

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

and *A. N. Whitlock* for petitioners. *Messrs. Marcus L. Bell, W. F. Peter, J. G. Gamble, and A. B. Howland* for respondents. Reported below: 138 F. 2d 268.

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No. 534. *PITNEY ET AL., TRUSTEES, v. NEW JERSEY;* and

No. 535. *PITNEY ET AL., TRUSTEES, v. NEW JERSEY ET AL.* January 10, 1944. Petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit denied. *Messrs. John W. Davis, Montgomery B. Angell, and Marvin Lyons* for petitioners. *Messrs. Joseph Lanigan, Charles A. Rooney, and Charles Hershenstein* for respondents. Reported below: 136 F. 2d 633.

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CASES DISPOSED OF WITHOUT CONSIDERATION BY THE COURT, THROUGH JANUARY 10, 1944.

No. 69. *GIBSON v. COMMISSIONER OF INTERNAL REVENUE.* On petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit. August 30, 1943. Dismissed pursuant to Rule 35. *Mr. Daniel Gordon James Judge* for petitioner. Reported below: 133 F. 2d 308.

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No. 239. *MROZ v. UNITED STATES.* On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit. September 30, 1943. Dismissed pursuant to Rule 35. *Mr. Perry J. Stearns* for petitioner. Reported below: 136 F. 2d 221.

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No. 150. *PETERSIME INCUBATOR CO. v. BUNDY INCUBATOR CO.* On petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit. October 4, 1943.

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Dismissed on motion of counsel for the petitioner. *Messrs. H. A. Toulmin, Jr., John M. Mason, and Rowan A. Greer* for petitioner. *Mr. Albert L. Ely* for respondent. Reported below: 135 F. 2d 580.

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No. 318. *HILL v. TEXAS*. On petition for writ of certiorari to the Court of Criminal Appeals of Texas. October 11, 1943. Dismissed on motion of counsel for the petitioner. *Mr. A. S. Baskett* for petitioner. Reported below: 171 S. W. 2d 880.

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No. 85. *MISSOURI PACIFIC RAILROAD CO. ET AL. v. THOMPSON, TRUSTEE, ET AL.*;

No. 86. *PROTECTIVE COMMITTEE FOR HOLDERS OF COMMON STOCK OF MISSOURI PACIFIC RAILROAD CO. v. THOMPSON, TRUSTEE, ET AL.*; and

No. 87. *ALLEGHANY CORPORATION v. THOMPSON, TRUSTEE, ET AL.* On petition for writs of certiorari to the Circuit Court of Appeals for the Eighth Circuit. November 8, 1943. The petition for writs of certiorari in these cases is dismissed as to all petitioners other than the Protective Committee for Holders of First Mortgage Bonds of International-Great Northern Railroad Company on motion of counsel for those petitioners. The petition for a writ of certiorari of the Protective Committee for Holders of First Mortgage Bonds of International-Great Northern Railroad Company, one of the petitioners in No. 85, is denied. *Messrs. Edward F. Colladay, Everett Paul Griffin, Malcolm Fooshee, Marion B. Pierce, Harry Kirshbaum, and Luther M. Walter* for petitioners. Reported below: 134 F. 2d 139.

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No. 372. *IN RE AMOS GAYLE*. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth

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Rehearing Denied.

Circuit. November 8, 1943. Dismissed on motion of counsel for the petitioner. *Mr. John O. Collins* for petitioner. Reported below: 136 F. 2d 973.

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No. 329. UNITED STATES *v.* BERKE CAKE CO., INC., ET AL. Appeal from the District Court of the United States for the Eastern District of New York. December 20, 1943. Dismissed on motion of counsel for the appellant. *Solicitor General Fahy, Assistant Solicitor General Cox, Assistant Attorney General Tom C. Clark, Messrs. Oscar A. Provost and Harold M. Kennedy, and Miss Beatrice Rosenberg* for the United States. *Messrs. Charles E. Scribner and Mark Hyman* for appellees. Reported below: 50 F. Supp. 311.

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#### DECISIONS GRANTING REHEARING, FROM OCTOBER 4, 1943, THROUGH JANUARY 10, 1944.

No. 213. TWISP MINING & SMELTING CO. *v.* CHELAN MINING CO. ET AL. See *ante*, p. 716.

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#### DECISIONS DENYING REHEARING, FROM OCTOBER 4, 1943, THROUGH JANUARY 10, 1944.\*

No. —, original, October Term, 1942. *EX PARTE EDWARD J. BORAH*. October 11, 1943. The application for writ of certiorari is also denied. 318 U. S. 745.

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No. 2, October Term, 1942. *SCHNEIDERMAN v. UNITED STATES*. October 11, 1943. MR. JUSTICE JACKSON took no part in the consideration or decision of this application.

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\*See Table of Cases Reported in this volume for earlier decisions in these cases, unless otherwise indicated.