

OCTOBER TERM, 1940

STATISTICS

	Original	Appellate	Total
Number of cases on docket.....	15	1, 094	1, 109
Cases disposed of.....	6	979	985
Remaining on docket.....	9	115	124

Cases disposed of—

By written opinions.....	195
By per curiam opinions.....	86
By denial or dismissal of petitions for certiorari.....	695
By motion to dismiss or per stipulation.....	8
By final decree (No. 9, Original).....	1

Number of written opinions.....	165
Number of admissions to bar.....	912

REFERENCE INDEX

	Page
President Roosevelt, Court recessed to attend inauguration of.....	123
Hughes, C. J., correspondence upon retirement.....	257
Van Devanter, J., death of (February 8, 1941) announced.....	139
McReynolds, J., statement by Chief Justice upon retirement.....	124
Harold B. Willey appointed Deputy Clerk (February 17, 1941).....	150
Advisory Committee appointed to assist the Court in the preparation of Criminal Rules prior to verdict, etc.....	128
George F. Longsdorf named a member of the Criminal Rules Advisory Committee.....	239
Administrative Office of United States Courts—transfer of appropriations.....	239
Allotment of Justices—Murphy, J., assigned temporarily to the Sixth Circuit.....	250
Disbarment, In the matter of—	
Clyde H. Walker.....	157
Clement J. McGovern.....	158, 211
Rules of Supreme Court—Rule 36, par. 2, amended.....	34
Rules of Supreme Court—Rule 32, par. 7, amended.....	239

	Page
Criminal Appeals Rules—Rule V (Supersedeas) amended_____	33
Criminal Appeals Rules made applicable to proceedings in District Courts of Alaska, Hawaii, Puerto Rico, Canal Zone, and Virgin Islands_____	185
Rules of Procedure and Practice for the Trial of Cases before Commissioners and for Taking and Hearing of Appeals to the District Courts of the United States promulgated_____	102
Circuit Courts of Appeals—Order establishing table of fees amended_____	168
Bonds of Clerk approved_____	102
Special Master resigned (No. 11, Original) _____	129
Counsel appointed (Nos. 364; 173; 14, Original)_____	47, 53, 192
Opinions amended (Nos. 681 October Term, 1939; 9, 10 & 11; 28; 242 and 243; 82; 330; 268 and 269; 291; 373; 537; 535; 14, Original)_____	35, 132, 141, 150, 179, 186, 212, 250
Judgments affirmed by equally divided Court (Nos. 603; 54; 133, 134; 586; 587; 584; 678; 686)_____	184, 196, 205
Confession of Error by Solicitor General and motions to reverse (Nos. 319 and 320—opposed by petitioner; 744; 697; 827) _____	137, 140, 178, 196, 223
Costs—request for an order requiring deposit to cover costs of Special Master granted (No. 11, Original)_____	250
Mandate recalled for correction as to costs (No. 459 October Term, 1939)_____	26
Appeals dismissed and certiorari granted (Nos. 133-4)_____	46
Certiorari—petition to U. S. Court of Customs and Patent Appeals denied for want of jurisdiction, citing <i>Postum Cereal Co. v. California Fig Nut Co.</i> , 272 U. S. 693, and other cases (No. 76)_____	14
Certiorari denied for failure to file within time (Nos. 263; 367; 68; 355; 392; 492; 835; 857-8; 1081)---	15, 36, 37, 47, 64, 213, 224, 252
Certiorari denied for failure to file within time—time was computed from order denying motion to file rehearing (No. 345) -	47
Certiorari denied for failure to file within time—counsel erroneously relied on an extension of time granted by the Chief Justice of State court (No. 480)_____	56
Certiorari denied with three Justices dissenting (No. 379)_____	38
Certiorari denied with one Justice dissenting (No. 657)_____	131
Certiorari—petition dismissed for failure to comply with the rules (No. 667)_____	161, 170
Certiorari denied because of non-Federal ground adequate to support judgment (No. 483)_____	97

	Page
Certiorari denied without prejudice to an application to the District Court to reduce fines to an amount allowed by statute (No. 596)-----	103
Certiorari denied for want of jurisdiction (No. 662). Substitution of party petitioner—State Officer—had not been made prior to filing of petition, citing <i>Davis v. Preston</i> , 280 U. S. 406-----	142
Cf. No. 1035, p. 242, where substitution of party respondent—State Officer—was granted where change occurred before petition r filed.	
Certiorari denied for want of a final judgment (Nos. 751; 777)-----	170, 187
Certiorari denied because record did not show that federal question presented was necessarily decided by State court (No. 901)—See note on same case under “Rehearing Granted.”-----	225, 249
Certiorari granted and judgment reversed for want of jurisdiction of C. C. A. because of absence of final judgment in the District Court (No. 705)-----	149
Certiorari—denial of vacated and certiorari granted (No. 449)-----	198
Stipulation to strike cause from docket (No. 6, Original)----	247
Stipulation to abide decision in companion case (Nos. 37; 368) -	52, 153
Stipulation for entry of judgment (No. 315)-----	117, 121
Suggestion of diminution of record—certiorari granted to correct same pursuant to provisions of par. (c) of Rule 75 of Rules of Civil Procedure (No. 312)-----	130
Motion to file supplemental petition for certiorari granted where respondent objected on ground that new questions were presented and time for filing certiorari had expired (No. 322)-----	38
Motion to reverse granted (Nos. 547 and 548)-----	79
Motion to intervene granted (Nos. 242 and 243)-----	106
Motion for stay granted (No. 814)-----	164
Reargument ordered (No. 588). Case, involving State statute, had been submitted on brief by State (appellee). Court directed that Attorney General of State appear in person or by his representative on reargument-----	224
Reargument ordered (Nos. 421-2-3-4; 19, 64)-----	241, 251
Rehearing granted (Nos. 277; 761; 584; 586; 587; 603; 678; 54; 133; 134; 686)-----	186, 198, 212, 224, 232

624

	Page
Rehearing granted (No. 901). Certiorari had been denied because it did not appear from the record that the federal question presented by the petition was necessarily decided by the Court of Appeals of New York. State court amended remittitur on motion. Suggesting that jurisdictional defect had been supplied, petitioner moved for a rehearing. Rehearing granted, certiorari granted, and judgment reversed simultaneously-----	249
Motion for leave to file petition for rehearing denied where petition for certiorari had been denied at a prior Term (No. 876, October Term, 1938). Counsel contended for overthrow of doctrine that jurisdiction is lost at conclusion of Term in view of a contrary doctrine expressed in Rules of Civil Procedure-----	256
Order suspending call of docket-----	226
Order fixing adjournment date-----	233
Final order-----	256

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Walter Alfred Dexter, of Atlanta, Ga.; Theodore Spector, of New York City; W. H. Mizell, of West Palm Beach, Fla.; Milton C. Weisman, of New York City; Melvin A. Albert, of New York City; V. J. Lucareli, of Kenosha, Wis.; Albert H. Boyd, of Beaumont, Tex.; Maurice D. L. Fuller, of San Francisco, Calif.; William L. Cary, of Columbus, Ohio; Frank Griffin, of Kellogg, Idaho; Wade H. Kitchens, of Magnolia, Ark.; Charles Rivers Aiken, of Chicago, Ill.; James B. Newman, of Cedar Falls, Iowa; Lafe B. Chafin, of Williamson, W. Va.; George F. Edwardes, of Texarkana, Ark.; Youart Herbert Kerslake, of Washington, D. C.; J. Villard Framp-ton, of Oil City, Pa.; Francis X. Nestor, of New York City; Katharine Peffers Ely, of Washington, D. C.; James Kenneth Ely, of Pittsburgh, Pa.; Otto H. Eschholz, of Pittsburgh, Pa.; Orwill V. W. Hawkins, of New York City; E. Douglas Schwantes, of Chicago, Ill.; Anthony S. Falcone, of Utica, N. Y.; Hadlond P. Thomas, of Salt Lake City, Utah; William J. Ruano, of Wash-ington, D. C.; Gavin M. Crawford, of Pittsburgh, Pa.; Nathan G. Chil-cott, of Pittsburgh, Pa.; Alton V. Evans, of Long Branch, N. J.; Eugene V. Slattery, of Eugene, Oreg.; George Edward Leonard, Jr., of Chicago, Ill.; Charles P. McCarthy, of Los Angeles, Calif.; Mayo H. Roberts, of Dallas, Tex.; Hubert H. Margolies, of New York City; William L. Mason, of St. Louis, Mo.; Edward Aubrey Clark, of Austin, Tex.; R. W. Maxwell, of Seattle, Wash.; Frank G. Shea, of Providence, R. I.; Newman T. Miller, of West Palm Beach, Fla.; Jose F. Camunas, of Rio Piedras, P. R.; David H. Jacobs, of Meriden, Conn.; Geoffrey P. Mahoney, of Minneapolis, Minn.; Stafford Cald-well, of Tallahassee, Fla.; Ernest Howard Campbell, of Olympia, Wash.; Gerald W. Harrington, of Providence, R. I.; Parker Fulton, of Cleveland, Ohio; Ralph E. Lum, Jr., of Chatham, N. J.; William H. Edwards, of Providence, R. I.; John H. Stembler, of Miami, Fla.; William C. Gaither, Jr., of Miami, Fla.; and James M. McNally, of Le Mars, Iowa, were admitted to practice.

No. 264. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Pan-American Life Insurance Company. Motion for leave to file brief for the respondent submitted by Mr. Edmund S. Kochersperger on behalf of counsel for the respondent.

No. 3. The United States of America, appellant, *v.* Northern Pacific Railway Company et al. Motion for leave to file brief of Minority Stockholders of Northern Pacific Railroad Company submitted by Mr. Raymond M. Hudson in that behalf.

No. 21. Bacardi Corporation of America, petitioner, *v.* Rafael Sancho Bonet, Treasurer and Destileria Serralles, Inc. Manuel I. Domenech, present Treasurer of Puerto Rico substituted as a party respondent in the place and stead of Rafael Sancho Bonet, former Treasurer, on motion of Mr. Preston B. Kavanagh for the petitioner.

No. 327. E. B. Futrall, Receiver, etc., petitioner, *v.* Mrs. Ella M. Ray. A. F. Rawlings, present Receiver of the Lee County National Bank, substituted as the party petitioner in the place and stead of E. B. Futrall, former Receiver, on motion of Mr. George P. Barse for the petitioner.

No. —, original. *Ex parte* Thomas K. Case, petitioner. Motion for leave to file petition for writ of mandamus or prohibition presented.

No. —, original. *Ex parte* Berkshire Knitting Mills, petitioner. Motion for leave to file petition for writ of mandamus presented.

No. 9, original. State of Arkansas, complainant, *v.* State of Tennessee. Proposed form of decree presented.

No. 11, original. State of Kansas, complainant, *v.* State of Missouri. Answer of defendant presented.

No. 125. Missouri Pacific Transportation Company, petitioner, *v.* Chester Talley. On petition for writ of certiorari to the Supreme Court of the State of Arkansas. Dismissed on motion of counsel for the petitioner.

No. 241. J. A. Burleigh, petitioner, *v.* The United States of America, acting for and in behalf of the Farm Credit Administration. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Dismissed pursuant to stipulation of counsel.

No. 339. Monte E. Hart, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Dismissed on motion of counsel for the petitioner.

Adjourned until Monday, October 14 next, at 12 o'clock.

The day call for Monday, October 14, will be as follows: Nos. 12, 3, 5, 13, 14, 15, 17 (and 18), 19, 64, and 20.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Charles Hill Mooney, of Waco, Tex.; William A. White, of San Francisco, Calif.; Wm. Fleet Palmer, of Los Angeles, Calif.; Daryal A. Myse, of Madison, Wis.; John Franklin Law, of Chicago, Ill.; George Edward Levings, of East Falls Church, Va.; Odell S. McConnell, of Los Angeles, Calif.; William Macy, of New York City; John C. Bruton, Jr., of New York City; Fraser M. Horn, of New York City; Creswell M. Micou, of New York City; Morton Waller Belcher, Jr., of New York City; Wendell W. Forbes, of New York City; and Jesse Knight, of New York City, were admitted to practice.

The Chief Justice said:

“The judgments and orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally.”

No. 104. Snead & Company, appellant, *v.* Margaret Steinmetz. Appeal from the Court of Errors and Appeals of the State of New Jersey. *Per curiam*: The motion to affirm is granted and the judgment is affirmed. *Alaska Packers Association v. Industrial Accident Commission*, 294 U. S. 532.

No. 265. William D. Van Dyke, Jr., and Douglass Van Dyke, as Trustee, etc., appellants, *v.* Wisconsin Tax Commission et al.; and

No. 266. First Wisconsin Trust Company, as Trustee, etc., appellant, *v.* Wisconsin Tax Commission et al. Appeals from the Supreme Court of the State of Wisconsin. *Per curiam*: The motions to affirm are granted and the judgments are affirmed. *Pearson v. McGraw*, 308 U. S. 313.

No. 276. Columbus and Chicago Motor Freight, Inc., appellant, *v.* Public Service Commission of the State of Indiana et al. Appeal from the District Court of the United States for the Northern District of Indiana. *Per curiam*: The judgment is affirmed. *Hendrick v. Maryland*, 235 U. S. 610; *McDonald v. Thompson*, 305 U. S. 263; *Welch v. New Hampshire*, 306 U. S. 79; *Eicholz v. Public Service Commission*, 306 U. S. 268.

No. 156. John J. Holmes, as State Auditor and Ex Officio Commissioner of Insurance of the State of Montana, appellant, *v.* Springfield Fire & Marine Insurance Company. Appeal from the District Court of the United States for the District of Montana. *Per curiam*: The judgment is reversed. *Osborn v. Ozlin*, 310 U. S. 53.

No. 114. Wacker-Wabash Corporation, appellant, *v.* City of Chicago. Appeal from the Supreme Court of the State of Illinois. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Cincinnati Street Ry. Co. v. Snell*, 193 U. S. 30, 36; *Iowa Central Ry. v. Iowa*, 160 U. S. 389, 393; *Pittsburgh Ry. Co. v. Backus*, 154 U. S. 421, 427.

No. 170. Yazoo & Mississippi Valley Railroad Company, appellant, *v.* The Board of Mississippi Levee Commissioners. Appeal from the Supreme Court of the State of Mississippi. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Nashville Ry. Co. v. Browning*, 310 U. S. 362, 368-369; *Rapid Transit Co. v. New York*, 303 U. S. 573, 578-581; *Atlantic Coast Line v. Daughton*, 262 U. S. 413, 423-424.

No. 222. W. J. Kirkpatrick, appellant, *v.* J. Alice Stelling. Appeal from the District Court of Appeal, 1st Appellate District, State of California. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Honeyman v. Jacobs*, 306 U. S. 539; *Richmond Mortgage Corporation v. Wachovia Co.*, 300 U. S. 124.

No. 143. F. C. Crow, T. J. Gourley, and W. H. Murphy, Constituting the Arkansas State Board of Chiropractic Examiners, et al., appellants, *v.* H. A. Stroud, M. C. Hawkins, Jr., et al. Appeal from the Supreme Court of the State of Arkansas. *Per curiam*: The appeal is dismissed for want of a substantial federal question. *Dent v. West Virginia*, 129 U. S. 114, 121-124; *Watson v. Maryland*, 218 U. S. 173, 176-177; *Collins v. Texas*, 223 U. S. 288, 294-297.

No. 213. W. N. Horne, Ralph Blackburn, and L. Green, appellants, *v.* The City of Ocala. Appeal from the Supreme Court of the State of Florida. *Per curiam*: The appeal is dismissed for want of a substantial federal question. *Leigh v. Greene*, 193 U. S. 79; *Longyear v. Toolon*, 209 U. S. 414, 418; *Ontario Land Co. v. Yordy*, 212 U. S. 152, 156-158.

No. 441. H. E. Butt Grocery Company and Southwest Texas Grocery Corporation, appellants, *v.* George H. Sheppard, Comptroller of Public Accounts of the State of Texas, et al. Appeal from the Court of Civil Appeals, 3d Supreme Judicial District, State of Texas. *Per curiam*: The appeal is dismissed for want of a substantial federal question. *Board of Tax Commissioners v. Jackson*,

283 U. S. 527; Liggett Co. v. Lee, 288 U. S. 517; Fox v. Standard Oil Co., 294 U. S. 87; Great A. & P. Tea Co. v. Grosjean, 301 U. S. 412.

No. 115. Luckenbach Terminals, Inc., appellant, v. Township of North Bergen in the County of Hudson, etc., et al. Appeal from the Court of Chancery of the State of New Jersey. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for the reason that the judgment of the court below is based upon a non-federal ground adequate to support it. McCoy v. Shaw, 277 U. S. 302; Doyle v. Atwell, 261 U. S. 590; Farson and Son Co. v. Bird, 248 U. S. 268, 271.

No. 286. Sinclair Refining Company, appellant, v. State of Louisiana. Appeal from the Supreme Court of the State of Louisiana. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for the want of a properly presented federal question. (1) Godchaux Co. v. Estopinal, 251 U. S. 179; Rooker v. Fidelity Trust Co., 261 U. S. 114, 117; Herndon v. Georgia, 295 U. S. 441, 443; (2) Nashville R. Co. v. Schmidt, 177 U. S. 230, 236; Holmes v. Conway, 241 U. S. 624, 631-632; Insurance Co. v. Glidden, 284 U. S. 151, 158.

No. 299. Southwestern Bell Telephone Company, appellant, v. Carrie C. Lee; and

No. 300. Southwestern Bell Telephone Company, appellant, v. S. B. Hanna. Appeals from the Supreme Court of the State of Arkansas. *Per curiam*: The motions to dismiss are granted and the appeals are dismissed for want of a properly presented federal question, Godchaux v. Estopinal, 251 U. S. 179; Rooker v. Fidelity Trust Co., 261 U. S. 114, 117; Herndon v. Georgia, 295 U. S. 441, 443.

No. 326. John F. Corcoran, appellant, v. City of Chicago. Appeal from the Supreme Court of the State of Illinois. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a properly presented substantial federal question. (1) Cleveland & Pittsburgh R. Co. v. Cleveland, 235 U. S. 50, 53; Hiawasse Power Co. v. Carolina-Tenn. Co., 252 U. S. 341, 344; White River Co. v. Arkansas, 279 U. S. 692, 700. (2) Escanaba & Lake Michigan Co. v. Chicago, 107 U. S. 678, 688-689; Permoli v. First Municipality, 3 How. 589, 610; Cincinnati v. Railroad Co., 223 U. S. 390, 401. (3) Pearson v. Yewdall, 95 U. S. 294, 296; Minneapolis & St. Louis R. Co. v. Bombolis, 241 U. S. 211, 217.

No. 158. Jesse C. Bader, appellant, v. The People of the State of Illinois. Appeal from the Supreme Court of the State of Illinois; and

No. 189. Hartford Accident & Indemnity Company and Aetna Casualty & Surety Company, appellants, v. Delta and Pine Land Company. Appeal from the Supreme Court of the State of Missis-

sippi. *Per curiam*: The motions to dismiss are granted and the appeals are dismissed for want of jurisdiction. Section 237 (a), Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeals were allowed as petitions for writs of certiorari, as required by section 237 (c) of the Judicial Code (43 Stat. 936, 938), certiorari is denied.

No. 240. S. B. Wright and S. B. Wright, as Administrator, etc., appellants, *v.* Security-First National Bank of Los Angeles. Appeal from the District Court of Appeal, 4th Appellate District, State of California. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Section 237 (a), Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari, as required by section 237 (c) of the Judicial Code (43 Stat. 936, 938), certiorari is denied. The motion for leave to proceed further herein in *forma pauperis* is also denied.

No. —. Joe T. Powell, petitioner, *v.* Joseph W. Sanford, Warden;

No. —. James H. Johnson, petitioner *v.* Metropolitan Casualty Insurance Company; and

No. —. *Ex parte* Norman H. Wilson, petitioner. Applications denied.

No. —, original. *Ex parte* Emmet H. Bozel, petitioner. The motion for leave to file petition for writ of habeas corpus is denied without prejudice to an application for a writ of habeas corpus to the District Court.

No. —, original. *Ex parte* John Dye, petitioner;

No. —, original. *Ex parte* Frank L. Roberson, petitioner;

No. —, original. *Ex parte* Taylor Seals, petitioner;

No. —, original. *Ex parte* Lindley J. Hansen, petitioner;

No. —, original. *Ex parte* Roy Whitson, petitioner; and

No. —, original. *Ex parte* Selvie W. Wells, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied.

No. —, original. *Ex parte* Thomas K. Case, petitioner. The motion for leave to file petition for writ of mandamus or prohibition is denied.

No. —, original. *Ex parte* Berkshire Knitting Mills, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No. —, original. Samuel W. Liske, petitioner, *v.* Bar Association of Nassau County et al. The motion for leave to file bill of complaint is denied.

No. 9, original. State of Arkansas, complainant, *v.* State of Tennessee. Decree entered.

No. 666, October Term, 1928. Harry B. Stilz, petitioner, *v.* Bethlehem Shipbuilding Corporation. The motion for leave to file a bill of review in the District Court is denied.

No. 896, October Term, 1939. Amos G. McCampbell, Jr., petitioner, *v.* The Warrich Corporation et al. The motion for a writ of certiorari to supply omissions from the record and for an order for further proof is denied.

No. 2. New World Life Insurance Company, petitioner, *v.* The United States. The motion to dismiss is denied.

No. 3. The United States of America, appellant, *v.* Northern Pacific Railway Company et al. The motion for leave to file brief of the Minority Stockholders of the Northern Pacific Railway Company is denied.

No. 264. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Pan-American Life Insurance Company. The motion for leave to file brief of respondent is granted.

No. 90. Carlota Benitez Sampayo, petitioner, *v.* The Bank of Nova Scotia. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is also granted.

No. 230. Edmond L. Viles, petitioner, *v.* Hon. Stanley H. Johnson, Judge, District Court, City and County of Denver. On petition for writ of certiorari to the Supreme Court of the State of Colorado. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied. The motion for leave to file petition for writ of mandamus is also denied.

No. 309. Thomas W. Benson, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied. Mr. Justice Douglas took no part in the consideration and decision of these applications.

No. 83. Elsie A. Miller, petitioner, *v.* Herbert Frederic Miller. On petition for writ of certiorari to the Supreme Court of the State of Oklahoma;

No. 84. Fred V. Thompson, petitioner, *v.* Joseph O'Grady, Warden of the Nebraska State Penitentiary at Lancaster. On petition for writ of certiorari to the Supreme Court of the State of Nebraska;

No. 91. Edna Delonis Belin, petitioner, *v.* Frank Belin et al. On petition for writ of certiorari to the Supreme Court of the State of Florida;

No. 99. Henry Hawk, petitioner, *v.* Joseph O'Grady, Warden, Nebraska State Penitentiary at Lancaster, Lancaster County, Nebraska. On petition for writ of certiorari to the Supreme Court of the State of Nebraska;

No. 132. Lillian Clawans, petitioner, *v.* Frank M. White. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 144. A. L. Bates, petitioner, *v.* James A. Johnston, Warden, etc. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit;

No. 157. Mrs. W. A. Moore, petitioner, *v.* Missouri Pacific Railroad Company et al. On petition for writ of certiorari to the Supreme Court of the State of Arkansas;

No. 166. Commonwealth of Pennsylvania, ex rel. Louis Toliver, petitioner, *v.* Stanley P. Ashe, Warden, etc. On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania;

No. 176. Agnes E. Lewis, Executrix, etc., et al., petitioners, *v.* R. W. Fontenot, Collector for the District of Louisiana, et al.;

No. 177. Agnes E. Lewis, Testamentary Executrix, etc., et al., petitioners, *v.* United States of America et al.;

No. 178. Agnes E. Lewis, Testamentary Executrix, etc., et al., petitioners, *v.* United States Department of Agriculture et al. On petitions for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit;

No. 228. Edward J. Hartenfeld, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit;

No. 232. Joseph R. Rossignol, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit;

No. 234. Cecelia Vacanti Cole, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 250. Charlie W. West, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit;

No. 260. Karlton A. Patton, petitioner, *v.* F. S. Baldi, M. D., Superintendent, etc., et al. On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania;

No. 272. James E. Jackson, petitioner, *v.* Joseph O'Grady, Warden, etc. On petition for writ of certiorari to the Supreme Court of the State of Nebraska;

No. 278. John Steele, petitioner, *v.* Joseph O'Grady, Warden, etc. On petition for writ of certiorari to the Supreme Court of the State of Nebraska;

No. 279. Dale Oren Brough, petitioner, *v.* State of Arizona. On petition for writ of certiorari to the Supreme Court of the State of Arizona;

No. 313. Frank A. Dougherty, petitioner, *v.* State of Florida. On petition for writ of certiorari to the Supreme Court of the State of Florida;

No. 314. Harmon Metz Waley, petitioner, *v.* James A. Johnston, Warden, etc. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit;

No. 340. Grace Schneider, as Administratrix, etc., petitioner, *v.* Lehigh Valley Railroad Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit; and

No. 378. Victor Caponigri, petitioner, *v.* Richard J. Congleton, Trustee, etc. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. The motions for leave to proceed further herein *in forma pauperis* are denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which writs of certiorari should be issued. The petitions for writs of certiorari are therefore also denied.

No. 180. Superior Bath House Company, appellant, *v.* Z. M. McCarroll, Commissioner of Revenues for the State of Arkansas;

No. 201. Leon C. Phillips, Individually, etc., et al., appellants, *v.* The United States of America et al.;

No. 245. The United States of America, appellant, *v.* J. W. Gilliland, Ralph Gilliland, et al.; and

No. 283. Railroad Commission of Texas, Lon A. Smith, et al., appellants, *v.* The Pullman Company et al. In these cases probable jurisdiction is noted.

No. 191. The United States, appellant, *v.* Kate B. Goltra and E. Field Goltra, Jr., Executors, etc.; and

No. 192. Kate B. Goltra and E. Field Goltra, Jr., Executors, etc., appellants, *v.* The United States. In these cases probable jurisdiction is noted. The motion to dismiss or affirm in No. 191 is denied.

No. 218. Railroad Commission of Texas, Lon A. Smith, et al., etc., appellants, *v.* Rowan & Nichols Oil Company. In this case probable jurisdiction is noted and the case is assigned for argument immediately following No. 57.

No. 268. Missouri-Kansas Pipe Line Company, appellant, *v.* The United States of America et al.; and

No. 269. Panhandle Eastern Pipe Line Company, appellant, *v.* The United States of America et al. Further consideration of the question of the jurisdiction of this Court in these cases is postponed to the hearing of the cases on the merits. Mr. Justice Douglas and Mr. Justice Murphy took no part in the consideration and decision of this question.

No. 72. Henry J. Beal, County Attorney of Douglas, Nebraska, et al., petitioners, *v.* Missouri Pacific Railroad Corporation, in Nebraska. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 78. A. C. Frost & Company, petitioner, *v.* Coeur D'Alene Mines Corporation. Petition for writ of certiorari to the Supreme Court of the State of Idaho granted.

No. 85. Federal Trade Commission, petitioner, *v.* Bunte Brothers, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 97. Olga E. Voeller, Dorothy Gloeckner, et al., petitioners, *v.* The Neilston Warehouse Company et al. Petition for writ of certiorari to the Supreme Court of the State of Ohio granted.

No. 120. Howard S. Palmer et al., Trustees, etc., petitioners, *v.* Webster and Atlas National Bank of Boston, Trustee. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 188. The United States, petitioner, *v.* Cowden Manufacturing Company. Petition for writ of certiorari to the Court of Claims granted.

No. 194. Maryland Casualty Company, petitioner, *v.* Pacific Coal & Oil Company and Joe Orteca. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 200. Reconstruction Finance Corporation, petitioner, *v.* J. G. Menihan Corporation et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 212. Huron Holding Corporation and National Surety Corporation, petitioners, *v.* Lincoln Mine Operating Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 237. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Edyth LeGierse et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 251. Millinery Creator's Guild, Inc., et al., petitioners, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 253. Eugene Higgins, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 257. Jay C. Hormel, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 274. Herbert H. Maass, as Sole Surviving Executor, etc., petitioner, *v.* Joseph T. Higgins, Collector of Internal Revenue etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 291. Equitable Life Insurance Company of Iowa, petitioner, *v.* Halsey. Stuart & Co. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 293. Armour and Company, petitioner, *v.* The Alton Railroad Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 327. A. F. Rawlings, Receiver, etc., petitioner, *v.* Mrs. Ella M. Ray. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 346. Jeremiah D. Maguire and Ruth S. Maguire, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 349. E. A. Kelleam, Nell Southard, et al., petitioners, *v.* Maryland Casualty Company of Baltimore, Maryland, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit granted.

No. 74. Lewis K. Stoner, petitioner, *v.* New York Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted and the case assigned for argument immediately following No. 45.

No. 92. Florence Guggenheim, petitioner, *v.* Almon Q. Rasquin, Individually, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted. Mr. Jus-

tice Roberts took no part in the consideration and decision of this application.

No. 113. Chester Gaines and Theresa Gaines, Husband and Wife, petitioners, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted and case assigned for argument immediately following No. 36. Mr. Justice Roberts took no part in the consideration and decision of this application.

No. 183. Henry W. Taft and Julia W. S. Taft, petitioners, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted, limited to the second question presented by the petition. The case is assigned for argument immediately following No. 113.

No. 242. Philadelphia Company and Certain Underliers, petitioners, *v.* Walter L. Dipple, James P. McArdle et al; and

No. 243. Philadelphia Company and Certain Underliers, petitioners, *v.* Walter L. Dipple, James P. McArdle et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted and the cases assigned for argument immediately following No. 120.

No. 121. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Northwest Steel Rolling Mills, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted and the case assigned for argument immediately following No. 8.

No. 281. Weightstill Woods, Court Trustee, petitioner, *v.* City National Bank and Trust Co. of Chicago et al.; and

No. 282. Weightstill Woods, Court Trustee, petitioner, *v.* City National Bank and Trust Co. of Chicago et al. The motion to dispense with the printing of an additional record is granted. The petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

No. 235. National Labor Relations Board, petitioner, *v.* Link-Belt Company; and

No. 236. National Labor Relations Board, petitioner, *v.* Independent Union of Craftsmen. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted and cases assigned for argument immediately following No. 73. Mr. Justice Roberts took no part in the consideration and decision of these applications.

No. 368. Okley Goins Tyler, Executrix, etc., petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of

certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted and case assigned for argument immediately following No. 237.

No. 371. Estate of Anna M. Keller, Pius P. Keller, and Marcella V. Keller, Executors, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted and case assigned for argument immediately following No. 368.

No. 255. Louis E. Roddewig, as Chairman, etc., et al., petitioners, *v.* Sears, Roebuck and Co.; and

No. 256. Louis E. Roddewig, as Chairman, etc., et al., petitioners, *v.* Montgomery Ward and Co., Incorporated. Petition for writs of certiorari to the Supreme Court of the State of Iowa granted. Mr. Justice Stone and Mr. Justice Roberts took no part in the consideration and decision of this application.

No. 205. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Gerald A. Eubank. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted and case assigned for argument immediately following No. 27.

No. 267. Six Companies of California, Hartford Accident and Indemnity Company et al., petitioners, *v.* Joint Highway District No. 13 of the State of California. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted, limited to the first question presented by the petition, and case assigned for argument immediately following No. 74.

No. 287. Earl Russell Browder, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted. Mr. Justice Murphy took no part in the consideration and decision of this application.

No. 338. Welwel Warszower, alias "Robert William Wiener," etc., petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted and case assigned for argument immediately following No. 287. Mr. Justice Murphy took no part in the consideration and decision of this application.

No. 330. Opp Cotton Mills, Inc., et al., petitioners, *v.* Administrator of the Wage and Hour Division of the Department of Labor. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted and case assigned for argument immediately following No. 82.

No. 377. Hiram R. Edwards, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Cir-

cuit Court of Appeals for the Tenth Circuit granted. Mr. Justice Douglas took no part in the consideration and decision of this application.

No. 362. The United States of America, petitioner, *v.* Bethlehem Steel Corporation et al.; and

No. 363. United States Shipping Board Merchant Fleet Corporation, petitioner *v.* Bethlehem Shipbuilding Corporation, Ltd. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted. Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Murphy took no part in the consideration and decision of this application.

No. 381. Z. & F. Assets Realization Corporation, petitioner, *v.* Cordell Hull, Secretary of State, et al.; and

No. 382. American-Hawaiian Steamship Company, petitioner, *v.* Cordell Hull, Secretary of State, et al. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia granted. Mr. Justice Roberts took no part in the consideration and decision of these applications.

No. 76. George A. McBride, Assignor to the Western Cartridge Co., petitioner, *v.* Oliver J. Teeple, Assignor to the E. I. du Pont de Nemours & Company. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied for want of jurisdiction. *Postum Cereal Co. v. California Fig Nut Co.*, 272 U. S. 693; *Pacific Northwest Canning Co. v. Skookum Packers Assn.*, 283 U. S. 858; *Fessenden v. Wilson*, 284 U. S. 640; *Chase v. Avery*, 307 U. S. 638. Mr. Justice Roberts took no part in the consideration and decision of this application.

No. 107. In the matter of Joseph Rubinstein, petitioner; and

No. 108. In the matter of Charles Rubinstein, petitioner. The motion to dispense with printing portions of the record is granted. The petition for writs of certiorari to the Supreme Court of the State of Ohio is denied.

No. 116. Joseph J. Mascuch, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. Mr. Justice Douglas took no part in the consideration and decision of this application.

No. 119. Philippine National Bank, petitioner, *v.* Philippine Trust Company et al. Petition for writ of certiorari to the Supreme Court of the Commonwealth of the Philippines denied. Mr. Justice Murphy took no part in the consideration and decision of this application.

No. 129. Marjorie Fleming Lloyd-Smith, petitioner, *v.* Donald Bicknell, Receiver etc. Petition for writ of certiorari to the United

States Circuit Court of Appeals for the Second Circuit denied. Mr. Justice Reed took no part in the consideration and decision of this application.

No. 135. Samuel Camarato, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied. Mr. Justice Murphy took no part in the consideration and decision of this application.

No. 137. Frank Wolf, petitioner, *v.* B. C. Schram, Receiver, etc.; and

No. 138. Margaret Holmes Davis, petitioner, *v.* B. C. Schram, Receiver etc. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied. Mr. Justice Reed took no part in the consideration and decision of these applications.

No. 164. Sam A. Wilson, petitioner, *v.* John N. Thelen. The motion to proceed on the typewritten record is granted. The petition for writ of certiorari to the Supreme Court of the State of Montana is denied.

No. 175. Winifred Hitchcock, petitioner, *v.* Wiley Hitchcock. The motion to proceed on the typewritten petition is granted. The petition for writ of certiorari to the Supreme Court of the State of Illinois is denied.

No. 204. John Lackner, petitioner, *v.* Illinois Bell Telephone Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied. Mr. Justice Frankfurter took no part in the consideration and decision of this application.

No. 209. Chapman Brothers Company, petitioner, *v.* Security-First National Bank of Los Angeles. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied. Mr. Justice Douglas took no part in the consideration and decision of this application.

No. 263. Genevieve P. St. Marie and Seventeen (17) others, petitioners, *v.* The United States of America, Trustee, et al. The motion to proceed on the typewritten record is denied. The petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is denied for the reason that application therefor was not made within the time provided by law. Section 8 (a), Act of February 13, 1925 (43 Stat. 936, 940).

No. 271. Charles H. Albers, as Receiver, etc., petitioner, *v.* James A. Farley, Henry Morgenthau, Jr., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of

Columbia denied. Mr. Justice Murphy took no part in the consideration and decision of this application.

No. 295. The United States of America, petitioner, *v.* George Polakoff and William Albert; and

No. 296. The United States of America, petitioner, *v.* Thomas J. Fallon. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. Mr. Justice Murphy took no part in the consideration and decision of these applications.

No. 297. T. L. Morris, L. Hugh Morris, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied. Mr. Justice Douglas took no part in the consideration and decision of this application.

No. 342. Charles Kimmich, petitioner, *v.* New York Clearing House Association et al. The motion to proceed on typewritten papers is granted. The petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is denied.

No. 343. Mohonk Realty Corporation, petitioner, *v.* Wise Shoe Stores, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. Mr. Justice Douglas took no part in the consideration and decision of this application.

No. 354. Ray Ritter et al., petitioners, *v.* Milk and Ice Cream Driver and Dairy Employees Union Local 336 et al. The motion to dispense with the printing and service of portions of the record is granted. The petition for writ of certiorari to the Supreme Court of the State of Ohio is denied.

No. 357. Alva B. Davis, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied. Mr. Justice Douglas took no part in the consideration and decision of this application.

No. 375. Southern Pacific Company, petitioner, *v.* Steamship "Eastern Glade," etc.; and

No. 376. Southern Pacific Company, petitioner, *v.* Postal Steamship Corporation. The motion to use the certified record is Nos. 73 and 74, October Term, 1939, is granted. The petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit is denied.

No. 67. Susie Williams et al., petitioners, *v.* Allen Tooke et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 77. Lumbermens Mutual Casualty Company, petitioner, *v.* Mrs. Leotia E. McIver, Jeff Clark, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 80. Julius G. Brashear, Charles E. Griggs, et al., petitioners, *v.* Intermountain Building and Loan Association et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 81. Duluth, Missabe and Iron Range Railway Company, petitioner, *v.* Thomas Henry Ross, by Ada Ross, General Guardian. Petition for writ of certiorari to the Supreme Court of the State of Minnesota denied.

No. 93. Margaret B. Carpenter and L. E. Carpenter, also known as Leroy E. Carpenter, petitioners, *v.* Archibald J. Hamilton. Petition for writ of certiorari to the Supreme Court of the State of California denied.

No. 94. Elmer W. Kelley and The General Street Signal Corporation, petitioners, *v.* The City of Syracuse et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 95. Humble Oil & Refining Company et al., petitioners, *v.* W. C. Turnbow et al. Petition for writ of certiorari to the Court of Civil Appeals, 3d Supreme Judicial District, State of Texas, denied.

No. 96. R. G. Trippett and A. H. Meadows, petitioners, *v.* Polaris Iron Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 100. E. R. Hawke, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 101. Henry F. DuPont, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 102. The Atlantic Refining Co., petitioner, *v.* James B. Berry Sons Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 103. Adler's Creamery, Inc., petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 105. The Union Trust Company of Indianapolis, as former executor etc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 106. Washington County Fire Insurance Company, Washington, Pennsylvania, petitioner, *v.* William Driscoll, Collector of Internal Revenue, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 110. Lee H. Marshall Heirs et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 111. Harry F. Doyle and Lucy J. Doyle (Husband and Wife), petitioners, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 118. Chain O'Mines, Incorporated, et al., petitioners, *v.* United Gilpin Corporation et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 122. Lilley Cornett, petitioner, *v.* Swift Coal & Timber Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 123. Harriet K. Moon, petitioner, *v.* The Home Life Insurance Company of New York; and

No. 124. Harriet K. Moon, petitioner, *v.* Mutual Benefit Health & Accident Association. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 127. J. E. Riley Investment Company et al., petitioners, *v.* Walter Sakow. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 130. Willard Manufacturing Company, petitioner, *v.* J. E. Kennedy, Former Collector; and

No. 131. Willard Manufacturing Company, petitioner, *v.* Robert W. McCuen, Collector. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 139. Chicago and North Western Railway Company et al., petitioners, *v.* Rockwell Lime Company et al. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 140. Village of Haverstraw, petitioner, *v.* Clyde Potts. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 142. A. J. Delaney, petitioner, *v.* Nat Rogan, Collector of Internal Revenue for the Sixth Collection District of California. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 145. Will G. Rea and Frank Foresman, as Trustees, etc., petitioners, *v.* Acel C. Alexander, Collector of Internal Revenue. Peti-

tion for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 146. Splint Coal Corporation, petitioner, *v.* Mrs. Walter Anderson, Administratrix etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 147. John R. Longo, petitioner, *v.* The State of New Jersey. Petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey denied.

No. 148. Lucien H. Tyng, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 150. A. M. Gilstrap, Cora D. Gilstrap, et al., petitioners, *v.* Standard Oil Company et al.; and

No. 151. A. M. Gilstrap, petitioner, *v.* Standard Oil Company et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 152. J. Greenebaum Tanning Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 153. Hartley Caldwell, petitioner, *v.* The People of the State of California. Petition for writ of certiorari to the Superior Court in and for the County of Los Angeles, Appellate Department, State of California, denied.

No. 154. The United States of America ex rel. Sam Darcy, petitioner, *v.* Superintendent of County Prisons of Philadelphia, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 155. Town of Largo, in Pinellas County, Florida, petitioner, *v.* Hugh Richmond. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 159. Manila Electric Company, petitioner, *v.* A. L. Yato, Collector of Internal Revenue of the Philippines. Petition for writ of certiorari to the Supreme Court of the Commonwealth of the Philippines denied.

No. 160. Richard Smith and Geraldine J. Hall, petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 161. Martin Engebretson, Trustee, etc., petitioner, *v.* Ralph M. West et al.; and

No. 162. Martin Engebretson, Trustee, etc., petitioner, *v.* John T. Marcell et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 163. J. Friedman, Sydney C. Johnson, et al., petitioners, *v.* City of Atlanta, William B. Hartsfield, as Mayor of the City of Atlanta, et al. Petition for writ of certiorari to the Supreme Court of the State of Georgia denied.

No. 165. Dora B. Hendron et al., petitioners, *v.* Yount-Lee Oil Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 167. A. H. Thornburgh, Administrator, etc., petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 168. Frederick C. Overbury, petitioner, *v.* John W. Platten and Kintzing P. Emmons, Individually, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 169. William Buchsbaum, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 171. The Hygienic Products Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 172. I. H. Nakdimen, H. S. Nakdimen, et al., petitioners, *v.* Lazare Baker. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 174. United Drug Company, petitioner, *v.* Obear-Nester Glass Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 179. Weightstill Woods, Court Trustee, petitioner, *v.* Arlington, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 181. Herbert Fleishhacker, petitioner, *v.* Lucien Blum, Edmond Lang et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 182. George Strates, Individually etc., et al., petitioners, *v.* Eugenia Dimotsis et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 184. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Horseshoe Lease Syndicate. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 185. Pennsylvania-Reading Seashore Lines, petitioner, *v.* Hildegarde Cawman, Admx. Estate of John W. Cawman, deceased. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 186. Francisco de La Torre, petitioner, *v.* The First National Bank of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 193. Norman Baker, petitioner, *v.* The State of Arkansas. Petition for writ of certiorari to the Supreme Court of the State of Arkansas denied.

No. 195. Commercial Casualty Insurance Company, petitioner, *v.* Marjorie W. Stinson. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 196. Southern Manufacturing Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 197. George W. Cashman, petitioner, *v.* The Marshall's U. S. Auto Supply, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 198. Robert R. Cox, petitioner, *v.* Commissioner of Internal Revenue; and

No. 199. Ethel K. Childers, petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 202. Maryland Casualty Company, petitioner, *v.* Earl D. Alford, Administrator etc.; and

No. 203. Maryland Casualty Company, petitioner, *v.* Earl D. Alford, Administrator, etc. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 206. Guadalupe R. Gallegos et al., petitioners, *v.* Lloyd R. Smith, Corporation Commissioner of the State of Oregon. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 207. Compress of Union et al., petitioners, *v.* A. H. Stone, Tax Commissioner. Petition for writ of certiorari to the Supreme Court of the State of Mississippi denied.

No. 208. Louis Kulesza, Frank Heynar, et al., petitioners, *v.* American Car and Foundry Co. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 215. Tovrea Packing Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 216. Commissioners of the Sinking Fund of the City of Louisville, petitioner, *v. A. M. Anderson, Receiver, etc.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 217. Ralph R. Kelley, petitioner, *v. The United States of America.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 220. Benjamin H. Fuller and John J. Bernich, petitioners, *v. The United States of America.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 221. Harry C. Ritter and Chris S. Knaur, petitioners, *v. Wyoga Gas and Oil Corporation.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 223. Sara Adler (now Sara Cowley-Brown), petitioner, *v. Sidney Adler.* Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 224. Fred P. Hayward et al., petitioners, *v. City of Corpus Christi.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 226. William Doster Noland, petitioner, *v. Vyola Bubb Noland, also known as Vyola Bubb Loughman, et al.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 227. Land Oberoesterreich, petitioner, *v. Walter E. Gude et al.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 229. Neil H. Amiot, Guardian of Hubert S. Amiot, etc., et al., petitioners, *v. Kansas City Life Insurance Company.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 233. James B. Berry Sons' Company, Inc., petitioner, *v. The New York Central Railroad Company, Lessee of Michigan Central Railroad.* Petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania denied.

No. 238. Stoodly Company, petitioner, *v. Carlton Metals, Inc., A. J. Carlton, et al.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 239. Katherine Kraft, petitioner, *v. Commissioner of Internal Revenue.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 247. Safway Steel Scaffolds Co. of Wisconsin, petitioner, *v. The Patent Scaffolding Company and Gerhardt F. Meyne Co.* Peti-

tion for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 249. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Rector & Davidson. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 252. J. R. Brinkley, petitioner, *v.* Morris Fishbein. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 254. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Edward Mallinckrodt, Jr., et al., Trustees, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 258. L. K. Person, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 261. Maryland Casualty Company, petitioner, *v.* Mrs. Ida C. Boulton. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 262. The Shaw-Walker Company et al., petitioners, *v.* The National Benefit Life Insurance Company et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 270. Clara C. Bolles, petitioner, *v.* The Toledo Trust Company, Executor, etc. Petition for writ of certiorari to the Supreme Court of the State of Ohio denied.

No. 275. Walter K. Barnes, Trading as Barnes and Lofland, petitioner, *v.* L. M. Reed, Receiver, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 277. The Automatic Devices Corporation, petitioner, *v.* Sinko Tool & Manufacturing Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 280. David Subin and Benjamin Subin, Trading as Arcadia Hosiery Company, petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 285. P. M. Jackson, Trustee, etc., petitioner, *v.* E. A. Lynch, Receiver, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 288. Walter Williams, petitioner, *v.* National Surety Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 289. Southern Steamship Company, petitioner, *v.* C. M. Meyners. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 292. West Side Tennis Club, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 294. Stephen Westover, Trustee, etc., petitioner, *v.* Valley National Bank. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 298. Claude A. Wertz, as Trustee, etc., petitioner, *v.* National City Bank of Evansville, Indiana. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 301. The Timken-Detroit Axle Company, petitioner, *v.* Lempeco Products, Incorporated. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 302. Peter Balinovic, petitioner, *v.* The Evening Star Newspaper Company. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 303. Edward Williams, petitioner, *v.* John J. Golden, Marshal, City of St. Louis. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 305. Frost Lumber Industries, Inc., petitioner, *v.* Republic Production Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 306. The Travelers Insurance Company, petitioner, *v.* Evelyn Price et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 307. Royal Insurance Company, Ltd., petitioner, *v.* Robert A. Smith. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 308. State of Missouri, by and through The Unemployment Compensation Commission etc., petitioner, *v.* Warren S. Earhart, Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 310. Weightstill Woods, Court Trustee, petitioner, *v.* City National Bank and Trust Company of Chicago et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 316. Jacob Mehrlust, petitioner, *v.* Joseph T. Higgins, Individually, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 317. Mary A. Huffman, petitioner, *v.* The City of Wichita. Petition for writ of certiorari to the Supreme Court of the State of Kansas denied.

No. 318. W. M. Bonner and Mabel R. Bonner, petitioners, *v.* W. L. Suiter, A. C. Hagg, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 323. American National Bank of Nashville, Tennessee, petitioner, *v.* City of Sanford, Florida, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 324. Harry C. Davis, C. J. Rott, et al., petitioners, *v.* City of Homestead, Florida, and the United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 325. Edward E. Stevens, petitioner, *v.* Clara M. Edwards et al., Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 328. United States Trust Company of New York et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 329. Campagnie Generale Transatlantique, petitioner, *v.* George V. Tawes. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 335. Alamitos Land Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 347. Food Machinery Corporation, petitioner, *v.* Fruit Treating Corporation et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 348. The Oregon Short Line Railroad Company and Saint Paul Mercury Indemnity Company of St. Paul, petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 350. Albert H. Lieberman, Emil Cohn, Jr., et al., petitioners, *v.* City of Philadelphia. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 358. Porter-Wadley Lumber Company et al., petitioners, *v.* C. Orbin Bailey; and

No. 359. Porter-Wadley Lumber Company et al., petitioners, *v.* James T. Pruitt. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 360. Long Island Drug Company, Inc., petitioner, *v.* Commissioner of Internal Revenue; and

No. 361. Long Island Drug Company, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 365. National Union Fire Insurance Company, petitioner, *v.* E. Eggers, Individually and as Claimant, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 370. Howard S. Palmer, James Lee Loomis, et al., etc., petitioners, *v.* John J. McCarthy. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 372. William G. Wall, petitioner. *v.* State Board of Bar Examiners of the State of New Jersey. Petition for writ of certiorari to the Supreme Court of the State of New Jersey denied.

No. 383. United States Hoffman Machinery Corporation, petitioner, *v.* Cummings-Landau Laundry Machinery Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 385. The City of St. Louis, Anne M. Evans, et al., petitioners, *v.* Charlotte Clark Lindsay. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 401. Grover D. Turnbow, C. E. Gray, et al., petitioners, *v.* Farmer's Cooperative Exchange, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 452. Charles A. McCulloch, petitioner, *v.* Wilbur L. Loftus. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 621, October Term, 1939. Edmond L. Viles, petitioner, *v.* The Prudential Insurance Company of America; and

No. 854, October Term, 1939. John M. Moon, petitioner, *v.* The Union Central Life Insurance Company et al. The motions for leave to file petitions for rehearing in these cases are denied.

No. 950, October Term, 1939. Arrow Distilleries, Inc., petitioner, *v.* Wilford S. Alexander, Administrator, etc. The motion for leave to withdraw petition for rehearing is granted.

No. 459, October Term, 1939. The H. Row Company, petitioner, *v.* Frank J. Crivella. It is ordered that the mandate in this case be

and it hereby is recalled. The judgment of this Court dated May 27, 1940, is modified so as to provide that the reversal shall be without costs to either party in this Court. The petition for rehearing is denied.

No. —, original, October Term, 1939. *Ex parte* Edmond C. Fletcher, petitioner;

No. —, original, October Term, 1939. *Ex parte* Albert Leighton, petitioner;

No. 671, October Term, 1939. Sontag Chain Stores Co., Ltd., petitioner. *v.* National Nut Company of California;

No. 705, October Term, 1939. The United States, petitioner, *v.* Emmett F. Dickerson;

No. 713, October Term, 1939. The United States of America et al., appellants, *v.* The American Trucking Associations, Inc., et al.;

No. 752, October Term, 1939. Franz J. Borchard et al., petitioners, *v.* California Bank and California Trust Company;

No. 785, October Term, 1939. Elmer Ray Lowman, petitioner, *v.* The Federal Land Bank of Louisville, Kentucky, et al.;

No. 853, October Term, 1939. North Whittier Heights Citrus Association, petitioner, *v.* National Labor Relations Board;

No. 882, October Term, 1939. Julian W. Fretwell, petitioner, *v.* Gillette Safety Razor Company;

No. 896, October Term, 1939. Amos G. McCampbell, Jr., petitioner, *v.* The Warrich Corporation et al.;

No. 938, October Term, 1939. Annie Bunton Parsons et al., petitioners, *v.* David B. Childs et al.;

No. 939, October Term, 1939. The United States of America, *ex rel.* Michael Tsevdos, petitioner, *v.* Rudolph Reimer, Commissioner of Immigration;

No. 954, October Term, 1939. Andre deCoppet and Muriel deCoppet, petitioners, *v.* Commissioner of Internal Revenue;

No. 999, October Term, 1939. Jane Holding Corporation, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue;

No. 1028, October Term, 1939. Dr. J. D. Bradley, petitioner, *v.* Hon. Frank Simpson, Solicitor General *ex rel.* of Piedmont Circuit, Georgia;

No. 1038, October Term, 1939. John Touchton, petitioner, *v.* City of Fort Pierce, Florida, Debtor; and

No. 1057, October Term, 1939. Max Ziskin, petitioner, *v.* The United States of America. The petitions for rehearing in these cases are denied.

No. 12. The United States of America, petitioner, *v.* Appalachian Electric Power Company. Four and three-quarters hours allowed for oral argument. Argument commenced by Mr. Solicitor General Biddle for the petitioner; continued by Mr. Raymond T. Jackson for the respondent; and by Mr. Abram P. Staples for the Commonwealth of Virginia as *amicus curiae*, by special leave of Court.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, October 15, will be as follows: Nos. 12, 3, 5, 13, 14, 15, 17 (and 18), 19, 64, and 20.

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Tuesday, October 15, 1940

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Wm. N. Stokes, Jr., of Houston, Tex.; Arnold Levy, of Silver Spring, Md.; Irwin A. Churchill, of Huron, S. Dak.; Joseph M. Rotolo, of Palisades Park, N. J.; David I. Hubar, of Detroit, Mich.; Marie M. Nelson, of San Francisco, Calif.; Warren C. Horton, of Chicago, Ill.; Cyril A. Burns, of Pontiac, Ill.; Charles W. West, of Washington, D. C.; Benjamin Soper Shantz, of Tucson, Ariz.; John Augustus Hutchins, of Weymouth, Mass.; Charles S. Williston, of Chicago, Ill.; and Robert W. Boyd, of Dallas, Tex., were admitted to practice.

No. 12. The United States of America, petitioner, *v.* Appalachian Electric Power Company. Argument continued by Mr. Abram P. Staples for the Commonwealth of Virginia, as *amicus curiae*, by special leave of Court; by Mr. Raymond T. Jackson for the respondent; and concluded by Mr. Solicitor General Biddle for the petitioner. Leave granted petitioner and respondent to file additional briefs within five days.

No. 3. The United States of America, appellant, *v.* Northern Pacific Railway Company et al. Six hours allowed for the reargument of this case. Reargument commenced by Mr. Frederick Bernays Wiener for the appellant and continued by Mr. John W. Davis for the appellees.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, October 16, will be as follows: Nos. 3, 5, 13, 14, 15, 17 (and 18), 19, 64, 20, and 21.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Charles F. Delbridge, of Detroit, Mich.; Francis W. McCauley, of Detroit, Mich.; John D. Kennedy, of Fort Lauderdale, Fla.; Edwin J. Culligan, of Buffalo, N. Y.; John P. Loughnane, of Chicago, Ill.; Frank B. Yoakum, Jr., of Los Angeles, Calif.; and Abba Abrams, of Chicago, Ill., were admitted to practice.

No. 3. The United States of America, appellant, *v.* Northern Pacific Railway Company et al. Reargument continued by Mr. John W. Davis and by Mr. Lorenzo B. daPonte for the appellees and concluded by Mr. Frederick Bernays Wiener for the appellant.

No. 5. Harry H. Neuberger, petitioner, *v.* Commissioner of Internal Revenue. Argument commenced by Mr. Wilbur H. Friedman for the petitioner and continued by Mr. J. Louis Monarch for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, October 17, will be as follows: Nos. 5, 13, 14, 15, 17 (and 18), 19, 64, 20, 21, and 23 (24 and 25).

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

S. J. Stanton, of Chicago, Ill.; Jack Lewis Kraus II, of New York City; and Thos L. O'Leary, of Olympia, Wash., were admitted to practice.

No. 277. The Automatic Device Corporation, petitioner, *v.* Sinko Tool & Manufacturing Company. Motion to withhold order denying petition for writ of certiorari submitted by Mr. Drury W. Cooper, Mr. Thomas J. Byrne, and Mr. Henry M. Huxley for the petitioner.

No. 5. Harry H. Neuberger, petitioner, *v.* Commissioner of Internal Revenue. Argument continued by Mr. J. Louis Monarch for the respondent and concluded by Mr. Wilbur H. Friedman for the petitioner.

No. 13. The United States of America, petitioner, *v.* Ashby Oliver Stewart. Argued by Mr. Assistant Attorney General Clark for the petitioner and by Mr. W. Glenn Harmon and Mr. Ernest L. Wilkinson for the respondent.

No. 14. Republic Steel Corporation, petitioner, *v.* National Labor Relations Board and Steel Workers Organizing Committee. Argument commenced by Mr. Luther Day for the petitioner; continued by Mr. Thomas E. Harris for the respondent, National Labor Relations Board; and concluded by Mr. Thomas F. Patton for the petitioner.

No. 15. Fleisher Engineering & Construction Co. et al., petitioners, *v.* The United States of America, for the use and benefit of George S. Hallenbeck, etc. Argument commenced by Mr. Frank Gibbons for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, October 18, will be as follows: Nos. 15, 17 (and 18), 19, 64, 20, 21, 23 (24 and 25), 8, 121, and 26.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Vincent M. Rotolo, of Hackensack, N. J.; Firman P. Lyle, of Pittsburgh, Pa.; Gordon S. Parker, of Pittsburgh, Pa.; Arthur T. Stratton, of Pittsburgh, Pa.; Ernest Reginald Cushing, of Arlington, Va.; and Vito F. Lanza, of Brooklyn, N. Y., were admitted to practice.

No. 381. Z. & F. Assets Realization Corporation, petitioner, *v.* Cordell Hull, Secretary of State, et al.; and

No. 382. American-Hawaiian Steamship Company, petitioner, *v.* Cordell Hull, Secretary of State, et al. Motion to advance submitted by Mr. Amos J. Peasley on behalf of counsel for the respondent, Lehigh Valley Railroad Company.

No. 354. Ray Ritter et al., petitioners, *v.* Milk and Ice Cream Driver and Dairy Employees Union Local 336 et al. Motion to withhold order denying petition for writ of certiorari submitted by Mr. Charles Auerbach for the petitioners.

No. 15. Fleisher Engineering & Construction Co. et al., petitioners, *v.* The United States of America, for the use and benefit of George S. Hallenbeck, etc. Argument continued by Mr. Frank Gibbons for the petitioners; by Mr. Edwin J. Culligan for the respondent; and concluded by Mr. Frank Gibbons for the petitioners.

No. 17. Robert J. Deckert, Roland W. Randal, et al., petitioners, *v.* Independence Shares Corporation et al.; and

No. 18. Robert J. Deckert, Roland W. Randal, et al., petitioners, *v.* The Pennsylvania Company for Insurance on Lives and Granting Annuities. Argued by Mr. Harry Shapiro for the petitioners; by Mr. Robert F. Irwin, Jr., for the respondents in No. 17; and by Mr. Walter Biddle Saul for the respondent in No. 18.

No. 19. Harry Bridges, petitioner, *v.* State of California. Argument commenced by Mr. A. L. Wirin for the petitioner.

Adjourned until Monday, next at 12 o'clock.

The day call for Monday, October 21, will be as follows: Nos. 19, 64, 20, 21, 23 (24 and 25), 8, 121, 26, 16, and 9 (10 and 11).

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Joseph Gerard Kelly, of New York City; Irvin C. Mollison, of Chicago, Ill.; George M. Breslin, of Los Angeles, Calif.; Ben F. Foster, of Houston, Tex.; Irving M. Smith, of Long Beach, Calif.; Andrew W. Sexton, of Chicago, Ill.; Robert Houston French, of Cincinnati, Ohio; Edgar W. Waybright, Sr., of Jacksonville, Fla.; Thelma Hudson Waybright, of Jacksonville, Fla.; Edgar W. Waybright, Jr., of Jacksonville, Fla.; Roger J. Waybright, of Jacksonville, Fla.; and Herbert S. Thatcher, of Milwaukee, Wis., were admitted to practice.

The Chief Justice announced the following order of the Court:

No. 117. Continental Assurance Company, appellant, *v.* State of Tennessee. Appeal from the Supreme Court of the State of Tennessee. *Per curiam*: Appeal dismissed for the want of substantial federal question.

The Chief Justice said:

“The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally.”

ORDER

It is ordered that Rule V of the Rules of Practice and Procedure in Criminal Cases be, and the same is hereby, amended to read as follows:

“V. *Supersedeas*. An appeal from a judgment of conviction stays the execution of the judgment, unless the defendant pending his appeal shall elect to enter upon the service of his sentence. The trial court or the circuit court of appeals may stay the execution of any sentence to pay a fine or fine and costs upon such terms as it may deem proper. It may require the defendant pending the appeal to pay to the clerk in escrow the whole or any part of such fine and costs, to submit to an examination as to his assets, or to give a super-

sedeas bond, and it may likewise make any appropriate order to restrain the defendant from dissipating his assets and thereby prevent the collection of such fine.”

ORDER

It is ordered that paragraph 2 of Rule 36 of the Rules of this Court be amended so as to read as follows:

“2. Supersedeas bonds must be taken, with good and sufficient security, that the appellant shall prosecute his appeal to effect, and answer all damages and costs if he fail to make his plea good. Such indemnity, where the judgment or decree is for the recovery of money not otherwise secured, must be for the whole amount of the judgment or decree, including just damages for delay, and costs and interest on the appeal, unless, after notice and hearing and for good cause shown, the judge or justice allowing the appeal fixes a different amount or orders security other than the bond; but in all suits where the property in controversy necessarily follows the event of the suit, as in real actions, replevin, and suits on mortgages, or where the property is in the custody of the marshal under admiralty process, as in case of capture or seizure, or where the proceeds thereof, or a bond for the value thereof, is in the custody or control of the court, indemnity is only required in an amount sufficient to secure the sum recovered for the use and detention of the property, and the costs of the suit, and just damages for delay, and costs and interest on the appeal.”

No. —. Ex parte F. Harold Schmitt, petitioner. The motion to direct the clerk to amend the roll of attorneys to show change of the name of F. Harold Schmitt to “F. Harold Smith” granted.

No. —, original. Ex parte David H. Johnson, petitioner;

No. —, original. Ex parte Merritt B. Schuyler, petitioner;

No. —, original. Ex parte Clarence M. Brummitt, petitioner; and

No. —, original. Ex parte M. J. Cusick, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 11, original. State of Kansas, complainant, *v.* State of Missouri. The answer of the defendant is received and ordered filed. The motion to reconsider the order denying E. A. Cole leave to intervene is denied.

No. 11, original. State of Kansas, complainant, *v.* State of Missouri. It is ordered that Dean G. Acheson, Esq., of Washington, D. C., be, and he is hereby, appointed Special Master in this cause,

with authority to summon witnesses, issue subpoenas, and to take such evidence as may be introduced and such as he may deem it necessary to call for. The Master is directed to make findings of fact and conclusions of law, and to submit the same to this Court with all convenient speed, together with his recommendations for a decree. The findings, conclusions, and recommendations of the Master shall be subject to consideration, revision, or approval by this Court. The Master shall be allowed his actual expenses and a reasonable compensation for his services to be fixed hereafter by the Court. The allowances to him, the compensation paid to his stenographic and clerical assistants, and the cost of printing his report shall be charged against and be borne by the parties in such proportion as the Court hereafter may direct. If the appointment herein made of a Master is not accepted, or if the place becomes vacant during the recess of the Court, the Chief Justice shall have authority to make a new designation, which shall have the same effect as if originally made by the Court herein.

No. 681, October Term, 1939. Railroad Commission of Texas et al., petitioners, *v.* Rowan & Nichols Oil Co.

It is ordered that the following sentence on page 4 of the opinion handed down June 3, 1940, be stricken from the opinion:

“Except where the jurisdiction rests, as it does not here, on diversity of citizenship, the only question open to a federal tribunal is whether the state action complained of has transgressed whatever restrictions the vague contours of the Due Process Clause may place upon the exercise of the state’s regulatory power.”

It is further ordered that the following paragraph be added at the close of the opinion:

“While the presence of a federal question may also open up state issues, *Siler v. Louisville & N. R. R.*, 213 U. S. 175, the claim here founded on Texas law is derived from a statute requiring proration on a ‘reasonable basis.’ Vernon’s Texas Annotated Civil Statutes (1925), art. 6049c, § 7. The Texas decisions, insofar as they have been brought to our attention, do not make clear whether the local courts may exercise an independent judgment on what is ‘reasonable.’ Compare *Brown v. Humble Oil & Refining Co.*, 126 Tex. 296, 316. But, in any event, as we read the Texas cases, the standard of ‘reasonable basis’ under the statute opens up the same range of inquiry as the respondent in effect asserted to exist in his claims under the Due Process Clause. These latter claims we have found untenable. What ought not to be done by the federal courts when the Due Process Clause is invoked ought not to be attempted by these courts under the guise of enforcing a state statute. Whether the respondent may still have a remedy in the state courts is for the

Texas courts to determine, and is not foreclosed by the denial, on the grounds we have indicated, of the extraordinary relief of an injunction in the federal courts."

The motion for leave to present oral argument is denied.

The petition for rehearing is denied.

No. 277. The Automatic Devices Corporation, petitioner, *v.* Sinko Tool & Manufacturing Company; and

No. 354. Ray Ritter et al., petitioners, *v.* Milk and Ice Cream Driver and Dairy Employees Union Local 336 et al. The motions to withhold orders denying petitions for writs of certiorari are denied.

No. 381. Z. & F. Assets Realization Corporation, petitioner, *v.* Cordell Hull, Secretary of State, et al.; and

No. 382. American-Hawaiian Steamship Company, petitioner, *v.* Cordell Hull, Secretary of State, et al. The motion to advance is granted and the cases are set for hearing on Monday, December 9, next. Mr. Justice Roberts took no part in the consideration and decision of this application.

No. 364. Albert Smith, petitioner, *v.* Joseph O'Grady, Warden of the Nebraska State Penitentiary etc. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Supreme Court of the State of Nebraska is granted.

No. 367. Charles H. Knight, petitioner, *v.* Robert H. Hudspeth, Warden etc. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds that the application for a writ of certiorari was not filed within the time provided by law. Section 8 (a), Act of February 13, 1925 (43 Stat. 936, 940). The petition for writ of certiorari is therefore also denied.

No. 126. Earl Alexander, petitioner, *v.* Joseph O'Grady, Warden etc. On petition for writ of certiorari to the Supreme Court of the State of Nebraska;

No. 149. Otha Davis, petitioner, *v.* Joseph O'Grady, Warden etc. On petition for writ of certiorari to the Supreme Court of the State of Nebraska;

No. 353. Charlie W. Johnson, petitioner, *v.* Joseph W. Sanford, Warden etc. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit;

No. 366. Leo Carpenter, petitioner, *v.* Robert H. Hudspeth, as Warden etc. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit;

No. 389. Rosalyn Randle, alias Helen G. Randle, etc., petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 391. Otto Barnowski, petitioner, *v.* Robert H. Hudspeth, Warden etc. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit; and

No. 390. Walter McDonald, petitioner, *v.* Robert H. Hudspeth, Warden etc. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. The motions for leave to proceed further herein *in forma pauperis* are denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which writs of certiorari should be issued. The petitions for writs of certiorari are therefore also denied.

No. 304. The Carter Oil Company, petitioner, *v.* John F. Welker, Nellie E. Welker, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 336. Leroy A. Berry, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 344. Margaret Conway, petitioner, *v.* George H. O'Brien. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 369. Stanley R. Hemphill, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 373. Charlotte Cross Just and Anne Elise Gruner, petitioner, *v.* Alma Chambers, as Executrix etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 384. Howard E. Breisch, petitioner, *v.* Central Railroad of New Jersey. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 393. The United States, petitioner, *v.* Arthur Pelzer. Petition for writ of certiorari to the Court of Claims granted.

No. 68. Arthur McCoy, petitioner, *v.* State of West Virginia. On petition for writ of certiorari to the Supreme Court of Appeals of the State of West Virginia; and

No. 355. John Painter, petitioner, *v.* Baltimore and Ohio Railroad Company. On petition for writ of certiorari to the Supreme Court of

the Commonwealth of Pennsylvania. The petitions for writs of certiorari in these cases are denied for the reason that the applications therefor were not made within the time provided by law. Section 8 (a), Act of February 13, 1925 (43 Stat. 936, 940).

No. **322.** Monte E. Hart, J. Emory Adams, et al., petitioners, *v.* The United States of America. The motion for leave to file a supplemental petition for writ of certiorari is granted. The petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is denied. Mr. Justice Murphy took no part in the consideration and decision of these applications.

No. **351.** C. M. Bair, petitioner, *v.* Bank of America National Trust and Savings Association. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied. Mr. Justice Douglas took no part in the consideration and decision of this application.

No. **403.** Guy A. Thompson, Trustee etc., petitioner, *v.* Neal Wiley. On consideration of the suggestion of a diminution of the record and motion for a writ of certiorari in that relation, the motion for a writ of certiorari is granted. The petition for writ of certiorari to the Supreme Court of the State of Arkansas is denied.

No. **379.** W. S. Simmons (Rosa F. Simmons, temporary administratrix substituted in place of W. S. Simmons, deceased), petitioner, *v.* Peavy-Welsh Lumber Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied. Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Murphy are of the opinion that the petition for writ of certiorari should be granted.

No. **109.** J. D. Langston and E. F. Godwin, petitioners, *v.* The State of South Carolina. Petition for writ of certiorari to the Supreme Court of the State of South Carolina denied.

No. **225.** In the matter of Morton D. Bluestone, petitioner. Petition for writ of certiorari to the Supreme Court of the State of Pennsylvania denied.

No. **290.** Irving Trust Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. **311.** Agnes Gliwa et al., petitioners, *v.* United States Steel Corporation et al. Petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania denied.

No. **334.** Agnes Gliwa et al., petitioners, *v.* United States Steel Corporation et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. **341.** County of Fresno and Walter S. Henderson, Jr., Assessor, etc., petitioners, *v.* Commodity Credit Corporation. Petition for

writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 374. Rosie Lee Jackson, Lela Dimmer, et al., petitioners, *v.* United Gas Public Service Company et al. Petition for writ of certiorari to the Supreme Court of the State of Louisiana denied.

No. 380. Ngim Ah Oy, petitioner, *v.* Edward L. Haff, as District Director, United States Immigration and Naturalization Service, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 386. Continental Oil Company, petitioner, *v.* H. C. Jones, Collector of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 388. O/Y Wipu, as Owner of the Finnish Steamer "Wilja," petitioner, *v.* Louis Louis Dreyfus et al., Co-partners, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 394. The United States, petitioner, *v.* Byron Brown Ralston. Petition for writ of certiorari to the Court of Claims denied.

No. 395. Alaska Steamship Company, Owner etc., petitioner, *v.* Pacific Coast Coal Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 396. Robert F. Buggs, petitioner, *v.* Ford Motor Company, a foreign corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 398. The Hamilton Laboratories, Inc., petitioner, *v.* Samuel E. Massengill, doing business as the S. E. Massengill Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 402. Main and McKinney Building Company of Houston, Texas, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 404. Southern Minerals Corporation, petitioner, *v.* Jay Simmons et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

The Court will take a recess from Monday, October 28, until Tuesday, November 12, next.

No. —, Original. Ex parte National Labor Relations Board, petitioner. Motion for leave to file petition for writ of mandamus or prohibition presented.

No. 19. Harry Bridges, petitioner, *v.* State of California. Argument continued by Mr. Allen W. Ashburn for the respondent and concluded by Mr. A. L. Wirin for the petitioner. Three days allowed counsel to file additional briefs.

No. 64. The Times-Mirror Company and L. D. Hotchkiss, petitioners, *v.* The Superior Court of the State of California in and for the County of Los Angeles. Argued by Mr. T. B. Cosgrove for the petitioners and by Mr. Allen W. Ashburn for the respondent.

No. 20. Milk Wagon Drivers Union Local 753 et al., petitioners, *v.* Lake Valley Farm Products, Inc., et al. Argument commenced by Mr. Abraham W. Brussell for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, October 22, will be as follows: Nos. 20, 21, 23 (24 and 25), 8, 121, 26, 16, 9 (10 and 11), 27, and 205.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Bertram Edises, of San Francisco, Calif.; Morris P. Glushien, of Brooklyn, New York City; Charles O. Chandler, of Cleveland, Ohio; Rosalie M. Moynahan, of New York City; William V. O'Connor, of Washington, D. C.; Max W. Soffer, of St. Louis, Mo.; Walser Sly Greathouse, of Seattle, Wash.; Cornelius F. Stradford, of Chicago, Ill.; Elvira Lawrence Bleadinghiser, of Pittsburgh, Pa.; and Lee B. Thompson, of Oklahoma City, Okla., were admitted to practice.

No. 264. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Pan-American Life Insurance Company. Motion to advance submitted by Mr. Raymond C. Cushwa on behalf of counsel for the respondent.

No. 20. Milk Wagon Drivers Union Local 753 et al., petitioners, *v.* Lake Valley Farm Products, Inc., et al. Argument continued by Mr. Arthur R. Seelig for the respondents and concluded by Mr. Abraham W. Brussell for the petitioners.

No. 21. Barcardi Corporation of America, petitioner, *v.* Manuel V. Domenech. Argument commenced by Mr. Edward S. Rogers for the petitioner; continued by Mr. William Cattron Rigby for the respondent, Manuel V. Domenech, Treasurer of Puerto Rico; by Mr. David A. Buckley, Jr., for the Intervenor-Respondent, Destileria Serralles, Inc.; and concluded by Mr. Preston B. Kavanagh for the petitioner.

No. 23. Wilson and Co., Inc., petitioner, *v.* The United States;

No. 24. Wilson & Co., Inc., of Kansas, petitioner, *v.* The United States; and

No. 25. T. M. Sinclair & Company, Limited, petitioner, *v.* The United States. Argument commenced by Mr. Dean G. Acheson for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, October 23, will be as follows: Nos. 23 (24 and 25), 8, 121, 26, 16, 9 (10 and 11), 27, 205, 29, and 38.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Walter B. Whitcomb, of Bellingham, Wash.; Jacob L. Miller, of Newark, N. J.; James M. Joyce, of Jersey City, N. J.; Truman K. Gibson, Jr., of Chicago, Ill.; Loring B. Moore, of Chicago, Ill.; Ben A. Hill, of San Pedro, Calif.; and Joel R. Parker, of New York City, were admitted to practice.

No. 23. Wilson and Co., Inc., petitioner, *v.* The United States;

No. 24. Wilson & Co., Inc., of Kansas, petitioner, *v.* The United States; and

No. 25. T. M. Sinclair & Company, Limited, petitioner, *v.* The United States. Argument continued by Mr. Dean G. Acheson for the petitioners and concluded by Mr. Warner W. Gardner for the respondent.

No. 8. Crane-Johnson Company, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. John E. Hughes for the petitioner and by Mr. Richard H. Demuth for the respondent.

No. 121. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Northwest Steel Rolling Mills, Inc. Argued by Mr. Richard H. Demuth for the petitioner and by Mr. Walser S. Great-house for the respondent.

No. 26. West India Oil Company (Puerto Rico), petitioner, *v.* Rafael Sancho Bonet, Treasurer of Puerto Rico. Manuel V. Domenech, present Treasurer of Puerto Rico substituted as the party respondent herein in the place and stead of Rafael Sancho Bonet, former Treasurer, on motion of Mr. James R. Beverley for the petitioner.

No. 26. West India Oil Company (Puerto Rico), petitioner, *v.* Manuel V. Domenech, Treasurer of Puerto Rico. Argument commenced by Mr. James R. Beverley for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, October 24, will be as follows: Nos. 26, 16, 9 (10 and 11), 27, 205, 29, and 50.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Edward Miller, of Denver, Colo.; John G. Eliot, of San Francisco, Calif.; O. J. Antonsanti, of San Juan, P. R.; Timothy J. Driscoll, of Boston, Mass.; and Schubert A. Stricklett, of Greensburg, Pa., were admitted to practice.

No. 26. West India Oil Company (Puerto Rico), petitioner, *v.* Manuel V. Domenech, Treasurer of Puerto Rico. Argument continued by Mr. James R. Beverley for the petitioner; by Mr. William Cattron Rigby for the respondent and concluded by Mr. James R. Beverley for the petitioner.

No. 16. International Association of Machinists, Tool and Die Makers Lodge No. 35, etc., petitioner, *v.* National Labor Relations Board. Argued by Mr. Joseph A. Padway for the petitioner and by Mr. Robert B. Watts for the respondent.

No. 9. The Schriber-Schroth Company, petitioner, *v.* The Cleveland Trust Company, Chrysler Corporation;

No. 10. The Aberdeen Motor Supply Company, petitioner, *v.* The Cleveland Trust Company, Chrysler Corporation; and

No. 11. The F. E. Rowe Sales Company, petitioner, *v.* The Cleveland Trust Company, Chrysler Corporation. Suggestion of a diminution of the record and motion for a writ of certiorari in that relation submitted by Mr. John H. Sutherland for the petitioners. Argument commenced by Mr. John H. Sutherland for the petitioners and continued by Mr. Arthur C. Denison for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, October 25, will be as follows: Nos. 9 (10 and 11), 27, 205, 29, and 50.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Harry L. Deibel, of Cleveland, Ohio; Joseph F. Van Horn, of Philadelphia, Pa.; Erwin W. Roemer, of Chicago, Ill.; Albert L. Orr, of Medicine Lodge, Kans.; Leo Rothstein Goldman, of New York City; Carl M. Johnson, of Chicago, Ill.; and O. B. Martin, of Blackwell, Okla., were admitted to practice.

No. 9. The Schriber-Schroth Company, petitioner, *v.* The Cleveland Trust Company, Chrysler Corporation:

No. 10. The Aberdeen Motor Supply Company, petitioner, *v.* The Cleveland Trust Company, Chrysler Corporation; and

No. 11. The F. E. Rowe Sales Company, petitioner, *v.* The Cleveland Trust Company, Chrysler Corporation. Leave to withdraw application for writ of certiorari to correct a diminution of the record granted on motion of Mr. John H. Sutherland for the petitioners. Argument continued by Mr. Arthur C. Denison and by Mr. F. O. Richey for the respondents and concluded by Mr. John H. Bruninga for the petitioners.

No. 27. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Paul R. G. Horst. Argued by Mr. Arnold Raum for the petitioner and by Mr. Selden Bacon for the respondent.

No. 205. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Gerald A. Eubank. Argued by Mr. Arnold Raum for the petitioner and by Mr. Harry J. Rudick for the respondent.

No. 29. Carl A. Hansberry et al., petitioners, *v.* Anna M. Lee et al. Argued by Mr. Earl B. Dickerson for the petitioners and by Mr. McKenzie Shannon for the respondents.

No. 50. J. E. Riley Investment Company, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. Robert Ash for the petitioner and by Mr. Richard H. Demuth for the respondent.

Adjourned until Monday, October 28, next at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

J. Q. Henry, of Mission, Tex.; Myrtle Harriet Wood, of Washington, D. C.; James A. Pike, of Los Angeles, Calif.; J. Frances Emans, of Los Angeles, Calif.; Harry James Harth, of Washington, D. C.; M. Edward Abram, of Chicago, Ill.; Lindley C. Binford, of Portland, Oreg.; Stephen N. Blewett, of Stockton, Calif.; and H. Raymond Huffman, of Detroit, Mich., were admitted to practice.

The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the clerk, and will not be announced orally."

No. 337. Hermann Max Schwinn, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. *Per curiam*: The petition for writ of certiorari is granted. The judgment is affirmed on the sole ground that the certificate of citizenship was illegally procured.

No. 431. J. R. Keaton, appellant, *v.* City of Oklahoma City and Davon Oil Company. Appeal from the Supreme Court of the State of Oklahoma. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Section 237 (a), Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari, as required by section 237 (c) of the Judicial Code (43 Stat. 936, 938), certiorari is denied.

No. —. *Ex parte* Charles N. Williams, petitioner. Application denied.

No. —, original. *Ex parte* John D. Hardy, petitioner; and

No. —, original. *Ex parte* Claud Offill, petitioner. Rules are ordered to issue, returnable November 18 next, requiring the respondents to show cause why leave to file the petitions for writs of habeas corpus should not be granted.

No. —, original. *Ex parte* Kenneth Gerard, petitioner. The motion for leave to file petition for writ of habeas corpus is denied without prejudice to an application to the District Court.

No. —, original. *Ex parte* Robert Considine, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. —, original. *Ex parte* Street & Smith Publications, Inc. The motion for leave to file petition for writ of prohibition is denied.

No. —, original. *Ex parte* National Labor Relations Board, petitioner. The motion for leave to file petition for writs of mandamus and prohibition is denied.

No. 248. National Labor Relations Board, petitioner, *v.* Sterling Electric Motors, Inc. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Dismissed on motion of counsel for the petitioner.

No. 133. Major Raymond Lisenba, appellant, *v.* The People of the State of California; and

No. 134. Major Raymond Lisenba, appellant, *v.* The People of the State of California. Appeals from the Supreme Court of the State of California. The motions for leave to proceed *in forma pauperis* are granted. The appeals are dismissed for want of jurisdiction. Section 237 (a), Judicial Code, as amended by the Act of February 13, 1925. Treating the papers whereon the appeals were allowed as petitions for writs of certiorari, as required by section 237 (c) of the Judicial Code (43 Stat. 936, 938), certiorari is granted.

No. 141. Virginia Vandembark, petitioner, *v.* The Owens-Illinois Glass Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit;

No. 173. Jack Walker, petitioner, *v.* James A. Johnston, Warden, etc. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit; and

No. 315. Everett Ault Evans, alias Everett A. Troglin, etc., petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are also granted.

No. 319. Charles Sherwin, petitioner, *v.* The United States of America; and

No. 320. Joseph P. Sheridan, petitioner, *v.* The United States of America. The motion for leave to proceed *in forma pauperis* is granted. The petition for writs or certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted and the cases are assigned for argument immediately following No. 369.

No. 345. William Clark, petitioner, *v.* State of Alabama. On petition for writ of certiorari to the Supreme Court of the State of Alabama; and

No. 392. Commonwealth of Pennsylvania *ex rel.* Lee Montgomery, petitioner, *v.* Stanley P. Ashe, Warden, *etc.* On petition for writ of certiorari to the Superior Court of the Commonwealth of Pennsylvania, Pittsburgh District. The motions for leave to proceed further herein *in forma pauperis* are denied for the reason that the Court, upon examination of the papers herein submitted, finds that the applications for writs of certiorari were not filed within the time provided by law. Section 8 (a), Act of February 13, 1925 (43 Stat. 936, 940). The petitions for writs of certiorari are therefore also denied.

No. 488. Paul Tross, petitioner, *v.* State of West Virginia. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari to the Circuit Court of the State of West Virginia, Mineral County, is therefore also denied.

No. 364. Albert Smith, petitioner, *v.* Joseph O'Grady, Warden, *etc.* It is ordered that William L. Marbury, Jr., Esq., of Baltimore, Md., a member of the bar of this Court, be appointed to serve as counsel for the petitioner in this case.

No. 400. Consolidated Rock Products Co. *et al.*, petitioners, *v.* E. Blois du Bois; and

No. 444. F. D. Badgley *et al.*, petitioners, *v.* E. Blois du Bois. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 421. City of Indianapolis *et al.*, petitioners, *v.* The Chase National Bank of the City of New York, Trustee, *etc.*, *et al.*;

No. 422. City of Indianapolis *et al.*, petitioners, *v.* The Chase National Bank of the City of New York, Trustee, *etc.*;

No. 423. The Chase National Bank of the City of New York, Trustee, *etc.*, petitioner, *v.* Citizens Gas Company of Indianapolis *et al.*; and

No. 424. The Chase National Bank of the City of New York, Trustee, *etc.*, petitioner, *v.* The Indianapolis Gas Company *et al.* Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 425. The Metropolitan Casualty Insurance Company of New York, petitioner, *v.* Frank Stevens. Petition for writ of certiorari to the Supreme Court of the State of Michigan granted.

No. 264. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Pan-American Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted. The motion to advance is granted and the case is assigned for argument immediately following No. 2.

No. 413. Continental Oil Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit granted, limited to the first and second questions presented by the petition.

No. 419. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Mary M. Hutchings. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted and case assigned for argument immediately following No. 393.

No. 410. Sidney J. Dillon, petitioner, *v.* The United States of America; and

No. 411. Lewis E. Crowley, petitioner, *v.* The United States of America. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. Mr. Justice Douglas took no part in the consideration and decision of this application.

No. 416. State National Bank of Maysville, Kentucky, petitioner, *v.* The Chesapeake and Ohio Railway Company. Petition for writ of certiorari to the Court of Appeals of the Commonwealth of Kentucky denied. Mr. Justice Reed took no part in the consideration and decision of this application.

No. 244. James M. Madden et al., petitioners, *v.* Lykes Bros.-Ripley Steamship Company, Inc., et al. The motion to proceed on the typewritten record is granted. The petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is denied.

No. 405. Mrs. W. G. (Mary) Noll, petitioner, *v.* Mrs. Bessie Mifflin Hunt, Administratrix, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 406. Yokohama Specie Bank, Ltd., petitioner, *v.* Dr. Hu Shih, The Ambassador of the Republic of China to the United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 407. Montgomery Ward & Co., Incorporated, petitioner, *v.* Philip B. Fleming, Administrator of the Wage and Hour Division, United States Department of Labor. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 412. The First National Bank of Chicago et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 414. Booth Fisheries Corporation, petitioner, *v.* Conway P. Coe, Commissioner of Patents. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 415. Dorothy E. Roetter, petitioner, *v.* Frank M. McKey, Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 417. Fuel Credit Corporation, petitioner, *v.* Thomas J. Howard, Owner, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 418. Raymond R. Smith, as Receiver, etc., et al., petitioners, *v.* Abbott Lawrence Mills. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 420. Ben Adler Signs, Incorporated, et al., petitioners, *v.* Wagner Sign Service, Incorporated. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 426. Samuel Strobl, petitioner, *v.* John Zidek, Jr. Petition for writ of certiorari to the Appellate Court of the State of Illinois, First District, denied.

No. 427. City of Huron, petitioner, *v.* T. G. Evenson, Trustee. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 428. Harold H. Moore, Bankrupt, petitioner. *v.* Leonard Horton, Trustee in Bankruptcy. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 429. School Board of the City of Norfolk et al., petitioners, *v.* Melvin O. Alston et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 430. Stanolind Pipe Line Company, petitioner, *v.* Oklahoma Tax Commission, Composed of J. D. Carmichael et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 432. Einson-Freeman Co., Inc., petitioner, *v.* Walter E. Corwin, Individually and as Former Collector of Internal Revenue, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. **433**. Canadian River Gas Company et al., petitioners, *v.* Federal Power Commission. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. —. James H. Johnson, petitioner, *v.* Metropolitan Casualty Insurance Company; and

No. **452**. Charles A. McCulloch, petitioner, *v.* Wilbur L. Loftus. Petitions for rehearing denied.

No. **112**. W. E. Floyd et al., petitioners, *v.* J. T. Eggleston et al.; and

No. **246**. Milford B. Martin, appellant, *v.* The People of the State of California. Reported for failure to comply with the rules.

Adjourned until Tuesday, November 12, at 12 o'clock.

The day call for Tuesday, November 12, will be as follows: Nos. **22, 30, 31, 32, 44** (and **45**), **74, 267, 33, 34** (and **35**), and **36**.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Laurence E. Oliphant, Jr., of Chicago, Ill.; Ralph G. Crandall, of Chicago, Ill.; Sam W. Davis, of Houston, Tex.; Russell Conwell Gay, of New York City; Ashton File, of Beckley, W. Va.; William E. Kemp, of Kansas City, Mo.; Aloysius B. Cawley, of Chicago, Ill.; William B. Dickenson, Jr., of Tampa, Fla.; Paul E. Talley, of Little Rock, Ark.; Archibald B. Tinning, of Martinez, Calif.; Ruby D. Garrett, of Kansas City, Mo.; Ethel Irwin Lineweaver, of Harrisonburg, Va.; Elmer O. Goodwin, of Newark, N. J.; Charles Danzig, of Newark, N. J.; Walter Hobart Compton, of Harrisburg, Pa.; Graham Susman, of Denver, Colo.; George Kunkel, of Harrisburg, Pa.; Thomas W. Bockes, of Omaha, Nebr.; Thomas M. Raysor, of Washington, D. C.; Donald Marks, of New York City; and John A. Barr, of Chicago, Ill., were admitted to practice.

No. 5. Harry H. Neuberger, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment of the Circuit Court of Appeals reversed and case remanded to the said Circuit Court of Appeals with directions to remand to the Board of Tax Appeals for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Murphy. Dissenting: Mr. Justice Roberts, Mr. Justice Black, and Mr. Justice Douglas.

No. 50. J. E. Riley Investment Company, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed and cause remanded to the United States Circuit Court of Appeals for the Ninth Circuit. Opinion by Mr. Justice Douglas.

No. 13. The United States of America, petitioner, *v.* Ashby Oliver Stewart. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed and cause remanded to the District Court of the United States for the Northern District of California for further proceedings in conformity with the

opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting: Mr. Justice Roberts.¹

No. 16. International Association of Machinists, Tool and Die Makers Lodge No. 35, etc., petitioners, *v.* National Labor Relations Board. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment affirmed and cause remanded to the United States Court of Appeals for the District of Columbia. Opinion by Mr. Justice Douglas.

No. 121. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Northwest Steel Rolling Mills, Inc. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed and cause remanded to the said Circuit Court of Appeals with directions to affirm the judgment of the Board of Tax Appeals. Opinion by Mr. Justice Black.

No. 8. Crane-Johnson Company, a corporation of North Dakota, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment affirmed and cause remanded to the United States Circuit Court of Appeals for the Eighth Circuit. Opinion by Mr. Justice Black.

No. 26. West India Oil Company (Puerto Rico), petitioner, *v.* Manuel V. Domenech, Treasurer of Puerto Rico. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Judgment affirmed with costs and cause remanded to the Supreme Court of Puerto Rico. Opinion by Mr. Justice Stone. Dissenting opinion by Mr. Justice Reed in which Mr. Justice Roberts joins.

No. 29. Carl A. Hansberry, Nannie L. Hansberry, et al., petitioners, *v.* Anna M. Lee, Edward L. Govanus, et al. On writ of certiorari to the Supreme Court of the State of Illinois. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Stone. Mr. Justice McReynolds, Mr. Justice Roberts, and Mr. Justice Reed concur in the result.

No. 14. Republic Steel Corporation, petitioner, *v.* National Labor Relations Board et al. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Decree of the Circuit Court of Appeals modified and cause remanded to that court with directions to enter a decree enforcing the order of the National Labor Relations Board with the provision relative to the payments to governmental agencies eliminated. Opinion by Mr. Chief Justice Hughes.

¹ No. 37. Stern Brothers & Co., petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment affirmed, per stipulation of counsel to abide the decision in No. 13.

Mr. Justice Roberts took no part in the consideration and decision of this case. Dissenting: Mr. Justice Black and Mr. Justice Douglas.

No. 15. Fleisher Engineering & Construction Co. and Joseph A. Bass, doing business as Joseph A. Bass Co., et al., petitioners, *v.* The United States of America, for the use and benefit of George S. Hallenbeck, etc. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Western District of New York. Opinion by Mr. Chief Justice Hughes.

The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 446. Gottfried Schmidt, appellant, *v.* Minnesota State Board of Medical Examiners. Appeal from the Supreme Court of the State of Minnesota. *Per curiam*: The motion for leave to file the statement as to jurisdiction is granted. The appeal is dismissed for the want of jurisdiction. Section 237 (a), Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari, as required by section 237 (c) of the Judicial Code (43 Stat. 936, 938), certiorari is denied.

No. 246. Milford B. Martin, appellant, *v.* The People of the State of California. Appeal from the Supreme Court of the State of California. *Per curiam*: The appeal is dismissed for the want of jurisdiction. Section 237 (a), Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari, as required by section 237 (c) of the Judicial Code (43 Stat. 936, 938), certiorari is denied.

No. —, original. *Ex parte* Fred J. Becker, petitioner. A rule is ordered to issue, returnable December 9, next, requiring the respondent to show cause why leave to file the petition for writ of habeas corpus should not be granted.

No. —, original. *Ex parte* Louis Burall, petitioner. A rule is ordered to issue, returnable December 9, next, requiring the respondent to show cause why leave to file the petition for writ of mandamus should not be granted.

No. 173. Jack Walker, petitioner, *v.* James A. Johnston, Warden, etc. It is ordered that Charles E. Wyzanski, Jr., Esq., of Boston, Massachusetts, a member of the bar of this Court, be appointed to serve as counsel for the petitioner in this case.

No. 393. The United States, petitioner, *v.* Arthur Pelzer. This case is assigned for argument immediately following Nos. 494 and 495.

No. 448. Henry A. Scandrett et al., Trustees, etc., et al., appellants, *v.* The United States of America et al. In this case probable jurisdiction is noted.

No. 502. Willis Cox, Walter Chaplinsky, et al., appellants, *v.* State of New Hampshire. In this case probable jurisdiction is noted.

No. 449. Joe Vernon, petitioner, *v.* State of Alabama. On petition for writ of certiorari to the Supreme Court of the State of Alabama;

No. 457. Melville Adams, petitioner, *v.* Dr. William A. Boyce et al. On petition for writ of certiorari to the District Court of Appeal, 2d Appellate District, State of California;

No. 397. Ernest Jacobs, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit; and

No. 477. M. E. Waggoner, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. The motions for leave to proceed further herein *in forma pauperis* are denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which writs of certiorari should be issued. The petitions for writs of certiorari are therefore also denied.

No. 436. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Estate of John M. Enright, deceased, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 437. Carter H. Harrison, Collector of Internal Revenue, etc., petitioner, *v.* Sarah H. Schaffner. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 442. National Labor Relations Board, petitioner, *v.* Express Publishing Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 472. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Richard Van Nest Gambrill;

No. 473. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Marjorie K. Campbell;

No. 474. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Seymour H. Knox; and

No. 475. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Dorothy K. G. Rogers. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 484. The United States of America, petitioner, *v.* The Cooper Corporation et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 447. Westinghouse Electric & Manufacturing Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted. Mr. Justice Roberts took no part in the consideration and decision of this application.

No. 479. Norman J. Pfaff and Frank B. Wallace, Executors, etc., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted and case assigned for argument immediately following No. 436.

No. 486. Madeleine D. Powers, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted and case assigned for argument immediately following No. 92.

No. 494. The United States of America, petitioner, *v.* Joseph T. Ryerson et al.; and

No. 495. Joseph T. Ryerson et al., petitioners, *v.* The United States of America. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted and cases assigned for argument immediately following No. 486.

No. 564. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Oregon Mutual Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted and case assigned for argument immediately following No. 264.

No. 455. Henry J. Ripperger, as Receiver, etc., petitioner, *v.* A. C. Allyn & Co., Inc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. Mr. Justice Douglas took no part in the consideration and decision of this application.

No. 476. Bryant McQuillen and Samuel Gottlieb, petitioners, *v.* The National Cash Register Company et al. The motion to dispense with the printing of the record is granted. The petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is denied. The Chief Justice took no part in the consideration and decision of these applications.

No. 480. I. B. Melville, A. C. Monson, et al., petitioners, *v.* Arthur Weybrew et al. On petition for writ of certiorari to the Supreme Court of the State of Colorado. The motion to supplement the record is denied. The petition for writ of certiorari is denied for the reason that the application therefor was not made within the time provided by law. Section 8 (a), Act of February 13, 1925 (43 Stat. 936, 940).

No. 434. Missouri Pacific Transportation Company et al., petitioners, *v.* Eugene A. Parker, Administrator, et al. Petition for writ of certiorari to the Supreme Court of the State of Arkansas denied.

No. 435. Continental Casualty Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 439. Harold Van Riper, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 440. Estate of Karoline E. Gund, deceased, et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 443. Clara E. Hare et al., petitioners, *v.* Allen W. Henderson et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 450. Anna Schommer, John J. Horowitz, et al., petitioners, *v.* James H. Wilkerson, Judge, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 451. Lucile Harvey, petitioner, *v.* City of St. Petersburg, etc. Petition for writ of certiorari to the Supreme Court of the State of Florida denied.

No. 453. Jonas Weill, petitioner, *v.* Compagnie Generale Transatlantique. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 454. The United States of America for the use and benefit of Luigi Luchini et al., petitioners, *v.* The Ferro Concrete Construction Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 456. Claude C. Long, petitioner, *v.* The People of the State of California. Petition for writ of certiorari to the Supreme Court of the State of California denied.

No. 458. Emanuel E. Larson, petitioner, *v.* Pacific Mutual Life Insurance Company. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 459. C. H. Dunn, petitioner, *v.* Harold L. Ickes, Secretary of the Interior. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 460. John Spencer, Trustee, etc., petitioner, *v.* Hiram Walker & Sons Grain Corporation, Ltd. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 461. Catahoula Bank, petitioner, *v.* Leon Kirby, Debtor. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 462. Mae B. Burgess, Co-Administratrix, et al., petitioners, *v.* Reliance Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 464. Tsune-Chi Yu, petitioner, *v.* Carl Byoir and Associates, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 465. Standard Gas and Electric Company, petitioner, *v.* John M. Taylor et al., etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 331. George S. Houston and Hargis Langdon, Trustees, etc., et al., petitioners, *v.* The Honorable Mac Swinford, Judge of the United States District Court for the Eastern District of Kentucky, et al.;

No. 332. J. W. Kohn, M. S. Kohn, et al., petitioners, *v.* Circuit Court of Appeals for the Sixth Circuit et al.; and

No. 333. J. W. Kohn, M. S. Kohn, et al., petitioners, *v.* The Honorable Mac Swinford, Judge of the United States District Court for the Eastern District of Kentucky, et al. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 463. Charles J. Wolfe, petitioner, *v.* C. F. Murphy et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 466. Donald M. Gilbert, Harold C. Yeager, et al., petitioners, *v.* The Peoria and Eastern Railway Company et al.; and

No. 467. Wm. Carnegie Ewen, Lewis L. Clarke, et al., petitioners, *v.* The Peoria and Eastern Railway Company et al. Petitions for writs of certiorari to the District Court of the United States for the Southern District of New York denied.

No. 469. Manuel Pelelas, petitioner, *v.* Caterpillar Tractor Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 470. R. P. Farnsworth & Company, Inc., petitioner, *v.* Electrical Supply Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 471. Rupert N. Dunn, petitioner, *v.* The People of the State of California. Petition for writ of certiorari to the District Court of Appeal, 3d Appellate District, State of California, denied.

No. 478. Metropolitan Building and Loan Association et al., petitioners, *v.* Texas Unemployment Compensation Commission et al. Petition for writ of certiorari to the Court of Civil Appeals, 3d Supreme Judicial District, State of Texas, denied.

No. 481. John Cross, petitioner, *v.* Maryland Casualty Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 482. New York Life Insurance Company, petitioner, *v.* Beulah C. Calhoun. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 487. Acme Freight Lines, Inc., petitioner, *v.* J. M. Lee, as State Comptroller of the State of Florida. Petition for writ of certiorari to the Supreme Court of the State of Florida denied.

No. 489. Dallas Machine & Locomotive Works, Inc., petitioner, *v.* Willamette-Hyster Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 490. International Company of St. Louis, petitioner, *v.* E. R. Sloan, Receiver, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 491. Bastian Bros. Co., petitioner, *v.* George T. McGowan, Collector of Internal Revenue, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 497. A. J. Matthews, as Trustee, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 501. Cap Andrew Tilles, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 505. Johannes B. Kessel and Louis Hoffberg, petitioners, *v.* Vidrio Products Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 322. Monte E. Hart, J. Emory Adams, et al., petitioners, *v.* The United States of America. Petition for rehearing denied. Mr. Justice Douglas and Mr. Justice Murphy took no part in the consideration and decision of this application.

No. 94. Elmer W. Kelley et al., petitioners, *v.* The City of Syracuse et al.;

No. 123. Harriet K. Moon, petitioner, *v.* The Home Life Insurance Company of New York;

No. 124. Harriet K. Moon, petitioner, *v.* Mutual Benefit Health & Accident Association;

No. 156. John J. Holmes, as State Auditor, etc., appellant, *v.* Springfield Fire & Marine Insurance Company;

No. 172. I. H. Nakdimen, H. S. Nakdimen, et al., petitioners, *v.* Lazare Baker;

No. 181. Herbert Fleishhacker, petitioner, *v.* Lucien Blum et al.;

No. 222. W. J. Kirkpatrick, appellant, *v.* J. Alice Stelling;

No. 226. William Doster Noland, petitioner, *v.* Vyola Bubb Noland et al.;

No. 234. Cecelia Vacanti Cole, petitioner, *v.* The United States of America;

No. 299. Southwestern Bell Telephone Company, appellant, *v.* Carrie C. Lee;

No. 300. Southwestern Bell Telephone Company, appellant, *v.* S. B. Hanna;

No. 313. Frank A. Dougherty, petitioner, *v.* State of Florida;

No. 323. American National Bank of Nashville, Tennessee, petitioner, *v.* City of Sanford, Alabama, et al.;

No. 326. John F. Corcoran, appellant, *v.* City of Chicago;

No. 354. Ray Ritter et al., petitioners, *v.* Milk and Ice Cream Driver and Dairy Employees Union Local 336 et al.; and

No. 441. H. E. Butt Grocery Company et al., appellants, *v.* George H. Sheppard, Comptroller, etc. Petitions for rehearing denied.

No. 30. Montgomery Ward and Company, petitioner, *v.* Luther M. Duncan. Argued by Mr. John A. Barr for the petitioner and by Mr. Edward H. Coulter for the respondent.

No. 31. American United Mutual Life Insurance Company, petitioner, *v.* City of Avon Park, Florida. Argued by Mr. Giles J. Patterson for the petitioner and by Mr. Robert J. Pleus for the respondent.

No. 32. Fidelity Union Trust Company and Minton H. Twinch, as Executors, etc., petitioners, *v.* Ethel Adelaide Field. Argument commenced by Mr. Charles Danzig for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, November 13, will be as follows: Nos. 32, 44 (and 45), 74, 267, 33, 34 (and 35), 38, 39 (and 40), 42, and 36.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Marvin P. Morton, Jr., of Texarkana, Tex.; Clayton D. Hollinger, of Washington, D. C.; Frank Bartow McDonald, Jr., of Waycross, Ga.; and Walter L. Newsom, Jr., of San Juan, P. R., were admitted to practice.

No. 32. Fidelity Union Trust Company and Minton H. Twinch, as Executors, etc., petitioners, *v.* Ethel Adelaide Field. Argument continued by Mr. Charles Danzig for the petitioners; by Mr. Russell C. MacFall for the respondent; and concluded by Mr. Charles Danzig for the petitioners.

No. 44. Charles Peyton West and Maurice John West, petitioners, *v.* American Telephone and Telegraph Company; and

No. 45. Charles Peyton West and Maurice John West, petitioners, *v.* American Telephone and Telegraph Company. Argued by Mr. Harry L. Deibel for the petitioners and by Mr. William B. Cockley for the respondent.

No. 74. Lewis K. Stoner, petitioner, *v.* New York Life Insurance Company. Argued by Mr. William H. Becker for the respondent, and case submitted by Mr. Kendall B. Randolph for the petitioner.

No. 267. Six Companies of California et al., petitioners, *v.* Joint Highway District No. 13 of the State of California. Argument commenced by Mr. Paul S. Marrin for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, November 14, will be as follows: Nos. 267, 33, 34 (and 35), 38, 39 (and 40), 42, 36, 113, 183, and 2.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

W. Dewey Lawrence, of Tyler, Tex.; Adam Pascal George Steffes, of Las Vegas, Nev.; Chester Leslie Davis, of Washington, D. C.; Loyd E. Roberts, of Joplin, Mo.; Oliver T. Remmers, of St. Louis, Mo.; Ira C. Haycock, of Miami, Fla.; Joseph Sheban, of Youngstown, Ohio; Lee F. Dante, of Washington, D. C.; Hamilton Moses, Jr., of Chicago, Ill.; and Herbert S. Anderson, of Chicago, Ill., were admitted to practice.

No. 267. Six Companies of California, Hartford Accident and Indemnity Company, et al., petitioners, *v.* Joint Highway District No. 1e of the State of California. Argument continued by Mr. Paul S. Marrin for the petitioners; by Mr. Archibald B. Tinning and Mr. Theodore P. Wittschem for the respondent; and concluded by Mr. Paul S. Marrin for the petitioners.

No. 33. Edgar Smith, petitioner, *v.* The State of Texas. Argued by Mr. Sam W. Davis for the petitioner and by Mr. George W. Barcus for the respondent.

No. 34. L. Singer & Sons et al., petitioners, *v.* Union Pacific Railroad Company; and

No. 35. Kansas City, Missouri, petitioner, *v.* L. Singer & Sons et al. Argument commenced by Mr. Ruby D. Garrett for the petitioners in No. 34 and continued by Mr. William E. Kemp for the petitioner in No. 35.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, November 15, will be as follows: Nos. 34 (and 35), 38, 39 (and 40), 36, 113, 183, 42, 2, 264, and 564.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Katherine A. Markwell, of Washington, D. C.; Frederick Baum, of New York, N. Y.; Arthur Hartman Ford, of Washington, D. C.; William Harold Hutchinson, of Seattle, Wash.; Joseph L. Rauh, Jr., of Cincinnati, Ohio; Richard H. Wels, of New York City; and William A. Bassett, Jr., of Los Angeles, Calif., were admitted to practice.

No. 34. *L. Singer & Sons et al., petitioners, v. Union Pacific Railroad Company*; and

No. 35. *Kansas City, Missouri, petitioner, v. L. Singer & Sons et al.* Argument continued by Mr. William E. Kemp for the petitioner in No. 35; by Mr. Henry N. Ess for the respondent in No. 34; and concluded by Mr. Thomas W. Bockes for the respondents in No. 35.

No. 38. *Howard S. Palmer et al., Trustees, etc., petitioners, v. Connecticut Railway & Lighting Company.* Argued by Mr. James Garfield for the petitioners and by Mr. George W. Martin for the respondent.

No. 39. *Federal Communications Commission, petitioner, v. Columbia Broadcasting System of California, Inc.*; and

No. 40. *Federal Communications Commission, petitioner, v. The Associated Broadcasters.* Argued by Mr. Telford Taylor for the petitioner and by Mr. Duke M. Patrick for the respondent in No. 39. No appearance for the respondent in No. 40.

Adjourned until Monday, next, at 12 o'clock.

The day call for Monday, November 18, will be as follows: Nos. 36, 113, 183, 42, 2 (and 564), 264, 41, 46 (47 and 48), 49, and 62.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

David D. Joselit, of Syracuse, N. Y.; Irwin L. Langbein, of New York City; Roger O. Baldwin, of Syracuse, N. Y.; Henry W. Nichols 3d, of New York City; Daniel H. Prior, of Albany, N. Y.; Paul E. Blanchard, of Chicago, Ill.; Glen H. Bell, of Madison, Wis.; and Evelyn Hampel Young, of Washington, D. C., were admitted to practice.

No. 23. Wilson and Co., Inc., petitioner, *v.* The United States;

No. 24. Wilson & Co., Inc., of Kansas, petitioner, *v.* The United States; and

No. 25. T. M. Sinclair & Company, Limited, petitioner, *v.* The United States. On writs of certiorari to the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Murphy.

No. 20. Milk Wagon Drivers Union, Local 753, International Brotherhood of Teamsters, Chauffeurs, Stablemen and Helpers of America, et al., petitioners, *v.* Lake Valley Farm Products, Inc., Amalgamated Dairy Workers, Local Industrial Union No. 819, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Decree of the Circuit Court of Appeals reversed with costs and decree of the District Court dismissing the bill for injunction affirmed and cause remanded to the District Court of the United States for the Northern District of Illinois. Opinion by Mr. Justice Black.

The Chief Justice announced the following orders of the Court:

No. 356. T. E. Baker, Mrs. T. E. (Minnie) Baker et al., appellants, *v.* N. A. Grossjean, E. J. Frost, et al.; and

No. 399. James E. Blaydes, William E. Murphy, et al., appellants, *v.* C. H. Little & Company et al. Appeals from the Supreme Court of the State of Tennessee. *Per curiam*: The motions for leave to file supplemental statements as to jurisdiction are granted. The appeals are dismissed for want of a substantial federal question. Lent *v.*

Tillson, 140 U. S. 316, 328; Paulsen *v.* Portland, 149 U. S. 30, 40; North Laramie Land Co. *v.* Hoffman, 268 U. S. 276, 283; Fidelity National Bank *v.* Swope, 274 U. S. 123, 130.

No. 128. Emil Mosbacher, petitioner, *v.* The United States. On petition for writ of certiorari to the Court of Claims. *Per curiam:* The petition for writ of certiorari is granted, the judgment is reversed, and the cause is remanded to the Court of Claims for further proceedings. Neuberger *v.* Commissioner of Internal Revenue, No. 5, decided November 12, 1940.

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —. Ex parte Albert Leighton, petitioner. Application denied.

No. —, original. Ex parte Henry Earl Dunlap, petitioner; and

No. —, original. Ex parte Alfred Bauer, petitioner. The motions for leave to file petitions for writs of certiorari are denied.

No. 492. Homer C. Price, petitioner, *v.* Edward J. Moinet, Judge, United States District Court, Eastern District of Michigan. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds that the application for a writ of certiorari was not filed within the time provided by law. Section 8 (a), Act of February 13, 1925 (43 Stat. 936, 940). The petition for writ of certiorari is therefore also denied.

No. 546. In re Helen Douglas Campbell, petitioner. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied.

No. 500. The United States of America, petitioner, *v.* Jacob L. Sherwood. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 510. Estate of Cordelia Y. Abendroth, City Bank Farmers Trust Company, as Executor, etc., petitioner, *v.* Commissioner of Internal Revenue; and

No. 511. Estate of Kate Read Blacque, City Bank Farmers Trust Company, as Executor, etc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted and the cases are assigned for argument immediately following No. 274.

No. 516. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* O. G. Richter. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted, limited to the first question presented by the petition for the writ.

No. 506. A. B. & M. Liquidation Corporation, petitioner, *v.* Pelham Hall Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied. Mr. Justice Douglas took no part in the consideration and decision of this application.

No. 231. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Zelda Baker Jennings et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 485. H. S. Gray et al., petitioners, *v.* Myrta Blight, Administratrix, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 493. New York Handkerchief Manufacturing Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 496. Elkland Leather Company, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 499. Frank Tennyson Neely, petitioner, *v.* Merchants Trust Company of Red Bank, New Jersey, as Administrator, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 507. Atanasio Sitchon, petitioner, *v.* American Export Lines, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 530. Charles Richman, petitioner, *v.* Anne Nielsen, as Administratrix, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 681, October Term, 1939. Railroad Commission of Texas, petitioner, *v.* Rowan & Nichols Oil Company;

No. 150. A. M. Gilstrap, Cora D. Gilstrap, etc., petitioners, *v.* Standard Oil Company et al;

No. 151. A. M. Gilstrap, petitioner, *v.* Standard Oil Company et al.;

No. 176. Agnes E. Lewis, Executrix, etc., et al., petitioners, *v.* R. W. Fontenot, Collector for the District of Louisiana, et al.;

No. 177. Agnes E. Lewis, Testamentary Executrix, etc., et al., petitioners, *v.* United States of America et al.;

No. 178. Agnes E. Lewis, Testamentary Executrix, etc, et al., petitioners, *v.* United States Department of Agriculture et al.;

No. 290. Irving Trust Company, petitioner, *v.* The United States;

No. 403. Guy A. Thompson, Trustee, etc., petitioner, *v.* Neal Wiley; and

No. 404. Southern Minerals Corporation, petitioner, *v.* Jay Simons et al. Petitions for rehearing denied.

The Court will take a recess from Monday, November 25, until Monday, December 9, next.

No. —, original. *Ex parte* John D. Hardy, petitioner. Return to rule to show cause presented.

No. —, original. The United States of America, complainant, *v.* The State of Alabama. Motion for leave to file bill of complaint presented.

No. 65. Frank L. Kloeb, Judge of the District Court of the United States for the Northern District of Ohio, Western Division, petitioner, *v.* Armour & Company. Submitted by Mr. Percy R. Taylor and Mr. Nolan Boggs for the petitioner and by Mr. Edward W. Kelsey, Jr., Mr. Fred A. Smith, and Mr. Charles J. Faulkner, Jr., for the respondent.

No. 36. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Walter C. Janney et al. Argued by Mr. Thomas E. Harris for the petitioner and by Mr. Bernard Knollenberg for the respondents.

No. 113. Chester Gaines and Theresa Gaines, husband and wife, petitioners, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Argued by Mr. Frederick Baum for the petitioners and by Mr. Thomas E. Harris for the respondent.

No. 183. Henry W. Taft and Julia W. S. Taft, petitioners, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Argued by Mr. Clarence Castimore for the petitioners and by Mr. Thomas E. Harris for the respondent.

No. 42. The United States of America, petitioner, *v.* Salvatore Falcone, Joseph Falcone, et al. Argued by Mr. Assistant Attorney General Rogge for the petitioner; by Mr. Daniel H. Prior for the respondents Salvatore Falcone and Joseph Falcone; and by Mr. Roger O. Baldwin for the respondent Henry Alberico.

No. 2. New World Life Insurance Company, petitioner, *v.* The United States. Argument commenced by Mr. William Marshall Bullitt for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, November 19, will be as follows: Nos. 2, 564, 264, 41, 46 (47 and 48), 51, 52, 53, 56, and 1.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Lester M. Ponder, of Little Rock, Ark.; Robert L. Irwin, of Washington, D. C.; Thomas Andrew Pace, of Washington, D. C.; Roswell D. Pine, Jr., of New York City; E. Riggs McConnell, of Charlotte, N. C.; and James Ward Rector, of Madison, Wis., were admitted to practice.

No. 2. New World Life Insurance Company, petitioner, *v.* The United States. Argument continued by Mr. Arnold Raum for the respondent and concluded by Mr. Walter E. Barton for the petitioner.

No. 564. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Oregon Mutual Life Insurance Company; and

No. 264. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Pan-American Life Insurance Company. Argued by Mr. Arnold Raum for the petitioner; by Mr. Eugene J. McGivney for the respondent in No. 264; and by Mr. William Marshall Bullitt for the respondent in No. 564.

No. 41. C. E. Stevens Company et al., petitioners, *v.* Foster & Kleiser Co. et al. Argument commenced by Mr. H. B. Jones for the petitioners and continued by Mr. Herbert W. Clark for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, November 20, will be as follows: Nos. 41, 46 (47 and 48), 51, 52, 53, 56, 1, 61, and 59.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Filo M. Sedillo, of Santa Fe, N. Mex.; Roscoe T. Steffen, of New York City; James Neil Senecal, of New York City; Maurice Behr Olenick, of Washington, D. C.; M. James Spitzer, of New York City; Charles Sylvanus Rhyne, of Washington, D. C.; and Fred W. Albertson, of Washington, D. C., were admitted to practice.

No. 59. Lamont William Bowman, petitioner, *v.* Martin Lopereno et al. Submitted by Mr. Llewellyn A. Luce for the petitioner. No appearance for the respondents.

No. 41. C. E. Stevens Company et al., petitioners, *v.* Foster & Kleiser Co. et al. Argument continued by Mr. Herbert W. Clark for the respondents and concluded by Mr. H. B. Jones for the petitioners.

No. 46. State of Wisconsin and Elmer E. Barlow, as Commissioner etc., petitioners, *v.* J. C. Penney Company;

No. 47. State of Wisconsin and Elmer E. Barlow, as Commissioner etc., petitioners, *v.* F. W. Woolworth Company; and

No. 48. State of Wisconsin and Elmer E. Barlow, as Commissioner etc., petitioners, *v.* Minnesota Mining and Manufacturing Company. Three hours allowed for oral argument. Argument commenced by Mr. Harold H. Persons for the petitioners; continued by Mr. James Ward Rector for the petitioners; by Mr. W. H. Dannel Pell for the respondent in No. 46; by Mr. Martin A. Schenck for the respondent in No. 47; by Mr. John L. Connolly for the respondent in No. 48; and concluded by Mr. James Ward Rector for the petitioners.

No. 51. James M. Wright, petitioner, *v.* The Union Central Life Insurance Company et al. Argument commenced by Mr. Samuel E. Cook for the petitioner.

Adjourned until Friday next at 12 o'clock.

The day call for Friday, November 22, will be as follows: Nos. 51, 52, 53, and 61.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Fred Raymond Erisman, Jr., of Longview, Tex.; Wm. C. Lassiter, of Raleigh, N. C.; T. W. Bruton, of Raleigh, N. C.; Arthur H. Schroeder, of Seward, Nebr.; Leonard G. Bisco, of New York City; Jesse H. Knight, of Washington, D. C.; and Dominador M. Tan, of Manila, P. I., were admitted to practice.

No. 51. James M. Wright, petitioner, *v.* The Union Central Life Insurance Company et al. Argument continued by Mr. Samuel E. Cook for the petitioner; by Mr. Arthur S. Lytton for the respondents; and concluded by Mr. Samuel E. Cook for the petitioner.

No. 52. The United States of America, appellant, *v.* May Harris, alias Kitty Harris; and

No. 53. The United States of America, appellant, *v.* Marie Kenny, alias Marie Rickett, alias Mae Kelly. Argued by Mr. Gordon B. Tweedy for the appellant. No appearance for the appellees.

No. 61. Best & Company, Inc., appellant, *v.* A. J. Maxwell, Commissioner of Revenue of the State of North Carolina. Argued by Mr. Lorenz Reich, Jr. for the appellant and by Mr. I. M. Bailey for the appellee.

Adjourned until Monday, November 25 next, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

William D. H. Stanley, of New York City; Frank A. Zunino, Jr., of New York City; William Howard O'Bryan, of Oklahoma City, Okla.; Russel Johnston, of Washington, D. C.; Elmer Burkett Hodges, of Kansas City, Mo.; and G. Raymond Dougherty, of San Francisco, Calif., were admitted to practice.

No. 31. American United Mutual Life Insurance Company, petitioner, *v.* City of Avon Park, Florida. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Southern District of Florida for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas.

No. 39. Federal Communications Commission, petitioner, *v.* Columbia Broadcasting System of California, Inc.; and

No. 40. Federal Communications Commission, petitioner, *v.* The Associated Broadcasters, Inc. On writs of certiorari to the United States Court of Appeals for the District of Columbia. Judgments reversed and cases remanded to the said Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Frankfurter.

No. 33. Edgar Smith, petitioner, *v.* The State of Texas. On writ of certiorari to the Court of Criminal Appeals of the State of Texas. Judgment reversed with costs and case remanded to the said Court of Criminal Appeals for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black.

No. 27. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Paul R. G. Horst. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment reversed and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone. Separate opinion by Mr. Justice

McReynolds in which the Chief Justice and Mr. Justice Roberts concur.

No. 205. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Gerald A. Eubank. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment reversed and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone. Separate opinion by Mr. Justice McReynolds in which the Chief Justice and Mr. Justice Roberts concur.

The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —, original. *Ex parte* David H. Johnson, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No. —, original. *Ex parte* David L. Simon, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. —, original. The United States, complainant, *v.* The State of Alabama. A rule is ordered to issue, returnable January 6th next, requiring the defendant to show cause why leave to file the bill of complaint should not be granted.

No. 2, original. The State of Wisconsin et al., complainants, *v.* The State of Illinois et al.;

No. 3, original. The State of Michigan, complainant, *v.* The State of Illinois et al.; and

No. 4, original. The State of New York, complainant, *v.* The State of Illinois et al. An order is entered authorizing the Sanitary District of Chicago to increase its diversion of water from the Great Lakes-St. Lawrence System or watershed through the Chicago Drainage Canal from 1,500 cubic feet per second in addition to domestic pumpage to 10,000 cubic feet per second in addition to domestic pumpage for one continuous period of ten days from an appropriate hour on December 2, 1940, to the same hour on December 12, 1940, after which period all the provisions of the decree entered April 21, 1930, shall be and remain in full force and effect until further order of this Court.

No. 517. Walter M. Hort, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted limited to the first question presented by the petition for the writ.

No. 537. Fashion Originators' Guild of America, Inc., et al., petitioners, *v.* Federal Trade Commission. Petition for writ of certiorari

to the United States Circuit Court of Appeals for the Second Circuit granted and case assigned for argument immediately following No. 251.

No. 526. Everett Ware Cady et al., petitioners, *v.* Clifford J. Murphy. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied. Mr. Justice Douglas took no part in the consideration and decision of this application.

No. 503. Gus Farber, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 509. Frank Morgan, Administrator, etc., petitioner, *v.* Frank T. Hines, as Administrator of Veterans' Affairs. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 512. Kong Din Quong, petitioner, *v.* Edward L. Haff, District Director of Immigration and Naturalization for the Port of San Francisco. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 514. Robert L. Meyer, Administrator, etc., et al., petitioner, *v.* The United States of America; and

No. 515. Robert L. Meyer, Administrator, etc., et al., petitioner, *v.* The United States of America. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 519. Bureau of Unemployment Compensation of the State of Georgia, petitioner, *v.* Independent Gasoline Company, Inc. Petition for writ of certiorari to the Supreme Court of the State of Georgia denied.

No. 520. William F. Laughlin, as Administrator, etc., petitioner, *v.* Louis H. Pink, Superintendent, etc. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 524. Den Norske Amerikalinje, A/S, as Claimant, etc., petitioner, *v.* Blumenthal Import Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 525. Reading Company, petitioner, *v.* Thomas E. Larkin. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 518. Obear-Nester Glass Company, petitioner, *v.* Walgreen Drug Stores, Inc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 123. Harriet K. Moon, petitioner, *v.* The Home Life Insurance Company of New York; and

No. 124. Harriet K. Moon, petitioner, *v.* Mutual Benefit Health & Accident Association. Motion for leave to file a second petition for rehearing denied.

No. 276. Columbus and Chicago Motor Freight, Inc., appellant, *v.* Public Service Company of the State of Indiana, et al.; and

No. 428. Harold H. Moore, Bankrupt, petitioner, *v.* Leonard Horton, Trustee in Bankruptcy. Petitions for rehearing denied.

No. 566. Paul Whiteman, petitioner, *v.* RCA Manufacturing Company, Inc., et al. Motions of the American Federation of Musicians and National Association of Performing Artists for leave to file briefs as *amicus curiae* submitted by Mr. Samuel T. Ansell and the motions denied.

Adjourned until Monday, December 9, next, at 12 o'clock.

The day call for Monday, December 9, will be as follows: Nos. 381 (and 382), 43, 22, 54, 57, 218, 49, 62, 55, and 58.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Seymour S. Guthman, of Chicago, Ill.; Jacob S. Guthman, of Chicago, Ill.; Harry J. Woodward, of Philadelphia, Pa.; David Diamond, of Buffalo, N. Y.; Clarence F. Ice, of Newton, Kans.; Joe T. Dickerson, of Houston, Tex.; Orville J. Brown, of New Castle, Pa.; Geo. J. Bailey, of Walden, Colo.; Thomas Joy Whinery, of Grand Rapids, Mich.; George Joseph Mallen, of Philadelphia, Pa.; Glenn Monroe Hershner, of Van Nuys, Calif.; Franklin Polk Raulston, of Knoxville, Tenn.; Alton H. Skinner, of Kansas City, Kans.; E. Russell Shockley, of Harrisburg, Pa.; George M. Weichelt, of Chicago, Ill.; Edwin C. Emhardt, of Philadelphia, Pa.; Harrington Adams, of Bethlehem, Pa.; Frank A. Sinon, of Austin, Pa.; George J. Barco, of Meadville, Pa.; Davidson Sommers, of New York City; Edgar B. Bronson, of New York City; Arnon W. Welch, of New York City; Edward S. McCluskey, of Easton, Pa.; Samuel S. Googel, of New Britain, Conn.; Arthur V. Essington, of Rockford, Ill.; Louis H. Burke, of Los Angeles, Calif.; Thomas E. Duffy, of Passaic, N. J.; John E. McCall, of Torrance, Calif.; Hal O. Williams, Louisville, Ky.; A. L. Jeffrey, of Oklahoma City, Okla.; Walker H. Mills, of Decatur, Ill.; Walter C. Ellis, of East Orange, N. J.; Lawrence W. Hecht, of Havre de Grace, Md.; James N. Roberson, of El Reno, Okla.; Albert J. Goodman, of Annapolis, Md.; Lewis V. Reid, of Oklahoma City, Okla.; James M. Carroll, of Springfield, Mass.; John C. Doerfer, of West Allis, Wis.; Charles Bidelspacher II, of Williamsport, Pa.; John F. Langs, of Detroit, Mich.; John J. McCloy, of New York City; and Benjamin R. Shute, of New York City, were admitted to practice.

No. 17. Robert J. Deckert, Roland W. Randal, David W. Compton, et al., petitioners, *v.* Independence Shares Corporation, Alfred H. Geary, Frank McCown, Jr., et al.; and

No. 18. Robert J. Deckert, Roland W. Randal, David W. Compton, et al., petitioners, *v.* The Pennsylvania Company for Insurance on Lives and Granting Annuities. On writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgments

reversed with costs and cases remanded to the District Court of the United States for the Eastern District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Murphy. Mr. Justice Douglas did not participate in the consideration or decision of this case.

No. 52. The United States of America, appellant, *v.* May Harris, alias Kitty Harris; and

No. 53. The United States of America, appellant, *v.* Marie Kenny, alias Marie Rickert, alias Mae Kelly. Appeals from the District Court of the United States for the District of New Jersey. Judgments reversed and cases remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Murphy.

No. 51. James M. Wright, petitioner, *v.* The Union Central Life Insurance Company et al. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment modified as indicated in the opinion and cause remanded to the District Court of the United States for the Northern District of Indiana for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas.

No. 564. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Oregon Mutual Life Insurance Company. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Black.

No. 264. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Pan-American Life Insurance Company. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Black.

No. 30. Montgomery Ward and Company, petitioner, *v.* Luther M. Duncan. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment of the Circuit Court of Appeals modified and cause remanded to the District Court of the United States for the Eastern District of Arkansas to hear and rule upon the motion for new trial. Opinion by Mr. Justice Roberts.

No. 41. C. E. Stevens Company, C. E. Stevens Tacoma Company, and C. E. Stevens Company of Oregon, petitioners, *v.* Foster & Kleiser Co., George W. Kleiser, P. Foster, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Western District of Washington for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts.

No. 59. Lamont William Bowman, petitioner, *v.* Martin Loperena, Gregoria Loperena, and Martin J. Loperena, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed with costs and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts.

No. 42. The United States of America, petitioner, *v.* Salvatore Falcone, Joseph Falcone, Henry Alberico, Nicholas Nole, and John Nole. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the Northern District of New York. Opinion by Mr. Justice Stone.

No. 9. The Schriber-Schroth Company, petitioner, *v.* The Cleveland Trust Company, Chrysler Corporation;

No. 10. The Aberdeen Motor Supply Company, petitioner, *v.* The Cleveland Trust Company, Chrysler Corporation; and

No. 11. The F. E. Rowe Sales Company, petitioner, *v.* The Cleveland Trust Company, Chrysler Corporation. On writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Decrees reversed with costs and cases remanded to the District Court of the United States for the Northern District of Ohio for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone. Mr. Justice McReynolds and Mr. Justice Roberts took no part in the consideration and decision of these cases.

No. 44. Charles Peyton West and Maurice John West, petitioners, *v.* American Telephone and Telegraph Co.; and

No. 45. Charles Peyton West and Maurice John West, petitioners, *v.* American Telephone and Telegraph Co. On writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment of the Circuit Court of Appeals reversed with costs and cases remanded to the said Circuit Court of Appeals for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Stone. Separate opinion by Mr. Justice Roberts.

No. 65. Frank L. Kloeb, Judge of the District Court of the United States for the Northern District of Ohio, Western Division, petitioner, *v.* Armour & Company. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment reversed with costs and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice McReynolds.

No. 21. Bacardi Corporation of America, petitioner, *v.* Manuel V. Domenech, Treasurer, and Destileria Serralles, Inc. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Decree of the Circuit Court of Appeals in relation to Sec-

tion 44 reversed and the decree of the District Court of the United States for the District of Puerto Rico modified so as to eliminate the injunction against the enforcement of Section 40 and Section 44 (b) of Act No. 149 of May 15, 1937, and as thus modified affirmed. Opinion by Mr. Chief Justice Hughes.

No. 32. Fidelity Union Trust Company and Minton H. Twinch, as Executors of the Last Will and Testament of Edith M. Peck, deceased, petitioners, *v.* Ethel Adelaide Field. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment of the Circuit Court of Appeals reversed with costs and the judgment of the District Court of the United States for the District of New Jersey affirmed. Opinion by Mr. Chief Justice Hughes.

No. 267. Six companies of California, Hartford Accident and Indemnity Company, et al., petitioners, *v.* Joint Highway District No. 13 of the State of California. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed with costs and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Hughes.

No. 36. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Walter C. Janney and Paulene F. M. Janney. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit; and

No. 113. Chester Gaines and Theresa Gaines, Husband and Wife, petitioners, *v.* Guy T. Helvering, Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment in No. 36 affirmed and cause remanded to the Circuit Court of Appeals for the Third Circuit. Judgment in No. 113 reversed and cause remanded to the Circuit Court of Appeals for the Second Circuit for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Hughes. Mr. Justice Roberts took no part in the consideration and decision of these cases.

No. 183. Henry W. Taft and Julia W. S. Taft, petitioners, *v.* Guy T. Helvering, Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment reversed and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Hughes. Mr. Justice Roberts took no part in the consideration and decision of this case.

The Chief Justice announced the following orders of the Court:

No. 2. New World Life Insurance Company, petitioner, *v.* The

United States. On writ of certiorari to the Court of Claims. *Per curiam*: The judgment is affirmed upon the first ground set forth in the opinion of the Court of Claims with respect to investment expenses, the views expressed on the second question considered by the Court of Claims as to the right of deduction on account of insurance reserves not being an essential basis for the judgment and being contrary to *Helvering v. Oregon Mutual Life Insurance Company*, No. 564, decided this day.

No. 547. National Labor Relations Board, petitioner, *v.* Foote Brothers Gear & Machine Corporation and

No. 548. National Labor Relations Board, petitioner, *v.* Independent Union of Gear Workers. On petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. *Per curiam*: The petition for writs of certiorari is granted. The motion to reverse is also granted, the judgments are reversed, and the causes are remanded to the Circuit Court of Appeals with directions to determine the questions presented upon the record as certified by the National Labor Relations Board pursuant to section 10 (e) of the National Labor Relations Act.

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —, original. *Ex parte* Edward Quinn, petitioner;

No. —, original. *Ex parte* Hugh A. Bowen, petitioner;

No. —, original. *Ex parte* Fred Rothermel, petitioner; and

No. —, original. *Ex parte* Lloyd Rubin, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied.

No. —, original. *Ex parte* John D. Hardy, petitioner. The rule to show cause is discharged and the motion for leave to file petition for writ of habeas corpus is denied.

No. 176. Agnes E. Lewis, Executrix, etc., et al., petitioners, *v.* R. W. Fontenot, Collector for the District of Louisiana, et al.;

No. 177. Agnes E. Lewis, Testamentary Executrix, etc., et al., petitioners, *v.* United States of America et al.; and

No. 178. Agnes E. Lewis, Testamentary Executrix, etc., et al., petitioners, *v.* United States Department of Agriculture et al. Application denied.

No. 112. W. E. Floyd, Mrs. J. A. Winans, Independent Executrix, etc., et al., petitioners, *v.* J. T. Eggleston, I. N. Burnett, et al. On petition for writ of certiorari to the Court of Civil Appeals, 8th Supreme Judicial District, State of Texas; and

No. 536. Ted Ingels, petitioner, *v.* State of Washington. On petition for writ of certiorari to the Supreme Court of the State of Washington. The motions for leave to proceed further herein *in forma pauperis* are denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which writs of certiorari should be issued. The petitions for writs of certiorari are therefore also denied.

No. 312. Harry R. Swanson, as Secretary of State of Nebraska, et al., appellants, *v.* Gene Buck, Individually, etc., et al. In this case probable jurisdiction is noted. Mr. Justice Murphy took no part in the consideration and decision of this question.

No. 521. Pittsburgh Plate Glass Company, petitioner, *v.* National Labor Relations Board; and

No. 523. Crystal City Glass Workers' Union, petitioner, *v.* National Labor Relations Board. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 535. The United States of America, petitioner, *v.* The Chicago, Milwaukee, St. Paul and Pacific Railroad Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 557. Ida C. Hazzard et al., petitioners, *v.* The Chase National Bank of the City of New York. Petition for writ of certiorari to the Supreme Court of the State of New York denied. Mr. Justice Douglas took no part in the consideration and decision of this application.

No. 522. Paul B. Roberts, Administrator, etc., petitioner, *v.* Marjorie Eileen Bathurst, Executrix, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 531. John Demartini Co., Inc., et al., petitioners, *v.* The American Steamer "Maui," her engines, boilers, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 534. W. J. Ray, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 554. Eureka Lodge No. 5, Independent Elks et al., petitioners, *v.* The Grand Lodge Improved, Benevolent Protective Order of Elks of the World. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 445. City of Vero Beach, a Municipal Corporation organized and existing under the laws of the State of Florida, petitioner, *v.* The Rittenoure Investment Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 527. Carl M. Loeb, Jr., petitioner, *v.* Commissioner of Internal Revenue; and

No. 528. Henry A. Loeb, petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 544. Lillian Hellen Reeves et al., petitioners, *v.* American Security & Trust Company, Trustee for George Hellen, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 551. Anna L. Raymond, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 552. Benjamin Cain, doing business as Cain's Truck Lines, petitioner, *v.* Clara Bowlby. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 567. Pan Atlantic Steamship Corporation, petitioner, *v.* James Fyfe and John T. Bailey, doing business as United Fibre Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. —. James H. Johnson, petitioner, *v.* Metropolitan Casualty Insurance Company; and

No. 230. Edmond L. Viles, petitioner, *v.* Hon. Stanley H. Johnson, Judge, etc. The motions for leave to file petitions for rehearing are denied.

No. 314. Harmon Metz Waley, petitioner, *v.* James A. Johnston, Warden, etc. The motion for leave to file petition for rehearing is granted. The petition for rehearing is denied.

No. 476. Bryant McQuillen and Samuel Gottlieb, petitioners, *v.* The National Cash Register Company et al. The petition for rehearing is denied. The Chief Justice took no part in the consideration and decision of this application.

No. 16. International Association of Machinists, Tool and Die Makers Lodge No. 35, etc., petitioner, *v.* National Labor Relations Board;

No. 26. West India Oil Company (Puerto Rico), petitioner, *v.* Manuel V. Domenech, Treasurer of Puerto Rico;

No. 435. Continental Casualty Company, petitioner, *v.* The United States of America; and

No. 492. Homer C. Price, petitioner, *v.* Edward J. Moinet, Judge, etc. Petitions for rehearing denied.

No. 420. Ben Adler Signs, Incorporated, et al., petitioners, *v.* Wagner Sign Service, Incorporated. Motion for leave to file petition for rehearing submitted by Mr. Howard C. Westwood in behalf of counsel for the petitioners.

No. —, original. Ex parte Claude Offill, petitioner. Return to rule to show cause presented.

No. —, original. Ex parte Louis Burall, petitioner. Return to rule to show cause presented.

No. 508. Lane Cotton Mills Company, petitioner, *v.* National Labor Relations Board. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Dismissed on motion of counsel for the petitioner.

No. 381. Z. & F. Assets Realization Corporation, petitioner, *v.* Cordell Hull, Secretary of State and Henry Morgenthau, Secretary of the Treasury, et al.; and

No. 382. American-Hawaiian Steamship Company, petitioner, *v.* Cordell Hull, Secretary of State, and Henry Morgenthau, Secretary of the Treasury, et al. Four hours allowed for oral argument. Argument commenced by Mr. Joseph M. Proskauer for the petitioner in No. 381; and continued by Mr. Fred K. Nielsen for the petitioner in No. 382; by Mr. Solicitor General Biddle for the respondents, Cordell Hull, Secretary of State, and Henry Morgenthau, Secretary of the Treasury; and by Mr. William D. Mitchell for the respondent, Lehigh Valley Railroad Company.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, December 10, will be as follows: Nos. 381 (and 382), 43, 22, 54, 49, 62, 55, 58, 57, and 218.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Thomas J. Warren, of Fort Collins, Colo.; Edward F. Smith, Jr., of Atlanta, Ga.; William Garth Symmers, of New York City; Arthur D. Platt, of Portland, Oreg.; Linus R. Fike, of Phoenix, Ariz.; John D. Pope III, of St. Louis, Mo.; Allan Falkenstine, of Watonga, Okla.; George P. Halperin, of New York City; John J. Sloan, of Detroit, Mich.; and Marcellus McInnis, of Washington, D. C., were admitted to practice.

No. 381. Z. & F. Assets Realization Corporation, petitioner, *v.* Cordell Hull, Secretary of State, and Henry Morgenthau, Secretary of the Treasury, et al.; and

No. 382. American-Hawaiian Steamship Company, petitioner, *v.* Cordell Hull, Secretary of State, and Henry Morgenthau, Secretary of the Treasury, et al. Argument continued by Mr. William D. Mitchell for the respondent Lehigh Valley Railroad Company, and concluded by Mr. Joseph M. Proskauer for the petitioner in No. 381.

No. 43. The United States of America, appellant, *v.* William L. Hutcheson et al. Argued by Mr. Assistant Attorney General Arnold for the appellant and by Mr. Charles H. Tuttle for the appellees.

No. 22. Lewis G. Hines, Secretary of Labor and Industry of the Commonwealth of Pennsylvania, et al., appellants, *v.* Bernard Davidowitz and Vincenzo Travaglini. Argument commenced by Miss M. Louis Rutherford for the appellants and continued by Mr. Williams S. Rial for the appellants and by Mr. Isidor Ostroff for the appellees.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, December 11, will be as follows: Nos. 22, 54, 49, 62, 55, 58, 57, 218, 141, and 66.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Thos. A. Wilson, of Wilmington, Del.; Anthony L. Gaudio, of Atlanta, Ga.; Sherwood E. Silliman, of New York City; Carl D. Sneed, of Herrin, Ill.; Morris Shapiro, of New York City; and Lawrence Earl Broh-Kahn, of Toledo, Ohio, were admitted to practice.

No. 22. Lewis G. Hines, Secretary of Labor and Industry of the Commonwealth of Pennsylvania, et al., appellants, *v.* Bernard Davidowitz and Vincenzo Travaglini. Argument continued by Mr. Isidor Ostroff for the appellees; by Mr. Solicitor General Biddle for the United States as *amicus curiae*, by special leave of Court, and concluded by Mr. William S. Rial for the appellants. Leave granted appellants to file an additional brief within five days.

No. 54. Martin J. Bernards and Lena Bernards, petitioners, *v.* M. R. Johnson, Catherine Collins, et al. Argued by Mr. William Lemke for the petitioners; by Mr. Harrison G. Platt for the respondents, M. R. Johnson and Joseph M. Loomis, Trustee; and case submitted by Wm. L. Brewster for the respondent, Catherine Collins.

No. 49. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Godfrey Hammel and Pearl Hammel. Argued by Mr. Norman D. Keller for the petitioner and by Mr. John J. Sloan for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, December 12, will be as follows: Nos. 62, 55, 58, 57, 218, 141, 66, 56, 1, and 69.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Allan Seserman, of Boston, Mass.; and Ambrose Doskow, of New York City, were admitted to practice.

No. 62. Electro-Chemical Engraving Co., Inc., petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. George P. Halperin for the petitioner and by Mr. Norman D. Keller for the respondent.

No. 55. Donald S. McClain, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. Edward D. Smith, Jr., for the petitioner and by Miss Helen R. Carloss for the respondent.

No. 58. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* S. C. Thomson. Death of S. C. Thomson suggested and Florence Stanton Thomson, Executrix under the will of S. C. Thomson, deceased, substituted as the party respondent on motion of Mr. T. F. Davies Haines for the respondent.

No. 58. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Florence Stanton Thomson, Executrix, etc. Argued by Miss Helen R. Carloss for the petitioner and by Mr. T. F. Davies Haines for the respondent.

No. 57. Railroad Commission of Texas and Lon A. Smith et al., appellants, *v.* Humble Oil and Refining Company. Argued by Mr. James P. Hart for the appellants and by Mr. Rex G. Baker for the appellee.

No. 218. Railroad Commission of Texas, Lon A. Smith et al., appellants, *v.* Rowan & Nichols Oil Company. Argument commenced by Mr. James P. Hart for the appellants and continued by Mr. Dan Moody for the appellee.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, December 13, will be as follows: Nos. 218, 141, 66, 56, 1, 69, 28, 72, 73, and 235 (and 236).

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Burr Tracy Ansell, of Washington, D. C.; Millard G. Sinclair, of San Antonio, Tex.; Justin H. Folkerth, of Columbus, Ohio; and Charles L. Kaufman, of Norfolk, Va., were admitted to practice.

No. 218. Railroad Commission of Texas, Lon A. Smith, et al., appellants, *v.* Rowan & Nichols Oil Company. Argument concluded by Mr. Dan Moody for the appellee.

No. 141. Virginia Vandembark, petitioner, *v.* The Owens-Illinois Glass Company. Argument commenced by Mr. Paul D. Smith for the petitioner; continued by Mr. Lawrence Earl Broh-Kahn for the respondent; and concluded by Mr. Thomas H. Sutherland for the petitioner.

No. 66. William B. Milliken et al., petitioners, *v.* Violet L. Meyer, both Individually and as Administratrix, etc. Argued by Mr. Jean S. Breitenstein for the petitioners and case submitted by Mr. Fred S. Caldwell for the respondent.

No. 56. American Federation of Labor, John Fitzpatrick, et al., petitioners, *v.* Ross W. Swing et al. Argued by Mr. Walter F. Dodd for the petitioners and by Mr. Myer N. Rosengard for the respondents.

No. 1. Milk Wagon Drivers Union of Chicago, Local 753, etc., et al., petitioners, *v.* Meadowmoor Dairies, Inc. Argument commenced by Mr. Abraham W. Brussell for the petitioners.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 16, will be as follows: Nos. 1, 69, 28, 72, 73, 235 (and 236), 78, 75, 87 (and 88), and 82.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

William H. Langroise, of Boise, Idaho; Wayne E. Ripley, of Jacksonville, Fla.; Donald W. Ebbert, of Pittsburgh, Pa.; Charles R. Scott, of Jacksonville, Fla.; James A. Velde, of Chicago, Ill.; Royal W. Irwin, of Chicago, Ill.; Kenneth F. Montgomery, of Chicago, Ill.; Henry E. Seyfarth, of Chicago, Ill.; Alfred McKnight, of Fort Worth, Tex.; Joseph P. Tumulty, Jr., of Washington, D. C.; and Colby Stilson, of New York City, were admitted to practice.

No. 46. State of Wisconsin and Elmer E. Barlow, as Commissioner of Taxation of the State of Wisconsin, petitioners, *v.* J. C. Penney Company. On writ of certiorari to the Supreme Court of the State of Wisconsin. Judgment reversed with costs and cause remanded to said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Roberts in which the Chief Justice, Mr. Justice McReynolds, and Mr. Justice Reed concur.

No. 48. State of Wisconsin and Elmer E. Barlow, as Commissioner of Taxation of the State of Wisconsin, petitioners, *v.* Minnesota Mining and Manufacturing Company. On writ of certiorari to the Supreme Court of the State of Wisconsin. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Frankfurter. Dissenting: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Roberts, and Mr. Justice Reed.

No. 12. The United States of America, petitioner, *v.* Appalachian Electric Power Company. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Decree reversed and cause remanded to the District Court of the United States for the Western District of Virginia with instructions to enter an order enjoining the construction, maintenance or operation of the Radford project otherwise than under a license, accepted by the respondent

within a reasonable time, substantially in the form tendered respondent by the Federal Power Commission on or about May 5, 1931, or in the alternative, as prayed in the bill. Opinion by Mr. Justice Reed. The Chief Justice took no part in the consideration or decision of this case. Dissenting opinion by Mr. Justice Roberts in which Mr. Justice McReynolds concurs.

No. 3. The United States of America, appellant, *v.* Northern Pacific Railway Company, Northern Pacific Railroad Company, et al.; and

No. 4. Northern Pacific Railway Company, Northern Pacific Railroad Company, et al., appellants, *v.* The United States of America. Appeals from the District Court of the United States for the Eastern District of Washington. The appeal in No. 4 is without merit, but, upon the appeal in No. 3, the judgment is reversed and the cause is remanded to the said District Court for further proceedings as indicated in the opinion of this Court. Opinion by Mr. Justice Roberts. Mr. Justice Murphy took no part in the consideration or decision of this case.

No. 34. L. Singer & Sons et al., petitioners, *v.* Union Pacific Railroad Company; and

No. 35. Kansas City, Missouri, petitioner, *v.* L. Singer & Sons et al. On writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Decree affirmed with costs and cases remanded to the District Court of the United States for the Western District of Missouri. Opinion by Mr. Justice McReynolds. Concurring opinion by Mr. Justice Frankfurter in which Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Murphy join. Separate opinion by Mr. Justice Stone in which the Chief Justice and Mr. Justice Reed concur.

The Chief Justice announced the following order of the Court:

No. 561. Equitable Loan Society, Inc., et al., appellants, *v.* John C. Bell, Jr., Secretary of Banking of the Commonwealth of Pennsylvania, et al. Appeal from the Supreme Court of the Commonwealth of Pennsylvania. *Per curiam*: The appeal is dismissed for want of a substantial federal question. *Griffith v. Connecticut*, 218 U. S. 563; *Noble State Bank v. Haskell*, 219 U. S. 104, 111-113; *Engel v. O'Malley*, 219 U. S. 128, 136-137; *Dillingham v. McLaughlin*, 264 U. S. 370, 374.

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —. Norman E. Blosser, petitioner, *v.* The United States. Application denied.

No. —, original. *Ex parte* Joseph E. Jones, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. —, original. *Ex parte* Claud Offill, petitioner. The rule to show cause is discharged and the motion for leave to file petition for writ of habeas corpus is denied.

No. 468. Henry L. Lynch, petitioner, *v.* The Superior Court of Los Angeles County. On petition for writ of certiorari to the Supreme Court of the State of California; and

No. 560. William James Sidis, petitioner, *v.* F-R Publishing Corporation. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. The motions for leave to proceed further herein *in forma pauperis* are denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which writs of certiorari should be issued. The petitions for writs of certiorari are therefore also denied.

No. 577. Arthur W. Mitchell, appellant, *v.* The United States of America, Interstate Commerce Commission et al.;

No. 586. New York, Chicago & St. Louis Railroad Company, appellant, *v.* Dorothea T. Frank;

No. 588. Fred F. Edwards, appellant, *v.* The People of the State of California; and

No. 594. City of Kansas City, Kansas, Don C. McCombs, et al., appellants, *v.* The United States of America et al. In these cases probable jurisdiction is noted.

No. 549. Public Service Commission of the State of Missouri et al., petitioners, *v.* Brashear Freight Lines, Inc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 584. Commercial Molasses Corporation, petitioner, *v.* New York Tank Barge Corporation, as Chartered Owner, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 550. Earl Moore, petitioner, *v.* Illinois Central Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 532. Carl F. Kortepeter, petitioner, *v.* The United States of America; and

No. 533. Gurney G. Derbyshire, petitioner, *v.* The United States of America. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 553. Joseph C. Lenihan et al., in their own behalf, etc., petitioners, *v.* The Tri-State Telephone and Telegraph Company et al. Petition for writs of certiorari to the Supreme Court of the State of Minnesota, denied.

No. 555. The Texas Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 559. Maud S. Williams, petitioner, *v.* New Jersey-New York Transit Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 562. Ben Preston, petitioner, *v.* Kaw Pipe Line Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 566. Paul Whiteman, petitioner, *v.* RCA Manufacturing Company, Inc., et al.; and

No. 570. RCA Manufacturing Company, Inc., petitioner, *v.* Paul Whiteman et al. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 571. Arthur T. Hormann, petitioner, *v.* The Northern Trust Company et al.; and

No. 572. Arthur T. Hormann, petitioner, *v.* The Northern Trust Company et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 420. Ben Adler Signs, Incorporated, et al., petitioners, *v.* Wagner Sign Service Incorporated. Motion for leave to file petition for rehearing denied.

No. 13. The United States of America, petitioner, *v.* Ashby Oliver Stewart;

No. 439. Harold Van Riper, petitioner, *v.* The United States of America;

No. 449. Joe Vernon, petitioner, *v.* State of Alabama;

No. 462. Mae B. Burgess, Co-Administratrix, et al., petitioners, *v.* Reliance Life Insurance Company;

No. 499. Frank Tenneyson Neely, petitioner, *v.* Merchants Trust Company of Red Bank, New Jersey, as Administrator, etc., et al.; and

No. 518. Obear-Nester Glass Company, petitioner, *v.* Walgreen Drug Stores, Inc., and Corning Glass Works. Petitions for rehearing denied.

The Court will take a recess from Monday, December 23, until Monday, January 6, 1941.

No. 1. Milk Wagon Drivers Union of Chicago, Local 753, etc., et al., petitioners, v. Meadowmoor Dairies, Inc. Argument continued by Mr. Abraham W. Brussell for the petitioners; by Mr. Donald N. Schaffer and Mr. Roy Massena for the respondent; and concluded by Mr. Abraham W. Brussell for the petitioners.

No. 69. Reconstruction Finance Corporation, Prudence-Bonds Corporation, et al., petitioners, v. Prudence Securities Advisory Group et al. Argument commenced by Mr. Assistant Solicitor General Fahy for the petitioners and continued by Mr. John Gerdes for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, December 17, will be as follows: Nos. 69, 28, 72, 73, 235 (and 236), 78, 75, 87 (and 88), 82, and 330.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Lowell Curtis Wadmond, of New York City; John W. Willis, of Los Angeles, Calif.; Charles A. Reinwald, of New York City; Harvey Arthur Lupton, of Winston-Salem, N. C.; William R. Wondrowitz, of Washington, D. C.; William McChesney Martin, of St. Louis, Mo.; Harold Allan Kertz, of Washington, D. C.; Francis Joseph Ortman, of Washington, D. C.; and Harry W. Oehler, of St. Paul, Minn., were admitted to practice.

No. 69. Reconstruction Finance Corporation, Prudence-Bonds Corporation, et al., petitioners, *v.* Prudence Securities Advisory Group et al. Argument continued by Mr. John Gerdes for the respondents and concluded by Mr. Assistant Solicitor General Fahy for the petitioners.

No. 28. Hertha J. Sibbach, petitioner, *v.* Wilson & Company, Inc. Argued by Mr. James A. Velde for the petitioner and by Mr. J. F. Dammann for the respondent.

No. 72. Henry J. Beal et al., petitioners, *v.* Missouri Pacific Railroad Corporation, in Nebraska. Argument commenced by Mr. H. Emerson Kokjer for the petitioners; continued by Mr. G. L. DeLacy for the respondent; and concluded by Mr. Edwin Vail for the petitioners.

No. 73. H. J. Heinz Company, petitioner, *v.* National Labor Relations Board. Argument commenced by Mr. Earl F. Reed for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, December 18, will be as follows: Nos. 73, 235 (and 236), 78, 75, 87 (and 88), 82, 330, 85, 97, and 180.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Reginald W. McDuffee, of Savannah, Ga.; Walter Freedman, of St. Louis, Mo.; John F. Davis, of New York City; Edwin Hort, of New York City; and Rafael Cintron Lastra, of San Juan, P. R., were admitted to practice.

No. 97. Olga E. Voeller et al., petitioners, *v.* The Neilston Warehouse Company et al. Submitted by Mr. Carrington T. Marshall and Mr. Orland R. Crawfis for the petitioners and by Mr. Francis J. Wright for the respondents.

No. 180. Superior Bath House Company, appellant, *v.* Z. M. McCarroll, Commissioner of Revenues for the State of Arkansas. Submitted by Mr. Terrell Marshall for the appellant and by Mr. Frank Pace, Jr., and Mr. Lester M. Ponder for the appellee.

No. 73. H. J. Heinz Company, petitioner, *v.* National Labor Relations Board. Argument continued by Mr. Earl F. Reed for the petitioner and concluded by Mr. Assistant Solicitor General Fahy for the respondent.

No. 235. National Labor Relations Board, petitioner, *v.* Link-Belt Company; and

No. 236. National Labor Relations Board, petitioner, *v.* Independent Union of Craftsmen. Argued by Robert B. Watts for the petitioner; by Mr. Henry E. Seyfarth for the respondent in No. 235; and by Mr. Benjamin Wham for the respondent in No. 236.

No. 78. A. C. Frost & Company, petitioner, *v.* Coeur D'Alene Mines Corporation. Argument commenced by Mr. Ernest L. Wilkinson for the petitioner; continued by Mr. William H. Langroise and Mr. James A. Wayne for the respondent; and concluded by Mr. John W. Cragun for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, December 19, will be as follows: Nos. 75, 87 (and 88), 82, 330, and 188.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Ferdinand T. Weil, of Pittsburgh, Pa.; Glenn O. Young, of Sapulpa, Okla.; and Robert B. Meyner, of Phillipsburg, N. J., were admitted to practice.

No. 75. Robert H. Jackson, Attorney General of the United States, on behalf of the United States and as Successor to the Alien Property Custodian, petitioner, v. Irving Trust Company, as Executor, etc., et al. Argued by Mr. Assistant Attorney General Shea for the petitioner and by Mr. Nathan L. Miller for the respondents.

No. 87. Mikhail Nicholas Gorin, petitioner, v. The United States of America; and

No. 88. Hafis Salich, petitioner, v. The United States of America. Argued by Mr. Donald R. Richberg for the petitioners and by Mr. Warner W. Gardner for the respondent.

No. 82. The United States of America, appellant, v. F. W. Darby Lumber Company and Fred W. Darby. Argument commenced by Mr. Solicitor General Biddle for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, December 20, will be as follows: Nos. 82, 330, and 188.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, and Mr. Justice Douglas.

J. Adrian Rosenberg, of Jackson, Mich.; Robert R. Bruce, of New York City; Harry A. Walsh, of Trenton, N. J.; and L. Welch Pogue, of New York City, were admitted to practice.

No. 82. The United States of America, appellant, *v.* F. W. Darby Lumber Company and Fred W. Darby. Argument continued by Mr. Solicitor General Biddle for the appellant; by Mr. Archibald B. Lovett for the appellees; and concluded by Mr. Solicitor General Biddle for the appellant.

No. 330. Opp Cotton Mills, Inc., et al., petitioners, *v.* Administrator of the Wage and Hour Division of the Department of Labor. Argued by Mr. Ben F. Cameron for the petitioners and by Mr. Solicitor General Biddle for the respondent.

No. 188. The United States, petitioner, *v.* Cowden Manufacturing Company. Argued by Mr. Andrew D. Sharpe for the petitioner and by Mr. Phil D. Morelock for the respondent.

Adjourned until Monday, December 23, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Luis Tirado Geigel, of San Juan, P. R.; and Walter J. Halliday, of New York City, were admitted to practice.

No. 74. Lewis K. Stoner, petitioner, *v.* New York Life Insurance Company. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment of the Circuit Court of Appeals reversed with costs and judgment of the District Court of the United States for the Western District of Missouri affirmed and cause remanded to said District Court. Opinion by Mr. Justice Murphy.

No. 66. William B. Milliken, Margaret M. Milliken, Texas Production Company, et al., petitioners, *v.* Violet L. Meyer, Both individually and as administratrix with the will annexed of the estate of Raymond D. Meyer, deceased. On writ of certiorari to the Supreme Court of the State of Colorado. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Douglas.

No. 61. Best & Company, Inc., appellant, *v.* A. J. Maxwell, Commissioner of Revenue for the State of North Carolina. Appeal from the Supreme Court of the State of North Carolina. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Reed.

The Chief Justice announced the following order of the Court:

No. 47. State of Wisconsin and Elmer E. Barlow, as Commissioner of Taxation of the State of Wisconsin, petitioners, *v.* F. W. Woolworth Company. On writ of certiorari to the Supreme Court of the State of Wisconsin. *Per curiam*: The judgment is reversed on the authority of Wisconsin *v.* Penney Company, No. 46, decided December 16, 1940. Mr. Justice Stone took no part in the consideration or decision of this cause.

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with Clerk and will not be announced orally."

No. 513. John J. Baumeister, petitioner, *v.* The State of New York. On petition for writ of certiorari to the Court of Appeals of the State of New York; and

No. 623. Mary B. Betz, petitioner, *v.* Estate of J. Edward Brill, deceased. On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania. The motions for leave to proceed further herein *in forma pauperis* are denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which writs of certiorari should be issued. The petitions for writs of certiorari are therefore also denied.

No. 610. George Couper Gibbs, Individually and as Attorney General of the State of Florida, et al., appellants, *v.* Gene Buck, Individually and as President of the American Society of Composers, Authors, and Publishers, et al.; and

No. 611. Gene Buck, Individually and as President of the American Society of Composers, Authors, and Publishers, et al., appellants, *v.* George Couper Gibbs, Individually and as Attorney General of the State of Florida, et al. In these cases probable jurisdiction is noted and the cases are assigned for argument immediately following No. 312.

No. 558. R. H. Nye and L. C. Mayers, petitioners, *v.* The United States of America and W. B. Guthrie. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted.

No. 483. State of Washington, petitioner, *v.* Inland Empire Refineries, Inc., et al. Petition for writ of certiorari to the Supreme Court of the State of Washington denied for the reason that the judgment of the court below rests upon a non-Federal ground adequate to support it. *Lynch v. New York*, 293 U. S. 52; *New York City v. Central Savings Bank*, 306 U. S. 661.

No. 573. Hyman G. Stein, petitioner, *v.* St. Louis Public Service Company, Debtor, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 578. E. W. Gwinner, petitioner, *v.* D. B. Heiner, formerly Collector of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied. Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 568. Piney Coking Coal Land Company, petitioner, *v.* Ernest K. James, State Tax Commissioner for the State of West Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of the State of West Virginia denied.

No. 569. Municipal Acceptance Corporation, petitioner, *v.* Ernest K. James, State Tax Commissioner for the State of West Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of the State of West Virginia denied.

No. 574. King County, a Municipal Corporation, Ralph F. Stacy, as Treasurer of King County, et al., petitioners, *v.* W. J. Lake & Company, Inc. Petition for writ of certiorari to the Supreme Court of the State of Washington denied.

No. 575. Producers Pipe Line Company, petitioner, *v.* James W. Martin, Commissioner of Revenue for the Commonwealth of Kentucky, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 581. Great American Insurance Company, petitioner, *v.* Companhia de Navegacao Lloyd Brasileiro, etc.; and

No. 585. Companhia de Navegacao Lloyd Brasileiro, petitioner, *v.* The Great American Insurance Company et al. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 605. Jackson County, Missouri, petitioner, *v.* Clarence B. Reed, Trustee. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 31. American United Mutual Life Insurance Company, petitioner, *v.* City of Avon Park, Florida. Petition for rehearing denied.

Adjourned until Monday, January 6, 1941, at 12 o'clock.

The day call for Monday, January 6, 1941, will be as follows: Nos. 85, 86, 92, 486, 494, 393, 419, 495, 120, and 242 (and 243).

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Jacob M. Burkoff, of Chicago, Ill.; Arthur A. Armstrong, of New York City; Chas. E. Prettyman, 3d., of Neosho, Mo.; Paul M. Salsburg, of Atlantic City, N. J.; John G. Jackson, Jr., of New York City; Bernard L. Alpert, of New Britain, Conn.; Rupert R. Harkrider, of Galveston, Tex.; John Alfred Granlund, of San Francisco, Calif.; and Sydney Edward Shuteran, of Denver, Colo., were admitted to practice.

No. 69. Reconstruction Finance Corporation, Prudence-Bonds Corporation, et al., petitioners, *v.* Prudence Securities Advisory Group, Independent Prudence Bondholders Committee, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment reversed and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Concurring opinion by Mr. Justice Reed in which Mr. Justice Roberts joins.

No. 235. National Labor Relations Board, petitioner, *v.* Link-Belt Company; and

No. 236. National Labor Relations Board, petitioner, *v.* Independent Union of Craftsmen. On writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment reversed and cause remanded to the said Circuit Court of Appeals with directions to enforce the Board's order in full. Opinion by Mr. Justice Douglas. Mr. Justice McReynolds took no part in the consideration or disposition of these cases.

No. 218. Railroad Commission of Texas, Lon A. Smith, Ernest O. Thompson, and Jerry Sadler, Members of the Railroad Commission of Texas, et al., appellants, *v.* Rowan & Nichols Oil Company. Appeal from the District Court of the United States for the Western District of Texas. Decree vacated with costs and cause remanded to the said District Court for dismissal of the complaint. Opinion by Mr. Justice Frankfurter. Dissenting: The Chief Justice, Mr. Justice McReynolds, and Mr. Justice Roberts.

No. 57. Railroad Commission of Texas and Lon A. Smith, Ernest O. Thompson, et al., etc., appellants, *v.* Humble Oil and Refining Com-

pany. Appeal from the District Court of the United States for the Western District of Texas. Decree vacated with costs and cause remanded to the said District Court for the dismissal of the complaint. Opinion by Mr. Justice Frankfurter. Dissenting: The Chief Justice, Mr. Justice McReynolds, and Mr. Justice Roberts.

No. 141. Virginia Vandembark, petitioner, *v.* The Owens-Illinois Glass Company. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Northern District of Ohio for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Reed. Mr. Justice McReynolds concurs in the result. Mr. Justice Stone took no part in the consideration or decision of this case.

No. 38. Howard S. Palmer, James Lee Loomis, and Henry B. Sawyer, Trustees of the Property of the New York, New Haven and Hartford Railroad Company, Debtor, petitioners, *v.* Connecticut Railway & Lighting Company. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the District of Connecticut. Opinion by Mr. Justice Reed. Dissenting opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black joins.

No. 97. Olga E. Voeller, Dorothy Gloeckner, Nellie B. Pugh, et al., petitioners, *v.* The Neilston Warehouse Company and The Ohio National Bank of Columbus. On writ of certiorari to the Supreme Court of the State of Ohio. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black.

No. 55. Donald S. McClain, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit; and

No. 58. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Florence Stanton Thomson, Executrix, etc. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. In No. 55, judgment affirmed and cause remanded to the United States Circuit Court of Appeals for the Fifth Circuit. In No. 58, judgment reversed and cause remanded to the United States Circuit Court of Appeals for the Second Circuit for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts.

No. 49. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Godfrey Hammel and Pearl Hammel. On writ of cer-

tiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment reversed and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone. Dissenting: Mr. Justice Roberts.

No. 62. Electro-Chemical Engraving Co., Inc., petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Stone. Dissenting: Mr. Justice Roberts.

No. 73. H. J. Heinz Company, petitioner, *v.* National Labor Relations Board. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment affirmed and cause remanded to said Circuit Court of Appeals. Opinion by Mr. Justice Stone. Mr. Justice McReynolds took no part in the consideration or decision of this case.

No. 381. Z. & F. Assets Realization Corporation, petitioner, *v.* Cordell Hull, Secretary of State, and Henry Morgenthau, Secretary of the Treasury; Lehigh Valley Railroad Company, Intervener; and

No. 382. American-Hawaiian Steamship Company, petitioner, *v.* Cordell Hull, Secretary of State, and Henry Morgenthau, Secretary of the Treasury; Lehigh Valley Railroad Company, Intervener. On writs of certiorari to the United States Court of Appeals for the District of Columbia. Judgment affirmed and cause remanded to the District Court of the United States for the District of Columbia. Opinion by Mr. Chief Justice Hughes. Mr. Justice Roberts took no part in the consideration and decision of these cases. Concurring opinion by Mr. Justice Black in which Mr. Justice Douglas joins.

No. 75. Robert H. Jackson, Attorney General of the United States, on behalf of the United States, and as Successor to the Alien Property Custodian, petitioner, *v.* Irving Trust Company, as Executor of Hermann Sielken, deceased, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Chief Justice Hughes. Mr. Justice Murphy took no part in the consideration and decision of this case.

The Chief Justice announced the following order of the Court:

No. 617. John Sherman Harris, appellant, *v.* M. Gary Whittle, Sheriff. Appeal from the Supreme Court of the State of Georgia. *Per curiam*: The appeal is dismissed for the want of jurisdiction.

Section 237 (a), Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari, as required by section 237 (c), of the Judicial Code (43 Stat. 936, 938), certiorari is denied.

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

Orders are entered approving the bonds of the Clerk of this Court and directing that they be recorded.

An order is entered adopting Rules of Procedure and Practice for the Trial of Cases before Commissioners and for Taking and Hearing of Appeals to the District Courts of the United States.

No. —, original. Ex parte Cleio Hull, petitioner. A rule is ordered to issue, returnable Monday, February 3 next, requiring the respondent to show cause why leave to file the petition for writ of habeas corpus should not be granted.

No. —, original. Ex parte Clarence Kelly, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. 538. Louis Fried, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit;

No. 545 Locke Miller, petitioner, *v.* Michael J. Kirwan. On petition for writ of certiorari to the Supreme Court of the State of Ohio; and

No. 438. Robert Vivion Bell, petitioner, *v.* James A. Johnston, Warden, United States Penitentiary, Alcatraz, California. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. The motions for leave to proceed further herein *in forma pauperis* are denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which writs of certiorari should be issued. The petitions for writs of certiorari are therefore also denied.

No. 587. Samuel R. Toucey, petitioner, *v.* New York Life Insurance Company. The motion for leave to proceed *in forma pauperis*

is granted. The petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

No. 616. The United States of America, appellant, *v.* Leamon Resler and Leamon Resler, doing business as Resler Truck Line and as Brady Truck Line;

No. 618. The United States of America, appellant, *v.* Patrick B. Classic et al.; and

No. 628. Hudson & Manhattan Railroad Company, appellant, *v.* The United States of America et al. In these cases probable jurisdiction is noted.

No. 603. H. A. Gray, as Director of the Bituminous Coal Division of the Department of the Interior, et al., petitioners, *v.* Legh R. Powell, Jr., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted.

No. 596. Fred O. Lowe, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied without prejudice to an application to the District Court to reduce the fines to an amount allowed by statute.

No. 598. Harvard State Bank, petitioner, *v.* The Baltimore and Ohio Railroad Company et al.; and

No. 599. Harvard State Bank, petitioner, *v.* The Baltimore and Ohio Railroad Company et al. On consideration of the suggestion of a diminution of the record and motion for a writ of certiorari in that relation, the motion for a writ of certiorari is granted. The petition for writs of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit and to the District Court of the United States for the District of Maryland is denied. Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration and decision of these applications.

No. 580. Milton K. Young and Melissa E. Young, petitioners, *v.* County of Ventura. Petition for writ of certiorari to the District Court of Appeals, 2d Appellate District, State of California, denied.

No. 589. A. A. Newhouse, J. R. Mason, and Mary E. Morris, petitioners, *v.* Corcoran Irrigation District. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 591. Pacific National Bank of San Francisco, petitioner, *v.* Merced Irrigation District. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 592. Street & Smith Publications, Inc., petitioner, *v.* Daniel A. Blair, Judge of the District Court of Lubbock County, Texas, 72nd

Judicial District, et al. Petition for writ of certiorari to the Supreme Court of the State of Texas denied.

No. 593. William Stern, petitioner, *v.* William Gillman, Jack Gillman, and Laszlo Wenczel. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 595. John D. Glass, petitioner, *v.* Harold L. Ickes. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 638. Bituminous Coal Producers Board for District No. 8, petitioner, *v.* Legh R. Powell, Jr., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 539. State of Minnesota, petitioner, *v.* Duluth Missabe and Northern Railway Company et al.;

No. 540. State of Minnesota, petitioner, *v.* The Duluth and Iron Range Railroad Company et al.;

No. 541. State of Minnesota, petitioner, *v.* Spirit Lake Transfer Railway Company et al.;

No. 542. State of Minnesota, petitioner, *v.* Oliver Iron Mining Company; and

No. 543. State of Minnesota, petitioner, *v.* Proctor Water and Light Company. Petition for writs of certiorari to the Supreme Court of the State of Minnesota denied.

No. 590. James Utley, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 597. The Texas Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 607. American Lumbermens Mutual Casualty Company of Illinois, petitioner, *v.* Elizabeth Sutcliffe, as Administratrix, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. —, original. *Ex parte* Edward Quinn;

No. 32. Fidelity Union Trust Company et al., petitioners, *v.* Ethel Adelaide Field; and

No. 267. Six Companies of California, Hartford Accident and Indemnity Company et al., petitioners, *v.* Joint Highway District No. 13 of the State of California. Petitions for rehearing denied.

No. —, original. The United States of America, complainant, *v.* The State of Alabama. Return to the rule to show cause presented.

No. —, original. *Ex parte* Fred J. Becker, petitioner. Return to the rule to show cause presented.

No. 85. Federal Trade Commission, petitioner, *v.* Bunte Brothers, Inc. Argued by Mr. Hugh B. Cox for the petitioner and by Mr. Theodore E. Rein for the respondent.

No. 86. Carol Harriman Stewart, appellant, *v.* Commonwealth of Pennsylvania. Argued by Mr. Charles I. Thompson for the appellant and by Mr. E. Russell Shockley for the appellee.

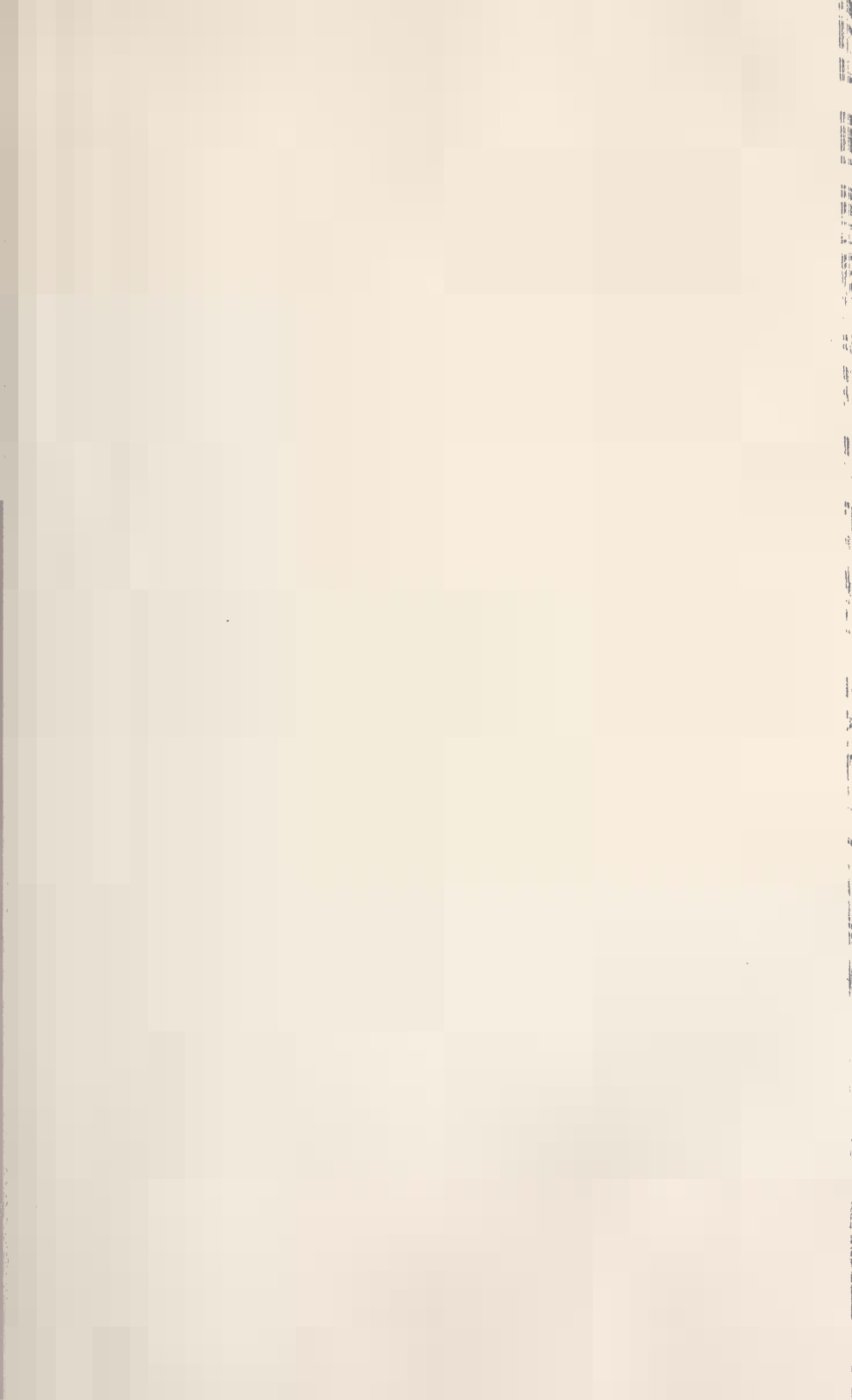
No. 92. Florence Guggenheim, petitioner, *v.* Almon Q. Rasquin, Individually and as United States Collector of Internal Revenue for the First District of New York. Martha E. Rasquin, Administratrix of the Estate of Almon Q. Rasquin, deceased, substituted as the party respondent herein on motion of Mr. John G. Jackson, Jr., for the petitioner.

No. 92. Florence Guggenheim, petitioner, *v.* Martha E. Rasquin, Administratrix, etc. Argument commenced by Mr. John G. Jackson, Jr., for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, January 7, will be as follows: Nos. 92, 486, 494, 393, 419, 495, 120, 242 (and 243), 191 (and 192), and 237.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Anne X. Alpern, of Pittsburgh, Pa.; Oscar W. Haussermann, of Boston, Mass.; Ames N. Clark, of Boston, Mass.; Howard B. Crittenden, Jr., of Tracy, Calif.; Sam Houston, of Washington, D. C.; Lewis M. Alpern, of Pittsburgh, Pa.; Leon Wald, of Pittsburgh, Pa.; J. Henry O'Neill, of Pittsburgh, Pa.; and Richard W. Ahlers, of Pittsburgh, Pa., were admitted to practice.

No. 242. Philadelphia Company and Certain Underliers, petitioners, *v. Walter L. Dipple et al.*; and

No. 243. Philadelphia Company and Certain Underliers, petitioners *v. Walter L. Dipple et al.* Leave granted W. D. George, Thomas M. Benner, and Thomas Fitzgerald to intervene on motion of Mr. J. Henry O'Neill in that behalf.

No. 92. Florence Guggenheim, petitioner, *v. Martha E. Rasquin, Administratrix, etc.* Argument continued by Mr. John G. Jackson, Jr., for the petitioner and concluded by Mr. J. Louis Monarch for the respondent. Leave granted petitioner to file a reply brief within one week.

No. 486. Madeleine D. Powers, petitioner, *v. Commissioner of Internal Revenue.* Argued by Mr. Ralph G. Boyd for the petitioner and by Mr. J. Louis Monarch for the respondent.

No. 494. The United States of America, petitioner, *v. Joseph T. Ryerson et al.* Argued by Mr. J. Louis Monarch for the petitioner and by Mr. William N. Haddah for the respondents.

No. 393. The United States, petitioner, *v. Arthur Pelzer.* Argued by Mr. Solicitor General Biddle for the petitioner and by Mr. Robert A. Littleton for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, January 8, will be as follows: Nos. 419, 495, 120, 242 (and 243), 191 (and 192), 237, 371, 245, 194, and 200.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Lowell M. Greenlaw, of Chicago, Ill., was admitted to practice.

No. 419. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Mary M. Hutchings. Argued by Mr. Solicitor General Biddle for the petitioner and by Mr. Rupert R. Harkrider and Mr. T. W. Lain for the respondent.

No. 495. Joseph T. Ryerson and Edward L. Ryerson, Jr., as Executors, etc., petitioners, *v.* The United States of America. Argued by Mr. William N. Haddad for the petitioners and by Mr. Solicitor General Biddle for the respondent.

No. 120. Howard S. Palmer et al., Trustees of the Property of the New York, New Haven and Hartford Railroad Company, Debtor, petitioners, *v.* Webster and Atlas National Bank of Boston, Trustee. Argued by Mr. Herman J. Wells for the petitioners; by Mr. Robert H. Davison for the respondent; and by Mr. Robert H. Hopkins for the City of Boston as *amicus curiae*, by special leave of Court.

No. 242. Philadelphia Company and Certain Underliers, petitioners, *v.* Walter L. Dipple et al.; and

No. 243. Philadelphia Company and Certain Underliers, petitioners, *v.* Walter L. Dipple et al. Argument commenced by Mr. W. A. Seifert for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, January 9, will be as follows: Nos. 242 (and 243), 191 (and 192), 194, 237, 371, 245, 200, 212, 253, and 281 (and 282).

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Morris L. Bradford, of Tulsa, Okla.; and Edward M. Brown, of Cincinnati, Ohio, were admitted to practice.

No. 242. Philadelphia Company and Certain Underliers, petitioners, *v.* Walter L. Dipple et al.; and

No. 243. Philadelphia Company and Certain Underliers, petitioners, *v.* Walter L. Dipple et al. Argument continued by Mr. W. A. Seifert for the petitioners; by Miss Anne X. Alpern and Mr. A. E. Kountz for the respondents; and concluded by Mr. W. A. Seifert for the petitioners.

No. 191. The United States, appellant, *v.* Kate B. Goltra and E. Field Goltra, Jr., Executors etc.; and

No. 192. Kate B. Goltra and E. Field Goltra, Jr., Executors, etc., appellants, *v.* The United States. Argued by Mr. Herman J. Galloway and Mr. Frederick W. P. Lorenzen for Kate B. Goltra and E. Field Goltra, Jr., Executors, and by Mr. Assistant Solicitor General Fahy for the United States.

No. 194. Maryland Casualty Company, petitioner, *v.* Pacific Coal & Oil Company and Joe Orteca. Argued by Mr. Parker Fulton for the petitioner. No appearance for the respondents.

No. 237. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Edyth LeGierse and Bankers Trust Company, as Executors etc. Argument commenced by Mr. Assistant Attorney General Clark for the petitioner and continued by Mr. Frederick O. McKenzie for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, January 10, will be as follows: Nos. 237, 371, 245, 200, 253, 281 (and 282), 212, 255 (and 256), 293, and 291.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

A. Foy Curry, Jr., of Tulia, Tex.; Walter H. Domzalski, of Detroit, Mich.; and Joseph Rosenblatt, of New York City, were admitted to practice.

No. 237. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Edyth LeGierse and Bankers Trust Company, as Executors, etc. Argument continued by Mr. Frederick O. McKenzie for the respondents and concluded by Mr. Assistant Attorney General Clark for the petitioner.

No. 371. Estate of Anna M. Keller et al., petitioners, *v.* Commissioner of Internal Revenue. Argued by Mr. Ferdinand T. Weil for the petitioner and by Mr. Assistant Attorney General Clark for the respondent.

No. 245. The United States of America, appellant, *v.* J. W. Gilliland et al. Argued by Mr. Herbert Wechsler for the appellant and by Mr. F. W. Fischer for the appellees.

No. 200. Reconstruction Finance Corporation, petitioner, *v.* J. G. Menihan Corporation et al. Argued by Mr. Clifford J. Durr for the petitioner and by Mr. Arthur E. Sutherland, Jr., for the respondents.

No. 253. Eugene Higgins, petitioner, *v.* Commissioner of Internal Revenue. Argument commenced by Mr. Selden Bacon for the petitioner.

Adjourned until Monday, next, at 12 o'clock.

The day call for Monday, January 13, will be as follows: Nos. 253, 281 (and 282), 212, 255 (and 256), 293, 173, 201, 291, 274, and 510 (and 511).

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Ernest W. Gibson, Jr., of Brattleboro, Vt.; Barney B. Fensterstock, of New York City; Bert L. Klooster, of Chicago, Ill.; Donald P. Mayhew, of Los Angeles, Calif.; Philip Strome, of Salem, Mass.; and Henry Friedman, of Boston, Mass., were admitted to practice.

No. 188. The United States, petitioner, *v.* Cowden Manufacturing Company. On writ of certiorari to the Court of Claims. Judgment reversed and cause remanded to the Court of Claims with directions to dismiss the petition. Opinion by Mr. Justice Murphy.

No. 87. Mikhail Nicholas Gorin, petitioner, *v.* The United States of America; and

No. 88. Hafis Salich, petitioner, *v.* The United States of America. On writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgments affirmed and cases remanded to the District Court of the United States for the Southern District of California. Opinion by Mr. Justice Reed. Mr. Justice Murphy took no part in the consideration and decision of these cases.

No. 28. Hertha J. Sibbach, petitioner, *v.* Wilson & Company, Inc. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Murphy join.

The Chief Justice announced the following orders of the Court:

No. 86. Carol Harriman Stewart, appellant, *v.* Commonwealth of Pennsylvania. Appeal from the Supreme Court of the Commonwealth of Pennsylvania. *Per curiam:* The judgment is affirmed. *Curry v. McCanless*, 307 U. S. 357; *Graves v. Elliot*, 307 U. S.

383. Mr. Chief Justice Hughes, Mr. Justice McReynolds, and Mr. Justice Roberts dissent.

No. 210. Manufacturers Trust Company et al., petitioners, *v.* Prudence Securities Advisory Group et al.;

No. 211. Edward Endelman and Jacob A. Freedman, petitioners, *v.* Prudence-Bonds Corporation et al.;

No. 214. Charles H. Kelby, as Trustee, etc., petitioner, *v.* Prudence Securities Advisory Group et al.;

No. 259. Prudence Realization Corporation, petitioner, *v.* Prudence-Bonds Corporation; and

No. 273. Alfred T. Davison, petitioner, *v.* Prudence Securities Advisory Group et al. On petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit. *Per curiam:* The petitions for writs of certiorari are granted and the judgment is reversed on the authority of Reconstruction Finance Corporation et al., *v.* Prudence Securities Advisory Group et al., No. 69, decided January 6, 1941.

No. 284. Robert N. Denham, petitioner, *v.* Munson Line, Incorporated. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. *Per curiam:* The petition for writ of certiorari is granted and the judgment is reversed on the authority of Reconstruction Finance Corporation et al. *v.* Prudence Securities Advisory Group et al., No. 69, decided January 6, 1941.

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —. *Ex parte* John J. Sheridan, petitioner. Application denied.

No. —, original. *Ex parte* Chester W. Campbell, petitioner;

No. —, original. *Ex parte* R. Gordon Whitman, petitioner; and

No. —, original. *Ex parte* Herbert A. Burgdorf, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied.

No. —, original. *Ex parte* Fred J. Becker, petitioner. The rule to show cause is discharged and the motion for leave to file petition for writ of habeas corpus is denied.

No. 498. J. L. Stewart, petitioner, *v.* James A. Johnston. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. The motion for leave to proceed further herein in forma pauperis is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground

upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied. The motion for leave to file petition for writ of mandamus is denied.

No. 609. Bennie Valenta Scott, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. The motion for leave to proceed further herein in forma pauperis is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied.

No. 640. The United States of America and Secretary of Agriculture, appellants, *v.* F. O. Morgan, doing business as F. O. Morgan Sheep Commission Company, et al. In this case probable jurisdiction is noted. The motion to substitute is granted and Claude R. Wickard, Secretary of Agriculture is substituted as a party appellant in the place and stead of Henry A. Wallace, formerly Secretary of Agriculture; and Alice M. Morgan, administratrix of the estate of F. O. Morgan, deceased, is substituted as a party appellee in the place and stead of F. O. Morgan, deceased.

No. 601. Paul W. Sampsell, as Trustee in Bankruptcy, etc., petitioner, *v.* Imperial Paper and Color Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 387. Phelps Dodge Corporation, petitioner, *v.* National Labor Relations Board; and

No. 641. National Labor Relations Board, petitioner, *v.* Phelps Dodge Corporation. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted. Mr. Justice Roberts took no part in the consideration and decision of these applications.

No. 620. Laura S. K. Slocum et al., petitioners, *v.* First National Bank of Chicago et al. Petition for writ of certiorari to the Appellate Court, 1st District, State of Illinois, denied. Mr. Justice Black and Mr. Justice Douglas took no part in the consideration and decision of this application.

No. 622. The Dravo Contracting Company, petitioner, *v.* Ernest K. James, as an Individual, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied. Mr. Justice Reed took no part in the consideration and decision of this application.

No. 352. Sunshine Mining Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 563. Miriam G. Hostetter, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 582. William Squire Neal, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 602. J. D. Chalk, Commissioner, etc., et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 604. United States National Bank of San Diego et al., petitioners, *v.* County San Diego and Crowell D. Eddy, as Assessor of San Diego County. Petition for writ of certiorari to the Supreme Court of the State of California denied.

No. 606. Viking Pump Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 615. Stewart Die Casting Corporation, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 630. Commissioner of Corporations and Taxation, petitioner, *v.* Edward H. Flaherty. Petition for writ of certiorari to the Supreme Judicial Court of the Commonwealth of Massachusetts denied.

No. 644. The H. W. Gossard Co., petitioner, *v.* Loeber's, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 51. James M. Wright, petitioner, *v.* The Union Central Life Insurance Company et al. The motion of petitioner for leave to file a petition for rehearing is granted. The petition for rehearing is denied.

No. 51. James M. Wright, petitioner, *v.* The Union Central Life Insurance Company et al. Petition of Union Central Life Insurance Company for rehearing denied.

No. 47. State of Wisconsin and Elmer E. Barlow, as Commissioner, etc., petitioners, *v.* F. W. Woolworth Company. Petition for rehearing denied. Mr. Justice Stone took no part in the consideration and decision of this application.

No. 46. State of Wisconsin and Elmer E. Barlow, as Commissioner, etc., petitioners, *v.* J. C. Penney Company;

No. 48. State of Wisconsin and Elmer E. Barlow, as Commissioner, etc., petitioners, *v.* Minnesota Mining and Manufacturing Company;

No. 468. Henry L. Lynch, petitioner, *v.* The Superior Court of Los Angeles County;

No. 532. Carl F. Kortepeter, petitioner, *v.* The United States of America;

No. 533. Gurney G. Derbyshire, petitioner, *v.* The United States of America; and

No. 553. Joseph C. Lenihan et al., petitioners, *v.* The Tri-State Telephone and Telegraph Company et al. Petitions for rehearing denied.

The Court will take a recess from Monday, January 20, until Monday, February 3, next.

No. 583. Bethlehem Shipbuilding Corporation and Bethlehem Steel Company, petitioners, *v.* National Labor Relations Board. On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Dismissed on motion of counsel for the petitioners.

No. 253. Eugene Higgins, petitioner, *v.* Commissioner of Internal Revenue. Argument continued by Mr. Selden Bacon for the petitioner; by Mr. Arnold Raum for the respondent; and concluded by Mr. Selden Bacon for the petitioner.

No. 281. Weightstill Woods, Court Trustee, petitioner, *v.* City National Bank and Trust Co. of Chicago et al.; and

No. 282. Weightstill Woods, Court Trustee, petitioner, *v.* City National Bank and Trust Co. of Chicago et al. Argued by Mr. Weightstill Woods for the petitioner and by Mr. Vincent O'Brien for the respondents.

No. 212. Huron Holding Corporation et al., petitioners, *v.* Lincoln Mine Operating Company. Argued by Mr. Leonard G. Bisco for the petitioners and case submitted by Mr. D. Worth Clark and Mr. William H. Langroise for the respondent.

No. 255. Louis E. Roddewig, as Chairman, etc., et al., petitioners, *v.* Sears, Roebuck and Co.; and

No. 256. Louis E. Roddewig, as Chairman, etc., et al., petitioners, *v.* Montgomery Ward and Co., Incorporated. State Tax Commission and Fred W. Nelson, present Chairman of the State Tax Commission, substituted as parties petitioners in the place and stead of Iowa State Board of Assessment and Review and Louis E. Roddewig. on motion of Mr. John E. Mulroney for the petitioners.

No. 255. Fred W. Nelson, as Chairman, etc., et al., petitioners, *v.* Sears, Roebuck and Co.; and

No. 256. Fred W. Nelson, as Chairman, etc., et al., petitioners, *v.* Montgomery Ward and Co., Incorporated. Argument commenced by Mr. John E. Mulronev for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, January 14, will be as follows: Nos. 255 (and 256), 293, 173, 201, 291, 287, 338, 274, 510 (and 511), and 327.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Carl H. Willingham, of Washington, D. C.; Duke Duvall, of Oklahoma City, Okla.; Thomas Garrett Logan, of Tulsa, Okla.; L. Thomas Rice, of Los Angeles, Calif.; Jacob D. Hyman, of New York City; Louis Sherman, of New York City; Thomas Joseph Ryle, of Stamford, Conn.; Jack J. Miller, of Stockton, Calif.; and Alfred B. Teton, of Chicago, Ill., were admitted to practice.

No. —. Ex parte Joseph J. McCarthy, petitioner. Application submitted by Mr. Joseph J. McCarthy, *pro se*.

No. 205. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Gerald A. Eubank. Time within which to file petition for rehearing extended to and including January 21, next, on motion of Mr. Harry H. Semmes in behalf of counsel for the respondent.

No. 255. Fred W. Nelson, as Chairman, etc., et al., petitioners, *v.* Sears, Roebuck and Co.; and

No. 256. Fred W. Nelson, as Chairman, etc., et al., petitioners, *v.* Montgomery Ward and Co., Incorporated. Argument continued by Mr. John E. Mulroney for the petitioners; by Mr. Joseph G. Gamble for the respondent in No. 255; by Mr. Stuart S. Ball for the respondent in No. 256; and concluded by Mr. John E. Mulroney for the petitioners.

No. 293. Armour and Company, petitioner, *v.* The Alton Railroad Company et al. Argued by Mr. Paul E. Blanchard for the petitioner and by Mr. Douglas F. Smith for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, January 15, will be as follows: Nos. 173, 201, 291, 287, 338, 274, 510 (and 511), 327, and 384.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Mack Taylor, of Fort Worth, Tex.; Clarence S. Beck, of North Platte, Neb.; and Wayland K. Sullivan, of Cleveland, Ohio, were admitted to practice.

No. 315. Everett Ault Evans, *alias* Everett A. Troglin, etc., petitioner, *v.* The United States of America. Stipulation of counsel for the entry of judgment and for the immediate issuance of the mandate presented.

No. 173. Jack Walker, petitioner, *v.* James A. Johnston, Warden, etc. Argued by Mr. Charles E. Wyzanski, Jr., for the petitioner and by Mr. Herbert Weschler for the respondent.

No. 201. Leon C. Phillips, Individually and as Governor of the State of Oklahoma, et al., etc., appellants, *v.* The United States of America et al. Argument commenced by Mr. John B. Dudley for the appellants; continued by Mr. Assistant Attorney General Shea for the appellees; and concluded by Mr. Randall S. Cobb for the appellants.

No. 291. Equitable Life Insurance Company of Iowa, petitioner, *v.* Halsey, Stuart & Co. Argument commenced by Mr. Joseph G. Gamble for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, January 16, will be as follows: Nos. 291, 287, 338, 274, 510 (and 511), 364, 327, and 384.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

J. Jerome Kaplon, of Summit, N. J.; M. Carlisle Farber, of Marshalltown, Iowa; Paul McLennan Roca, of Tucson, Ariz.; Enrique Campos de Toro, of San Juan, P. R.; Juan Enrique Geigel, of San Juan, P. R.; Hugh M. Foster, Jr., of Los Angeles, Calif.; and Robert L. Werner, of New York City, were admitted to practice.

No. 291. Equitable Life Insurance Company of Iowa, petitioner, *v.* Halsey, Stuart & Co. Argument continued by Mr. Joseph G. Gamble for the petitioner and concluded by Mr. Edward R. Johnston for the respondent.

No. 287. Earl Russell Browder, petitioner, *v.* The United States of America. Argued by Mr. Carl S. Stern for the petitioner and by Mr. John T. Cahill for the respondent. Leave granted petitioner to file a reply brief by Monday next.

No. 338. Welwel Warszower, alias "Robert William Wiener," etc., petitioner, *v.* The United States of America. Argument commenced by Mr. Osmond K. Fraenkel for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, January 17, will be as follows: Nos. 338, 364, 384, and 327.

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Friday, January 17, 1941

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Floyd V. Nichols, of Albert Lea, Minn.; Henry B. Friedman, of Allentown, Pa.; David Getz, of Allentown, Pa.; Lowell M. Birrell, of New York City; Arthur M. Gee, of Findlay, Ohio; and John J. Wilson, of Washington, D. C., were admitted to practice.

No. 338. Welwel Warszower, alias "Robert William Wiener," etc., petitioner, *v.* The United States of America. Argument continued by Mr. Osmond K. Fraenkel for the petitioner; by Mr. John T. Cahill for the respondent; and concluded by Mr. Osmond K. Fraenkel for the petitioner.

No. 364. Albert Smith, petitioner, *v.* Joseph O'Grady, Warden, etc. Argued by Mr. William L. Marbury, Jr., for the petitioner and by Mr. Clarence S. Beck for the respondent. Leave granted respondent to file an additional brief within two weeks.

No. 384. Howard E. Breisch, petitioner, *v.* Central Railroad of New Jersey. Argued by Mr. Fred B. Gerner for the petitioner and by Mr. Henry B. Friedman for the respondent.

No. 327. A. F. Rawlings, Receiver, etc., petitioner, *v.* Mrs. Ella M. Ray. Argued by Mr. George P. Barse for the petitioner and case submitted by Mr. Earl King for the respondent.

Adjourned until Monday, January 20, at 10:30 o'clock.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, and Mr. Justice Murphy.

G. Maynard Smith, of Cairo, Ga.; Bob Bailey, of Russellville, Ark.; Warren Moore, of Beaumont, Tex.; Irving Garnitz, of South Bend, Ind.; Angela C. O'Brien, of Boston, Mass.; and O. K. Wetzell, of Oklahoma City, Okla., were admitted to practice.

No. 22. Lewis G. Hines, Secretary of Labor and Industry of the Commonwealth of Pennsylvania, et al., appellants, *v.* Bernard Davidowitz and Vincenzo Travaglini. Appeal from the District Court of the United States for the Middle District of Pennsylvania. Judgment affirmed with costs. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Stone in which the Chief Justice and Mr. Justice McReynolds concur.

No. 72. Henry J. Beal, County Attorney of Douglas County, Nebraska, et al., petitioner, *v.* Missouri Pacific Railroad Corporation in Nebraska. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the District of Nebraska with instructions to dismiss the bill of complaint. Opinion by Mr. Justice Stone. The Chief Justice, Mr. Justice McReynolds, and Mr. Justice Stone are of opinion that the case should be remanded to the District Court for further proceedings.

No. 78. A. C. Frost & Company, petitioner, *v.* Coeur D'Alene Mines Corporation. On writ of certiorari to the Supreme Court of the State of Idaho. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice McReynolds, announced by the Chief Justice. Mr. Justice Stone concurs in the result. Mr. Justice Douglas took no part in the consideration or decision of this cause.

The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 315. Everett Ault Evans, alias Everett A. Troglin, alias Dutch Evans, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. *Per curiam*: On consideration of the stipulation between counsel for the petitioner and the Solicitor General, the orders of the Circuit Court of Appeals dismissing the appeal and denying petitioner's motions to be furnished with a transcript of the record, for an extension of time within which to file a transcript of the record on appeal, and to remand the cause to the District Court for the purpose of permitting him to present a motion for a new trial on the ground of newly discovered evidence, are vacated. The cause is remanded to the Circuit Court of Appeals with directions to grant the petitioner reasonable extensions of time for the perfection of his appeal and to reconsider the motion to remand when the court shall have before it a transcript of the evidence. It is ordered that the mandate issue forthwith.

No. —. Ex parte Joseph J. McCarthy, petitioner. Application denied.

No. 12, original. The United States, complainant, *v.* The State of Alabama. The motion for leave to file the Bill of Complaint is granted and process is ordered to issue returnable, Monday, March 3, next.

No. 600. John Waldon, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied.

No. 658. Lambiris Skiriotes, appellant, *v.* The State of Florida. Further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing of the case on the merits.

No. 624. Phoenix Finance Corporation, petitioner, *v.* Iowa-Wisconsin Bridge Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted and case assigned for argument immediately following No. 587.

No. 625. Utilities Insurance Company, petitioner, *v.* Charles H. Potter and R. O. Burbridge. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma granted limited to the first question presented by the petition for the writ and the case assigned for argument immediately following No. 425.

No. 626. George W. Green, petitioner, *v.* John W. Holland, as United States District Judge for the Southern District of Florida. The motion to strike the brief of the City of Stuart is denied. The petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is denied.

No. 612. Missouri Pacific Transportation Company et al., petitioners, *v.* J. C. George, J. H. Lookadoo, and G. W. Lookadoo. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 614. Valley Waste Mills, petitioner, *v.* W. E. Page, Jr., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 619. General Motors Corporation et al., petitioners, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 621. Henry Levaux, Inc., et al., petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 632. Detroit Trust Company (formerly Security Trust Company), a Michigan Corporation, Executor, etc., petitioner, *v.* Fred L. Woodworth, Collector of Internal Revenue for the First District of Michigan. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 634. The Baltimore and Ohio Railroad Company, petitioner, *v.* Albert C. Joseph, Administrator, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 643. Mutual Benefit Health & Accident Association, petitioner, *v.* Antonia P. Miccolis. Petition for writ of certiorari to the United States Circuit Court of Appeals for the seventh Circuit denied.

No. 651. Anchor Stove & Range Company, petitioner, *v.* Montgomery Ward & Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 12. The United States of America, petitioner, *v.* Appalachian Electric Power Company;

No. 66. William B. Milliken et al., petitioners, *v.* Violet L. Meyer, both Individually and as Administratrix etc.; and

No. 538. Louis Fried, petitioner, *v.* The United States of America. Petitions for rehearing denied.

No. —, original. Ex parte Mary M. Hughes, petitioner. Motion for leave to file petition for writ of mandamus presented.

No. 312. Harry R. Swanson, as Secretary of State of Nebraska, et al., appellants, v. Gene Buck, Individually, etc., et al. Suggestion of diminution of record and motion for a writ of certiorari submitted by Mr. Thomas G. Haight, Mr. Louis D. Frohlich, and Mr. Herman Finkelstein for the appellees.

The Court took a recess for the purpose of attending the inauguration of the President of the United States.

The oath of office was administered to the Honorable Franklin Delano Roosevelt as President of the United States by the Chief Justice, and the Court reconvened.

Adjourned until Monday, February 3, next, at 12 o'clock.

The day call for Monday, February 3, will be as follows: Nos. 274, 510 (and 511), 283, 336, 344, 349, 362 (and 363), 373, 133 (and 134), and 421 (422, 423, and 424).

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Martin L. Mershon, of Miami, Fla.; William O. Mehrtens, of Miami, Fla.; Eugene K. Oppenheimer, of Portland, Oreg.; David Barry Noonan, of Portland, Maine; Paul John Carr, of Hinton, W. Va.; Cecil A. Morgan, of Fort Worth, Tex.; Chester R. Davis, of Chicago, Ill.; Eugene Dungan Williams, of Los Angeles, Calif.; Max Feingold, of Los Angeles, Calif.; Otto J. Emme, of Los Angeles, Calif.; F. B. Walker, of Fort Worth, Tex.; W. R. Fain, Jr., of Clarksville, Tenn.; Norma L. Comstock, of Denver, Colo.; Francis V. Keesling, Jr., of San Francisco, Calif.; Richard Clarke Smith, of Rutland, Vt.; Nathaniel Fensterstock, of Albany, N. Y.; and David J. Levy, of New York City, were admitted to practice.

The Chief Justice said:

“On February 1, 1941, Mr. Justice James Clark McReynolds retired from active service as Associate Justice of this Court. Forthright, independent, maintaining with strength and tenacity of conviction, his conceptions of constitutional right, he has served with distinction upon this bench for upward of twenty-six years and has left a deep impress upon the jurisprudence of the Court. It is hoped that, relieved of the burden of active service, he will long enjoy his accustomed vigor of body and mind.”

No. 194. Maryland Casualty Company, petitioner, *v.* Pacific Coal & Oil Company, and Joe Orteca. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Northern District of Ohio. Opinion by Mr. Justice Murphy. Mr. Justice Black did not participate in the consideration or decision of this case.

No. 92. Florence Guggenheim, petitioner, *v.* Martha E. Rasquin, Administratrix of the Estate of Almon Q. Rasquin, deceased. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Eastern District of New York. Opinion by Mr. Justice Douglas.

No. 486. Madeleine D. Powers, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Douglas.

No. 494. The United States of America, petitioner, *v.* Joseph T. Ryerson and Edward L. Ryerson, Jr., as Executors of the Estate of Mary M. Ryerson. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment reversed and cause remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas.

No. 281. Weightstill Woods, Court Trustee, petitioner, *v.* City National Bank and Trust Co., of Chicago, et al.; and

No. 282. Weightstill Woods, Court Trustee, petitioner, *v.* City National Bank and Trust Co., of Chicago, et al. On writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgments reversed with costs and cases remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas.

No. 43. The United States of America, appellant *v.* William L. Hutcheson, George Casper Ottens, et al. Appeal from the District Court of the United States for the Eastern District of Missouri. Judgment affirmed. Opinion by Mr. Justice Frankfurter. Mr. Justice Murphy took no part in the disposition of this case. Concurring opinion by Mr. Justice Stone. Dissenting opinion by Mr. Justice Roberts in which the Chief Justice joins.

No. 201. Leon C. Phillips, Individually and as Governor of the State of Oklahoma, Mac Q. Williamson, Individually, etc., et al., appellants, *v.* The United States of America, Grand River Dam Authority, et al. Appeal from the District Court of the United States for the Northern District of Oklahoma. Decree vacated and cause remanded for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Frankfurter.

No. 191. The United States, appellant, *v.* Kate B. Goltra and E. Field Goltra, Jr., Executors of the Estate of Edward F. Goltra, deceased; and

No. 192. Kate B. Goltra and E. Field Goltra, Jr., Executors of the Estate of Edward F. Goltra, deceased, appellants, *v.* The United States. Appeals from the Court of Claims. Judgment in No. 191 modified as indicated in the opinion of the Court and, as modified, affirmed. Judgment in No. 192 affirmed. Opinion by Mr. Justice

Reed. The Chief Justice and Mr. Justice Black took no part in the consideration and decision of these appeals.

No. 253. Eugene Higgins, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Reed.

No. 180. Superior Bath House Company, appellant, *v.* Z. M. McCarroll, Commissioner of Revenues for the State of Arkansas. Appeal from the Supreme Court of the State of Arkansas. Judgment affirmed with costs. Opinion by Mr. Justice Black. Concurring opinion by Mr. Justice Stone in which Mr. Justice Roberts joins. Mr. Justice Frankfurter while agreeing with the Court's opinion also agrees with the view expressed in the opinion of Mr. Justice Stone.

No. 212. Huron Holding Corporation and National Surety Corporation, petitioners, *v.* Lincoln Mine Operating Company. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment of the Circuit Court of Appeals reversed with costs and the judgments of the District Court affirmed and cause remanded to the District Court of the United States for the District of Idaho. Opinion by Mr. Justice Black.

No. 293. Armour and Company, petitioner, *v.* The Alton Railroad Company et al. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Northern District of Illinois. Opinion by Mr. Justice Black.

No. 120. Howard S. Palmer, James Lee Loomis, and Henry B. Sawyer, Trustees, etc., petitioners, *v.* Webster and Atlas National Bank of Boston, Trustee. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment of the Circuit Court of Appeals reversed with costs and judgment of the District Court affirmed and cause remanded to the District Court of the United States for the District of Connecticut. Opinion by Mr. Justice Roberts.

No. 242. Philadelphia Company and Certain Underliers, petitioners, *v.* Walter L. Dipple, James P. McArdle, et al.; and

No. 243. Philadelphia Company and Certain Underliers, petitioners, *v.* Walter L. Dipple, James P. McArdle, et al. On writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgments affirmed with costs and cases remanded to the District Court of the United States for the Western District of Pennsylvania. Opinion by Mr. Justice Roberts.

No. 82. The United States of America, appellant, *v.* F. W. Darby Lumber Company and Fred W. Darby. Appeal from the District Court of the United States for the Southern District of Georgia.

Judgment reversed and cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone.

No. 330. *Opp Cotton Mills, Inc., et al., petitioners, v. Administrator of the Wage and Hour Division of the Department of Labor.* On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Stone.

No. 200. *Reconstruction Finance Corporation, petitioner, v. J. G. Menihan Corp., J. G. Menihan, Sr., and J. G. Menihan, Jr.* On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Western District of New York. Opinion by Mr. Chief Justice Hughes. Mr. Justice Black took no part in the consideration and decision of this case.

No. 245. *The United States of America, appellant, v. J. W. Gilliland, Ralph Gilliland, Fred A. Williams, et al.* Appeal from the District Court of the United States for the Eastern District of Texas. Judgment sustaining the demurrer to counts 2 to 11, inclusive, reversed and cause remanded to said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Hughes. Mr. Justice Murphy took no part in the consideration and decision of this case.

No. 327. *A. F. Rawlings, Receiver of the Lee County National Bank, Marianna, Arkansas, petitioner, v. Mrs. Ella M. Ray.* On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Eastern District of Arkansas for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Hughes.

The Chief Justice announced the following orders of the Court :

No. 689. *State of Ohio, ex rel. S. H. Squire, etc., Superintendent of Banks in Charge of the Liquidation of The Guardian Trust Company, appellant, v. Minnie N. Brown, Aetna Life Insurance Company, et al.* Appeal from the Supreme Court of the State of Ohio. *Per curiam:* The motion to dismiss is granted and the appeal is dismissed for want of a properly presented federal question: (1) *Cleveland & Pittsburgh R. Co. v. Cleveland*, 235 U. S. 50, 53; *Hiawasse Power Co. v. Carolina-Tenn. Co.*, 252 U. S. 341, 344; *White River Co. v. Arkansas*, 279 U. S. 692, 700; (2) *Zadig v. Baldwin*, 166 U. S. 485, 488; *Live Oak Water Users' Assn. v. Railroad Commission of California*, 269 U. S. 354, 357-358; *Lynch v. New York*, 293 U. S. 52, 54.

ORDER

It is ordered:

1. Pursuant to the Act of June 29, 1940 (Public, No. 675, 76th Congress), the Court will undertake the preparation of rules of pleading, practice, and procedure with respect to proceedings prior to and including verdict, or finding of guilty or not guilty, in criminal cases in district courts of the United States.

2. To assist the Court in this undertaking, the Court appoints the following Advisory Committee to serve without compensation:

Arthur T. Vanderbilt, Newark, New Jersey, Chairman.

James J. Robinson, Professor of Law at the Indiana University Law School, Reporter.

Alexander Holtzoff, Washington, D. C., Secretary.

Newman F. Baker, Professor of Law at the Northwestern University Law School.

George James Burke, Ann Arbor, Michigan.

John J. Burns, Boston, Massachusetts.

Frederick E. Crane, New York City.

Gordon Dean, Washington, D. C.

George H. Dession, Professor of Law at the Yale Law School.

Sheldon Glueck, Professor of Law at the Harvard Law School.

George Z. Medalie, New York City.

Lester B. Orfield, Professor of Law at the University of Nebraska Law School.

Murray Seasongood, Cincinnati, Ohio.

J. O. Seth, Santa Fe, New Mexico.

John B. Waite, Professor of Law at the University of Michigan Law School.

Herbert Wechsler, Professor of Law at the Columbia Law School.

G. Aaron Youngquist, Minneapolis, Minnesota.

3. It shall be the duty of the Advisory Committee, subject to the instructions of the Court, to prepare and submit to the Court a draft of rules as above described.

4. During the recess of the Court the Chief Justice is authorized to fill any vacancy in the Advisory Committee which may occur through failure to accept appointment, resignation, or otherwise.

5. The Advisory Committee shall at all times be directly responsible to the Court. The Committee shall not incur expense or make any financial commitments except upon the approval of the Court as certified by the Chief Justice or upon his order during a recess of the Court.

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 11, original. State of Kansas, complainant, *v.* State of Missouri. Honorable Dean G. Acheson, having accepted appointment as Assistant Secretary of State of the United States, has resigned as Special Master in this case and his resignation has been accepted.

No. —. Joseph Poresky, petitioner, *v.* Joseph E. Ely. The motion for leave to file application is granted. The application is denied.

No. —. Frank E. Stoehr, petitioner, *v.* The State of Minnesota. Application denied.

No. —. Ex parte Bernard L. Swirsky, petitioner. The motion to direct the Clerk to amend the roll of attorneys to show the change of name of Bernard L. Swirsky to "Bernard L. Swerland" is granted.

No. —, original. Ex parte Joseph F. Koleg, petitioner;

No. —, original. Ex parte C. E. Phillips, petitioner;

No. —, original. Ex parte J. B. King, petitioner;

No. —, original. Ex parte Orville Chester Garrison, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied.

No. —, original. Ex parte Mary M. Hughes, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No. 344. Margaret Conway, petitioner, *v.* George H. O'Brien. The motion of respondent to dismiss is denied.

No. 579. William Henry Odom, petitioner, *v.* A. C. Aderhold, Warden, etc. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit;

No. 608. Walter B. Mitchell, petitioner, *v.* Board of Governors of Washington State Bar Association. On petition for writ of certiorari to the Supreme Court of the State of Washington;

No. 642. Virgil C. Crites, petitioner, *v.* Albert A. Radtke, Leonard Day, et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit;

No. 645. Emeline Monfils, Administratrix, etc., petitioner, *v.* W. L. Hazelwood et al. On petition for writ of certiorari to the Supreme Court of the State of North Carolina;

No. 635. Arthur Weld and Lorine Kinz, petitioners, *v.* The People of the State of California. On petition for writ of certiorari to the Superior Court, County of Alameda;

No. 565. James A. Lovvorn, petitioner, *v.* James A. Johnston, Warden, etc. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit; and

No. 664. Steve Kmecak, petitioner, *v.* Warden William Hunt, Attica, New York. On petition for writ of certiorari to the Supreme Court of the State of New York. The motions for leave to proceed further herein *in forma pauperis* are denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which writs of certiorari should be issued. The petitions for writs of certiorari are therefore also denied.

No. 312. Harry R. Swanson, as Secretary of State of Nebraska et al., appellants, *v.* Gene Buck, Individually, etc., et al. Pursuant to paragraph (c) of Rule 75 of the Rules of Civil Procedure and without prejudice to the future application of paragraph (e) of Rule 75, the motion of the appellees for a writ of certiorari to correct a diminution of the record is granted with respect to items 1 to 57 inclusive. The motion is also granted with respect to items 58 to 62 inclusive so far as the certification of docket entries and designations is concerned, which, however, are to be dispensed with in printing.

No. 676. Caskey Baking Company, Inc., appellant *v.* Commonwealth of Virginia; and

No. 686. George C. Reitz, appellant, *v.* Carroll E. Mealey, as Commissioner, etc. In these cases probable jurisdiction is noted.

No. 629. Sterling P. Harris, Administrator, etc., petitioner, *v.* Zion's Saving Bank and Trust Company. Petition for writ of certiorari to the Supreme Court of the State of Utah granted.

No. 654. Department of Treasury of the State of Indiana et al., etc., petitioners, *v.* The Wood Preserving Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 655. Department of Treasury of the State of Indiana et al., etc., petitioners, *v.* Ingram-Richardson Manufacturing Company of Indiana, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 666. Detrola Radio and Television Corporation, petitioner, *v.* Hazeltine Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 636. Isidore H. Schweidel, petitioner, *v.* Lehigh Valley Railroad Company et al. Petition for writ of certiorari to the District Court of the United States for the Eastern District of Pennsylvania denied. Mr. Justice Douglas took no part in the consideration and decision of this application.

No. 637. Meyer Abrams, petitioner, *v.* Lehigh Valley Railroad Company et al. Petition for writ of certiorari to the District Court of the United States for the Eastern District of Pennsylvania denied.

Mr. Justice Douglas took no part in the consideration and decision of this application.

No. 657. William J. Brennan, petitioner, *v.* The Baltimore and Ohio Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. Mr. Justice Black is of the opinion that the petition for certiorari should be granted.

No. 633. Michael Pecoraro and Sam Gross, petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 639. John Stern et al., Committee of Wage Earners of Debtor, petitioners, *v.* Pennsylvania Central Brewing Co., Bankrupt. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 646. Martha H. Olin, as Administratrix etc., petitioner, *v.* New England Life Insurance Company of Boston, Massachusetts. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 650. Fuhrman & Forster Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 652. Farmers Underwriters Association, petitioner, *v.* Scott Carter, as Administrator etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 653. Atlas Milling Company, petitioner, *v.* Henry C. Jones, Collector of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 656. Ingram-Richardson Manufacturing Company of Indiana, Inc., petitioner, *v.* Department of Treasury of the State of Indiana, et al., etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 649. Allied Bridge and Construction Company, petitioner, *v.* Danville Sanitary District. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 660. Burley Irrigation District, petitioner, *v.* Harold L. Ickes, Secretary of the Interior. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 665. Albert L. Wieland, A. K. A., A. L. Wieland, as Receiver, petitioner, *v.* Harry E. Page. Petition for writ of certiorari to the Supreme Court of the State of Ohio denied.

No. 669. Peerless Equipment Company, petitioner, *v.* W. H. Miner, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 670. Sana Laboratories, Inc., et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit of Appeals for the Third Circuit denied.

No. 677. Kycoga Land Company, petitioner, *v.* Kentucky River Coal Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 682. Mrs. Mary Bryan Gorham, petitioner, *v.* Mutual Benefit Health and Accident Association of Omaha. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 703. Edward Guerin, petitioner, *v.* Hazel M. Griefen. Petition for writ of certiorari to the Appellate Court, First District, State of Illinois, denied.

No. 9. The Schriber-Schroth Company, petitioner, *v.* The Cleveland Trust Company, Chrysler Corporation;

No. 10. The Aberdeen Motor Supply Company, petitioner, *v.* The Cleveland Trust Company, Chrysler Corporation; and

No. 11. The F. E. Rowe Sales Company, petitioner, *v.* The Cleveland Trust Company, Chrysler Corporation. Ordered that the opinion in these cases be amended as follows:

1. Strike from the second complete paragraph, page 2, lines 5 and 6, the phrases "one of several claims" and "which the Court sustained".

2. In line 18 of the same paragraph substitute the word "one" for the word "another".

3. In the fourth line from the bottom of page 3 insert the words "without prejudice" before the word "of".

4. Modify the third, fourth, and fifth lines from the bottom of the first complete paragraph on page 9 to read: "found the elements of the invention which it described but in which, absent the flexible webb element, it found no invention. In view of such want of invention and of the prior art the only material difference between the amended and the allowed claims is the presence in the former of the flexible webb element and, in consequence of the surrender of the former particularizing".

The petition for rehearing and the motion to remand are denied.

No. 112. W. E. Floyd, Mrs. J. A. Winans, Independent Executrix etc., et al., petitioners, *v.* J. T. Eggleston et al. The motion for leave to file petition for rehearing is granted. The petition for rehearing is denied.

No. 38. Howard S. Palmer, et al., Trustees etc., petitioners, *v.* Connecticut Railway & Lighting Company;

No. 74. Lewis K. Stoner, petitioner, *v.* New York Life Insurance Company;

No. 205. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Gerald A. Eubank;

No. 399. James E. Blaydes et al., appellants, *v.* C. H. Little & Company et al.; and

No. 545. Locke Miller, petitioner, *v.* Michael J. Kirwan. Petitions for rehearing denied.

No. —, original. *Ex parte* Cleio Hull, petitioner. Return to the rule to show cause presented.

No. 504. Elton B. McFarland, petitioner, *v.* West Coast Life Insurance Company et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Dismissed per stipulation of counsel.

No. 274. Herbert H. Maass, as Sole Surviving Executor etc., petitioner, *v.* Joseph T. Higgins, Collector of Internal Revenue for the Third District of New York. Argued by Mr. Homer S. Cummings for the petitioner and by Mr. Richard H. Demuth for the respondent.

No. 510. Estate of Cordelia Y. Abendroth, City Bank Farmers Trust Company, as Executor, etc., petitioner, *v.* Commissioner of Internal Revenue; and

No. 511. Estate of Kate Read Blacque, City Bank Farmers Trust Company, as Executor etc., petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. Rollin Browne for the petitioners and by Mr. Richard H. Demuth for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, February 4, will be as follows: Nos. 283, 336, 344, 349, 373, 133 (and 134), 421 (422, 423, and 424), 251, 537, and 377.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Philip Sherman, of New York City; Sidney S. McMath, of Hot Springs, Ark.; Bernard L. Bermant, of New York City; John Adams, of Cleveland, Ohio; Heber Finch, of Sapulpa, Okla.; Leroy G. Denman, of San Antonio, Tex.; Harris K. Lyle, of Gallup, N. Mex.; Kennedy Campbell Watkins, of Washington, D. C.; Hugh Kemp Clark, of Wilmington, Del.; David Walker Richmond, of Washington, D. C.; Charles M. Trammell, Jr., of Washington, D. C.; W. E. Green, of Tulsa, Okla.; Harry M. Plotkin, of Chicago, Ill.; and Henry R. Bishop, of Detroit, Mich., were admitted to practice.

No. 283. Railroad Commission of Texas, Lon A. Smith, et al., appellants, *v.* The Pullman Company, Guy A. Thompson, Trustee, et al. Argument commenced by Mr. Cecil A. Morgan for the appellants, Cunningham et al.; continued by Mr. Cecil C. Rotsch for appellants, Railroad Commission of Texas et al.; by Mr. Ireland Graves for the appellees; and concluded by Mr. Cecil C. Rotsch for appellants, Railroad Commission of Texas et al.

No. 336. Leroy A. Berry, petitioner, *v.* The United States of America. Argument commenced by Mr. Ernest W. Gibson, Jr., for the petitioner; continued by Mr. Warner W. Gardner for the respondent; and concluded by Mr. C. L. Dawson for the petitioner.

No. 344. Margaret Conway, petitioner, *v.* George H. O'Brien. Argument commenced by Mr. Paul E. Lesh for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, February 5, will be as follows: Nos. 344, 349, 373, 133 (and 134), 421 (422, 423, and 424), 251, 537, 377, 268 (and 269), and 425.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Roger P. Marquis, of New York City; Paul Leahy, of Wilmington, Del.; Robert M. Vaughan, of Glasgow, Ky.; Vernon L. Wilkinson, of Okanogan, Wash.; Perry E. O'Neal, of Indianapolis, Ind.; Harold B. Hood, of Indianapolis, Ind.; Patrick J. Smith, of Indianapolis, Ind.; Frederick J. Gassert, of Harrison, N. J.; David A. Watts, of Chicago, Ill.; David Barnett, of New York City; and Hugh L. M. Cole, of New York City, were admitted to practice.

No. 344. Margaret Conway, petitioner, *v.* George H. O'Brien. Argument continued by Mr. Paul E. Lesh for the petitioner and concluded by Mr. Edwin W. Lawrence for the respondent.

349 No. 439. E. A. Kelleam, Nell Southard, et al., petitioners, *v.* Maryland Casualty Company of Baltimore, Maryland, et al. Argued by Mr. Glenn O. Young for the petitioners; by Mr. W. E. Green for respondent, Maryland Casualty Company of Baltimore, Maryland; and by Mr. Heber Finch for respondents, Mrs. Ethel Riddler, et al.

No. 373. Charlotte Cross Just and Anne Elise Gruner, petitioners, *v.* Alma Chambers, as Executrix, etc. Argument commenced by Mr. W. O. Mehrtens for the petitioners, and continued by Mr. Raymond Parmer for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, February 6, will be as follows: Nos. 373, 133 (and 134), 421 (422, 423, and 424), 251, 537, 377, 268 (and 269), 425, 625, and 369.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Roy C. Hackley, Jr., of San Francisco, Calif.; Stewart L. Whitman, of New York City; Cecil C. Hamilton, of Oklahoma City, Okla.; Lowell M. Toole, of Indianapolis, Ind.; Alvin B. Hutzler, of Richmond, Va.; and Warren H. F. Schmieding, of Columbus, Ohio, were admitted to practice.

No. 373. Charlotte Cross Just and Anne Elise Gruner, petitioners, *v.* Alma Chambers, as Executrix etc. Argument continued by Mr. Raymond Parmer for the respondent and concluded by Mr. W. O. Mehrtens for the petitioners.

No. 133. Major Raymond Lisenba, petitioner, *v.* The People of the State of California; and

No. 134. Major Raymond Lisenba, petitioner, *v.* The People of the State of California. Argued by Mr. Morris Lavine for the petitioner and by Mr. Everett W. Mattoon and Mr. Eugene D. Williams for the respondent.

No. 421. City of Indianapolis et al., petitioners, *v.* The Chase National Bank of the City of New York, Trustee, etc., et al.;

No. 422. City of Indianapolis et al., petitioners, *v.* The Chase National Bank of the City of New York, Trustee, etc.;

No. 423. The Chase National Bank of the City of New York, Trustee, etc., petitioner, *v.* Citizens Gas Company of Indianapolis et al.; and

No. 424. The Chase National Bank of the City of New York, Trustee, etc., petitioner, *v.* The Indianapolis Gas Company et al. Three hours and forty-five minutes allowed for the oral argument of these cases. Argument commenced by Mr. Howard F. Burns for the Chase National Bank of the City of New York, Trustee.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, February 7, will be as follows: Nos. 421 (422, 423, and 424), 251, 537, 377, 268 (and 269), 425, 625, 369, 400 (and 444), and 257.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Harold Boxer, of New York City; Wm. A. Hyman, of New York City; Charles A. Van Patten, of New York City; Marion C. Toomey, of Washington, D. C.; Edward Hale Julien, of San Francisco, Calif.; William E. Crane, of Saginaw, Mich.; Barnaby A. Wendrow, of Mount Pleasant, Mich.; James Nevins Hyde, of New York City; and Charles Russell Packard, of Chicago, Ill., were admitted to practice.

No. 319. Charles Sherwin, petitioner, *v.* The United States of America; and

No. 320. Joseph P. Sheridan, petitioner, *v.* The United States of America. Confession of error and motion to reverse and remand submitted by Mr. Solicitor General Biddle for the respondent, in support of the motion, and by Mr. Charles M. Trammell, Jr., for the petitioners, in opposition thereto.

No. 609. Bennie Valenta Scott, petitioner, *v.* The United States of America. Motion for an extension of time within which to file petition for rehearing submitted by Mr. C. L. McGuire for the petitioner.

No. 421. City of Indianapolis et al., petitioners, *v.* The Chase National Bank of the City of New York, Trustee, etc., et al.;

No. 422. City of Indianapolis et al., petitioners, *v.* The Chase National Bank of the City of New York, Trustee, etc.;

No. 423. The Chase National Bank of the City of New York, Trustee, etc., petitioner, *v.* Citizens Gas Company of Indianapolis et al.; and

No. 424. The Chase National Bank of the City of New York, Trustee, etc., petitioner, *v.* The Indianapolis Gas Company et al. Argument continued by Mr. William H. Thompson for the City of Indianapolis; by Mr. William G. Sparks for the Citizens Gas Company; by Mr. Louis B. Ewbank and Mr. William R. Higgins for the

Indianapolis Gas Co.; and concluded by Mr. Howard F. Burns for the Chase National Bank of the City of New York, Trustee.

No. **251**. Millinery Creator's Guild, Inc., et al., petitioners, *v.* Federal Trade Commission. Argument commenced by Mr. Lowell M. Birrell for the petitioners.

Adjourned until Monday, next, at 12 o'clock.

The day call for Monday, February 10, will be as follows: Nos. **251**, **537**, **377**, **268** (and **269**), **425**, **625**, **369**, **400** (and **444**), **257**, and **516**.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

George H. Butler, of Silver Spring, Md.; M. Neil Andrews, of La Fayette, Ga.; Philip Zierler, of Brooklyn, N. Y.; Oscar Fendler, of Blytheville, Ark.; Homer H. Cowan, of Norman, Okla.; Theodore E. Larson, of New York City; Elizabeth A. Gerber Travis, of Washington, D. C.; Carl S. Kegley, of Los Angeles, Calif.; Graham Lee Sterling, Jr., of Los Angeles, Calif.; A. Joseph Shapiro, of Los Angeles, Calif.; and Walter B. Hamlin, of New Orleans, La., were admitted to practice.

The Chief Justice said:

"It is with deep grief that I announce the passing on Saturday last of our brother, Mr. Justice Willis Van Devanter, who was in active service as an Associate Justice of this Court for upwards of 26 years. Learned in the law, he brought to this bench the special qualifications of a wide judicial experience and his service here was of exceptional distinction. He was a man of sterling character and of rare sagacity, a wise counselor and a faithful friend.

"The funeral services will be held tomorrow (Tuesday) at 2:30 o'clock in the afternoon at the Church of the Epiphany. The members of the Court will be in attendance.

"At the conclusion of the arguments in the case now being heard and in a companion case, in which counsel have come from a distance, the Court will rise and in tribute to the memory of our late brother will stand adjourned until Wednesday noon."

No. 1. Milk Wagon Drivers Union of Chicago, Local 753, a Voluntary Unincorporated Association, et al., petitioners, *v.* Meadowmoor Dairies, Inc. On writ of certiorari to the Supreme Court of the State of Illinois. Judgment affirmed with costs. Opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas concurs. Dissenting opinion by Mr. Justice Reed.

No. 56. American Federation of Labor, John Fitzpatrick, Chicago Federation of Labor, et al., petitioners, *v.* Ross W. Swing, Irene Boivin, Nan Chapman, et al. On writ of certiorari to the Supreme Court of the State of Illinois. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Frankfurter. Mr. Justice Black and Mr. Justice Douglas concur in the result. Dissenting opinion by Mr. Justice Roberts in which the Chief Justice joins.

No. 173. Jack Walker, petitioner, *v.* James A. Johnston, Warden, United States Penitentiary, Alcatraz, California. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed and cause remanded to the District Court of the United States for the Northern District of California for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts.

The Chief Justice announced the following orders of the Court:

No. 319. Charles Sherwin, petitioner, *v.* The United States of America; and

No. 320. Joseph P. Sheridan, petitioner, *v.* The United States of America. On writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. *Per curiam*: On the Government's confession of error, its motion to reverse is granted. The judgments are reversed, and the causes are remanded to the Circuit Court of Appeals with directions to consider the sufficiency of the evidence to support the verdicts, and petitioners' assignment of error with respect to the argument of the Assistant United States Attorney without regard to any technical deficiency in its phraseology. ✓

No. 708. Philadelphia-Detroit Lines, Inc., appellant, *v.* Burr H. Simpson, Individually and as State Road Commissioner of the State of West Virginia, et al. Appeal from the District Court of the United States for the Southern District of West Virginia. *Per curiam*: The motion to affirm is granted and the judgment is affirmed. Maurer *v.* Hamilton, 309 U. S. 598, 603-604; South Carolina Highway Dept. *v.* Barnwell Bros., 303 U. S. 177.

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 13, original. Ex parte William H. Lockhart, petitioner. The motion for leave to file petition for writ of certiorari is granted. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is therefore also denied.

No. 11, original. State of Kansas, complainant, *v.* State of Missouri. It is ordered that Samuel M. Wilson, Esquire, of Lexington, Kentucky, be, and he is hereby, appointed Special Master in this cause, with authority to summon witnesses, issue subpoenas, and to take such evidence as may be introduced and such as he may deem it necessary to call for. The Master is directed to make findings of fact and conclusions of law, and to submit the same to this Court with all convenient speed, together with his recommendations for a decree. The findings, conclusions, and recommendations of the Master shall be subject to consideration, revision, or approval by the Court. The Master shall be allowed his actual expenses and a reasonable compensation for his services to be fixed hereafter by the Court. The allowances to him, the compensation paid to his stenographic and clerical assistants, and the cost of printing his report shall be charged against and be borne by the parties in such proportion as the Court hereafter may direct. If the appointment herein made of a Master is not accepted, or if the place becomes vacant during the recess of the Court, the Chief Justice shall have authority to make a new designation which shall have the same effect as if originally made by the Court herein.

No. 28. Hertha J. Sibbach, petitioner, *v.* Wilson & Company, Inc. The opinion is amended by striking from the first sentence on page 7 the following words: "a litigant need not resort to the Federal courts unless willing to comply with the rule, and that," and adding, after the word "comply," the words "with its provisions." The petition for rehearing is denied.

No. 242. Philadelphia Company and Certain Underliers, petitioners, *v.* Walter L. Dipple et al.; and

No. 243. Philadelphia Company and Certain Underliers, petitioners, *v.* Walter L. Dipple et al. Ordered that the opinion in these cases be amended as follows:

In the second full sentence on page 6 of the opinion, strike out the words "the corporate identity of the companies whose lines have gone into this system should be ignored and," and add after the word "business," and before the word "treated," the words "should be."

No. 609. Bennie Valenta Scott, petitioner, *v.* The United States of America. The motion for an extension of time within which to file a petition for rehearing is denied.

No. 627. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* William Flaccus Oak Leather Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 678. The Baltimore and Ohio Railroad Company, petitioner, *v.* Frederick S. Kepner. Petition for writ of certiorari to the Supreme Court of the State of Ohio granted.

No. 408. City Bank Farmers Trust Company, as Trustee, etc., petitioner, *v.* Commissioner of Internal Revenue; and

No. 409. City Bank Farmers Trust Company, as Trustee, etc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 60. Guadalupe Cantu, petitioner, *v.* The State of Texas. The motion to proceed on typewritten papers is granted. The petition for writ of certiorari to the Court of Criminal Appeals of the State of Texas is denied.

No. 136. C and C Ice Cream Company, Inc., petitioner, *v.* Ewing-Von Allmen Dairy Company and National Ice Cream Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied. Mr. Justice Roberts took no part in the consideration and decision of this application.

No. 661. Ford Motor Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied. Mr. Justice Murphy took no part in the consideration and decision of this application.

No. 662. S. L. Nudelman, Director of Finance of the State of Illinois, petitioner, *v.* Globe Varnish Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied for the want of jurisdiction. *Davis v. Preston*, 280 U. S. 406.

No. 187. Frank G. Rath, Individually, etc., et al., petitioners, *v.* Pearl E. Crosby. Petition for writ of certiorari to the Supreme Court of the State of Ohio denied.

No. 685. William H. Kniffin, as Trustee, etc., petitioner, *v.* State of New York. Petition for writ of certiorari to the Court of Claims of the State of New York denied.

No. 690. James Van Gilder, petitioner, *v.* American Surety Company of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 711. George S. May, d. b. a. George S. May Company, petitioner, *v.* George V. R. Mulligan. Petition for writ of certiorari to

the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 87. Mikhail Nicholas Gorin, petitioner, *v.* The United States of America;

No. 88. Hafix Salich, petitioner, *v.* The United States of America;

No. 188. The United States, petitioner, *v.* Cowden Manufacturing Company;

No. 352. Sunshine Mining Company, petitioner, *v.* National Labor Relations Board;

No. 589. A. A. Newhouse, J. R. Mason, and Mary E. Morris, petitioners, *v.* Corcoran Irrigation District;

No. 591. Pacific National Bank of San Francisco, petitioner, *v.* Merced Irrigation District; and

No. 622. The Dravo Contracting Company, petitioner, *v.* Ernest K. James, as an Individual, etc. Petitions for rehearing denied.

The Court will take a recess from Monday, February 17, until Monday, March 3, next.

No. 251. Millinery Creator's Guild, Inc., et al., petitioners, *v.* Federal Trade Commission. Argument continued by Mr. Solicitor General Biddle for the respondent and concluded by Mr. Lowell M. Birrell for the petitioners.

No. 537. Fashion Originators' Guild of America, Inc., et al., petitioners, *v.* Federal Trade Commission. Argued by Mr. Charles B. Rugg for the petitioners and by Mr. Solicitor General Biddle for the respondent.

Adjourned until Wednesday, next, at 12 o'clock.

The day call for Wednesday, February 12, will be as follows: Nos. 377, 268 (and 269), 425, 625, 369, 400 (and 444), 257, 516, 442, and 437.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Nowlin Randolph, of Houston, Tex.; Bruce B. Krost, of Cleveland, Ohio; and John L. Crawford, of Fort Worth, Tex., were admitted to practice.

No. 377. Hiram R. Edwards, petitioner, *v.* The United States of America. Argued by Mr. J. Forrest McCutcheon for the petitioner and by Mr. Richard H. Demuth for the respondent.

No. 268. Missouri-Kansas Pipe Line Company, appellant, *v.* The United States of America, Columbia Gas and Electric Corporation, et al.; and

No. 269. Panhandle Eastern Pipe Line Company, appellant, *v.* The United States of America, Columbia Gas and Electric Corporation, et al. Three hours allowed for oral argument. Argument commenced by Mr. Arthur G. Logan for the appellants and continued by Mr. Douglas M. Moffat for the appellee, Columbia Gas and Electric Corporation; by Mr. William H. Button for the appellee, Columbia Oil and Gasoline Corporation; and by Mr. Robert J. Bulkley for the appellants.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, February 13, will be as follows: Nos. 268 (and 269), 425, 625, 369, 400 (and 444), 257, 516, 442, and 447.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Jacob Marker Dern of Richmond, Va.; Lawrence J. Eckstrom, of Boston, Mass.; Parker Parker, of Dardanelle, Ark.; Zebulon H. Stafford, of Easton, Md.; and John Ross Lauer, of New York City, were admitted to practice.

No. 268. Missouri-Kansas Pipe Line Company, appellant, *v.* The United States of America, Columbia Gas and Electric Corporation, et al.; and

No. 269. Panhandle Eastern Pipe Line Company, appellant, *v.* The United States of America, Columbia Gas and Electric Corporation, et al. Argument continued by Mr. Robert J. Bulkley for the appellants and concluded by Mr. James H. Lee for the City of Detroit, as *amicus curiae*, by special leave of Court, and case submitted by Mr. Attorney General Jackson and Mr. Assistant Attorney General Arnold for the appellee, the United States of America.

No. 425. The Metropolitan Casualty Insurance Company of New York, petitioner, *v.* Frank Stevens et al. Argued by Mr. Alan W. Boyd for the petitioner; by Mr. B. A. Wendrow for respondent, Stevens; and by Mr. William E. Crane for respondents, Northway et al.

No. 625. Utilities Insurance Company, petitioner, *v.* Charles H. Potter and R. O. Burbridge. Argued by Mr. Clayton B. Pierce for the petitioner and by Mr. John W. Barry for the respondents.

No. 369. Stanley R. Hemphill, petitioner, *v.* The United States of America. Argued by Mr. Thomas E. Harris for the respondent and case submitted by Mr. Melville Monheimer for the petitioner.

No. 400. Consolidated Rock Products Co. et al., petitioners, *v.* E. Blois du Bois; and

No. 444. F. D. Badgley et al., petitioners, *v.* E. Blois du Bois. Argument commenced by Mr. Paul R. Watkins for the petitioners in No. 400.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, February 14, will be as follows: Nos. 400 (and 444), and 442.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

George Rosier, of New York City; Ralph T. French, of Drexel Hill, Pa.; James B. Reed, of Lonoke, Ark.; Murry Boxer, of New York City; Hilbert I. Trachman, of New York City; and Harry R. Heintzen, of Philadelphia, Pa., were admitted to practice.

No. 400. Consolidated Rock Products Co. et al., petitioners, *v.* E. Blois du Bois; and

No. 444. F. D. Badgley et al., petitioners, *v.* E. Blois du Bois. Argument continued by Mr. Paul R. Watkins for the petitioners in No. 400; by Mr. Graham L. Sterling, Jr., for the petitioners in No. 444; by Mr. Kenneth E. Grant for the respondent; by Mr. Solicitor General Biddle for the Securities and Exchange Commission, as *amicus curiae*, by special leave of Court; and concluded by Mr. Paul R. Watkins for the petitioners in No. 400.

No. 442. National Labor Relations Board, petitioner, *v.* Express Publishing Company. Argued by Mr. Laurence A. Knapp for the petitioner and by Mr. Leroy G. Denman for the respondent.

Adjourned until Monday, February 17 next, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Frank B. Clayton, of El Paso, Tex.; Bruce Ditmas Bromley, of Brooklyn, N. Y.; John Howley, of New York City; Marvin E. Lewis, of San Francisco, Calif; Morton John Barnard, of Chicago, Ill.; and Marion R. Vickers, of Mobile, Ala., were admitted to practice.

No. 255. Fred W. Nelson, as Chairman of the State Tax Commission et al., petitioners, *v.* Sears, Roebuck and Co. On writ of certiorari to the Supreme Court of the State of Iowa. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Douglas. Mr. Justice Stone took no part in the consideration or disposition of this case. Dissenting opinion by Mr. Justice Roberts in which the Chief Justice joins.

No. 256. Fred W. Nelson, as Chairman of the State Tax Commission, et al., petitioners, *v.* Montgomery Ward and Co., Incorporated. On writ of certiorari to the Supreme Court of the State of Iowa. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Douglas. Mr. Justice Stone took no part in the consideration or disposition of this case. Dissenting: The Chief Justice and Mr. Justice Roberts.

No. 349. E. A. Kelleam, Nell Southard, et al., petitioners, *v.* Maryland Casualty Company of Baltimore, Maryland, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Northern District of Oklahoma for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas.

No. 85. Federal Trade Commission, petitioner, *v.* Bunte Brothers, Inc. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Reed join.

No. 287. Earl Russell Browder, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Reed. Mr. Justice Murphy took no part in the consideration or decision of this case.

No. 338. Welwel Warszower, alias "Robert William Wiener," etc., petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Reed. Mr. Justice Murphy took no part in the consideration or decision of this case.

No. 364. Albert Smith, petitioner, *v.* Joseph O'Grady, Warden of the Nebraska State Penitentiary at Lancaster, Lancaster County, Nebraska. On writ of certiorari to the Supreme Court of the State of Nebraska. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black.

The Chief Justice announced the following orders of the Court:

No. 705. The United States of America, petitioner, *v.* Harry Florian, Executor of the Last Will and Testament of Anton Florian, deceased, beneficiary. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. *Per curiam:* The petition for writ of certiorari is granted and the judgment is reversed for want of jurisdiction in the Circuit Court of Appeals because of the absence of a final judgment in the District Court. *Collins v. Miller*, 252 U. S. 364, 370-371; *Nyanza Co. v. Jahncke Dry Dock*, 264 U. S. 439. The cause is remanded to the District Court for a determination of the issues presented by the remaining counts, which the District Court by its order of June 27, 1940, as of October 23, 1939, reserved for disposition.

No. 719. Charles C. Read, Superintendent of the New Jersey Department of Weights and Measures, appellant, *v.* Joseph Dickerson et al. Appeal from the District Court of the United States for the District of New Jersey. *Per curiam:* The judgment is reversed and the cause is remanded to the District Court for a determination and appropriate findings on the questions whether the jurisdictional amount is involved and whether a case has been made for the granting of an injunction restraining criminal prosecution. (1) *McNutt v. General Motors Acceptance Corporation*, 298 U. S. 178, 188-189; *KVOS v. Associated Press*, 299 U. S. 269; (2) *Spielman v. Dodge*,

295 U. S. 89; *Beal v. Missouri Pacific R. R. Corporation*, No. 72, decided January 20, 1941.

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and will not be announced orally."

ORDER

On the application of the Clerk, pursuant to Section 221 of the Judicial Code,

It is ordered that Harold B. Willey be, and he hereby is, appointed a Deputy Clerk of this Court.

No. 82. The United States of America, appellant, *v. F. W. Darby Lumber Company and Fred W. Darby*. The opinion in this case is amended as follows: 12th line from the top of page 14, the following phrase is added after the word "overtime": "of 'not less than one and one-half times the regular rate' at which the worker is employed".

No. 330. *Opp Cotton Mills, Inc., et al., petitioners, v. Administrator of the Wage and Hour Division of the Department of Labor*. The opinion in this case is amended as follows: 4th line from the top of page 14, strike the word "We" and insert the following phrase: "On the record before us, we".

No. 190. Harry C. Kelly, petitioner, *v. James A. Johnston, Warden, United States Penitentiary, Alcatraz, California*. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied.

No. 709. J. H. Wood and J. H. Knowlton, appellants, *v. T. S. Lovett, Jr.* In this case probable jurisdiction is noted.

No. 687. The People of the State of California, petitioner, *v. E. W. Thompson*. Petition for writ of certiorari to the Superior Court, Appellate Department, County of Los Angeles, State of California granted.

No. 683. The United States, petitioner, *v. Herbert Rivington Pyne et al., Executors, etc.* Petition for writ of certiorari to the Court of Claims granted and case assigned for argument immediately following Nos. 408 and 409.

No. 684. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v. Richard J. Reynolds*. Petition for writ of certiorari

to the United States Circuit Court of Appeals for the Fourth Circuit granted limited to the questions presented by the petition, with the exception of the question whether the remainder was vested or contingent under the law of North Carolina.

No. 576. Clarence de Veuve, doing business under the firm name and style of San Francisco Underwriters of San Francisco, et al., petitioners, *v.* Ida Louise Tarleton and Mary Ann McElligott. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 668. Manufacturers Trust Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 674. Joseph Sciortino, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 691. Chicago & North Western Railway Company et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 693. Norman Baker, R. A. Bellows, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 694. Luzon Brokerage Co., Inc., petitioner, *v.* Public Service Commission and V. Fragante, as Director, etc. Petition for writ of certiorari to the Supreme Court of the Commonwealth of the Philippines denied.

No. 695. Detroit & Windsor Ferry Company, petitioner, *v.* Fred L. Woodworth, Individually, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 696. Milo W. Bekins and Reed J. Bekins, as Trustees, etc., et al., petitioners, *v.* Lindsay-Strathmore Irrigation District. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 698. James H. Jordan, J. R. Mason, et al., petitioners, *v.* Palo Verde Irrigation District. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 699. Gilbert Moody, James H. Jordan, et al., petitioners, *v.* James Irrigation District, Debtor. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 725. Casco Products Corporation, petitioner, *v.* Sinko Tool and Manufacturing Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 634. The Baltimore and Ohio Railroad Company, petitioner, *v.* Albert C. Joseph, Administrator, etc. Petition for rehearing denied.

Adjourned until Monday, March 3, next, at 12 o'clock.

The day call for Monday, March 3, will be as follows: Nos. 257, 516, 437, 447, 436, 479, 448, 346, 472 (473, 474, and 475), and 484.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

David H. Christensen, of Boston, Mass.; Warren O. Coleman, of New Orleans, La.; Robert G. Payne, of Dallas, Tex.; Arthur A. Gladstone, of New York City; Henry J. Ziemba, of Utica, N. Y.; John E. F. Wood, of New York City; Robert Janda, of Manila, P. I.; John R. Pearson, of Pawhuska, Okla.; and Harold A. Price, of Morristown, N. J., were admitted to practice.

No. 237. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Edyth Le Gierse and Bankers Trust Company, as Executors, etc. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment reversed and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Murphy. Dissenting: The Chief Justice and Mr. Justice Roberts.*

No. 371. Estate of Anna M. Keller, Pius P. Keller, and Marcella V. Keller, Executors, petitioners, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Murphy. Dissenting: The Chief Justice and Mr. Justice Roberts.

No. —, original. *Ex parte* Cleio Hull, petitioner. Motion for leave to file a petition for writ of habeas corpus denied. Opinion by Mr. Justice Murphy.

No. 400. Consolidated Rock Products Co., and Ward E. Hatch and Louis Van Gelder, composing the preferred stockholders' committee of Consolidated Rock Products Co., petitioners, *v.* E. Blois du Bois; and

No. 444. F. D. Badgley, Colonel R. E. Frith, T. Fenton Knight, and Walter S. Taylor, composing the Union Rock Company Bondholders' Protective Committee, et al., petitioners, *v.* E. Blois du Bois.

*No. 368. Okley Goins Tyler, Executrix, etc., petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment affirmed per stipulation of counsel to abide the decision in No. 237.

On writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed with costs and cases remanded to the District Court of the United States for the Southern District of California. Opinion by Mr. Justice Douglas.

No. 283. Railroad Commission of Texas, Lon A. Smith, et al., appellants, *v.* The Pullman Company, Guy A. Thompson, Trustee, et al. Appeal from the District Court of the United States for the Western District of Texas. Judgment reversed and case remanded to the District Court, with directions to retain the bill pending a determination of proceedings, to be brought with reasonable promptness, in the state court in conformity with the opinion of this Court. Opinion by Mr. Justice Frankfurter. Mr. Justice Roberts took no part in the consideration or decision of this case.

No. 268. Missouri-Kansas Pipe Line Company, appellant, *v.* The United States of America, Columbia Gas & Electric Corporation, et al.; and

No. 269. Panhandle Eastern Pipe Line Company, appellant, *v.* The United States of America, Columbia Gas & Electric Corporation, et al. Appeals from the District Court of the United States for the District of Delaware. Order in No. 268 reversed and order in No. 269 affirmed. Opinion by Mr. Justice Frankfurter. Mr. Justice Roberts is of opinion that both judgments should be affirmed. Mr. Justice Douglas and Mr. Justice Murphy took no part in the consideration or disposition of these cases.

No. 377. Hiram R. Edwards, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgment reversed and cause remanded to the District Court of the United States for the Western District of Oklahoma for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Reed. Mr. Justice Douglas took no part in the consideration and decision of this case.

No. 384. Howard E. Breisch, petitioner, *v.* Central Railroad of New Jersey. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment of the Circuit Court of Appeals reversed with costs and judgment of the District Court affirmed and cause remanded to the District Court of the United States for the Eastern District of Pennsylvania. Opinion by Mr. Justice Reed. Mr. Justice Roberts is of the opinion that the judgment of the Circuit Court of Appeals should be affirmed.

No. 344. Margaret Conway, petitioner, *v.* George H. O'Brien. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment of the Circuit Court of Appeals reversed with costs and judgment of the District Court affirmed and

cause remanded to the District Court of the United States for the District of Vermont. Opinion by Mr. Justice Reed.

No. 336. Leroy A. Berry, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment of the Circuit Court of Appeals reversed and judgment of the District Court affirmed and cause remanded to the District Court of the United States for the District of Vermont. Opinion by Mr. Justice Black.

No. 537. Fashion Originators' Guild of America, Inc., et al., petitioners, *v.* Federal Trade Commission. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Black.

No. 251. Millinery Creator's Guild, Inc., et al., petitioners, *v.* Federal Trade Commission. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Black.

No. 274. Herbert H. Maass, as sole surviving executor of the last will and testament of Ida H. Saks, deceased, petitioner, *v.* Joseph T. Higgins, Collector of Internal Revenue for the Third District of New York. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit; and

No. 510. Estate of Cordelia Y. Abendroth, City Bank Farmers Trust Company, as Executor, etc., petitioner, *v.* Commissioner of Internal Revenue; and

No. 511. Estate of Kate Read Blacque, City Bank Farmers Trust Company, as Executor, etc., petitioner, *v.* Commissioner of Internal Revenue. On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment in No. 274 reversed with costs and cause remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court. Judgments in Nos. 510 and 511 reversed and cases remanded to the Circuit Court of Appeals for the Second Circuit for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts. Dissenting: Mr. Justice Black and Mr. Justice Douglas.

No. 419. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Mary M. Hutchings. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Stone.

No. 393. The United States, petitioner, *v.* Arthur Pelzer. On writ of certiorari to the Court of Claims. Judgment reversed and cause remanded to the Court of Claims for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone.

No. 495. Joseph T. Ryerson and Edward L. Ryerson, Jr., as Executors etc., petitioners, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the Northern District of Illinois. Opinion by Mr. Justice Stone.

No. 291. Equitable Life Insurance Company of Iowa, petitioner, *v.* Halsey, Stuart & Co. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment reversed with costs and cause remanded to the said Circuit Court of Appeals, for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone.

No. 442. National Labor Relations Board, petitioner, *v.* Express Publishing Company. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment of the Circuit Court of Appeals reversed and order of the Board modified as indicated in the opinion of this Court. Opinion by Mr. Justice Stone. Separate opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Reed join.

No. 373. Charlotte Cross Just and Anne Elise Gruner, petitioners, *v.* Alma Chambers, as Executrix of the estate of Henry C. Yeiser, Jr., as owner of the American Yacht "Friendship II". On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment of the Circuit Court of Appeals reversed with costs and that of the District Court affirmed, and cause remanded to the District Court of the United States for the Southern District of Florida. Opinion by Mr. Chief Justice Hughes.

The Chief Justice announced the following orders of the Court:

No. 369. Stanley R. Hemphill, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. *Per curiam:* The judgment is reversed and the cause remanded to the Circuit Court of Appeals with directions to consider the sufficiency of the evidence to support the verdict. *Sherwin v. United States*, No. 319, and *Sheridan v. United States*, No. 320, both decided February 10, 1941.

No. 700. Journeymen Tailors Union Local No. 195 of the Amalgamated Clothing Workers of America et al., petitioners, *v.* Miller's,

Inc. On petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey. *Per curiam*: The petition for writ of certiorari is granted and the judgment is reversed. American Federation of Labor *v.* Swing, No. 56, decided February 10, 1941; Thornhill *v.* Alabama, 310 U. S. 88; Carlson *v.* California, 310 U. S. 106.

No. 753. Henry R. Eagles, Alfred McMillan, et al., appellants, *v.* General Electric Company. Appeal from the Supreme Court of the State of Washington. *Per curiam*: The appeal is dismissed for the want of a properly presented federal question. Godchaux Co. *v.* Estopinal, 251 U. S. 179; Rooker *v.* Fidelity Trust Co., 261 U. S. 114, 117; Herndon *v.* Georgia, 295 U. S. 441, 443.

No. 748. Luther McKinley, Grady McKinley, et al., appellants, *v.* R. L. Salter and Wife, Mary Salter, et al. Appeal from the Court of Civil Appeals, 8th Supreme Judicial District, State of Texas. *Per curiam*: The appeal is dismissed for want of a substantial federal question. Jones *v.* Prairie Oil Co., 273 U. S. 195.

No. 763. Lou W. Kreicker, appellant, *v.* The Naylor Pipe Company et al. Appeal from the Supreme Court of the State of Illinois. *Per curiam*: The motion to affirm is granted and the judgment is affirmed. Violet Trapping Co. *v.* Grace, 297 U. S. 119, 120; Ingraham *v.* Hanson, 297 U. S. 378, 381; Schenebeck *v.* McCrary, 298 U. S. 36, 37.

No. 716. Charles Hussock, appellant, *v.* The People of the State of New York. Appeal from the Court of Special Sessions of the City of New York, State of New York. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for the want of jurisdiction. Section 237 (a), Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari, as required by section 237 (c) of the Judicial Code (43 Stat. 936, 938), certiorari is denied.

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —. In the matter of the disbarment of Clyde H. Walker. It having appeared to the Court from the record in *Ex parte* Clyde H. Walker, No. —, original, October Term, 1939, that Clyde H. Walker, of Champaign, Illinois, a member of the Bar of this Court, was convicted of a felony in the United States District Court for the Western District of Washington; and this Court by order of October

9, 1939, having suspended the said Clyde H. Walker from the practice of law in this Court and directed that a rule issue requiring him to show cause why he should not be disbarred; and it appearing that the said rule was issued and served upon Clyde H. Walker, who has filed a return thereto; and it now appearing that the judgment of the District Court for the Western District of Washington has been affirmed by the Circuit Court of Appeals for the Ninth Circuit, and that the time to file a petition for writ of certiorari has expired;

Now, upon consideration of the rule to show cause and the return thereto, it is ordered that the said Clyde H. Walker be, and he hereby is, disbarred and that his name be stricken from the roll of attorneys admitted to practice in this Court.

No. —. In the matter of the disbarment of Clement J. McGovern. It having been reported to the Court that Clement J. McGovern, of Chester, Commonwealth of Pennsylvania, has been disbarred from the practice of the law by the Supreme Court of the Commonwealth of Pennsylvania;

It is ordered that the said Clement J. McGovern be, and he is hereby, suspended from the practice of the law in this Court, and that a rule issue returnable within forty (40) days, requiring him to show cause why he should not be disbarred from the practice of the law in this Court.

No. —, original. Ex parte Ralph Mark, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No. —, original. Ex parte Louis Burall, petitioner. The rule to show cause is discharged and the motion for leave to file petition for writ of mandamus is denied, without prejudice to the petitioner's right to present a petition for a writ of habeas corpus to the United States District Court for the Northern District of California.

No. —, original. Ex parte Opal O. Meadows, petitioner; and

No. —, original. Ex parte Taylor Seals, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 14, original. Ex parte Forrest Holiday, petitioner. The motion for leave to file petition for writ of certiorari is granted. The motion to proceed *in forma pauperis* is granted and the petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

No. 15, original. John J. Earley, petitioner, *v.* Chicago, Milwaukee, St. Paul, & Pacific R. R. Co. The motion for leave to file a petition for writ of certiorari is granted. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari to the United States Circuit Court of

Appeals for the Seventh Circuit is therefore denied. Mr. Justice Douglas took no part in the consideration and decision of these applications.

No. 688. George D. Latimer, petitioner, *v.* State of Washington et al. On petition for writ of certiorari to the Supreme Court of the State of Washington;

No. 713. Edmond C. Fletcher, petitioner, *v.* The Evening Star Newspaper Company. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia; and

No. 730. Celestian L. Strzep, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the Supreme Court of the State of New York. The motions for leave to proceed further herein *in forma pauperis* are denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which writs of certiorari should be issued. The petitions for writs of certiorari are therefore also denied.

No. 586. New York, Chicago & St. Louis Railroad Company, appellant, *v.* Dorothea T. Frank. The motion of appellee to dismiss is denied.

No. 237. Guy T. Helvering Commissioner of Internal Revenue, petitioner, *v.* Edyth LeGierse et al.;

No. 368. Okley Goins Tyler, Executrix, etc., petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue; and

No. 371. Estate of Anna M. Keller et al., petitioners, *v.* Commissioner of Internal Revenue. The motion of Everett W. Mattoon and Wm. Howard Nicholas for leave to file a brief as amici curiae is denied.

No. 671. V. B. Kinney, Secretary of Labor of the State of Nebraska, petitioner, *v.* State of Nebraska, ex rel. Western Reference & Bond Association, Inc., et al. Petition for writ of certiorari to the Supreme Court of the State of Nebraska granted.

No. 714. Millie A. Christenson, Administratrix, etc., petitioner, *v.* Union Pacific Railroad Company. Petition for writ of certiorari to the Supreme Court of the State of Nebraska granted.

No. 715. The Arkansas Corporation Commission et al., petitioners, *v.* Guy A. Thompson, as Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 740. Julia C. Gelfert, as Sole surviving executor of the last will and testament of James J. Carpenter, deceased, petitioner, *v.* National City Bank of New York. Petition for writ of certiorari to the Supreme Court of the State of New York granted.

No. 741. Klaxon Company, petitioner, *v.* Stentor Electric Manufacturing Company, Inc. Petition for writ of certiorari to the

United States Circuit Court of Appeals for the Third Circuit granted limited to the first question presented by the petition for the writ.

No. 659. The Choctaw Nation, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 680. Irving J. Reuter, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 702. Sam McIntyre, petitioner, *v.* State of Georgia. Petition for writ of certiorari to the Supreme Court of the State of Georgia denied.

No. 704. Monarch Distributing Company et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 706. William B. Romans and Edna M. Horan, petitioners, *v.* The State of Maryland. Petition for writ of certiorari to the Court of Appeals of the State of Maryland denied.

No. 707. The City of New York, petitioner, *v.* The United States of America et al. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 663. Julia Obartuch, petitioner, *v.* Security Mutual Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 672. H. B. Nelson Construction Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 673. H. B. Nelson Construction Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 675. Enos L. Seeds and John Derham, Jr., Individually, etc., petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 723. H. C. Jordan and Ross Walker, petitioners, *v.* G. V. Fisher et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 747. Geo. H. Sheppard, Comptroller of Public Accounts, et al., petitioners, *v.* Orville S. Carpenter. Petition for writ of certiorari to the Supreme Court of the State of Texas denied.

No. 9. The Schriber-Schroth Company, petitioner, *v.* The Cleveland Trust Company, Chrysler Corporation;

No. 10. The Aberdeen Motor Supply Company, petitioner, *v.* The Cleveland Trust Company, Chrysler Corporation; and

No. 11. The F. E. Rowe Sales Company, petitioner, *v.* The Cleveland Trust Company, Chrysler Corporation. Motion for leave to file a second petition for rehearing granted. Petition for rehearing denied.

No. 623. Mary B. Betz, petitioner, *v.* Estate of J. Edward Brill, deceased. Motion for leave to file petition for rehearing granted. Petition for rehearing denied.

No. 13, original. Ex parte William H. Lockart, petitioner;

No. 120. Howard S. Palmer et al., Trustees, etc., petitioners, *v.* Webster and Atlas National Bank of Boston, Trustee;

No. 253. Eugene Higgins, petitioner, *v.* Commissioner of Internal Revenue;

No. 579. William Henry Odom, petitioner, *v.* A. C. Aderhold, Warden, etc.;

No. 608. Walter B. Mitchell, petitioner, *v.* Board of Governors of Washington State Bar Association; and

No. 693. Norman Baker et al., petitioners, *v.* The United States of America. Petitions for rehearing denied.

No. 12, original. The United States of America, complainant, *v.* The State of Alabama. Answer of the defendant presented.

No. 667. Ralph W. Richards, petitioner, *v.* The State of Florida. Reported for failure to comply with the Rules.

No. 710. Massachusetts Bonding and Insurance Company, petitioner, *v.* Madeleine Corby Webber and William J. Webber. Motion to print an abbreviated record submitted by Mr. Frank Harrison for the petitioner.

No. 257. Jay C. Hormel, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Argued by Mr. George M. Wolfson and Mr. R. C. Alderson for the petitioner and by Mr. Assistant Attorney General Clark for the respondent.

No. 516. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* O. G. Richter. Argument commenced by Mr. Assistant Attorney General Clark for the petitioner and continued by Mr. Richard H. Wilmer for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, March 4, will be as follows: Nos. 516, 437, 447, 436, 479, 448, 346, 472 (473, 474, and 475), 484, and 500.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Marlin E. Sandlin, of Houston, Tex.; Thos. L. Zimmerman, Jr., of New York City; Francis E. Baldwin, of Chicago, Ill.; and Cleo G. Clayton, of Amarillo, Tex., were admitted to practice.

No. 516. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* O. G. Richter. Argument continued by Mr. Richard H. Wilmer for the respondent and concluded by Mr. Assistant Attorney General Clark for the petitioner.

No. 437. Carter H. Harrison, Collector of Internal Revenue for the First District of Illinois, petitioner, *v.* Sarah H. Schaffner. Argued by Mr. Arnold Raum for the petitioner and by Mr. Herbert A. Friedlich for the respondent.

No. 447. Westinghouse Electric & Manufacturing Company, petitioner, *v.* National Labor Relations Board. Argued by Mr. Charles A. Reinwald for the petitioner and by Mr. Robert B. Watts for the respondent.

No. 436. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Estate of John M. Enright, deceased, et al. Argued by Mr. Gordon Tweedy for the petitioner and by Mr. James D. Carpenter, Jr., for the respondents.

No. 479. Norman J. Pfaff and Frank B. Wallace, Executors, etc., petitioners, *v.* Commissioner of Internal Revenue. Argument commenced by Mr. Laurence Sovik for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, March 5, will be as follows: Nos. 479, 448, 346, 472 (473, 474, and 475), 484, 500, 502, 517, 521 (and 523), and 549.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Conrad E. Snow, of Rochester, N. H.; Smith R. Brittingham, Jr., of Alexandria, Va.; Ralph M. Andrews, of Buffalo, N. Y.; Henry X. Kutash, of Cleveland, Ohio; and Russell P. Kehoe, of Jeffersonville, Ind., were admitted to practice.

No. 479. Norman J. Pfaff and Frank B. Wallace, Executors, etc., petitioners, *v.* Commissioner of Internal Revenue. Argument continued by Mr. Laurence Sovik for the petitioners and concluded by Mr. Gordon Tweedy for the respondent.

No. 448. Henry A. Scandrett et al., Trustees, etc., et al., appellants, *v.* The United States of America et al. Argued by Mr. Roy F. Shields for the appellants; by Mr. Frank Coleman for the appellees, The United States and Interstate Commerce Commission; by Mr. Albert E. Stephan for appellees, Dependable Tank Transport, Inc. et al.; and case submitted by Mr. Johnston B. Campbell for appellees, Indland Empire Waterways Association et al.; and by Mr. Harry Ellsworth Foster for appellee, International Brotherhood of Teamsters, Chauffeurs, Stablemen, and Helpers of America.

No. 346. Jeremiah D. Maguire and Ruth S. Maguire, petitioners, *v.* Commissioner of Internal Revenue. Argument commenced by Mr. Francis E. Baldwin for the petitioners and continued by Miss Helen R. Carloss for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, March 6, will be as follows: Nos. 346, 472 (473, 474, and 475), 484, 500, 502, 517, 521 (and 523), 549, 529, and 535.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

James R. Geregthy, of New York City; Houston White, of Atlanta, Ga.; Chester Tietig, of Covington, Ky.; Robt. Guinther, of Akron, Ohio; Edward E. Hargest, Jr., of Baltimore, Md.; O. Bowie Duckett, Jr., of Baltimore, Md.; Milton U. Copland, of New York City; and Frank T. McCoy, Jr., of Nashville, Tenn., were admitted to practice.

No. 814. Joe Vernon, petitioner, *v.* Earl R. Wilson, Warden of Kilby Prison, Alabama. Upon consideration of the application of counsel for the petitioner in the above-entitled cause for a stay of execution of the sentence of death upon the said Joe Vernon;

It is ordered that execution of the judgment and sentence of the Supreme Court of Alabama entered March 28, 1940, in the case therein entitled Joe Vernon *v.* State of Alabama, be, and the same hereby is, stayed pending the consideration and final determination by this Court of the petition for writ of certiorari herein filed this day.

No. 346. Jeremiah D. Maguire and Ruth S. Maguire, petitioners, *v.* Commissioner of Internal Revenue. Argument continued by Miss Helen R. Carlross for the respondent and concluded by Mr. Francis E. Baldwin for the petitioners.

No. 472. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Richard Van Nest Gambrill;

No. 473. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Marjorie K. Campbell;

No. 474. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Seymour H. Knox; and

No. 475. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Dorothy K. G. Rogers. Argued by Miss Helen R. Carlross for the petitioners; by Mr. Allin H. Pierce for the respondent in No. 472; and by Mr. Ralph M. Andrews for the respondents in Nos. 473, 474, and 475.

No. 484. The United States of America, petitioner, *v.* The Cooper Corporation et al. Argued by Mr. Hugh B. Cox for the petitioner and by Mr. Luther Day for the respondents.

No. 500. The United States of America, petitioner, *v.* Jacob J. Sherwood. Argument commenced by Mr. Sidney J. Kaplan for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, March 7, will be as follows: Nos. 500, 502, 517, 521 (and 523), 549, 529, 535, 387 (and 641), 413, and 550.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Douglas, Mr. Justice Frankfurter, and Mr. Justice Murphy.

Ira Butler, of Fort Worth, Tex.; John L. Reeves, of Fort Worth, Tex.; Bronse Hoover, of Tulsa, Okla.; Victor F. Schmidt, of Rossmoyne, Ohio; Frank R. Kenison, of Conway, N. H.; J. Vincent Broderrick, of Manchester, N. H.; John William Kopecky, of Washington, D. C.; and Guy G. Bratton, of Detroit, Mich., were admitted to practice.

No. 500. The United States of America, petitioner, *v.* Jacob L. Sherwood. Argument continued by Mr. Sidney J. Kaplan for the petitioner and concluded by Mr. Milton U. Copland for the respondent.

No. 502. Willis Cox et al., appellants, *v.* State of New Hampshire. Argued by Mr. Hayden Covington for the appellants and by Mr. Frank R. Kenison for the appellee.

No. 517. Walter M. Hort, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. Richard H. Demuth for the respondent and case submitted by Mr. Walter J. Rosston and Mr. Edwin Hort for the petitioner.

No. 521. Pittsburgh Plate Glass Company, petitioner, *v.* National Labor Relations Board; and

No. 523. Crystal City Glass Workers' Union, petitioner, *v.* National Labor Relations Board. Argument commenced by Mr. J. W. McAfee for the petitioner in No. 521 and continued by Mr. Henry H. Oberschelp for the petitioner in No. 523.

Adjourned until Monday, next, at 12 o'clock.

The day call for Monday, March 10, will be as follows: Nos. 521 (and 523), 549, 529, 535, 387 (and 641), 413, 550, 558, 587, and 624.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Edmund J. Brandon, of Boston, Mass.; Emmet J. Cleary, of Chicago, Ill.; William B. Dickenson, of Tampa, Fla.; Arthur W. Mitchell, of Chicago, Ill.; Herman C. A. Hofacker, of Pittsburgh, Pa., and Charles B. Parker, of Worcester, Mass., were admitted to practice.

The Chief Justice announced the following orders of the Court:

No. 447. Westinghouse Electric & Manufacturing Company, petitioner, *v.* National Labor Relations Board. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. *Per curiam*: The judgment is affirmed. Labor Board *v.* Newport News Co., 308 U. S. 241; Labor Board *v.* Link-Belt Co., No. 235, decided January 6, 1941.

No. 448. Henry A. Scandrett et al., Trustees of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company et al., appellants, *v.* The United States of America, Interstate Commerce Commission, et al. Appeal from the District Court of the United States for the District of Oregon. *Per curiam*: The judgment is affirmed. Interstate Commerce Act, sections 15 (1); 15a (2); United States *v.* Louisiana, 290 U. S. 70, 75-77; Florida *v.* United States, 292 U. S. 1, 9.

No. 556. N. B. Early, Jr., Individually and as Collector of Internal Revenue for the District of Virginia, petitioner, *v.* Fergus Reid. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. *Per curiam*: The petition for writ of certiorari is granted and the judgment is affirmed. *Helvering v.* Hutchings, No. 419, decided March 3, 1941.

No. 770. Rosario Chirillo and Josephine Chirillo, appellants, *v.* Herbert H. Lehman, Governor of the State of New York, et al. Appeal from the District Court of the United States for the Southern District of New York. *Per curiam*: The judgment is affirmed. American Surety Company *v.* Baldwin, 287 U. S. 156, 169.

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

ORDER

IT IS ORDERED, That the order of January 10, 1898, as amended by the order of February 28, 1898 (169 U. S. 740), establishing a table of fees and costs in the Circuit Courts of Appeals, be amended so as to read as follows:

"Ordered, in pursuance of the act of Congress of February 19, 1897, 29 Stat. 536, c. 263, that the following table of fees and costs in the Circuit Courts of Appeals be, and the same is hereby, established, and fees and costs not exceeding those herein named shall be charged:

"Docketing a case and filing the record.....	\$5. 00
Entering an appearance.....	. 25
Transferring a case to the printed calendar.....	1. 00
Entering a continuance.....	. 25
Filing a motion, order, or other paper.....	. 25
Entering any rule, or making or copying any record or other paper, for each one hundred words.....	. 20
Entering a judgment or decree.....	1. 00
Every search of the records of the court and certifying the same.....	1. 00
Affixing a certificate and a seal to any paper.....	1. 00
Receiving, keeping, and paying money, in pursuance of any statute or order of court, one percent on the amount so received, kept, and paid.	
Preparing the record for the printer, indexing the same, supervising the printing and distributing the copies, for each printed page of the record and index, twenty-five cents (\$.25), provided that the charge for any single record and index shall not exceed five hundred dollars.	
Making a manuscript copy of the record, when required by the rules, for each one hundred words (but nothing in addition for supervising the printing).....	. 20
Issuing a writ of error and accompanying papers, or a mandate or other process.....	5. 00
Filing briefs, for each party appearing.....	5. 00
Copy of an opinion of the court, certified under seal, for each printed page (but not to exceed five dollars in the whole for any copy).....	1. 00
Attorney's docket fee.....	20. 00"

IT IS FURTHER ORDERED, That this order shall apply to all cases docketed in a Circuit Court of Appeals on or after March 15, 1941.

No. —, original. Ex parte George T. Kemnitzer, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. 12, original. The United States of America, complainant, v. The State of Alabama. This cause is set for hearing on the Bill of Complaint and Answer and assigned for argument on Monday, April

28, next. Brief for complainant to be filed on or before March 31; brief for defendant to be filed on or before April 18; and reply briefs, if any, to be filed on or before April 25.

No. 710. Massachusetts Bonding and Insurance Company, petitioner, *v.* Madeleine Corby Webber and William J. Webber. The motion of petitioner for leave to print an abbreviated record is granted.

No. 708. Philadelphia-Detroit Lines, Inc., appellant, *v.* Burr H. Simpson, Individually, etc., et al. The motion to postpone consideration of the petition for rehearing and the motion to withhold the issue of the mandate are granted.

No. 729. J. C. Lomax, petitioner, *v.* The State of Texas. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Court of Criminal Appeals of the State of Texas is also granted.

No. 613. William B. Robbins, petitioner, *v.* Joseph W. Sanford, Warden, etc. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit;

No. 720. E. F. Parrish, petitioner, *v.* The Stratton Cripple Creek Mining & Development Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit; and

No. 701. Richard Smith, petitioner, *v.* E. B. Henderson, Warden, etc. On petition for writ of certiorari to the Supreme Court of the State of Georgia. The motions for leave to proceed further herein *in forma pauperis* are denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which writs of certiorari should be issued. The petitions for writs of certiorari are therefore also denied.

No. 718. L. R. Brooks, petitioner, *v.* Archie Dewar et al. Petition for writ of certiorari to the Supreme Court of the State of Nevada granted.

No. 732. H. J. Jenkins, petitioner, *v.* James M. Kurn et al., Trustees, etc. Petition for writ of certiorari to the Supreme Court of the State of Missouri granted.

No. 717. The United States of America, as Guardian of the Indians of the Tribe of Hualpai in the State of Arizona, petitioner, *v.* Santa Fe Pacific Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 727. The Shamrock Oil and Gas Corporation, petitioner, *v.* G. Obie Sheets et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted limited to the first question presented by the petition for the writ.

No. **734.** Mary Flagler Cary, petitioner, *v.* Commissioner of Internal Revenue;

No. **735.** Harry Harkness Flagler, petitioner, *v.* Commissioner of Internal Revenue;

No. **736.** Estate of Annie L. Flagler, deceased, et al., petitioners, *v.* Commissioner of Internal Revenue; and

No. **737.** Jean Louise Matthews, petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted and cases assigned for argument immediately following No. **684.**

No. **667.** Ralph W. Richards, petitioner, *v.* The State of Florida. Petition for writ of certiorari to the Supreme Court of the State of Florida dismissed for failure to comply with the rules.

No. **751.** Indiana Unemployment Compensation Board, petitioner, *v.* Benner-Coryell Lumber Company, Inc. Petition for writ of certiorari to the Supreme Court of the State of Indiana denied for the want of a final judgment.

No. **779.** City of Jackson, a municipal corporation, etc., et al., petitioners, *v.* Mississippi Power & Light Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied. Mr. Justice Douglas took no part in the consideration and decision of this application.

No. **681.** The Ship Construction & Trading Co., Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. **722.** V. J. Adams, Trustee, etc., petitioner, *v.* City Bank and Trust Company of Macon, Georgia. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. **724.** Troy-Parisian, Inc., petitioner, *v.* The United States of America, on relation and for the benefit of the Administrator of the Federal Housing Administration. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. **726.** Anheuser-Busch, Incorporated, et al., petitioners, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. **728.** May Department Stores Company and Jerry Goddard, petitioners, *v.* Takashi Kataoka, by his guardian ad litem Tsutomu Kataoka and Tsutomu Kataoka. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 733. Nicholas Roerich, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 745. The Union Trust Company of Pittsburgh, Trustee, John Marshall Lockhart Trust No. 2, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 749. Wells Fargo Bank & Union Trust Co., petitioner, *v.* Collector of Internal Revenue. Petition for writ of certiorari to the Supreme Court of the Commonwealth of the Philippines denied.

No. 750. Sam C. Blair, Judge of the Circuit Court of Cole County, Missouri, petitioner, *v.* State of Missouri, at the relation of Ray B. Lucas, Superintendent, etc. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 281. Weightstill Woods, Court Trustee, petitioner, *v.* City National Bank and Trust Co. of Chicago et al.; and

No. 282. Weightstill Woods, Court Trustee, petitioner, *v.* City National Bank and Trust Co. of Chicago et al. The motion to strike the petition for rehearing and the motion for a rule to show cause are denied. The petition for rehearing is also denied.

No. 56. American Federation of Labor et al., petitioners, *v.* Ross W. Swing et al.; and

No. 705. The United States of America, petitioner, *v.* Harry Florian, Executor, etc. The petitions for rehearing are denied.

The Court will take a recess from Monday, March 17, until Monday, March 31, next.

No. 9, original. State of Arkansas, complainant, *v.* State of Tennessee. Report of Boundary Commissioners presented.

No. 521. Pittsburgh Plate Glass Company, petitioner, *v.* National Labor Relations Board; and

No. 523. Crystal City Glass Workers' Union, petitioner, *v.* National Labor Relations Board. Argument continued by Mr. Solicitor General Biddle for the respondent and concluded by Mr. J. Wesley McAfee for the petitioner in No. 521.

No. 549. Public Service Commission of the State of Missouri et al., petitioners, *v.* Brashear Freight Lines, Inc., et al. Argued by Mr. Daniel C. Rogers for the petitioners and by Mr. Kenneth Teasdale for the respondents.

No. 529. National Labor Relations Board *v.* White Swan Company. Argued by Mr. Warner W. Gardner for the National Labor Relations Board and by Mr. Herman C. A. Hofacker for the White Swan Company.

No. 535. The United States of America, petitioner, *v.* The Chicago, Milwaukee, St. Paul and Pacific Railroad Company et al. Argument commenced by Mr. Assistant Attorney General Littell for the petitioner and continued by Mr. A. C. Erdall for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, March 11, will be as follows: Nos. 535, 387 (and 641), 413, 550, 558, 587, 624, 577, 584, and 588.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Robert G. Draper, of Memphis, Tenn.; Wallace H. Savage, of Dallas, Tex.; J. Thomas Smith, of Detroit, Mich.; D. G. Paston, of Brooklyn, N. Y.; L. R. Varsar, of Lumberton, N. C.; Ozmer L. Henry, of Lumberton, N. C.; Martin F. Comeau, of Kingston, N. Y.; Horace F. Blackwell, Jr., of Kansas City, Mo.; Richard S. Righter, of Kansas City, Mo.; Beatrice Densen, of New York City; Gustave A. Gerber, of New York City; and Weldon Bailey White, of Nashville, Tenn., were admitted to practice.

No. 535. The United States of America, petitioner, *v.* The Chicago, Milwaukee, St. Paul and Pacific Railroad Company et al. Argument continued by Mr. A. C. Erdall for the respondents and concluded by Mr. Assistant Attorney General Littell for the petitioner.

No. 387. Phelps Dodge Corporation, petitioner, *v.* National Labor Relations Board; and

No. 641. National Labor Relations Board, petitioner, *v.* Phelps Dodge Corporation. Argued by Mr. Denison Kitchel for the Phelps Dodge Corporation and by Mr. Thomas E. Harris for the National Labor Relations Board.

No. 413. Continental Oil Company, petitioner, *v.* National Labor Relations Board. Argued by Mr. John P. Akolt for the petitioner and by Mr. Thomas E. Harris for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, March 12, will be as follows: Nos. 550, 558, 587, 624, 577, 584, 588, 603, 658, and 616.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Harold M. Kennedy, of Brooklyn, N. Y.; Joseph A. McNamara, of Burlington, Vt.; Eugene J. Morris, of New York City; Frederick Voris Follmer, of Milton, Pa.; Herman Frederick Reich, of Sunbury, Pa.; Gerald A. Gleeson, of Philadelphia, Pa.; Rene A. Viosca, of New Orleans, La.; Wade Omer Martin, Jr., of Baton Rouge, La.; Maurice M. Milligan, of Kansas City, Mo.; Harvey H. Tisinger, of Carrollton, Ga.; Leo Calvin Crawford, of Dayton, Ohio; Edward H. Davis, of Philadelphia, Pa.; Robert Weinstein, of New Orleans, La.; Joseph J. Attwell, Jr., of Chicago, Ill.; Blaine G. Alston, of Chicago, Ill.; and Georgia Huston Jones Ellis, of Chicago, Ill., were admitted to practice.

No. 550. Earl Moore, petitioner, *v.* Illinois Central Railroad Company. Argued by Mr. James L. Byrd for the respondent and case submitted by Mr. George Butler and Mr. Garner W. Green for the petitioner.

No. 558. R. H. Nye and L. C. Mayers, petitioners, *v.* The United States of America and W. B. Guthrie. Argued by Mr. Lyeurgus R. Varser for the petitioners and by Mr. Herbert Wechsler for the respondent, The United States of America.

No. 587. Samuel R. Toucey, petitioner, *v.* New York Life Insurance Company. Argued by Mr. Richard H. Righter for the respondent and case submitted by Mr. Samuel R. Toucey for the petitioner, *pro se*.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, March 13, will be as follows: Nos. 624, 577, 584, 603, 658, 588, and 616.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Nathan Cockrell, of Tallahassee, Fla.; Trenton Meredith, of Washington, D. C.; Oswald G. Hayes, of Washington, D. C.; John J. Klein, of New York City; Barbara W. Goodall, of Chicago, Ill.; Claudius Oscar Wolfe, of San Antonio, Tex.; and Charles F. Risk, of Pawtucket, R. I., were admitted to practice.

No. 624. Phoenix Finance Corporation, petitioner, *v.* Iowa-Wisconsin Bridge Company. Argued by Mr. James R. Morford for the petitioner, and by Mr. Fred A. Ontjes for the respondent.

No. 577. Arthur W. Mitchell, appellant, *v.* The United States of America et al. Argument commenced by Mr. Arthur W. Mitchell for the appellant; continued by Mr. Richard E. Westbrooks for the appellant; by Mr. J. Stanley Payne for the appellee, The Interstate Commerce Commission; by Mr. Wallace T. Hughes for the appellee, Frank O. Lowden et al., Trustees, etc.; and concluded by Mr. Arthur W. Mitchell for the appellant; and case submitted by Mr. Solicitor General Biddle, Mr. Warner W. Gardner, and Mr. Frank Coleman for the appellee, The United States.

No. 584. Commercial Molasses Corporation, petitioner, *v.* New York Tank Barge Corporation, as chartered owner of the Tank Barge "T. N. No. 73." Argument commenced by Mr. T. Catesby Jones for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, March 14, will be as follows: Nos. 584, 603, 658, and 616.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

D. Arthur Walker, of Arkansas City, Kans.; Frank Funston Eckdall, of Emporia, Kans.; Maurice K. Topson, of Columbus, Ohio; Frank A. Mouritsen, of Washington, D. C.; John H. Doyle, of Cincinnati, Ohio; Alfonso J. Zirpoli, of San Francisco, Calif.; James G. Mitchell, of New York City; Margaret Bennett Porter, of Chicago, Ill.; and John Wolcott Porter, of Boston, Mass., were admitted to practice.

No. 584. Commercial Molasses Corporation, petitioner, *v.* New York Tank Barge Corporation, as chartered owner of the Tank Barge "T. N. No. 73." Argument continued by Mr. T. Catesby Jones for the petitioner; by Mr. Robert S. Erskine for the respondent; and concluded by Mr. T. Catesby Jones for the petitions.

No. 603. H. A. Gray, as Director of the Bituminous Coal Division of the Department of the Interior, et al., petitioners, *v.* Legh R. Powell, Jr., and Henry W. Anderson, as Receivers, etc. Argued by Mr. Robert L. Stern for the petitioners and by Mr. Joseph F. Johnston and Mr. W. R. C. Cocke for the respondents.

No. 658. Lambiris Skiriotes, appellant, *v.* The State of Florida. Argued by Mr. W. B. Dickenson for the appellant and by Mr. Nathan Cockrell for the appellee.

No. 616. The United States of America, appellant, *v.* Leamon Resler et al. Argued by Mr. Fowler Hamilton for the appellant and case submitted by Mr. Harry S. Silverstein for the appellees.

Adjourned until Monday, March 17, next, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Sam M. Russell, of Stephenville, Tex.; George V. Cavanaugh, of Mishawaka, Ind.; Josiah F. Henry, Jr., of Baltimore, Md.; Robert H. Kleeb, of Pittsburgh, Pa.; Allan R. Rosenberg, of Washington, D. C.; and Beatrice A. McMichael, of Fargo, N. Dak., were admitted to practice.

No. 425. The Metropolitan Casualty Insurance Company of New York, petitioner, *v.* Frank Stevens. On writ of certiorari to the Supreme Court of the State of Michigan. Judgment affirmed with costs. Opinion by Mr. Justice Murphy.

No. 257. Jay C. Hormel, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment affirmed and cause remanded to the Circuit Court of Appeals with directions to remand to the Board of Tax Appeals for further proceedings in accordance with the opinion of this Court. Opinion by Mr. Justice Black.

No. 516. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* O. G. Richter. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment reversed and cause remanded to the Circuit Court of Appeals with directions to remand to the Board of Tax Appeals for rehearing in the light of the Clifford case. Opinion by Mr. Justice Black.

The Chief Justice announced the following orders of the Court:

No. 625. Utilities Insurance Company, petitioner, *v.* Charles H. Potter and R. O. Burbridge. On writ of certiorari to the Supreme Court of the State of Oklahoma. *Per curiam:* The writ of certiorari is dismissed for the reason that the judgment of the Supreme Court of Oklahoma rests upon a nonfederal ground adequate to support it. *Atlantic Coast Line v. Mims*, 242 U. S. 532, 535; *Nevada-Cali-*

fornia-Oregon Ry. *v.* Burrus, 244 U. S. 103, 105; Hartford Life Ins. Co. *v.* Johnson, 249 U. S. 490, 492-493.

No. 631. Edward Casebeer, petitioner, *v.* Robert H. Hudspeth, Warden, United States Penitentiary, Leavenworth, Kansas. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. *Per curiam:* The motion for leave to proceed *in forma pauperis* is granted, the petition for writ of certiorari is also granted, the judgment is reversed, and the cause is remanded to the Circuit Court of Appeals with directions to reconsider the petitioner's appeal in the light of a transcript of the testimony taken at the hearing on the petition for habeas corpus.

No. 744. Ida Mae Posey, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. *Per curiam:* On the Government's confession of error, the petition for writ of certiorari is granted, the judgment is reversed, and the cause is remanded to the District Court with directions to grant the motion to suppress. ✓

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —. *Ex parte* Isom J. Guillory, petitioner. The application for a stay, presented to Mr. Justice Black and referred by him to the Court, is denied.

No. —. *Ex parte* Cecil L. Snyder, petitioner. Application denied.

No. —, original. *Ex parte* Clarence Scott, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. 9, original. State of Arkansas, complainant, *v.* State of Tennessee.

DECREE

On consideration of the report filed herein on February 24, 1941, by W. H. Green and O. W. Gauss, the Commissioners appointed herein by decree of this Court entered October 14, 1940 (311 U. S. 1), to locate and mark on the ground the boundary between the State of Arkansas and the State of Tennessee, at the points designated in said decree; and the State of Arkansas and the State of Tennessee having stipulated by counsel that they have no exceptions and no objections to the said report, and they having applied to this Court to terminate the time within which exceptions or objections to said report may be filed:

It is now adjudged, ordered, and decreed as follows:

1. The time within which exceptions or objections to said report may be filed is hereby terminated;
2. The said report is in all respects confirmed;
3. The boundary line marked and located on the ground as set forth by the report and accompanying map is established and declared to be the true boundary between the State of Arkansas and the State of Tennessee, as determined by the decree of this Court of October 14, 1940;
4. As it appears that the Commissioners have completed their work in conformity with the decree of this Court of October 14, 1940, they are hereby discharged, and their fees and expenses in the amounts stated in the report are approved;
5. The Clerk of this Court is directed to transmit to the Chief Magistrates of the States of Arkansas and Tennessee copies of this decree, duly authenticated under the seal of this Court, together with copies of the said report of the Commissioners and of the accompanying map;
6. The costs in this cause shall be borne and paid in equal parts by the States of Arkansas and Tennessee.

No. 268. Missouri-Kansas Pipe Line Company, appellant, *v.* The United States of America, Columbia Gas & Electric Corporation, Columbia Oil & Gasoline Corporation, et al.; and

No. 269. Panhandle Eastern Pipe Line Company, appellant, *v.* The United States of America, Columbia Gas & Electric Corporation, Columbia Oil & Gasoline Corporation, et al.

It is ordered that in the sentence beginning on line 6 of page 2 of the opinion handed down March 3, 1941, after the words "These acts stifled" and before the word "Panhandle's" there be inserted the words ", so it was claimed."

It is further ordered that the paragraph beginning on page 4 of the opinion be stricken from the opinion and that the following paragraph be added in its place:

"A final contention in support of the order remains. It is based on two prior denials of motions by Mogan to intervene. Treating Mogan's motions as made on its own behalf on the score of its ownership of more than forty percent of Panhandle's stock, the district court denied the motions. Appeals from these denials were dismissed by the circuit court of appeals, 108 F. (2d) 614, and we denied certiorari, 309 U. S. 687. The denials are now urged as *res judicata*. But they were a rejection of Mogan's attempt to intervene in its own behalf. In neither instance was the relief denied deemed a mode of enforcing Panhandle's rights under Sections IV and V of the Decree. The earlier denials involved different legal claims from that now asserted, and, therefore, are no bar to the present proceeding."

The petition for rehearing in No. 268 is denied.

No. 594. Union Pacific Railroad Company et al., appellants, *v.* The United States of America et al. The motion to postpone argument is denied. The case is assigned for argument on Wednesday, April 9, next.

No. 647. Jennings B. Monsen, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit;

No. 742. Mattie Morgan, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit; and

No. 754. State of Ohio, ex rel. William Smith, petitioner, *v.* Hector S. Young, Judge of the Court of Common Pleas, Marion County, Ohio, et al. On petition for writ of certiorari to the Supreme Court of the State of Ohio. The motions for leave to proceed further herein *in forma pauperis* are denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which writs of certiorari should be issued. The petitions for writs of certiorari are therefore also denied.

No. 755. J. Rob Griffin, Administrator with the will annexed of the Estate of Robert D. Gordon, deceased, petitioner, *v.* John D. McCoach, Trustee. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted and case assigned for argument immediately following No. 741.

No. 731. Arthur E. Morgan, petitioner, *v.* Tennessee Valley Authority et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied. Mr. Justice Frankfurter took no part in the consideration and decision of this application.

No. 757. Crab Orchard Improvement Company, petitioner, *v.* Chesapeake and Ohio Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied. Mr. Justice Reed took no part in the consideration and decision of this application.

No. 762. John H. McGloon, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. Mr. Justice Douglas and Mr. Justice Murphy took no part in the consideration and decision of this application.

No. 648. Manuel V. Domenech, Treasurer, petitioner, *v.* San Juan Trading Company, Inc.; and

No. 679. San Juan Trading Co., Inc., petitioner, *v.* Manuel V. Domenech, Treasurer of Puerto Rico. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 712. Earle E. Kynette, petitioner, *v.* The People of the State of California. Petition for writ of certiorari to the Supreme Court of the State of California denied.

No. 721. Reid B. Scott, petitioner, *v.* Aaron Cohen. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 752. Southwestern Hotel Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 760. Albert K. Miller, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 761. J. Bush Crenshaw, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 764. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* The Cleveland Trust Company, Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 765. John Cotsirilos, petitioner, *v.* Maurice Klein, Trustee. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 788. New York Life Insurance Company, petitioner, *v.* Laura K. Griesedieck. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 1. Milk Wagon Drivers Union of Chicago, Local 753, etc., et al., petitioners, *v.* Meadowmoor Dairies, Inc. The motion for leave to file petition for rehearing is granted. The petition for rehearing is denied.

No. 190. Harry C. Kelly, petitioner, *v.* James A. Johnston, Warden, etc.;

No. 255. Fred W. Nelson, as Chairman of the State Tax Commission, etc., et al., petitioners, *v.* Sears, Roebuck and Co.;

No. 256. Fred W. Nelson, as Chairman of the State Tax Commission, etc., et al., petitioners, *v.* Montgomery Ward and Co., Inc.; and

No. 696. Milo W. Bekins and Reed J. Bekins, as Trustees, etc., et al., petitioners, *v.* Lindsay-Strathmore Irrigation District; and

No. 698. James H. Jordan et al., petitioners, *v.* Palo Verde Irrigation District. Petitions for rehearing denied.

Adjourned until Monday, March 31, next at 12 o'clock.

The day call for Monday, March 31, will be as follows: Nos. 601, 588, 629, 654, 655, 408 (and 409), 683, 586, 627, and 676.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Walter K. Mitchell, of Santa Monica, Calif.; Charles F. Nolan, of Oshkosh, Wis.; Harold R. Ratcliff, of Memphis, Tenn.; Cecil B. Nance, or Marion, Ark.; John E. Porte, of New York City; Carlyle Michelman, of Detroit, Mich.; Samuel O. Foss, Jr., of Auburn, Me.; Charles A. Pomeroy, of Auburn, Me.; Henry Hammer, of Passaic, N. J.; Fred C. McClurg, of Indianapolis, Ind.; John Malcolm Smith, of Marion, Ark.; LeRoy D. Owen, of Los Angeles, Calif.; Francis Johns Gafford, of Easton, Pa.; and Edward S. Shattuck, of Los Angeles, Calif., were admitted to practice.

No. 517. Walter M. Hort, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Murphy.

No. 346. Jeremiah D. Maguire and Ruth S. Maguire, petitioners, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Douglas. Dissenting: The Chief Justice and Mr. Justice Roberts.

No. 472. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Richard Van Nest Gambrill. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment reversed and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting: The Chief Justice and Mr. Justice Roberts.

No. 473. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Marjorie K. Campbell;

No. 474. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Seymour H. Knox; and

No. 475. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Dorothy K. G. Rogers. On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgments reversed and cases remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting: The Chief Justice and Mr. Justice Roberts.

No. 529. National Labor Relations Board *v.* White Swan Company. On certificate from the United States Circuit Court of Appeals for the Fourth Circuit. Certificate dismissed. Opinion by Mr. Justice Douglas.

No. 436. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Estate of John M. Enright, deceased, James G. Enright et al. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment of the Circuit Court of Appeals reversed and the decision of the Board of Tax Appeals affirmed and cause remanded to the Circuit Court of Appeals. Opinion by Mr. Justice Reed.

No. 479. Norman J. Pfaff and Frank B. Wallace, Executors of the Estate of William L. Wallace, deceased, petitioners, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Reed.

No. 549. Public Service Commission of the State of Missouri et al., petitioners, *v.* Brashear Freight Lines, Inc., et al. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Western District of Missouri for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black.

No. 550. Earl Moore, petitioner, *v.* Illinois Central Railroad Company. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment of the Circuit Court of Appeals reversed with costs and judgment of the District Court affirmed and cause remanded to the District Court of the United States for the Southern District of Mississippi. Opinion by Mr. Justice Black. Mr. Justice Frankfurter concurs in the result.

No. 535. The United States of America, petitioner, *v.* The Chicago, Milwaukee, St. Paul and Pacific Railroad Company et al. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment reversed and cause remanded to the District Court of the United States for the District of Minnesota for

further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts.

No. 484. The United States of America, petitioner, *v.* The Cooper Corporation et al. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Roberts. Mr. Justice Murphy took no part in the consideration or decision of this case. Dissenting opinion by Mr. Justice Black in which Mr. Justice Reed and Mr. Justice Douglas join.

No. 437. Carter H. Harrison, Collector of Internal Revenue for the First District of Illinois, petitioner, *v.* Sarah H. Schaffner. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone.

No. 500. The United States of America, petitioner, *v.* Jacob L. Sherwood. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment reversed and cause remanded to the District Court of the United States for the Eastern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone.

No. 502. Willis Cox, Walter Chaplinsky, John Konides, et al., appellants, *v.* State of New Hampshire. Appeal from the Supreme Court of the State of New Hampshire. Judgment affirmed with costs. Opinion by Mr. Chief Justice Hughes.

The Chief Justice announced the following orders of the Court:

No. 79. The City Company of New York, Incorporated, petitioner, *v.* Jay S. Stern; and

No. 89. Chase Securities Corporation, petitioner, *v.* Joseph H. Vogel. On petitions for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. *Per curiam:* The petitions for writs of certiorari are granted and the judgments are reversed. *Vandenbark v. Owens-Illinois Glass Co.*, No. 141, decided January 6, 1941; *Pomeroy v. National City Co.*, — Minn. —; *Donaldson v. Chase Securities Corp'n*, — Minn. —. The causes are remanded to the Circuit Court of Appeals for further proceedings with respect to any questions not determined by the Supreme Court of Minnesota in the *Pomeroy* and *Donaldson* cases.

No. 603. H. A. Gray, as Director of the Bituminous Coal Division of the Department of the Interior et al., petitioners, *v.* Legh R.

Powell, Jr., and Henry W. Anderson, as Receivers of Seaboard Air Line Railway Company. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. *Per curiam*: The judgment is affirmed by an equally divided Court.

No. 776. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Nebraska Bridge Supply & Lumber Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. *Per curiam*: The petition for writ of certiorari is granted and the judgment is reversed. *Helvering v. Hammel*, No. 49; *Electro-Chemical Engraving Co. v. Commissioner*, No. 62, both decided January 6, 1941.

No. 789. William Cantey, petitioner, *v.* McLain Line, Inc., and McLain Carolina Line, Inc. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. *Per curiam*: The petition for writ of certiorari is granted, the judgment is reversed, and the cause is remanded to the District Court for further proceedings. *South Chicago Coal & Dock Co. v. Bassett*, 309 U. S. 251, 258-259.

No. 805. Sun-Maid Raisin Growers Association et al., appellants, *v.* The United States of America et al. Appeal from the District Court of the United States for the Northern District of California. *Per curiam*: The judgment is affirmed. *Swayne & Hoyt v. United States*, 300 U. S. 297, 303-304.

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

ORDER

It is ordered, That the Rules of Practice and Procedure, after plea of guilty, verdict, or finding of guilt, in criminal cases brought in the District Courts of the United States and in the Supreme Court of the District of Columbia, promulgated by order of May 7, 1934 (292 U. S. 661), and amended by orders of May 24, 1937 (301 U. S. 717), and May 31, 1939 (304 U. S. 592), be and they hereby are made applicable to all proceedings after plea of guilty, verdict, or finding of guilt by the trial court where a jury is waived, in criminal cases in the District Courts of Alaska, Hawaii, Puerto Rico, Canal Zone, and Virgin Islands, and in all subsequent proceedings in such cases in the United States Circuit Courts of Appeals and in the Supreme Court of the United States.

It is further ordered, That these Rules shall be applicable to proceedings in all cases in such courts in which a plea of guilty shall

be entered or a verdict or finding of guilt shall be rendered on or after the first day of July 1941.

No. —, original. Ex parte Arthur Matthew Becker, petitioner; and

No. —, original. Ex parte Raymond Stitely, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 291. Equitable Life Insurance Company of Iowa, petitioner, *v.* Halsey, Stuart & Co. Ordered that the opinion in this case be amended by striking the word "unsuccessful" from the eighth line from the bottom of page 5. The petition for rehearing is denied.

No. 373. Charlotte Cross Just and Anne Elise Gruner, petitioners, *v.* Alma Chambers, as Executrix, etc. It is ordered that the opinion herein be amended by striking from the sixth and seventh lines of the second paragraph on page two the words, "and does not appear to be disputed here." The petition for rehearing is denied.

No. 537. Fashion Originators' Guild of America, Inc., et al., petitioners, *v.* Federal Trade Commission. It is ordered that the last two sentences of the last full paragraph on page 2 of the opinion handed down March 3 be amended to read as follows: "And the power of the combination is made even greater by reason of the affiliation of some members of the National Federation of Textiles, Inc.—that being an organization composed of about one hundred textile manufacturers, converters, dyers, and printers of silk and rayon used in making women's garments. Those members of the Federation who are affiliated with the Guild have agreed to sell their products only to those garment manufacturers who have in turn agreed to sell only to co-operating retailers."

No. 772. Horace Lee Bartindale, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the County Court of Rockland County, State of New York; and

No. 813. Miss Annie C. Lewis, petitioner, *v.* State of Louisiana. On petition for writ of certiorari to the Supreme Court of the State of Louisiana. The motions for leave to proceed further herein in forma pauperis are denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which writs of certiorari should be issued. The petitions for writs of certiorari are therefore also denied.

No. 832. State of Oklahoma, ex rel. Leon C. Phillips, Governor of the State of Oklahoma, appellant, *v.* Guy F. Atkinson Company et al. In this case probable jurisdiction is noted.

No. 277. The Automatic Devices Corporation, petitioner, *v.* Sinko Tool & Manufacturing Company. The motion for leave to file peti-

tion for rehearing is granted. The petition for rehearing is granted. The order denying certiorari is vacated and the petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted, limited to the question whether claims 2, 3, and 11 of the Mead patent No. 1,736,544 are valid.

No. 782. American Surety Company of New York, petitioner, *v.* The Bethlehem National Bank of Bethlehem, Pennsylvania, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 758. National Labor Relations Board, petitioner, *v.* Virginia Electric and Power Company; and

No. 759. National Labor Relations Board, petitioner, *v.* The Independent Organization of Employees of the Virginia Electric and Power Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted.

No. 812. Textile Mills Securities Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 777. The People of the State of Illinois, ex rel. Garfield R. Leaf, County Treasurer, ex officio County Collector, Lake County, petitioner, *v.* E. R. Orvis. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied for the want of a final judgment.

No. 783. Orman W. Ewing, petitioner, *v.* National Airport Corporation. The motion to consider the petition on appendices to briefs filed in the Circuit Court of Appeals is granted. The petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is denied.

No. 756. Margaret B. Carpenter and Leroy E. Carpenter, petitioners, *v.* The Superior Court of the State of California in and for the County of Los Angeles. The motion for leave to use the record in No. 93 of this Term is granted. The petition for writ of certiorari to the Supreme Court of the State California is denied.

No. 768. George Dixon, James Cole, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 773. Queen Insurance Company of America, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 774. O. C. Altmaier, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 780. Alva Mae Reeley, Widow, etc., petitioner, *v.* The Pennsylvania Railroad Company. Petition for writ of certiorari to the Court of Appeals of the State of Maryland denied.

No. 787. The Ohio National Life Insurance Company, petitioner, *v.* Morris B. Sachs, T. C. Witt, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 790. John T. Walker, Matilda W. Constable, et al., petitioners, *v.* Ray J. O'Brien et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 791. The Mutual Life Insurance Company of New York, petitioner, *v.* Helene Heilbronner, Guardian, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 800. Norman B. Frost and Frederic N. Towers, two of the executors of and Trustees under the will of Mary H. Lincoln, deceased, et al., petitioners, *v.* American Security and Trust Company et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 820. Gerritsen Basin Development Corporation, petitioner, *v.* The City of New York;

No. 821. Gerritsen Basin Development Corporation, petitioner, *v.* The City of New York; and

No. 822. Gerritsen Basin Development Corporation, petitioner, *v.* The City of New York. Petition for writs of certiorari to the Court of Appeals of the State of New York denied.

No. 738. General Motors Corporation (as Transferee in complete liquidation of Walter J. Bemb, Inc.), petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 739. United Motor Service, Incorporated, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 766. Milk Control Commission of the Commonwealth of Pennsylvania, petitioner, *v.* Clarence Green, Trading as Green's Dairy et al. Petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania denied.

No. 771. British American Oil Producing Company, petitioner, *v.* D. M. Buffington and C. R. Smith. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 775. California Lumbermen's Council et al., petitioners, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 778. New Jersey Worsted Mills, petitioner, *v.* Olive Ripley Gnichtel et al., as Executors, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 786. Cherry-Burrell Corporation and The Girdler Corporation, petitioners, *v.* The Creamery Package Manufacturing Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 801. Jack Schneider, petitioner, *v.* The People of the State of New York. Petition for writ of certiorari to the Court of General Sessions, County of New York, State of New York, denied.

No. —, original. *Ex parte* Cleio Hull, petitioner. The motion for leave to file exhibits is granted. The petition for rehearing is denied.

No. 310. Weightstill Woods, Court Trustee, petitioner, *v.* City National Bank and Trust Company of Chicago et al. The motion for leave to file petition for rehearing is granted. The petition for rehearing is denied.

No. 608. Walter B. Mitchell, petitioner, *v.* Board of Governors of Washington State Bar Association. The motion for leave to file a second petition for rehearing is denied.

No. 663. Julia Obartuch, petitioner, *v.* Security Mutual Life Insurance Company;

No. 672. H. B. Nelson Construction Company, petitioner, *v.* The United States; and

No. 673. H. B. Nelson Construction Company, petitioner, *v.* The United States. Petitions for rehearing denied.

No. 678. The Baltimore & Ohio Railroad Company, petitioner, *v.* Frederick S. Kepner. Motion of Brotherhood of Railroad Trainmen for leave to file a brief as amicus curiae submitted by Mr. Alvin L. Newmyer in that behalf and the motion denied.

No. 714. Millie A. Christenson, Administratrix, etc., petitioner, *v.* Union Pacific Railroad Company. On writ of certiorari to the Supreme Court of the State of Nebraska. Dismissed per stipulation of counsel.

No. 842. Lucile Page, petitioner, *v.* Warren Wright. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Dismissed on motion of counsel for the petitioner.

No. 601. Paul W. Sampsell, as Trustee, etc., petitioner, *v.* Imperial Paper and Color Corporation. Argued by Mr. Thomas S. Tobin for the petitioner and by Mr. Hiram E. Casey for the respondent.

No. 629. Sterling P. Harris, Administrator, etc., petitioner, *v.* Zion's Saving Bank and Trust Company. Argued by Mr. J. D. Skeen for the petitioner and by Mr. Hadlond P. Thomas for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, April 1, will be as follows: Nos. 654, 655, 408 (and 409), 683, 586, 676, 678, 686, 627, and 687.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Maurice V. B. Brooks, of Abilene, Tex.; W. Hamilton Whiteford, of Baltimore, Md.; William Walden Shepherd, of Little Rock, Ark.; George Frederick Unmacht, of Washington, D. C.; Burt L. Smelker, of Washington, D. C.; George C. Saltzman, of Pittsburgh, Pa.; J. Sloan Kuykendall, of Winchester, Va.; Harold J. Wiley, of Washington, D. C.; A. Camp Bonds, of Muskogee, Okla.; William Joseph McFarland, of Los Angeles, Calif.; and David Vorhaus, of New York City, were admitted to practice.

No. 654. Department of Treasury of the State of Indiana et al., etc., petitioners, *v.* The Wood Preserving Corporation. Argument commenced by Mr. Joseph P. McNamara for the petitioners; continued by Mr. Harry T. Ice for the respondent; and concluded by Mr. Joseph W. Hutchinson for the petitioners.

No. 655. Department of Treasury of the State of Indiana et al., etc., petitioners, *v.* Ingram-Richardson Manufacturing Company of Indiana, Inc. Argued by Mr. Joseph P. McNamara for the petitioners and by Mr. Earl B. Barnes for the respondent.

No. 408. City Bank Farmers Trust Company, as Trustee, etc., petitioner, *v.* Commissioner of Internal Revenue; and

No. 409. City Bank Farmers Trust Company, as Trustee, etc., petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. Rollin Browne for the petitioner and by Mr. Arnold Raum for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, April 2, will be as follows: Nos. 683, 586, 676, 678, 686, 627, 687, 709, 715, and 740.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

J. Randall Creel, of New York City; Samuel T. Gaines, of Cleveland, Ohio; Herman B. J. Weckstein, of Newark, N. J.; Clarence E. Martin, Jr., of Martinsburg, W. Va.; Harry A. Allan, of Albany, N. Y.; and Jack Goodman, of Albany, N. Y., were admitted to practice.

No. 2, original. State of Wisconsin et al., complainants, *v.* State of Illinois et al.;

No. 3, original. State of Michigan, complainant, *v.* State of Illinois et al.; and

No. 4, original. State of New York, complainant, *v.* State of Illinois et al. Report of the Special Master presented.

No. 14, original. Forrest Holiday, petitioner, *v.* James A. Johnston, Warden, etc. It is ordered that Charles A. Horsky, Esquire, of Washington, D. C., a member of the bar of this Court, be appointed to serve as counsel for the petitioner in this case.

No. 709. J. H. Wood and J. H. Knowlton, appellants, *v.* T. S. Lovett, Jr. Submitted by Mr. J. G. Burke for the appellants and by Mr. Walter G. Riddick for the appellee.

No. 683. The United States, petitioner, *v.* Herbert Rivington Pyne et al., Executors etc. Argued by Mr. Arnold Raum for the petitioner and Mr. Allan G. Gartner for the respondents.

No. 586. New York, Chicago & St. Louis Railroad Company, appellant, *v.* Dorothea T. Frank. Argued by Mr. William J. Donovan for the appellant and by Mr. Louis J. Vorhaus for the appellee.

No. 676. Caskey Baking Company, Inc., appellant, *v.* Commonwealth of Virginia. Argument commenced by Mr. R. Gray Williams for the appellant, continued by Mr. Abram P. Staples for the appellee; and concluded by Mr. Clarence E. Martin for the appellant.

No. 678. The Baltimore and Ohio Railroad Company, petitioner, *v.* Frederick S. Kepner. Argument commenced by Mr. Morison R. Waite for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, April 3, will be as follows: Nos. 678, 686, 627, 687, 740, 715, 618, 666, 628, and 727.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Montraville Walker Egerton, of Knoxville, Tenn.; James Anderson Young, of Boise, Idaho; Leon M. Despres, of Chicago, Ill.; Ralph L. Kaskell, Jr., of New York City; and James Lee Clarke, Jr., of Knoxville, Tenn.; were admitted to practice.

No. 678. The Baltimore and Ohio Railroad Company, petitioner, *v.* Frederick S. Kepner. Argument continued by Mr. Morison R. Waite for the petitioner; by Mr. Samuel T. Gaines for the respondent; and concluded by Mr. Harry H. Byrer for the petitioner.

No. 686. George C. Reitz, appellant, *v.* Carroll E. Mealey, as Commissioner, etc. Argued by Mr. Harry A. Allan for the appellant and by Mr. Jack Goodman for the appellee.

No. 627. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* William Flaccus Oak Leather Company. Argued by Mr. J. Louis Monarch for the petitioner and by Mr. John A. McCann for the respondent.

No. 687. The People of the State of California, petitioner, *v.* E. W. Thompson. Argued by Mr. William J. McFarland for the petitioner. No appearance for the respondent.

No. 740. Julia C. Gelfert, as Sole Surviving Executor, etc., petitioner, *v.* National City Bank of New York. Argument commenced by Mr. George Link, Jr., for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, April 4, will be as follows: Nos. 740, 715, 618, 666, 628, 727, 732, 594, 640, and 741.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Gerhard A. Gesell, of New Haven, Conn.; Leonard A. Thomas, of New York City; Robt. W. Dew, of New York City; W. Russell Mules, of Baltimore, Md.; Reuben Ruthenburg, of Louisville, Ky.; and Denis Mulligan, of Washington, D. C., were admitted to practice.

No. 740. Julia C. Gelfert, as Sole Surviving Executor, etc., petitioner, *v.* National City Bank of New York. Argument continued by Mr. George Link, Jr., for the petitioners; by Mr. Barney B. Fensterstock for the respondent; and concluded by Mr. George Link, Jr., for the petitioners.

No. 715. The Arkansas Corporation Commission et al., petitioners, *v.* Guy A. Thompson, as Trustee of Missouri Pacific Railroad Company, Debtor. Argued by Mr. Joseph M. Hill and Mr. Leffel Gentry for the petitioners and by Mr. James M. Chaney for the respondent.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 7, will be as follows: Nos. 618, 666, 628, 727, 732, 671, 594, 640, and 741.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Ernest A. Martin, of Longview, Tex.; W. M. Sutton, of Amarillo, Tex.; Clio Edwin Straight, of Sioux City, Iowa; John Young Brown, of Lexington, Ky.; Andrew C. Scott, of Chicago, Ill.; Joseph A. Lynch, of Kansas City, Kans.; and John N. Monteith, of Kansas City, Mo., were admitted to practice.

The Chief Justice announced the following orders of the Court:

No. 54. Martin J. Bernards and Lena Bernards, petitioners, *v.* M. R. Johnson, Catherine Collins, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit;

No. 133. Major Raymond Lisenba, petitioner, *v.* The People of the State of California; and

No. 134. Major Raymond Lisenba, petitioner, *v.* The People of the State of California. On writs of certiorari to the Supreme Court of the State of California;

No. 586. New York, Chicago, St. Louis Railroad Company, appellant, *v.* Dorothea T. Frank. Appeal from the Supreme Court of the State of New York; and

No. 587. Samuel R. Toucey, petitioner, *v.* New York Life Insurance Company. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. *Per curiam*: The judgments are affirmed by an equally divided Court.

No. 697. Samuel White, petitioner, *v.* James A. Johnston, Warden, U. S. Penitentiary, Alcatraz, California. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. *Per curiam*: The Solicitor General having confessed error, the motion for leave to proceed *in forma pauperis* and the petition for writ of certiorari are granted, the judgment is reversed, and the cause is remanded to the District Court with directions to find the facts specially and state separately its conclusions of law in accordance with Rule 52 (a) of the Rules of Civil Procedure. ✓

No. 839. The United States of America, appellant, *v.* Building and Construction Trades Council of New Orleans, Louisiana, et al. Ap-

peal from the District Court of the United States for the Eastern District of Louisiana. *Per curiam*: The judgment is affirmed. United States *v.* Hutcheson, No. 43, decided February 3, 1941. Mr. Justice Murphy took no part in the consideration or decision of this case.

No. 840. The United States of America, appellant, *v.* The United Brotherhood of Carpenters and Joiners of America et al. Appeal from the District Court of the United States for the Northern District of Illinois. *Per curiam*: The judgment is affirmed. United States *v.* Hutcheson, No. 43, decided February 3, 1941. Mr. Justice Murphy took no part in the consideration or decision of this case.

No. 841. The United States of America, appellant, *v.* International Hod Carriers' and Common Laborers' District Council of Chicago and Vicinity et al. Appeal from the District Court of the United States for the Northern District of Illinois. *Per curiam*: The motion to affirm is granted and the judgment is affirmed. United States *v.* Hutcheson, No. 43, decided February 3, 1941. Mr. Justice Murphy took no part in the consideration or decision of this cause.

No. 845. A. F. & G. Realty Corporation et al., appellants, *v.* The City of New York. Appeal from the Supreme Court of the State of New York. *Per curiam*: The motion to affirm is granted and the judgment is affirmed. (1) Violet Trapping Co. *v.* Grace, 297 U. S. 119, 190; Ingraham *v.* Ranson, 297 U. S. 378, 381; Schenebeck *v.* McCrary, 298 U. S. 36, 37; (2) Perley *v.* North Carolina, 249 U. S. 510, 514; Puget Sound Co. *v.* Seattle, 291 U. S. 619, 624.

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —. *Ex parte* Samuel Lesser, petitioner. Application denied.

No. —, original. *Ex parte* Charles H. Knight, petitioner;

No. —, original. *Ex parte* Charles Von Glahn, petitioner; and

No. —, original. *Ex parte* Jack Shearer, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 2, original. The State of Wisconsin et al., complainants, *v.* The State of Illinois et al.;

No. 3, original. The State of Michigan, complainant, *v.* The State of Illinois et al.; and

No. 4, original. The State of New York, complainant, *v.* The State of Illinois et al. The Report of the Special Master herein is re-

ceived and filed. It is ordered that exceptions to the said report, if any, be filed on or before April 15, next. The cause is assigned for hearing on Thursday, May 1, next, and briefs are to be exchanged and filed before that day.

No. 692. Ora B. Macomber, petitioner, *v.* Robert H. Hudspeth, Warden, United States Penitentiary, Leavenworth, Kansas. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit;

No. 802. John A. Boone et al., petitioners, *v.* Equitable Holding Company et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit;

No. 811. J. H. Gale et al., petitioners, *v.* Union Bag and Paper Corporation. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit; and

No. 814. Joe Vernon, petitioner, *v.* Earl R. Wilson, Warden of Kilby Prison, Alabama. On petition for writ of certiorari to the Supreme Court of the State of Alabama. The motions for leave to proceed further herein *in forma pauperis* are denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which writs of certiorari should be issued. The petitions for writs of certiorari are therefore also denied.

No. 449. Joe Vernon, petitioner, *v.* State of Alabama. The order entered November 12, 1940, denying certiorari is vacated and the petition for writ of certiorari to the Supreme Court of the State of Alabama is granted. The motion for leave to proceed *in forma pauperis* is granted. It is ordered that execution of the judgment and sentence of the Supreme Court of Alabama in this case be, and the same hereby is, stayed pending the final determination of this cause by this Court.

No. 761. J. Bush Crenshaw, petitioner, *v.* The United States of America. The petition for rehearing is granted. The order denying certiorari is vacated and the petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

No. 796. Daniel D. Glasser, petitioner, *v.* The United States of America;

No. 797. Norton I. Kretske, petitioner, *v.* The United States of America; and

No. 798. Alfred E. Roth, petitioner, *v.* The United States of America. On consideration of the suggestion of a diminution of the record and motion for a writ of certiorari in that relation, the motion for a writ of certiorari is granted. The petitions for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit are granted.

No. 781. Cloverleaf Butter Company, petitioner, *v.* Haygood Patterson, as Commissioner of Agriculture and Industries of the State of Alabama, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 803. The United States of America, petitioner, *v.* Harry S. Emory, St. James Distillery, Inc., et al. Petition for writ of certiorari to the Springfield Court of Appeals, State of Missouri, granted.

No. 817. The Royal Indemnity Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 799. Elias Hackner et al., petitioners, *v.* Guaranty Trust Company of New York et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration and decision of this application.

No. 784. Superior Tanning Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 785. Wenzel & Henock Construction Company, petitioner, *v.* The Metropolitan Water District of Southern California. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 804. Harrison Parker, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 806. Houston Lighting & Power Company, petitioner, *v.* City of West University Place et al. Petition for writ of certiorari to the Supreme Court of the State of Texas denied.

No. 807. Edward J. Darby & Son, Inc., petitioner, *v.* Walter J. Rothensies, Collector of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 808. Kenneth S. Clapp, petitioner, *v.* Stewart-Warner Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 809. Edward McDonell, petitioner, *v.* Mary Garee and Costa B. Garee. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 810. Consolidated Freightways, Inc., petitioner, *v.* The Railroad Commission of the State of California. Petition for writ of certiorari to the Supreme Court of the State of California denied.

No. 823. Jax Ice & Cold Storage Company, a Corporation, Trading as Jax Brewing Company, petitioner, *v.* Conway P. Coe, United States Commissioner of Patents and Jackson Brewing Company. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 824. The Columbian National Life Insurance Company, petitioner, *v.* Lena M. Rodgers. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 828. Karl B. Segall, Transferee, petitioner, *v.* Commissioner of Internal Revenue; and

No. 829. Walter F. Tant, Transferee, petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 830. Thomas F. Stein, Jr., doing business under the name and style of Stein Brokerage Co., petitioner, *v.* State of Alabama. Petition for writ of certiorari to the Supreme Court of the State of Alabama denied.

No. 837. Milton L. Leiby et al., petitioners, *v.* City of Manchester et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 856. State of Texas et al, petitioners, *v.* Mission Independent School District. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 342. Charles Kimmich, petitioner, *v.* New York Clearing House Association et al. The motion for leave to file petition for rehearing is denied.

The Court will take a recess from Monday, April 14, until Monday, April 28, next.

No. 618. The United States of America, appellant, *v.* Patrick B. Classic et al. Argued by Mr. Herbert Wechsler for the appellant and by Mr. Warren O. Coleman for the appellee.

No. 666. Detrola Radio and Television Corporation, petitioner, *v.* Hazeltine Corporation. Argued by Mr. Samuel E. Darby, Jr., for the petitioner and by Mr. William H. Davis for the respondent.

No. 628. Hudson & Manhattan Railroad Company, appellant, *v.* The United States of America et al. Argument commenced by Mr. John F. Finerty for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, April 8, will be as follows: Nos. 628, 727, 732, 671, 594, and 640.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Donald E. Kelley, of McCook, Nebr.; J. N. Ogden, of Mobile, Ala.; George M. Johnson, of Sacramento, Calif.; Donald T. Winder, of Chicago, Ill.; Raymond S. Chisholm, of Washington, D. C.; E. Byron Singleton, of Amarillo, Tex.; John Hall Kellogg, of Cleveland, Ohio; William L. F. Gardiner, of New York City; and Joseph Thomas Sylvester, Jr., of Camden, Maine, were admitted to practice.

No. 628. Hudson & Manhattan Railroad Company, appellant, *v.* The United States of America et al. Argument continued by Mr. John F. Finerty for the appellant; by Mr. Edward M. Reidy for the appellees, The United States and Interstate Commerce Commission; by Mr. Charles Hershenstein for the appellee, City of Jersey City; and concluded by Mr. John F. Finerty for the appellant.

No. 727. The Shamrock Oil and Gas Corporation, petitioner, *v.* G. Obie Sheets and Chester Sheets, doing business as Friona Independent Oil Company. Argued by Mr. W. M. Sutton for the petitioner and by Mr. E. Byron Singleton for the respondent.

No. 732. H. J. Jenkins, petitioner, *v.* James M. Kurn et al. Argued by Mr. Harry G. Waltner, Jr., for the petitioner and by Mr. Frank C. Mann for the respondents.

No. 671. V. B. Kinney, Secretary of Labor of the State of Nebraska, petitioner, *v.* State of Nebraska, ex rel. Western Reference & Bond Association, Inc., et al. O. M. Olsen, Secretary of Labor of the State of Nebraska, substituted as the party petitioner herein on motion of Mr. Don Kelley for the petitioner.

No. 671. O. M. Olsen, Secretary of Labor of the State of Nebraska, petitioner, *v.* State of Nebraska, ex rel. Western Reference & Bond Association, Inc., et al. Argument commenced by Mr. Don Kelley for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, April 9, will be as follows: Nos. 671, 594, and 640.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Robert S. Farrell, Jr., of Portland, Oreg., John S. Wynne, of Washington, D. C., Emil M. Wulster, of Hackensack, N. J., and J. Norman Crannage, of Syracuse, N. Y., were admitted to practice.

No. 671. O. M. Olsen, Secretary of Labor of the State of Nebraska, petitioner, *v.* State of Nebraska, ex rel. Western Reference & Bond Association, Inc., et al. Argument continued by Mr. Don Kelley for the petitioner; by Mr. Walter Grodon Merritt for the respondents; and concluded by Mr. Don Kelley for the petitioner.

No. 594. Union Pacific Railroad Company, a Corporation, et al., appellants, *v.* The United States of America, et al. Suggestion of a diminution of the record and motion for a writ of certiorari in that relation submitted by Mr. Johnathan C. Gibson for the appellees, with leave to appellants to file opposition or reply thereto within two days.

No. 594. Union Pacific Railroad Company, a Corporation, et al., appellants, *v.* The United States of America et al. Four hours allowed for oral argument. Argument commenced by Mr. Blake A. Williamson for the appellant, city of Kansas City, Kans.; continued by Mr. Henry N. Ess for the appellant, Union Pacific Railroad Co.; by Mr. James C. Wilson for the appellee, the United States; and by Mr. William E. Kemp for the appellee, the city of Kansas City, Mo.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, April 10, will be as follows: Nos. 594, 640, and 90.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Lansing L. Mitchell, of Sun, La.; Aaron Heller, of Passaic, N. J.; John B. Bitner, of Indianapolis, Ind.; Odin H. Johnson, of Pontiac, Mich.; Grenville L. Fowler, of Washington, D. C.; William Gladstone Ruymann, of Las Vegas, Nev.; Emilie N. Wanderer, of Yonkers, N. Y.; Harold M. Grossman, of Scarsdale, N. Y.; Robert Siegel, of Lewistown, Pa.; Louis Loss, of Washington, D. C.; Clifford B. Kimberly, of Kansas City, Mo.; and Robert R. Lockwood, of Chicago, Ill., were admitted to practice.

No. 90. *Carlota Benitez Sampayo, petitioner, v. The Bank of Nova Scotia.* Submitted by Mr. F. B. Fornaris and Mr. Elmer McClain for the petitioner and by Mr. Henri Brown and Mr. Walter L. Newsum, Jr., for the respondent.

No. 594. *Union Pacific Railroad Company, a Corporation, et al., appellants, v. The United States of America et al.* Argument continued by Mr. Jonathan C. Gibson for the appellees, Atchison, Topeka and Santa Fe Ry. Co. et al.; and concluded by Mr. Thomas W. Bockes for the appellant, Union Pacific Railroad Company.

No. 640. *The United States of America and Secretary of Agriculture, appellants, v. Alice M. Morgan, Administratrix of the Estate of F. O. Morgan, deceased, et al.* Argued by Mr. Attorney General Jackson for the appellants and by Mr. John B. Gage and Mr. Frederick H. Wood for the appellees.

Adjourned until Monday, April 14, next, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Joseph H. Davis, of Muncie, Ind.; Carll V. Kretsinger, of Kansas City, Mo.; Robert Starr Allyn, of New York City; Hyland R. Johns, of New York City; Onan A. Hydrick, of Orangeburg, S. C.; Jerome C. Burrows, of Rockland, Maine; Bernard T. D'Arcy, of New York City; Lawrence A. Miner, of Salt Lake City, Utah; Harold R. Seering, of Seattle, Wash.; and Orville H. Mills, of Seattle, Wash., were admitted to practice.

No. 616. The United States of America, appellant, *v.* Leamon Resler and Leamon Resler, doing business as Resler Truck Line and as Brady Truck Line. Appeal from the District Court of the United States for the District of Colorado. Judgment reversed and cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Murphy.

No. 558. R. H. Nye and L. C. Mayers, petitioners, *v.* The United States of America and W. B. Guthrie. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment reversed and cause remanded to the District Court of the United States for the Middle District of North Carolina for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Stone in which the Chief Justice and Mr. Justice Roberts concur.

The Chief Justice announced the following orders of the Court:

No. 629. Sterling P. Harris, Administrator of the Estate of Anna L. Harris, deceased, petitioner, *v.* Zion's Saving Bank and Trust Company. On writ of certiorari to the Supreme Court of the State of Utah. *Per curiam*: Upon appeal from an order of the Probate Court of Salt Lake County, Utah, purporting to authorize an administrator of a deceased farmer to file a petition for relief under Section 75 of the Bankruptcy Act, the Supreme Court of Utah has held that under the Probate Code of the State the Probate Court had no power to

make the order. The decision thus rests upon an adequate non-federal ground, and as the federal question, whether in such circumstances a District Court of the United States sitting in bankruptcy could entertain a petition of the personal representative of the deceased farmer under Section 75 of the Bankruptcy Act, was not necessarily involved, the writ of certiorari is dismissed.

No. 584. Commercial Molasses Corporation, petitioner, *v.* New York Tank Barge Corporation, as Chartered owner of the Tank Barge "T. N. No. 73." On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit;

No. 678. The Baltimore and Ohio Railroad Company, petitioner, *v.* Frederick S. Kepner. On writ of certiorari to the Supreme Court of the State of Ohio; and

No. 686. George C. Reitz, appellant, *v.* Carroll E. Mealey, as Commissioner of Motor Vehicles of the State of New York. Appeal from the District Court of the United States for the Northern District of New York. *Per curiam*: The judgments are affirmed by an equally divided Court.

No. 922. Frank S. Connor, appellant, *v.* People of the State of California and Clyde I. Plummer et al. Appeal from the Supreme Court of the State of California. *Per curiam*: The appeal is dismissed for the want of jurisdiction. Section 237 (a), Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari, as required by section 237 (c) of the Judicial Code (43 Stat. 936, 938), certiorari is denied. The motion for leave to proceed further herein *in forma pauperis* is also denied.

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —. Joseph E. Jones, petitioner, *v.* Robert H. Jackson, Attorney General; and

No. —. *Ex parte* Ellert L. McGrath, petitioner. Applications denied.

No. 844. Warren G. Myers, petitioner, *v.* American Well Works. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit; and

No. 852. James Cahill, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the Court of Appeals of the State of New York. The motions for leave to proceed further herein *in forma pauperis* are denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground

upon which writs of certiorari should be issued. The petitions for writs of certiorari are therefore also denied.

No. 870. Chrysler Corporation, De Soto Motor Corporation, et al., appellants, *v.* The United States of America; and

No. 897. Commercial Credit Company et al., appellants, *v.* The United States of America. In these cases probable jurisdiction is noted.

No. 853. The United States of America, petitioner, *v.* The A. S. Kreider Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 863. The City of New York, petitioner, *v.* Michael Feiring, Trustee in Bankruptcy of National Studios, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 833. J. E. Pierce, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted. Mr. Justice Black took no part in the consideration or decision of this application.

No. 851. The Cuno Engineering Corporation, petitioner, *v.* The Automatic Devices Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted, limited to the question whether claims 2, 3, and 11, of the Mead patent No. 1,736,544 are valid, and the cause is assigned for hearing immediately following No. 277.

No. 815. The Seminole Nation, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 818. Davison-Paxon Company, petitioner, *v.* Lisabeth Caldwell, Bankrupt. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 825. John Fower, W. J. Cordner, et al., petitioners, *v.* Provo Bench Canal and Irrigation Company, etc., et al. Petition for writ of certiorari to the Supreme Court of the State of Utah denied.

No. 843. Mabel C. Herman, d. b. a. Herman Oil Company, petitioner, *v.* Travelers Mutual Casualty Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 846. Standard Gas and Electric Company, petitioner, *v.* Deep Rock Oil Corporation, Debtor, et al.; and

No. 847. Standard Gas and Electric Company, petitioner, *v.* Deep Rock Oil Corporation. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 862. McQuay-Norris Manufacturing Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 212. Huron Holding Corporation et al., petitioners, *v.* Lincoln Mine Operating Company. Petition for rehearing denied.

Adjourned until Monday, April 28 next, at 12 o'clock.

The day call for Monday, April 28, will be as follows: Nos. 12 original, 588, 312, 610 (and 611), 684, 734 (735, 736, and 737), 718, 729, 741, and 755.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Elizabeth B. Davis, of Washington, D. C.; Samuel H. Shapiro, of Chicago, Ill.; Richard J. Barber, of Rye, N. Y.; John Edward Thornton, of Montgomery, Ala.; Jerome Weber, of Los Angeles, Calif.; Myer L. Feldman, of Holyoke, Mass.; Frank S. McCullough, of Rye, N. Y.; George Lamb Pepple, of Goshen, Ind.; Ellis G. Arnall, of Newnan, Ga.; Melvin H. Specter, of East Chicago, Ind.; Claude Eugene Smith, of Columbus, Ohio; Thos. O. Hall, of Temple, Tex.; Fred Hull, of Beaumont, Tex.; Albert C. Bise, of Seattle, Wash.; Kemble K. Kennedy, of Baton Rouge, La.; Fred E. Breisch, of Denver, Colo.; Milton B. Badt, of Elko, Nev.; Irby C. Henry, of Eminence, Mo.; Thela Shuck Henry, of Eminence, Mo.; James A. Simpson, of Birmingham, Ala.; William A. Thurman, of Brookline, Mass.; Richard Davenport Duncan, of Saint Joseph, Mo.; Harvey M. Mabry, of Jacksonville, Fla.; LaNoiel Bernard Davis, of Denver, Colo.; Henry W. Balka, of Philadelphia, Pa.; Alexander Levene, of New York, N. Y.; O. D. Hamlin, Jr., of Oakland, Calif.; Oliver M. Loomis, of South Bend, Ind.; Josephine Folk Lownsborough, of Washington, D. C.; Grace Anne Carter, of Washington, D. C.; Florence Curoe, of Washington, D. C.; Claude A. Thompson, of Washington, D. C.; Gordon William Diesing, of Omaha, Nebr.; Wm. B. Giles, of Detroit, Mich.; Lee Loevinger, of Minneapolis, Minn.; H. Leon Bennett, of Philadelphia, Pa.; Samuel Levinson, of Atlantic City, N. J.; Mary R. McLean, of Washington, D. C.; and Geo. Allan Smith, of Monterey, Calif., were admitted to practice.

No. 627. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* William Flaccus Oak Leather Company. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment reversed and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Murphy.

No. 601. Paul W. Sampsell, as Trustee in Bankruptcy for the Estate of Wilbur J. Downey, also known as W. J. Downey, peti-

tioner, *v.* Imperial Paper and Color Corporation. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment of the Circuit Court of Appeals reversed with costs and judgment of the District Court of the United States for the Southern District of California affirmed and cause remanded to the said District Court. Opinion by Mr. Justice Douglas.

No. 740. Julia C. Gelfert, as sole surviving executor of the last will and testament of James J. Carpenter, deceased, petitioner, *v.* National City Bank of New York. On writ of certiorari to the Supreme Court of the State of New York. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Douglas.

No. 671. O. M. Olsen, Secretary of Labor of the State of Nebraska, petitioner, *v.* State of Nebraska, *ex rel.* Western Reference & Bond Association, Inc., et al. On writ of certiorari to the Supreme Court of the State of Nebraska. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Douglas.

No. 387. Phelps Dodge Corporation, petitioner, *v.* National Labor Relations Board; and

No. 641. National Labor Relations Board, petitioner, *v.* Phelps Dodge Corporation. On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree of the Circuit Court of Appeals modified as indicated in the opinion of this Court, and cause remanded to the said Circuit Court of Appeals with directions to remand to the Labor Board the two matters discussed under Fourth and Fifth of the opinion of this Court for the Board's determination of these issues. Opinion by Mr. Justice Frankfurter. Mr. Justice Roberts took no part in the consideration or disposition of the case. Opinion by Mr. Justice Murphy dissenting in part in which Mr. Justice Black and Mr. Justice Douglas concur. Opinion by Mr. Justice Stone dissenting in part in which the Chief Justice joins.

No. 413. Continental Oil Company, petitioner, *v.* National Labor Relations Board. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgment of the Circuit Court of Appeals modified and affirmed and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Frankfurter. Mr. Justice Roberts took no part in the consideration or disposition of this case. The Chief Justice and Mr. Justice Stone dissent in part.

Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Murphy dissent in part.

No. 521. Pittsburgh Plate Glass Company, petitioner, *v.* National Labor Relations Board; and

No. 523. Crystal City Glass Workers' Union, petitioner, *v.* National Labor Relations Board. On writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment affirmed and cases remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Reed. Dissenting opinion by Mr. Justice Stone in which the Chief Justice and Mr. Justice Roberts concur.

No. 408. City Bank Farmers Trust Company, as Trustee of a trust under the last will and testament of Angier B. Duke, deceased, etc., petitioner, *v.* Commissioner of Internal Revenue; and

No. 409. City Bank Farmers Trust Company, as Trustee of a trust under the last will and testament of Angier B. Duke, deceased, etc., petitioner, *v.* Commissioner of Internal Revenue. On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgments affirmed and cases remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Black.

No. 683. The United States, petitioner, *v.* Herbert Rivington Pyne, Graton Howland Pyne, et al. On writ of certiorari to the Court of Claims. Judgment vacated and cause remanded to the Court of Claims for proceedings in accordance with the views expressed in the opinion of this Court. Opinion by Mr. Justice Black.

No. 715. The Arkansas Corporation Commission and Fifty-one County Tax Collectors of Arkansas, petitioners, *v.* Guy A. Thompson, as Trustee of Missouri Pacific Railroad Company, Debtor. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Eastern District of Missouri for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Mr. Justice Douglas took no part in the consideration or decision of this case.

No. 676. Caskey Baking Company, Inc., appellant, *v.* Commonwealth of Virginia. Appeal from the Supreme Court of Appeals of the State of Virginia. Judgment affirmed with costs. Opinion by Mr. Justice Roberts.

No. 727. The Shamrock Oil and Gas Corporation, petitioner, *v.* G. Obie Sheets and Chester Sheets, doing business as Friona Independent Oil Company. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United

States for the Northern District of Texas. Opinion by Mr. Justice Stone.

No. 687. The People of the State of California, petitioner, *v.* E. W. Thompson. On writ of certiorari to the Appellate Department of the Superior Court, Los Angeles County, State of California. Judgment reversed with costs and cause remanded to the said Superior Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Stone.

No. 654. Department of Treasury of the State of Indiana et al., etc., petitioners, *v.* The Wood Preserving Corporation. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment of the Circuit Court of Appeals reversed with costs and judgment of the District Court affirmed and cause remanded to the District Court of the United States for the Southern District of Indiana. Opinion by Mr. Chief Justice Hughes.

No. 658. Lambiris Skiriotes, appellant, *v.* The State of Florida. Appeal from the Supreme Court of the State of Florida. Judgment affirmed with costs. Opinion by Mr. Chief Justice Hughes.

No. 577. Arthur W. Mitchell, appellant, *v.* The United States of America, Interstate Commerce Commission, Frank O. Lowden et al. Appeal from the District Court of the United States for the Northern District of Illinois. Decree reversed and cause remanded to the said District Court with directions to set aside the order of the Commission and to remand the case to the Commission for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Hughes.

No. 628. Hudson & Manhattan Railroad Company, appellant, *v.* The United States of America, Interstate Commerce Commission, and City of Jersey City. Appeal from the District Court of the United States for the District of New Jersey. Judgment affirmed. Opinion, *per curiam*, announced by Mr. Chief Justice Hughes.

The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —. In the matter of the Disbarment of Clement J. McGovern. It having been reported to the Court that the Supreme Court of the Commonwealth of Pennsylvania has entered an order disbarring Clement J. McGovern, of Chester, Pennsylvania, a member of the Bar of this Court, from practice as an attorney or counselor at law in the Commonwealth of Pennsylvania; and this Court by order of

March 3, 1941, having suspended the said Clement J. McGovern from the practice of law in this Court and directed that a rule issue requiring him to show cause within forty (40) days why he should not be disbarred from the practice of law in this Court; and it appearing that the said rule was issued and served upon Clement J. McGovern, and that he has failed to file any return, although the time for such return has expired;

It is ordered, That Clement J. McGovern be, and he hereby is, disbarred, and that his name be stricken from the roll of attorneys admitted to practice in this Court.

No. —, original. *Ex parte* Edward Kepford, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. 535. The United States of America, petitioner, *v.* The Chicago, Milwaukee, St. Paul and Pacific Railroad Company et al. It is ordered that the opinion filed March 31, 1941, be amended by inserting in the first paragraph on page 6, after the word "question," the following: "not only are above ordinary high water mark but also claim that they".

No. 769. James J. Walsh, petitioner, *v.* James A. Johnston, Warden, U. S. Penitentiary, Alcatraz, California. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. The motion for leave to proceed further herein in forma pauperis is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied.

No. 584. Commercial Molasses Corporation, petitioner, *v.* New York Tank Barge Corporation, as Chartered owner of the Tank Barge "T. N. No. 73";

No. 586. New York, Chicago & St. Louis Railroad Company, appellant, *v.* Dorothea T. Frank;

No. 587. Samuel R. Toucey, petitioner, *v.* New York Life Insurance Company;

No. 603. H. A. Gray, as Director of the Bituminous Coal Division of the Department of the Interior, et al., petitioners, *v.* Legh R. Powell, Jr., et al.; and

No. 678. The Baltimore and Ohio Railroad Company, petitioner, *v.* Frederick S. Kepner. The petitions for rehearing in these cases are granted. The judgments are vacated and the cases are restored to the docket for reargument and assigned for hearing on Monday, October 13th, next.

No. 904. Jim Duckworth, appellant, *v.* The State of Arkansas. In this case probable jurisdiction is noted.

No. 826. The United States of America, petitioner, *v.* Alice Gray Kales. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted. Mr. Chief Justice Hughes took no part in the consideration and decision of this application.

No. 835. John Mangiaracino, petitioner, *v.* Laclede Steel Company. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied for the reason that application therefor was not made within the time provided by law. Section 8 (a), Act of February 13, 1925 (43 Stat. 936, 940).

No. 854. Phillips Petroleum Company, petitioner, *v.* Mrs. Volney W. Taylor et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied. Mr. Justice Douglas took no part in the consideration and decision of this application.

No. 855. Max M. Hirson, Permanent Receiver, etc., petitioner, *v.* Lydia B. Koch. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. Mr. Justice Douglas took no part in the consideration and decision of this application.

No. 872. A. B. Gochenour et al., petitioners, *v.* George and Frances Ball Foundation et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied. Mr. Justice Douglas took no part in the consideration and decision of this application.

No. 743. James F. McKay et al., petitioners, *v.* Retail Automobile Salesmen's Local Union #1067 et al. Petition for writ of certiorari to the Supreme Court of the State of California denied.

No. 834. Cities Service Oil Company, petitioner, *v.* B. P. Dunlap et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 848. Continental Casualty Company, petitioner, *v.* Giller Concrete Company, Inc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 849. City of Milwaukee, petitioner, *v.* City of West Allis. Petition for writ of certiorari to the Supreme Court of the State of Wisconsin denied.

No. 850. Louis E. Ulm, petitioner, *v.* Moore-McCormack Lines, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 864. Arcade-Sunshine Company, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 865. Haffenreffer Brewing Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 816. Ernest Newton Kalb, petitioner, *v.* Henry Feuerstein and Helen Feuerstein. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 831. Daisy C. Tegtmeyer, petitioner, *v.* William H. Tegtmeyer et al. Petition for writ of certiorari to the Appellate Court, First District, State of Illinois, denied.

No. 860. Steamtug "Ariosa," her engines, etc., petitioner, *v.* Motor Vessel "Segundo" her engines, etc.; and

No. 861. Steamtug "Ariosa," her engines, etc., petitioner, *v.* A/S Irvans Rederi, Owner of the Motor Vessel "Segundo." Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 867. Nicholas J. Curtis, petitioner, *v.* Utah Fuel Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 873. Lehigh Valley Railroad Company, petitioner, *v.* J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al.;

No. 874. Delaware, Lackawanna & Western Railroad Company, petitioner, *v.* J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al.;

No. 875. Erie Railroad Company, petitioner, *v.* J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al.;

No. 876. New Jersey & New York Railroad Company, petitioner, *v.* J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al.;

No. 877. New York Central Railroad Company, petitioner, *v.* J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al.;

No. 878. New York & Long Branch Railroad Company, petitioner, *v.* J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al.;

No. 879. Delaware, Lackawanna & Western Railroad Company, petitioner, *v.* J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al.;

No. 880. Erie Railroad Company, petitioner, *v.* J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al.;

No. 881. Lehigh Valley Railroad Company, petitioner, *v.* J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al.;

No. 882. New Jersey & New York Railroad Company, petitioner, *v.* J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al.;

No. 883. New York Central Railroad Company, petitioner, *v.* J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al.;

No. 884. New York & Long Branch Railroad Company, petitioner, *v.* J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al.;

No. 885. Delaware, Lackawanna & Western Railroad Company, petitioner, *v.* J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al.;

No. 886. Erie Railroad Company, petitioner, *v.* J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al.;

No. 887. Lehigh Valley Railroad Company, petitioner, *v.* J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al.;

No. 888. New Jersey & New York Railroad Company, petitioner, *v.* J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al.;

No. 889. New York Central Railroad Company, petitioner, *v.* J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al.; and

No. 890. New York & Long Branch Railroad Company, petitioner, *v.* J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 898. Independent Warehouses, Inc., petitioner, *v.* Regina Celeste Dimino, Widow, etc., et al. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 905. Northwestern Brewers Supply Company et al., petitioners, *v.* William J. Schmit, Trustee. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 915. The Citizens National Bank of Waco, Texas, petitioner, *v.* Fidelity & Deposit Company of Maryland. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 921. Funks Grove Grain Company, petitioner, *v.* The Alton Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 15, original. John J. Earley, petitioner, *v.* Chicago, Milwaukee, St. Paul & Pacific Railroad Company;

No. 346. Jeremiah D. Maguire and Ruth S. Maguire, petitioners, *v.* Commissioner of Internal Revenue;

No. 472. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Richard Van Nest Gambrell;

No. 473. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Marjorie K. Campbell;

No. 474. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Seymour H. Knox;

No. 475. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Dorothy K. G. Rogers;

No. 549. Public Service Commission of the State of Missouri et al., petitioners, *v.* Brashear Freight Lines, Inc., et al.;

No. 776. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Nebraska Bridge Supply & Lumber Company;

No. 789. William Cantey, petitioner, *v.* McLain Line, Inc., and McLain Carolina Line, Inc.;

No. 805. Sun-Maid Raisin Growers Association et al., appellants, *v.* The United States of America et al.; and

No. 813. Miss Annie C. Lewis, petitioner, *v.* State of Louisiana. The petitions for rehearing are denied.

No. 12, original. The United States of America, complainant, *v.* The State of Alabama. Argued on the Bill of Complaint and answer by Mr. Assistant Attorney General Littell for the complainant, and by Mr. J. Edward Thornton and Mr. John W. Lapsley for the defendant.

No. 588. Fred F. Edwards, appellant, *v.* The People of the State of California. Argument commenced by Mr. Samuel Slaff for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, April 29, will be as follows: Nos. 588, 312, 610 (and 611), 684, 734 (735, 736, and 737), 718, 729, 741, 755, and 449.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Jos. R. Bryson, of Greenville, S. C.; Charles A. Mitchell, of Vero Beach, Fla.; Page Belcher, of Enid, Okla.; Joseph O. Janousek, of Washington, D. C.; Oscar B. Waddell, of Washington, D. C.; Arthur O. Louis, of New York City; William H. McCormick, of Mandan, N. Dak.; and Walter R. Gottschalk, of Hoboken, N. J., were admitted to practice.

No. 588. Fred F. Edwards, appellant, *v.* The People of the State of California. Argument continued by Mr. Samuel Slaff for the appellant and concluded by Mr. John H. Tolan for the Select Committee of the House of Representatives of the United States, appointed pursuant to House Resolution No. 63, April 22, 1940, to Investigate the Interstate Migration of Destitute Citizens, as *amicus curiae*, by special leave of Court; and case submitted by Mr. Charles A. Wetmore, Jr., for the appellee.

No. 312. Harry R. Swanson, as Secretary of State of Nebraska, et al., appellants, *v.* Gene Buck, Individually, etc., et al. Frank Marsh, Lucien B. Johnson, Ray C. Johnson, Walter R. Johnson, Walter G. Huber, William T. Gleeson, John P. Misko, Zelma Derry, and Frank Glebe substituted as parties appellant in the place and stead of Harry R. Swanson, Walter H. Jensen, William H. Price, Richard C. Hunter, Grace Ballard, Charles H. Hood, Alvin B. Lee, Gerald J. McGinley, and Rush C. Clarke, respectively, on motion of Mr. William J. Hotz for the appellants.

No. 312. Frank Marsh, as Secretary of State of Nebraska, et al., appellants, *v.* Gene Buck, Individually, etc., et al. Argued by Mr. William J. Hotz for the appellants and by Mr. Thomas G. Haight for the appellees.

No. 610. George Couper Gibbs, Individually and as Attorney General of the State of Florida, et al., appellants, *v.* Gene Buck, Individually, etc., et al.; and

No. 611. Gene Buck, Individually, etc., et al., appellants, *v.* George Couper Gibbs, Individually and as Attorney General of the State

of Florida, et al. Motion to substitute J. Tom Watson, individually and as Attorney General of the State of Florida, as a party in the place and stead of George Couper Gibbs, his predecessor in office, submitted Mr. Thomas G. Haight in that behalf.

No. 610. George Couper Gibbs, Individually and as Attorney General of the State of Florida, et al., appellants, *v.* Gene Buck, Individually, etc., et al.; and

No. 611. Gene Buck, Individually, etc., et al., appellants, *v.* George Couper Gibbs, Individually and as Attorney General of the State of Florida, et al. Argument commenced by Mr. Thomas G. Haight for Gene Buck et al.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, April 30, will be as follows: Nos. 610 (and 611), 684, 734 (735, 736, and 737), 718, 729, 741, 755, 449, 14, original, and 832.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Warren P. Cunningham, Jr., of Austin, Tex.; Laurent K. Varnum, of Grand Rapids, Mich.; Joseph Norman Leggat, of Boise, Idaho; Hulette F. Aby, of Tulsa, Okla.; Earl Pruet, of Oklahoma City, Okla.; Vance Plauche, of Lake Charles, La.; Jay S. Parker, of Hill City, Kans.; Eugene W. Davis, of Liberal, Kans.; George G. Ernst, of New York City; Abraham Friedman, of New York City; Parker Bailey, of Ithaca, N. Y.; Albert J. Meserow, of Chicago, Ill.; Wilmer Mechlin, of Washington, D. C.; Carl Frederick Bauersfeld, of Washington, D. C.; Lambert H. Miller, of Washington, D. C.; and Charles J. Shaef-fer, of Dallas, Tex., were admitted to practice.

No. 610. George Couper Gibbs, Individually and as Attorney General of the State of Florida, et al., appellants, *v.* Gene Buck, Individually, etc., et al.; and

No. 611. Gene Buck, Individually, etc., et al., appellants, *v.* George Couper Gibbs, Individually and as Attorney General of the State of Florida, et al. Argument continued by Mr. Thomas G. Haight for Buck et al.; by Mr. Lucien H. Boggs and Mr. Tyrus A. Norwood for Gibbs et al.; and concluded by Mr. Frank J. Wideman for Buck et al. Leave granted counsel for Gibbs et al. to file an additional brief by Friday, next.

No. 684. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Richard J. Reynolds. Argument commenced by Mr. Thomas I. Emerson for the petitioner and continued by Mr. J. Gilmer Korner, Jr., and by Mr. Erwin N. Griswold for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, May 1, will be as follows: Nos. 684, 734 (735, 736, and 737), 718, 729, 741, 755, 2 original (3 original and 4 original), 449, 14 original, and 832.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Robert Edgar Beck, of Canton, Ohio; Bertram R. Coen, of Boston, Mass.; Herman Merson, of Oklahoma City, Okla.; Mabel B. Griffin, of Little Rock, Ark.; William A. Griffin, of Little Rock, Ark.; Henry Lee Olwell, of Seattle, Wash.; Robert S. Lemon, of Pittsburg, Kans.; William M. Moloney, of Birmingham, Ala.; and James F. Egan, of Springfield, Mass., were admitted to practice.

No. 684. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Richard J. Reynolds. Argument continued by Mr. Erwin N. Griswold for the respondent and concluded by Mr. Thomas I. Emerson for the petitioner.

No. 734. Mary Flagler Cary, petitioner, *v.* Commissioner of Internal Revenue;

No. 735. Harry Harkness Flagler, petitioner, *v.* Commissioner of Internal Revenue;

No. 736. Estate of Annie L. Flagler, deceased, Harry Harkness Flagler, Executor, petitioner, *v.* Commissioner of Internal Revenue; and

No. 737. Jean Louise Matthews, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. Roswell L. Gilpatric for the petitioners and by Mr. Thomas I. Emerson for the respondent.

No. 718. L. R. Brooks, petitioner, *v.* Archie Dewar et al. Argued by Mr. Warner W. Gardner for the petitioner and by Mr. Milton B. Badt for the respondents.

No. 729. J. C. Lomax, petitioner, *v.* The State of Texas. Argued by Mr. F. S. K. Whittaker for the petitioner and case submitted by Mr. Geo. W. Barcus and Mr. Lloyd Davidson for the respondent.

No. 741. Klaxon Company, petitioner, *v.* Stentor Electric Manufacturing Company, Inc. Argument commenced by Mr. John Thomas Smith for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, May 2, will be as follows: Nos. 741, 755, 2 original (3 original and 4 original), 449, 14 original, 832, 817, 863, and 853.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Eugene Worley, of Shamrock, Tex.; Walter G. Cooper, Jr., of Atlanta, Ga.; William F. Manasil, of Birwell, Nebr.; Frank A. Liddell, of Houston, Tex.; John L. Walker, of Roanoke, Va.; Donald Start Caruthers, of Washington, D. C.; W. Graham Claytor, Jr., of Washington, D. C.; Joseph Alexander Kaufman, of Washington, D. C.; and Walter Abraham Bowers, of Washington, D. C., were admitted to practice.

No. 741. Klaxon Company, petitioner, *v.* Stentor Electric Manufacturing Company, Inc. Argument continued by Mr. Murray C. Bernays for the respondent and concluded by Mr. John Thomas Smith for the petitioner.

No. 755. J. Rob Griffin, Administrator, etc., petitioner, *v.* John D. McCoach, Trustee. Argued by Mr. Charles J. Shaeffer for the petitioner and by Mr. Carl B. Callaway for the respondent.

No. 2, original. The State of Wisconsin et al., complainants, *v.* The State of Illinois et al.;

No. 3, original. The State of Michigan, complainant, *v.* The State of Illinois et al.; and

No. 4, original. The State of New York, complainant, *v.* The State of Illinois et al. Argument on Exceptions to the Report of the Special Master commenced by Mr. Albert J. Meserow for the defendant, State of Illinois, and continued by Mr. Herbert J. Naujoks for the complainants.

Adjourned until Monday, next, at 12 o'clock.

The day call for Monday, May 5, will be as follows: Nos. 2, original (3, original, and 4, original), 449, 14, original, 832, 817, 863, and 853.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Hugh A. Locke, of Birmingham, Ala.; Eugene A. Nabors, of New Orleans, La.; Hubert L. Will, of Milwaukee, Wisc.; B. F. Swisher, of Waterloo, Iowa; Robert G. Storey, of Dallas, Tex.; F. M. Bird, of Atlanta, Ga.; John Milton Campbell, of Kirksville, Mo.; Joseph A. Guimond, of Cleveland, Ohio; Harold R. Donaghue, of Boston, Mass.; Anton L. Etheridge, of Atlanta, Ga.; Richard C. Flesch, of New York City; Paul Lewis Wall, of Washington, D. C.; John E. Dougherty, of Washington, D. C.; Clifford Evans Hughes, of Los Angeles, Calif.; Glenn W. Clark, of Kansas City, Mo.; and Dominick Blasi, of New York City, were admitted to practice.

No. 732. H. J. Jenkins, petitioner, *v.* James M. Kurn and John G. Lonsdale, Trustees of the St. Louis-San Francisco Railway Company. On writ of certiorari to the Supreme Court of the State of Missouri. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Murphy.

No. 655. Department of Treasury of the State of Indiana et al., etc., petitioners, *v.* Ingram-Richardson Manufacturing Company of Indiana, Inc. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Southern District of Indiana for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Hughes.

The Chief Justice announced the following orders of the Court:

No. 729. J. C. Lomax, petitioner, *v.* The State of Texas. On writ of certiorari to the Court of Criminal Appeals of the State of Texas. *Per curiam*: The judgment is reversed. *Chambers v. Florida*, 309 U. S. 227; *White v. Texas*, 310 U. S. 530.

No. 827. A. M. Odom, O. L. Mounce, et al., petitioners, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. *Per*

curiam: The Solicitor General having confessed error, the motion for leave to proceed *in forma pauperis* is granted, the petition for writ of certiorari is granted, the judgment is reversed, and the cause is remanded to the District Court for further proceedings. ✓

No. 934. Northwest Linseed Company, appellant, *v.* The State of Minnesota. Appeal from the Supreme Court of the State of Minnesota. *Per curiam*: The motion to dismiss is granted, and the appeal is dismissed for want of a substantial federal question. *Euclid v. Ambler Realty Co.*, 272 U. S. 365; *Fischer v. St. Louis*, 194 U. S. 361; *Pierce Oil Corporation v. City of Hope*, 248 U. S. 498.

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 54. Martin J. Bernards and Lena Bernards, petitioners, *v.* M. R. Johnson, Catherine Collins, et al.; and

No. 133. Major Raymond Lisenba, petitioner, *v.* The People of the State of California, and

No. 134. Major Raymond Lisenba, petitioner, *v.* The People of the State of California. The petitions for rehearing in these cases are granted. The judgments are vacated and the cases are restored to the docket for reargument and assigned for hearing on Monday, October 13th, next.

No. 588. Fred F. Edwards, appellant, *v.* The People of the State of California. Reargument is ordered. The case is set for oral argument on Monday, October 13. next, and the Attorney General of the State of California is requested to appear either in person or by his representative to present the views of the State with particular reference to the judicial or administrative interpretation by State authorities of the statute involved.

No. 857. Paysoff Tinkoff, petitioner, *v.* Paul Klein-Exel, Trustee of the Estate of William J. Newman Company, Bankrupt; and

No. 858. Paysoff Tinkoff, petitioner, *v.* Thomas J. McManus, Trustee in Bankruptcy of William J. Newman, Bankrupt. On petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds that the application for the writs of certiorari was not filed within the time provided by law. Section 8 (a), Act of February 13, 1925 (43 Stat. 936, 940). The petition for writs of certiorari is therefore also denied.

No. 903. The United States of America, petitioner, *v.* Louis H. Pink, Superintendent of Insurance of the State of New York, et al. Petition for writ of certiorari to the Supreme Court of the State of New York granted. Mr. Justice Reed and Mr. Justice Murphy took no part in the consideration and decision of this application.

No. 767. Milton Roe Sabin and Bertha Florence Sabin, petitioners, *v.* Home Owners' Loan Corporation. The motion to proceed on typewritten papers is granted. The petition for writ of certiorari to the Supreme Court of the State of Oklahoma is denied.

No. 866. McLaughlin Land and Livestock Company, petitioner, *v.* Bank of America National Trust and Savings Association. Petition for writ of certiorari to the District Court of Appeal, 1st Appellate District, State of California, denied. Mr. Justice Douglas took no part in the consideration and decision of this application.

No. 871. Niagara Hudson Power Corporation, petitioner, *v.* James J. Hoey, Collector of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. Mr. Justice Douglas took no part in the consideration and decision of this application.

No. 894. National Labor Relations Board, petitioner, *v.* E. I. DuPont de Nemours & Company; and

No. 895. National Labor Relations Board, petitioner, *v.* Association of Chemical Employees at Belle Works of E. I. DuPont de Nemours & Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied. Mr. Justice Roberts took no part in the consideration and decision of this application.

No. 899. Max Hamburger, petitioner, *v.* John A. Dyer, Trustee, et al.; and

No. 900. Max Hamburger, petitioner, *v.* John A. Dyer, Trustee, et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied. Mr. Justice Murphy took no part in the consideration and decision of this application.

No. 901. Bakery and Pastry Drivers and Helpers Local 802 of the International Brotherhood of Teamsters et al., petitioners, *v.* Hyman Wohl and Louis Platzman. On petition for writ of certiorari to the Court of Appeals of the State of New York. It does not appear from the record that the federal question presented by the petition was necessarily decided by the Court of Appeals. The petition for certiorari is denied, *Lynch v. New York ex rel. Pierson*, 293 U. S. 52; *Honeyman v. Hanan*, 300 U. S. 14, 18.

No. 891. Ruth E. Layton, Farmers Union and Layton Sugar Company, petitioners *v.* William J. Thayne, Davis County Bank, Walter Wright et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 892. Thomas J. Buttars, Sr., petitioner, *v.* Utah Mortgage Loan Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 893. Payne Furnace and Supply Company, Inc., petitioner, *v.* Williams-Wallace Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 896. William Campbell, petitioner, *v.* American Foreign Steamship Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 902. Armature Exchange Incorporated, etc., petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 923. Henry V. McGurren, petitioner, *v.* Gladys McVeigh, in her own person and as Guardian, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 925. Wright Morrow, petitioner, *v.* Frank Scofield, Collector of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 930. The Chesapeake and Ohio Railway Company, petitioner, *v.* Elmer Richardson. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 729, October Term 1939. H. Ely Goldsmith, petitioner, *v.* The United States of America. The motion for leave to file a second petition for rehearing is denied.

No. 810. Consolidated Freightways, Inc., petitioner, *v.* The Railroad Commission of the State of California. Petition for rehearing denied.

ORDER

It is ordered that the call of the docket, except as otherwise directed, be suspended for the Term upon the conclusion of the argument in case No. 853, and that the Court will then take a recess until Monday, May 12.

No. —, original. The State of California, complainant, *v.* The United States. Motion for leave to file complaint presented.

No. 2, original. The State of Wisconsin et al., complainants, *v.* The State of Illinois et al.;

No. 3, original. The State of Michigan, complainant, *v.* The State of Illinois et al.; and

No. 4, original. The State of New York, complainant, *v.* The State of Illinois et al. Argument on Exceptions to the Report of the Special Master continued by Mr. Herbert H. Naujoks for the complainants; by Mr. Timothy F. Cohan for the complainant, State of New York; by Mr. Thomas J. Herbert for the complainant, State of Ohio; and concluded by Mr. Albert J. Meserow for the defendant, State of Illinois.

No. 449. Joe Vernon, petitioner, *v.* State of Alabama. Argued by Mr. Walter S. Smith for the petitioner and by Mr. Thomas S. Lawson for the respondent.

No. 14, original. Forrest Holiday, petitioner, *v.* James A. Johnston, Warden. Argument commenced by Mr. Charles A. Horsky for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, May 6, will be as follows: Nos. 14, original, 832, 817, 863, and 853.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Onan Whitehurst, of Brooksville, Fla.; Raymond G. Betsch, of West Englewood, N. J.; Weldon P. Monson, of Washington, D. C.; Lawrence J. Greene, of New York City; Francis J. Gabel, of Los Angeles, Calif.; Robert M. Flynn, of Cottonwood, Ariz.; Milton Sandberg, of New York City; Morris L. Heath, of New York City; Carlton C. Arnow, of Jacksonville, Fla.; P. Guy Crews, of Jacksonville, Fla.; Oscar T. Martin II, of Springfield, Ohio; John C. Durfey, of Springfield, Ohio; Gareth M. Neville, of Washington, D. C.; Morris Levinson, of Minneapolis, Minn.; De Witt C. Schieck, of Washington, D. C.; T. Edward O'Connell, of Washington, D. C.; and David B. McCalmont, Jr., of Washington, D. C., were admitted to practice.

No. 14, Original. Forrest Holiday, petitioner, *v.* James A. Johnston, Warden, etc. Argument continued by Mr. Charles A. Horsky for the petitioner; continued by Mr. Herbert Wechsler for the respondent; and concluded by Mr. Charles A. Horsky for the petitioner.

No. 832. State of Oklahoma, *ex rel.* Leon C. Phillips, Governor of the State of Oklahoma, appellant, *v.* Guy F. Atkinson Company et al. Argument commenced by Mr. C. C. Hatchett for the appellant and continued by Mr. Assistant Solicitor General Fahy for the appellees.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, May 7, will be as follows: Nos. 832, 817, 863, and 853.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

George W. Hutchinson, of Dallas, Tex.; Andrew J. Parks, of Marshall, Ark.; Cornelius J. Harrington, of Chicago, Ill.; James A. Harrington, of Chicago, Ill.; Kathryn M. Masco, of Springfield, Mass.; Thomas F. McDonald, of St. Louis, Mo.; and James Christian Dorbandt, of Tyler, Tex., were admitted to practice.

No. 832. State of Oklahoma, ex rel. Leon C. Phillips, Governor of the State of Oklahoma, appellant, *v.* Guy F. Atkinson Company et al. Argument continued by Mr. Assistant Solicitor General Fahy for the appellees and concluded by Mr. Randell S. Cobb for the appellant.

No. 817. The Royal Indemnity Company, petitioner, *v.* The United States of America. Argued by Mr. Harry S. Hall for the petitioner and by Mr. Edward J. Ennis for the respondent.

No. 863. The City of New York, petitioner, *v.* Michael Feiring, Trustee in Bankruptcy of National Studios, Inc. Argued by Mr. Paxton Blair for the petitioner and by Mr. Benjamin Siegel for the respondent.

No. 853. The United States of America, petitioner, *v.* The A. S. Kreider Company. Argued by Mr. Arnold Raum for the petitioner and by Mr. Alexander Levene for the respondent.

Adjourned until Monday, May 12 next, at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

E. Albert Pallot, of Tallahassee, Fla.; Morrice S. Uman, of Tampa, Fla.; Edward L. Watson, of Paterson, N. J.; William A. Hengeveld, of Paterson, N. J.; George F. Miller, of Paterson, N. J.; James D. C. Murray, of New York City; Meyer Schifrin, of Brooklyn, N. Y.; Warner A. Ackerman, of Aberdeen, Wash.; Joseph K. Inness, of New York City; Frederick Herman Korth, of Fort Worth, Tex.; Donald M. Keith, of Los Angeles, Calif.; Frank G. Marshall, of Chicago, Ill.; George F. Barrett, of Chicago, Ill.; John C. Stanley, of Ashland, Ky.; Albert T. Hanby, of Philadelphia, Pa.; Anna Brenner Meyers, of Miami Beach, Fla.; George R. Hillstrom, of Chicago, Ill.; Richard H. Lowe, of Glen Rock, N. J.; Charles W. Bishop, of Detroit, Mich.; Harry O. Wallace, of Long Beach, Calif.; Jesse W. Carter, of San Francisco, Calif.; Joseph H. Freehill, of Washington, D. C.; Edward S. Graves, of Lynchburg, Va.; Roy E. Cogdill, of Dallas, Tex.; Roy N. Envall, of Drexel Hill, Pa.; Muriel Mawer, of Seattle, Wash.; and H. Byron Mock, of Washington, D. C., were admitted to practice.

No. 90. *Carlota Benitez Sampayo, petitioner, v. The Bank of Nova Scotia.* On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Judgment reversed with costs and cause remanded to the Circuit Court of Appeals for consideration of other questions in the light of the decision of this Court. Opinion by Mr. Justice Murphy. Mr. Justice Stone did not participate in the consideration or decision of this case.

No. 666. *Detrola Radio and Television Corporation, petitioner, v. Hazeltine Corporation.* On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Eastern District of Michigan for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts.

The Chief Justice announced the following orders of the Court:

No. 869. Ella H. Tinkoff and Paysoff Tinkoff, petitioners, *v.* Ben J. Gold, Trustee, et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. *Per curiam*: The motion to proceed *in forma pauperis* is granted. It appears that on a motion to vacate an order approving a supersedeas bond given on the appeal to the Circuit Court of Appeals, the appeal was dismissed for failure of appellants to produce the surety on the bond as required by the court, and later the Circuit Court of Appeals denied appellants' motion to vacate that order of dismissal. The petition for certiorari is granted and the order of dismissal is reversed upon the ground that while the failure to produce the surety for examination was an adequate reason for vacating the approval of the supersedeas bond, it did not justify the dismissal of the appeal.

No. 919. Claude Steeley, petitioner, *v.* J. M. Kurn and John G. Lonsdale, Trustees of the St. Louis-San Francisco Railway Company. On petition for writ of certiorari to the Supreme Court of the State of Missouri. *Per curiam*: The petition for writ of certiorari is granted, and the judgment is reversed. *Jamison v. Encarnacion*, 281 U. S. 635.

No. 907. Safe Harbor Water Power Corporation, appellant, *v.* The United States of America, Leland Olds, et al.; and

No. 908. Safe Harbor Water Power Corporation, appellant, *v.* The United States of America et al. Appeals from the District Court of the United States for the Eastern District of Pennsylvania. *Per curiam*: The motion to dismiss is granted, and the appeals are dismissed for want of jurisdiction. *Stratton v. St. Louis S. W. Ry.*, 282 U. S. 10, 15-16; *Virginian Ry. v. United States*, 272 U. S. 658, 671-672; *Ex parte Atlantic Coast Line R. Co.*, 279 U. S. 822. See Federal Power Act, sec. 313 (b) (Act of August 26, 1935, c. 687, Title II, sec. 213, 49 Stat. 847, 860, 16 U. S. C., sec. 825L (b)).

No. 938. Samuel D. Orwitz, appellant, *v.* Board of Dental Examiners of the State of California. Appeal from the District Court of Appeal, 1st Appellate District, State of California. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a properly presented substantial federal question. (1) *Semler v. State Board of Dental Examiners*, 294 U. S. 608; *Brown v. Massachusetts*, 308 U. S. 504. (2) *Cleveland & Pittsburgh R. Co. v. Cleveland*, 235 U. S. 50, 53; *Hiawasse Power Co. v. Carolina-Tenn. Co.*, 252 U. S. 341, 344; *White River Co. v. Arkansas*, 279 U. S. 692, 700.

No. —, original. State of California, plaintiff, *v.* The United States of America. On motion for leave to file complaint. *Per*

curiam: The motion for leave to file complaint is denied. *Kansas v. United States*, 204 U. S. 331; *Williams v. United States*, 289 U. S. 553, 573; *Principality of Monaco v. Mississippi*, 292 U. S. 313, 321.

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —, original. *Ex parte Paul Wesley Parker*, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. 686. *George C. Reitz*, appellant, *v. Carroll E. Mealey*, as Commissioner of Motor Vehicles of the State of New York. The petition for rehearing is granted. The judgment is vacated and the case is restored to the docket for reargument and assigned for hearing on Monday, October 13, next.

No. 929. *James W. Roland*, petitioner, *v. Port Compress Company*. On petition for writ of certiorari to the County Court of Nueces County, State of Texas. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied.

No. 968. *Irving Trust Company and Thomas F. McGlone, Jr.*, as Executors, etc., et al., appellants, *v. Chase L. Day*, as Executor, etc. In this case probable jurisdiction is noted. Further consideration of the motion to dismiss is postponed to the hearing of the case on the merits.

No. 970. *The United States of America and Interstate Commerce Commission*, appellants, *v. N. E. Rosenblum Truck Lines, Inc.*; and

No. 971. *The United States of America and Interstate Commerce Commission*, appellants, *v. J. B. Margolies*, an individual doing business as *Manhattan Truck Lines*. In these cases probable jurisdiction is noted.

No. 906. *The United States of America*, petitioner, *v. The State of Texas et al.* Petition for writ of certiorari to the Court of Civil Appeals, 2nd Judicial District, State of Texas, granted.

No. 909. *The United States*, petitioner, *v. The Kansas Flour Mills Corporation*. Petition for writ of certiorari to the Court of Claims granted.

No. 926. *E. V. Parker*, Deputy Commissioner, *United States Employees' Compensation Commission*, petitioner, *v. Motor Boat Sales*,

Incorporated. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted.

No. 910. Abraham L. Shushan, petitioner, *v.* The United States of America;

No. 911. Robert J. Newman and Norvin T. Harris, Jr., petitioners, *v.* The United States of America;

No. 912. Henry J. Miller, petitioner, *v.* The United States of America; and

No. 913. Herbert W. Waguespack, petitioner, *v.* The United States of America. The motion for leave to file a supplemental petition in No. 911 is granted. The petitions for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit are denied. Mr. Justice Murphy took no part in the consideration and decision of these applications.

No. 916. Frank L. Weil, William E. Russell, et al., etc., petitioners, *v.* The United States of America, Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. The Chief Justice took no part in the consideration and decision of this application.

No. 935. First National Bank of Temple, petitioner, *v.* Continental Casualty Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 936. William Davies Co., Inc., petitioner, *v.* The People of the State of Illinois, ex rel., John L. Toman, County Treasurer, etc. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 937. The Equitable Life Assurance Society of the United States, petitioner, *v.* Stanley A. Marshall, Administrator, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 940. The United States of America, ex rel. Josephine Jump, nee Strikeaxe, et al., petitioners, *v.* Harold L. Ickes, Secretary, etc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 949. Travelers Insurance Company, petitioner, *v.* Mildred T. Wilkins. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

ORDER

The Court will take a recess from today until Monday, May 26, and from that day until Monday, June 2, upon which day it will adjourn for the term unless otherwise ordered.

No motions, except motions for admission to practice, will be received after the session next before the date fixed for adjournment of the term.

No. 918. Liberty Mutual Insurance Company, petitioner, *v.* Earl William Lee. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Dismissed on motion of counsel for petitioner.

Adjourned until Monday, May 26 next, at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

Gerald J. Meindl, of Portland, Oreg.; C. Laird McKenna, of Portland, Oreg.; C. Wayland Brooks, of Chicago, Ill.; Julius F. Trefz, of Chicago, Ill.; Jean R. Meyer, of Portland, Oreg.; Vernon C. Stoneman, of Boston, Mass.; Thomas L. McKevitt, of Ironwood, Mich.; Maurice G. Shanberg, of Chicago, Ill.; Diana D. Coopersmith, of Miami Beach, Fla.; A. B. Culbertson, of Fort Worth, Tex.; O. W. Smith, Jr., of Chicago, Ill.; Charles Edward Markeles, of Atlanta, Ga.; Robert G. Clostermann, of Portland, Oreg.; Sam T. Cook, of Houston, Tex.; James W. Wallace, of Mound City, Kans.; Philip Gensler, of New Orleans, La.; Alex L. Andrus, Jr., of Eunice, La.; John B. Sullivan, of Saint Louis, Mo.; Mercer Brown, of Saint Petersburg, Fla.; Richard M. Krannawitter, of Vaughn, N. Mex.; Webb M. Mize, of Gulfport, Miss.; William Boone Stanfield, of Dallas, Tex.; Harold H. Wisheart, of Clinton, Ind.; William C. O'Keefe, of Saginaw, Mich.; Milton D. Hughes, of Athens, Ohio; John D. Shepard, of Cocoa, Fla.; Leonard B. Slosson, of Los Angeles, Calif.; Marjorie Roemler Kinnaird, of Indianapolis, Ind.; Leonard A. Worthington, of San Francisco, Calif.; Albert W. Shupienis, of Washington, D. C.; Frank O. Ray, of Alpine, Tex.; Earle Tyler Shoup, of Louisville, Ky.; Arnold C. Rood, of Boston, Mass.; Roderick B. Travis, of White Plains, N. Y.; Howard J. Newmark, of New York, N. Y.; Gerald R. Knudson, of Los Angeles, Calif.; George F. Guy, of Cheyenne, Wyo.; Russell P. Place, of Boston, Mass.; Edmond Borgia Butler, of New York, N. Y.; F. Gwyn Harper, Jr., of Hickory, N. C.; Aloysius J. Bier, of Washington, D. C.; Welborn B. Cody, of Atlanta, Ga.; Alexander Bishoff, of Washington, D. C.; Joseph B. O'Neill, of Washington, D. C.; Thos. C. Fisher, of Louisville, Ky.; William R. Lichtenberg, of Washington, D. C.; Curtis D. Cecil, of Washington, D. C.; Herbert Miller Kidner, of Pittsburgh, Pa.; William James Galvin, Jr., of Hartford, Conn.; Henry P. Elliott, of New York, N. Y.; William Edward Hilbert, of Washington, D. C.; William Geo. Fitzpatrick, Jr., of Detroit, Mich.; John L. Grant, of New York, N. Y.; Edwin S. Bettelheim, Jr., of Washington, D. C.; Joseph E. Brodinsky, of Pittsburgh, Pa.; Walter S. Welsh, of Washington, D. C.; Paul B. Martin, of Washington, D. C.;

Paul F. Douglass, of Washington, D. C.; Denis F. Mahony, of Biddeford, Maine; Murray Ludmer, of Wood-Ridge, N. J.; Jack Wagner Hardy, of Los Angeles, Calif.; Joseph Howard Hinshaw, of Chicago, Ill.; David W. Byron, of Washington, D. C.; DeWitt Harry, of Portland, Oreg.; Louis A. McKeown, of Saint Louis, Mo.; Chas. Goldman, of New York, N. Y.; Gustave J. Rosen, of New York, N. Y.; Clark G. Clinton, of Tulsa, Okla.; Mathew O. Tobriner, of San Francisco, Calif.; Frederick M. Davenport, Jr., of New York, N. Y.; Richard M. Leonard, of San Francisco, Calif.; James J. Morrison, of New Orleans, La., and Marion Maxwell Caskie, Jr., of Montgomery, Ala., were admitted to practice.

No. 853. The United States of America, petitioner, *v.* The A. S. Kreider Company. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment reversed and cause remanded to the District Court of the United States for the Middle District of Pennsylvania with directions to dismiss the petition. Opinion by Mr. Justice Murphy.

No. 684. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Richard J. Reynolds. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment reversed and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Roberts in which the Chief Justice joins.

No. 734. Mary Flagler Cary, petitioner, *v.* Commissioner of Internal Revenue;

No. 735. Harry Harkness Flagler, petitioner, *v.* Commissioner of Internal Revenue;

No. 736. Estate of Annie L. Flagler, deceased, Harry Harkness Flagler, Executor, petitioner, *v.* Commissioner of Internal Revenue; and

No. 737. Jean Louise Matthews, petitioner, *v.* Commissioner of Internal Revenue. On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgments affirmed and cases remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Douglas. Dissenting: The Chief Justice and Mr. Justice Roberts.

No. 640. The United States of America and Secretary of Agriculture, appellants, *v.* Alice M. Morgan, Administratrix of the Estate of F. O. Morgan, deceased, et al. Appeal from the District Court of the United States for the Western District of Missouri. Judg-

ment reversed and cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Frankfurter. Mr. Justice Reed did not participate in the consideration or decision of this case. Dissenting opinion by Mr. Justice Roberts.

No. 610. J. Tom Watson, Individually and as Attorney General of the State of Florida, et al., appellants, *v.* Gene Buck, Individually and as President of the American Society of Composers, Authors, and Publishers, et al.; and

No. 611. Gene Buck, Individually and as President of the American Society of Composers, Authors, and Publishers, et al., appellants, *v.* J. Tom Watson, Individually and as Attorney General of the State of Florida, et al. Appeals from the District Court of the United States for the Northern District of Florida et al. Decree in No. 610 reversed with costs and cause remanded to the District Court with instructions to dismiss the bill. Decree in No. 611 affirmed with costs. Opinion by Mr. Justice Black. Mr. Justice Murphy took no part in the consideration or decision of this case.

No. 312. Frank Marsh, as Secretary of State of Nebraska, et al., appellants, *v.* Gene Buck, Individually and as President of the American Society of Composers, Authors, and Publishers, et al. Appeal from the District Court of the United States for the District of Nebraska. Judgment reversed with costs and cause remanded with instructions to dismiss the bill. Opinion by Mr. Justice Black. Mr. Justice Murphy took no part in the consideration or decision of this case.

No. 14, original. Forrest Holiday, petitioner, *v.* James A. Johnston, Warden, United States Penitentiary, Alcatraz, California. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed and cause remanded to the District Court of the United States for the Northern District of California for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts.

No. 718. L. R. Brooks, petitioner, *v.* Archie J. Dewar et al. On writ of certiorari to the Supreme Court of the State of Nevada. Judgment reversed and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Roberts.

No. 709. J. H. Wood and J. H. Knowlton, appellants, *v.* T. S. Lovett, Jr. Appeal from the Supreme Court of the State of Arkansas. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Roberts. Dissenting

opinion by Mr. Justice Black in which Mr. Justice Douglas and Mr. Justice Murphy join.

No. 863. The City of New York, petitioner, *v.* Michael Feiring, Trustee in Bankruptcy of National Studios, Inc. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone. Dissenting: Mr. Justice Roberts.

No. 817. The Royal Indemnity Company, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Stone. Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas and Mr. Justice Murphy concur.

No. 618. The United States of America, appellant, *v.* Patrick B. Classic, John A. Morris, et al. Appeal from the District Court of the United States for the Eastern District of Louisiana. Judgment reversed and cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone. The Chief Justice took no part in the consideration or decision of this case. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Murphy join.

No. 12, original. The United States of America, complainant, *v.* The State of Alabama. The United States is entitled to a decree setting aside the tax sales and the certificates of purchase, and in other respects the complaint is dismissed. Opinion by Mr. Chief Justice Hughes.

The Chief Justice announced the following orders of the Court:

No. 2, original. The State of Wisconsin et al., complainants, *v.* The State of Illinois et al.;

No. 3, original. The State of Michigan, complainant, *v.* The State of Illinois et al.; and

No. 4, original. The State of New York, complainant, *v.* The State of Illinois et al. *Per curiam*: The exceptions to the report of the Special Master are overruled and the report is confirmed. The petition and the modified petition of the State of Illinois are dismissed with costs. Mr. Justice Murphy took no part in the consideration and decision of this case. Mr. Justice Black dissents.

No. 449. Joe Vernon, petitioner, *v.* State of Alabama. On writ of certiorari to the Supreme Court of the State of Alabama. *Per curiam*: The judgment is reversed. *Chambers v. Florida*, 309 U. S. 227; *White v. Texas*, 310 U. S. 530.

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

ORDER

It is ordered that, pursuant to the provisions of Public Resolution, No. 50, 76th Congress, approved August 10, 1939, there be transferred \$300 from the appropriation "Miscellaneous salaries, United States Courts, 1940," to the appropriation designated "Contingent expenses, Administrative Office of the United States Courts, 1940," the above amount to be in addition to amounts heretofore transferred by orders of November 6, 1939, and April 22, 1940.

ORDER

It is ordered by this Court that George F. Longsdorf, of Oakland, California, be, and he hereby is, appointed a member of the Advisory Committee appointed February 3, 1941, to assist the Court in the preparation of rules of pleading, practice, and procedure with respect to proceedings prior to and including verdict, or finding of guilty or not guilty, in criminal cases in district courts of the United States.

ORDER

It is ordered that paragraph 7 of Rule 32 of the Rules of this Court be amended so as to read as follows:

"7. In pursuance of the Act of March 3, 1883, authorizing and empowering this court to prepare a table of fees to be charged by the clerk of this court the following table is adopted:

"For docketing a case and filing and indorsing the transcript of the record, fifteen dollars.

"For entering an appearance, twenty-five cents.

"For entering a continuance, twenty-five cents.

"For filing a motion, order, or other paper, twenty-five cents.

"For entering any rule or for making or copying any record or other paper, twenty cents per folio of each one hundred words.

"For transferring each case to a subsequent docket and indexing the same, one dollar.

"For entering a judgment or decree, one dollar.

"For every search of the records of the court, one dollar.

"For a certificate and seal, two dollars.

"For receiving, keeping, and paying money in pursuance of any statute or order of court, two per cent. on the amount so received, kept, and paid.

"For an admission to the bar and certificate under seal, including filing of preliminary certificate and statements, fifteen dollars.

"For preparing the record or a transcript thereof for the printer, in all cases, including records presented with petitions for certiorari, indexing the same, supervising the printing and distributing the printed copies to the justices, the reporter, the law library, and the parties or their counsel, ten cents per folio of each one hundred words; but where the necessary printed copies of the record as printed for the use of the court below are furnished, charges under this item will be limited to any additions printed here under the clerk's supervision.

"For making a manuscript copy of the record, when required under Rule 13, fifteen cents per folio of each one hundred words, but nothing in addition for supervising the printing.

"For preparing, on filing, for the printer, petitions for writs of certiorari, briefs, jurisdictional statements, or motions when required by the Rules, or at the request of counsel when, in the opinion of the clerk, circumstances require, indexing the same, changing record references to conform to the pagination of the printed record, and supervising the printing, five dollars for each such petition, brief, jurisdictional statement, or motion. Neither the expense of printing nor the clerk's supervising fee shall be allowed as costs in the case.

"For a mandate or other process, ten dollars.

"For an order on petition for writ of certiorari, five dollars.

"For filing briefs, ten dollars for each party appearing.

"For every printed copy of any opinion of the court or any justice thereof, certified under seal, two dollars."

It is further ordered that this order shall apply to all cases docketed on or after July 1, 1941.

No. —. Ex parte Charles N. Williams, petitioner; and

No. —. Ex parte Joseph Poresky, petitioner. Applications denied.

No. —, original. Ex parte Emmet H. Bozel, petitioner. The motion for leave to file a petition for habeas corpus is denied without prejudice to a further application to the United States District Court for the District of Kansas, and for proceedings thereon in accordance with the decisions in *Walker v. Johnston*, No. 173, decided February 10, 1941, and *Holiday v. Johnston*, No. 14, Original, this day decided.

No. —, original. Ex parte Ernest J. Anderson, petitioner;

No. —, original. Ex parte Clarence M. Brummitt, petitioner;
and

No. —, original. Ex parte John W. Meyers, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 2, original. The State of Wisconsin et al., complainants, *v.* The State of Illinois et al.;

No. 3, original. The State of Michigan, complainant, *v.* The State of Illinois et al.; and

No. 4, original. The State of New York, complainant, *v.* The State of Illinois et al. An order is entered allowing the expenses and fixing the compensation of Monte M. Lemann, Esquire, Special Master herein.

No. 421. City of Indianapolis et al., petitioners, *v.* The Chase National Bank of the City of New York, Trustee, etc., et al.;

No. 422. City of Indianapolis et al., petitioners, *v.* The Chase National Bank of the City of New York, Trustee, etc.;

No. 423. The Chase National Bank of the City of New York, Trustee, etc., petitioner, *v.* Citizens Gas Company of Indianapolis et al.; and

No. 424. The Chase National Bank of the City of New York, Trustee, etc., petitioner, *v.* The Indianapolis Gas Company et al. These cases are restored to the docket and assigned for reargument on Monday, October 13, next.

No. 624. Phoenix Finance Corporation, petitioner, *v.* Iowa-Wisconsin Bridge Company. This case is restored to the docket and assigned for reargument immediately following No. 587.

No. 951. Virgil Canterbury and Joe Sharp, petitioners, *v.* Hugh A. Barnhart et al.; and

No. 952. John L. James, petitioner, *v.* Hugh A. Barnhart et al. On petitions for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit;

No. 954. George M. Spruill, petitioner, *v.* William T. Ballard et al. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 955. Ray Wagner, petitioner, *v.* The State of California et al.; and

No. 956. George Melendez, petitioner, *v.* The State of California et al. On petitions for writs of certiorari to the Supreme Court of the State of California;

No. 939. Hugh Clarence Philbrook and James D. Raitt, petitioners, *v.* The United States of America. On petition for writ of

certiorari to the United States Circuit Court of Appeals for the Eighth Circuit; and

No. 995. Murray Shapiro, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the County Court, County of Kings, State of New York. The motions for leave to proceed further herein *in forma pauperis* are denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which writs of certiorari should be issued. The petitions for writs of certiorari are therefore also denied.

No. 1018. Ira Taylor, appellant, *v.* The State of Georgia. In this case probable jurisdiction is noted. The motion for leave to proceed *in forma pauperis* is granted.

No. 932. Louis H. Pink, Superintendent of Insurance of the State of New York, petitioner, *v.* A. A. A. Highway Express, Inc., et al. Petition for writ of certiorari to the Supreme Court of the State of Georgia granted.

No. 710. Massachusetts Bonding and Insurance Company, petitioner, *v.* Madeleine Corby Webber and William J. Webber. Petition for writ of certiorari to the Supreme Court of the State of Ohio granted.

No. 946. Morton Salt Company, petitioner, *v.* The G. S. Suppiger Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 1004. Thomas W. White et al., Former Collectors of Internal Revenue for the District of Massachusetts, petitioners, *v.* Winchester Country Club. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 1043. Julian Riley and Hughes Spalding, Executors, etc., petitioners, *v.* The New York Trust Company, Administrator C. T. A., etc., et al. Petition for writ of certiorari to the Supreme Court of the State of Delaware granted.

No. 991. District of Columbia, petitioner, *v.* Henry C. Murphy, and

No. 992. District of Columbia, petitioner, *v.* Paul M. DeHart. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia granted. Mr. Justice Stone and Mr. Justice Roberts took no part in the consideration and decision of these applications.

No. 1035. The Federal Land Bank of Saint Paul, petitioner, *v.* Bismarck Lumber Company et al. The motion to substitute John Gray, present Tax Commissioner of the State of North Dakota, as a party respondent herein in the place and stead of Owen T. Owen,

resigned, is granted. The petition for writ of certiorari to the Supreme Court of the State of North Dakota is granted.

No. 746. Southern Railway Company, petitioner, *v.* Ethel Painter, Administratrix, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted and the case assigned for argument immediately following No. 678.

No. 1006. Warner Company, petitioner, *v.* Frank B. Loverich; and

No. 1007. Warner Company, petitioner, *v.* Frank B. Loverich. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied. Mr. Justice Roberts took no part in the consideration and decision of this application.

No. 983. Dorothy Brunet, petitioner, *v.* S. S. Kresge Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied. Mr. Justice Stone and Mr. Justice Roberts took no part in the consideration and decision of this application.

No. 1045. Andrew J. Nichols et al., petitioners, *v.* Walter A. Todd, Trustee, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied. Mr. Justice Douglas took no part in the consideration and decision of this application.

No. 914. Hacer W. Nalder, Bankrupt, petitioner, *v.* The Federal Land Bank of Berkeley et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 920. Wrightsman Petroleum Company, a corporation, etc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 933. The Mutual Life Insurance Company of New York, petitioner, *v.* Abraham I. Menin, Trustee etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 941. The Continental Casualty Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 950. Superior Court of the State of California, in and for the City and County of San Francisco, petitioner, *v.* A. Caminetti, Jr., Insurance Commissioner of the State of California. Petition for writ of certiorari to the Supreme Court of the State of California denied.

No. 953. Kearns Coal Corporation, petitioner, *v.* United States Fidelity & Guaranty Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 960. Marvin L. Gardner, Trustee, etc., petitioner, *v.* Arthur George Doethlaff, Bankrupt; and

No. 961. Marvin L. Gardner, Trustee, etc., petitioner, *v.* The Penn Mutual Life Insurance Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 964. William Larimer Mellon and Thomas Mellon, Executors, etc., petitioners, *v.* William Driscoll, Collector of Internal Revenue for the Twenty-Third District of Pennsylvania. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 973. Erle R. Lane et al., etc., petitioners, *v.* Haytian Corporation of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 988. New York and Cuba Mail Steamship Company, petitioner, *v.* The Continental Insurance Company of the City of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 928. Cutler Mail Chute Company, petitioner, *v.* Capital Mail Chute Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 931. The Franklin Life Insurance Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 942. R. M. Vaughn and wife, Millie Lou Vaughn, petitioners, *v.* Continental Royalty Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 943. J. D. Collins, petitioner, *v.* Hatti L. Mosher, Individually, etc., et al.; and

No. 944. S. D. Lount, petitioner, *v.* Hatti L. Mosher, Individually, etc., et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 945. Clifford Collins et al., petitioners, *v.* Socony-Vacuum Oil Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 947. Frank White et ux., Mrs. Frank White, petitioners, *v.* W. A. Thomas, Collector of Internal Revenue. Petition for writ of

certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 957. The Creek Nation, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 958. Kettleman Hills Royalty Syndicate No. 1 (a Trust), petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 967. Katherine C. Bryan and St. Louis Union Trust Company, The Executors of the will of P. Taylor Bryan, deceased, petitioners, *v.* Frank C. Ball, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 969. South Atlantic Steamship Company of Delaware, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 972. Albert Roberts, Jr., petitioner, *v.* Board of Public Instruction for the County of Broward, State of Florida. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 978. Compania Espanola de Navegacion Maritima, S. A., et al., petitioners, *v.* Roberto Hernandez, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 979. Marguerite E. Bowen, petitioner, *v.* New York Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 982. J. M. Cohan, petitioner, *v.* Charles Samuel Elder and Mary Ethel Elder, his wife. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 984. The Sanitary District of Chicago, petitioner, *v.* Edgar C. Guthard, Activated Sludge, Limited et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 985. H. A. Phillips, Trustee, etc., petitioner, *v.* A. M. Arnold. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 986. Soma Peto, petitioner, *v.* Thomas Howell. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 989. Irving Potash et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 990. The United States, petitioner, *v.* Nunnally Investment Company. Petition for writ of certiorari to the Court of Claims denied.

No. 1001. Ernest E. Marks Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 792. Richard Archbold, petitioner, *v.* Commissioner of Internal Revenue;

No. 793. Adrian Archbold, petitioner, *v.* Commissioner of Internal Revenue;

No. 794. John Archbold, petitioner, *v.* Commissioner of Internal Revenue; and

No. 795. Archbold Van Beuren, petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 819. Elizabeth G. Augustus, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 836. Elsie Van Vranken, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 896, October Term, 1939. Amos G. McCampbell, Jr., petitioner, *v.* The Warrich Corporation et al. The motion for leave to file a second petition for rehearing is denied.

No. 776. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Nebraska Bridge Supply & Lumber Company. The motion for leave to file a second petition for rehearing is denied.

No. —. Ex parte Cecil L. Snyder, petitioner;

No. 523. Crystal City Glass Workers' Union, petitioner, *v.* National Labor Relations Board;

No. 658. Lambiris Skiriotes, appellant, *v.* The State of Florida;

No. 816. Ernest Newton Kalb, petitioner, *v.* Henry Feuerstein and Helen Feuerstein;

No. 893. Payne Furnace and Supply Company, Inc., petitioner, *v.* Williams-Wallace Company; and

No. 936. William Davies Co., Inc., petitioner, *v.* The People of the State of Illinois, ex rel. John L. Toman, County Treasurer etc. The petitions for rehearing in these cases are denied.

No. —, original. Ex parte State of Louisiana, plaintiff. Motion for leave to file complaint submitted by Mr. James J. Morrison for the plaintiff.

No. 6, original. Commonwealth of Kentucky, complainant, *v.* State of Indiana. An order is entered striking this case from the docket pursuant to stipulation of counsel.

Adjourned until Monday, June 2, next, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Murphy.

George Murphy, of Detroit, Mich.; A. Harry Becker, of Wilwaukee, Wis.; Albert J. Gould, of Denver, Colo.; Marshall S. Howard, of Chicago, Ill.; Harold H. Burton, of Cleveland, Ohio; Charles A. Sweeny, of Washington, D. C.; Keith Jaquiss, of Washington, D. C.; Harry T. Gower, of New York City; Victor W. Godfrie, of Cleveland, Ohio; Frederic A. Shaffer, of Long Beach, Calif.; James F. Splain, of Washington, D. C.; Mary E. Prentice, of Columbus, Ohio; Julia M. Easley, of San Francisco, Calif.; Evelyn Neilson Cooper, of Washington, D. C.; Daniel R. Dimick, of Portland, Oreg.; George Lyle Jones, of Asheville, N. C.; Lowell W. Taylor, of Memphis, Tenn.; Harold B. Corwin, of Grand Rapids, Mich.; James Vizzard, of Bakersfield, Calif.; Gertrude Gottlieb, of New York City; J. Richard Bowden, of Atlanta, Ga.; John R. Caterisan, of Atlanta, Ga.; Thomas A. Browne, of Waupaca, Wis.; Charles C. Shea, of Victoria, Tex.; Richard F. Welsh, of Nashua, N. H.; Frederick Howard Hauser, of Hoboken, N. J.; Oswell G. Treadway, of Chicago, Ill.; Andrew F. Van Thun, Jr., of New York City; George H. Burtis, of New York City; Korean Movsisian, of Chicago, Ill.; Arthur H. Glanz, of Los Angeles, Calif.; Mayer U. Newfield, of Birmingham, Ala.; Donald A. Callahan, of Wallace, Idaho; George W. Grimm, Jr., of East Orange, N. J.; John E. Powell, of Washington, D. C.; Bryan A. Hermes, of Philadelphia, Pa.; J. Harold Kilcoyne, of Washington, D. C.; Donald M. Kitzmiller, of Los Angeles, Calif.; Alphonse A. Laporte, of New York City; Wm. Earle White, of Petersburg, Va.; Philip Edward Teeling, of Waco, Tex.; Jerome C. Eisenberg, of Newark, N. J.; Abner Brodie, of Orange, N. J.; George E. Murray, of Saint Louis, Mo.; Martin L. Cassell, Jr., of Chicago, Ill.; Arthur Carpenter Elgin, of Washington, D. C.; Charles Evan Henderson, of Salt Lake City, Utah; Camillus A. Conway, of Muskogee, Okla.; Gregory S. Prince, of Washington, D. C.; and Eulan I. Snyder, of Washington, D. C., were admitted to practice.

No. 832. State of Oklahoma ex rel. Leon C. Phillips, Governor of the State of Oklahoma, appellant, *v.* Guy F. Atkinson Company,

Cleon A. Summers, United States Attorney for the Eastern District of Oklahoma, et al. Appeal from the District Court of the United States for the Eastern District of Oklahoma. Judgment affirmed. Opinion by Mr. Justice Douglas.

No. 594. Union Pacific R. R. Co., a Corporation, et al., appellants, *v.* The United States of America et al. Appeal from the District Court of the United States for the Western District of Missouri. Decree modified as indicated in the opinion of this Court and, as so modified, affirmed. Opinion by Mr. Justice Reed. Mr. Justice Murphy took no part in the consideration or decision of this case. Dissenting opinion by Mr. Justice Roberts, in which Mr. Justice Black and Mr. Justice Douglas join.

No. 741. Klaxon Company, petitioner, *v.* Stentor Electric Manufacturing Company, Inc. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment reversed with costs and cause remanded to the Circuit Court of Appeals for decision in conformity with the law of Delaware. Opinion by Mr. Justice Reed.

No. 755. J. Rob Griffin, Administrator with will annexed of the Estate of Robert D. Gordon, deceased, petitioner, *v.* John D. McCoach, Trustee. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment reversed with costs and cause remanded to the Circuit Court of Appeals for determination of the law of Texas as applied to the circumstances of this case. Opinion by Mr. Justice Reed. Mr. Justice Frankfurter concurs in the result.

The Chief Justice announced the following orders of the Court:

No. 901. Bakery and Pastry Drivers and Helpers Local 802 of the International Brotherhood of Teamsters et al., petitioners, *v.* Hyman Wohl and Louis Platzman. On petition for writ of certiorari to the Court of Appeals of the State of New York. *Per curiam:* The petition for rehearing is granted. The order denying certiorari is vacated and the petition for writ of certiorari is granted. The judgment is reversed. American Federation of Labor *v.* Swing, No. 56, decided February 10, 1941.

No. 1063. Pearl Assurance Company, Limited, of London, England, and Oscar H. Carlsson, appellants, *v.* Charles F. J. Haring, as Commissioner of Insurance of the Commonwealth of Massachusetts. Appeal from the District Court of the United States for the District of Massachusetts. *Per curiam:* The judgment is affirmed. Mr. Justice Frankfurter took no part in the consideration and decision of this case.

No. 1066. Darnall Trucking Company, Inc., et al., appellants, v. Burr H. Simpson, Individually etc., et al. Appeal from the Supreme Court of Appeals of the State of West Virginia. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Maurer v. Hamilton*, 309 U. S. 598.

No. 1067. Alropa Corporation, appellant, v. J. A. Kirchwehm. Appeal from the Supreme Court of the State of Ohio. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a properly presented substantial federal question. (1) *Godchaux v. Estopinal*, 251 U. S. 179; *Rooker v. Fidelity Trust Co.*, 261 U. S. 114, 117; *Herndon v. Georgia*, 295 U. S. 441, 443; (2) *Zadig v. Baldwin*, 166 U. S. 485, 488; *Live Oak Water Users' Ass'n v. Railroad Commission*, 269 U. S. 354, 357-358; (3) *Kryger v. Wilson*, 242 U. S. 171, 176; *Finney v. Guy*, 189 U. S. 335, 340; *Johnson v. New York Life Ins. Co.*, 187 U. S. 491, 496.

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

ORDER

The Court assigns Mr. Justice Frank Murphy temporarily to the Sixth Circuit.

No. —. *Ex parte* Walter Wisniewski, petitioner. Application denied.

No. —, original. *Ex parte* Cleio Hull, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. —, original. State of Louisiana, plaintiff, v. Claude Cummins et al. A rule is ordered to issue, returnable October 1 next, requiring the respondents to show cause why leave to file the complaint should not be granted.

No. 11, original. State of Kansas, complainant, v. State of Missouri. The application for an order on deposit for costs is granted, and the States of Kansas and Missouri are directed each to deposit with the Clerk one thousand dollars (\$1,000) to defray the expenses of the Special Master.

No. 14, original. Forrest Holiday, petitioner, v. James A. Johnston, Warden, etc. Paragraph numbered 3 on page 4 of the opinion is amended to read as follows:

"The respondent insists that the petition was premature if the petitioner's claim that he was denied the assistance of counsel is without merit, but the contention is pressed only if we find that no question as to such denial is presented."

The first sentence of the last paragraph on page 6 is amended to read as follows:

“Finally, the sanction by Rule 53 of the Rules of Civil Procedure of references to masters does not aid in the decision of the question presented.”

No. 19. Harry Bridges, petitioner, *v.* State of California; and

No. 64. The Times-Mirror Company and L. D. Hotchkiss, petitioners, *v.* The Superior Court of the State of California in and for the County of Los Angeles. These cases are restored to the docket and assigned for reargument on Monday, October 13 next.

No. 959. Phil Chadwick, Mrs. Phil Chadwick, et al., petitioners, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied.

No. 966. Charles Beland, petitioner, *v.* The United States of America. The motion to proceed on the typewritten record is granted. The petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is denied.

No. 1021. Charles Sherwin, petitioner, *v.* The United States of America; and

No. 1022. Joseph P. Sheridan, petitioner, *v.* The United States of America. On petition for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. The motion to use the record in Nos. 319 and 320 is granted. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which writs of certiorari should be issued. The petition for writs of certiorari is therefore also denied.

No. 917. John Semar Farnsworth, petitioner, *v.* Joseph W. Sanford, Warden, etc. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit;

No. 1003. Harold Glass, petitioner, *v.* John J. Ryan, United States Correctional Institution, Milan, Michigan. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit;

No. 1040. John H. Weitlauf, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 1049. Edward Riley and Orville Watson, petitioners, *v.* The State of Illinois. On petition for writ of certiorari to the Supreme Court of the State of Illinois;

No. 1053. Clarence Pearson, petitioner, *v.* The People of the State of California. On petition for writ of certiorari to the District Court of Appeals, Second Appellate District, State of California; and

No. 1060. Edward E. Boerner, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. The motions for leave to proceed further herein *in forma pauperis* are denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which writs of certiorari should be issued. The petitions for writs of certiorari are therefore also denied.

No. 1008. Clyde Hysler, petitioner, *v.* The State of Florida. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Supreme Court of the State of Florida is also granted.

No. 974. The United States of America, petitioner, *v.* James M. Ragen;

No. 975. The United States of America, petitioner, *v.* Arnold W. Kruse; and

No. 976. The United States of America, petitioner, *v.* Lester A. Kruse. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 981. Scaife Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 1024. National Labor Relations Board, petitioner, *v.* P. Lorillard Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 1033. B. B. Chemical Co., petitioner, *v.* Elmer A. Ellis and Magic Tape Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted, and the case is assigned for argument immediately following No. 946.

No. 1012. Southport Petroleum Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted limited to the question of the correctness of denial by the Circuit Court of Appeals of the petitioner's motion to remand to the National Labor Relations Board for further evidence.

No. 1081. Christian W. Beck, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit 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. 665-666. Mr. Justice Douglas took no part in the consideration and decision of this application.

No. 838. Municipality of Guayanilla, petitioner, *v.* Public Service Commission of Puerto Rico et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 962. Martin M. Goldman, petitioner, *v.* The United States of America ;

No. 963. Jacob P. Shulman, petitioner, *v.* The United States of America ; and

No. 980. Theodore Goldman, petitioner, *v.* The United States of America. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 965. Burk Brothers, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 977. Marjorie Fleming Lloyd-Smith, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 987. Sabine Towing Company, Incorporated, petitioner, *v.* Continental Insurance Company, Incorporated. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 994. Wong Yim, alias George Wong, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 996. The Women's Catholic Order of Foresters, petitioner, *v.* The City of Ennis, Texas, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 998. Alexander J. Bielski, petitioner, *v.* Emerson Samuels. Petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania denied.

No. 1000. Glendy B. Arnold, Judge of the Probate Court of the City of St. Louis, Missouri, petitioner, *v.* Charles Wyers. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 1002. Johanna F. Fiske, Amanda F. Wheeler, et al., petitioners, *v.* S. Mayner Wallace. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 1005. Orville J. Taylor, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 1011. Alton Rufus Pesnell, petitioner, *v.* Department of Industrial Relations of Alabama. Petition for writ of certiorari to Supreme Court of the State of Alabama denied.

No. 1014. Valley Mould and Iron Corporation, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 1015. Chenille Manufacturing Co., Inc., et al., petitioners, *v.* Moses J. Schifrin. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1017. Charles W. Miller, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 1020. Priscilla Baking Company et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 1023. A. J. Pickett, General Chairman of the Brotherhood of Railway and Steamship Clerks, etc., et al., petitioners, *v.* The Union Terminal Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1025. The Atchison, Topeka and Santa Fe Railway Company, petitioner, *v.* Melvern A. Cooper. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 1028. Adolph Netzel, petitioner, *v.* The People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of the State of Michigan denied.

No. 1030. M. O. Cowan et al., Trustees, etc., petitioners, *v.* Hamilton National Bank of Knoxville, as Trustee, etc. Petition for writ of certiorari to the Supreme Court of the State of Tennessee denied.

No. 1034. Jesse L. Pearl and Massachusetts Bonding and Insurance Company, petitioners, *v.* The County of Garfield, Nebraska. Petition for writ of certiorari to the Supreme Court of the State of Nebraska denied.

No. 1042. Clyde Nimerick, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1019. The Central National Bank of Cleveland, Trustee, petitioner, *v.* Robert O'Brien, Executor, etc. Petition for writ of certiorari to the Court of Appeals, Franklin County, State of Ohio, denied.

No. 1041. F. Gerald Thomas and Ralph C. Golding, petitioners, *v.* George W. Rossetter et al. Petition for writ of certiorari to the

United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 1050. Howell Van Auken, Administrator, etc., et al., petitioners, *v.* Second National Bank and Trust Company, of Saginaw, Michigan, as Trustees, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 1051. E. Diamantopoulos, Minister to the United States for the Kingdom of Greece, petitioner, *v.* The American Tobacco Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1054. Howell Van Auken, Administrator, etc., et al., petitioners, *v.* Second National Bank and Trust Company of Saginaw, Michigan, as Trustee, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 1031. R. W. Brooks et al., petitioners, *v.* The United States of America and C. A. Firth. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 1032. Marlin-Rockwell Corporation, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1058. Frank C. Rand, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 924. Tom Wing Art, alias Wing Fook Tom, alias Shorty Yuen, petitioner, *v.* William A. Carmichael, District Director of the United States Immigration and Naturalization Service, District No. 20. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 1046. The Press Co., Inc., petitioner, *v.* National Labor Relations Board et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 1052. Reed & Prince Manufacturing Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 1056. The Singer Manufacturing Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 1071. American-West African Line, Inc., petitioner, *v.* John A. Lydecker, Executor, etc. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 1074. The Solvay Process Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 32. Fidelity Union Trust Company and Minton H. Twinch, as Executors, etc., petitioners, *v.* Ethel Adelaide Field. The motion for leave to file a second petition for rehearing is granted.

No. 876, October Term, 1938. Maude W. Sweet et al., petitioners, *v.* Commissioner of Internal Revenue. The motion for leave to file petition for rehearing is denied.

No. 882, October Term, 1939. Julian W. Fretwell, petitioner, *v.* Gillette Safety Razor Company. The motion for leave to file a second petition for rehearing is denied.

No. 601. Paul W. Sampsell, as Trustee, etc., petitioner, *v.* Imperial Paper and Color Corporation;

No. 655. Department of Treasury of the State of Indiana et al., etc., petitioners, *v.* Ingram-Richardson Manufacturing Company of Indiana, Inc.;

No. 708. Philadelphia-Detroit Lines, Inc., appellant, *v.* Burr H. Simpson, Individually, etc., et al.;

No. 857. Paysoff Tinkoff, petitioner, *v.* Paul Klein ex rel., Trustee, etc.;

No. 858. Paysoff Tinkoff, petitioner, *v.* Thomas J. McManus, Trustee, etc.;

No. 921. Funks Grove Grain Company, petitioner, *v.* The Alton Railroad Company; and

No. 767. Milton Roe Sabin et al., petitioners, *v.* Home Owners' Loan Corporation. Petitions for rehearing denied.

The Chief Justice announced the following order:

ORDER

All cases submitted and all business before the Court at this term in readiness for disposition having been disposed of,

It is ordered by this Court that all cases on the docket be, and they hereby are, continued to the next term.

Adjourned to the time and place appointed by law.

By order of Mr. Justice Stone the following correspondence between the Court and the Chief Justice is appended to the minutes of June 2, 1941.

SUPREME COURT OF THE UNITED STATES,
Washington, D. C., June 2, 1941.

DEAR CHIEF JUSTICE: The announcement of your decision to retire from the active duties of your office brings to us a deep sense of regret that our association with you in the daily work of the Court must end. In all the years of that association you have been tireless in carrying the heavy burden which unavoidably rests on the Chief Justice. With single-minded devotion to the high purpose of the Court you have brought to your leadership there all the resources gained from many years of eminent public and professional service, wide knowledge of the law, and that unflagging energy and painstaking care with which you have guided our deliberations with thoroughness and dispatch.

At this moment of parting we wish to assure you of the high regard and esteem in which we hold you and your distinguished services to the Court and to the country. We wish for you in the years to come unabated vigor and good health and the full enjoyment of the opportunity to continue to employ your talents in agreeable and useful accomplishment.

Faithfully yours,

HARLAN F. STONE.
OWEN J. ROBERTS.
HUGO L. BLACK.
STANLEY REED.
FELIX FRANKFURTER.
WM. O. DOUGLAS.
FRANK MURPHY.

The CHIEF JUSTICE.

SUPREME COURT OF THE UNITED STATES,
Washington, D. C., June 3, 1941.

MY DEAR BRETHREN: I shall always treasure the generous words of your letter. I keenly regret the necessity of giving up the privilege of our daily association and I shall carry into my retirement an abiding and precious memory of the good will and friendly consideration you have invariably shown me in the intimacy of our common endeavor. Despite my withdrawal from active service, I trust that our companionship may still continue and I extend to each

of you the assurance of my high esteem and my earnest wish for your health and happiness.

Faithfully yours,

CHARLES E. HUGHES.

Mr. Justice STONE.

Mr. Justice ROBERTS.

Mr. Justice BLACK.

Mr. Justice REED.

Mr. Justice FRANKFURTER.

Mr. Justice DOUGLAS.

Mr. Justice MURPHY.