

Rehearing Denied.

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District Court of the United States for the Western District of New York. The petition for rehearing is granted. The judgment entered December 16, 1946, *ante*, p. 686, is vacated and probable jurisdiction is noted. MR. JUSTICE JACKSON took no part in the consideration or decision of this application. *Willard S. McKay, Harold R. Medina, Arthur Garfield Hays and Osmond K. Fraenkel* for appellants.

ORDERS DENYING REHEARING, FROM OCTOBER 7, 1946, THROUGH FEBRUARY 3, 1947.*

No. 127, Misc., October Term, 1945. *RESCO v. RAGEN, WARDEN*. October 14, 1946. 328 U. S. 824.

No. 122, October Term, 1945. *FISHER v. UNITED STATES*. October 14, 1946. 328 U. S. 463.

No. 274, October Term, 1945. *ROBERTSON v. CALIFORNIA*. October 14, 1946. 328 U. S. 440.

No. 510, October Term, 1945. *KNAUER v. UNITED STATES*. October 14, 1946. 328 U. S. 654.

No. 719, October Term, 1945. *PINKERTON ET AL. v. UNITED STATES*. October 14, 1946. 328 U. S. 640.

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

THE CHIEF JUSTICE and MR. JUSTICE JACKSON took no part in the consideration or decision of the applications in the cases in which orders denying rehearing were announced October 14, 1946.

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No. 732, October Term, 1945. *HELWIG v. UNITED STATES*. October 14, 1946. 328 U. S. 820.

No. 744, October Term, 1945. *EVANS v. UNITED STATES*. October 14, 1946. 328 U. S. 855.

No. 754, October Term, 1945. *SEWELL ET AL. v. COMMISSIONER OF INTERNAL REVENUE*. October 14, 1946. 327 U. S. 783.

No. 790, October Term, 1945. *AETNA INSURANCE CO. v. HOBBS, COMMISSIONER OF INSURANCE*; and

No. 791, October Term, 1945. *AMERICAN INDEMNITY CO. v. HOBBS, COMMISSIONER OF INSURANCE*. October 14, 1946. 328 U. S. 822.

No. 843, October Term, 1945. *SECURITIES & EXCHANGE COMMISSION v. W. J. HOWEY CO. ET AL.* October 14, 1946. 328 U. S. 293.

No. 987, October Term, 1945. *WILSON v. UNITED STATES*. October 14, 1946. 328 U. S. 823.

No. 1055, October Term, 1945. *BEECHER v. FEDERAL LAND BANK OF SPOKANE ET AL.* October 14, 1946. 328 U. S. 871.

No. 1068, October Term, 1945. *EASTMAN v. UNITED STATES*. October 14, 1946. 328 U. S. 852.

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No. 1071, October Term, 1945. *CARPENTER ET AL. v. TITLE INSURANCE & TRUST CO.* October 14, 1946. 328 U.S. 847.

No. 1102, October Term, 1945. *GOULD ET AL. v. UNITED STATES.* October 14, 1946. 328 U.S. 848.

No. 1108, October Term, 1945. *BROOKS, ADMINISTRATRIX, v. ST. LOUIS-SAN FRANCISCO RAILWAY CO. ET AL.* (328 U.S. 867);

No. 1109, October Term, 1945. *DIKIS, ADMINISTRATOR, ET AL. v. ST. LOUIS-SAN FRANCISCO RAILWAY CO. ET AL.* (328 U.S. 868); and

No. 1110, October Term, 1945. *ST. LOUIS-SAN FRANCISCO RAILWAY CO. v. CHASE NATIONAL BANK ET AL.* (328 U.S. 868). October 14, 1946.

No. 1135, October Term, 1945. *RUBIN v. NEW YORK.* October 14, 1946. 328 U.S. 851.

No. 1162, October Term, 1945. *MURPHY v. MURPHY.* October 14, 1946. 328 U.S. 872.

No. 1172, October Term, 1945. *LORENZO v. UNITED STATES ET AL.* (328 U.S. 863);

No. 1173, October Term, 1945. *ROSASCO v. UNITED STATES ET AL.* (328 U.S. 863);

No. 1174, October Term, 1945. *MARIANO MARESCA & CO. v. UNITED STATES ET AL.* (328 U.S. 864); and

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No. 1175, October Term, 1945. "ITALIA"-SOCIETA ANONIMA DI NAVIGAZIONE *v.* UNITED STATES ET AL. (328 U. S. 864). October 14, 1946.

No. 1176, October Term, 1945. SOCIETA ANONIMA CO-OPERATIVE DI NAVIGAZIONE GARIBALDI *v.* UNITED STATES ET AL.;

No. 1177, October Term, 1945. "ITALIA"-SOCIETA ANONIMA DI NAVIGAZIONE *v.* UNITED STATES ET AL.;

No. 1178, October Term, 1945. "ITALIA"-SOCIETA ANONIMA DI NAVIGAZIONE *v.* UNITED STATES ET AL.; and

No. 1179, October Term, 1945. "ITALIA"-SOCIETA ANONIMA DI NAVIGAZIONE *v.* UNITED STATES ET AL. October 14, 1946. 328 U. S. 864.

No. 1223, October Term, 1945. LOOMIS *v.* UNITED STATES ET AL. October 14, 1946. 328 U. S. 864.

No. 1180, October Term, 1945. E. C. SCHROEDER Co., INC. *v.* CLIFTON ET AL. October 14, 1946. 328 U. S. 858.

No. 1201, October Term, 1945. UNITED STATES EX REL. KARPATHIU *v.* JORDAN, DISTRICT DIRECTOR OF IMMIGRATION AND NATURALIZATION. October 14, 1946. 328 U. S. 868.

No. 1220, October Term, 1945. PHILLIPS ET AL. *v.* BALTIMORE & OHIO RAILROAD Co. October 14, 1946. 328 U. S. 871.

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No. 1230, October Term, 1945. BEECHER *v.* FEDERAL LAND BANK OF SPOKANE ET AL. October 14, 1946. 328 U. S. 871.

No. 1233, October Term, 1945. E. L. ESSLEY MACHINERY Co. *v.* DELTA MANUFACTURING Co. October 14, 1946. 328 U. S. 867.

No. 1241, October Term, 1945. KAR ENGINEERING Co., INC. *v.* BROWN & SHARPE MANUFACTURING Co. ET AL. October 14, 1946. 328 U. S. 869.

No. 1242, October Term, 1945. MEDLEY *v.* UNITED STATES. October 14, 1946. 328 U. S. 873.

No. 1255, October Term, 1945. WEST PUBLISHING Co. *v.* MCCOLGAN, FRANCHISE TAX COMMISSIONER. October 14, 1946. 328 U. S. 823.

No. 1265, October Term, 1945. ROBERTS *v.* BOWMAN, SUPERINTENDENT. October 14, 1946. 328 U. S. 873.

No. 1266, October Term, 1945. SMALL *v.* WEBSTER, SUPERINTENDENT. October 14, 1946. 328 U. S. 873.

No. 342, October Term, 1945. ANDERSON ET AL. *v.* MT. CLEMENS POTTERY Co. October 14, 1946. 328 U. S. 680.

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No. 880, October Term, 1945. *ALKER ET AL. v. FEDERAL DEPOSIT INSURANCE CORP.* October 14, 1946. The motion for leave to file a fourth petition for rehearing is denied. 328 U.S. 881.

No. 893, October Term, 1945. *SHAVER v. FIDELITY BANKERS TRUST CO., TRUSTEE.* October 14, 1946. Second petition for rehearing denied. 328 U.S. 878.

No. 48, October Term, 1945. *UNIVERSAL OIL PRODUCTS Co. v. ROOT REFINING Co.* October 14, 1946. THE CHIEF JUSTICE, MR. JUSTICE MURPHY and MR. JUSTICE JACKSON took no part in the consideration or decision of this application. 328 U.S. 575.

No. 109, Misc., October Term, 1945. *IN RE MASSEY* (327 U.S. 770); and

No. 1221, October Term, 1945. *CROZIER ET AL. v. BALTIMORE & OHIO RAILROAD Co.* (328 U.S. 871). October 21, 1946. The motions for leave to file petitions for rehearing are denied. THE CHIEF JUSTICE and MR. JUSTICE JACKSON took no part in the consideration or decision of these applications.

No. 269, October Term, 1945. *SABIN ET AL. v. HOME OWNERS' LOAN CORP. ET AL.* (326 U.S. 812); and

No. 952, October Term, 1945. *SABIN ET AL. v. HOME OWNERS' LOAN CORP. ET AL.* (328 U.S. 880). October 21, 1946. The motion for leave to file a second petition for rehearing is denied. THE CHIEF JUSTICE and MR. JUSTICE JACKSON took no part in the consideration or decision of this application.

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No. 404, October Term, 1945. *DAVIS v. UNITED STATES* (328 U.S. 582); and

No. 489, October Term, 1945. *ZAP v. UNITED STATES* (328 U.S. 624). October 21, 1946. THE CHIEF JUSTICE and MR. JUSTICE JACKSON took no part in the consideration or decision of these applications.

No. 625, October Term, 1945. *HUST v. MOORE-McCORMACK LINES, INC.* See *ante*, p. 674.

No. 132. *UNITED STATES EX REL. RUSSO v. NIERSTHEIMER, WARDEN.* October 21, 1946.

No. 505. *DE LA ROI v. CALIFORNIA.* October 24, 1946. Motion for stay of execution and petition for rehearing denied. MR. JUSTICE MURPHY took no part in the consideration or decision of these applications.

No. 278, October Term, 1945. *RECONSTRUCTION FINANCE CORP. ET AL. v. DENVER & RIO GRANDE WESTERN RAILROAD CO. ET AL.* (328 U.S. 495);

No. 279, October Term, 1945. *RECONSTRUCTION FINANCE CORP. ET AL. v. DENVER & SALT LAKE WESTERN RAILROAD CO. ET AL.* (328 U.S. 495);

No. 280, October Term, 1945. *RECONSTRUCTION FINANCE CORP. ET AL. v. CITY BANK FARMERS TRUST CO., TRUSTEE, ET AL.* (328 U.S. 495);

No. 281, October Term, 1945. *RECONSTRUCTION FINANCE CORP. ET AL. v. DENVER & RIO GRANDE WESTERN RAILROAD CO. ET AL.* (328 U.S. 495);

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No. 282, October Term, 1945. RECONSTRUCTION FINANCE CORP. ET AL. *v.* THOMPSON, TRUSTEE, ET AL. (328 U. S. 495); and

No. 916, October Term, 1945. SAUNDERS *v.* WILKINS. (328 U. S. 870). October 28, 1946. THE CHIEF JUSTICE and MR. JUSTICE JACKSON took no part in the consideration or decision of these applications.

No. 804, October Term, 1945. COLEGROVE ET AL. *v.* GREEN ET AL. October 28, 1946. THE CHIEF JUSTICE and MR. JUSTICE JACKSON took no part in the consideration or decision of this application. 328 U. S. 549.

No. 308. STUB *v.* UNITED STATES. October 28, 1946. MR. JUSTICE MURPHY took no part in the consideration or decision of this application.

No. 33, Misc. STEPHENS, ADMINISTRATOR, *v.* UNITED STATES. November 12, 1946.

No. 100. SILAS MASON Co., INC. ET AL. *v.* UNITED STATES. November 12, 1946.

No. 112. WALLER *v.* NORTHERN PACIFIC TERMINAL CO. November 12, 1946.

No. 133. CHATZ, TRUSTEE IN BANKRUPTCY, *v.* MIDCO OIL CORP. November 12, 1946.

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No. 134. *ANTONELLI FIREWORKS Co., INC. ET AL. v. UNITED STATES.* November 12, 1946.

No. 158. *J. E. HADDOCK, LIMITED, ET AL. v. PILLSBURY, DEPUTY COMMISSIONER, ET AL.* November 12, 1946.

No. 164. *MOSELEY ET AL. v. UNITED STATES APPLIANCE CORP.* November 12, 1946.

No. 185. *ANCHOR SERUM Co. v. AMERICAN COOPERATIVE SERUM ASSOCIATION; and*

No. 186. *ILLINOIS FARM BUREAU SERUM ASSOCIATION v. AMERICAN COOPERATIVE SERUM ASSOCIATION.* November 12, 1946.

No. 187. *REALTY OPERATORS, INC. v. COMMISSIONER OF INTERNAL REVENUE;*

No. 188. *WILLIAM HENDERSON (PARTNERSHIP) v. COMMISSIONER OF INTERNAL REVENUE; and*

No. 189. *WILLIAMS ET AL. v. COMMISSIONER OF INTERNAL REVENUE.* November 12, 1946.

No. 217. *MISHAWAKA RUBBER & WOOLEN MANUFACTURING Co. v. PANTHER-PANCO RUBBER Co., INC.* November 12, 1946.

No. 230. *BEAUCHAMP v. UNITED STATES.* November 12, 1946.

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No. 267. BANK OF CALIFORNIA NATIONAL ASSOCIATION,
EXECUTOR, *v.* COMMISSIONER OF INTERNAL REVENUE.
November 12, 1946.

No. 276. GENERAL TRANSPORTATION CO. ET AL. *v.*
UNITED STATES ET AL. November 12, 1946.

No. 292. UNION METAL MANUFACTURING CO. ET AL.
v. OOMS, COMMISSIONER OF PATENTS. November 12,
1946.

No. 300. EVERETT *v.* DOWNING. November 12, 1946.

No. 318. MOFFETT ET AL. *v.* COMMERCE TRUST CO. ET
AL. November 12, 1946.

No. 321. CHATZ, TRUSTEE IN BANKRUPTCY, ET AL. *v.*
ARMOUR PLANT EMPLOYEES CREDIT UNION; and

No. 322. CHATZ, TRUSTEE IN BANKRUPTCY, ET AL. *v.*
TODD ET AL. November 12, 1946.

No. 323. BUICE *v.* PATTERSON ET AL. November 12,
1946.

No. 338. KUT *v.* BUREAU OF UNEMPLOYMENT COMPEN-
SATION ET AL. November 12, 1946.

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No. 358. *SUNCOOK VALLEY RAILROAD v. BOSTON & MAINE RAILROAD.* November 12, 1946.

No. 378. *GRANT, DOING BUSINESS AS NO SLEET WINDSHIELD HEATER CO., v. GENERAL MOTORS CORP. ET AL.* November 12, 1946.

No. 412. *ANDREWS v. ADERHOLD, WARDEN.* November 12, 1946.

No. 479. *HILL v. HUDSPETH, WARDEN.* November 12, 1946.

No. 176. *SHOTKIN v. JUDGES, SUPERIOR COURT, ATLANTA CIRCUIT.* November 12, 1946. The application for the allowance of an appeal is also denied.

No. 232. *BLALACK v. UNITED STATES.* November 12, 1946. THE CHIEF JUSTICE took no part in the consideration or decision of this application.

No. 804. October Term, 1945. *COLEGROVE ET AL. v. GREEN ET AL.* November 18, 1946. The motion for reargument before the full bench is denied. THE CHIEF JUSTICE and Mr. JUSTICE JACKSON took no part in the consideration or decision of this application.

No. 2, Misc. *SLIVENSKY v. NEW JERSEY.* November 18, 1946.

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No. 218. *WOLTER v. SAFEWAY STORES, INC.* November 18, 1946.

No. 282. *MASON v. NEW YORK.* November 18, 1946.

No. 449. *ORDER OF RAILROAD TELEGRAPHERS ET AL. v. NEW ORLEANS, TEXAS & MEXICO RAILWAY CO. ET AL.* November 18, 1946.

No. 165. *PEELER v. PEELER.* November 25, 1946.

No. 484. *BAKER ET AL. v. UNITED STATES.* November 25, 1946.

No. 485. *SILVERMAN v. UNITED STATES.* November 25, 1946.

No. 486. *JOHNSON v. UNITED STATES.* November 25, 1946.

No. 501. *OKONITE COMPANY v. COMMISSIONER OF INTERNAL REVENUE.* November 25, 1946.

No. 531. *COOK v. FORTSON, SECRETARY OF STATE, ET AL.* November 25, 1946.

No. 532. *TURMAN ET AL. v. DUCKWORTH, CHAIRMAN, ET AL.* November 25, 1946.

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No. 57, Misc. *EX PARTE FLETCHER*. December 9, 1946. THE CHIEF JUSTICE and MR. JUSTICE RUTLEDGE took no part in the consideration or decision of this application.

No. 880, October Term, 1945. *ALKER ET AL. v. FEDERAL DEPOSIT INSURANCE CORP.* December 9, 1946. The motion for leave to file a fifth petition for rehearing is denied. THE CHIEF JUSTICE and MR. JUSTICE JACKSON took no part in the consideration or decision of this application.

No. 176. *SHOTKIN v. JUDGES, SUPERIOR COURT, ATLANTA CIRCUIT*. December 9, 1946. The motion for leave to file a second petition for rehearing is denied.

No. 299. *PALUMBO v. JACKSON, WARDEN*. December 9, 1946.

No. 642. *TEXAS PACIFIC COAL & OIL CO. v. CALCOTE ET AL.* December 9, 1946.

No. 659. *DONNELL v. STEWART, ACTING WARDEN*. December 9, 1946.

No. 58, Misc. *SHOTKIN v. PENNSYLVANIA COMPANY*. December 16, 1946.

No. 12. *CLEVELAND v. UNITED STATES*;

No. 13. *CLEVELAND v. UNITED STATES*;

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- No. 14. CLEVELAND *v.* UNITED STATES;
No. 15. DARGER *v.* UNITED STATES;
No. 16. JESSOP *v.* UNITED STATES;
No. 17. DOCKSTADER *v.* UNITED STATES;
No. 18. STUBBS *v.* UNITED STATES; and
No. 19. PETTY *v.* UNITED STATES. December 16, 1946.
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No. 21. CHAMPLIN REFINING Co. *v.* UNITED STATES
ET AL. December 16, 1946.

No. 534. SMITH *v.* UNITED STATES. December 16,
1946.

No. 536. KOZA ET AL. *v.* DREXLER ET AL. December
16, 1946.

No. 566. JONES *v.* TEXAS. December 16, 1946.

Nos. 590 and 591. F. A. GILLESPIE & SONS Co. *v.* COM-
MISSIONER OF INTERNAL REVENUE. December 16, 1946.

No. 476. ILLINOIS PACKING Co. *v.* HENDERSON, ACT-
ING ADMINISTRATOR, ET AL. December 16, 1946. THE
CHIEF JUSTICE took no part in the consideration or deci-
sion of this application.

No. 342. DINGMAN *v.* UNITED STATES. December 23,
1946.

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No. 502. *NEW YORK EX REL. LUTZ v. MARTIN, WARDEN.*
December 23, 1946.

No. 676. *GENERAL INDUSTRIES CO. v. 20 WACKER
DRIVE BUILDING CORP. ET AL.* December 23, 1946.

No. 657. *PEETE v. CALIFORNIA.* January 6, 1947.

No. 693. *STEELE v. NEW YORK.* January 6, 1947.

No. 334. *FOWLER v. GILL, GENERAL SUPERINTENDENT.*
January 6, 1947. The application for a rule to show cause
and the motion to substitute Donald Clammer for Howard
B. Gill as the party respondent are denied. The petition
for rehearing is also denied.

No. 556. *CITIES SERVICE GAS CO. v. FEDERAL POWER
COMMISSION ET AL.* January 6, 1947.

No. 3. *FREEMAN, TRUSTEE, v. HEWIT, DIRECTOR OF
GROSS INCOME TAX DIVISION.* January 13, 1947.

No. 454. *FLEMING ET AL., TRUSTEES, ET AL. v. TRAP-
HAGEN ET AL.* January 13, 1947.

No. 496. *LEE v. DEPARTMENT OF PUBLIC WELFARE ET
AL.* January 13, 1947.

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No. 672. SOEWAPADJI ET AL. *v.* WIXON, CUSTODIAN.
January 13, 1947.

No. 679. MARKET STREET RAILWAY CO. *v.* RAILROAD
COMMISSION OF CALIFORNIA ET AL. January 13, 1947.

No. 689. THOMSON, ADMINISTRATOR, *v.* THOMSON.
January 13, 1947.

No. 42. VANSTON BONDHOLDERS PROTECTIVE COMMIT-
TEE *v.* GREEN ET AL.;

No. 43. VANSTON BONDHOLDERS PROTECTIVE COM-
MITTEE *v.* EARLY ET AL.;

No. 44. VANHORN BONDHOLDERS PROTECTIVE COM-
MITTEE *v.* GREEN ET AL.; and

No. 45. VANHORN BONDHOLDERS PROTECTIVE COM-
MITTEE *v.* EARLY ET AL. January 13, 1947. MR. JUSTICE
REED took no part in the consideration or decision of these
applications. MR. JUSTICE FRANKFURTER and MR. JUS-
TICE JACKSON are of the opinion that the petitions should
be granted.

No. 74, Misc. PHILLIPS *v.* RAGEN, WARDEN. January
20, 1947.

No. 183. CAHOON *v.* UNITED STATES. January 20,
1947.

No. 538. BERMAN *v.* UNITED STATES. January 20,
1947.

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No. 705. TRESSLER *v.* TRESSLER ET AL. January 20, 1947.

No. 708. CLARK & CLARK ET AL. *v.* SMITH, KLINE & FRENCH LABORATORIES. January 20, 1947.

No. 681. W. H. TOMPKINS CO. *v.* UNITED STATES ET AL. January 20, 1947.

No. 40. UNITED STATES *v.* CARMACK. February 3, 1947.

No. 53. UNITED STATES *v.* SHERIDAN. February 3, 1947.

No. 75. INTERNATIONAL HARVESTER CO. *v.* EVATT, TAX COMMISSIONER OF OHIO. February 3, 1947.

No. 79. STEELE *v.* GENERAL MILLS, INC. February 3, 1947.

No. 180. TAYLOR *v.* ILLINOIS. February 3, 1947.

No. 288. RICHARDSON ET AL. *v.* KELLY, RECEIVER. February 3, 1947.

No. 611. FAUCETTA *v.* NEW YORK. February 3, 1947.

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No. 653. NORTHWESTERN MUTUAL LIFE INSURANCE
Co. *v.* SUTTLES, TAX COLLECTOR, ET AL. February 3, 1947.

No. 700. BORG-WARNER CORP. ET AL. *v.* GOODWIN ET AL.
February 3, 1947.

No. 704. JOHNSON *v.* MAYO, STATE PRISON CUSTODIAN.
February 3, 1947.

No. 780. CHRONICLE & GAZETTE PUBLISHING Co., INC.
v. ATTORNEY GENERAL OF NEW HAMPSHIRE ET AL. Feb-
ruary 3, 1947.

No. 800. UNITED STATES *v.* BALOGH. February 3,
1947.

No. 167. UNITED STATES EX REL. DAVIS *v.* RAGEN,
WARDEN. February 3, 1947.

No. 342. DINGMAN *v.* UNITED STATES. February 3,
1947. Second petition for rehearing denied.

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No. 622. *Northwestern Mutual Life Insurance Co. v. Butler Tax Collector et al.* February 3, 1947.

No. 700. *Borg-Warner Corp. et al. v. Goodyear et al.* February 3, 1947.

No. 704. *Johnson v. Mail State Express Corporation.* February 3, 1947.

No. 750. *Chronicle & Gazette Publishing Co. Inc. v. Attorney General of New Hampshire et al.* February 3, 1947.

No. 800. *United States v. Haddock.* February 3, 1947.

No. 105. *United States ex rel. Davis v. Haddock.* February 3, 1947.

No. 342. *Indiana v. United States.* February 3, 1947. Second petition for rehearing denied.

No. 181. *Taylor v. Illinois.* February 3, 1947.

No. 328. *Richardson et al. v. Kelly.* February 3, 1947.

No. 312. *Shaw v. New York.* February 3, 1947.