner. *Mr. Isidor Kalisch* for respondent. Reported below: 126 F. 2d 160.

No. 1157. *HELTON, ADMINISTRATOR, v. THOMPSON, TRUSTEE*. May 25, 1942. Petition for writ of certiorari to the Appellate Court, First Division, of Illinois denied.

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Mr. Charles C. Spencer for petitioner. *Mr. William T. Faricy* for respondent. Reported below: 311 Ill. App. 354, 36 N. E. 2d 267.

No. 1159. WYOMING *v.* YELLOWSTONE PARK Co. May 25, 1942. Petition for writ of certiorari to the Supreme Court of Wyoming denied. *Mr. Ewing T. Kerr*, Attorney General of Wyoming, for petitioner. *Mr. Taylor B. Weir* for respondent. Reported below: 57 Wyo. 502, 121 P. 2d 170.

No. 1161. HELVERING, COMMISSIONER OF INTERNAL REVENUE, *v.* MAYTAG, ALTERNATE EXECUTOR; and

No. 1162. HELVERING, COMMISSIONER OF INTERNAL REVENUE, *v.* MAYTAG ET AL., EXECUTORS. May 25, 1942. Petition for writs of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Solicitor General Fahy* for petitioner. *Messrs. R. L. Read* and *J. G. Gamble* for respondents. Reported below: 125 F. 2d 55.

No. 1182. ROSENBAUM *v.* BROWN. May 25, 1942. Petition for writ of certiorari to the Supreme Court of New York denied. *Mr. Charles H. Tuttle* for petitioner. *Messrs. Alfred A. Cook*, *Kenneth E. Walser*, and *Henry Cohen* for respondent. Reported below: 175 Misc. 295, 262 App. Div. 136, 287 N. Y. 510, 23 N. Y. S. 2d 161, 28 N. Y. S. 2d 345, 41 N. E. 2d 77.

No. 1141. BERRY ET AL. *v.* BOHN ALUMINUM & BRASS CORP. ET AL. May 25, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Messrs. John H. Sutherland* and *John H. Bruninga* for petitioners. *Messrs. Arthur C. Denison* and *Frank J. Kent* for respondents. Reported below: 124 F. 2d 865.

No. 1150. *MANLEY OIL CORP. ET AL. v. SHELL OIL CO., INC.* May 25, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. Frank E. Trobaugh, Thomas J. Layman, and William B. Johnson* for petitioners. *Messrs. Craig Van Meter and Fred H. Kelly* for respondent. Reported below: 124 F. 2d 714.

No. 1155. *ESTATE OF HULL ET AL. v. COMMISSIONER OF INTERNAL REVENUE.* May 25, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Aaron Frank* for petitioners. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key and Arthur A. Armstrong* for respondent. Reported below: 124 F. 2d 503.

No. 1158. *GLOVER v. UNITED STATES.* May 25, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. Roy V. Harris and W. Paul Carpenter* for petitioner. *Solicitor General Fahy, Assistant Attorney General Berge, and Mr. Oscar A. Provost* for the United States. Reported below: 125 F. 2d 291.

No. 1164. *GARNER v. ALEXANDER.* May 25, 1942. Petition for writ of certiorari to the Supreme Court of Oregon denied. *Mr. Joseph A. Roney* for petitioner. *Messrs. I. H. Van Winkle, Attorney General of Oregon, and Willis S. Moore, Assistant Attorney General, for respondent.* Reported below: 167 Ore. 670, 120 P. 2d 238.

No. 1167. *MOODY ET AL. v. TOOLE COUNTY IRRIGATION DISTRICT.* May 25, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit de-

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nied. *Mr. W. Coburn Cook* for petitioners. *Mr. Louis P. Donovan* for respondent. Reported below: 125 F. 2d 498.

No. 1174. SCOTT, STATE ENGINEER, ET AL. *v.* UNITED STATES ET AL. May 25, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. Walter R. Johnson*, Attorney General of Nebraska, and *Paul F. Good* for petitioners. *Solicitor General Fahy* and *Assistant Attorney General Littell* for respondents. Reported below: 124 F. 2d 850.

No. 1175. GAMBOA, RODRIGUEZ, RIVERA & Co., INC. *v.* IMPERIAL SUGAR Co. May 25, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. Alfred C. B. McNevin* and *Arnold W. Knauth* for petitioner. *Mr. John P. Bullington* for respondent. Reported below: 125 F. 2d 970.

No. 1179. COMMUNITY NATURAL GAS Co. *v.* RAVELL. May 25, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. J. Hart Willis* for petitioner. Reported below: 125 F. 2d 913.

No. 1194. FISHER, RECEIVER, *v.* WHITON, EXECUTRIX. May 25, 1942. Petition for writ of certiorari to the Court of Appeals of Tennessee denied. *Messrs. S. Bartow Strang*, *George P. Barse*, *Lee Roy Stover*, and *Miss Harriet Buckingham* for petitioner. *Mr. C. A. Noone* for respondents. Reported below: 155 S. W. 2d 882.

No. 1213. AMMOND *v.* PENNSYLVANIA RAILROAD Co. ET AL. May 25, 1942. Petition for writ of certiorari to

the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. E. L. Mills* for petitioner. *Messrs. Clan Crawford and Russell J. Burt* for respondents. Reported below: 125 F. 2d 747.

No. 1239. FIFTH STREET BUILDING *v.* MCCOLGAN, FRANCHISE TAX COMMISSIONER. See *ante*, p. 648.

No. 1208. HASTINGS *v.* HUDSPETH, WARDEN. June 1, 1942. 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. *Andrew R. Hastings, pro se.* *Solicitor General Fahy, Assistant Attorney General Berge,* and *Mr. Oscar A. Provost* for respondent. Reported below: 126 F. 2d 194.

No. 1214. McANINCH *v.* SQUIER, WARDEN. June 1, 1942. 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. *Weldon O. McAninch, pro se.* *Solicitor General Fahy, Assistant Attorney General Berge,* and *Messrs. Oscar A. Provost and W. Marvin Smith* for respondent. Reported below: 126 F. 2d 470.

No. 1219. WALKER *v.* SPENCER, ADMINISTRATOR, ET AL. June 1, 1942. 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. *Mr. A. L. Harbison* for petitioner. *Solicitor General Fahy, Assistant Attorney General Littell,* and *Mr. Vernon L. Wilkinson* for respondents. Reported below: 123 F. 2d 347.

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No. 1238. *TINKOFF v. GRIFFITH ET AL.* June 1, 1942. Petition for writ of certiorari to the Supreme Court of Illinois, and motion for leave to proceed further *in forma pauperis*, denied. *Paysoff Tinkoff, pro se.*

No. 1241. *JOHNSON v. ALABAMA.* June 1, 1942. 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. Reported below: 242 Ala. 278, 5 So. 2d 632.

No. 1248. *HODGES v. OCEAN ACCIDENT & GUARANTEE CORP.* June 1, 1942. Petition for writ of certiorari to the Court of Appeals of Georgia, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. G. Seals Aiken* for petitioner. Reported below: 66 Ga. App. 431, 18 S. E. 2d 28.

No. 1265. *POWERS v. UNITED STATES.* June 1, 1942. 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. *William Nathan Powers, pro se. Solicitor General Fahy, Assistant Attorney General Berge, and Mr. Oscar A. Provost* for the United States. Reported below: 75 U. S. App. D. C. 371, 128 F. 2d 300.

No. 1204. *BIRD v. UNITED STATES.* June 1, 1942. The petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit, and the motion for leave to proceed further *in forma pauperis*, are denied for the reason that the Court, upon examination of the papers herein submitted, finds that the application for writ of certiorari was not made within the time provided by law. Rule XI of the Criminal Appeals Rules, 292 U. S. 665-666; *United*

States ex rel. Coy v. United States, ante, p. 342. The petition for writ of certiorari is therefore also denied. *Frank Bird, pro se. Solicitor General Fahy* for the United States. Reported below: 127 F. 2d 291.

No. 1217. *KEYS v. UNITED STATES*. June 1, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied for the reason that the application therefor was not made within the time provided by law. Rule XI of the Criminal Appeals Rules, 292 U. S. 665-666. *Mr. C. W. Prince* for petitioner. *Solicitor General Fahy* for the United States. Reported below: 126 F. 2d 181.

No. 1195. *CITY OF SALAMANCA ET AL. v. UNITED STATES*. June 1, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *MR. JUSTICE JACKSON* took no part in the consideration or decision of this application. *Mr. Henry S. Manley* for petitioners. *Solicitor General Fahy, Assistant Attorney General Littell*, and *Mr. Roger P. Marquis* for the United States. Reported below: 125 F. 2d 928.

No. 1218. *ART METAL CONSTRUCTION Co., FOR ITS OWN USE AND FOR THE USE OF McCLOSKEY & Co., INC. v. LEHIGH STRUCTURAL STEEL Co.* June 1, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *MR. JUSTICE JACKSON* took no part in the consideration or decision of this application. *Mr. Edward J. Mingey* for petitioner. *Mr. Charles H. Weidner* for respondent. Reported below: 126 F. 2d 134.

No. 1046. *MUELLER v. MUELLER*. See *ante*, p. 649.

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No. 1152. *MILLER ET AL. v. UNITED STATES*; and

No. 1168. *DEES ET AL. v. UNITED STATES*. June 1, 1942. Petitions for writs of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Dan R. Schwartz* for petitioners in No. 1152. *Mr. Frank F. L'Engle* for petitioners in No. 1168. *Solicitor General Fahy*, *Assistant Attorney General Berge*, and *Messrs. Oscar A. Provost* and *Henry J. Fox* for the United States. Reported below: 126 F. 2d 771.

No. 1173. *GOUDEAU v. DAIGLE ET AL.* June 1, 1942.

Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. L. A. Goudeau* and *Joseph A. Loret* for petitioner. Reported below: 124 F. 2d 656.

No. 1176. *MESTA v. COMMISSIONER OF INTERNAL REVENUE*. June 1, 1942.

Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Messrs. William A. Seifert* and *William Wallace Booth* for petitioner. *Solicitor General Fahy*, *Assistant Attorney General Clark*, and *Mr. Sewall Key* for respondent. Reported below: 123 F. 2d 986.

No. 1178. *OZARK CHEMICAL Co. v. JONES, COLLECTOR OF INTERNAL REVENUE*. June 1, 1942.

Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Messrs. Fenelon Boesche* and *Roscoe E. Harper* for petitioner. *Solicitor General Fahy*, *Assistant Attorney General Clark*, and *Messrs. Sewall Key*, *Carlton Fox*, and *Richard S. Salant* for respondent. Reported below: 125 F. 2d 1.

No. 1181. *ROYAL INSURANCE Co., LTD. v. SMITH*. June

1, 1942. Petition for writ of certiorari to the Circuit Court

of Appeals for the Ninth Circuit denied. *Mr. Percy V. Long* for petitioner. *Messrs. A. B. Bianchi* and *James M. Hanley* for respondent. Reported below: 125 F. 2d 222.

No. 1183. *BUSH v. ORDER OF UNITED COMMERCIAL TRAVELERS OF AMERICA*. June 1, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Paul E. Lesh* and *Dale D. Drain* for petitioners. *Mr. Richard T. Rector* for respondent. Reported below: 124 F. 2d 528.

No. 1185. *CANADIAN PACIFIC RAILWAY Co. v. SULLIVAN ET AL.* June 1, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. *Mr. Richard W. Hall* for petitioner. *Mr. Charles B. Rugg* for respondents. Reported below: 126 F. 2d 433.

No. 1186. *MODERN FACTORS Co. v. TASTYEAST, INC.* June 1, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Max L. Rosenstein* for petitioner. *Messrs. William H. Carey* and *Edward J. O'Mara* for respondent. Reported below: 126 F. 2d 879.

No. 1188. *UNION TRUST Co., EXECUTOR, v. HELVERING, COMMISSIONER OF INTERNAL REVENUE*. June 1, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. *Messrs. George E. Hamilton, George E. Hamilton, Jr.,* and *Charles D. Hayes* for petitioner. *Solicitor General Fahy, Assistant Attorney General Clark,* and *Messrs. Sewall Key* and *Joseph M. Jones* for respondent. Reported below: 125 F. 2d 401.

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No. 1192. *GUMP, EXECUTRIX, ET AL., v. COMMISSIONER OF INTERNAL REVENUE*. June 1, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Chellis M. Carpenter* for petitioners. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key and Joseph M. Jones* for respondent. Reported below: 124 F. 2d 540.

No. 1193. *ST. FRANCIS HOSPITAL v. HELVERING, COMMISSIONER OF INTERNAL REVENUE*. June 1, 1942. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Mr. Samuel G. Wagner* for petitioner. *Solicitor General Fahy, Assistant Attorney General Clark, and Mr. Sewall Key* for respondent. Reported below: 125 F. 2d 553.

No. 1196. *MANUFACTURERS TRUST CO. v. KELBY ET AL.* June 1, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Charles E. Hughes, Jr. and David Barnett* for petitioner. *Messrs. George C. Wildermuth, John Kennedy White, Samuel Silbiger and Percival E. Jackson* for respondents. Reported below: 125 F. 2d 650.

No. 1198. *MASON v. ANDERSON-COTTONWOOD IRRIGATION DISTRICT*. June 1, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. Peter tum Suden and George Thomas Davis* for petitioner. *Mr. A. L. Cowell* for respondent. Reported below: 126 F. 2d 921.

No. 1203. *LEVY, EXECUTRIX, v. NATIONAL BATTERY CO.* June 1, 1942. Petition for writ of certiorari to the Circuit

Court of Appeals for the Eighth Circuit denied. *Mr. Josiah E. Brill* for petitioner. *Mr. E. Glenn Fassett, Jr.* for respondent. Reported below: 126 F. 2d 33.

No. 1206. *THIEL v. SOUTHERN PACIFIC CO. ET AL.* June 1, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. John L. Murphy* for petitioner. *Mr. Arthur B. Dunne* for respondents. Reported below: 126 F. 2d 710.

No. 1207. *JAMAICA WATER SUPPLY CO. v. COMMISSIONER OF INTERNAL REVENUE.* June 1, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Hugh Satterlee and Wm. R. Green* for petitioner. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key, J. Louis Monarch, and Newton K. Fox* for respondent. Reported below: 125 F. 2d 512.

No. 1220. *NARDONE ET AL. v. UNITED STATES.* June 1, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. David V. Cahill and Louis Halle* for petitioners. *Solicitor General Fahy and Assistant Attorney General Berge* for the United States. Reported below: 127 F. 2d 521.

No. 1226. *CHESAPEAKE & CURTIS BAY RAILROAD CO. ET AL. v. RICHFIELD OIL CORP.* June 1, 1942. Petition for writ of certiorari to the Court of Appeals of Maryland denied. *Messrs. Eugene S. Williams and William R. Semans* for petitioners. *Mr. J. Cookman Boyd, Jr.* for respondent. Reported below: 180 Md. 192, 23 A. 2d 677.

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No. 1228. WILLIAMS ET AL. *v.* KEYES ET AL. June 1, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. E. Albert Pallot* for petitioners. *Mr. M. Lewis Hall* for respondents. Reported below: 125 F. 2d 208.

No. 1232. HOWARD *v.* UNITED STATES EX REL. ALEXANDER ET AL. June 1, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *G. F. Howard, pro se. Solicitor General Fahy* and *Mr. Robert L. Stern* for respondents. Reported below: 126 F. 2d 667.

No. 1236. EQUITABLE LIFE ASSURANCE SOCIETY *v.* TUCKER. June 1, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. William C. Michaels* for petitioner. Reported below: 126 F. 2d 396.

No. 1127. MANILA GAS CORP. ET AL. *v.* COLLECTOR OF INTERNAL REVENUE. June 1, 1942. Petition for writ of certiorari to the Supreme Court of the Philippines denied. *Mr. Bertram F. Shipman* for petitioners. *Mr. Nathan R. Margold* for respondent.

No. 1222. BAKER *v.* DELAY, STATE POLICE DETECTIVE. June 1, 1942. Petition for writ of certiorari to the Superior Court, County of Suffolk, Massachusetts, denied. *Mr. William H. Lewis* for petitioner. Reported below: 310 Mass. 724, 39 N. E. 2d 762.

No. 1189. WILSON & Co., INC. *v.* NATIONAL LABOR RELATIONS BOARD. June 1, 1942. Petition for writ of certi-

orari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Paul Ware* for petitioner. *Solicitor General Fahy* and *Messrs. Robert B. Watts, Ernest A. Gross, and Morris P. Glushien* for respondent. Reported below: 126 F. 2d 114.

No. 1201. ENGINEERS CLUB OF PHILADELPHIA *v.* UNITED STATES. June 1, 1942. Petition for writ of certiorari to the Court of Claims denied. *Mr. John E. Hughes* for petitioner. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key and J. Louis Monarch* for the United States. Reported below: 95 Ct. Cls. 42, 42 F. Supp. 182.

No. 1223. HOULIHAN *v.* UNITED STATES. June 1, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Arthur Garfield Hays* for petitioner. *Solicitor General Fahy, Assistant Attorney General Berge, and Mr. Oscar A. Provost* for the United States. Reported below: 126 F. 2d 807.

No. 1234. PEOPLES NATURAL GAS CO. ET AL. *v.* FEDERAL POWER COMMISSION. June 1, 1942. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied. *Messrs. William Watson Smith, William Stanley, Max O'Rell Truitt, Carl McFarland, and William H. Eckert* for petitioners. *Solicitor General Fahy, Assistant Attorney General Shea, and Messrs. Melvin H. Siegel, Oscar H. Davis, and Richard J. Connor* for respondent. Reported below: 127 F. 2d 153.

No. 1235. GOLDEN GATE BRIDGE & HIGHWAY DISTRICT *v.* UNITED STATES. June 1, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Cir-

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cuit denied. *Mr. John L. McNab* for petitioner. *Solicitor General Fahy* and *Assistant Attorney General Littell* for the United States. Reported below: 125 F. 2d 872.

Nos. 1254 and 1255. *ZIMMER, SUBSTITUTE TRUSTEE, v. NEW YORK STATE TAX COMMISSION.* June 1, 1942. Petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Lydon F. Maider* for petitioner. *Messrs. John J. Bennett, Jr.*, Attorney General of the State of New York, *Henry Epstein*, Solicitor General, and *Timothy F. Cohan*, Assistant Attorney General, for respondent. Reported below: 126 F. 2d 604, 606.

Nos. 1199 and 1200. *HEILIG BROTHERS CO. v. NATIONAL LABOR RELATIONS BOARD.* June 1, 1942. Petition for writs of certiorari to the District Court of the United States for the Middle District of Pennsylvania and to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Edmund M. Toland* for petitioner. *Solicitor General Fahy* and *Messrs. Robert L. Stern, Robert B. Watts, Ernest A. Gross, Morris P. Glushien, and Miss Ruth Weyand* for respondent. Reported below: 123 F. 2d 734.

No. 1045. *CROCKETT v. UNITED STATES.* On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit. June 8, 1942. In view of the Government's concession that the remedy of habeas corpus is available to petitioner to try his allegations, the petition for writ of certiorari is denied, but without prejudice to an application for habeas corpus to the proper district court. 28 U. S. C., § 452. The motion for leave to proceed further *in forma pauperis* is denied. *William C. Crockett, pro se.* *Solicitor General Fahy, Assistant Attorney Gen-*

eral Berge, and *Mr. W. Marvin Smith* for the United States. Reported below: 125 F. 2d 547.

No. 1197. *CARLOTA BENITEZ SAMPAYO v. BANK OF NOVA SCOTIA*. June 8, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit, and motion for leave to proceed further *in forma pauperis*, denied. The CHIEF JUSTICE took no part in the consideration or decision of these applications. *Carlota Benitez Sampayo, pro se. Mr. Henri Brown* for respondent. Reported below: 125 F. 2d 519.

No. 1266. *SAWA v. INDIANA*. June 8, 1942. Petition for writ of certiorari to the Criminal Court of Lake County, Indiana, and motion for leave to proceed further *in forma pauperis*, denied. *John Sawa, pro se*.

No. 937. *GALL v. BRADY, WARDEN*; and

No. 938. *CAREY v. BRADY, WARDEN*. June 8, 1942. The petitions for writs of certiorari to the Circuit Court of Appeals for the Fourth Circuit, and the motions for leave to proceed further *in forma pauperis*, are denied. *Mr. G. Van Velsor Wolf* for petitioners. Reported below: 125 F. 2d 253.

No. 1085. *McKEE ET AL. v. JOHNSTON, WARDEN*. June 8, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Frank McKee and James Ryan, pro se. Solicitor General Fahy and Assistant Attorney General Berge* for respondent. Reported below: 125 F. 2d 282.

No. 1112. *MITCHELL v. UNITED STATES*. June 8, 1942. Petition for writ of certiorari to the Circuit Court of Ap-

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peals for the Tenth Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. J. Forrest McCutcheon* for petitioner. *Solicitor General Fahy* and *Assistant Attorney General Berge* for the United States. Reported below: 126 F. 2d 550.

No. 1244. RECORD *v.* HUDSPETH, WARDEN. June 8, 1942. 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. *Oren Lester Record, pro se.* *Solicitor General Fahy, Assistant Attorney General Berge,* and *Mr. Oscar A. Provost* for respondent. Reported below: 126 F. 2d 215.

No. 1267. ROBERTS *v.* BENNETT, ATTORNEY GENERAL. June 8, 1942. Petition for writ of certiorari to the Supreme Court of New York, and motion for leave to proceed further *in forma pauperis*, denied. *Sam Roberts, pro se.* Reported below: 287 N. Y. 839, 32 N. Y. S. 2d 122, 33 N. Y. S. 2d 105, 41 N. E. 2d 167.

Nos. 1259 and 1260. HOLTON *v.* TEXAS. June 8, 1942. Petition for writs of certiorari to the Court of Criminal Appeals of Texas, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. Alexander McF. Mood* for petitioner. Reported below: 158 S. W. 2d 772.

No. 1284. BARRETT *v.* WILLIAMSON. June 8, 1942. Petition for writ of certiorari to the Superior Court of Pennsylvania, and motion for leave to proceed further *in forma pauperis*, denied. *Roydon M. Barrett, pro se.* Reported below: 147 Pa. Super. 460, 24 A. 2d 546.

No. 1221. RINGLING BROTHERS-BARNUM & BAILEY COMBINED SHOWS, INC. *v.* SHEPPARD, COMPTROLLER, ET AL. June 8, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. MR. JUSTICE MURPHY took no part in the consideration or decision of this application. *Mr. Hanse Harrison Hamilton* for petitioner. *Messrs. Gerald C. Mann*, Attorney General of Texas, *Pat M. Neff, Jr.*, and *George W. Barcus*, Assistant Attorneys General, for respondents. Reported below: 123 F. 2d 773.

No. 1275. ENTERPRISE BOX CO. *v.* HOLLAND, ADMINISTRATOR. June 8, 1942. The motion to substitute L. Metcalfe Walling, present Administrator of the Wage and Hour Division, U. S. Department of Labor, in the place and stead of Thomas W. Holland is granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Martin Caraballo* for petitioner. *Solicitor General Fahy* and *Mr. Warner W. Gardner* for respondent. Reported below: 125 F. 2d 897.

No. 943. CONTINENTAL BAKING CO. *v.* BUMPUS. June 8, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Messrs. A. L. Heiskell* and *J. H. Shepherd* for petitioner. *Mr. William G. Cavett* for respondent. *Solicitor General Fahy* and *Mr. Warner W. Gardner* filed a memorandum on behalf of the Administrator of the Wage and Hour Division, U. S. Dept. of Labor, as *amicus curiae*. Reported below: 124 F. 2d 549.

No. 1184. OWENS *v.* COMMISSIONER OF INTERNAL REVENUE. June 8, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *O. O. Owens, pro se.* *Solicitor General Fahy*, Assistant

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Attorney General Clark, and Messrs. Sewall Key, Arnold Raum, and Carlton Fox for respondent. Reported below: 125 F. 2d 210.

No. 1209. WESTPHAL ET AL. *v.* KANSAS CITY LIFE INSURANCE Co.; and

No. 1210. WESTPHAL *v.* KANSAS CITY LIFE INSURANCE Co. June 8, 1942. Petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Arnold C. Otto* for petitioners. *Mr. Bernard V. Brady* for respondent. Reported below: 126 F. 2d 76.

No. 1225. MOSKOWITZ *v.* UNITED STATES. June 8, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. John W. Davis, Bertram S. Nayfack, Russell S. Coutant, and A. H. Frisch* for petitioner. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key and Ellis N. Slack* for the United States. Reported below: 126 F. 2d 702.

No. 1205. GUANTANAMO SUGAR Co. *v.* UNITED STATES. June 8, 1942. Petition for writ of certiorari to the Court of Claims denied. *Messrs. David A. Buckley, Jr. and Harvey L. Rabbitt* for petitioner. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key, Samuel E. Blackham, and Robert L. Stern* for the United States. Reported below: 94 Ct. Cls. 569, 41 F. Supp. 536.

No. 1237. CONCORD COMPANY *v.* WILLCUTS ET AL., EXECUTORS. June 8, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Harry C. Carson* for petitioner. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Se-*

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wall Key and *J. Louis Monarch* for respondents. Reported below: 125 F. 2d 584.

No. 1247. *ALADDIN INDUSTRIES, INC. v. NATIONAL LABOR RELATIONS BOARD*. June 8, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. W. H. F. Millar* and *Egbert Robertson* for petitioner. *Solicitor General Fahy* and *Messrs. Archibald Cox, Robert B. Watts, and Ernest A. Gross* for respondent. Reported below: 125 F. 2d 377.

No. 1256. *ALGOMA NET CO. v. NATIONAL LABOR RELATIONS BOARD*. June 8, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Robert C. Bassett* for petitioner. *Solicitor General Fahy* and *Messrs. Archibald Cox, Robert B. Watts, Ernest A. Gross, and Morris P. Glushien* for respondent. Reported below: 124 F. 2d 730.

CASES DISPOSED OF WITHOUT CONSIDERATION
BY THE COURT, FROM MARCH 31, 1942,
THROUGH JUNE 8, 1942.

No. 1180. *GRAVER TANK & MANUFACTURING CORP. v. NEW ENGLAND TERMINAL CO.* May 4, 1942. On petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit. Dismissed per stipulation of counsel. *Messrs. Henry C. Hart* and *Hoyt W. Lark* for petitioner. *Messrs. Charles P. Sisson* and *Wm. A. Gunning* for respondent. Reported below: 125 F. 2d 71.

PETITIONS FOR REHEARING GRANTED, FROM
MARCH 31, 1942, THROUGH JUNE 8, 1942.

No. 280. *JONES v. CITY OF OPELIKA*. See *ante*, p. 649.