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of Appeals for the District of Columbia. Argued October 19, 20, 1943. Reargued March 8, 9, 1943. Decided June 14, 1943. *Per Curiam*: Judgment affirmed by an equally divided Court. MR. JUSTICE RUTLEDGE took no part in the consideration or decision of this case. *Mr. John Dickinson*, with whom *Messrs. Guy W. Knight and John B. Prizer* were on the briefs, for petitioner. *Mr. Willard H. McEwen*, with whom *Messrs. Frank L. Mulholland, Clarence M. Mulholland, and Harold C. Heiss* were on the briefs, for respondents. By special leave of Court, *Mr. Robert L. Stern*, with whom *Solicitor General Fahy* was on the brief, for the United States, as *amicus curiae*, on the reargument. Reported below: 124 F. 2d 235.

No. —. *EX PARTE D. PAVEL FIALA*. June 14, 1943. Application denied for the want of original jurisdiction.

No. —, original. *EX PARTE JOSEPH GRECO*;

No. —, original. *EX PARTE WILLIAM J. WHITE*; and

No. —, original. *EX PARTE JOHN RUSSELL MILLER*. June 14, 1943. The motions for leave to file petitions for writs of habeas corpus are denied.

DECISIONS GRANTING CERTIORARI, FROM APRIL 20, 1943, THROUGH JUNE 14, 1943.

No. 14, original. *STEFFLER v. UNITED STATES*. See *ante*, p. 38.

No. 761. *UNITED STATES EX REL. BRENSILBER ET AL. v. BAUSCH & LOMB OPTICAL CO. ET AL.* May 3, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. Homer Cummings* for petitioners. *Mr. Whitney North Seymour* for the

Bausch & Lomb Optical Co. et al.; and *Mr. Raymond M. White* for Carl Zeiss, Inc.,—respondents. *Solicitor General Fahy* and *Assistant Attorney General Tom C. Clark* filed a brief on behalf of the United States, as *amicus curiae*, in support of the petition. Reported below: 131 F. 2d 545.

No. 863. *MAGNOLIA PETROLEUM CO. ET AL. v. HUNT*. May 3, 1943. Petition for writ of certiorari to the Court of Appeals, First Circuit, of Louisiana, granted. *Messrs. Cullen R. Liskow* and *Homer Hendricks* for petitioners. Reported below: 10 So. 2d 109.

No. 864. *MERCHANTS NATIONAL BANK, EXECUTOR, v. COMMISSIONER OF INTERNAL REVENUE*. May 3, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted. *Mr. Edward C. Thayer* for petitioner. *Solicitor General Fahy* for respondent. Reported below: 132 F. 2d 483.

No. 830. *BRADY, ADMINISTRATRIX, v. SOUTHERN RAILWAY CO.* See *post*, p. 777.

No. 882. *NORTHWEST AIRLINES, INC. v. MINNESOTA*. May 10, 1943. Petition for writ of certiorari to the Supreme Court of Minnesota granted. *Messrs. M. J. Doherty* and *W. E. Rumble* for petitioner. *Messrs. J. A. A. Burnquist*, Attorney General of Minnesota, and *Geo. B. Sjoselius*, Assistant Attorney General, for respondent. Reported below: 213 Minn. 395, 7 N. W. 2d 691.

No. 881. *CONSUMERS IMPORT CO., INC. ET AL. v. KABUSHIKI KAISHA KAWASAKI ZOSSENJO ET AL.* May 10, 1943.

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Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted limited to the fifth question presented by the petition. *Messrs. D. Roger Englar, T. Catesby Jones, Ezra G. Benedict Fox, and Thomas H. Middleton* for petitioners. *Mr. George C. Sprague* for respondents. Reported below: 133 F. 2d 781.

No. 235. *BUSEY ET AL. v. DISTRICT OF COLUMBIA*. May 10, 1943. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted. MR. JUSTICE RUTLEDGE took no part in the consideration or decision of this application. *Mr. Hayden C. Covington* for petitioners. *Messrs. Richmond B. Keech and Vernon E. West* for respondent. *Mr. Osmond K. Fraenkel* filed a brief on behalf of the American Civil Liberties Union, as *amicus curiae*, in support of the petition. Reported below: 129 F. 2d 24.

No. 890. *FEDERAL POWER COMMISSION ET AL. v. HOPE NATURAL GAS CO.*; and

No. 891. *CLEVELAND v. HOPE NATURAL GAS CO.* May 17, 1943. Petitions for writs of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted. *Solicitor General Fahy* and *Messrs. Charles V. Shannon, A. F. O'Neil, and Harry M. Showalter* for petitioners in No. 890. *Mr. Spencer W. Reeder* for petitioner in No. 891. *Messrs. William B. Cockley and William A. Dougherty* for respondent. Reported below: 134 F. 2d 287.

No. 913. *MIDSTATE HORTICULTURAL CO., INC. v. PENNSYLVANIA RAILROAD CO.* May 24, 1943. Petition for writ of certiorari to the Supreme Court of California granted. *Messrs. Hiram W. Johnson, Theodore H. Roche, and*

James Farraher for petitioner. *Messrs. Frederic D. McKenney, John Spalding Flannery, G. Bowdoin Craighill, Caesar L. Aiello, R. Aubrey Bogley, John E. Larson, and Wm. F. Zearfaus* for respondent. Reported below: 21 Cal. 2d 243, 131 P. 2d 544.

No. 923. *MEREDITH ET AL. v. WINTER HAVEN*. May 24, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Messrs. D. C. Hull, Erskine W. Landis, John L. Graham, and J. Compton French* for petitioners. *Mr. Giles J. Patterson* for respondent. Reported below: 134 F. 2d 202.

No. 796. *GENERAL COMMITTEE OF ADJUSTMENT OF THE BROTHERHOOD OF LOCOMOTIVE ENGINEERS v. MISSOURI-KANSAS-TEXAS RAILROAD CO. ET AL.* On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 845. *GENERAL COMMITTEE OF ADJUSTMENT OF THE BROTHERHOOD OF LOCOMOTIVE ENGINEERS v. SOUTHERN PACIFIC CO. ET AL.*; and

No. 918. *GENERAL GRIEVANCE COMMITTEE OF THE BROTHERHOOD OF LOCOMOTIVE FIREMEN AND ENGINEMEN v. GENERAL COMMITTEE OF ADJUSTMENT OF THE BROTHERHOOD OF LOCOMOTIVE ENGINEERS ET AL.* On petitions for writs of certiorari to the Circuit Court of Appeals for the Ninth Circuit; and

No. 937. *SWITCHMEN'S UNION OF NORTH AMERICA ET AL. v. NATIONAL MEDIATION BOARD ET AL.* On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia. May 24, 1943. The petitions for writs of certiorari in these cases are granted. *MR. JUSTICE RUTLEDGE* took no part in the consideration or decision of the application in No. 937. *Messrs. John W. Madden, Jr., Clarence E. Weisell, and Harold N. McLaughlin* for petitioner in No. 796. *Messrs.*

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George M. Naus and *Clarence E. Weisell* for petitioner in No. 845. *Messrs. Donald R. Richberg, Felix T. Smith,* and *Francis R. Kirkham* for petitioner in No. 918. *Messrs. Donald R. Richberg* and *Rufus G. Poole* for petitioners in No. 937. *Messrs. George M. Naus, Clarence E. Weisell,* and *Harold N. McLaughlin* for the General Committee of Adjustment of the Brotherhood of Locomotive Engineers, respondent in No. 918. *Solicitor General Fahy* and *Mr. Robert L. Stern* for the National Mediation Board et al.; and *Messrs. Bernard M. Savage* and *Alfred L. Bennett* for the Brotherhood of Railroad Trainmen,—respondents in No. 937. Reported below: 132 F. 2d 91, 194; 135 F. 2d 785.

No. 935. *KELLEY v. EVERGLADES DRAINAGE DISTRICT.* See *ante*, p. 415.

Nos. 973 and 974. *MERCOID CORPORATION v. MID-CONTINENT INVESTMENT CO. ET AL.* June 1, 1943. Petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Mr. Geo. L. Wilkinson* for petitioner. *Mr. Richard Spencer* for the Mid-Continent Investment Co.; and *Messrs. William P. Bair* and *Will Freeman* for Minneapolis-Honeywell Regulator Co.,—respondents. Reported below: 133 F. 2d 803.

No. 975. *ATLANTIC REFINING CO. v. MOLLER.* June 1, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Mr. Otto Wolff, Jr.* for petitioner. *Messrs. Leonard J. Matteson* and *J. Harry LaBrum* for respondent. Reported below: 134 F. 2d 1000.

No. 972. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. GOOCH MILLING & ELEVATOR CO.* June 1,

1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Solicitor General Fahy* for petitioner. *Messrs. F. W. McReynolds* and *D. M. Kelleher* for respondent. Reported below: 133 F. 2d 131.

No. 15, original. *EX PARTE UNITED STATES*. See *ante*, p. 730.

No. 991. *SNOWDEN v. HUGHES ET AL.* June 7, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Messrs. William R. Ming, Jr.* and *Joseph E. Snowden* for petitioner. *Messrs. George F. Barrett*, Attorney General of Illinois, and *William C. Wines*, Assistant Attorney General, for Edward J. Hughes et al.; and *Mr. Isaac E. Ferguson* for Robert E. Straus et al., Co-Executors,—respondents. Reported below: 132 F. 2d 476.

Nos. 945 and 946. *FORD MOTOR Co. v. GORDON FORM LATHE Co.* June 7, 1943. Petition for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted limited to the first question presented by the petition. *Messrs. Drury W. Cooper* and *I. Joseph Farley* for petitioner. *Messrs. F. O. Richey* and *B. D. Watts* for respondent. Reported below: 133 F. 2d 487.

No. 949. *SMITH v. ALLWRIGHT, ELECTION JUDGE, ET AL.* June 7, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Messrs. Thurgood Marshall, W. Robert Ming, Jr., George M. Johnson, Leon A. Ransom*, and *Carter Wesley* for petitioner. *Mr. Arthur Garfield Hays* filed a brief on behalf of the American Civil Liberties Union, as *amicus*

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curiae, in support of the petition. Reported below: 131 F. 2d 593.

Nos. 994 and 995. *MERCOID CORPORATION v. MINNEAPOLIS-HONEYWELL REGULATOR Co.* June 7, 1943. Petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Mr. Geo. L. Wilkinson* for petitioner. *Messrs. W. P. Bair and Will Freeman* for respondent. Reported below: 133 F. 2d 811.

No. 997. *MARVICH v. CALIFORNIA ET AL.* June 7, 1943. Petition for writ of certiorari to the Supreme Court of California granted. *Mike Marvich, pro se. Mr. Eugene M. Elson* for respondents. Reported below: 44 Cal. App. 2d 858, 113 P. 2d 223.

No. 419. *R. SIMPSON & Co., INC. v. COMMISSIONER OF INTERNAL REVENUE.* See *post*, p. 778.

No. 1010. *ICKES, SECRETARY OF THE INTERIOR, ET AL. v. ASSOCIATED INDUSTRIES OF NEW YORK STATE, INC.* June 14, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Solicitor General Fahy* and *Messrs. Warner W. Gardner and Arnold Levy* for petitioners. *Mr. Horace R. Lamb* for respondent. Reported below: 134 F. 2d 694.

No. 930. *JOHN V. DOBSON v. HELVERING, COMMISSIONER OF INTERNAL REVENUE;*

No. 931. *E. W. DOBSON v. HELVERING, COMMISSIONER OF INTERNAL REVENUE;*

No. 932. *ESTATE OF COLLINS v. HELVERING, COMMISSIONER OF INTERNAL REVENUE*; and

No. 933. *HARWICK v. COMMISSIONER OF INTERNAL REVENUE*. June 14, 1943. Petition for writs of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Mr. Leland W. Scott* for petitioners. *Solicitor General Fahy, Assistant Attorney General Samuel O. Clark, Jr., and Messrs. Sewall Key and Samuel H. Levy* and *Miss Louise Foster* for respondent. Reported below: 133 F. 2d 732.

No. 1027. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. HEININGER*. June 14, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Solicitor General Fahy* for petitioner. *Mr. Floyd L. Lanham* for respondent. Reported below: 133 F. 2d 567.

No. 903. *CAFETERIA EMPLOYEES UNION, LOCAL 302, ET AL. v. ANGELOS ET AL.*; and

No. 904. *CAFETERIA EMPLOYEES UNION, LOCAL 302, ET AL. v. TSAKIRETS ET AL.* See *post*, p. 778.

Nos. 907 and 908. *COLGATE-PALMOLIVE-PEET Co. v. UNITED STATES*. See *post*, p. 778.

DECISIONS DENYING CERTIORARI, FROM APRIL 20, 1943, THROUGH JUNE 14, 1943.

No. 824. *METROPOLITAN-COLUMBIA STOCKHOLDERS, INC. ET AL. v. NEW YORK CITY*. May 3, 1943. Petition for writ of certiorari to the Court of Appeals of New York denied. *Messrs. Archibald N. Jordan and Glen N. W. McNaughton* for petitioners. *Messrs. Thomas D. Thacher,*