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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.

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.

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.

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.

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.

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

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No. 4, October Term, 1942. *UNITED STATES v. JOHNSON*; and

No. 5, October Term, 1942. *UNITED STATES v. SOMMERS ET AL.* October 11, 1943. MR. JUSTICE MURPHY, MR. JUSTICE JACKSON, and MR. JUSTICE RUTLEDGE took no part in the consideration or decision of these applications. 319 U. S. 503.

No. 517, October Term, 1942. *AJELLO v. PAN AMERICAN AIRWAYS CORP. ET AL.* October 11, 1943. Fourth petition for rehearing denied. MR. JUSTICE RUTLEDGE took no part in the consideration or decision of this application. 319 U. S. 784.

No. 940, October Term, 1942. *POTTS, TRADING AS SOUTHERN PROGRESS PUBLISHING CO., v. DIES.* October 11, 1943. MR. JUSTICE RUTLEDGE took no part in the consideration or decision of this application. 319 U. S. 762.

No. 1003, October Term, 1942. *LUBAR, TRUSTEE, v. HARTMAN.* October 11, 1943. MR. JUSTICE RUTLEDGE took no part in the consideration or decision of this application. 319 U. S. 767.

No. 1064, October Term, 1942. *PREBYL v. PRUDENTIAL INSURANCE CO. ET AL.* October 11, 1943. MR. JUSTICE ROBERTS and MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application.

No. 1069, October Term, 1942. *KUSHNER v. UNITED STATES.* October 11, 1943. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application.

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No. 824, October Term, 1942. *METROPOLITAN-COLUMBIA STOCKHOLDERS, INC., ET AL. v. CITY OF NEW YORK.* October 11, 1943. The motion for leave to file a third petition for rehearing is denied.

No. 955, October Term, 1942. *VALENTI v. UNITED STATES.* October 11, 1943. The motion for leave to file petition for rehearing is denied. 319 U. S. 761.

No. 369, October Term, 1942. *MARCONI WIRELESS TELEGRAPH CO. v. UNITED STATES.* October 11, 1943.

No. 552, October Term, 1942. *INTERSTATE TRANSIT LINES v. COMMISSIONER OF INTERNAL REVENUE.* October 11, 1943. 319 U. S. 590.

No. 608, October Term, 1942. *DAVIS v. ARIZONA.* October 11, 1943. 319 U. S. 775.

No. 628, October Term, 1942. *INTERSTATE COMMERCE COMMISSION ET AL. v. COLUMBUS & GREENVILLE RAILWAY CO.* October 11, 1943. 319 U. S. 551.

No. 698, October Term, 1942. *BOONE v. LIGHTNER ET AL.* October 11, 1943. 319 U. S. 561.

No. 707, October Term, 1942. *FREEMAN v. BEE MACHINE CO., INC.* October 11, 1943. 319 U. S. 448.

No. 709, October Term, 1942. *VIRGINIA ELECTRIC & POWER CO. v. NATIONAL LABOR RELATIONS BOARD.* October 11, 1943. 319 U. S. 533.

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No. 726, October Term, 1942. *MAYO ET AL. v. UNITED STATES.* October 11, 1943. 319 U. S. 441.

No. 766, October Term, 1942. *VIRGINIAN HOTEL CORP. v. COMMISSIONER OF INTERNAL REVENUE.* October 11, 1943. 319 U. S. 523.

No. 958, October Term, 1942. *KENNEDY LAUNDRY CO. v. COMMISSIONER OF INTERNAL REVENUE.* October 11, 1943. 319 U. S. 770.

No. 892, October Term, 1942. *COLE v. VIOLETT ET AL.* October 11, 1943. 319 U. S. 581.

No. 895, October Term, 1942. *RUMBERGER v. WELSH ET AL.* October 11, 1943. 319 U. S. 759.

No. 964, October Term, 1942. *STANDARD DREDGING CORP. v. WALLING, ADMINISTRATOR.* October 11, 1943. 319 U. S. 761.

No. 967, October Term, 1942. *ELLIOTT v. BUCHANAN, WARDEN.* October 11, 1943. 319 U. S. 775.

No. 987, October Term, 1942. *BURALL v. JOHNSTON, WARDEN.* October 11, 1943. 319 U. S. 768.

No. 989, October Term, 1942. *GORDON FORM LATHE CO. v. FORD MOTOR CO.* October 11, 1943. 319 U. S. 765.

No. 996, October Term, 1942. *ELLERBRAKE v. UNITED STATES.* October 11, 1943. 319 U. S. 775.

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No. 1001, October Term, 1942. *BOWEN v. UNITED STATES*. October 11, 1943. 319 U. S. 764.

No. 1024, October Term, 1942. *BECKER v. LOEW'S, INCORPORATED*. October 11, 1943. 319 U. S. 772.

No. 1031, October Term, 1942. *TRAVELERS INSURANCE CO. v. MAGILL, CONSERVATOR*. October 11, 1943. 319 U. S. 773.

No. 1038, October Term, 1942. *TIEDEMANN ET AL. v. ESTODURAS STEAMSHIP CO., INC.* October 11, 1943. 319 U. S. 774.

No. 1040, October Term, 1942. *DAVIS v. MASSACHUSETTS*. October 11, 1943.

No. 1041, October Term, 1942. *DUBINA v. MICHIGAN*. October 11, 1943. 319 U. S. 766.

No. 1042, October Term, 1942. *DAVIS, TREASURER, ET AL. v. DINNY & ROBBINS, INC.* October 11, 1943. 319 U. S. 774.

No. 1070, October Term, 1942. *GUYTON v. UNITED STATES*. October 11, 1943.

No. 1077, October Term, 1942. *FARRELL v. LANAGAN, WARDEN*. October 11, 1943. 319 U. S. 776.

No. 1034, October Term, 1942. *ALLEN v. UNITED STATES*. Second petition for rehearing and "for vacating of judgment" denied.

No. 167. *FLOWERS v. FLORIDA*. October 18, 1943.

Rehearing Denied.

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No. —. *BENTZ v. MICHIGAN*. October 25, 1943.

No. 184. *COVER v. CHICAGO EYE SHIELD Co.* October 25, 1943.

No. 347, October Term, 1941. *TASTY BAKING Co. v. UNITED STATES*. November 8, 1943. The motion for leave to file petition for rehearing is denied. MR. JUSTICE RUTLEDGE took no part in the consideration or decision of this application. 314 U. S. 654.

No. 987, October Term, 1942. *BURALL v. JOHNSTON, WARDEN*. November 8, 1943. Second petition for rehearing denied.

No. 240. *WAYNE v. ROBINSON ET AL.* November 8, 1943. MR. JUSTICE RUTLEDGE took no part in the consideration or decision of this application.

No. 92. *SWAN CARBURETOR Co. v. NASH MOTOR Co.* November 8, 1943.

No. 96. *PETTY v. MISSOURI & ARKANSAS RAILWAY Co.* November 8, 1943.

No. 121. *BARNES v. PENNSYLVANIA EX REL. BARNES*. November 8, 1943.

No. 168. *DENNEY v. FORT RECOVERY BANKING Co.* November 8, 1943.

No. 185. *SNYDER v. PROVIDENT TRUST Co.* November 8, 1943.

No. 218. *SKIDMORE ET AL. v. SWIFT & Co.* November 8, 1943.

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Rehearing Denied.

No. 247. *REID v. UNITED STATES.* November 8, 1943.No. 268. *BENNETT v. DEGEETER.* November 8, 1943.No. 277. *SPRUILL v. NEWBY, CHAIRMAN.* November 8, 1943.No. 281. *THOMSON ET AL. v. BUTLER ET AL.* November 8, 1943.No. 294. *PAYNE v. KIRCHWEHM.* November 8, 1943.No. 313. *GREEN ET AL. v. CITY OF STUART.* November 8, 1943.No. 100. *DOSS v. ILLINOIS.* November 15, 1943.No. 124. *ROYER, ADMINISTRATRIX, v. GREINER.* November 15, 1943.No. 201. *TROJAN POWDER CO. v. NATIONAL LABOR RELATIONS BOARD.* November 15, 1943.No. 220. *GORMLY v. UNITED STATES.* November 15, 1943.No. 238. *NORRIS ET AL., EXECUTORS, v. COMMISSIONER OF INTERNAL REVENUE.* November 15, 1943.No. 330. *G. T. FOGLE & CO. v. UNITED STATES.* November 15, 1943.No. 295. *DEMARCOS v. OVERHOLSER, SUPERINTENDENT.* November 22, 1943.

Rehearing Denied.

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No. 335. *LLOYD v. UNITED STATES FIDELITY & GUARANTY CO.* November 22, 1943.

No. 18. *CARTER v. KUBLER.* December 6, 1943.

No. 137. *POWELL v. SANFORD, WARDEN.* December 6, 1943.

No. 187. *NEW YORK EX REL. ROGALSKI v. MARTIN, WARDEN.* December 6, 1943.

No. 214. *GILCREASE OIL CO. v. COSBY ET AL.* December 6, 1943.

No. 377. *GOLDSMITH ET AL. v. UNITED STATES.* December 6, 1943.

No. 389. *NEAL ET AL. v. FLORIDA ET AL.* December 6, 1943.

No. 390. *NIKLAUS ET AL. v. LINCOLN JOINT STOCK LAND BANK.* December 6, 1943.

No. 407. *LASH v. ALABAMA.* December 6, 1943.

No. 431. *DUNNE ET AL. v. UNITED STATES.* December 6, 1943.

No. 21. *UNITED STATES EX REL. BRENSILBER ET AL. v. BAUSCH & LOMB OPTICAL CO. ET AL.* December 6, 1943. MR. JUSTICE BLACK, MR. JUSTICE DOUGLAS, MR. JUSTICE MURPHY, and MR. JUSTICE RUTLEDGE think the petitions should be granted. MR. JUSTICE JACKSON took no part in the consideration or decision of these applications.

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No. 448. *NIAGARA FALLS POWER CO. v. FEDERAL POWER COMMISSION*. December 6, 1943. MR. JUSTICE JACKSON took no part in the consideration or decision of this application.

No. 426. *ETTMAN v. FEDERAL LIFE INSURANCE CO.* December 13, 1943.

No. 5. *UNITED STATES v. DOTTERWEICH*. December 20, 1943.

No. 189. *BURROUGHS v. SANFORD, WARDEN*. December 20, 1943.

No. 432. *SABIN ET AL. v. LEVORSEN ET AL.* December 20, 1943.

No. 473. *KRAUSS, TRADING AS AMERICAN CORD & WEBBING CO., v. GREENBARG ET AL., TRADING AS KING KARD OVERALL CO.* December 20, 1943.

No. 968, October Term, 1942. *BENGUET CONSOLIDATED MINING CO. v. PERKINS ET AL.* January 3, 1944. MR. JUSTICE MURPHY took no part in the consideration or decision of this application. 319 U. S. 774.

No. 191. *COYLE v. NEW YORK*. January 3, 1944.

No. 418. *WADE v. NEW YORK*. January 3, 1944.

No. 431. *DUNNE ET AL. v. UNITED STATES*. January 3, 1944. Second petition for rehearing denied.

No. 251. *COY v. JOHNSTON, WARDEN*. January 3, 1944.

Rehearing Denied.

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No. 435. BROTHERHOOD OF RAILWAY & STEAMSHIP CLERKS, FREIGHT HANDLERS, EXPRESS & STATION EMPLOYEES ET AL. *v.* UNITED TRANSPORT SERVICE EMPLOYEES ET AL. January 10, 1944. MR. JUSTICE RUTLEDGE is of opinion that the petition for rehearing should be granted, the case restored to the docket and set for argument.

Nos. 38 and 39. COLGATE-PALMOLIVE-PEET Co. *v.* UNITED STATES. January 10, 1944. MR. JUSTICE ROBERTS and MR. JUSTICE JACKSON took no part in the consideration or decision of this application.

Nos. 49 and 50. FORD MOTOR Co. *v.* GORDON FORM LATHE Co. January 10, 1944. MR. JUSTICE MURPHY took no part in the consideration or decision of this application.

No. 124. ROYER, ADMINISTRATRIX, *v.* GREINER. January 10, 1944. Second petition for rehearing denied.

No. 439. FRYBERGER *v.* CONSOLIDATED ELECTRIC & GAS Co. ET AL. January 10, 1944.

No. 455. LEISHMAN *v.* ASSOCIATED WHOLESALE ELECTRIC Co. January 10, 1944.

No. 478. FIDES, A. G., *v.* COMMISSIONER OF INTERNAL REVENUE. January 10, 1944.

No. 479. GORDON ET AL. *v.* UNITED STATES. January 10, 1944.

No. 485. WHITEFORD *v.* HECHT COMPANY. January 10, 1944.