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Decisions Granting Certiorari.

No. 348. *SEMINOLE NATION v. UNITED STATES*. June 8, 1942. Ordered that the opinion of this Court in this case be amended by adding after the first full paragraph on page 16 of the opinion the following paragraph:

"Upon the remand the Court of Claims will be free to consider any legal or equitable defenses which the Government may interpose to the claims asserted there by petitioner."

The petition for rehearing is denied. MR. JUSTICE REED took no part in the consideration or decision of this application.

Opinion reported as amended, *ante*, p. 286.

DECISIONS GRANTING CERTIORARI, FROM
MARCH 31, 1942, THROUGH JUNE 8, 1942.

No. 852. *ANDERSON ET AL. v. UNITED STATES*. April 6, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. *Messrs. W. H. Norvell and Lee Pressman* for petitioners. *Solicitor General Fahy, Assistant Attorney General Berge, and Messrs. Oscar A. Provost and Archibald Cox* for the United States. Briefs of *amici curiae* were filed by *Mr. Abraham J. Isserman* on behalf of the National Federation for Constitutional Liberties, and by *Mr. Arthur Garfield Hays* on behalf of the American Civil Liberties Union, in support of petitioners. Reported below: 124 F. 2d 58.

No. 1016. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. OHIO LEATHER CO.*;

No. 1017. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. STRONG MANUFACTURING CO.*; and

No. 1018. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. WARREN TOOL CO.* April 6, 1942. Petition

for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. *Solicitor General Fahy* for petitioner. *Messrs. Donald J. Lynn and Raymond T. Jackson* for respondents in Nos. 1016 and 1018. *Messrs. Arthur Morgan and Raymond S. Powers* for respondent in No. 1017. Reported below: 124 F. 2d 360, 397.

No. 1029. SOLA ELECTRIC CO. *v.* JEFFERSON ELECTRIC CO. April 6, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. Counsel are requested to discuss in their briefs and on the argument of this case (1) whether federal or state law applies, and (2) in the event that state law is held to govern, what the applicable state law is. *Messrs. Leslie W. Fricke, J. Bernhard Thiess, and Sidney Neuman* for petitioner. *Mr. Thomas H. Sheridan* for respondent. Reported below: 125 F. 2d 322.

No. 973. UNITED STATES EX REL. COY *v.* UNITED STATES ET AL. April 13, 1942. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit is also granted. Counsel are requested to discuss whether the time for appeal to the Circuit Court of Appeals and for petition for certiorari to this Court are governed by the Rules in Criminal Cases, and, if not, what statute applies. *Messrs. A. Shelby Winstead and James E. Fahey* for petitioner. *Solicitor General Fahy and Assistant Attorney General Berge* for respondents. Reported below: 124 F. 2d 1019.

No. 1083. C. J. HENDRY CO. ET AL. *v.* MOORE ET AL. See *ante*, p. 643.

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No. 982. UNITED STATES *v.* RICE ET AL., RECEIVERS. April 13, 1942. Petition for writ of certiorari to the Court of Claims granted. *Solicitor General Fahy* for the United States. *Messrs. Frederic D. McKenney, John S. Flannery, G. Bowdoin Craighill, and R. Aubrey Bogley* for respondents. Reported below: 95 Ct. Cls. 84.

No. 619. QUERY ET AL., CONSTITUTING THE SOUTH CAROLINA TAX COMMISSION, *v.* UNITED STATES ET AL. April 14, 1942. The order denying certiorari, 314 U. S. 685, is vacated. The petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit is granted. *Messrs. John M. Daniel and Claude K. Wingate* for petitioners. *Solicitor General Fahy* for respondents. Reported below: 121 F. 2d 631.

No. 1027. BRAVERMAN *v.* UNITED STATES; and

No. 1028. WAINER *v.* UNITED STATES. April 14, 1942. Petition for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. *Mr. James J. Magner* for petitioner in No. 1027. *Mr. John E. Dougherty* for petitioner in No. 1028. *Solicitor General Fahy, Assistant Attorney General Berge, and Mr. W. Marvin Smith* for the United States. Reported below: 125 F. 2d 283.

No. 1006. WALEY *v.* JOHNSTON, WARDEN. See *ante*, p. 101.

No. 974. WARD *v.* TEXAS. April 27, 1942. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Court of Criminal Appeals of Texas is granted. *Messrs. J. M. Burford and Leon A. Ransom* for petitioner. Reported below: 158 S. W. 2d 516.

No. 1059. *PLYLE v. KANSAS ET AL.* April 27, 1942. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Supreme Court of Kansas is also granted. *Harry Pyle, pro se.*

No. 1054. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. STUART.* April 27, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Solicitor General Fahy* for petitioner. *Messrs. George I. Haight, William D. McKenzie, and Herbert Pope* for respondent. Reported below: 124 F. 2d 772.

No. 1055. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. STUART.* April 27, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Solicitor General Fahy* for petitioner. *Messrs. George I. Haight, William D. McKenzie, and Herbert Pope* for respondent. Reported below: 124 F. 2d 772.

No. 819. *ECKER ET AL. v. WESTERN PACIFIC RAILROAD CORP. ET AL.;*

No. 820. *CROCKER FIRST NATIONAL BANK ET AL. v. WESTERN PACIFIC RAILROAD CORP. ET AL.;*

No. 885. *WESTERN PACIFIC RAILROAD CO. v. ECKER ET AL.;*

No. 989. *RECONSTRUCTION FINANCE CORPORATION v. WESTERN PACIFIC RAILROAD CORP. ET AL.;* and

No. 1086. *IRVING TRUST CO., TRUSTEE, v. CROCKER FIRST NATIONAL BANK ET AL.* April 27, 1942. Petitions for writs of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Messrs. Robert T. Swaine and Herbert W. Clark* for petitioners in No. 819. *Messrs.*

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Orville W. Wood and *Arthur A. Gammell* for petitioners in No. 820. *Mr. Frank C. Nicodemus, Jr.* for petitioner in No. 885. *Solicitor General Fahy* for petitioner in No. 989. *Messrs. Harold C. McCollom* and *Orrin G. Judd* for petitioner in No. 1086. *Messrs. Edward G. Buckland* and *William J. Kane* for the Railroad Credit Corporation; *Mr. Robert E. Coulson* for A. C. James Co.; and *Mr. M. C. Sloss* for the Western Pacific Railroad Corporation, respondents in Nos. 819, 820, 885, and 989. *Solicitor General Fahy* and *Mr. Daniel W. Knowlton* filed a memorandum on behalf of the Interstate Commerce Commission, as *amicus curiae*, in Nos. 819, 820, and 989, urging grant of the writs. Reported below: 124 F. 2d 136.

No. 1076. *GUY v. MISSOURI PACIFIC RAILROAD CO. ET AL.* April 27, 1942. Petition for writ of certiorari to the Supreme Court of Arkansas granted. *Messrs. Jonathan H. Lookadoo* and *Wm. J. Kirby* for petitioner. *Mr. Pat Mahaffy* for respondents. Reported below: 203 Ark. 166, 157 S. W. 2d 11.

No. 1169. *ADAMS, WARDEN, ET AL. v. UNITED STATES EX REL. McCANN.* April 27, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Solicitor General Fahy* for petitioners. *Gene McCann, pro se.* Reported below: 126 F. 2d 774.

No. 1119. *HILL v. TEXAS.* On petition for writ of certiorari to the Court of Criminal Appeals of Texas. April 30, 1942. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari is also granted. Execution of the judgment of Criminal District Court No. 2, Dallas County, Texas, is stayed pending the final disposition of the case by this Court.

Mr. J. Forrest McCutcheon for petitioner. Reported below: 157 S. W. 2d 369.

No. 815. STATE TAX COMMISSION OF UTAH ET AL. *v.* UNTERMYER ET AL., EXECUTORS. See *ante*, p. 645.

No. 1107. GARRETT *v.* MOORE-McCORMACK Co., INC., ET AL. May 11, 1942. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Supreme Court of Pennsylvania is granted. *Mr. Abraham E. Freedman* for petitioner. *Mr. Rowland C. Evans, Jr.* for respondents. Reported below: 344 Pa. 69, 23 A. 2d 503.

No. 894. HELVERING, COMMISSIONER OF INTERNAL REVENUE, *v.* SPROUSE. May 11, 1942. The order denying certiorari, 315 U. S. 810, is vacated. The petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit is granted. *Solicitor General Fahy* for petitioner. Reported below: 122 F. 2d 973.

No. 1094. UNITED STATES *v.* CALLAHAN WALKER CONSTRUCTION Co. May 11, 1942. Petition for writ of certiorari to the Court of Claims granted. *Solicitor General Fahy* for the United States. *Mr. Robert A. Littleton* for respondent. Reported below: 95 Ct. Cls. 314.

No. 1100. STRASSBURGER *v.* COMMISSIONER OF INTERNAL REVENUE. May 11, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. Leo Brady* for petitioner. *Solicitor General Fahy*, *Assistant Attorney General Clark*, and *Messrs. Sewall Key* and *Morton K. Rothschild* for respondent. Reported below: 124 F. 2d 315.

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No. 1130. UNITED CARBON CO. ET AL. *v.* BINNEY & SMITH Co. May 11, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted. *Messrs. Hugh M. Morris, George P. Dike, and Osman E. Swartz* for petitioners. *Messrs. Dean S. Edmonds and William H. Davis* for respondent. Reported below: 126 F. 2d 3.

No. 1137. NATIONAL LABOR RELATIONS BOARD *v.* INDIANA & MICHIGAN ELECTRIC CO. ET AL. May 25, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. *Solicitor General Fahy and Mr. Robert B. Watts* for petitioner. *Messrs. Murray Seasongood and Lester A. Jaffe* for respondents. Reported below: 124 F. 2d 50.

No. 1138. MANGUS ET AL. *v.* MILLER. May 25, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted. *Mr. J. D. Skeen* for petitioners. *Mr. Hadlond P. Thomas* for respondent. Reported below: 125 F. 2d 507.

No. 1211. DAVIS *v.* DEPARTMENT OF LABOR AND INDUSTRIES. May 25, 1942. Petition for writ of certiorari to the Supreme Court of the State of Washington granted. *Messrs. Maurice R. McMicken, Otto B. Rupp and Alfred J. Schweppe* for petitioner. *Messrs. Smith Troy, Attorney General of the State of Washington, and T. H. Little, Assistant Attorney General, for respondent.* Reported below: 121 P. 2d 365.

No. 1166. UNITED STATES *v.* MILLER ET AL. June 1, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Solicitor Gen-*

eral Fahy for petitioner. *Mr. Francis Carr* for respondents. Reported below: 125 F. 2d 75.

No. 315. UNITED STATES EX REL. ROBINSON *v.* JOHNSTON, WARDEN. See *ante*, p. 649.

No. 1194. FISHER, RECEIVER, *v.* WHITON, EXECUTRIX, ET AL. See *post*, 707.

No. 949. McNABB ET AL. *v.* UNITED STATES. June 8, 1942. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit is granted. The Court directs that the expense of printing the record be paid by the United States, pursuant to 28 U. S. C., § 832. *Benjamin McNabb, Freeman McNabb and Raymond McNabb, pro se. Solicitor General Fahy, Assistant Attorney General Berge, and Messrs. Oscar A. Provost and W. Marvin Smith* for the United States. Reported below: 123 F. 2d 848.

No. 1163. MILLER *v.* UNITED STATES. June 8, 1942. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit is granted. The Court directs that the expense of printing the record be paid by the United States, pursuant to 28 U. S. C., § 832. *Jessie William Miller, pro se. Solicitor General Fahy, Assistant Attorney General Berge, and Mr. Oscar A. Provost* for the United States. Reported below: 126 F. 2d 462.

No. 1252. HIGGINS *v.* CARR BROTHERS Co. June 8, 1942. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Su-

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preme Judicial Court of Maine is granted. In view of the Act of August 24, 1937 (28 U. S. C., § 401), the Court hereby certifies to the Attorney General of the United States that the constitutionality of the Fair Labor Standards Act is drawn in question in this case. *Mr. Franz U. Burkett* for petitioner. Reported below: 25 A. 2d 214.

No. 875. GROUP OF INSTITUTIONAL INVESTORS ET AL. *v.* CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD CO.;

No. 876. GROUP OF INSTITUTIONAL INVESTORS ET AL. *v.* UNION TRUST CO. ET AL.;

No. 877. GROUP OF INSTITUTIONAL INVESTORS ET AL. *v.* ABRAMS ET AL.;

No. 878. GROUP OF INSTITUTIONAL INVESTORS ET AL. *v.* ORTON ET AL.;

No. 879. GROUP OF INSTITUTIONAL INVESTORS ET AL. *v.* GUARANTY TRUST CO. OF NEW YORK ET AL.;

No. 880. GROUP OF INSTITUTIONAL INVESTORS ET AL. *v.* CHICAGO, TERRE HAUTE & SOUTHEASTERN RY. CO. ET AL.;

No. 881. GROUP OF INSTITUTIONAL INVESTORS ET AL. *v.* UNITED STATES TRUST CO. OF NEW YORK, TRUSTEE;

No. 882. GROUP OF INSTITUTIONAL INVESTORS ET AL. *v.* TRUSTEES OF PRINCETON UNIVERSITY ET AL.;

No. 883. GROUP OF INSTITUTIONAL INVESTORS ET AL. *v.* GLINES ET AL.; and

No. 988. RECONSTRUCTION FINANCE CORPORATION *v.* CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD CO. ET AL. June 8, 1942. Petitions for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Messrs. Kenneth F. Burgess, Douglas F. Smith, and Fred N. Oliver* for Group of Institutional Investors et al., petitioners in Nos. 875-883, and respondents in No. 988. *Messrs. Edwin S. S. Sunderland, Thomas O'G. Fitz Gibbon, Meyer Abrams, Henry F. Tenney, Frank C. Nicodemus, Jr., W. F. Peter, Reese D. Alsop, Ernest S. Ballard,*

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.

DECISIONS DENYING CERTIORARI, FROM
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