

No. 585. FEDERAL COMMUNICATIONS COMMISSION v. NATIONAL BROADCASTING Co., INC. ET AL. January 18, 1943. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted. *Solicitor General Fahy* for petitioner. *Messrs. Philip J. Hennessey, Jr., Karl A. Smith, and A. L. Ashby* for respondents. Reported below: 132 F. 2d 545.

DECISIONS DENYING CERTIORARI, FROM OCTOBER 5, 1942, THROUGH JANUARY 18, 1943.

No. 140. OSMENT v. PITCAIRN ET AL., RECEIVERS. See *ante*, p. 587.

No. 128. GURNEY ET AL. v. FERGUSON ET AL. See *ante*, p. 588.

No. 169. PENNSYLVANIA PUBLIC UTILITY COMM'N v. CHELTENHAM & ABINGTON SEWERAGE Co. See *ante*, p. 588.

No. 174. PEAK v. CALIFORNIA. See *ante*, p. 589.

No. 326. JEROME v. UNITED STATES. See *ante*, p. 606.

No. 115. CARLOTA BENITEZ SAMPAYO v. BANK OF NOVA SCOTIA. October 12, 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 First Circuit is 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.

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No. 221. *GANTZ v. UNITED STATES*. October 12, 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 denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of these applications. *Mr. Leonidas C. Dyer* for petitioner. *Solicitor General Fahy, Assistant Attorney General Berge, and Mr. Oscar A. Provost* for the United States. Reported below: 127 F. 2d 498.

No. 311. *WOOD v. INDIANA*. October 12, 1942. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Circuit Court of Randolph County, Indiana, is denied for the reason that it does not appear from the papers submitted that petitioner has exhausted state remedies by appealing to the highest court of the state the judgment sought to be reviewed. *Forest G. Wood, pro se*.

No. 323. *NEW YORK EX REL. PRISAMENT v. BROPHY, WARDEN*. October 12, 1942. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the County Court of Cayuga County, New York, is denied. The application for certiorari to the District Court of the United States for the Middle District of Georgia is also denied. *Martin Prisament, pro se*.

No. 125. *COATES v. BRADY, WARDEN*. October 12, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Court of Appeals of Maryland denied. *Wilbur Coates, pro se*. Reported below: 180 Md. 502, 25 A. 2d 676.

No. 139. *YANIS v. SMITH, WARDEN*. October 12, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied. *John Yanis, pro se*.

No. 149. *WILCOXON v. MOUNT, SHERIFF (SUCCESSOR TO J. C. ALDREDGE, SHERIFF)*. October 12, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Supreme Court of Georgia denied. *Mr. William S. Shelfer* for petitioner. *Mr. John A. Boykin* for respondent. Reported below: 193 Ga. 661. 19 S. E. 2d 499.

No. 150. *MILLER v. UNITED STATES*. October 12, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *William Roy Miller, pro se*. *Solicitor General Fahy, Assistant Attorney General Berge, and Mr. Oscar A. Provost* for the United States. Reported below: 128 F. 2d 519.

No. 151. *SANDERS ET AL. v. UNITED STATES*. October 12, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. *Mr. James J. Laughlin* for petitioners. *Solicitor General Fahy, Assistant Attorney General Berge, and Messrs. H. G. Ingraham and Robert S. Erdahl* for the United States. Reported below: 127 F. 2d 647.

No. 155. *FATONE v. UNITED STATES*. October 12, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Circuit Court of

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Appeals for the Second Circuit denied. *Mr. Herbert E. Rosenberg* for petitioner. *Solicitor General Fahy*, *Assistant Attorney General Berge*, and *Mr. Oscar A. Provost* for the United States. Reported below: 128 F. 2d 260.

No. 158. *HOWELL v. AMRINE, WARDEN, ET AL.* October 12, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Supreme Court of Kansas denied. *James E. Howell, pro se.* Reported below: 155 Kan. 185, 123 P. 2d 954.

No. 164. *WRIGHT v. UNION CENTRAL LIFE INSURANCE Co.* October 12, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Morton S. Hawkins* for petitioner. *Messrs. Arthur S. Lytton* and *Virgil D. Parish* for respondent. Reported below: 126 F. 2d 92.

No. 165. *BULLOCK v. RIVES, SUPERINTENDENT.* October 12, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied. *Mr. William J. O'Mahony* for petitioner. *Solicitor General Fahy*, *Assistant Attorney General Berge*, and *Messrs. Oscar A. Provost*, *Andrew F. Oehmann*, and *W. Marvin Smith* for respondent. Reported below: 130 F. 2d 411.

No. 166. *BROWN ET AL. v. JOHNSTON, WARDEN.* October 12, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

Royce R. Brown and Tom C. Moffitt, pro se. Solicitor General Fahy, Assistant Attorney General Berge, and Mr. Oscar A. Provost for respondent. Reported below: 126 F. 2d 727.

No. 168. *LEVINE v. HUDSPETH, WARDEN.* October 12, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Milton J. Levine, pro se. Solicitor General Fahy, Assistant Attorney General Berge, and Mr. Oscar A. Provost for respondent. Reported below: 127 F. 2d 982.*

No. 188. *NIVENS v. HUDSPETH, WARDEN.* October 12, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Claud Nivens, pro se. Solicitor General Fahy, Assistant Attorney General Berge, and Mr. Oscar A. Provost for respondent. Reported below: 128 F. 2d 15.*

No. 197. *WILLIAMS ET AL. v. O'GRADY, WARDEN.* October 12, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Supreme Court of Nebraska denied. *Leslie Williams and Joe Bennett, pro se. Mr. Walter R. Johnson, Attorney General of Nebraska, for respondent.*

No. 204. *COUNTEE v. UNITED STATES.* October 12, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Edward H. S. Martin for petitioner. Solicitor General Fahy,*

Assistant Attorney General Shea, and Messrs. Lester P. Schoene, Wilbur C. Pickett, and Keith L. Seegmiller for the United States. Reported below: 127 F. 2d 761.

No. 205. JOHNSTON *v.* MARSHALL, DEPUTY COMMISSIONER, ET AL. October 12, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Ben Anderson* for petitioner. Reported below: 128 F. 2d 13.

No. 208. VILES *v.* UNITED STATES. October 12, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Court of Claims denied. *Edmond L. Viles, pro se. Solicitor General Fahy and Assistant Attorney General Shea* for the United States. Reported below: 95 Ct. Cls. 591.

No. 209. BUXTON *v.* AMRINE, WARDEN. October 12, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Supreme Court of Kansas denied. *Herbert Buxton, pro se.* Reported below: 155 Kan. 440, 125 P. 2d 381.

No. 215. MOORE *v.* UNITED STATES. October 12, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. James F. Kemp* for petitioner. *Solicitor General Fahy, Assistant Attorney General Berge, and Mr. Oscar A. Provost* for the United States. Reported below: 128 F. 2d 887.

No. 225. HUDSON *v.* YOUELL, SUPERINTENDENT. October 12, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied. *Mr. M. J. Fulton* for petitioner. Reported below: 179 Va. 442, 19 S. E. 2d 705.

No. 226. WATERMAN *v.* SOMERVELL ET AL. October 12, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Corinne C. Waterman, pro se. Solicitor General Fahy, Assistant Attorney General Shea, and Messrs. Paul A. Sweeney and W. Marvin Smith* for respondents.

No. 237. NEAL *v.* NEW YORK. October 12, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Supreme Court of New York denied. *Howard Neal, pro se.*

No. 242. ANDERSON *v.* DOWD, WARDEN. October 12, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Supreme Court of Indiana denied. *Mr. Oscar B. Thiel* for petitioner. *Mr. Joseph W. Hutchinson*, Deputy Attorney General of Indiana, for respondent. Reported below: 40 N. E. 2d 658.

No. 247. GARRISON ET AL. *v.* AMRINE, WARDEN, ET AL. October 12, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Supreme Court of Kansas denied. *Cecil T. Garrison and James Perkins, pro se.* Reported below: 155 Kan. 509, 126 P. 2d 228.

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No. 255. *QUICK v. MISSISSIPPI*. October 12, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Supreme Court of Mississippi denied. *S. V. Quick, pro se*. Reported below: 7 So. 2d 887.

No. 257. *WEATHERS v. KANSAS ET AL.* October 12, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Supreme Court of Kansas denied. *Wilbert Weathers, pro se*. Reported below: 155 Kan. 434, 125 P. 2d 373.

No. 272. *GILMORE v. UNITED STATES*. October 12, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Dewey Gilmore, pro se. Solicitor General Fahy, Assistant Attorney General Berge, and Mr. Oscar A. Provost* for the United States. Reported below: 129 F. 2d 199.

No. 283. *WEINER ET AL. v. PENNSYLVANIA*. October 12, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Superior Court of Pennsylvania denied. *Mr. Philip Dorfman* for petitioners. *Messrs. Carl B. Shelley and E. LeRoy Keen* for respondent. Reported below: 148 Pa. Super. 577, 25 A. 2d 844.

No. 289. *DERR v. DERR*. October 12, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Superior Court of Pennsylvania denied. *Mr. Hayden C. Covington* for petitioner. Reported below: 148 Pa. Super. 511, 25 A. 2d 769.

No. 295. *SCHRAMM v. BRADY, WARDEN*. October 12, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. *Charles E. Schramm, pro se*. Reported below: 129 F. 2d 108.

No. 298. *SHOTKIN ET UX. v. BOARD OF PENSIONS OF THE PRESBYTERIAN CHURCH OF THE UNITED STATES*. October 12, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied. *Bernard M. Shotkin, pro se*. Reported below: 343 Pa. 650, 23 A. 2d 419.

No. 307. *PICKING ET AL. v. STATE OF NEW YORK*. October 12, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Court of Appeals of New York denied. *Ida M. Picking, pro se*. Reported below: 288 N. Y. 644, 42 N. E. 2d 741.

No. 313. *ADAMS ET AL. v. UNITED STATES*. October 12, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. James F. Kemp* for petitioners. *Solicitor General Fahy, Assistant Attorney General Berge, and Mr. Oscar A. Provost* for the United States. Reported below: 128 F. 2d 820.

No. 316. *BROWN v. CAPITAL TRANSIT Co.* October 12, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied. *Mr. Isadore H. Halpern* for petitioner. *Messrs. S. R.*

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Bowen, H. W. Kelly, and R. E. Lee Goff for respondent.
Reported below: 127 F. 2d 329.

No. 324. *SMITH v. LAWRENCE, WARDEN.* October 12, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. M. A. Grace* for petitioner. *R. H. Lawrence, pro se.* Reported below: 128 F. 2d 822.

No. 338. *LOUISIANA EX REL. PIERRE v. JONES, GOVERNOR.* October 12, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Supreme Court of Louisiana denied. *Mr. Maurice R. Woulfe* for petitioner. Reported below: 200 La. 808, 9 So. 2d 42.

No. 342. *ADDISON v. ADDISON.* October 12, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Superior Court of Pennsylvania denied. *Mr. H. Eugene Gardner* for petitioner. *William Marlborough Addison, pro se.* Reported below: 147 Pa. Super. 267, 24 A. 2d 45.

No. 352. *LEIMER v. COOK, JUDGE.* October 12, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Circuit Court of Jackson County, Missouri, denied. *Walter A. Leimer, pro se.*

No. 381. *VILES v. SYMES ET AL.* October 12, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Edmund L. Viles, pro*

se. *Mr. Jean S. Breitenstein* for respondents. Reported below: 129 F. 2d 828.

No. 104. *HAMLET ICE CO., INC. v. FLEMING, ADMINISTRATOR*. October 12, 1942. *L. Metcalfe Walling*, present Administrator of the Wage and Hour Division, U. S. Department of Labor, substituted as the party respondent herein in the place and stead of *Philip B. Fleming*, resigned. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. *Messrs. J. L. Emanuel, O. L. Henry, and L. R. Varser* for petitioner. *Solicitor General Fahy* and *Messrs. Robert L. Stern, Warner W. Gardner, Mortimer B. Wolf* for respondent. Reported below: 127 F. 2d 165.

No. 130. *KHARAITI RAM SAMRAS v. UNITED STATES*. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit; and

No. 267. *CARLETON SCREW PRODUCTS CO. v. FLEMING, ADMINISTRATOR*. On petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit. October 12, 1942. The petitions for writs of certiorari in these cases are denied for the reason that applications therefor were not made within the time provided by law. § 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C., § 350. *Mr. D. B. Spagnoli* for petitioner in No. 130. *Mr. Josiah E. Brill* for petitioner in No. 267. *Solicitor General Fahy* for respondent in No. 130, and *Mr. Warner W. Gardner* was with him on the brief for respondent in No. 267. Reported below: No. 130, 125 F. 2d 879; No. 267, 126 F. 2d 537.

No. 138. *BOCZ v. HUDSON MOTOR CAR CO. ET AL.* October 12, 1942. Petition for writ of certiorari to the

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Circuit Court of Appeals for the Sixth Circuit denied. MR. JUSTICE ROBERTS and MR. JUSTICE MURPHY took no part in the consideration or decision of this application. *Alexander C. Bocz, pro se. Mr. Henry E. Bodman* for Hupp Motor Car Corp., and *Mr. Wilbur M. Brucker* for the Packard Motor Car Co.,—respondents. Reported below: 126 F. 2d 465.

No. 203. CLAIMANTS FOR BENEFITS UNDER THE MICHIGAN UNEMPLOYMENT COMPENSATION ACT *v.* CHRYSLER CORPORATION ET AL. October 12, 1942. Petition for writ of certiorari to the Supreme Court of Michigan denied. MR. JUSTICE ROBERTS and MR. JUSTICE MURPHY took no part in the consideration or decision of this application. *Mr. Lee Pressman* for petitioners. *Messrs. Harry C. Bulkley, John G. Garlinghouse, and Nicholas Kelley* for respondents. Reported below: 301 Mich. 351, 3 N. W. 2d 302.

No. 270. EACHO, TRUSTEE, *v.* STONE, TRUSTEE, ET AL. October 12, 1942. The motion to consider the petition for writ of certiorari upon appendices to the brief in the Circuit Court of Appeals is granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. *Mr. R. Hugh Rudd* for petitioner. *Mr. Nathan Bilder* for respondents. Reported below: 128 F. 2d 16.

No. 328. ESTATE OF FISKE *v.* COMMISSIONER OF INTERNAL REVENUE. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. MR. JUSTICE REED took no part in the consideration or decision of this application. *Mr. John A. Reed* for petitioner. *Solicitor General Fahy, As-*

Assistant Attorney General Clark, and Messrs. Sewall Key, J. Louis Monarch, and Newton K. Fox for respondent. Reported below: 128 F. 2d 487.

No. 367. NEAL *v.* LYKES BROS. RIPLEY STEAMSHIP Co., INC. October 12, 1942. The motion to proceed on the typewritten record is granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Alex. W. Swords* for petitioner. *Mr. Walter Carroll* for respondent. Reported below: 127 F. 2d 879.

No. 88. NEBO OIL Co., A TRUST, *v.* HELVERING, COMMISSIONER OF INTERNAL REVENUE. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Messrs. George M. Green and T. Murray Robinson* for petitioner. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key, J. Louis Monarch, and Benjamin M. Brodsky* for respondent. Reported below: 126 F. 2d 148.

No. 90. RODEN COAL Co., INC. *v.* UNITED STATES. October 12, 1942. Petition for writ of certiorari to the Court of Claims denied. *Mr. John Jay McKelvey* for petitioner. *Solicitor General Fahy, Assistant Attorney General Shea, and Mr. Paul A. Sweeney* for the United States. Reported below: 95 Ct. Cls. 219.

No. 91. ORDER OF UNITED COMMERCIAL TRAVELERS OF AMERICA *v.* WIGGINTON. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Richard T. Rector* for petitioner. *Mr. Richard R. McGinnis* for respondent. Reported below: 126 F. 2d 659.

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No. 92. *HUMPHREYS v. COMMISSIONER OF INTERNAL REVENUE*. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Charles P. R. Macaulay* for petitioner. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key, J. Louis Monarch, and Earl C. Crouter* for respondent. Reported below: 125 F. 2d 340.

No. 95. *PIUMA v. UNITED STATES*. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Louis J. Canepa* for petitioner. *Solicitor General Fahy, Assistant Attorney General Arnold, and Mr. Charles H. Weston* for the United States. Reported below: 126 F. 2d 601.

No. 98. *BARCO, EXECUTRIX, ET AL. v. PENN MUTUAL LIFE INSURANCE Co.* October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. O. D. Batchelor and Henry K. Gibson* for petitioners. *Mr. Crate D. Bowen* for respondent. Reported below: 126 F. 2d 56.

No. 99. *NEW YORK EX REL. COGAN v. MANN*. October 12, 1942. Petition for writ of certiorari to the Court of Appeals of New York denied. *Mr. Carl E. Ring* for petitioner. *Mr. Leo C. Fennelly* for respondent. Reported below: 287 N. Y. 779, 40 N. E. 2d 646.

No. 100. *MIFFLINBURG BODY Co. v. MIFFLINBURG BANK & TRUST Co.* October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Harry S. Knight* for petitioner. *Mr. Gilbert Nurick* for respondent. Reported below: 127 F. 2d 59.

No. 101. *W. W. CLYDE & Co. v. DYESS*. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Mr. Arthur E. Moreton* for petitioner. Reported below: 126 F. 2d 719.

No. 102. *MIRSKY v. CONLEW, INC.* October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Horace G. Marks and David Haar* for petitioner. *Messrs. Leonard G. Bisco and Henry Landau* for respondent. Reported below: 124 F. 2d 1017.

No. 105. *DUQUESNE CLUB v. BELL, FORMER ACTING COLLECTOR OF INTERNAL REVENUE*; and

No. 106. *DUQUESNE CLUB v. DRISCOLL, COLLECTOR OF INTERNAL REVENUE*. October 12, 1942. Petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Messrs. George B. Furman, Paul Armistage, and Edward Holloway* for petitioner. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key, J. Louis Monarch, and Carlton Fox* for respondents. Reported below: 127 F. 2d 363.

No. 107. *EVANS v. COMMISSIONER OF INTERNAL REVENUE*. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. James S. Y. Ivins* for petitioner. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key, J. Louis Monarch, and L. W. Post* for respondent. Reported below: 126 F. 2d 270.

No. 108. *MOREHEAD v. COMMISSIONER OF INTERNAL REVENUE*. October 12, 1942. Petition for writ of certi-

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orari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. James S. Y. Ivins* for petitioner. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key, J. Louis Monarch, and L. W. Post* for respondent. Reported below: 126 F. 2d 270.

No. 109. SWASTIKA OIL & GAS CO. *v.* COMMISSIONER OF INTERNAL REVENUE. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Messrs. Harry C. Kinne and Michael J. Sporrer* for petitioner. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key and J. Louis Monarch, and Miss Louise Foster* for respondent. Reported below: 123 F. 2d 382.

No. 110. RICHARDSON, TRUSTEE, ET AL. *v.* BLUE GRASS MINING CO. ET AL. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Messrs. Bailey P. Wootton and H. C. Faulkner* for petitioners. *Mr. Simeon S. Willis* for respondents. Reported below: 127 F. 2d 291.

No. 111. MAY DEPARTMENT STORES CO. *v.* REYNOLDS. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Richard S. Bull* for petitioner. *Mr. Jesse W. Barrett* for respondent. Reported below: 127 F. 2d 396.

No. 112. CHESTER C. FOSGATE CO. *v.* UNITED STATES. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Charles O. Andrews, Jr.* for petitioner. *Solicitor*

General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key, J. Louis Monarch, Bernard Chertcoff, and Archibald Cox for the United States. Reported below: 125 F. 2d 775.

No. 114. *MCCARTHY, DOING BUSINESS AS HERCULES SUPPLY Co., ET AL. v. WYNNE ET AL.* October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Mr. John M. Miley* for petitioners. *Mr. Rayburn L. Foster* for respondents. Reported below: 126 F. 2d 620.

No. 116. *NIESCHLAG & Co., INC. v. ATLANTIC MUTUAL INSURANCE Co.* October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Harold T. Edwards and Charles A. Ellis* for petitioner. *Messrs. J. M. Richardson Lyeth and Mark W. Maclay* for respondent. Reported below: 126 F. 2d 834.

No. 117. *SUMMERS ET AL. v. PURCELL ET AL.* October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. *Mr. Collins Denny, Jr.* for petitioners. *Messrs. J. Morgan Stevens, Walter McElreath, J. T. Jaynes, and Orville A. Park* for respondents. Reported below: 126 F. 2d 390.

No. 118. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. ESTATE OF DAVIES ET AL.* October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Solicitor General Fahy* for petitioner. *Mr. John L. Davies, Sr.* for respondents. Reported below: 126 F. 2d 294.

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No. 119. *ADVANCE TRANSPORTATION CO. v. MILLER ET AL.* October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. Joseph H. Hinshaw and Oswell G. Treadway* for petitioner. *Mr. Lloyd D. Heth* for respondents. Reported below: 126 F. 2d 442.

No. 120. *BEN BIMBERG & Co., INC. v. COMMISSIONER OF INTERNAL REVENUE.* October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Prew Savoy* for petitioner. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key, J. Louis Monarch, and Joseph M. Jones* for respondent. Reported below: 126 F. 2d 412.

No. 121. *KNOST v. MACMILLAN.* October 12, 1942. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied. *Messrs. Leslie C. Garnett and Samuel F. Beach* for petitioner. *Mrs. Mabel Walker Willebrandt and Mr. John J. Sirica* for respondent. Reported below: 126 F. 2d 235.

No. 123. *DANIEL v. UNITED STATES.* October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. E. H. Gamble* for petitioner. *Solicitor General Fahy and Assistant Attorney General Berge* for the United States. Reported below: 127 F. 2d 1.

No. 126. *MUSHER FOUNDATION, INC. v. ALBA TRADING Co., INC.* October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second

Circuit denied. *Mr. Harry Price* for petitioner. *Mr. Joseph Joffe* for respondent. Reported below: 127 F. 2d 9.

No. 127. UNITED CONSTRUCTION CO. *v.* MILAM ET AL. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Messrs. Charles Bushnell Fullerton and Harold V. Snyder* for petitioner. Reported below: 124 F. 2d 670.

No. 131. KITTREDGE *v.* STEVENS ET AL. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. *Scott F. Kittredge, pro se. Mr. Edwin A. Howes* for respondents. Reported below: 126 F. 2d 263.

No. 133. CORY *v.* COMMISSIONER OF INTERNAL REVENUE. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Messrs. Peter V. D. Voorhees and Samuel B. Stewart, Jr.* for petitioner. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key, J. Louis Monarch, and Warren F. Wattles* for respondent. Reported below: 126 F. 2d 689.

No. 135. SECOND CAREY TRUST *v.* HELVERING, COMMISSIONER OF INTERNAL REVENUE. October 12, 1942. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied. *Mr. Geo. E. H. Goodner and Miss Helen Goodner* for petitioner. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key and Warren F. Wattles* for respondent. Reported below: 126 F. 2d 526.

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No. 136. HARE TRUST *v.* HELVERING, COMMISSIONER OF INTERNAL REVENUE. October 12, 1942. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied. *Mr. Geo. E. H. Goodner* and *Miss Helen Goodner* for petitioner. *Solicitor General Fahy*, *Assistant Attorney General Clark*, and *Messrs. Sewall Key* and *Warren F. Wattles* for respondent. Reported below: 126 F. 2d 530.

No. 137. ABRAHAM ET AL., TRUSTEES, *v.* HIDALGO COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 ET AL. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. D. F. Strickland* and *Camden R. McAtee* for petitioners. *Messrs. W. B. Lewis* and *Cecil A. Morgan* for respondents. Reported below: 125 F. 2d 829.

No. 141. HIGHWAY CONSTRUCTION CO., INC. *v.* MIAMI. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. William H. Boyd*, *James E. Calkins*, and *Robert H. Anderson* for petitioner. *Messrs. J. W. Watson, Jr.* and *Sidney S. Hoehl* for respondent. Reported below: 126 F. 2d 777.

Nos. 143 and 144. MADDIX ET AL. *v.* SAULSBERRY. October 12, 1942. Petition for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *F. M. Maddix*, *Malinda Maddix*, *W. T. Saulsberry*, and *George A. Saulsberry, pro se.* *Mr. H. R. Dysard* for respondent. Reported below: 125 F. 2d 430.

No. 145. SEWELL ET AL. *v.* J. E. CROSBIE, INC., ET AL. October 12, 1942. Petition for writ of certiorari to the

Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Wallace Townsend* for petitioners. Reported below: 127 F. 2d 599.

No. 146. *R. E. CRUMMER & Co. v. WARE ET AL.* October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Robert J. Pleus* for petitioner. Reported below: 128 F. 2d 114.

No. 147. *OLDS ET AL. v. TOWN OF BELLEAIR.* October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Giles J. Patterson* for petitioners. *Mr. O. K. Reaves* for respondent. Reported below: 127 F. 2d 838.

No. 148. *MILLER ET AL. v. LOUISVILLE & NASHVILLE RAILROAD Co. ET AL.* October 12, 1942. Petition for writ of certiorari to the Supreme Court of Indiana denied. *Mr. Theodore Lockyear* for petitioners. *Mr. William L. Craig* for respondents. Reported below: 219 Ind. 389, 38 N. E. 2d 239.

No. 152. *TERHUNE ET AL., EXECUTORS, v. WELCH, COLLECTOR.* October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. *Mr. Clement R. Lamson* for petitioners. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key and Bernard Chertcoff* for respondent. *Messrs. Hugh Satterlee and Wm. R. Green, Jr.* filed a brief, as *amici curiae*, in support of the petition. Reported below: 126 F. 2d 695.

No. 153. *LUCKENBACH STEAMSHIP Co., INC. v. SOCIETA ANONIMA PARTECIPAZIONI INDUSTRIALI COMMER-*

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CIALI ET AL. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. Lyman Henry and Frederick W. Dorr* for petitioner. *Messrs. S. Hasket Derby and Joseph C. Sharp* for the Hawaii Liquor Company et al.; and *Mr. W. F. Williamson* for the Societa Anonima Partecipazioni Industriali Commerciali et al.,—respondents. Reported below: 127 F. 2d 86.

No. 154. KEYSTONE FREIGHT LINES, INC. v. LEE WAY MOTOR FREIGHT, INC. ET AL. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Messrs. John B. Dudley and Duke Duvall* for petitioner. Reported below: 126 F. 2d 931.

No. 157. PHIPPS v. HELVERING, COMMISSIONER OF INTERNAL REVENUE. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Messrs. David A. Reed and Norman D. Keller* for petitioner. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key, J. Louis Monarch, and Joseph M. Jones* for respondent. Reported below: 127 F. 2d 214.

No. 159. MASON v. MERCED IRRIGATION DISTRICT. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. George T. Davis and Peter tum Suden* for petitioner. *Mr. Stephen W. Downey* for respondent. Reported below: 126 F. 2d 920.

Nos. 161 and 162. ESTATE OF LEVIS ET AL. v. COMMISSIONER OF INTERNAL REVENUE. October 12, 1942. Petition for writs of certiorari to the Circuit Court of Appeals

for the Second Circuit denied. *Mr. Ralph Royall* for petitioners. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key and Joseph M. Jones* for respondent. Reported below: 127 F. 2d 796.

No. 170. *McGREW v. SIMMONS ET AL.* October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Samuel G. Wagner and Dorothea M. Wagner* for petitioner. *Mr. W. Denning Stewart* for respondents. Reported below: 126 F. 2d 676.

No. 177. *WENGER v. COMMISSIONER OF INTERNAL REVENUE.* October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Henry B. Graves* for petitioner. *Assistant Solicitor General Cox, Assistant Attorney General Clark, and Messrs. Sewall Key and F. E. Youngman* for respondent. Reported below: 127 F. 2d 523.

No. 180. *SOUTHWESTERN GREYHOUND LINES, INC. v. BUCHANAN.* October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. Virgil T. Seaberry and Robert G. Payne* for petitioner. *Messrs. Thomas L. Blanton, John Matthews Blanton, and William W. Blanton* for respondent. Reported below: 126 F. 2d 179.

No. 181. *ROTH v. LOCAL NO. 1460 OF RETAIL CLERKS UNION ET AL.* October 12, 1942. Petition for writ of certiorari to the Supreme Court of Indiana denied. *Mr. Jay E. Darlington* for petitioner. *Messrs. William H. Faust and William H. Faust, Jr., and Mrs. Irene Faust*

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for respondents. Reported below: 219 Ind. 642, 39 N. E. 2d 775.

No. 182. O'BRYAN BROTHERS *v.* COMMISSIONER OF INTERNAL REVENUE. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Cecil Sims* for petitioner. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key and Earl C. Crouter and Miss Helen R. Carloss* for respondent. Reported below: 127 F. 2d 645.

No. 185. MILLER, INDUSTRIAL COMMISSIONER, *v.* WESTERN PERISHABLE CARLOAD RECEIVERS ASSOCIATION OF NEW YORK, INC. October 12, 1942. Petition for writ of certiorari to the Supreme Court of New York, Appellate Division, denied. *Messrs. John J. Bennett, Jr., Attorney General of New York, Henry Epstein, Solicitor General, William Gerard Ryan and Francis R. Curran, Assistant Attorneys General, for petitioner. Mr. John L. McMaster* for respondent.

No. 189. BARLOW, TRUSTEE, *v.* BUDGE, CLAIMANT. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. William M. Giller* for petitioner. *Mr. Preston B. Kavanagh* for respondent. Reported below: 127 F. 2d 440.

No. 190. EDMUND WRIGHT GINSBERG CORPORATION *v.* SWETNAM, TRUSTEE. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Duane R. Dills and Jack J. Levinson* for petitioner. *Messrs. Maurice L. Shaine and William V. Ford* for respondent. Reported below: 128 F. 2d 1.

No. 191. *HARAWAY v. ARKANSAS*. October 12, 1942. Petition for writ of certiorari to the Supreme Court of Arkansas denied. *Mr. Scipio A. Jones* for petitioner. *Mr. John P. Streepey*, Assistant Attorney General of Arkansas, for respondent. Reported below: 203 Ark. 912, 159 S. W. 2d 733.

No. 193. *PHILLIPS BUTTORFF MANUFACTURING Co. v. JOHNSON*. October 12, 1942. Petition for writ of certiorari to the Supreme Court of Tennessee denied. *Mr. Cecil Sims* for petitioner. *Mr. James C. Havron* for respondent. *Solicitor General Fahy* and *Messrs. Warner W. Gardner* and *Mortimer B. Wolf* filed a brief on behalf of the Administrator of the Wage and Hour Division, U. S. Department of Labor, as *amicus curiae*, in opposition to the petition. Reported below: 178 Tenn. 559, 160 S. W. 2d 893.

No. 194. *MATEUS v. UNITED STATES*. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Morris Lavine* for petitioner. *Solicitor General Fahy*, *Assistant Attorney General Berge*, and *Mr. Oscar A. Provost* for the United States. Reported below: 127 F. 2d 683.

No. 195. *AMERICAN LIBERTY OIL Co. v. COMMISSIONER OF INTERNAL REVENUE*. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. John Barre King* for petitioner. *Assistant Solicitor General Cox*, *Assistant Attorney General Clark*, and *Messrs. Sewall Key*, *Joseph M. Jones*, and *Archibald Cox*, and *Miss Helen R. Carloss* for respondent. Reported below: 127 F. 2d 262.

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No. 196. *ROBINSON v. BATON ROUGE*. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. P. G. Borron* for petitioner. Reported below: 127 F. 2d 693.

No. 198. *SCHALLER v. PHILADELPHIA*. October 12, 1942. Petition for writ of certiorari to the Superior Court of Pennsylvania denied. *Mr. Michael Francis Doyle* for petitioner. *Messrs. Ernest Lowengrund and Abraham Wernick* for respondent. Reported below: 148 Pa. Super. 276, 25 A. 2d 406.

No. 200. *STONE ET AL. v. NATIONAL LABOR RELATIONS BOARD*. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. Lewis F. Jacobson and David Silbert* for petitioners. *Assistant Solicitor General Cox and Messrs. Robert B. Watts, Ernest A. Gross, and Morris P. Glushien* for respondent. Reported below: 125 F. 2d 752.

No. 206. Series "A" *TRUST v. HELVERING, COMMISSIONER OF INTERNAL REVENUE*. October 12, 1942. Petition for writ of certiorari to the U. S. Court of Appeals for the District of Columbia denied. *Mr. Geo. E. H. Goodner and Miss Helen Goodner* for petitioner. *Assistant Solicitor General Cox, Assistant Attorney General Clark, and Messrs. Sewall Key and Warren F. Wattles and Miss Helen R. Carloss* for respondent. Reported below: 126 F. 2d 530.

No. 207. *LEHIGH VALLEY RAILROAD CO. ET AL. v. DOOLEY*. October 12, 1942. Petition for writ of certiorari to the Court of Errors and Appeals of New Jersey denied. *Messrs. Edward A. Markley, Frank L. Mulholland, Clar-*

ence *M. Mulholland*, and *Willard H. McEwen* for petitioners. *Mr. Walter L. McDermott* for respondent. Reported below: 131 N. J. Eq. 468, 25 A. 2d 893.

No. 210. *RAPID ROLLER CO. v. NATIONAL LABOR RELATIONS BOARD*. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. Homer Cummings* and *Charles LeRoy Brown* for petitioner. *Assistant Solicitor General Cox* and *Messrs. Robert B. Watts* and *Ernest A. Gross* for respondent. Reported below: 126 F. 2d 452.

Nos. 211 and 212. *EASTERN BUILDING CORPORATION v. UNITED STATES*. October 12, 1942. Petition for writs of certiorari to the Court of Claims denied. *Messrs. Homer Cummings* and *Raymond E. Hackett* for petitioner. *Solicitor General Fahy*, *Assistant Attorney General Shea*, and *Mr. Paul A. Sweeney* for the United States. Reported below: No. 211, 96 Ct. Cls. 399, and No. 212, 96 Ct. Cls. 438.

No. 216. *A. W. STICKLE & Co. v. INTERSTATE COMMERCE COMMISSION*. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Messrs. John B. Dudley* and *Duke Duvall* for petitioner. *Messrs. Daniel W. Knowlton* and *Francis A. Silver* for respondent. Reported below: 128 F. 2d 155.

No. 217. *OHIO EX REL. LIEN, SUPERINTENDENT OF BANKS, v. METROPOLITAN LIFE INSURANCE Co.* October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Messrs. Thomas J. Herbert*, Attorney General of Ohio, and *George*

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R. Effler for petitioner. *Mr. Frank Ewing* for respondent. Reported below: 127 F. 2d 297.

No. 219. PICARD, ADMINISTRATOR, ET AL. *v.* UNITED AIRCRAFT CORP. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. George I. Haight* and *M. K. Hobbs* for petitioners. *Messrs. Drury W. Cooper* and *C. Blake Townsend* for respondent. Reported below: 128 F. 2d 632.

No. 220. TRINITY CORPORATION *v.* COMMISSIONER OF INTERNAL REVENUE. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Robert Ash* for petitioner. *Assistant Solicitor General Cox*, *Assistant Attorney General Clark*, and *Messrs. Sewall Key*, *Samuel H. Levy*, *Newton K. Fox*, and *Archibald Cox* for respondent. Reported below: 127 F. 2d 604.

No. 222. ROSE *v.* UNITED STATES. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Mr. Edward M. Box* for petitioner. *Assistant Solicitor General Cox*, *Assistant Attorney General Clark*, and *Messrs. Sewall Key* and *Ellis N. Slack* for the United States. Reported below: 128 F. 2d 622.

No. 223. PANDOLFO *v.* UNITED STATES. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Mr. James M. Hervey* for petitioner. *Assistant Solicitor General Cox*, *Assistant Attorney Gen-*

eral Berge, and *Mr. Oscar A. Provost* for the United States. Reported below: 128 F. 2d 917.

No. 224. *WIGGINS v. KENNARD*. October 12, 1942. Petition for writ of certiorari to the Supreme Court of Missouri denied. *Messrs. Daniel N. Kirby* and *Harry W. Kroeger* for petitioner. *Mr. Paul Bakewell, Jr.* for respondent. Reported below: 349 Mo. 283, 160 S. W. 2d 706.

No. 227. *GREAT SOUTHERN TRUCKING CO. v. NATIONAL LABOR RELATIONS BOARD*. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. *Messrs. Thomas C. Guthrie* and *E. T. McIlvaine* for petitioner. *Solicitor General Fahy* and *Messrs. Valentine Brookes, Robert B. Watts, Ernest A. Gross*, and *Ralph Winkler* for respondent. Reported below: 127 F. 2d 180.

No. 228. *SCHRAM, RECEIVER, v. COYNE*. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Messrs. Robert S. Marx, Frank E. Wood*, and *George P. Barse* for petitioner. *Mr. Harry C. Bulkley* for respondent. Reported below: 127 F. 2d 205.

No. 229. *ALABAMA POWER CO. v. FEDERAL POWER COMMISSION*. October 12, 1942. Petition for writ of certiorari to the U. S. Court of Appeals for the District of Columbia denied. *Messrs. H. C. Kilpatrick, P. W. Turner, Walter Bouldin*, and *William M. Moloney* for petitioner. *Solicitor General Fahy, Assistant Attorney General Shea*, and *Messrs. Richard J. Connor* and *Charles V. Shannon* for respondent. Reported below: 128 F. 2d 280.

No. 230. *ESTATE OF ANDERSON ET AL. v. COMMISSIONER OF INTERNAL REVENUE*. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. Marshall P. Madison, Francis R. Kirkham, and Sigvald Nielson* for petitioners. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key and Harry Marselli* for respondent. Reported below: 126 F. 2d 46.

No. 231. *HAWAIIAN GAS PRODUCTS, LTD. v. COMMISSIONER OF INTERNAL REVENUE*. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. Robbins Battell Anderson and Lee P. Warren* for petitioner. *Assistant Solicitor General Cox, Assistant Attorney General Clark, and Messrs. Sewall Key and Joseph M. Jones* for respondent. Reported below: 126 F. 2d 4.

No. 232. *KELLEY ET AL. v. EVERGLADES DRAINAGE DISTRICT*. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Miller Walton* for petitioners. *Messrs. John D. McCall and M. Lewis Hall* for respondent. Reported below: 127 F. 2d 808.

No. 233. *WASHER, EXECUTOR, v. COMMISSIONER OF INTERNAL REVENUE*. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Eugene L. Garey* for petitioner. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key, Arnold Raum, and L. W. Post* for respondent. Reported below: 127 F. 2d 446.

No. 239. RHEINSTROM, EXECUTOR, *v.* CONNOR, COLLECTOR OF INTERNAL REVENUE; and

No. 240. FIRST NATIONAL BANK, TRUSTEE, *v.* CONNOR, COLLECTOR OF INTERNAL REVENUE. October 12, 1942. Petition for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Messrs. Jerome Goldman, Thomas C. Lavery, and A. Julius Freiberg* for petitioners. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key, Samuel H. Levy, and Paul S. McMahon* for respondent. Reported below: 125 F. 2d 790.

No. 241. KANSAS CITY LIFE INSURANCE CO. *v.* PARFET, ADMINISTRATOR. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Messrs. Morrison Shafroth, W. W. Grant, Henry W. Toll, and Charles H. Haines, Jr.* for petitioner. *Mr. A. D. Quaintance* for respondent. Reported below: 128 F. 2d 361.

No. 243. GENERAL RADIO CO. *v.* ALLEN B. DUMONT LABORATORIES, INC. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Messrs. Dean S. Edmonds, R. Morton Adams, and George E. Faithfull* for petitioner. *Messrs. Samuel E. Darby, Jr. and Floyd H. Crews* for respondent. Reported below: 129 F. 2d 608.

No. 249. OUERBACKER *v.* HENDERSON COUNTY. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. *Mr. Henry E. McElwain, Jr.* for petitioner. *Mr. Kester Walton* for respondent. Reported below: 126 F. 2d 309.

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No. 251. *KATZ UNDERWEAR CO. v. UNITED STATES.* October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Prew Savoy* for petitioner. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key and J. Louis Monarch* for the United States. Reported below: 127 F. 2d 965.

No. 252. *NATIONAL PROTECTIVE INSURANCE CO. v. COMMISSIONER OF INTERNAL REVENUE.* October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. James P. Aylward* for petitioner. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key, Edward H. Horton, and Harry Marselli* for respondent. Reported below: 128 F. 2d 948.

No. 253. *WILLIAMS v. UNITED STATES.* October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Joseph A. Padway* for petitioner. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key and Alvin J. Rockwell and Miss Helen R. Carlross* for the United States. Reported below: 126 F. 2d 129.

No. 256. *WILGARD REALTY CO., INC. v. COMMISSIONER OF INTERNAL REVENUE.* October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Henry S. Fraser* for petitioner. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key and Harry Marselli and Miss Helen R. Carlross* for respondent. Reported below: 127 F. 2d 514.

No. 260. *MUMFORD v. UNITED STATES*. October 12, 1942. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied. *Mr. George E. C. Hays* for petitioner. *Solicitor General Fahy*, *Assistant Attorney General Berge*, and *Mr. Oscar A. Provost* for the United States. Reported below: 130 F. 2d 411.

No. 261. *CAIN v. HUTSON ET AL.* October 12, 1942. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied. *Mr. Rossa F. Downing* for petitioner. *Mr. James J. Hayden* for respondents. Reported below: 127 F. 2d 19.

Nos. 262, 263, and 264. *STROBEL STEEL CONSTRUCTION Co. v. STATE HIGHWAY COMMISSIONER*. October 12, 1942. Petition for writs of certiorari to the Court of Errors and Appeals of New Jersey denied. *Messrs. Lionel P. Kristeller* and *Saul J. Zucker* for petitioner. *Mr. Joseph Lani-gan* for respondent. Reported below: 128 N. J. L. 379, 25 A. 2d 903.

No. 266. *RESEARCH LABORATORIES, INC. v. UNITED STATES*. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Alexander G. Barry* for petitioner. *Solicitor General Fahy*, *Assistant Attorney General Berge*, and *Mr. Oscar A. Provost* for the United States. Reported below: 126 F. 2d 42.

No. 271. *ROGGE ET AL., COPARTNERS, ET AL. v. UNITED STATES*. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Morgan J. Doyle* for petitioners. *Solicitor*

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General Fahy, Assistant Attorney General Littell, and Mr. Vernon L. Wilkinson for the United States. Reported below: 128 F. 2d 800.

No. 274. *MARSHALL ET AL. v. COMMISSIONER OF INTERNAL REVENUE.* October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Thomas C. Lavery* for petitioners. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key and Joseph M. Jones* for respondent. Reported below: 128 F. 2d 741.

No. 276. *GONZALES ET AL. v. CALIFORNIA.* October 12, 1942. Petition for writ of certiorari to the Supreme Court of California denied. *Mr. Leo R. Friedman* for petitioners. *Mr. Earl Warren, Attorney General of California,* for respondent. Reported below: 20 Cal. 2d 165, 124 P. 2d 44.

No. 277. *PETRELLI v. UNITED STATES.* October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Bryan Purteet* for petitioner. *Solicitor General Fahy, Assistant Attorney General Berge, and Mr. Oscar A. Provost* for the United States. Reported below: 129 F. 2d 101.

No. 279. *DUBUQUE FIRE & MARINE INSURANCE Co. v. REYNOLDS Co., INC. ET AL.* October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Hugh Q. Buck* for petitioner. Reported below: 128 F. 2d 665.

No. 282. *MASON ET UX. v. COMMISSIONER OF INTERNAL REVENUE.* October 12, 1942. Petition for writ of cer-

tiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Victor C. Swearingen* for petitioners. *Solicitor General Fahy*, *Assistant Attorney General Clark*, and *Messrs. Sewall Key*, *A. F. Prescott*, *S. Dee Hanson*, and *Robert L. Stern* for respondent. Reported below: 125 F. 2d 540.

No. 285. *PERRY v. BAUMANN ET AL.* October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Reuben G. Hunt* for petitioner. Reported below: 128 F. 2d 727.

No. 287. *HIGGINS v. COMMISSIONER OF INTERNAL REVENUE.* October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. *Messrs. Lawrence E. Green* and *George E. Ray* for petitioner. *Solicitor General Fahy*, *Assistant Attorney General Clark*, and *Messrs. Sewall Key*, *J. Louis Monarch*, and *Morton K. Rothschild* for respondent. Reported below: 129 F. 2d 237.

No. 290. *BUCKLEY v. DISTRICT OF COLUMBIA.* October 12, 1942. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied. *M. Edward Buckley, Jr., pro se.* *Messrs. Richmond B. Keech* and *Vernon E. West* for respondent. Reported below: 128 F. 2d 17.

No. 291. *McSWEENEY, ADMINISTRATRIX, v. PRUDENTIAL INSURANCE Co.* October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. *Mr. Douglas McKay* for petitioner. *Mr. Robert McC. Figg, Jr.* for respondent. Reported below: 128 F. 2d 660.

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No. 292. *NEHER v. HARWOOD, POSTMASTER*. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Walter H. Maloney* for petitioner. *Solicitor General Fahy, Assistant Attorney General Shea, and Mr. Paul A. Sweeney* for respondent. Reported below: 128 F. 2d 846.

No. 293. *LEBANON STEEL FOUNDRY v. NATIONAL LABOR RELATIONS BOARD*. October 12, 1942. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied. *Messrs. H. Rank Bickel, Jr. and H. P. McFadden* for petitioner. *Solicitor General Fahy and Messrs. Robert B. Watts, Ernest A. Gross, and Morris P. Glushien* for respondent. Reported below: 130 F. 2d 404.

No. 294. *WIREN v. SHUBERT THEATRE CORP. ET AL.* October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Oscar B. Wiren* for petitioner. *Mr. William Klein* for the Shubert Theatre Corporation et al.; and *Mr. Louis Phillips* for Paramount Pictures, Inc.,—respondents.

No. 297. *WILLKIE v. COMMISSIONER OF INTERNAL REVENUE*. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Messrs. Wendell L. Willkie and Harold J. Gallagher* for petitioner. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key, J. Louis Monarch, and Joseph M. Jones* for respondent. Reported below: 127 F. 2d 953.

No. 301. *THOMSON, TRUSTEE, ET AL. v. HICKS ET AL.* October 12, 1942. Petition for writ of certiorari to the

Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. William T. Faricy, William B. Hale, and Otis Lowell Hastings* for petitioners. *Mr. Roy F. Hall* for respondents. Reported below: 127 F. 2d 1001.

No. 302. *FABER, EXECUTRIX, ET AL. v. TRIUMPH EXPLOSIVES, INC. ET AL.* October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. *Messrs. Spencer B. Michael, George H. Wallace, and Charles B. Cannon* for petitioners. *Mr. Harold F. Watson* for respondents. Reported below: 128 F. 2d 444.

No. 304. *MARTIN BROTHERS BOX CO. v. NATIONAL LABOR RELATIONS BOARD.* October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Nolan Boggs* for petitioner. *Solicitor General Fahy* and *Messrs. Richard S. Salant, Robert B. Watts, Ernest A. Gross, and Morris P. Glushien* for respondent. Reported below: 130 F. 2d 202.

No. 305. *THOMAS ET AL. v. EL DORADO IRRIGATION DISTRICT.* October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. W. Coburn Cook* for petitioners. *Mr. Chellis M. Carpenter* for respondent. Reported below: 126 F. 2d 922.

No. 306. *MINER, SUCCESSOR TRUSTEE, v. RECONSTRUCTION FINANCE CORPORATION.* October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. George Edward Leonard* for petitioner. *Solicitor General Fahy* and *Messrs. Robert L. Stern, Hans A. Klagsbrunn, and Wil-*

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liam S. Allen for respondent. Reported below: 128 F. 2d 242.

No. 308. *LOFTIN ET AL., RECEIVERS, v. CROWLEY'S, INC.* October 12, 1942. Petition for writ of certiorari to the Supreme Court of Florida denied. *Messrs. Russell L. Frink and Robert H. Anderson* for petitioners. Reported below: 8 So. 2d 909.

No. 309. *AKTIEBOLAGET SEPARATOR v. COMMISSIONER OF INTERNAL REVENUE.* October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Benjamin A. Matthews and Harold Harper* for petitioner. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key, J. Louis Monarch, and L. W. Post* for respondent. Reported below: 128 F. 2d 739.

No. 310. *LACY v. UNITED STATES.* October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Frank J. Looney* for petitioner. *Solicitor General Fahy and Assistant Attorney General Berge* for the United States. Reported below: 128 F. 2d 912.

No. 312. *DE BARDELEBEN COAL Co., INC. v. MACOMBER, ADMINISTRATRIX.* October 12, 1942. Petition for writ of certiorari to the Supreme Court of Louisiana denied. *Mr. Richard B. Montgomery* for petitioner. *Mr. Alex. W. Swords* for respondent. Reported below: 200 La. 633, 8 So. 2d 624.

No. 315. *ODLAND, RECEIVER, v. FAIRMONT SUPPLY Co.* October 12, 1942. Petition for writ of certiorari to the Circuit Court, Marion County, West Virginia, denied.

Mr. John F. Anderson and Harriet Buckingham and Mr. Ernest R. Bell for petitioner. *Messrs. Eli Whitney Debevoise and Robert C. Morris* for respondent.

No. 318. CONSOLIDATED DISTRIBUTORS, INC. *v.* ATLANTA. October 12, 1942. Petition for writ of certiorari to the Supreme Court of Georgia denied. *Mr. George C. Spence* for petitioner. *Mr. J. C. Murphy* for respondent. Reported below: 193 Ga. 853, 20 S. E. 2d 421.

No. 330. GOLDBLATT BROS., INC. *v.* UNITED STATES. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. Nicholas J. Pritzker and Stanford Clinton* for petitioner. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key, J. Louis Monarch, and Joseph M. Jones* for the United States. Reported below: 128 F. 2d 576.

No. 331. WOOD *v.* FEDERAL LAND BANK OF OMAHA ET AL. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. William Lemke* for petitioner. *Messrs. J. C. Pryor and C. A. Sorensen* for respondents. Reported below: 129 F. 2d 89.

No. 333. THOMPSON, TRUSTEE, *v.* GALLIEN ET AL. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Fred. G. Hudson, Jr.* for petitioner. Reported below: 127 F. 2d 664.

No. 334. MINGORI ET AL. *v.* BRODERICK, COLLECTOR OF INTERNAL REVENUE. October 12, 1942. Petition for

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writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Mr. Jeff A. Robertson* for petitioners. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key, J. Louis Monarch, and Newton K. Fox* for respondent. Reported below: 128 F. 2d 996.

No. 335. AETNA INSURANCE CO. *v.* JEFFCOTT. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. D. Roger Englar, Leonard J. Matteson, and George S. Brengle* for petitioner. *Messrs. George C. Sprague and John Tilney Carpenter* for respondent. Reported below: 129 F. 2d 582.

No. 339. NEW ROCHELLE *v.* WESTCHESTER ELECTRIC RAILROAD CO. ET AL. October 12, 1942. Petition for writ of certiorari to the Supreme Court of New York denied. *Mr. Charles S. Rhyne* for petitioner. *Mr. Alfred T. Davison* for respondents. Reported below: 262 App. Div. 961, 30 N. Y. S. 2d 495; 288 N. Y. 571, 42 N. E. 2d 23.

No. 340. DOEHLER METAL FURNITURE CO., INC. *v.* WARREN, COMPTROLLER GENERAL. October 12, 1942. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied. *Mr. Nathan Boone Williams* for petitioner. *Solicitor General Fahy, Assistant Attorney General Shea, and Mr. Paul A. Sweeney* for respondent. Reported below: 129 F. 2d 43.

No. 341. PACIFIC SOUTHWEST REALTY CO. *v.* COMMISSIONER OF INTERNAL REVENUE. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. John B. Milliken,*

L. A. Luce, and *Claude I. Parker* for petitioner. *Solicitor General Fahy*, *Assistant Attorney General Clark*, and *Messrs. Sewall Key* and *Morton K. Rothschild* for respondent. Reported below: 128 F. 2d 815.

No. 344. CONTINENTAL DISTILLING CORP. *v.* CONNECTICUT IMPORTING Co. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Raymond E. Hackett* for petitioner. *Messrs. Arthur Klein* and *David S. Day* for respondent. Reported below: 129 F. 2d 651.

No. 345. NATIONAL HOSPITAL SERVICE SOCIETY, INC. *v.* JORDAN, SUPERINTENDENT OF INSURANCE. October 12, 1942. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied. *Mr. Cornelius H. Doherty* for petitioner. *Messrs. Richmond B. Keech* and *Vernon E. West* for respondent. Reported below: 128 F. 2d 460.

No. 347. KALB *v.* YELLOW MANUFACTURING ACCEPTANCE CORP. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Elmer McClain* for petitioner. *Mr. David Charness* for respondent. Reported below: 127 F. 2d 511.

No. 351. STEIN ET AL. *v.* DELANO, COMPTROLLER OF THE CURRENCY, ET AL. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Messrs. Saul J. Zucker* and *Lionel P. Kristeller* for petitioners. *Mr. John F. Anderson* for respondents. Reported below: 130 F. 2d 870.

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No. 356. *ANDREWS, TRUSTEE IN BANKRUPTCY, v. METROPOLITAN JOCKEY CLUB ET AL.* October 12, 1942. Petition for writ of certiorari to the Supreme Court of New York denied. *Messrs. Horace M. Gray and Charles E. Wythe* for petitioner. *Messrs. Joseph S. Auerbach, Martin A. Schenck, and Harold C. McCollom* for respondents. Reported below: 262 App. Div. 861, 29 N. Y. S. 2d 149; 288 N. Y. 673, 43 N. E. 2d 75.

No. 259. *REEVES, COMMISSIONER OF REVENUE, v. WILLIAMSON, TRUSTEE.* See *ante*, p. 593.

No. 362. *MOSES v. HUNTER, WARDEN.* October 19, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Joseph E. Moses, pro se. Solicitor General Fahy and Assistant Attorney General Berge* for respondent. Reported below: 129 F. 2d 279.

No. 368. *BELL v. UNITED STATES.* October 19, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Robert Vivion Bell, pro se. Solicitor General Fahy* for the United States. Reported below: 129 F. 2d 290.

No. 382. *MCDONALD ET AL. v. HUDSPETH, WARDEN.* October 19, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Walter McDonald and Otto Barnowski, pro se. Solicitor General Fahy and Assistant Attorney General Berge* for respondent. Reported below: 129 F. 2d 196.

No. 384. *MAHAFFEY v. HUDSPETH, WARDEN*. October 19, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Clarence E. Mahaffey, pro se. Solicitor General Fahy and Assistant Attorney General Berge* for respondent. Reported below: 128 F. 2d 940.

No. 314. *LAKESIDE IRRIGATION Co., INC. v. COMMISSIONER OF INTERNAL REVENUE*. October 19, 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 Fifth Circuit is also denied. *Mr. Camden R. McAtee* for petitioner. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key and Samuel H. Levy* for respondent. Reported below: 128 F. 2d 418.

No. 364. *BUNN v. ATLANTA*. October 19, 1942. Petition for writ of certiorari to the Court of Appeals of Georgia denied on the ground that it does not appear from the record that application therefor was made within the time provided by law. § 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C., § 350. *Mr. Hal Lindsay* for petitioner. *Messrs. J. C. Murphy and Frank A. Hooper, Jr.* for respondent. Reported below: 67 Ga. App. 147, 19 S. E. 2d 553.

No. 372. *FOX v. UNITED STATES*. October 19, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. MR. JUSTICE MURPHY and MR. JUSTICE JACKSON took no part in the consideration or decision of this application. *Mr. Abraham L. Freedman* for petitioner. *Solicitor General Fahy, Assistant Attorney General Berge, and Messrs. Robert S. Er-*

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dahl, Andrew F. Oehmann, and Archibald Cox for the United States. Reported below: 130 F. 2d 56.

No. 122. *KRAVITZ v. STATE OF NEW YORK*. October 19, 1942. Petition for writ of certiorari to the Court of Appeals of New York denied. *Mr. Jacob W. Friedman* for petitioner. Reported below: 287 N. Y. 475, 41 N. E. 2d 61.

No. 199. *CRAIN ET AL., TRUSTEES, v. UNITED STATES*. October 19, 1942. Petition for writ of certiorari to the Court of Claims denied. *Mr. Geo. E. H. Goodner* for petitioners. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key and J. Louis Monarch* for the United States. Reported below: 96 Ct. Cls. 443, 44 F. Supp. 321.

No. 337. *TOKATYAN v. CHOPNICK*. October 19, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Benjamin Pepper* for petitioner. *Mr. Benjamin Howe Conner* for respondent. Reported below: 128 F. 2d 521.

No. 343. *THOMPSON v. GEORGIA*. October 19, 1942. Petition for writ of certiorari to the Court of Appeals of Georgia denied. *Mr. Thomas Howell Scott* for petitioner. Reported below: 67 Ga. App. 240, 19 S. E. 2d 777.

No. 346. *STONEWALL COTTON MILLS, INC. v. NATIONAL LABOR RELATIONS BOARD*. October 19, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. William H. Watkins and P. H. Eager, Jr.* for petitioner. *Solicitor General Fahy* and

Messrs. Richard S. Salant, Robert B. Watts, Ernest A. Gross, and Morris P. Glushien for respondent. Reported below: 129 F. 2d 629.

No. 348. *HILLEY v. SPIVEY, SHERIFF*. October 19, 1942. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied. *Mr. Hayden C. Covington* for petitioner. Reported below: 162 S. W. 2d 428.

No. 349. *LARGENT v. REEVES, CITY MARSHAL*. October 19, 1942. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied. *Mr. Hayden C. Covington* for petitioner. Reported below: 162 S. W. 2d 419.

No. 350. *KILLAM v. FLORESVILLE*. October 19, 1942. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied. *Mr. Hayden C. Covington* for petitioner. Reported below: 162 S. W. 2d 426.

No. 353. *HILLMER, REPRESENTATIVE OF CREDITORS OF CHICAGO BANK OF COMMERCE, v. BENDIX*. October 19, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. George Edward Leonard* for petitioner. *Mr. G. A. Farabaugh* for respondent. Reported below: 127 F. 2d 759.

No. 357. *INDUSTRIAL BOARD OF THE STATE OF NEW YORK v. NEW YORK CENTRAL RAILROAD Co.* October 19, 1942. Petition for writ of certiorari to the Supreme Court, Appellate Division, of New York, denied. *Messrs. John J. Bennett, Jr., Attorney General of New York, and Joseph A. McLaughlin, Assistant Attorney General,* for petitioner. *Messrs. Robert E. Whalen and Charles E. Nichols*

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for respondent. Reported below: 263 App. Div. 461, 33 N. Y. S. 2d 531; 288 N. Y. 719, 43 N. E. 2d 97.

No. 363. *BRACKIN v. UNITED STATES*. October 19, 1942. Petition for writ of certiorari to the Court of Claims denied. *Mr. Geo. E. H. Goodner* for petitioner. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key and J. Louis Monarch and Mrs. Elizabeth B. Davis* for the United States. Reported below: 96 Ct. Cls. 457, 44 F. Supp. 327.

No. 371. *CALIFORNIA v. ANGLIM, U. S. COLLECTOR OF INTERNAL REVENUE*. October 19, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. Earl Warren, Attorney General of California, H. H. Linney, Assistant Attorney General, Lucas E. Kilkenny, and Adrian A. Kragen, Deputy Attorneys General, for petitioner. Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key, Alvin J. Rockwell, and Archibald Cox* for respondent. Reported below: 129 F. 2d 455.

No. 374. *UNITED ENTERPRISES, INC. v. DUBEY ET AL.* October 19, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Theodore Lockyear* for petitioner. *Messrs. J. Tom Watson, Attorney General of Florida, and Joseph E. Gillen, Assistant Attorney General, for respondents.* Reported below: 128 F. 2d 843.

Nos. 375 and 376. *HOWELL ET AL. v. CHICAGO, WILMINGTON & FRANKLIN COAL Co., INC., ET AL.* October 19, 1942. Petition for writs of certiorari to the Circuit

Court of Appeals for the Seventh Circuit denied. *Messrs. W. F. Weeks, Chas. F. Potter, and Frank Bezoni* for petitioners. *Messrs. Fred H. Kelly and Thurlow G. Essington* for respondents. Reported below: 127 F. 2d 1006, 1010.

No. 377. *RONNING MACHINERY CO. ET AL. v. CATERPILLAR TRACTOR Co.* October 19, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Harker H. Hittson* for petitioners. *Mr. Chas. M. Fryer* for respondent. Reported below: 129 F. 2d 70.

No. 378. *PORTER ET AL v. COOKE ET AL., EXECUTORS, ET AL.* October 19, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. Luke E. Hart and William J. Dempsey* for petitioners. Reported below: 127 F. 2d 853.

No. 379. *TITLE INSURANCE & TRUST Co. v. MABRY, EXECUTOR, ET AL.* October 19, 1942. Petition for writ of certiorari to the District Court of Appeal, Second Appellate District, of California, denied. *Messrs. Louis W. Myers and Pierce Works* for petitioner. *Messrs. Gurney E. Newlin and Allen W. Ashburn* for Harry C. Mabry, Executor; and *Mr. William C. Mathes, pro se*,—respondents. Reported below: 51 Cal. App. 2d 245, 124 P. 2d 659.

No. 380. *KAUSAL v. 79TH AND ESCANABA CORPORATION.* October 19, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. Charles Bushnell Fullerton and Harold V. Snyder* for petitioner. *Mr. John A. Bussian* for respondent. Reported below: 129 F. 2d 173.

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No. 383. *BARNHART ET AL. v. WESTERN MARYLAND RAILWAY Co.* October 19, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. *Mr. Isaac Lobe Straus* for petitioners. *Messrs. Eugene S. Williams, Walter C. Capper, William Stanley, and William D. Donnelly* for respondent. Reported below: 128 F. 2d 709.

Nos. 389 and 390. *BORD v. UNITED STATES.* October 26, 1942. Motion for leave to proceed further *in forma pauperis* granted. Petition for writs of certiorari to the U. S. Court of Appeals for the District of Columbia denied. *Mr. John H. Burnett* for petitioner. *Solicitor General Fahy, Assistant Attorney General Berge, and Mr. Oscar A. Provost* for the United States. Reported below: 133 F. 2d 213.

No. 407. *WOOLWORTH v. KANSAS ET AL.* October 26, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Supreme Court of Kansas denied. *Allen B. Woolworth, pro se.* Reported below: 148 Kan. 180.

No. 393. *BARRY ET AL. v. CHRYSLER CORPORATION ET AL.* October 26, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. MR. JUSTICE ROBERTS took no part in the consideration or decision of this application. *Messrs. Patrick J. Lucey and Gerald G. Barry* for petitioners. *Mr. Frank Parker Davis* for respondents. Reported below: 128 F. 2d 618.

No. 403. *PHOENIX FINANCE CORP. v. IOWA-WISCONSIN BRIDGE Co.* October 26, 1942. Petition for writ of certi-

orari to the Supreme Court of Delaware denied. Mr. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Mr. James R. Morford* for petitioner. *Messrs. Fred A. Ontjes and Wm. C. Green* for respondent. Reported below: 41 Del. 527, 25 A. 2d 383.

No. 286. MAHOGANY ASSOCIATION, INC., ET AL. *v.* BLACK & YATES, INC., ET AL. October 26, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Messrs. William P. McCool and Arthur G. Logan* for petitioners. *Messrs. Harry D. Nims, Hugh M. Morris, Minturn de S. Verdi, and Wallace H. Martin* for respondents. Reported below: 129 F. 2d 227.

No. 365. KRUSE, ADMINISTRATRIX, ET AL. *v.* NEW ENGLAND FISH CO. OF OREGON ET AL. October 26, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. William P. Lord and Ben Anderson* for petitioners. *Mr. E. G. Dobrin* for respondents. Reported below: 127 F. 2d 648.

No. 370. DILL MANUFACTURING CO. *v.* GOFF ET AL. October 26, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Messrs. Arthur J. Hudson and W. E. Williams* for petitioner. *Mr. Albert L. Ely* for respondents. Reported below: 125 F. 2d 676.

No. 386. BORUP ET AL. *v.* THE ULYSSES ET AL. October 26, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Lyman Stansky* for petitioners. *Mr. Joseph K. Inness* for respondents. Reported below: 130 F. 2d 381.

No. 391. *LEVINE v. LEVINE*. October 26, 1942. Petition for writ of certiorari to the Supreme Court of New York denied. *Mr. Jesse Climenko* for petitioner. *Mr. Samuel Hoffman* for respondent. Reported below: 264 App. Div. 770, 35 N. Y. S. 2d 765; 288 N. Y. 680, 43 N. E. 2d 79.

No. 392. *DAGGETT ET AL. v. COMMISSIONER OF INTERNAL REVENUE*. October 26, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Northcutt Ely* for petitioners. *Solicitor General Fahy*, *Assistant Attorney General Clark*, and *Messrs. Sewall Key* and *J. Louis Monarch* and *Miss Louise Foster* for respondent. Reported below: 128 F. 2d 568.

No. 395. *TIME, INCORPORATED, v. VIOBIN CORPORATION*. October 26, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Frederick H. Wood* for petitioner. Reported below: 128 F. 2d 860.

No. 397. *GENERAL PORCELAIN ENAMELING & MANUFACTURING Co. v. CERAMIC PROCESS Co.* October 26, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Max W. Zabel* for petitioner. *Mr. Edmund P. Wood* for respondent. Reported below: 129 F. 2d 803.

No. 400. *LINEN THREAD Co., LTD. v. HELVERING, COMMISSIONER OF INTERNAL REVENUE*. October 26, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Prew Savoy* for petitioner. *Solicitor General Fahy*, *Assistant Attorney General Clark*, and *Messrs. Sewall Key*, *J. Louis*

Monarch, and *L. W. Post* for respondent. Reported below: 128 F. 2d 166.

No. 401. PARTS MANUFACTURING CORP. *v.* LYNCH, SPECIAL AGENT, ET AL. October 26, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Irving R. Kaufman* for petitioner. *Solicitor General Fahy* and *Assistant Attorney General Berge* for respondents. Reported below: 129 F. 2d 841.

No. 402. JAMES HEDDON'S SONS *v.* MILLSITE STEEL & WIRE WORKS, INC. October 26, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Messrs. Samuel W. Banning* and *Ephraim Banning* for petitioner. *Mr. L. W. Bugbee, Jr.* for respondent. Reported below: 128 F. 2d 6.

No. 404. SHULTZ ET AL., CO-EXECUTORS, *v.* MANUFACTURERS & TRADERS TRUST CO., CO-EXECUTOR, ET AL. October 26, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Ellsworth C. Alvord* for petitioners. *Messrs. Harold R. Medina, Louis L. Babcock, and Noel S. Symons* for Manufacturers & Traders Trust Co. et al.; and *Mr. John W. Drye, Jr.* for Thomas C. Eastman et al.—respondents. Reported below: 128 F. 2d 889.

No. 408. PRESTON *v.* BUNKER HILL STATE BANK ET AL. October 26, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Messrs. O. B. Martin* and *Albert L. Orr* for petitioner. *Messrs. Hayes McCoy* and *R. O. Mason* for respondents. Reported below: 128 F. 2d 162.

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No. 409. UNITED STATES GAUGE Co. v. PENN ELECTRIC SWITCH Co. October 26, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. James A. Hoffman and William A. Strauch* for petitioner. *Messrs. W. P. Bair and Will Freeman* for respondent. Reported below: 120 F. 2d 166.

No. 410. LYDIA E. PINKHAM MEDICINE Co. v. COMMISSIONER OF INTERNAL REVENUE. October 26, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. *Messrs. Joseph W. Worthen and Erland B. Cook* for petitioner. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key and J. Louis Monarch* for respondent. Reported below: 128 F. 2d 986.

No. 411. MAY ET AL. v. JOHN M. PARKER Co., INC. October 26, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. J. L. Roberson and W. W. Venable* for petitioners. *Mr. John D. Miller* for respondent. Reported below: 128 F. 2d 1020.

No. 412. HOWELL ET AL v. COUCH, DOING BUSINESS AS COUCH MANUFACTURING Co. October 26, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Francis G. Boswell* for petitioners. *Mr. Charles R. Fenwick* for respondent. Reported below: 127 F. 2d 975.

No. 417. BACHMANN v. NEW YORK CITY TUNNEL AUTHORITY. October 26, 1942. Petition for writ of certiorari to the Supreme Court of New York denied. *Mr.*

David Friedenberg for petitioner. *Messrs. William C. Chanler and Paxton Blair* for respondent. Reported below: 263 App. Div. 945, 33 N. Y. S. 2d 812; 288 N. Y. 707, 43 N. E. 2d 91.

No. 213. *SOUTHERN PACIFIC Co. v. HAIGHT*. November 9, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. George R. Freeman, William H. Devlin, A. I. Diepenbrock, and Horace B. Wulff* for petitioner. *Mr. John D. Costello* for respondent. Reported below: 126 F. 2d 900.

No. 394. *NATIONAL LABOR RELATIONS BOARD v. EXPRESS PUBLISHING Co.* November 9, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Solicitor General Fahy* and *Mr. Robert B. Watts* for petitioner. *Mr. Leroy G. Denman* for respondent. Reported below: 128 F. 2d 690.

No. 414. *CHATTANOOGA BAKERY, INC. v. NATIONAL LABOR RELATIONS BOARD*. November 9, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Cecil Sims* for petitioner. *Solicitor General Fahy* and *Messrs. Robert B. Watts, Ernest A. Gross, and Morris P. Glushien* for respondent. Reported below: 127 F. 2d 201.

No. 416. *BELAND v. UNITED STATES*. November 9, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Charles Beland, pro se. Solicitor General Fahy, Assistant Attorney General Berge, and Mr. Valentine Brookes* for the United States. Reported below: 128 F. 2d 795.

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No. 419. *R. SIMPSON & Co., INC. v. COMMISSIONER OF INTERNAL REVENUE.* November 9, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Gerald Donovan* for petitioner. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key and J. Louis Monarch* for respondent. Reported below: 128 F. 2d 742.

No. 425. *MANION v. MICHIGAN ET AL.* November 9, 1942. Petition for writ of certiorari to the Supreme Court of Michigan denied. *Mr. Eugene F. Black* for petitioner. *Mr. Herbert J. Rushton, Attorney General of Michigan,* for respondents. Reported below: 303 Mich. 1, 5 N. W. 2d 527.

No. 428. *TATE, TRUSTEE IN BANKRUPTCY, ET AL. v. HOOVER.* November 9, 1942. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied. *Mr. Thomas M. Lewis* for petitioners. *Mr. W. L. Pace* for respondent. Reported below: 345 Pa. 19, 26 A. 2d 665.

No. 431. *H. T. POINDEXTER & SONS MERCHANDISE CO. v. UNITED STATES.* November 9, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Meredith M. Daubin* for petitioner. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key and J. Louis Monarch* for the United States. Reported below: 128 F. 2d 992.

No. 432. *PERSEN, ANCILLARY ADMINISTRATOR, v. NATIONAL CITY Co.* November 9, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Sec-

ond Circuit denied. *Mr. Wilbur W. Chambers* for petitioner. *Mr. Joseph M. Proskauer* for respondent. Reported below: 129 F. 2d 326.

No. 433. *TERMINAL RAILROAD ASSOCIATION v. MILLER, ADMINISTRATRIX*. November 9, 1942. Petition for writ of certiorari to the Supreme Court of Missouri denied. *Messrs. Carleton S. Hadley, Louis A. McKeown, and Arnot L. Sheppard* for petitioner. *Messrs. Mark D. Eagleton and Roberts P. Elam* for respondent. Reported below: 349 Mo. 944, 163 S. W. 2d 1034.

No. 434. *SWEENEY v. PATTERSON, TRADING AS THE WASHINGTON TIMES-HERALD, ET AL.* November 9, 1942. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied. *Messrs. John O'Connor and William F. Cusick* for petitioner. *Messrs. R. H. Yeatman, O. Max Gardner, Edgar Turlington, and Morris L. Ernst* for respondents. Reported below: 128 F. 2d 457.

No. 443. *INDIANA GAS & CHEMICAL CORP. v. KENTUCKY NATURAL GAS CORP.* November 9, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. Paul Y. Davis and Frank C. Dailey* for petitioner. *Messrs. Harry T. Ice and Merle H. Miller* for respondent. Reported below: 129 F. 2d 17.

No. 413. *CALIFORNIA EX REL. MCCOLGAN v. BRUCE*. November 9, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. Earl Warren, Attorney General of California, and*

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H. H. Linney, Assistant Attorney General, for petitioner.
Mr. George B. Thatcher for respondent. Reported below:
129 F. 2d 421.

No. 421. *JOHN J. FULTON CO. v. FEDERAL TRADE COMMISSION*. November 9, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Zach Lamar Cobb* for petitioner. *Solicitor General Fahy*, Assistant Attorney General *Arnold*, and *Messrs. Charles H. Weston* and *W. T. Kelley* for respondent. Reported below: 130 F. 2d 85.

No. 430. *COLONIAL OIL CO. v. AMERICAN OIL CO.* November 9, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. *Mr. Claude N. Sapp* for petitioner. *Mr. Pinckney L. Cain* for respondent. Reported below: 130 F. 2d 72.

No. 442. *BUCKLEY v. JUDSON*. November 9, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *MR. JUSTICE DOUGLAS* and *MR. JUSTICE MURPHY* took no part in the consideration or decision of this application. *Messrs. Gordon Dean*, *Brien McMahon*, and *Walter Gallagher* for petitioner. *Mr. Eli Whitney Debevoise* for respondent. Reported below: 130 F. 2d 174.

No. 415. *EYER v. BRADY, WARDEN*. November 9, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. *Mr. O. Bowie Duckett, Jr.* for petitioner. Reported below: 128 F. 2d 1012.

No. 448. *FLETCHER v. MAUPIN ET AL.* November 9, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied. *Edmond C. Fletcher, pro se. Solicitor General Fahy* for respondents. Reported below: 129 F. 2d 46.

Nos. 437, 438, and 439. *HALLIDAY ET AL. v. OHIO EX REL. SQUIRE, SUPERINTENDENT OF BANKS, ET AL.* November 9, 1942. Motion for leave to proceed *in forma pauperis* granted. Petitions for writs of certiorari to the Court of Appeals of Ohio denied. *Robert W. Halliday, pro se. Mr. Edwin H. Chaney* for respondents. Reported below: 140 Ohio St. 337, 43 N. E. 2d 238.

No. 435. *HUNSBERGER v. FISCHER ET AL.* November 9, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Superior Court of Pennsylvania denied. *Mary M. Hunsberger, pro se.* Reported below: 148 Pa. Super. 481, 25 A. 2d 828.

No. 440. *EARLE v. ILLINOIS CENTRAL RAILROAD Co. ET AL.* November 9, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Court of Appeals of Tennessee denied. *Mr. William M. Hall* for petitioner. *Messrs. Marion G. Evans, Thomas A. Evans, Larry Creson, V. W. Foster, Chas. A. Helsell, and Clinton H. McKay* for respondents. Reported below: 25 Tenn. App. 660, 167 S. W. 2d 15.

No. 444. *O'KEITH v. JOHNSTON, WARDEN.* November 9, 1942. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Cir-

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cuit Court of Appeals for the Ninth Circuit denied. *Charles O'Keith, pro se. Solicitor General Fahy, Assistant Attorney General Berge, and Mr. Oscar A. Provost* for respondent. Reported below: 129 F. 2d 889.

No. 451. *BAKER v. HUNTER (SUCCESSOR TO HUDSPETH), WARDEN.* November 16, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Mr. A. G. Bush* for petitioner. *Solicitor General Fahy, Assistant Attorney General Berge, and Messrs. Oscar A. Provost and Andrew F. Oehmann* for respondent. Reported below: 129 F. 2d 779.

No. 456. *AIR REDUCTION Co., INC. v. COMMISSIONER OF INTERNAL REVENUE.* November 16, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Harry W. Forbes* for petitioner. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key and J. Louis Monarch* for respondent. *Messrs. Charles B. McInnis, Jacob Mertens, Jr., and G. Kibby Munson* filed a brief on behalf of the Brown Shoe Co., Inc., as *amicus curiae*, in support of the petition. Reported below: 130 F. 2d 145.

No. 457. *WESTINGHOUSE ELECTRIC & MANUFACTURING Co. v. CROSLY CORPORATION.* November 16, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Victor S. Beam* for petitioner. *Messrs. Samuel E. Darby, Jr. and Floyd H. Crews* for respondent. Reported below: 130 F. 2d 474.

No. 454. *AGUILAR v. STANDARD OIL Co. OF NEW JERSEY.* November 16, 1942. Petition for writ of certiorari to the

Circuit Court of Appeals for the Second Circuit denied. MR. JUSTICE ROBERTS took no part in the consideration or decision of this application. *Mr. George J. Engelman* for petitioner. *Mr. Vernon S. Jones* for respondent. Reported below: 130 F. 2d 154.

No. 445. POSEY *v.* INDIANA. November 16, 1942. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Criminal Court, Lake County, Indiana is denied for the reason that it does not appear from the papers submitted that petitioner has exhausted state remedies by appealing to the highest court of the state the judgment sought to be reviewed. Under the law of Indiana the permission of the trial court to appeal as a poor person, which petitioner alleges was refused, does not appear to be necessary in order to take an effective appeal (see *State ex rel. Rankin v. Worden*, 40 N. E. 2d 970). *Winston Posey, pro se.*

No. 6. SCHULTZ *v.* HUDSPETH, WARDEN. November 16, 1942. The motion for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Charles Schultz, pro se.* *Solicitor General Fahy, Assistant Attorney General Berge, and Mr. W. Marvin Smith* for respondent. Reported below: 123 F. 2d 729.

No. —, Original. EX PARTE CECIL WRIGHT. See *ante*, p. 599.

No. 427. BICKLEY, DOING BUSINESS AS BICKLEY'S AUTO EXPRESS, *v.* PENNSYLVANIA PUBLIC UTILITY COMMISSION. November 23, 1942. Petition for writ of certiorari to the

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Superior Court of Pennsylvania denied. *Mr. H. Eugene Gardner* for petitioner. *Messrs. Claude T. Reno*, Attorney General of Pennsylvania, and *Harry M. Showalter* for respondent. Reported below: 148 Pa. Super. 399, 25 A. 2d 589.

No. 455. BRADFORD ET AL. v. UNITED STATES. November 23, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. T. W. Holloman* for petitioners. *Solicitor General Fahy*, *Assistant Attorney General Berge*, and *Mr. Robert S. Erdahl* and *Miss Melva M. Graney* for the United States. Reported below: 130 F. 2d 630.

No. 462. KOOLISH ET AL., TRADING AS STANDARD DISTRIBUTING Co., v. FEDERAL TRADE COMMISSION. November 23, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. Homer Cummings* and *Irvin H. Fathchild* for petitioners. *Solicitor General Fahy*, *Assistant Attorney General Arnold*, and *Mr. W. T. Kelley* for respondent. Reported below: 129 F. 2d 64.

No. 465. CHICAGO JUNCTION RAILROAD Co. v. SPRAGUE ET AL. November 23, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. George Wharton Pepper*, *Silas H. Strawn*, *Ralph M. Shaw*, and *John D. Black* for petitioner. *Messrs. Thomas L. Marshall* and *David A. Watts* for respondents. Reported below: 129 F. 2d 1.

No. 469. GENERAL AMERICAN LIFE INSURANCE Co. v. STEPHENS. November 23, 1942. Petition for writ of

certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. John T. Gose* for petitioner. *Mr. John Stewart Ross* for respondent. Reported below: 130 F. 2d 511.

No. 510. DONOVAN *v.* TURNER ET AL., COPARTNERS. See *ante*, p. 599.

No. 89. PALOMA ESTATES, INC. *v.* SERIES C-2 TRUSTEES ET AL. December 7, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Erwin Feldman* for petitioner. *Mr. Eugene J. Morris* for the Trustees of Series C-2; and *Solicitor General Fahy* and *Messrs. Chester T. Lane, Richard S. Salant, John F. Davis, Homer Kripke, George Zolotar, Morton E. Yohalem, and Mortimer Weinbach* for the Securities and Exchange Commission,—respondents. Reported below: 126 F. 2d 72.

No. 470. MAYER ET AL., TRUSTEES, *v.* REINECKE, COLLECTOR OF INTERNAL REVENUE. December 7, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. Isaac H. Mayer, Carl Meyer, and M. B. Kennedy* for petitioners. *Solicitor General Fahy, Assistant Attorney General Clark, and Mr. Sewall Key* for respondent. Reported below: 130 F. 2d 350.

No. 493. SCHEUFLER, SUPERINTENDENT, *v.* CENTRAL SURETY & INSURANCE CORP. ET AL. December 7, 1942. Petition for writ of certiorari to the Supreme Court of Missouri denied. *Messrs. William E. Byers, Paul M. Peterson, William H. Becker, and Lawrence Presley* for petitioner. *Mr. R. B. Caldwell* for the Central Surety & Insurance Corp.; and *Mr. James P. Aylward* for R. E.

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O'Malley,—respondents. Reported below: 349 Mo. 855, 163 S. W. 2d 749.

No. 502. PHILADELPHIA COKE Co. v. COMMISSIONER OF INTERNAL REVENUE. December 7, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. John E. McClure* for petitioner. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key, J. Louis Monarch, Benjamin M. Brodsky, and Valentine Brookes* for respondent. Reported below: 130 F. 2d 87.

No. 503. RAU CONSTRUCTION Co. v. PHILLIPS PETROLEUM Co. December 7, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Maurice J. O'Sullivan* for petitioner. *Messrs. H. D. Emery and Rayburn L. Foster* for respondent. Reported below: 130 F. 2d 499.

No. 472. CLOVER SPLINT COAL Co., INC. v. COMMISSIONER OF INTERNAL REVENUE. December 7, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Messrs. Arthur S. Dayton and William Wallace Booth* for petitioner. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key, J. Louis Monarch, and Warren F. Wattles* for respondent. Reported below: 130 F. 2d 52.

No. 474. BRADLEY ET AL. v. WELCH, FORMER COLLECTOR. December 7, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. *Messrs. F. H. Nash and Claude R. Branch* for petitioners. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key and Samuel H. Levy* for respondent. Reported below: 130 F. 2d 109.

No. 489. *SAMARA v. UNITED STATES*. December 7, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Prew Savoy and Max Turner* for petitioner. *Solicitor General Fahy, Assistant Attorney General Clark, and Mr. Sewall Key and Mrs. Maryhelen Wigle* for the United States. Reported below: 129 F. 2d 594.

No. 501. *CITY OF DUBUQUE BRIDGE COMMISSION v. BOARD OF REVIEW FOR THE CITY OF DUBUQUE*. December 7, 1942. Petition for writ of certiorari to the Supreme Court of Iowa denied. *Mr. E. Marshall Thomas* for petitioner. *Mr. Charles S. Rhyne* for respondent. Reported below: 5 N. W. 2d 334.

No. 505. *PAPER CONTAINER MFG. CO. v. DIXIE-VORTEX Co.* December 7, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Samuel E. Darby, Jr.* for petitioner. *Mr. Charles W. Hills* for respondent. Reported below: 130 F. 2d 569.

No. 508. *VIM SECURITIES CORP. v. COMMISSIONER OF INTERNAL REVENUE*. December 7, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Llewellyn A. Luce and William J. Byrne* for petitioner. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key and Bernard Chertcoff* for respondent. Reported below: 130 F. 2d 106.

No. 509. *VAN WORMER v. CHAMPION PAPER & FIBRE Co.* December 7, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Walter F. Murray* for petitioner. Reported below: 129 F. 2d 428.

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No. 471. SEARS, ROEBUCK & Co. v. HOYT ET AL. December 7, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. The CHIEF JUSTICE took no part in the consideration or decision of this application. *Messrs. Raymond G. Stanbury and Harry D. Parker* for petitioner. *Mr. Francis J. Gabel* for respondents. Reported below: 130 F. 2d 636.

No. 478. NEVADA CONSOLIDATED COPPER CORP. ET AL. v. RAILROAD RETIREMENT BOARD ET AL. December 7, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. The CHIEF JUSTICE took no part in the consideration or decision of this application. *Messrs. C. C. Parsons, H. Thomas Austern, and Elmer L. Brock* for petitioners. *Solicitor General Fahy* for respondents. Reported below: 129 F. 2d 358.

No. 479. UTAH COPPER CO. ET AL. v. RAILROAD RETIREMENT BOARD ET AL. December 7, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. The CHIEF JUSTICE took no part in the consideration or decision of this application. *Messrs. C. C. Parsons, H. Thomas Austern, and Elmer L. Brock* for petitioners. *Solicitor General Fahy* for respondents. Reported below: 129 F. 2d 358.

No. 476. AMERICAN INSURANCE CO. ET AL. v. SCHEUFLER, SUPERINTENDENT, ET AL. December 7, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. MR. JUSTICE ROBERTS and MR. JUSTICE MURPHY took no part in the consideration or decision of this application. *Messrs. Wm. Marshall Bullitt, E. R. Morrison, and David A. Murphy* for petitioners.

Messrs. Charles L. Hensen and Lawrence Presley for respondents. Reported below: 129 F. 2d 143.

No. 504. *EWALD v. MICHIGAN*. December 7, 1942. Petition for writ of certiorari to the Supreme Court of Michigan denied. MR. JUSTICE MURPHY took no part in the consideration or decision of this application. *Mr. Edward N. Barnard* for petitioner. *Mr. Herbert J. Rushton*, Attorney General of Michigan, and *Harold Helper* for respondent. Reported below: 302 Mich. 31, 4 N. W. 2d 456.

No. 512. *STANDARD OIL Co. (INDIANA) v. COMMISSIONER OF INTERNAL REVENUE*. December 7, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. MR. JUSTICE ROBERTS took no part in the consideration or decision of this application. *Messrs. Buell F. Jones and John Enrietto* for petitioner. *Solicitor General Fahy*, *Assistant Attorney General Clark*, and *Messrs. Sewall Key and Samuel H. Levy* for respondent. Reported below: 129 F. 2d 363.

No. 532. *THOMAS v. KANSAS*. December 7, 1942. Petition for writ of certiorari to the Supreme Court of Kansas denied for the reason that application therefor was not made within the time provided by law. § 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C., § 350. *Mr. Elisha Scott* for petitioner. Reported below: 155 Kan. 374, 125 P. 2d 375.

No. 539. *ILLINOIS EX REL. PARKER v. O'BRIEN, SHERIFF*. December 7, 1942. The application for bail is denied. The petition for writ of certiorari to the Supreme Court of Illinois is also denied. *Mr. Wm. Scott Stewart* for petitioner.

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No. 561. EDWARDS *v.* UNITED STATES. December 7, 1942. The application for bail is denied. The petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit is also denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of these applications. *Mr. Mack Taylor* for petitioner. Reported below: 131 F. 2d 198.

No. 477. TEGTMEYER *v.* TEGTMEYER ET AL. December 7, 1942. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Appellate Court, First District, of Illinois, is denied. *Daisy C. Tegtmeier, pro se. Mr. L. Duncan Lloyd* for respondents. Reported below: 314 Ill. App. 16, 40 N. E. 2d 767.

No. 513. WEBSTER, ADMINISTRATOR, *v.* CLODFELTER, TRADING AS CLODFELTER'S SERVICE STATION. December 7, 1942. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the United States Court of Appeals for the District of Columbia is denied. *Mr. Emory B. Smith* for petitioner. *Mr. Albert F. Beasley* for respondent. Reported below: 130 F. 2d 434.

No. 459. BUIE *v.* UNITED STATES. December 7, 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 Fifth Circuit is 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. 665-66; *United States ex rel. Coy v. United States*, 316 U. S. 342. *Vivian Wycliff Buie, pro se. Solicitor General Fahy* for the United States. Reported below: 127 F. 2d 367.

No. 463. *RANIERI v. UNITED STATES*. December 14, 1942. Petition for writ of certiorari to the Court of Claims denied. *Messrs. S. Wallace Dempsey and Bruce Fuller* for petitioner. *Solicitor General Fahy, Assistant Attorney General Shea, and Mr. Paul A. Sweeney* for the United States. Reported below: 96 Ct. Cls. 494.

No. 494. *BIGELOW, RECEIVER, v. ANDERSON ET AL.* December 14, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. Burton Mason and Henley C. Booth* for petitioner. *Mr. John S. Field* for respondents. Reported below: 130 F. 2d 460.

No. 498. *GALBAN LOBO Co., S. A. v. HENDERSON, PRICE ADMINISTRATOR*. December 14, 1942. Petition for writ of certiorari to the United States Emergency Court of Appeals denied. *Mr. Donald Marks* for petitioner. *Solicitor General Fahy and Messrs. Thomas I. Emerson and Ben W. Heineman* for respondent.

No. 515. *F. A. SMITH MANUFACTURING Co., INC. v. SAMSON-UNITED CORPORATION*. December 14, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Arthur J. Hudson and James T. Hoffmann* for petitioner. *Mr. W. B. Morton* for respondent. Reported below: 130 F. 2d 525.

No. 524. *MILLER LAND & LIVESTOCK Co. v. BOGART*. December 14, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. C. T. Busha, Jr.* for petitioner. *Mr. M. S. Gunn* for respondent. Reported below: 129 F. 2d 772.

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NO. 521. PUBLIC SERVICE CORPORATION OF NEW JERSEY *v.* SECURITIES AND EXCHANGE COMMISSION. December 14, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Messrs. Homer Cummings, William Stanley, and Wendell J. Wright* for petitioner. *Solicitor General Fahy* and *Messrs. John F. Davis and Homer Kripke* for respondent. Reported below: 29 F. 2d 899.

NO. 516. EASTMAN *v.* GUARANTY TRUST CO. ET AL. December 14, 1942. 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 or decision of this application. *Mr. Meyer Abrams* for petitioner. *Mr. Ralph M. Carson* for respondents. Reported below: 130 F. 2d 300.

NO. 507. HOLIDAY *v.* UNITED STATES. December 14, 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 denied. *Forrest Holiday, pro se.* *Solicitor General Fahy, Assistant Attorney General Berge, and Mr. Oscar A. Provost and Miss Melva M. Graney* for the United States. Reported below: 130 F. 2d 988.

NO. 167. MCBEE *v.* UNITED STATES. December 14, 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 Tenth Circuit is denied. *Stephen McBee, pro se.* *Solicitor General Fahy, Assistant Attorney General Shea, and Messrs. Lester P. Schoene, Wilbur C. Pickett, and Keith L. Seegmiller* for the United States. Reported below: 126 F. 2d 238.

No. 466. DEPARTMENT OF BANKING OF NEBRASKA, RECEIVER, *v.* PINK, SUPERINTENDENT OF INSURANCE. See *ante*, p. 264.

No. 530. SWAN CARBURETOR CO. *v.* CHRYSLER CORPORATION. December 21, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. MR. JUSTICE ROBERTS and MR. JUSTICE MURPHY took no part in the consideration or decision of this application. *Messrs. F. O. Richey, B. D. Watts, and H. F. McNenny* for petitioner. *Mr. William J. Barnes* for respondent. Reported below: 130 F. 2d 391.

No. 475. BERRY *v.* OHIO. December 21, 1942. Petition for writ of certiorari to the Supreme Court of Ohio denied. *Mr. Parker Fulton* for petitioner. *Mr. Frank T. Cullitan* for respondent. Reported below: 140 Ohio St. 190, 42 N. E. 2d 896.

No. 506. MARKS *v.* HOFFMAN, RECEIVER. December 21, 1942. Petition for writ of certiorari to the Circuit Court of Harrison County, West Virginia, denied. *Messrs. Charles C. Scott and Ray L. Strother* for petitioner.

No. 522. MACDONNELL *v.* BANK OF AMERICA ET AL. December 21, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Roy Leon Daily* for petitioner. *Mr. Claude A. Hope* for respondents. Reported below: 130 F. 2d 311.

No. 527. BANKE ET AL. *v.* NOVADEL-AGENE CORPORATION. December 21, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit de-

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nied. *Mr. Ralph B. Lacey* for petitioners. *Mr. Clair W. Fairbank* for respondent. Reported below: 130 F. 2d 99.

No. 531. PENNSYLVANIA COMPANY FOR INSURANCE ON LIVES AND GRANTING ANNUITIES, EXECUTOR, ET AL. *v.* KAUFFMAN, EXECUTOR, ET AL. December 21, 1942. Petition for writ of certiorari to the Supreme Court of New York denied. *Messrs. Orville C. Sanborn, Leslie J. Tompkins, George E. Reynolds, and Richard S. Holmes* for petitioners. *Mr. C. Horace Tuttle* for respondents. Reported below: 263 App. Div. 939, 32 N. Y. S. 2d 932; 288 N. Y. 734, 43 N. E. 2d 354.

No. 533. DISTRICT UNEMPLOYMENT COMPENSATION BOARD *v.* INTERNATIONAL REFORM FEDERATION. December 21, 1942. Petition for writ of certiorari to the U. S. Court of Appeals for the District of Columbia denied. *Messrs. Richmond B. Keech and Vernon E. West* for petitioner. *Mr. Robert H. McNeill* for respondent. Reported below: 131 F. 2d 337.

No. 75. NORTH CHICAGO ET AL. *v.* THE MACCABEES ET AL. January 4, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. Lionel A. Mincer and Frank T. O'Brien* for petitioners. *Messrs. Edward J. Jeffries, Jr. and David A. Hersh* for respondents. Reported below: 125 F. 2d 330.

No. 526. RUTLAND RAILROAD COMPANY'S RECEIVER *v.* LAWRENCE. January 4, 1943. Petition for writ of certiorari to the Supreme Court of Vermont denied. *Mr. Edwin W. Lawrence* for petitioner. Reported below: 112 Vt. 523, 28 A. 2d 488.

No. 534. *ORLANDO v. ILLINOIS*. January 4, 1943. Petition for writ of certiorari to the Supreme Court of Illinois denied. *Mr. Wm. Scott Stewart* for petitioner. Reported below: 380 Ill. 107, 43 N. E. 2d 677.

No. 535. *PARAGON LAND CORP. v. DAY ET AL., TRUSTEES*. January 4, 1943. Petition for writ of certiorari to the Supreme Court of New York denied. *Mr. Samuel Okin* for petitioner. *Mr. Frederick A. Keck* for respondents.

No. 542. *PRATT, TRUSTEE, v. CHEMICAL BANK & TRUST CO. ET AL.* January 4, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Addison S. Pratt, pro se*. *Mr. Michael Halperin* for respondents. Reported below: 129 F. 2d 1016.

No. 545. *KUDILE ET AL., COPARTNERS, v. NATIONAL LABOR RELATIONS BOARD*. January 4, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Irwin Margulies* for petitioners. *Solicitor General Fahy* and *Messrs. Robert B. Watts* and *Ernest A. Gross* and *Miss Ruth Weyand* for respondent. Reported below: 130 F. 2d 615.

No. 405. *GARLINGTON ET VIR v. WASSON*. January 4, 1943. Petition for writ of certiorari to the Supreme Court of Texas denied. *Mr. M. C. Martin* for petitioners. *Mr. Clyde E. Thomas* for respondent. See 138 Tex. 651.

No. 536. *BRINTON v. FEDERAL LAND BANK OF BERKELEY*. January 4, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit

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denied. *Messrs. J. D. Skeen and E. J. Skeen* for petitioner. *Mr. Richard W. Young* for respondent. Reported below: 129 F. 2d 740.

No. 546. *BENNIE SABLowsky v. PENNSYLVANIA*; and
No. 547. *LEONARD SABLowsky v. PENNSYLVANIA*. January 4, 1943. Petition for writs of certiorari to the Superior Court of Pennsylvania denied. *Mr. Samuel G. Wagner and Dorothea M. Wagner* for petitioners. Reported below: 150 Pa. Super. 231, 27 A. 2d 443.

No. 464. *MILLER v. ARROW*. January 4, 1943. Petition for writ of certiorari to the Supreme Court of Ohio denied for want of a properly presented federal question. The motion to correct a diminution of the record is therefore also denied. *Anne Miller, pro se*. Reported below: 139 Ohio St. 657, 41 N. E. 2d 709.

No. 523. *BANNING ET AL. v. UNITED STATES*. January 4, 1943. 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. Arthur R. Seelig* for petitioners. *Solicitor General Fahy, Assistant Attorney General Berge, and Mr. Oscar A. Provost* for the United States. Reported below: 130 F. 2d 330.

No. 544. *BORO HALL CORP. v. GENERAL MOTORS CORP. ET AL.* January 4, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. The CHIEF JUSTICE and MR. JUSTICE MURPHY took no part in the consideration or decision of this application. *Mr. Arthur Garfield Hays* for petitioner.

Messrs. Albert M. Levert and John Thomas Smith for respondents. Reported below: 130 F. 2d 196.

No. 441. *BECK v. NEW YORK*. January 4, 1943. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Court of Appeals of New York denied. *Diana Beck, pro se*. *Messrs. John J. Bennett, Jr., Attorney General of New York, and Henry Epstein, Solicitor General*, for respondent. Reported below: 45 N. E. 2d 166.

No. 565. *KERR v. JOHNSTON, WARDEN*. January 4, 1943. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. George H. Hauerken* for petitioner. *Solicitor General Fahy, Assistant Attorney General Berge, and Mr. Oscar A. Provost* for respondent. Reported below: 130 F. 2d 637.

No. 538. *PADGETT v. BENSON, WARDEN*. January 4, 1943. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *William H. Padgett, pro se*.

No. 543. *SEALE v. HUNT, WARDEN*. January 4, 1943. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Court of Criminal Appeals of Oklahoma denied. *W. H. Seale, pro se*. Reported below: 129 P. 2d 862.

No. 562. *ROSKOS v. UNITED STATES*. January 4, 1943. Motion for leave to proceed *in forma pauperis* granted.

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Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. John J. McCreary* for petitioner. *Solicitor General Fahy*, *Assistant Attorney General Shea*, and *Messrs. Lester P. Schoene, Wilbur C. Pickett*, and *Fendall Marbury* for the United States. Reported below: 130 F. 2d 751.

No. 541. *HAWK v. OLSON, WARDEN*. January 4, 1943. The motion for leave to proceed *in forma pauperis* is granted. The motion to strike petitioner's reply brief is denied. The petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit is denied. *Henry Hawk, pro se*. *Messrs. Walter R. Johnson*, Attorney General of Nebraska, and *H. Emerson Kokjer*, Assistant Attorney General, for respondent. Reported below: 130 F. 2d 910.

No. 550. *WARREN TELEPHONE CO. v. HELVERING, COMMISSIONER OF INTERNAL REVENUE*. January 11, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. H. H. Hoppe* for petitioner. *Solicitor General Fahy*, *Assistant Attorney General Clark*, and *Messrs. Sewall Key, J. Louis Monarch*, and *S. Dee Hanson* for respondent. Reported below: 128 F. 2d 503.

No. 560. *KLINE v. COMMISSIONER OF INTERNAL REVENUE*. January 11, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. J. Warren Brock* for petitioner. *Solicitor General Fahy*, *Assistant Attorney General Clark*, and *Messrs. Sewall Key* and *Joseph M. Jones* for respondent. Reported below: 130 F. 2d 742.

No. 566. *LAFUENTE v. COUNTY OF LOS ANGELES*. January 11, 1943. Petition for writ of certiorari to the Supreme Court of California denied. *Gretta Lafuente, pro se*. Reported below: 20 Cal. 2d 870, 129 P. 2d 378.

No. 567. *CARWILE v. VIRGINIA ET AL.* January 11, 1943. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied. *Mr. Thomas H. Stone* for petitioner. Reported below: 180 Va. xlv.

No. 568. *CONSOLIDATED EXPANDED METAL Co. v. UNITED STATES GYPSUM Co.* January 11, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Messrs. Walter J. Blenko and Arthur J. Hudson* for petitioner. *Messrs. Arthur A. Olson and Albert H. Pendleton* for respondent. Reported below: 130 F. 2d 888.

No. 572. *LAMBERT, EXECUTRIX, v. UNITED STATES*. January 11, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. E. John Ernst, Jr.* for petitioner. *Solicitor General Fahy, Assistant Attorney General Littell, and Messrs. Vernon L. Wilkinson and Roger P. Marquis* for the United States. Reported below: 129 F. 2d 678.

No. 573. *THOMSON, TRUSTEE, v. SEVIER, ADMINISTRATRIX*. January 11, 1943. Petition for writ of certiorari to the Appellate Court, First District, of Illinois denied. *Mr. William T. Faricy* for petitioner. *Mr. John J. Yowell* for respondent. Reported below: 314 Ill. App. 382, 41 N. E. 2d 210.

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No. 574. *HUMES v. MISSOURI SUPREME COURT ET AL.* January 11, 1943. Petition for writ of certiorari to the Supreme Court of Missouri denied. *Arthur S. Humes, pro se.*

No. 250. *CARLOTA BENITEZ DE SEIX ET AL. v. ROS MARIA ANCIANI ET AL.* January 11, 1943. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. *Carlota Benitez de Seix* and *J. Octavio Seix, pro se.* Reported below: 127 F. 2d 121.

No. 398. *KELLY v. JOHNSTON, WARDEN.* January 11, 1943. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Harry C. Kelly, pro se. Solicitor General Fahy, Assistant Attorney General Berge, and Messrs. Oscar A. Provost and W. Marvin Smith* for respondent. Reported below: 128 F. 2d 793.

No. 563. *CREBS v. AMRINE, WARDEN.* January 11, 1943. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Supreme Court of Kansas denied. *Cecil C. Crebs, pro se.* Reported below: 153 Kan. 736, 113 P. 2d 1084.

No. 281. *MASON, ADMINISTRATOR, v. FEDERAL LAND BANK OF BERKELEY.* January 18, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Messrs. J. D. Skeen* and *E. J. Skeen* for petitioner. Reported below: 127 F. 2d 1015.

No. 549. WEST PUBLISHING CO. *v.* SUPERIOR COURT OF CALIFORNIA. January 18, 1943. Petition for writ of certiorari to the Supreme Court of California denied. *Messrs. John W. Preston* and *Charles N. Orr* for petitioner. *Messrs. Earl Warren*, Attorney General of California, and *H. H. Linney*, Assistant Attorney General, for respondent. Reported below: 20 Cal. 2d 720, 128 P. 2d 777.

No. 571. ROCKMORE, TRUSTEE IN BANKRUPTCY, *v.* LEHMAN ET AL. January 18, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. David Haar* for petitioner. *Mr. Louis J. Castellano* for Mathilde Lehman; and *Mr. Jacob M. Zinaman* for Joseph S. Abrams,—respondents. Reported below: 129 F. 2d 892.

No. 583. SUFFOLK SECURITIES CORP. *v.* COMMISSIONER OF INTERNAL REVENUE. January 18, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. David A. Buckley, Jr., Loring M. Black,* and *Harvey L. Rabbitt* for petitioner. *Solicitor General Fahy*, Assistant Attorney General *Clark*, and *Messrs. Sewall Key, Samuel H. Levy,* and *Carlton Fox* for respondent. Reported below: 128 F. 2d 743.

No. 588. MASSACHUSETTS BONDING & INSURANCE CO. *v.* WINTERS NATIONAL BANK & TRUST CO., ADMINISTRATOR. January 18, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Clifford R. Curtner* for petitioner. *Mr. Robert E. Cowden* for respondent. Reported below: 130 F. 2d 5.

No. 590. CHICAGO, ST. PAUL, MINNEAPOLIS & OMAHA RAILWAY CO. *v.* MULDOWNEY, SPECIAL ADMINISTRATRIX.

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January 18, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. Warren Newcome, William T. Faricy, and Nelson J. Wilcox* for petitioner. *Mr. L. W. Crawhall* for respondent. Reported below: 130 F. 2d 971.

No. 592. *KLEINSCHMIDT v. GLOBE-DEMOCRAT PUBLISHING Co.* January 18, 1943. Petition for writ of certiorari to the Supreme Court of Missouri denied. *Messrs. Arthur E. Simpson* and *R. E. Kleinschmidt* for petitioner. *Messrs. Lon O. Hocker* and *Frank Y. Gladney* for respondent. Reported below: 350 Mo. 250, 165 S. W. 2d 620.

No. 598. *DAVIDSON ET AL. v. HURDMAN ET AL.* January 18, 1943. Petition for writ of certiorari to the Supreme Court of New York denied. *Mr. Charles Segal* for petitioners. *Mr. Warner Pyne* for respondents.

No. 576. *OKIN v. SECURITIES AND EXCHANGE COMMISSION.* January 18, 1943. 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 or decision of this application. *Mr. Samuel Okin* for petitioner. *Solicitor General Fahy* and *Messrs. Richard S. Salant, John F. Davis, and Homer Kripke* for respondent. Reported below: 130 F. 2d 903.

No. 570. *SOUTH v. RAILROAD RETIREMENT BOARD.* January 18, 1943. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Winfield Payne Jones* for petitioner. *Solicitor General Fahy* and *Messrs. Robert L. Stern, Joseph H. Freehill,*

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David B. Schreiber, and *Jacob Abramson* for respondent.
Reported below: 131 F. 2d 748.

No. 575. BREWER *v.* AMRINE, WARDEN. January 18, 1943. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Supreme Court of Kansas denied. *Floyd Brewer, pro se.* Reported below: 155 Kan. 525, 127 P. 2d 447.

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BY THE COURT, THROUGH JANUARY 18, 1943.

No. 132. WILSON & Co., INC. *v.* McMILLAN. On petition for writ of certiorari to the Supreme Court of Minnesota. June 20, 1942. Dismissed per stipulation of counsel pursuant to Rule 35. *Mr. David L. Grannis* for petitioner.

No. 179. GATKE CORPORATION *v.* ROWE. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit. August 6, 1942. Dismissed per stipulation of counsel pursuant to Rule 35. *Mr. Walter H. Eckert* for petitioner.

No. 58. GUY *v.* MISSOURI PACIFIC RAILROAD CO. ET AL. Certiorari, 316 U.S. 655, to the Supreme Court of Arkansas. October 5, 1942. Dismissed on motion of counsel for the petitioner. *Messrs. Jonathan H. Lookadoo* and *Wm. J. Kirby* for petitioner. *Mr. Pat Mehaffy* for respondents.

No. 519. RYAN ET AL., TRADING AS KEYSTONE TRANSFER CO., *v.* PENNSYLVANIA PUBLIC UTILITY COMMISSION. Appeal from the District Court of the United States for