

last paragraph reads as follows: "The order of the Circuit Court of Appeals must therefore be set aside and the cause remanded to that court for such further proceedings, not inconsistent with this opinion, as may be appropriate." The judgment is amended accordingly.

Opinion reported as amended, *ante*, p. 269.

DECISIONS GRANTING CERTIORARI THROUGH
JANUARY 18, 1943.

Nos. 1-7. UNITED STATES EX REL. QUIRIN ET AL. *v.* COX, PROVOST MARSHAL. See *ante*, p. 18, n.

No. 284. OVERSTREET ET AL. *v.* NORTH SHORE CORPORATION. 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 Fifth Circuit is also granted. *Mr. Lucien H. Boggs* for petitioners. *Messrs. Roswell P. C. May, Livingston Platt, and W. Gregory Smith* for respondent. Reported below: 128 F. 2d 450.

Nos. 325 and 326. JEROME *v.* UNITED STATES. October 12, 1942. On petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari in No. 325 is also granted. The Court directs that the expense of printing the record be paid by the United States, pursuant to 28 U. S. C., § 832. In No. 326, the petition for writ of certiorari is denied. *Jerome Parker Jerome, pro se.* *Solicitor General Fahy* and *Assistant Attorney General Berge* for the United States. Reported below: 130 F. 2d 514.

317 U. S.

Decisions Granting Certiorari.

No. 80. CHOCTAW NATION OF INDIANS *v.* UNITED STATES ET AL. October 12, 1942. Petition for writ of certiorari to the Court of Claims granted. *Mr. William G. Stigler* for petitioner. *Solicitor General Fahy*, *Assistant Attorney General Littell*, and *Mr. Vernon L. Wilkinson* for the United States; *Mr. Melvin Cornish* for the Chickasaw Nation,—respondents. Reported below: 95 Ct. Cls. 192.

No. 93. MARSHALL, DEPUTY COMMISSIONER, ET AL. *v.* PLETZ. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Mr. E. K. Oppenheimer* for petitioners. *Messrs. Ben Anderson* and *Wm. P. Lord* for respondent. Reported below: 127 F. 2d 104.

No. 142. ENDICOTT JOHNSON CORP. ET AL. *v.* PERKINS, SECRETARY OF LABOR. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Messrs. Howard A. Swartwood*, *William H. Pritchard*, and *John C. Bruton* for petitioners. *Solicitor General Fahy* for respondent. Reported below: 128 F. 2d 208.

No. 156. DETROIT BANK, FORMERLY DETROIT SAVINGS BANK, *v.* UNITED STATES; and

No. 214. MICHIGAN ET AL. *v.* UNITED STATES. October 12, 1942. Petitions for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. *Messrs. Ferris D. Stone* and *Cleveland Thurber* for petitioner in No. 156. *Messrs. Herbert J. Rushton*, Attorney General of Michigan, *James H. Lee*, and *Samuel Brezner* for petitioners in No. 214. *Solicitor General Fahy*, *Assistant Attorney General Clark*, and *Messrs. Sewall Key, J.*

Louis Monarch, Oscar Cox, Archibald Cox, and Morton K. Rothschild for the United States. Reported below: 127 F. 2d 64.

No. 171. UNITED STATES *v.* OKLAHOMA GAS & ELECTRIC Co. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted. *Solicitor General Fahy* for the United States. *Messrs. R. M. Rainey and Streeter B. Flynn* for respondent. Reported below: 127 F. 2d 349.

No. 172. WRAGG *v.* FEDERAL LAND BANK OF NEW ORLEANS. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Messrs. Walter J. Knabe and Jack Crenshaw* for petitioner. *Mr. Thomas Harvey Hedgepeth* for respondent. Reported below: 125 F. 2d 1003.

No. 183. PENDERGAST *v.* UNITED STATES;

No. 186. O'MALLEY *v.* UNITED STATES; and

No. 187. McCORMACK *v.* UNITED STATES. October 12, 1942. Petitions for writs of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Messrs. John G. Madden and James P. Aylward* for petitioners in Nos. 183 and 186. *Mr. James E. Carroll* for petitioner in No. 187. *Mr. William S. Hogsett* for the United States. Reported below: 128 F. 2d 676.

No. 234. ALBIN *v.* COWING PRESSURE RELIEVING JOINT Co. ET AL. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Mr. Lewis E. Pennish* for petitioner. *Mr. Charles Aaron* for respondents.

317 U. S.

Decisions Granting Certiorari.

No. 246. *CORYELL ET AL. v. PHIPPS ET AL.* October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Messrs. T. Catesby Jones and Leonard J. Matteson* for petitioners. *Messrs. Chauncey I. Clark and Eugene Underwood* for respondents. Reported below: 128 F. 2d 702.

No. 254. *SECURITIES AND EXCHANGE COMMISSION v. CHENERY CORPORATION ET AL.* October 12, 1942. Petition for writ of certiorari to the U. S. Court of Appeals for the District of Columbia granted. *MR. JUSTICE DOUGLAS* took no part in the consideration or decision of this application. *Solicitor General Fahy* and *Mr. Chester T. Lane* for petitioner. *Mr. Spencer Gordon* for respondents. Reported below: 128 F. 2d 303.

No. 265. *CLYDE-MALLORY LINES v. THE EGLANTINE ET AL.* October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Mr. Chauncey I. Clark* and *Eugene Underwood* for petitioner. *Solicitor General Fahy* for respondents. Reported below: 127 F. 2d 569.

No. 268. *HARRIS, ADMINISTRATOR, v. ZION'S SAVINGS BANK & TRUST Co.* October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted. *Messrs. J. D. Skeen* and *E. J. Skeen* for petitioner. *Mr. Hadlond P. Thomas* for respondent. Reported below: 127 F. 2d 1012.

No. 269. *BRADY, ADMINISTRATRIX, v. ROOSEVELT STEAMSHIP Co., INC.* October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second

Circuit granted. *Mr. Simone N. Gazan* for petitioner. *Messrs. Raymond Parmer* and *Vernon Sims Jones* for respondent. Reported below: 128 F. 2d 169.

No. 273. *JOHNSON v. UNITED STATES*. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Messrs. Benjamin M. Golder* and *William A. Gray* for petitioner. *Solicitor General Fahy*, *Assistant Attorney General Clark*, and *Messrs. Sewall Key*, *Ellis N. Slack*, and *Joseph W. Burns* for the United States. Reported below: 129 F. 2d 954.

No. 278. *SPIES v. UNITED STATES*. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. David V. Cahill* for petitioner. *Solicitor General Fahy*, *Assistant Attorney General Clark*, and *Messrs. Sewall Key*, *J. Louis Monarch*, and *Morton K. Rothschild* for the United States. Reported below: 128 F. 2d 743.

No. 296. *TILLER, EXECUTOR, v. ATLANTIC COAST LINE RAILROAD Co.* October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted. *Mr. J. Vaughan Gary* for petitioner. *Messrs. Thomas W. Davis* and *Collins Denny, Jr.* for respondent. Reported below: 128 F. 2d 420.

No. 299. *JERSEY CENTRAL POWER & LIGHT Co. v. FEDERAL POWER COMMISSION*; and

No. 329. *NEW JERSEY POWER & LIGHT Co. v. FEDERAL POWER COMMISSION*. October 12, 1942. Petitions

317 U. S.

Decisions Granting Certiorari.

for writs of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Mr. Reynier J. Wortendyke, Jr.* for petitioner in No. 299. *Mr. Allen E. Throop* for petitioner in No. 329. *Solicitor General Fahy, Assistant Attorney General Shea, and Messrs. Ellis Lyons, Richard S. Salant, Charles V. Shannon, and Lambert McAllister* for the Federal Power Commission. *Mr. Francis A. Pallotti*, Attorney General of Connecticut, filed a memorandum in support of the petition. *Messrs. John E. Benton and Frank B. Warren* filed a brief on behalf of the National Association of Railroad and Utilities Commissioners, as *amicus curiae*, in support of the petition. Reported below: 129 F. 2d 183.

No. 300. PALMER ET AL., TRUSTEES, *v.* HOFFMAN. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. Edward R. Brumley* for petitioners. *Messrs. William Paul Allen and Benjamin Diamond* for respondent. Reported below: 129 F. 2d 976.

No. 320. O'DONNELL *v.* GREAT LAKES DREDGE & DOCK Co. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Mr. Walter F. Dodd* for petitioner. *Mr. Ezra L. O'Isa* for respondent. Reported below: 127 F. 2d 901.

No. 327. FRED FISHER MUSIC Co., INC. ET AL. *v.* M. WITMARK & SONS. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. Arthur Garfield Hays* for petitioners. *Mr. Robert W. Perkins* for respondent. Reported below: 125 F. 2d 949.

No. 332. LEISHMAN *v.* ASSOCIATED WHOLESALE ELECTRIC Co. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Mr. John Flam* for petitioner. *Messrs. Marston Allen, Theodore Greve, and Leonard S. Lyon* for respondent. Reported below: 128 F. 2d 204.

No. 103. HARRISON, COLLECTOR OF INTERNAL REVENUE, *v.* NORTHERN TRUST CO. ET AL. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Solicitor General Fahy* for petitioner. *Messrs. Alexander F. Reichmann and Myron D. Davis* for respondents. Reported below: 125 F. 2d 893.

No. 124. LILLY *v.* GRAND TRUNK WESTERN RAILROAD Co. October 12, 1942. Petition for writ of certiorari to the Appellate Court, First District, of Illinois granted. *Mr. Samuel Cohen* for petitioner. *Messrs. H. Victor Spike, Silas H. Strawn, and Harold A. Smith* for respondent. Reported below: 312 Ill. App. 73, 37 N. E. 2d 888.

No. 303. HELVERING, COMMISSIONER OF INTERNAL REVENUE, *v.* AMERICAN DENTAL Co. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Solicitor General Fahy* for petitioner. *Messrs. John E. Hughes and James A. O'Callaghan* for respondent. Reported below: 128 F. 2d 254.

No. 184. KIESELBACH ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. October 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Third

317 U.S.

Decisions Granting Certiorari.

Circuit granted limited to the first question presented by the petition. *Mr. Harry Friedman* for petitioners. *Solicitor General Fahy, Assistant Attorney General Clark, and Miss Helen R. Carloss and Messrs. Arthur A. Armstrong and Archibald Cox* for respondent. Reported below: 127 F. 2d 359.

No. 201. AMERICAN MEDICAL ASSOCIATION *v.* UNITED STATES; and

No. 202. MEDICAL SOCIETY OF THE DISTRICT OF COLUMBIA *v.* UNITED STATES. October 12, 1942. Petition for writs of certiorari to the United States Court of Appeals for the District of Columbia granted limited to the first three questions presented by the petition. *Messrs. Edward M. Burke, William E. Leahy, Seth W. Richardson, and Charles S. Baker* for petitioners. *Assistant Attorney General Arnold and Messrs. Oscar Cox, John Henry Lewin, and Grant W. Kelleher* for the United States. Reported below: 130 F. 2d 233.

No. 173. UNITED STATES EX REL. MARCUS ET AL. *v.* HESS ET AL. On petition for writ of certiorari to the Circuit Court for Appeals for the Third Circuit; and

No. 236. UNITED STATES EX REL. OSTRAGER ET AL. *v.* NEW ORLEANS CHAPTER, ASSOCIATED GENERAL CONTRACTORS OF AMERICA, INC., ET AL. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit. October 12, 1942. Petitions for writs of certiorari granted. In these cases the Solicitor General is requested to file a brief and, if he so desires, to participate in the oral argument. *Messrs. Homer Cummings and Charles J. Margiotti* for petitioners in No. 173. *Mr. Burnett Wolfson* for petitioners in No. 236. *Mr. William H. Eckert* for respondents in No. 173. Reported below: 127 F. 2d 233, 649.

No. 319. FIDELITY ASSURANCE ASSOCIATION, A CORPORATION, ET AL. *v.* SIMS, AUDITOR OF THE STATE OF WEST VIRGINIA, ET AL. October 12, 1942. The motion to consider the petition for certiorari upon the appendices to the briefs filed in the Circuit Court of Appeals is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit is also granted. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Messrs. James R. Fleming, Homer A. Holt, and T. C. Townsend* for petitioners. *Solicitor General Fahy and Messrs. John F. Davis, Homer Kripke, and Justin N. Reinhardt* for the Securities & Exchange Commission; *Mr. Ira J. Partlow*, Assistant Attorney General of West Virginia, for Edgar B. Sims, Auditor, et al.; *Messrs. James Ward Rector*, Deputy Attorney General of Wisconsin, and *Rickard H. Lauritzen*, Assistant Attorney General, for the Banking Commission of Wisconsin; *Mr. Carl J. Stephens* for Chas. R. Fischer, Commissioner of Insurance of Iowa; *Mr. H. Vernon Eney* for John B. Gontrum, Insurance Commissioner of Maryland; and *Mr. Weldon B. White* for L. H. Brooks, Trustee, et al.,—respondents. Briefs of *amici curiae* were filed by *Mr. Orlin F. Goudy* on behalf of Victor Salkeld et al. in support of the petition; and by *Messrs. George F. Barrett*, Attorney General of Illinois, *George N. Beamer*, Attorney General of Indiana, *Thomas J. Herbert*, Attorney General of Ohio, and *J. W. Jones*, Assistant Attorney General of Kentucky, in opposition to the petition. Reported below: 129 F. 2d 442.

No. 321. CREEK NATION *v.* UNITED STATES; and

No. 322. SEMINOLE NATION *v.* UNITED STATES. October 19, 1942. Petition for writs of certiorari to the Court of Claims granted. *Messrs. Paul M. Niebell, C. Maurice Weidemeyer, and W. W. Pryor* for petitioners.

317 U. S.

Decisions Granting Certiorari.

Solicitor General Fahy, Assistant Attorney General Littell, and Mr. Vernon L. Wilkinson for the United States.

No. 336. WALLING, ADMINISTRATOR OF THE WAGE AND HOUR DIVISION, UNITED STATES DEPARTMENT OF LABOR, *v.* JACKSONVILLE PAPER Co. October 19, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Solicitor General Fahy* and *Mr. Warner W. Gardner* for petitioner. *Messrs. Charles Cook Howell* and *Louis Kurz* for respondent. Reported below: 128 F. 2d 395.

No. 366. UNITED STATES *v.* BROOKS-CALLAWAY COMPANY. October 19, 1942. Petition for writ of certiorari to the Court of Claims granted. *Solicitor General Fahy* for the United States. *Messrs. George R. Shields, Herman J. Galloway, John W. Gaskins, and Fred W. Shields* for respondent.

No. 72. NEW YORK EX REL. WHITMAN *v.* WILSON, WARDEN. October 19, 1942. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Supreme Court of New York is also granted. *R. Gordon Whitman, pro se.* *Messrs. John J. Bennett, Jr., Attorney General of New York, and Henry Epstein, Solicitor General,* for respondent. Reported below: 263 App. Div. 924, 32 N. Y. S. 2d 1023.

Nos. 387 and 388. RECONSTRUCTION FINANCE CORPORATION *v.* BANKERS TRUST Co., TRUSTEE. October 26, 1942. Petition for writs of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Solicitor General Fahy* for petitioner. *Mr. Jesse E. Waid* for respondent.

ent. *Solicitor General Fahy* and *Mr. Daniel K. Knowlton* filed a memorandum on behalf of the Interstate Commerce Commission, as *amicus curiae*, in support of the petition. Reported below: 129 F. 2d 122.

No. 473. *IN RE WILLIAM V. BRADLEY*. October 26, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted and an order is entered admitting the petitioner to bail. *Mr. Thomas D. McBride* for petitioner. *Assistant Solicitor General Cox* and *Mr. Archibald Cox* for the United States.

No. 426. *FLOYD v. DU BOIS SOAP CO.* See ante, p. 596.

No. 11, Original. *WELLS v. UNITED STATES*. On motion for leave to file petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit. November 9, 1942. The motion for leave to proceed *in forma pauperis* is granted. The motion for leave to file petition for writ of certiorari is granted and the petition for writ of certiorari is also granted. The Court directs that the expense of printing the record be paid by the United States, pursuant to 28 U. S. C., § 832. *Selvie Winfield Wells, pro se.*

No. 422. *MANDEVILLE, TRUSTEE, ET AL. v. CANTERBURY*. November 9, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Miss Corinne L. Rice* for petitioners. *Mr. Lloyd C. Whitman* for respondent. Reported below: 130 F. 2d 208.

No. 424. *FEDERAL SECURITY ADMINISTRATOR v. QUAKER OATS Co.* November 9, 1942. Petition for writ of

317 U. S.

Decisions Granting Certiorari.

certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Solicitor General Fahy* for petitioner. *Messrs. George I. Haight and William D. McKenzie* for respondent. Reported below: 129 F. 2d 76.

No. 452. CORN EXCHANGE NATIONAL BANK & TRUST Co. ET AL. v. KLAUDER, TRUSTEE. November 9, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Messrs. Thomas P. Mikell, Allen S. Olmsted, 2d, Maurice Bower Saul, and Charles J. Biddle* for petitioners. Reported below: 129 F. 2d 894.

No. 429. SMITH v. SHAUGHNESSY, COLLECTOR OF INTERNAL REVENUE. November 9, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. George R. Fearon* for petitioner. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key and Benjamin M. Brodsky* for respondent. Reported below: 128 F. 2d 742.

No. 436. DE ZON v. AMERICAN PRESIDENT LINES, LTD. November 9, 1942. The motion to proceed on typewritten papers is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit is also granted. *Mr. Herbert Resner* for petitioner. *Messrs. Edward F. Treadwell and Reginald S. Laughlin* for respondent. Reported below: 129 F. 2d 404.

No. 453. MARSHALL FIELD & Co. v. NATIONAL LABOR RELATIONS BOARD. November 16, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Messrs. Preston B. Kavanagh*

and *Ralph E. Bowers* 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 169.

No. 460. NATIONAL LABOR RELATIONS BOARD *v.* SOUTHERN BELL TELEPHONE & TELEGRAPH CO.; and

No. 461. NATIONAL LABOR RELATIONS BOARD *v.* SOUTHERN ASSOCIATION OF BELL TELEPHONE EMPLOYEES. November 16, 1942. Petition for writs of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Solicitor General Fahy* and *Mr. Robert B. Watts* for petitioner. *Mr. Marion Smith* for respondent in No. 460; and *Messrs. Frank A. Hooper, Jr. and James A. Branch* for respondent in No. 461. Reported below: 129 F. 2d 410.

No. 458. *VIERECK v. UNITED STATES*. November 16, 1942. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted except with respect to the first question presented by the petition. *Mr. O. R. McGuire* for petitioner. *Solicitor General Fahy, Assistant Attorney General Berge, and Messrs. Oscar A. Provost, Andrew F. Oehmann, and W. Marvin Smith* for the United States. Reported below: 130 F. 2d 945.

No. 449. *MARICOPA COUNTY ET AL. v. VALLEY NATIONAL BANK*. November 16, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Messrs. Leslie C. Hardy, J. Mercer Johnson, and Gerald Jones* for petitioners. *Messrs. Charles L. Rawlins, J. L. Gust, and William C. Fitts* for respondent. Reported below: 130 F. 2d 356.

317 U. S.

Decisions Granting Certiorari.

No. 467. HELVERING, COMMISSIONER OF INTERNAL REVENUE, *v.* GRIFFITHS. November 23, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Solicitor General Fahy* for petitioner. *Messrs. Will R. Gregg and Allin H. Pierce* for respondent. Reported below: 129 F. 2d 321.

Nos. 446 and 447. WILLIAMS ET AL. *v.* DELAWARE & HUDSON RAILROAD CORP. ET AL. See *ante*, p. 600.

No. 488. HELVERING, COMMISSIONER OF INTERNAL REVENUE, *v.* CHICAGO STOCK YARDS Co. December 7, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted. *Solicitor General Fahy* for petitioner. *Mr. George Wharton Pepper* for respondent. Reported below: 129 F. 2d 937.

No. 490. CLEARFIELD TRUST CO. ET AL. *v.* UNITED STATES. December 7, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Mr. Roswell D. Pine, Jr.* for petitioners. *Solicitor General Fahy* for the United States. Reported below: 130 F. 2d 93.

No. 497. ANDERSON, RECEIVER, *v.* ABBOTT, ADMINISTRATRIX, ET AL. December 7, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. *Messrs. Robert S. Marx, Frank E. Wood, Edward M. Brown, and Harry Kasfir* for petitioner. *Messrs. William W. Crawford, Richard P. Dietzman, Allen P. Dodd, James W. Stites, Henry E. McElwain, Edward P. Humphrey, and Lafon Allen* for respondents. *Mr. John F. Anderson* filed a brief on behalf of Preston Delano,

Comptroller of the Currency, as *amicus curiae*, in support of the petition. Reported below: 127 F. 2d 696.

No. 499. *ROBINETTE v. HELVERING, COMMISSIONER OF INTERNAL REVENUE*; and

No. 500. *PAUMGARTEN v. HELVERING, COMMISSIONER OF INTERNAL REVENUE*. December 7, 1942. Petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Messrs. Henry A. Mulcahy and Guilford S. Jameson* for petitioners. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Sewall Key and L. W. Post* for respondent. Reported below: 129 F. 2d 832.

No. 525. *SHARPE v. BUCHANAN*. See *ante*, p. 238.

No. 369. *MARCONI WIRELESS TELEGRAPH CO. v. UNITED STATES*; and

No. 373. *UNITED STATES v. MARCONI WIRELESS TELEGRAPH CO.* December 14, 1942. Petitions for writs of certiorari to the Court of Claims granted. *Messrs. Abel E. Blackmar, Jr. and Richard A. Ford* for the Marconi Wireless Telegraph Co. *Solicitor General Fahy, Assistant Attorney General Shea, and Mr. Clifton V. Edwards* for the United States.

No. 518. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. SABINE TRANSPORTATION CO., INC.* December 14, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Solicitor General Fahy* for petitioner. *Mr. Charles I. Francis* for respondent. Reported below: 128 F. 2d 945.

317 U.S.

Decisions Granting Certiorari.

No. 495. *BURFORD ET AL. v. SUN OIL CO. ET AL.* December 14, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Messrs. Gerald C. Mann*, Attorney General of Texas, *Ed Roy Simmons*, Assistant Attorney General, and *James P. Hart* for petitioners. *Mr. J. B. Robertson* for respondents. Reported below: 130 F. 2d 10.

No. 528. *HASTINGS ET AL. v. SELBY OIL & GAS CO. ET AL.* December 14, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Messrs. Gerald C. Mann*, Attorney General of Texas, *E. R. Simmons* and *James D. Smullen*, Assistant Attorneys General, and *W. Edward Lee* for petitioners. *Mr. Dan Moody* for respondents. Reported below: 128 F. 2d 334.

No. 540. *MYERS, TRUSTEE, v. MATLEY.* January 4, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Mr. Harlan L. Heward* for petitioner. *Mr. William M. Kearney* for respondent. Reported below: 130 F. 2d 775.

No. 551. *EMIL, TRUSTEE IN BANKRUPTCY, v. HANLEY, RECEIVER.* January 4, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. David Haar* for petitioner. *Mr. John P. McGrath* for respondent. Reported below: 130 F. 2d 369.

No. 582. *WATERMAN STEAMSHIP CORP. v. JONES.* January 4, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Messrs. Joseph W. Henderson* and *George M. Brodhead*,

Jr. for petitioner. *Mr. Abraham E. Freedman* for respondent. Reported below: 130 F. 2d 797.

No. 454. *AGUILAR v. STANDARD OIL CO. OF NEW JERSEY*. January 4, 1943. The order denying certiorari, *post*, p. 681, is vacated and the petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit is granted. *Mr. George J. Engelman* for petitioner. *Mr. Vernon S. Jones* for respondent. Reported below: 130 F. 2d 154.

No. 553. *GALLOWAY v. UNITED STATES*. January 4, 1943. The motion for leave to proceed on typewritten papers is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit is also granted. *Mr. Warren E. Miller* 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: 130 F. 2d 467.

No. 557. *NATIONAL LABOR RELATIONS BOARD v. GOOD-YEAR TIRE & RUBBER CO. ET AL.* January 11, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Solicitor General Fahy* and *Mr. Robert B. Watts* for petitioner. *Messrs. O. R. Hood* and *Forney Johnston* for respondents. Reported below: 129 F. 2d 661.

No. 556. *BOARD OF COUNTY COMMISSIONERS ET AL. v. SEBER ET AL.* January 11, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted. *Messrs. Mac Q. Williamson*, *Attorney General of Oklahoma*, and *Houston E. Hill*, *Assistant At-*

317 U. S.

Decisions Granting Certiorari.

torney General, for petitioners. *Mr. Leonard O. Lytle* for respondents. Reported below: 130 F. 2d 663.

No. 569. *TOT v. UNITED STATES*. January 11, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted limited to the 4th and 5th questions stated in the Government's memorandum. *Mr. Frederic M. P. Pearse* for petitioner. *Solicitor General Fahy*, *Assistant Attorney General Berge*, and *Messrs. Robert S. Erdahl* and *Valentine Brookes* for the United States. Reported below: 131 F. 2d 261.

No. 496. *SUN OIL CO. ET AL. v. BURFORD ET AL.* January 18, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Messrs. Dan Moody*, *Wyman S. Gideon*, and *J. B. Robertson* for petitioners. *Messrs. Gerald C. Mann*, *Attorney General of Texas*, *Ed Roy Simmons*, *James D. Smullen*, *Assistant Attorneys General*, and *James P. Hart* for respondents. Reported below: 130 F. 2d 10.

No. 580. *OWENS, EXECUTRIX, v. UNION PACIFIC RAILROAD Co.* January 18, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Mr. Frank C. Hanley* for petitioner. *Mr. Roy F. Shields* for respondent. Reported below: 129 F. 2d 1013.

No. 581. *SOUTHLAND GASOLINE CO. v. BAYLEY ET AL.* January 18, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Mr. Claude H. Rosenstein* for petitioner. Reported below: 131 F. 2d 412.

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.