

No. —. *BETZ v. UNITED STATES*. April 3, 1944. Petition denied.

No. —. *MINNTOLE v. JOHNSTON, WARDEN*. April 3, 1944. Motion for leave to file petition for writ of habeas corpus denied.

No. —. *SMITH v. BIDDLE, ATTORNEY GENERAL*. April 3, 1944. Motion for leave to file petition for writ of certiorari denied.

No. —. *UNITED STATES EX REL. TIGNEY v. RAGEN, WARDEN*; and

No. —. *NEW YORK EX REL. VIALVA v. WEBSTER, SUPERINTENDENT*. April 10, 1944. Applications denied.

No. —. *ILLINOIS EX REL. SULLIVAN v. RAGEN, WARDEN*; and

No. —. *EX PARTE ALLAN LAMBUS*. April 10, 1944. The motions for leave to file petitions for writs of habeas corpus are denied.

#### DECISIONS GRANTING CERTIORARI, FROM JANUARY 11, 1944, THROUGH APRIL 10, 1944.

No. 493. *BAUMGARTNER v. UNITED STATES*. January 17, 1944. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Carl Wilhelm Baumgartner, pro se. Solicitor General Fahy, Assistant Attorney General Tom C. Clark, Mr. Robert S. Erdahl, and Miss Beatrice Rosenberg* for the United States. Reported below: 138 F. 2d 29.

Nos. 514 and 515. *UNITED STATES v. MITCHELL*. January 17, 1944. Petition for writs of certiorari to the

United States Court of Appeals for the District of Columbia granted. *Solicitor General Fahy* for the United States. *Mr. James J. Laughlin* for respondent. Reported below: 138 F. 2d 426.

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No. 560. *NATHANSON v. UNITED STATES*. See *ante*, p. 746.

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No. 559. *MORTENSEN ET AL. v. UNITED STATES*. January 31, 1944. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Messrs. Eugene D. O'Sullivan* and *Thomas W. Lanigan* for petitioners. *Solicitor General Fahy, Assistant Attorney General Tom C. Clark, Mr. Robert S. Erdahl, and Miss Beatrice Rosenberg* for the United States. Reported below: 139 F. 2d 967.

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No. 565. *WISCONSIN GAS & ELECTRIC CO. v. UNITED STATES*. January 31, 1944. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Mr. Van B. Wake* for petitioner. *Solicitor General Fahy, Assistant Attorney General Samuel O. Clark, Jr., and Messrs. Sewall Key and Chester T. Lane* for the United States. Reported below: 138 F. 2d 597.

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No. 349. *DECASTRO v. BOARD OF COMMISSIONERS OF SAN JUAN*. February 28, 1944. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted. *Messrs. Hugh R. Francis and Gabriel de la Haba* for petitioner. Reported below: 136 F. 2d 419.

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No. 613. *AMERICAN SEATING CO. v. ZELL*. February 28, 1944. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Messrs.*

*William D. Whitney* and *Albert R. Connelly* for petitioner. *Messrs. J. Edward Lumbard, Jr.* and *Theodore S. Hope, Jr.* for respondent. Reported below: 138 F. 2d 641.

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No. 649. *THE ANACONDA ET AL. v. AMERICAN SUGAR REFINING Co.* February 28, 1944. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Mr. Cody Fowler* for petitioners. *Mr. Henry N. Longley* for respondent. Reported below: 138 F. 2d 765.

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No. 497. *MARIO MERCADO E HIJOS v. COMMINES ET AL.* February 28, 1944. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted. The motion for leave to file petition for writ of mandamus is denied. *Messrs. William Cattron Rigby, Pedro M. Porrata, and Fred W. Llewellyn* for petitioner.

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No. 648. *UNITED STATES v. HELLARD.* March 6, 1944. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted. *Solicitor General Fahy* for the United States. *Mr. George H. Jennings* for respondent. Reported below: 138 F. 2d 985.

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No. 578. *SOUTHERN RAILWAY Co. v. UNITED STATES.* March 6, 1944. Petition for writ of certiorari to the Court of Claims granted. *Messrs. Sidney S. Alderman, Siddon G. Boxley, and S. R. Prince* for petitioner. *Solicitor General Fahy, Assistant Attorney General Shea, and Mr. Walter J. Cummings, Jr.* for the United States. Reported below: 100 Ct. Cls. 175.

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No. 628. *HUDDLESTON ET AL. v. DWYER ET AL.* March 6, 1944. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted. *Messrs. Joseph R. Brown and Frank H. Moore* for petitioners. *Mr. William L. Curtis* for respondents. Reported below: 137 F. 2d 383.

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Nos. 701 and 702. *CLARIDGE APARTMENTS CO. v. COMMISSIONER OF INTERNAL REVENUE.* March 27, 1944. Petitions for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Messrs. John E. Hughes, Cornelius E. Lombardi, and Jesse Andrews* for petitioner. *Solicitor General Fahy, Assistant Attorney General Samuel O. Clark, Jr., Messrs. Sewall Key and J. Louis Monarch, and Mrs. Muriel Paul* for respondent. Reported below: 138 F. 2d 962.

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No. 681. *HERB v. PITCAIRN ET AL., RECEIVERS;* and

No. 682. *BELCHER v. LOUISVILLE & NASHVILLE RAILROAD CO.* March 27, 1944. Petitions for writs of certiorari to the Supreme Court of Illinois granted. *Messrs. Roberts P. Elam and Mark D. Eagleton* for petitioners. *Messrs. Carleton S. Hadley, Geo. D. Burroughs, and Thos. Williamson* for respondents in No. 681; and *Mr. James A. Farmer* for respondent in No. 682. Reported below: 384 Ill. 237, 281, 51 N. E. 2d 277, 282.

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No. 699. *WALLING, ADMINISTRATOR, v. HELMERICH & PAYNE, INC.* March 27, 1944. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted limited to the first question presented by the petition. *Solicitor General Fahy and Mr. Douglas B. Maggs* for petitioner. Reported below: 138 F. 2d 705.

No. 679. *KOREMATSU v. UNITED STATES*. March 27, 1944. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Mr. Jackson H. Ralston* for petitioner. *Solicitor General Fahy* and *Mr. Edward J. Ennis* for the United States. *Messrs. Edwin Borchard, Osmond K. Fraenkel, Arthur Garfield Hays, Harold Evans, and Thomas Raeburn White* filed a brief on behalf of the American Civil Liberties Union, as *amicus curiae*, in support of the petition. Reported below: 140 F. 2d 289.

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No. 711. *MUSCHANY ET AL. v. UNITED STATES*; and No. 726. *ANDREWS ET AL. v. UNITED STATES*. April 3, 1944. Petitions for writs of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Mr. William R. Gentry* for petitioners in No. 711; and *Messrs. Samuel M. Watson* and *Redick O'Bryan* for petitioners in No. 726. *Solicitor General Fahy, Assistant Attorney General Littell, and Messrs. Valentine Brookes and Norman MacDonald* for the United States. Reported below: 139 F. 2d 661.

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No. 741. *COMMISSIONER OF INTERNAL REVENUE v. HARMON*. April 3, 1944. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted. *Solicitor General Fahy* for petitioner. Reported below: 139 F. 2d 211.

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No. 674. *CAROLENE PRODUCTS CO. ET AL. v. UNITED STATES*. April 3, 1944. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted limited to the first four questions presented by the petition. *Mr. Samuel H. Kaufman* for petitioners. *Solicitor General Fahy, Assistant Attorney General Tom C. Clark, and Messrs. Edward G. Jennings and Irvin*

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*Goldstein* for the United States. Reported below: 140 F. 2d 61.

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No. 680. *SMITH ET AL., PARTNERS, v. DAVIS ET AL., AS BOARD OF COUNTY TAX ASSESSORS, ET AL.* April 3, 1944. Petition for writ of certiorari to the Supreme Court of Georgia granted. *Messrs. Blair Foster, Philip H. Alston, and Wm. Hart Sibley* for petitioners. Reported below: 28 S. E. 2d 148.

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No. 684. *POPE v. UNITED STATES.* April 3, 1944. Petition for writ of certiorari to the Court of Claims granted. *Messrs. George Robert Shields, Herman J. Galloway, John W. Gaskins, and Fred W. Shields* for petitioner. *Solicitor General Fahy, Assistant Attorney General Shea, and Messrs. Robert L. Stern and Melvin Richter* for the United States. Reported below: 100 Ct. Cls. 375, 53 F. Supp. 570.

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No. 793. *L. P. STEUART & BRO., INC. v. BOWLES, PRICE ADMINISTRATOR, ET AL.* April 3, 1944. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted. *Messrs. Renah F. Camalier and Francis C. Brooke* for petitioner. *Solicitor General Fahy and Mr. Thomas I. Emerson* for respondents. Reported below: 140 F. 2d 703.

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No. 759. *KANN v. UNITED STATES.* April 10, 1944. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted. *Mr. Simon E. Sobeloff* for petitioner. *Solicitor General Fahy, Assistant Attorney General Tom C. Clark, Mr. Edward G. Jennings, and Miss Beatrice Rosenberg* for the United States. Reported below: 140 F. 2d 380.

No. 781. *HOOVEN & ALLISON CO. ET AL. v. EVATT, TAX COMMISSIONER.* April 10, 1944. Petition for writ of certiorari to the Supreme Court of Ohio granted. *Messrs. Luther Day and Thomas C. Lavery* for petitioner. *Mr. Thomas J. Herbert*, Attorney General of Ohio, for respondent. Reported below: 142 Ohio St. 235, 51 N. E. 2d 723.

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No. 745. *SAGE STORES CO. ET AL. v. KANSAS EX REL. MITCHELL, ATTORNEY GENERAL.* April 10, 1944. Petition for writ of certiorari to the Supreme Court of Kansas granted limited to the first question presented by the petition. *Messrs. Samuel H. Kaufman, George Trosk, Milton Adler, and Thomas M. Lillard* for petitioners. *Messrs. A. B. Mitchell*, Attorney General of Kansas, and *C. Glenn Morris* for respondent. Reported below: 157 Kan. 622, 143 P. 2d 652.

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No. 768. *MCDONALD v. COMMISSIONER OF INTERNAL REVENUE.* April 10, 1944. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Mr. Frederick E. S. Morrison* for petitioner. *Solicitor General Fahy, Assistant Attorney General Samuel O. Clark, Jr., Messrs. Sewall Key and Newton K. Fox, and Miss Helen R. Carloss* for respondent. Reported below: 139 F. 2d 400.

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#### DECISIONS DENYING CERTIORARI, FROM JANUARY 11, 1944, THROUGH APRIL 10, 1944.

No. 538. *WILLIAMS v. ILLINOIS.* January 12, 1944. Petition for writ of certiorari to the Supreme Court of Illinois denied. The application for a stay is also denied. *Mr. JUSTICE MURPHY* took no part in the consideration or