

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. TSAKIRES 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,*

319 U. S.

Decisions Denying Certiorari.

Paxton Blair, and *Leo Brown* for respondent. Reported below: 289 N. Y. 642, 44 N. E. 2d 616.

No. 831. *HARTFORD ELECTRIC LIGHT CO. v. FEDERAL POWER COMMISSION*. May 3, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. E. Barrett Prettyman and Austin D. Barney* for petitioner. *Solicitor General Fahy, Assistant Attorney General Shea, and Messrs. Charles V. Shannon and Howard E. Wahrenbrock* for respondent. *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: 131 F. 2d 953.

Nos. 833 and 834. *CRANSTON v. THOMPSON ET AL.* May 3, 1943. Petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Clarence G. Pickard* for petitioner. *Mr. Harold J. Adams* for respondents. Reported below: 132 F. 2d 631.

No. 836. *HALLIWELL v. COMMISSIONER OF INTERNAL REVENUE*. May 3, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Theodore B. Benson* for petitioner. *Solicitor General Fahy, Assistant Attorney General Samuel O. Clark, Jr., and Messrs. Sewall Key, J. Louis Monarch, and L. W. Post* for respondent. Reported below: 131 F. 2d 642.

No. 842. *PARKFORD v. COMMISSIONER OF INTERNAL REVENUE*. May 3, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit de-

nied. *Mrs. Ruth Naus* for petitioner. *Solicitor General Fahy, Assistant Attorney General Samuel O. Clark, Jr., and Messrs. Sewall Key, J. Louis Monarch, and Carlton Fox* for respondent. Reported below: 133 F. 2d 249.

No. 850. *DEAL v. ABRAMSON*. May 3, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. Charles T. Coleman, Richard B. McCulloch, and Shields M. Goodwin* for petitioner. *Mr. Geo. K. Cracraft* for respondent. Reported below: 132 F. 2d 252.

No. 851. *MUSICRAFT RECORDS, INC. v. SHILKRET*. May 3, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Maurice L. Rabbino* for petitioner. *Mr. Herbert M. Karp* for respondent. Reported below: 131 F. 2d 929.

No. 853. *BOSTWICK ET AL. v. BALDWIN DRAINAGE DISTRICT ET AL.* May 3, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Thomas B. Adams* for petitioners. *Mr. Giles J. Patterson* for respondents. Reported below: 133 F. 2d 1.

No. 856. *BERGOTY v. GAMBERA*. May 3, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Vernon Sims Jones and Raymond Palmer* for petitioner. *Mr. Paul C. Matthews* for respondent. Reported below: 132 F. 2d 414.

No. 857. *FRANCE STONE Co. v. COMMISSIONER OF INTERNAL REVENUE*. May 3, 1943. Petition for writ of

319 U.S.

Decisions Denying Certiorari.

certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. John J. Kendrick* for petitioner. *Solicitor General Fahy*, *Assistant Attorney General Samuel O. Clark, Jr.*, and *Mr. Sewall Key* for respondent. Reported below: 135 F. 2d 463.

No. 867. *ANDREWS v. HOTEL SHERMAN, INC. ET AL.* May 3, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Charles R. Aiken* for petitioner. *Corinne L. Rice* and *Mr. I. E. Ferguson* for respondents. Reported below: 138 F. 2d 524.

No. 877. *REED ET AL. v. HOUSTON OIL CO. ET AL.* May 3, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. W. B. Rubin* for petitioners. *Mr. William Hamlet Blades* for respondents. Reported below: 132 F. 2d 748.

No. 899. *MARYLAND CASUALTY CO. v. DIXIE PINE PRODUCTS CO.* May 3, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. M. M. Roberts* for petitioner. *Mr. T. J. Wills* for respondent. Reported below: 133 F. 2d 583.

No. 852. *AMERICAN MANUFACTURING CO. ET AL. v. NATIONAL LABOR RELATIONS BOARD.* May 3, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. U. M. Simon* for petitioners. *Solicitor General Fahy* and *Messrs. Robert B. Watts* and *Ernest A. Gross* and *Miss Ruth Weyand* for respondent. Reported below: 132 F. 2d 740.

No. 861. *GILBERT v. GENERAL MOTORS CORP.* May 3, 1943. Petition for writ of certiorari to the Circuit Court

of Appeals for the Second Circuit denied. *Messrs. John D. Meyer and Frank Keiper* for petitioner. *Messrs. Drury W. Cooper and Allan C. Bakewell* for respondent. Reported below: 133 F. 2d 997.

No. 874. *SWOPE ET AL. v. KANSAS CITY ET AL.* May 3, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Mr. Wm. H. McCamish* for petitioners. *Messrs. Alton H. Skinner and Joseph A. Lynch* for Kansas City et al.; and *Messrs. T. M. Lillard and T. W. Bockes* for the Union Pacific Railroad Co.,—respondents. Reported below: 132 F. 2d 788.

No. 823. *ZIMMERMAN v. WALKER.* May 3, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied on the ground that the cause is moot, it appearing that Hans Zimmerman, on whose behalf the petition is filed, has been released from the respondent's custody. *Weber v. Squier*, 315 U. S. 810; *Tornello v. Hudspeth*, 318 U. S. 792. *Mr. F. E. Thompson* for petitioner. *Solicitor General Fahy* for respondent. Reported below: 132 F. 2d 442.

No. 859. *SPERRY PRODUCTS, INC. v. ASSOCIATION OF AMERICAN RAILROADS ET AL.*; and

No. 860. *ASSOCIATION OF AMERICAN RAILROADS ET AL. v. SPERRY PRODUCTS, INC.* May 3, 1943. Petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied. MR. JUSTICE REED took no part in the consideration or decision of these applications. *Messrs. Stephen H. Philbin and John B. Cunningham* for petitioner in No. 859 and respondent in No. 860. *Messrs.*

319 U. S.

Decisions Denying Certiorari.

L. B. Mann, Robert C. Brown, Jr., and Louis J. Carruthers for respondents in No. 859 and petitioners in No. 860. Reported below: 132 F. 2d 408.

No. 900. *MUSKOGEE COUNTY ET AL. v. UNITED STATES.* May 3, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit 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. *Messrs. Mac Q. Williamson*, Attorney General of Oklahoma, and *Houston E. Hill*, Assistant Attorney General, for petitioners. *Solicitor General Fahy* for the United States. Reported below: 133 F. 2d 61.

No. 878. *PRUDENTIAL INSURANCE CO. v. SAXE.* May 3, 1943. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied. *MR. JUSTICE RUTLEDGE* took no part in the consideration or decision of this application. *Messrs. Benjamin S. Minor, Arthur P. Drury, and John E. Powell* for petitioner. *Mr. Sidney V. Smith* for respondent. Reported below: 134 F. 2d 16.

No. 837. *MARTIN v. AMRINE, WARDEN.* May 3, 1943. Petition for writ of certiorari to the Supreme Court of Kansas denied. *Robert Martin, pro se.* Reported below: 156 Kan. 388, 133 P. 2d 582.

No. 841. *COCHRAN v. KANSAS ET AL.* May 3, 1943. Petition for writ of certiorari to the Supreme Court of

Kansas denied. *Charles H. Cochran, pro se.* Reported below: 156 Kan. 216, 133 P. 2d 91.

No. 854. *CANTY v. ALABAMA.* May 3, 1943. Petition for writ of certiorari to the Supreme Court of Alabama denied. *Mr. Alex C. Birch* for petitioner. *Mr. William N. McQueen*, Attorney General of Alabama, for respondent. Reported below: 11 So. 2d 844.

No. 872. *FLEEMAN v. KANSAS ET AL.* May 3, 1943. Petition for writ of certiorari to the Supreme Court of Kansas denied. *Ralph W. Fleeman, pro se.*

No. 875. *POSEY v. DOWD, WARDEN.* May 3, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Winston Posey, pro se.* Reported below: 134 F. 2d 613.

No. 780. *CLEM v. MARYLAND.* May 3, 1943. Petition for writ of certiorari to the Court of Appeals of Maryland denied. *James R. Clem, pro se.*

No. 847. *UNITED STATES EX REL. JACKSON ET AL. v. BRADY, WARDEN.* May 3, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. *Mr. C. Arthur Eby* for petitioners. *Mr. William C. Walsh*, Attorney General of Maryland, for respondent. Reported below: 133 F. 2d 476.

No. 855. *FRANKEL v. BETHLEHEM-FAIRFIELD SHIP-YARD, INC.* May 3, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. *Mr. Wm. Taft Feldman* for petitioner. *Mr. Ed-*

win A. Swingle for respondent. Reported below: 132 F. 2d 634.

No. 868. *BRADY ET AL. v. BEAMS ET AL.* May 3, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Mr. Chas. E. McPherren* for petitioners. *Messrs. Joseph C. Stone, W. T. Anglin, Charles A. Moon, Francis Stewart, Leon C. Phillips, D. A. Richardson, L. O. Lytle, George Jennings, Harry B. Parris*, and *Wilbur J. Holleman* for respondents. Reported below: 132 F. 2d 985.

No. 950. *REYNOLDS ET AL. v. MAYO, STATE PRISON CUSTODIAN.* May 3, 1943. Petition for writ of certiorari to the Supreme Court of Florida denied. *Mark Reynolds* and *Frank Reynolds, pro se*.

No. 942. *DEERING v. NATIONAL MORTGAGE CORP. ET AL.* May 3, 1943. Petition for writ of certiorari to the Supreme Court of New York denied. *James R. Deering, pro se.* Reported below: 263 App. Div. 937, 33 N. Y. S. 2d 109.

No. 786. *PITT RIVER POWER Co. v. UNITED STATES.* May 10, 1943. Petition for writ of certiorari to the Court of Claims denied. *Messrs. Sanford H. E. Freund and Carl A. Mead* for petitioner. *Solicitor General Fahy, Assistant Attorney General Shea*, and *Messrs. Paul A. Sweeney and Valentine Brookes* for the United States. Reported below: 98 Ct. Cls. 253.

No. 862. *HINZE ET AL. v. DUEL, COMMISSIONER OF INSURANCE.* May 10, 1943. Petition for writ of certiorari to the Supreme Court of Wisconsin denied. *Messrs.*

Austin H. Forkner and *John Wattawa* for petitioners. *Mr. James Ward Rector* for respondent. Reported below: 241 Wis. 394, 6 N. W. 2d 330.

No. 883. *FULLARD-LEO ET AL. v. UNITED STATES*. May 10, 1943. Petition for writ of certiorari to the Circuit 10, 1943. Petition for writ of certiorari to the Circuit *G. M. Robertson* for petitioners. *Solicitor General Fahy*, *Assistant Attorney General Littell*, and *Messrs. Vernon L. Wilkinson, Roger P. Marquis*, and *Valentine Brookes* for the United States. Reported below: 133 F. 2d 743.

No. 896. *TEXAS LAND & MORTGAGE CO. v. MULLICAN*. May 10, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. E. L. Klett* and *Charles L. Black* for petitioner. *Mr. C. C. Crenshaw* for respondent. Reported below: 132 F. 2d 241.

No. 906. *COVER v. SCHWARTZ, DOING BUSINESS AS HYGEIA RESPIRATOR CO.* May 10, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Joshua R. H. Potts* and *Eugene Vincent Clarke* for petitioner. *Nathan Schwartz, pro se.* Reported below: 133 F. 2d 541.

No. 911. *TENNESSEE EX REL. SHERMAN ET AL. v. HYMAN, DEAN OF THE UNIVERSITY OF TENNESSEE COLLEGE OF MEDICINE, ET AL.* May 10, 1943. Petition for writ of certiorari to the Supreme Court of Tennessee denied. *Mr. A. L. Heiskell* for petitioners. *Messrs. Nat Tipton* and *Wassell Randolph* for respondents.

319 U.S.

Decisions Denying Certiorari.

No. 914. NEW YORK LIFE INSURANCE Co. *v.* CHAPMAN. May 10, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. James C. Jones, Jr.* for petitioner. *Mr. David Baron* for respondent. Reported below: 132 F. 2d 688.

No. 961. CAMERON *v.* GORDON. May 10, 1943. Petition for writ of certiorari to the Court of Appeals, Licking County, Ohio, denied. *Mr. J. R. Fitzgibbon* for petitioner.

No. 846. MAGNUS BECK BREWING Co., INC. *v.* COMMISSIONER OF INTERNAL REVENUE. May 10, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Frank D. Scott* for petitioner. *Solicitor General Fahy, Assistant Attorney General Samuel O. Clark, Jr., and Messrs. Sewall Key, Samuel H. Levy, Edward First, and Valentine Brookes* for respondent. Reported below: 132 F. 2d 379.

No. 880. AETNA CASUALTY & SURETY Co. *v.* FIRST CAMDEN NATIONAL BANK & TRUST Co. May 10, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Messrs. Joseph W. Henderson and George M. Brodhead, Jr.* for petitioner. *Mr. William T. Boyle* for respondent. Reported below: 132 F. 2d 114.

No. 788. STANDARD OIL Co. OF KANSAS *v.* UNITED STATES. May 10, 1943. Petition for writ of certiorari to the Court of Claims denied. MR. JUSTICE JACKSON took no part in the consideration or decision of this application. *Mr. J. Gilmer Korner, Jr.* for petitioner. *Solici-*

tor General Fahy, Assistant Attorney General Samuel O. Clark, Jr., and Messrs. Sewall Key and Samuel H. Levy and Mrs. Elizabeth B. Davis for the United States. Reported below: 98 Ct. Cls. 201.

No. 897. *OSAGE TRIBE OF INDIANS ET AL. v. ICKES, SECRETARY OF THE INTERIOR, ET AL.* May 10, 1943. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied. MR. JUSTICE RUTLEDGE took no part in the consideration or decision of this application. *Messrs. Thomas P. Gore and Leslie C. Garnett* for petitioners. *Solicitor General Fahy, Assistant Attorney General Littell, and Messrs. Vernon L. Wilkinson and Roger P. Marquis* for Harold L. Ickes, Secretary of the Interior; and *Messrs. Roy St. Lewis and Peter Q. Nyce* for Tom H. Fraley, County Treasurer,—respondents. Reported below: 133 F. 2d 47.

No. 959. *J. A. KENNEDY REALTY CORP. ET AL. v. NEW YORK CITY.* May 10, 1943. Petition for writ of certiorari to the Court of Appeals of New York 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; *Department of Banking v. Pink*, 317 U. S. 264. *Mr. Jesse Rothman* for petitioners. *Messrs. Thomas D. Thacher and Paxton Blair* for respondent. Reported below: 289 N. Y. 766, 46 N. E. 2d 363.

No. 752. *POLAKOW'S REALTY EXPERTS, INC. v. ALABAMA*; and

No. 753. *STRUMPF v. ALABAMA.* May 10, 1943. Petition for writs of certiorari to the Supreme Court of Ala-

bama denied for want of final judgments. *Rankin v. State*, 11 Wall. 380; *Heike v. United States*, 217 U. S. 423; *Brown v. South Carolina*, 298 U. S. 639; *Eastman v. Ohio*, 299 U. S. 505. *Mr. Horace C. Wilkinson* for petitioners. *Mr. William N. McQueen*, Attorney General of Alabama, for respondent. Reported below: 243 Ala. 441, 10 So. 2d 461.

No. 993. *JOYCE v. STATE BANK OF MADISON*. May 10, 1943. Petition for writ of certiorari to the Supreme Court of Minnesota 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. JUSTICE RUTLEDGE* took no part in the consideration or decision of this application. *A. M. Joyce, pro se*. Reported below: 213 Minn. 380, 7 N. W. 2d 385.

No. 710. *WHEAT ET AL. v. TEXAS LAND & MORTGAGE CO., LTD. ET AL.* May 17, 1943. Petition for writ of certiorari to the Supreme Court of Texas denied. *J. B. Wheat, pro se*. Reported below: 139 Tex. 679, 163 S. W. 2d 880.

No. 884. *STIMSON ET AL. v. TARRANT ET AL.* May 17, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. M. S. Gunn, Bradford M. Melvin, and Harold C. Faulkner* for petitioners. *Mr. Geo. E. Hurd* for respondents. Reported below: 132 F. 2d 363.

Nos. 887 and 888. *BOTANY WORSTED MILLS v. NATIONAL LABOR RELATIONS BOARD*. May 17, 1943. Petition for writs of certiorari to the Circuit Court of Appeals for

the Third Circuit denied. *Mr. Frederic R. Sanborn* for petitioner. *Solicitor General Fahy* and *Messrs. Robert L. Stern, Robert B. Watts, and Ernest A. Gross*, and *Miss Ruth Weyand* for respondent. Reported below: 133 F. 2d 876.

No. 902. *PUERTO RICO v. UNITED STATES ET AL.* May 17, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. *Mr. William Cattron Rigby* for petitioner. *Solicitor General Fahy, Assistant Attorney General Littell*, and *Messrs. Vernon L. Wilkinson and Dwight D. Doty* for respondents. Reported below: 132 F. 2d 220.

No. 916. *EDISON BROTHERS STORES, INC. v. HELVERING, COMMISSIONER OF INTERNAL REVENUE.* May 17, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. J. Sydney Salkey* for petitioner. *Solicitor General Fahy, Assistant Attorney General Samuel O. Clark, Jr.*, and *Messrs. Sewall Key and Morton K. Rothschild* for respondent. Reported below: 133 F. 2d 575.

No. 917. *LINDER v. MERLE-SMITH ET AL.* May 17, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Maxwell C. Katz and Otto C. Sommerich* for petitioner. *Messrs. Paxton Blair, Clifton Murphy, Edwin S. S. Sunderland, Philip A. Carroll, and Leo Brown* for respondents.

No. 921. *PACIFIC STEAMSHIP LINES, INC. v. CROSBY.* May 17, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Keith*

319 U. S.

Decisions Denying Certiorari.

R. Ferguson for petitioner. *Mr. Sidney M. Ehrman* for respondent. Reported below: 133 F. 2d 470.

No. 938. *FLENIKEN ET UX. v. GREAT AMERICAN INDEMNITY CO. ET AL.* May 17, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. William H. Becker* for petitioners. *Mr. Benj. B. Taylor* for respondents. Reported below: 134 F. 2d 208.

No. 986. *REGAN v. KING, REGISTRAR.* May 17, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. U. S. Webb* and *Hester Webb* for petitioner. Reported below: 134 F. 2d 413.

No. 781. *SOUTH MERCUR MINING CO. v. NEW MERCUR MINING CO. ET AL.* May 17, 1943. Petition for writ of certiorari to the Supreme Court of Utah denied. *Messrs. W. Q. Van Cott, Clair M. Senior, and Raymond T. Senior* for petitioner. *Messrs. Grover A. Giles* and *J. H. Morgan* for respondents. Reported below: 102 Utah 131, 128 P. 2d 269.

No. 898. *LOCHMANN v. SYKES.* May 17, 1943. Petition for writ of certiorari to the Supreme Court of Kansas denied. *Mr. Fred Hinkle* for petitioner. *Mr. Joe T. Rogers* for respondent. Reported below: 156 Kan. 223, 132 P. 2d 620.

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

No. 904. *CAFETERIA EMPLOYEES UNION, LOCAL 302, ET AL. v. TSAKIRES ET AL.* May 17, 1943. Petition for writ

of certiorari to the Court of Appeals of New York in each case denied on the ground that it does not appear from the record that the federal question presented by the petition was properly presented to or expressly passed on by the New York Court of Appeals. *Mr. Louis B. Boudin* for petitioners. *Mr. Abraham Michael Katz* for respondents. See *post*, p. 778. Reported below: 289 N. Y. 498, 507, 46 N. E. 2d 903, 908.

No. 929. *DI MARZO v. UNITED STATES*. May 17, 1943. 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. Robert S. Erdahl* and *Miss Beatrice Rosenberg* for the United States.

No. 924. *WABASH VALLEY COACH CO. v. SALE ET AL.*; and

No. 925. *TURNER v. WABASH VALLEY COACH CO. ET AL.* May 17, 1943. The petition for writ of certiorari to the Supreme Court of Indiana in each case is denied. *Mr. Thomas F. O'Mara* for petitioner in No. 924. *Mr. Royal T. McKenna* for petitioner in No. 925. Reported below: 46 N. E. 2d 212.

No. 980. *CRESS v. STATE OF WASHINGTON*. On petition for writ of certiorari to the Supreme Court of Washington; and

No. 982. *COLE ET AL. v. MAYO, CUSTODIAN OF THE FLORIDA STATE PRISON*. On petition for writ of certiorari to the Supreme Court of Florida. May 17, 1943. The petitions for writs of certiorari are denied. *Joseph W. Cress*, *Walter F. Cole*, and *Fann Cole, pro se*. Reported below: No. 980, 15 Wash. 2d 661, 131 P. 2d 955; No. 982, 12 So. 2d 907.

319 U. S.

Decisions Denying Certiorari.

No. 869. *FLETCHER v. EVENING STAR NEWSPAPER Co.*; and

No. 901. *FLETCHER v. STEPHENS ET AL.* May 17, 1943. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia denied. The CHIEF JUSTICE is of the opinion that the petitions should be granted. MR. JUSTICE RUTLEDGE took no part in the consideration or decision of these applications. *Edmond C. Fletcher, pro se. Solicitor General Fahy, Assistant Attorney General Shea, and Mr. Paul A. Sweeney* for respondents in No. 901. Reported below: 133 F. 2d 394, 395.

No. 873. *UNITED STATES EX REL. INNES v. CRYSTAL, COMMANDING OFFICER.* May 17, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied on the ground that the cause is moot, it appearing that petitioner no longer is in respondent's custody, *Zimmerman v. Walker, ante*, p. 744, and cases cited. *Peter J. Innes, Jr., pro se. Solicitor General Fahy, Assistant Attorney General Berge, and Mr. Oscar A. Provoost* for respondent. Reported below: 131 F. 2d 576.

No. 1011. *ROBINSON v. ALABAMA*; and

No. 1012. *DANIELS v. ALABAMA.* May 17, 1943. The petitions for writs of certiorari to the Supreme Court of Alabama are denied. The stay orders heretofore entered are vacated. *Mr. Leon Ransom* for petitioners. Reported below: 243 Ala. 675, 684, 11 So. 2d 732, 756.

Nos. 893 and 894. *EDDY ET AL. v. KELBY ET AL., TRUSTEES, ET AL.* May 24, 1943. Petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Samuel Silbiger* for petitioners. *Messrs.*

Charles H. Kelby and *Charles M. McCarty* for respondents.

No. 909. *CONTERNO v. ROGAN, COLLECTOR OF INTERNAL REVENUE*. May 24, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Harold C. Morton* for petitioner. *Solicitor General Fahy, Assistant Attorney General Samuel O. Clark, Jr.*, and *Messrs. Sewall Key* and *Bernard Chertcoff* for respondent. Reported below: 132 F. 2d 726.

No. 920. *WIRRICK v. BLOOMINGTON*. May 24, 1943. Petition for writ of certiorari to the Supreme Court of Illinois denied. *Mr. Ode L. Rankin* for petitioner. *Mr. Bernard Edwin Wall* for respondent. Reported below: 381 Ill. 347, 45 N. E. 2d 852.

No. 922. *TEXAS PACIFIC-MISSOURI PACIFIC TERMINAL RAILROAD v. EVENS*. May 24, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. Leonard B. Levy, Wm. C. Dufour, and John St. Paul, Jr.* for petitioner. Reported below: 134 F. 2d 275.

No. 928. *GLENS FALLS INDEMNITY CO. ET AL. v. HENDERSON, DEPUTY COMMISSIONER*. May 24, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Frank S. Normann* for petitioners. *Solicitor General Fahy* and *Assistant Attorney General Shea* for respondent. Reported below: 134 F. 2d 320.

No. 939. *WATSON ET AL. v. CASPERS*. May 24, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Weightstill Woods* for petitioners. *Mr. Emmet J. Cleary* for respondent. Reported below: 132 F. 2d 614.

No. 941. *JOHN HANCOCK MUTUAL LIFE INSURANCE CO. v. CASEY, TRUSTEE*. May 24, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. *Mr. G. K. Richardson* for petitioner. *Thomas J. Casey, pro se.* Reported below: 134 F. 2d 162.

No. 944. *RAINES v. UNEMPLOYMENT COMPENSATION COMMISSION*. May 24, 1943. Petition for writ of certiorari to the Court of Errors and Appeals of New Jersey denied. *Mr. Louis B. LeDuc* for petitioner. *Mr. Herman D. Ringle* for respondent. Reported below: 129 N. J. L. 387, 30 A. 2d 31.

No. 952. *GREAT LAKES COCA-COLA BOTTLING CO. v. COMMISSIONER OF INTERNAL REVENUE*. May 24, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Messrs. John May and Ednyfed H. Williams* for petitioner. *Solicitor General Fahy, Assistant Attorney General Samuel O. Clark, Jr., and Messrs. Sewall Key, Samuel H. Levy, and F. E. Youngman* for respondent. Reported below: 133 F. 2d 953.

No. 978. *HOWARD NATIONAL BANK & TRUST CO. v. MORGAN ET AL.* May 24, 1943. Petition for writ of certiorari to the Supreme Court of Vermont denied. *Mr.*

Guy M. Page for petitioner. *Mr. Edwin W. Lawrence* for respondents. Reported below: 113 Vt. 126, 30 A. 2d 305.

No. 984. *HADESMAN v. MICHIGAN*. May 24, 1943. Petition for writ of certiorari to the Supreme Court of Michigan denied. *Mr. James A. Cobb* for petitioner. Reported below: 304 Mich. 481, 8 N. W. 2d 145.

No. 1016. *MILK WAGON DRIVERS' UNION, LOCAL 753, ET AL. v. FICHTER*. May 24, 1943. Petition for writ of certiorari to the Supreme Court of Illinois denied. *Messrs. Joseph A. Padway* and *David A. Riskind* for petitioners. *Mr. Russell J. Topper* for respondent. Reported below: 382 Ill. 91, 46 N. E. 2d 921.

Nos. 907 and 908. *COLGATE-PALMOLIVE-PEET Co. v. UNITED STATES*. May 24, 1943. Petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *MR. JUSTICE ROBERTS* took no part in the consideration or decision of this application. *Messrs. E. Ennalls Berl, Albert C. Wall, Mason Trowbridge, and Edward J. O'Mara* for petitioner. *Solicitor General Fahy, Assistant Attorney General Samuel O. Clark, Jr., and Messrs. Sewall Key, J. Louis Monarch, and Alvin J. Rockwell* for the United States. Reported below: 130 F. 2d 913.

No. 965. *JOHNSTON v. BOARD OF DENTAL EXAMINERS ET AL.* May 24, 1943. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied. *MR. JUSTICE RUTLEDGE* took no part in the consideration or decision of this application. *Mr. Alvin L. Newmyer* for petitioner. *Messrs. Richmond B.*

319 U. S.

Decisions Denying Certiorari.

Keech and Vernon E. West for respondents. Reported below: 134 F. 2d 9.

No. 843. *PLENTY ET AL. v. UNITED STATES*. May 24, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Antoine Kills Plenty and Leonard Jack, pro se. Solicitor General Fahy, Assistant Attorney General Berge, and Mr. Oscar A. Pro-vost* for the United States. Reported below: 133 F. 2d 292.

No. 976. *THOMPSON, TRUSTEE, v. LAWSON ET AL.* May 24, 1943. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied. *MR. JUSTICE RUTLEDGE* took no part in the consideration or decision of this application. *Garfield C. Thompson, pro se.* Reported below: 132 F. 2d 21.

No. 962. *MESCALL v. W. T. GRANT Co.* May 24, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Clair McTur-nan* for petitioner. *Mr. Alan W. Boyd* for respondent. Reported below: 133 F. 2d 209.

No. 895. *RUMBERGER v. WELSH ET AL.* June 1, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Frederic D. McKenney, John S. Flannery, G. Bowdoin Craighill, and R. Aubrey Bogley* for petitioner. *Messrs. William F. Kelly and P. J. J. Nicolaides* for respondents. Reported below: 131 F. 2d 384.

No. 905. *J. W. SANDERS COTTON MILL, INC. v. Moody.* June 1, 1943. Petition for writ of certiorari to

the Supreme Court of Mississippi denied. *Mr. Ben F. Cameron* for petitioner. *Mr. Marion W. Reily* for respondent. Reported below: 10 So. 2d 544.

No. 936. *LAYTON v. THAYNE*. June 1, 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: 133 F. 2d 287.

No. 947. *HENJES v. AETNA INSURANCE CO. ET AL.* June 1, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Morris Ehrlich* for petitioner. *Mr. George S. Brengle* for respondents. Reported below: 132 F. 2d 715.

No. 948. *UNITED STATES GYPSUM CO. v. STORNELLI*. June 1, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. T. Carl Nixon* and *E. Willoughby Middleton* for petitioner. *Mr. William L. Clay* for respondent. Reported below: 134 F. 2d 461.

No. 951. *SCORUP-SOMERVILLE CATTLE CO. v. MERRION ET AL., COPARTNERS*. June 1, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Mr. Waldemar Q. Van Cott* for petitioner. *Messrs. Robert L. Judd, Paul H. Ray, and S. J. Quinney* for respondents. Reported below: 134 F. 2d 473.

No. 953. *ILLINOIS EX REL. DAVIDSON ET AL. v. BRADLEY ET AL.* June 1, 1943. Petition for writ of certiorari to

319 U. S.

Decisions Denying Certiorari.

the Supreme Court of Illinois denied. *Mr. Urban A. Lavery* for petitioners. *Messrs. George F. Barrett*, Attorney General of Illinois, and *William C. Wines*, Assistant Attorney General, for respondents. Reported below: 382 Ill. 383, 47 N. E. 2d 93.

No. 955. *VALENTI v. UNITED STATES*. June 1, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. I. Maurice Wormser* for petitioner. *Solicitor General Fahy*, Assistant Attorney General *Berge*, and *Mr. Oscar A. Provost* and *Miss Melva M. Graney* for the United States. Reported below: 134 F. 2d 362.

No. 960. *PATTERSON ET AL. v. TEXAS COMPANY*. June 1, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Messrs. J. I. Kilpatrick* and *Jack M. Randal* for petitioners. *Mr. Herbert S. Garrett* for respondent. Reported below: 131 F. 2d 998.

No. 964. *STANDARD DREDGING CORP. v. WALLING, ADMINISTRATOR*. June 1, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Roger Siddall*, *A. V. Cherbonnier*, and *Robert A. Lilly* for petitioner. *Solicitor General Fahy* and *Mr. Irving J. Levy* and *Miss Bessie Margolin* for respondent. Reported below: 132 F. 2d 322.

No. 985. *KRESGE DEPARTMENT STORES, INC. v. COMMISSIONER OF INTERNAL REVENUE*. June 1, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Mr. Ward J. Herbert* for

petitioner. *Solicitor General Fahy, Assistant Attorney General Samuel O. Clark, Jr., and Messrs. Sewall Key and Morton K. Rothschild and Miss Helen R. Carloss* for respondent. Reported below: 134 F. 2d 76.

No. 1013. *KELLEY, GLOVER & VALE, INC. ET AL. v. HEITMAN, RECEIVER, ET AL.* June 1, 1943. Petition for writ of certiorari to the Supreme Court of Indiana denied. *Messrs. Walter Myers and Jay E. Darlington* for petitioners. *Mr. John F. Anderson* for respondents. Reported below: 220 Ind. 625, 44 N. E. 2d 981.

No. 940. *POTTS, TRADING AS SOUTHERN PROGRESS PUBLISHING Co., v. DIES.* June 1, 1943. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied. *Mr. JUSTICE RUTLEDGE* took no part in the consideration or decision of this application. *J. S. Potts, pro se.* Reported below: 132 F. 2d 734.

No. 979. *BOONE v. BOONE.* June 1, 1943. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied. *Mr. JUSTICE RUTLEDGE* took no part in the consideration or decision of this application. *Mr. Stuart H. Robeson* for petitioner. *Messrs. M. Ryan McCown and Louis M. Denit* for respondent. Reported below: 132 F. 2d 14.

No. 966. *GENERAL MOTORS CORP. v. LARSON ET AL.* June 1, 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.*

319 U. S.

Decisions Denying Certiorari.

Drury W. Cooper for petitioner. *Messrs. Edward Vogel* and *Murray M. Cowen* for respondents. Reported below: 134 F. 2d 450.

No. 969. *AMERICAN GAS & ELECTRIC CO. v. SECURITIES & EXCHANGE COMMISSION*. June 1, 1943. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied. MR. JUSTICE DOUGLAS, MR. JUSTICE JACKSON, and MR. JUSTICE RUTLEDGE took no part in the consideration or decision of this application. *Mr. Frederic L. Ballard* for petitioner. *Solicitor General Fahy* and *Messrs. John F. Davis* and *Theodore L. Thau* for respondent. Reported below: 134 F. 2d 633.

No. 1014. *ROOSEVELT STEAMSHIP CO., INC. v. BRADY, ADMINISTRATRIX*. June 1, 1943. The motion to use the certified record in No. 269 is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit is denied. *Messrs. Raymond Parmer* and *Vernon Sims Jones* for petitioner. *Mr. Simone N. Gazan* for respondent. Reported below: 128 F. 2d 169.

No. 927. *LINDSAY v. UNITED STATES*. June 1, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. *Clyde Lindsay, pro se.* *Solicitor General Fahy, Assistant Attorney General Berge*, and *Messrs. Oscar A. Provost* and *Valentine Brookes* and *Miss Beatrice Rosenberg* for the United States. Reported below: 134 F. 2d 960.

No. 990. *JOHNSON v. WARDEN, U. S. PENITENTIARY, MCNEIL ISLAND*. June 1, 1943. Petition for writ of cer-

certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Johnnie Johnson, pro se. Solicitor General Fahy, Assistant Attorney General Berge, and Mr. Oscar A. Provost and Miss Beatrice Rosenberg* for respondent. Reported below: 134 F. 2d 166.

No. 1001. *BOWEN v. UNITED STATES*. June 1, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Hugh A. Bowen, 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: 134 F. 2d 845.

No. 866. *INDIANS OF CALIFORNIA v. UNITED STATES*. June 7, 1943. Petition for writ of certiorari to the Court of Claims denied. *Mr. Hartwell H. Linney*, Assistant Attorney General of California, for petitioners. *Solicitor General Fahy, Assistant Attorney General Littell, and Messrs. Raymond T. Nagle and Vernon L. Wilkinson* for the United States. Reported below: 98 Ct. Cls. 583.

No. 956. *MEADE v. UNITED STATES*. June 7, 1943. Petition for writ of certiorari to the Court of Claims denied. *Messrs. George R. Shields, Herman J. Galloway, John W. Gaskins, and Fred W. Shields* for petitioner. *Solicitor General Fahy and Assistant Attorney General Shea* for the United States. Reported below: 98 Ct. Cls. 797.

No. 970. *BINKLEY MINING Co. v. WHEELER, ACTING DIRECTOR, BITUMINOUS COAL DIVISION, ET AL.* June 7, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Henry*

319 U. S.

Decisions Denying Certiorari.

Adamson for petitioner. *Solicitor General Fahy* and *Messrs. Warner W. Gardner, Arnold Levy, and Jesse B. Messitte* for respondents. Reported below: 133 F. 2d 863.

No. 971. *BINKLEY MINING Co. v. WHEELER, ACTING DIRECTOR, BITUMINOUS COAL DIVISION, ET AL.* June 7, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Henry Adamson* for petitioner. *Solicitor General Fahy* and *Messrs. Warner W. Gardner, Arnold Levy, and Jesse B. Messitte* for respondents. Reported below: 133 F. 2d 872.

No. 988. *CLEVELAND TRUST Co. ET AL. v. STOLLER.* June 7, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Messrs. A. L. Gebhard and Kerns Wright* for petitioners. *Mr. Elmer McClain* for respondent. Reported below: 133 F. 2d 180.

No. 989. *GORDON FORM LATHE Co. v. FORD MOTOR Co.* June 7, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Messrs. F. O. Richey and B. D. Watts* for petitioner. *Messrs. Drury W. Cooper and I. Joseph Farley* for respondent. Reported below: 133 F. 2d 487.

No. 992. *N. O. NELSON Co. v. HELVERING, COMMISSIONER OF INTERNAL REVENUE.* June 7, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. Abraham Lowenhaupt, Stanley S. Waite, and Jacob Chasnoff* for petitioner. *Solicitor General Fahy, Assistant Attorney General Samuel O. Clark, Jr., and Messrs. Sewall Key and*

J. Louis Monarch and Mrs. Maryhelen Wigle for respondent. Reported below: 133 F. 2d 846.

No. 1000. *PETTICREW REAL ESTATE CO. v. MUFFLER, RECEIVER, ET AL.* June 7, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Sidney G. Kusworm* for petitioner. *Mr. George W. Tehan* for respondents. Reported below: 132 F. 2d 479.

No. 1004. *KEAL DRIVEWAY CO. ET AL. v. CAR AND GENERAL INSURANCE CORP.* June 7, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. R. W. Shackelford* for petitioners. *Mr. K. I. McKay* for respondent. Reported below: 132 F. 2d 834.

No. 1007. *WINSTON v. MARTIN ET AL., TRADING AS MARTIN BROS.* June 7, 1943. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied. *Mr. John S. Barbour* for petitioner. *Mr. Albert V. Bryan* for respondents. Reported below: 181 Va. 94, 23 S. E. 2d 873.

No. 1041. *DUBINA v. MICHIGAN.* June 7, 1943. Petition for writ of certiorari to the Supreme Court of Michigan denied. *Mr. Harry C. Howard* for petitioner. Reported below: 304 Mich. 363, 8 N. W. 2d 99.

No. 977. *S. J. GROVES & SONS CO. v. WARREN, COMPTROLLER GENERAL.* June 7, 1943. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied. *Mr. JUSTICE RUTLEDGE* took no part in the consideration or decision of this application. *Messrs. O. R. McGuire and O. R. McGuire, Jr.* for

319 U. S.

Decisions Denying Certiorari.

petitioner. *Solicitor General Fahy, Assistant Attorney General Shea, and Mr. Valentine Brookes* for respondent. Reported below: 135 F. 2d 264.

No. 1003. *LUBAR, TRUSTEE, v. HARTMAN*. June 7, 1943. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied. MR. JUSTICE RUTLEDGE took no part in the consideration or decision of this application. *Mr. William R. Lichtenberg* for petitioner. Reported below: 133 F. 2d 44.

No. 1006. *DISTRICT OF COLUMBIA v. QUEEN CITY BREWING Co.* June 7, 1943. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied. MR. JUSTICE RUTLEDGE took no part in the consideration or decision of this application. *Messrs. Richmond B. Keech, Vernon E. West, and Glenn Simmon* for petitioner. *Messrs. E. Barrett Prettyman, F. G. Awalt, and Raymond Sparks* for respondent. Reported below: 134 F. 2d 44.

No. 1005. *ARCHER ET AL., CO-PARTNERS, v. SECURITIES & EXCHANGE COMMISSION*. June 7, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Mr. Carl V. Rice* for petitioners. *Solicitor General Fahy and Messrs. John F. Davis, Milton V. Freeman, and Theodore L. Thau* for respondent. Reported below: 133 F. 2d 795.

No. 1008. *BROOKLYN TRUST Co., TRUSTEE, v. KELBY ET AL.* June 7, 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. *Messrs. Jackson A. Dykman* and *Ralph W. Crolly* for petitioner. *Messrs. Charles H. Kelby* and *Charles M. McCarty* for Prudence-Bonds Corp. et al.; and *Mr. Samuel Silbiger* for George E. Eddy,—respondents. Reported below: 134 F. 2d 105.

No. 910. *TAPIA v. UNITED STATES*. June 7, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. *Pedro E. Sanchez Tapia, pro se*. *Solicitor General Fahy, Assistant Attorney General Berge*, and *Messrs. Oscar A. Provost and W. Marvin Smith* and *Miss Melva M. Graney* for the United States. Reported below: 134 F. 2d 279.

No. 981. *WHITE ET AL. v. UNITED STATES*. June 7, 1943. Petition for writ of certiorari to the Court of Claims denied. *Ben White, pro se*. *Solicitor General Fahy, Assistant Attorney General Littell*, and *Mr. Vernon L. Wilkinson* for the United States. Reported below: 98 Ct. Cls. 804.

No. 987. *BURALL v. JOHNSTON, WARDEN*. June 7, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Louis Burall, pro se*. *Solicitor General Fahy, Assistant Attorney General Berge*, and *Mr. Oscar A. Provost* for respondent. Reported below: 134 F. 2d 614.

No. 1032. *SLAUGHTER v. MADISON ET AL.* June 7, 1943. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied. **MR. JUSTICE RUTLEDGE** took no part in the consideration or decision of this application. *Mr. Elwood G. Hubert* for petitioner. Reported below: 135 F. 2d 650.

No. 1053. *CASSIDY v. MICHIGAN*. June 7, 1943. Petition for writ of certiorari to the Supreme Court of Michigan denied. *Charles Cassidy, pro se.*

No. 1066. *JONES v. BROPHY, WARDEN*. June 7, 1943. Petition for writ of certiorari to the Supreme Court of New York denied. *Fred Jones, pro se. Messrs. Nathaniel L. Goldstein, Attorney General of New York, and William S. Elder, Jr. for respondent.* Reported below: 290 N. Y. 742.

No. 998. *KENDRICK v. SANFORD, WARDEN*. June 7, 1943. 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. § 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C. § 350. *William Kendrick, pro se.* Reported below: 128 F. 2d 263.

No. 1034. *ALLEN v. UNITED STATES*. June 7, 1943. The petition for writ of certiorari to the Circuit Court of Appeals for the Third 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. *James Allen, pro se.*

No. 1002. *WELCH ET AL. v. UNITED STATES*. June 7, 1943. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied. MR. JUSTICE RUTLEDGE took no part in the consideration or decision of this application. *Mr. James J. Laughlin for petitioners. Solicitor General Fahy, Assistant Attorney General Berge, and Messrs. Oscar A. Provost and*

Valentine Brookes and *Miss Beatrice Rosenberg* for the United States. Reported below: 135 F. 2d 465.

No. 713. *VELAZQUEZ v. UNITED STATES*. June 14, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. *Mr. Hugh R. Francis* for petitioner. *Solicitor General Fahy*, *Assistant Attorney General Berge*, and *Mr. Valentine Brookes* for the United States. Reported below: 131 F. 2d 916.

No. 865. *THE ESMOND MILLS ET AL. v. HELVERING, COMMISSIONER OF INTERNAL REVENUE*. June 14, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. *Mr. Andrew B. Trudgian* for petitioners. *Solicitor General Fahy* for respondent. Reported below: 132 F. 2d 753.

No. 958. *KENNEDY LAUNDRY CO. v. HELVERING, COMMISSIONER OF INTERNAL REVENUE*. June 14, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. James A. O'Callaghan* for petitioner. *Solicitor General Fahy*, *Assistant Attorney General Samuel O. Clark, Jr.*, and *Messrs. Sewall Key, Samuel H. Levy*, and *L. W. Post* for respondent. Reported below: 133 F. 2d 660.

No. 983. *JOHN M. WHELAN & SONS, INC. v. UNITED STATES*. June 14, 1943. Petition for writ of certiorari to the Court of Claims denied. *Mr. George E. Beechwood* for petitioner. *Solicitor General Fahy*, *Assistant Attorney General Shea*, and *Messrs. Valentine Brookes* and *Hubert H. Margolies* for the United States. Reported below: 98 Ct. Cls. 601.

No. 999. CITY AND COUNTY OF SAN FRANCISCO *v.* WILLIAMS ET AL. June 14, 1943. Petition for writ of certiorari to the District Court of Appeals, First Appellate District, of California, denied. *Messrs. John J. O'Toole and Dion R. Holm* for petitioner. Reported below: 56 Cal. App. 2d 374, 133 P. 2d 70.

No. 1017. AMTORG TRADING CORP. ET AL. *v.* AMERICAN FOREIGN STEAMSHIP CORP. ET AL. June 14, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Messrs. Charles Recht and Edward G. Dobrin* for petitioners. *Mr. George deForest Lord* for respondents. Reported below: 133 F. 2d 765.

No. 1018. L. A. WELLS CONSTRUCTION CO. *v.* COMMISSIONER OF INTERNAL REVENUE. June 14, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Meyer A. Cook* for petitioner. *Solicitor General Fahy, Assistant Attorney General Samuel O. Clark, Jr., and Messrs. Sewall Key and Samuel H. Levy* for respondent. Reported below: 134 F. 2d 623.

No. 1019. WALLING, ADMINISTRATOR, *v.* T. BUETTNER & CO. June 14, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Solicitor General Fahy and Mr. Irving J. Levy* for petitioner. *Mr. Walter Bachrach* for respondent. Reported below: 133 F. 2d 306.

No. 1020. NORTH KANSAS CITY DEVELOPMENT CO. ET AL. *v.* CHICAGO, BURLINGTON & QUINCY RAILROAD CO. June 14, 1943. Petition for writ of certiorari to the Cir-

cuit Court of Appeals for the Eighth Circuit denied. *Messrs. Godfrey Goldmark and Henry N. Ess* for petitioners. *Messrs. John L. Rice, William S. Hogsett, Hale Houts, Andrew C. Scott, J. C. James, Walter McFarland, and Eldon Martin* for respondent. Reported below: 134 F. 2d 142.

No. 1022. *MAINE v. UNITED STATES*. June 14, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. *Messrs. Frank I. Cowan*, Attorney General of Maine, and *Nathan W. Thompson* for petitioner. *Solicitor General Fahy, Assistant Attorney General Shea*, and *Mr. J. Frank Staley* for the United States. Reported below: 134 F. 2d 574.

No. 1023. *MALTZ, DOING BUSINESS AS EXCEL MANUFACTURING Co., v. SAX ET AL.* June 14, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Myer N. Rosengard* for petitioner. *Messrs. Claude A. Roth and Harry E. Smoot* for respondents. Reported below: 134 F. 2d 2.

No. 1024. *BECKER v. LOEW'S, INCORPORATED*. June 14, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Moses Levitan* for petitioner. *Mr. Herbert M. Lautmann* for respondent. Reported below: 133 F. 2d 889.

No. 1025. *MONTANA v. UNITED STATES*. June 14, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. *Mr. R. V. Bottomly*, Attorney General of Montana, for petitioner. *Solicitor General Fahy, Assistant Attorney General Littell*,

319 U. S.

Decisions Denying Certiorari.

and *Messrs. Vernon L. Wilkinson* and *Dwight D. Doty* for the United States. Reported below: 134 F. 2d 194.

No. 1026. *C. P. A. COMPANY v. HELVERING, COMMISSIONER OF INTERNAL REVENUE*. June 14, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. John M. Hudson* for petitioner. *Solicitor General Fahy, Assistant Attorney General Samuel O. Clark, Jr., and Messrs. Sewall Key, Samuel H. Levy, and F. E. Youngman* for respondent. Reported below: 134 F. 2d 616.

No. 1029. *KERTESS ET AL. v. UNITED STATES*. June 14, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Mr. Joseph H. Broderick* for petitioners. *Solicitor General Fahy and Mr. Robert L. Stern* for the United States.

No. 1031. *TRAVELERS INSURANCE Co. v. MAGILL, CONSERVATOR*. June 14, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. James C. Jones, Jr.* for petitioner. *Mr. J. L. London* for respondent. Reported below: 134 F. 2d 612.

No. 1033. *DOUCHAN v. UNITED STATES*. June 14, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Charles A. Meyer* for petitioner. *Solicitor General Fahy, Assistant Attorney General Berge, and Messrs. Oscar A. Provost and Valentine Brookes* and *Miss Beatrice Rosenberg* for the United States. Reported below: 136 F. 2d 144.

No. 1037. *STEINER v. UNITED STATES*. June 14, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Warren O. Coleman* for petitioner. *Solicitor General Fahy, Assistant Attorney General Berge*, and *Mr. Oscar A. Provost* and *Miss Melva M. Graney* for the United States. Reported below: 134 F. 2d 931.

No. 1038. *TIEDEMANN ET AL. v. ESTODURAS STEAMSHIP Co., INC.* June 14, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Charles Recht* for petitioners. *Mr. P. A. Beck* for respondent. Reported below: 133 F. 2d 719.

No. 1042. *DAVIS, TREASURER, ET AL. v. DINNY & ROBBINS, INC.* June 14, 1943. Petition for writ of certiorari to the Court of Appeals of New York denied. *Mr. Simon J. Liebowitz* for petitioners. *Messrs. Samuel J. Robbins* and *Sidney O. Raphael* for respondent. Reported below: 290 N. Y. 101, 48 N. E. 2d 280.

No. 1052. *MOLZAHN v. UNITED STATES*. June 14, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. *Messrs. Francis Fisher Kane* and *James W. Carpenter* for petitioner. *Solicitor General Fahy, Assistant Attorney General Berge*, and *Mr. Robert S. Erdahl* for the United States. Reported below: 135 F. 2d 92.

No. 968. *BENGUET CONSOLIDATED MINING Co. v. PERKINS ET AL.* June 14, 1943. Petition for writ of certiorari to the District Court of Appeals, First Appellate Dis-

319 U. S. Decisions Denying Certiorari.

trict, of California, denied. MR. JUSTICE MURPHY took no part in the consideration or decision of this application. *Mr. W. H. Lawrence, Alfred Sutro, and Francis R. Kirkham* for petitioner. *Messrs. Hiram W. Johnson, James Farraher, and Theodore H. Roche* for respondents. Reported below: 55 Cal. App. 2d 720, 132 P. 2d 70.

No. 637. *UNITED STATES v. MINSKI*. June 14, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Solicitor General Fahy* for the United States. *Mr. Harold H. Armstrong* for respondent. Reported below: 131 F. 2d 614.

No. 967. *ELLIOTT v. BUCHANAN, WARDEN*. June 14, 1943. Petition for writ of certiorari to the Court of Appeals of Kentucky denied. *Messrs. S. H. Brown and Zeb A. Stewart* for petitioner. Reported below: 292 Ky. 614, 167 S. W. 2d 703.

No. 608. *DAVIS v. ARIZONA*. June 14, 1943. Petition for writ of certiorari to the Supreme Court of Arizona denied on the ground that the judgment below rested on a non-federal ground adequate to support it. See *Brooks v. State*, 51 Ariz. 544, 78 P. 2d 498. *Mr. Hayden C. Covington* for petitioner. Reported below: 58 Ariz. 444, 120 P. 2d 808.

No. 996. *ELLERBRAKE v. UNITED STATES*. June 14, 1943. Petition for writ of certiorari to the Circuit of Appeals for the Seventh Circuit denied. *Armin Ellerbrake, pro se. Solicitor General Fahy, Assistant Attorney General Berge, and Mr. Oscar A. Provost* for the United States. Reported below: 134 F. 2d 683.

Cases Disposed of Without Consideration by the Court. 319 U. S.

No. 1009. *ARWOOD v. UNITED STATES*. June 14, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Walter P. Armstrong* for petitioner. *Solicitor General Fahy, Assistant Attorney General Berge*, and *Mr. Robert S. Erdahl* for the United States. Reported below: 134 F. 2d 1007.

No. 1077. *FARRELL v. LANAGAN, WARDEN*. June 14, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. *Joseph A. Farrell, pro se*.

No. 943. *HOLMES v. UNITED STATES*. June 14, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *MR. JUSTICE DOUGLAS* took no part in the consideration or decision of these applications. *Leo S. Holmes, pro se. Solicitor General Fahy, Assistant Attorney General Berge*, and *Messrs. Robert S. Erdahl and Irvin Goldstein* for the United States. Reported below: 134 F. 2d 125.

CASES DISPOSED OF WITHOUT CONSIDERATION
BY THE COURT, FROM APRIL 20, 1943,
THROUGH JUNE 14, 1943.

No. 557. *NATIONAL LABOR RELATIONS BOARD v. GOOD-
YEAR TIRE & RUBBER CO. ET AL.* Certiorari, 317 U. S. 622, to the Circuit Court of Appeals for the Fifth Circuit. May 3, 1943. Dismissed on motion of counsel for the petitioner. *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.