

P.V.

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469709

S.C.

I

OCTOBER TERM, 1941

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	Original	Appellate	Total
Number of cases on docket.....	12	1, 290	1, 302
Cases disposed of.....	2	1, 166	1, 168
Remaining on docket.....	10	124	134

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By written opinions.....	175
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SUPREME COURT OF THE UNITED STATES

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

Mr. Justice Roberts said:

“Since the adjournment of the last term the retirement of Mr. Chief Justice Hughes has become effective. The President has nominated and the Senate has confirmed Mr. Justice Stone as Chief Justice of the United States. He has presented his commission and has taken the oaths prescribed by law, and it is, therefore, ordered that his commission be recorded and that his oaths be filed.”

The Chief Justice said:

“Since the adjournment of the Court in June the President has nominated and, with the advice and consent of the Senate, has appointed Senator James Francis Byrnes, of South Carolina, and Attorney General Robert Houghwout Jackson, of New York, to be Associate Justices of this Court in succession, respectively, to Associate Justice James Clark McReynolds, retired, and to Associate Justice Harlan F. Stone, appointed Chief Justice. They have presented their respective commissions and have taken the oaths prescribed by law. It is ordered that their commissions be recorded and that their oaths be filed.”

The commissions of Mr. Chief Justice Stone, Mr. Justice Byrnes, and Mr. Justice Jackson are in the words and figures following, viz:

“FRANKLIN D. ROOSEVELT

“PRESIDENT OF THE UNITED STATES OF AMERICA

“To all who shall see these Presents, Greeting:

“KNOW YE: That reposing special trust and confidence in the Wisdom, Uprightness, and Learning of Harlan F. Stone, of New York, I have nominated, and, by and with the advice and consent of the Senate, do appoint him Chief Justice of the United States, and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the said United

States, and to Have and to Hold the said Office, with all the powers, privileges, and emoluments to the same of right appertaining, unto Him, the said Harlan F. Stone, during his good behavior.

"IN TESTIMONY WHEREOF, I have caused these Letters to be made patent and the seal of the Department of Justice to be hereunto affixed.

"Done at the City of Washington this third day of July, in the year of our Lord one thousand nine hundred and forty-one, and of the Independence of the United States of America the one hundred and sixty-fifth.

"FRANKLIN D. ROOSEVELT.

"By the President:

"ROBERT H. JACKSON,
"Attorney General."

"FRANKLIN D. ROOSEVELT

"PRESIDENT OF THE UNITED STATES OF AMERICA

"To all who shall see these Presents, Greeting:

"KNOW YE: That reposing special trust and confidence in the Wisdom, Uprightness, and Learning of James Francis Byrnes, of South Carolina, I have nominated, and, by and with the advice and consent of the Senate, do appoint him an Associate Justice of the Supreme Court of the United States, and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the said United States, and to Have and to Hold the said Office, with all the powers, privileges, and emoluments to the same of right appertaining, unto Him, the said James Francis Byrnes, during his good behavior.

"IN TESTIMONY WHEREOF, I have caused these Letters to be made patent and the seal of the Department of Justice to be hereunto affixed.

"Done at the City of Washington this twenty-fifth day of June, in the year of our Lord one thousand nine hundred and forty-one, and of the Independence of the United States of America the one hundred and sixty-fifth.

"FRANKLIN D. ROOSEVELT.

"By the President:

"ROBERT H. JACKSON,
"Attorney General."

MONDAY, OCTOBER 6, 1941

“FRANKLIN D. ROOSEVELT

“PRESIDENT OF THE UNITED STATES OF AMERICA

“To all who shall see these Presents, Greeting:

“KNOW YE: That reposing special trust and confidence in the Wisdom, Uprightness, and Learning of Robert H. Jackson, of New York, I have nominated, and, by and with the advice and consent of the Senate, do appoint him an Associate Justice of the Supreme Court of the United States, and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the said United States, and to Have and to Hold the said Office, with all the powers, privileges, and emoluments to the same of right appertaining, unto Him, the said Robert H. Jackson, during his good behavior.

“IN TESTIMONY WHEREOF, I have caused these Letters to be made patent and the seal of the Department of Justice to be hereunto affixed.

“Done at the City of Washington this eleventh day of July, in the year of our Lord one thousand nine hundred and forty-one, and of the Independence of the United States of America the one hundred and sixty-sixth.

“FRANKLIN D. ROOSEVELT.

“By the President:

“FRANCIS BIDDLE,

“Acting Attorney General.”

The Chief Justice said:

“With profound sorrow I announce the death last evening of Louis Dembitz Brandeis. For nearly twenty-three years he was in active service as an Associate Justice of this Court, and from February 13, 1939, when he exercised his right of retirement, and until his death, he was a retired Justice of this Court.

“Learned in the law, with wide experience in the practice of his profession, he brought to the service of the Court and of his country rare sagacity and wisdom, prophetic vision, and an influence which derived power from the integrity of his character and his ardent attachment to the highest interests of the Court as the implement of government under a written constitution. His death brings to a close a career of high distinction and a life of tireless devotion to the public good.

“The funeral service will be private. There will be a public memorial service at a time and place to be later announced.

“As a mark of respect to Justice Brandeis’ memory the Court will adjourn without transacting further business.

“The papers upon all motions now ready for submission may be filed with the Clerk and will receive the attention of the Court.

“To enable the Court to consider in conference and make appropriate disposition of the great number of petitions for certiorari and other applications which have been filed during the summer, the recess of the Court will be continued until Monday, October 13. The Court will now adjourn.”

Adjourned until Monday, October 13, next, at 12 o’clock.

The day call for Monday, October 13, will be as follows: Nos. **1, 3, 2, 4 (and 5), 10 (11, 12, and 13), 14, 15, 16, 19, 20, 24, 17, 18, and 21.**

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SUPREME COURT OF THE UNITED STATES

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

John Austin Latimer, of Williston, S. C.; Joseph Belmont Jiskra, of Petersburg, Ill.; Simon Surabian, of West Boylston, Mass.; Donald Eugene Wachhorst, of Sacramento, Calif.; William Patrick Halloran, of Anaconda, Mont.; James Delridge Dye, of Ottawa, Kans.; Fred L. Blackmon, of Anniston, Ala.; Claude K. Wingate, of Columbia, S. C.; Irwin William Silverman, of Washington, D. C.; Wm. S. Hughes, of Dallas, Tex.; Sanford Solarz, of New York City; C. Maurice Weidemeyer, of Pasadena, Md.; Austin C. Sherman, of Los Angeles, Calif.; Arthur Pettepoole Nesbit, of Columbia, Tenn.; George A. Cassidy, Jr., of Washington, D. C.; Charles L. Henson, of Jefferson City, Mo.; Clarence P. LeMire, of Kansas City, Mo.; William P. Mahedy, of San Diego, Calif.; J. H. O'Connor, of Los Angeles, Calif.; Philip H. Hickson, of Lynchburg, Va.; V. E. Plunkett, of Portsmouth, Va.; James W. Dorsey, of Atlanta, Ga.; Laura E. Miller, of Louisville, Ky.; Jane Foulks Johnston, of Topeka, Kans.; Linton S. Marshall, of Trenton, N. J.; Arthur C. Inman, of Boise, Idaho; Robert C. Duval, Jr., of Richmond, Va.; John B. Duval, of Richmond, Va.; E. Milton Altfeld, of Baltimore, Md.; Robert William Pratt, of Pittsburgh, Pa.; Sidney Kirschen, of Flemington, N. J.; Lester Wallack Oliver, of Clinton, N. J.; Thos. C. Ryan, of San Francisco, Calif.; Norris J. Burke, of San Francisco, Calif.; James W. Wrape, of Memphis, Tenn.; H. Russell Bishop, of Washington, D. C.; Bryant Purteet, of Saint Louis, Mo.; Harry C. Bulkley, of Detroit, Mich.; Sheldon S. Reynolds, of Cleveland, Ohio; Heston Nelson Potts, of New Brunswick, N. J.; Herbert Lewis Davis, Jr., of Washington, D. C.; S. Joseph Corrigan, of Washington, D. C., and Atherton G. Southworth, of Charlotte, N. C., were admitted to practice.

The Chief Justice announced the following orders of the Court:

No. 185. Gilbert Reuter et al., appellants, *v.* State of Wisconsin, ex rel. Department of Agriculture. Appeal from the Supreme Court of the State of Wisconsin. *Per curiam:* The motion for leave to file statement of jurisdiction is granted. The motion to dismiss is

also granted, and the appeal is dismissed for want of a substantial federal question. (1) *Highland Farms Dairy v. Agnew*, 300 U. S. 608, 612; (2) *Nebbia v. New York*, 291 U. S. 502; *Borden's Co. v. Ten Eyck*, 297 U. S. 251; *United States v. Rock Royal Co-Op.*, 307 U. S. 533, 562-71; *Central Lumber Co. v. South Dakota*, 226 U. S. 157.

No. 190. *E. E. Morgan Company, Inc., appellant, v. State of Arkansas*, for use and benefit of Phillips County. Appeal from the Supreme Court of the State of Arkansas. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. (1) *Stewart & Co. v. Sadrakula*, 309 U. S. 94, 105, *James v. Dravo Contracting Co.*, 302 U. S. 134, 149; *General Construction Co. v. Fisher*, 295 U. S. 715; *Trinityfarm Construction Co. v. Grosjean*, 291 U. S. 466, 472; (2) *International Harvester v. Kentucky*, 234 U. S. 579, 588-89; *Natural Gas Co. v. Slattery*, 302 U. S. 300, 306-7.

No. 199. *Empire Oil and Refining Company, known as The Cities Service Oil Company, R. C. Ketzler, appellants, v. Della Fields*. 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 a substantial federal question. *Metropolitan Co. v. Brownell*, 294 U. S. 580, 583; *Washington v. Superior Court*, 289 U. S. 361, 366.

No. 313. *A. N. O'Keeffe, as Surviving Executor of and under the last will and testament and codicils thereto of Frank Adams, deceased, et al., appellants, v. C. L. Adams, F. Claude Adams, et al.* Appeal from the Supreme Court of the State of Florida. *Per curiam*: The appeal is dismissed for want of a substantial federal question. *United States v. Fox*, 94 U. S. 315, 320-21; *United States v. Perkins*, 163 U. S. 625, 627-28; *Ferry v. Spokane, P. & S. Ry. Co.*, 258 U. S. 314, 319; *Stebbins v. Riley*, 268 U. S. 137.

No. 331. *The Morris Plan Industrial Bank of New York, appellant, v. Mark Graves et al.*, as and constituting the State Tax Commission of the State of New York. Appeal from the Supreme Court of the State of New York. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a final judgment of the highest court of the state on the constitutional question presented. The Chief Justice took no part in this decision.

No. 533. *Standard Oil Company of Louisiana, appellant, v. State of Tennessee, ex rel. George F. McCanless, Commissioner of Finance and Taxation, et al.* Appeal from the Supreme Court of the State of Tennessee. *Per curiam*: The judgment is affirmed. *General Oil Co. v. Crain*, 209 U. S. 211; *Bacon v. Illinois*, 227 U. S. 504; *Susque-*

hanna Coal Co. *v.* South Amboy, 228 U. S. 665; *Minnesota v. Blasius*, 290 U. S. 1, 10-12.

No. 566. Grace Trent, Lucy McKee, et al., appellants, *v.* Lester Hunt, Scott Adams, et al. Appeal from the District Court of the United States for the Southern District of Indiana. *Per curiam*: The judgment is affirmed. *Beal v. Missouri Pacific R. Co.*, 312 U. S. 45, 49-51; *Watson v. Buck*, 313 U. S. 387, 400-01.

No. 567. Cecil Bevins, Austin R. Simcox, et al., appellants, *v.* "Doc" Prindable, Louis P. Zerweck, et al. Appeal from the District Court of the United States for the Eastern District of Illinois. *Per curiam*: The motion to affirm is granted and the judgment is affirmed. *Beal v. Missouri Pacific R. Co.*, 312 U. S. 45, 49-51; *Watson v. Buck*, 313 U. S. 387, 400-01.

No. 568. Thomas J. Pendergast, appellant, *v.* The United States of America; and

No. 569. Robert Emmett O'Malley, appellant, *v.* The United States of America. Appeals from the District Court of the United States for the Western District of Missouri. *Per curiam*: It does not appear that the proceedings sought to be reviewed required the presence of three judges under Section 266 of the Judicial Code as amended, 28 U. S. C. sec. 380. *Commission v. Brashear Lines*, 312 U. S. 621, 625-26; *Phillips v. United States*, 312 U. S. 246, 248-51. The motion to dismiss is therefore granted and the appeals are dismissed. The appeals filed under Section 238 of the Judicial Code as amended, 28 U. S. C. sec. 345, are dismissed for want of jurisdiction. Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

No. 591. A. M. Whitney, doing business as Whitney Transfer Company, Incorporated, et al., appellants, *v.* Keen Johnson, Chief Executive, Commonwealth of Kentucky, et al. Appeal from the District Court of the United States for the Eastern District of Kentucky. *Per curiam*: The judgment is affirmed. (1) *South Carolina Highway Dept. v. Barnwell Bros.*, 303 U. S. 177; *Maurer v. Hamilton*, 309 U. S. 598; *Philadelphia-Detroit Lines, Inc. v. Simpson*, 312 U. S. 655; *Darnall Trucking Co. v. Simpson*, 313 U. S. —; (2) *Sproles v. Binford*, 286 U. S. 374, 395-96.

No. 596. H. H. Irvine, appellant, *v.* G. Howard Spaeth, Commissioner of Taxation of Minnesota. Appeal from the Supreme Court of the State of Minnesota. *Per curiam*: The appeal is dismissed for want of jurisdiction. Section 237(a), Judicial Code, as amended, 28 U. S. C. sec. 344(a). 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 as amended, 28 U. S. C. sec. 344(c), certiorari is denied.

Nos. 360 to 496, inclusive. American Insurance Company and others, appellants, *v.* Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al. Appeals from the District Court of the United States for the Western District of Missouri. *Per curiam*: The decrees here sought to be reviewed modify consent decrees for the distribution of funds theretofore impounded by the District Court and direct a different distribution of these funds. They are not decrees "granting or denying" an injunction. Therefore direct appeals to this Court do not lie. Section 266 of the Judicial Code, as amended, 28 U. S. C. sec. 380. See *Pub. Serv. Comm'n v. Brashear Lines*, 306 U. S. 204, 207, and *Phillips v. United States*, 312 U. S. 246, 248-251. The appeals are dismissed. Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

No. 181. Magnolia Petroleum Company and Union Producing Company, petitioners, *v.* Edwin S. Hull, Joe H. Hull, et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. *Per curiam*: The petition for writ of certiorari is granted. The judgment is reversed and the cause remanded to the District Court to permit trial of the issues raised by petitioners' answer and for further proceedings.

No. 168. Wade Holley, appellant, *v.* The State of Georgia. Appeal from the Supreme Court of the State of Georgia. *Per curiam*: The motion to strike the motion to dismiss is denied. The motion to dismiss is granted, and the appeal is dismissed for want of a properly presented federal question. *McCorquodale v. Texas*, 211 U. S. 432, 436-37; *Forbes v. State Council of Virginia*, 216 U. S. 396, 398-99; Section 6-1607, Code of Georgia of 1933; Rule 40 (c) of the Supreme Court of Georgia. The motion for leave to proceed further *in forma pauperis* is therefore 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 David L. Starr. It having been reported to the Court that David L. Starr, of Pittsburgh, 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 David L. Starr 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. —. In the matter of the disbarment of Howard C. Hopson. It having been reported to the Court that Howard C. Hopson, of Madison, Wisconsin, has been disbarred from the practice of the law by the District Court of the United States for the District of Columbia;

It is ordered that the said Howard C. Hopson 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. 76. The Federal Land Bank of Saint Paul, petitioner, *v.* Bismarck Lumber Company and John Gray, as Tax Commissioner of The State of North Dakota. This case is advanced and assigned for argument on Wednesday, October 22 next, immediately following Nos. 602 and 603.

No. 1023, October Term, 1940. A. J. Pickett, General Chairman of the Brotherhood of Railway and Steamship Clerks, etc., petitioner, *v.* The Union Terminal Company. 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 Fifth Circuit is granted. The case is assigned for argument immediately following No. 112.

No. 101. James H. Halliday, a person non compos mentis, by his Committee, Annie Halliday, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit; and

No. 256. Dr. Maximilian Goldstein 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 Second Circuit. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are also granted. Mr. Justice Jackson took no part in the consideration and decision of these applications.

No. 510. C. H. Cochran, petitioner, *v.* The State of Kansas and Milton F. Amrine, Warden, etc. On petition for writ of certiorari to the Supreme Court of the State of Kansas. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari is also granted.

No. 177. J. O. Spaulding, 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. The motion for leave to proceed *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 and Mr. Justice Jackson took no part in the consideration and decision of these applications.

No. 198. Joe Vance, 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. 216. Clarence Mackel Sweetney, 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. 273. 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;

No. 276. Newton H. Brown and Ethel L. Brown, Debtors, petitioners, *v.* The Federal Land Bank of Louisville, Kentucky. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit;

No. 297. Louise Dean Moyer, petitioner, *v.* Frank Hines, as Administrator of Veterans Affairs. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia; and

No. 335. William B. Jordan, 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 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. Mr. Justice Jackson took no part in the consideration and decision of these applications.

No. 250. Edmond C. Fletcher, petitioner, *v.* A. E. Krise, Receiver, etc. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia. The motion to strike is denied. 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. 284. Albert Wesley, Jr., petitioner, *v.* The State of Texas. On petition for writ of certiorari to the Court of Criminal Appeals of the State of Texas;

No. 296. William Hugh Engels, petitioner, *v.* M. F. Amrine, Warden, etc., et al. On petition for writ of certiorari to the Supreme Court of the State of Kansas; and

No. 507. Harry Pyle, petitioner, *v.* The State of Kansas and Milton F. Amrine, Warden, etc. On petition for writ of certiorari to the Supreme Court of the State of Kansas. 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. 344. James Best, petitioner, *v.* The People of the State of California. On petition for writ of certiorari to the District Court of Appeal, State of California; and

No. 586. W. M. Hamilton, petitioner, *v.* The State of Texas. On petition for writ of certiorari to the Court of Criminal Appeals of the State of Texas. 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); Finn *v.* Railroad Commission of California, 286 U. S. 559. The petitions for writs of certiorari are therefore also denied.

No. 302. J. Ralph De Marcos, petitioner, *v.* Dr. Winfred Overholser, Superintendent of St. Elizabeths Hospital. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia. The motion for a supplemental record is denied. 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. 68. Claude Wyant, petitioner, *v.* Samuel H. Caldwell, Receiver, etc. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit;

No. 99. Eva Brooks, petitioner, *v.* Hill-Shaw Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit;

No. 148. Raymond Dugan, petitioner, *v.* Stanley P. Ashe, Warden, etc. On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania;

No. 158. Hazel Frances Goodale, petitioner, *v.* Charles S. Campbell et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit;

No. 159. The People of the State of New York, ex rel. Ralph Mark, petitioner, *v.* The Warden of the Attica State Prison, etc.;

No. 176. Catherine M. Carroll, petitioner, *v.* Raymond A. Carroll, et al. On petition for writ of certiorari to the Supreme Court of the State of California;

No. 178. Frank Sweeney, petitioner, *v.* State Board of Public Assistance. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit;

No. 189. Donald Conrad, petitioner, *v.* Stanley P. Ashe, Warden, etc. On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania;

No. 208. Peter Pianezzi, petitioner, *v.* The People of the State of California. On petition for writ of certiorari to the District Court of Appeal of the State of California;

No. 209. Peter Pianezzi et al., petitioners, *v.* The People of the State of California. On petition for writ of certiorari to the District Court of Appeal of the State of California;

No. 235. Everett E. Willey by Henry E. Willey, his next friend, et al., petitioners, *v.* Maine Central Railroad Company. On petition for writ of certiorari to the Supreme Judicial Court of the State of Maine;

No. 241. James Jenkins, petitioner, *v.* Stanley P. Ashe, Warden, etc. On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania;

No. 242. Lena Grolemond, petitioner, *v.* Emilio Caferata et al. On petition for writ of certiorari to the Supreme Court of the State of California;

No. 249. Otis Donahue, petitioner, *v.* Frank Burns, Sheriff. On petition for writ of certiorari to the Supreme Court of the State of Tennessee;

No. 264. Joseph K. Nulsen, petitioner, *v.* Judge Everett F. Johnson. On petition for writ of certiorari to the 57th District Court of Bexar County, State of Texas;

No. 275. J. B. King, petitioner, *v.* State of South Dakota and G. Norton Jameson, Warden, etc. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit;

No. 345. Maud L. Fenzel, as Trustee, etc., petitioner, *v.* R. W. Fensterwald et al. On petition for writ of certiorari to the Supreme Court of the State of Ohio;

No. 509. Alfred Sidney Barton and Robert L. Pace, petitioners, *v.* The Phelan Company. On petition for writ of certiorari to the Court of Appeal, 1st Circuit, State of Louisiana;

No. 530. Sam Roberts, petitioner, *v.* Ransom Pratt et al. On petition for writ of certiorari to the Court of Appeals of the State of New York;

No. 531. Edel M. Pullen, petitioner, *v.* Sun Life Insurance Company of America. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 541. Ethel Gray, petitioner, *v.* Eureka-Maryland Assurance Corporation. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 546. Patrick Farren, petitioner, *v.* P. E. Mahoney, Acting Warden, etc. On petition for writ of certiorari to the Supreme Court of the State of Washington; and

No. 556. Mary B. Curley, petitioner, *v.* Harry Paul Curley. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia. 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. 110. The Alton Railroad Company et al., appellants, *v.* The United States of America et al.; and

No. 267. The United States of America et al., appellants, *v.* The Alton Railroad Company et al.;

No. 197. The United States of America et al., appellants, *v.* Carolina Freight Carriers Corporation;

No. 223. The United States of America et al., appellants, *v.* Railway Labor Executives Association and Brotherhood of Railroad Trainmen;

No. 252. Allen-Bradley Local No. 1111, United Electrical, Radio and Machine Workers of America, et al., appellants, *v.* Wisconsin Employment Relations Board et al.;

No. 255. Walter Chaplinsky, appellant, *v.* State of New Hampshire;

No. 283. Butler Brothers, appellant, *v.* Charles J. McColgan, as Franchise Tax Commission of the State of California;

No. 318. Sampson Tulee, appellant, *v.* State of Washington;

No. 535. Gregg Cartage & Storage Company, Hugh Wells, Trustee, etc., et al., appellants, *v.* The United States of America et al.

No. 558. The United States of America, appellant, *v.* Dennis Malphurs et al.; and

No. 595. Swift and Company et al., appellants, *v.* The United States of America et al. In these cases probable jurisdiction is noted.

No. 143. The Board of Trade of Kansas City, Mo., et al., appellants, *v.* The United States of America et al. In this case probable jurisdiction is noted. The motion to advance is granted and the case is assigned for argument on Monday, November 17th next.

No. 210. Howard Hall Company, Inc., appellant, *v.* The United States of America et al. In this case probable jurisdiction is noted and the case is assigned for argument immediately following No. 197.

No. 322. Pete Lubetich, an individual doing business as Pacific Refrigerated Motor Lines, appellant, *v.* The United States of America et al. In this case probable jurisdiction is noted and the case is assigned for argument immediately following Nos. 52 and 53.

No. 184. Gene Buck, Individually and as President of the American Society of Composers, Authors and Publishers, et al., appellants, *v.* Otto Case, Individually and as State Treasurer of Washington, et al. 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. 100. Illinois Natural Gas Company, appellant, *v.* Central Illinois Public Service Company et al. Further consideration of the question of the jurisdiction of this Court in this case and of the motions to dismiss or affirm is postponed to the hearing of the case on the merits.

No. 499. Memphis Natural Gas Company, appellant, *v.* Roy H. Beeler, Attorney General of the State of Tennessee, et al. Further consideration of the question of the jurisdiction of this Court in this case and of the motion to dismiss is postponed to the hearing of the case on the merits.

No. 61. Harry F. Meilink, as Trustee, etc., petitioner, *v.* Unemployment Reserve Commission of the State of California. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 78. Barker Duncan, petitioner, *v.* Guy A. Thompson, Trustee, etc. Petition for writ of certiorari to the Springfield Court of Appeals of the State of Missouri granted.

No. 83. Merion Cricket Club, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 91. Charles R. Fischer, Commissioner of Insurance of the State of Iowa, as Receiver, etc., petitioner, *v.* American United Life Insurance Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 95. The People of Puerto Rico, petitioner, *v.* Russell & Co., S. en C. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 96. The People of Puerto Rico, petitioner, *v.* Rubert Hermanos, Inc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 112. C. L. Williams, Individually, etc., et al., petitioners, *v.* Jacksonville Terminal Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 124. Hotel & Restaurant Employee's International Alliance, Local No. 122, et al., petitioners, *v.* Wisconsin Employment Relations Board et al. Petition for writ of certiorari to the Supreme Court of the State of Wisconsin granted.

No. 128. Bondholders Committee, Marlborough Investment Company, First Mortgage Bonds, petitioner, *v.* Commissioner of Internal Revenue; and

No. 129. Marlborough House, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 139. Charles M. Thomson, Trustee for Property of Chicago & Northwestern Railway Company et al., petitioners, *v.* Barney E. Gaskill et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 151. The United States of America, petitioner, *v.* Joliet & Chicago Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 161. Clarence A. Stewart, Administrator, etc., petitioner, *v.* Southern Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 179. Alexander MacGregor, Jr., Executor, etc., petitioner, *v.* State Mutual Life Assurance Company of Worcester, Massachusetts. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 186. City of Texarkana, Texas, petitioner, *v.* Arkansas Louisiana Gas Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 206. D'Oench, Duhme & Co., Inc., petitioner, *v.* Federal Deposit Insurance Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 229. Elizabeth Wright and Charles C. Wright, petitioners, *v.* Gusto Logan et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 238. The United States of America, petitioner, *v.* State of New York; and

No. 251. State of New York, petitioner, *v.* The United States of America. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 245. Cudahy Packing Company of Louisiana, Ltd., 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 Fifth Circuit granted.

No. 265. Federal Power Commission and Illinois Commerce Commission, petitioners, *v.* Natural Gas Pipeline Company of America et al.; and

No. 268. Natural Gas Pipeline Company of America et al., petitioners, *v.* Federal Power Commission and Illinois Commerce Commission. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 277. John P. Dinan and Michael T. Dinan, petitioners, *v.* First National Bank, Detroit. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 280. Rosco Jones, petitioner, *v.* City of Opelika. Petition for writ of certiorari to the Supreme Court of the State of Alabama granted.

No. 306. Josephine S. Pearce, 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. 320. Southern Steamship Company, petitioner, *v.* National Labor Relations Board et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 321. Stonite Products Company, petitioner, *v.* The Melvin Lloyd Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 323. Muncie Gear Works, Inc., et al., petitioners, *v.* Outboard, Marine & Manufacturing Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 500. The United States of America upon the relation and for the use of The Tennessee Valley Authority, petitioner, *v.* W. P. N. Powelson, Assignee, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted.

No. 505. Lester A. Crancer et al., Co-partners, etc., petitioners, *v.* Frank O. Lowden et al., Trustees etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 527. Carpenters and Joiners Union of America, Local No. 213, et al., petitioners, *v.* Ritter's Cafe et al. Petition for writ of certiorari to the Court of Civil Appeals, first Supreme Judicial District, State of Texas granted.

No. 589. William Jacob, petitioner, *v.* The City of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 86. Peter Young, alias Young Lup, 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. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 131. The United States of America, petitioner, *v.* Local 807 of International Brotherhood of Teamsters, etc., et al.; and

No. 132. Local 807 of International Brotherhood of Teamsters, etc., et al., petitioners. *v.* The United States of America. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted. Mr. Justice Jackson took no part in the consideration and decision of these applications.

No. 149. Great Northern Railway Company, 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. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 188. National Labor Relations Board, petitioner, *v.* Automotive Maintenance Machinery Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 281. National Labor Relations Board, petitioner, *v.* Sparks-Withington Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 311. William Schneiderman, 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. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 348. The Seminole Nation, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims granted. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 325. Frederick Rodiek, Ancillary Executor, etc., petitioner, *v.* The United States of America et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit

granted. The Chief Justice and Mr. Justice Murphy took no part in the consideration and decision of this application.

No. 328. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Alabama Asphaltic Limestone Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted and the case is assigned for argument immediately following Nos. 128 and 129.

No. 286. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Southwest Consolidated Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted and the case is assigned for argument immediately following No. 328.

No. 503. Palm Springs Holding Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted and the case is assigned for argument immediately following No. 286.

No. 248. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Lerner Stores Corporation (Md.). Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted and the case is assigned for argument immediately following No. 57.

No. 529. Philip B. Fleming, Administrator, Wage and Hour Division, United States Department of Labor, petitioner, *v.* Lowell Sun 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. 245.

No. 602. State of Alabama, petitioner, *v.* King and Boozer, a Partnership, etc.; and

No. 603. John C. Curry, Individually and as Commissioner of Revenue of The State of Alabama, petitioner, *v.* The United States of America et al. Petitions for writs of certiorari to the Supreme Court of the State of Alabama granted. The joint motion to advance is granted and the cases are advanced and assigned for argument on Wednesday, October 22, next. Mr. Justice Jackson took no part in the consideration and decision of these applications.

No. 47. A. Y. Oates and Almena Oates, his wife, petitioners, *v.* New York Life Insurance Company. The motion to dispense with the printing of the record is granted. The petition for writ of certiorari to the Supreme Court of the State of Florida is denied.

No. 94. Board of Commissioners of San Juan, petitioner, *v.* Carlos M. De Castro. The motion for leave to file opposition to the petition is granted. The petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is denied.

No. 108. Identification Devices, Inc., by James M. Rulong, petitioner, *v. The United States of America*. The motion to proceed on typewritten papers is granted. The petition for writ of certiorari to the United States Court of Appeals for the District of Columbia is denied.

No. 239. Steffen Osland, petitioner, *v. Star Fish & Oyster Company*. 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 Fifth Circuit is denied.

No. 295. Joseph N. Weber, as President of the American Federation of Musicians, et al., petitioners, *v. Opera on Tour, Inc.* 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 writ of certiorari to the Court of Appeals of the State of New York is denied. *Lynch v. New York ex rel., Pierson*, 293 U. S. 52; *Honeyman v. Hanan*, 300 U. S. 14, 18.

No. 60. The People of Puerto Rico, petitioners, *v. The Bank of Nova Scotia*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied. The Chief Justice took no part in the consideration and decision of this application.

No. 217. Lester W. Bailey, petitioner, *v. Sears, Roebuck & Co.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied. The Chief Justice took no part in the consideration and decision of this application.

No. 72. George T. Mortimer, 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 Jackson took no part in the consideration and decision of this application.

No. 192. Joshua F. Simons, William Markowitz, and Samuel Markowitz, 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. Mr. Justice Douglas and Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 169. Richard W. Leche, 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 Murphy and Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 194. George Frederick Gundelfinger, 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 and Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 520. Cassius McDonald, petitioner, *v.* Robert H. Hudspeth, Warden, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied. Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 304. Johann Carl Pfeuger, petitioner, *v.* The United States of America 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. 349. The Detroit Edison Company, petitioner, *v.* Securities and Exchange Commission. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied. The Chief Justice, Mr. Justice Douglas, and Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 352. General Motors Corporation 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. The Chief Justice, Mr. Justice Murphy, and Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 359. Chinese Consolidated Benevolent Association, Inc., petitioner, *v.* Securities and Exchange Commission. Petition for writ of certiorari to the United States Circuit of Appeals for the Second Circuit denied. Mr. Justice Douglas took no part in the consideration and decision of this application.

No. 65. J. C. Crockett, petitioner, *v.* The United States of America; and

No. 66. J. C. Crockett, petitioner, *v.* George H. McElroy and Peter A. Hanna. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 74. Mrs. Louise Harris Moore, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 89. First National Steamship Company, Second National Steamship Company et al., petitioners, *v.* United States Shipping Board Merchant Fleet Corporation, etc. Petition for writ of certiorari to the United States Court of Appeals for the District of

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

No. 97. Samuel J. Katzberg et al., petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 105. Reconstruction Finance Corporation, petitioner, *v.* Lucius Teter et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 113. Amerex Holding Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 117. Henry Pirtle, petitioner, *v.* H. B. Brown et al., Individually and as Judges of Election, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 119. James Doneghy and St. Louis Union Trust Company, Residuary Trustees, etc., petitioners, *v.* Acel C. Alexander, Formerly Collector of Internal Revenue; and

No. 120. James Doneghy, and St. Louis Union Trust Company, Residuary Trustees, etc., petitioners, *v.* H. C. Jones, Collector of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 125. Estate of Daniel Guggenheim, deceased, 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. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 150. William D. Pelley, petitioner, *v.* John B. Colpoys, United States Marshal in and for the District of Columbia. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 166. May Ryan, Executrix, etc., petitioner, *v.* Acel C. Alexander, Formerly Collector of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth

Circuit denied. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 171. The Haden Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 180. Ralph Wagner, 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. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 193. Philip H. Simon, 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 Jackson took no part in the consideration and decision of this application.

No. 196. H. W. Ferguson, 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 Jackson took no part in the consideration and decision of this application.

No. 200. Pierre S. DuPont, petitioner, *v.* Commissioner of Internal Revenue; and

No. 201. John J. Raskob, petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 226. The United States of America, acting on the relation of Edmond C. Fletcher, etc., petitioner, *v.* John H. Fahey et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 257. Minnesota Mining & Manufacturing Company, petitioner, *v.* Conway P. Coe, Commissioner of Patents;

No. 258. Minnesota Mining & Manufacturing Company, petitioner, *v.* Conway P. Coe, Commissioner of Patents; and

No. 259. Minnesota Mining & Manufacturing Company, petitioner, *v.* Conway P. Coe, Commissioner of Patents. Petition for writs of certiorari to the United States Court of Appeals for the District of Columbia denied. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 278. The National Life and Accident Insurance Company, petitioner, *v.* L. P. Brewer, Former Collector of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 285. S. Elbert Pike et al., petitioners, *v.* Frank C. Walker (substituted for James A. Farley) as Postmaster General of the United States et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 300. Wilbur L. Hunt, petitioner, *v.* The United States of America; and

No. 301. Glenn Henderson, 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. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 351. Anheuser-Busch, Incorporated, et al., petitioner, *v.* Louis J. Becker, Collector of Internal Revenue, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 355. Harvey Coal Corporation, 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. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 498. George Polakoff and William Albert, 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. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 501. Walter R. Dolloff, 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. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 502. Arthur T. Lelles, 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. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 525. 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 denied. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 526. Hughes Robert Hilliard, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 62. Julius I. Puente, petitioner, *v.* The Spanish National State, as a Juristic Person. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 69. C. A. Ross, Agent, Inc., petitioner, *v.* Louis Venuto, Administrator, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 77. John W. Lewis, petitioner, *v.* The People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 79. City of Harvey et al., etc., petitioners, *v.* John G. Getz, Jr. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 80. City of Harvey, petitioner, *v.* John G. Getz, Jr. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 84. Sargent & Company et al., petitioners, *v.* Agatha L. Moore et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 85. Carl Hall, Individually, etc., et al., petitioners, *v.* V. E. Barnes et al., Members of the Unemployment Compensation Commission of Kentucky et al. Petition for writ of certiorari to the Court of Appeals of the Commonwealth of Kentucky denied.

No. 87. The Coca-Cola Company, petitioner, *v.* Dixi-Cola Laboratories, Inc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 88. Hunter and Co., Inc., petitioner, *v.* Village of Bellwood. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 90. Jogger Manufacturing Corporation, petitioner, *v.* Wendell H. Roquemore, doing business as Multigraph Sales Agency. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 92. William M. Mitchell, Administrator, etc., petitioner, *v.* New England Mutual Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 93. M. Jacobson & Sons Trust, petitioner, *v.* Douglass M. Bomeisler et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 102. Christ Orfanos, as Administrator, etc., petitioner, *v.* George Zolintakis, Executor etc. Petition for writ of certiorari to

the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 104. Adah Alberty, Trading as Alberty's Food Products, 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. 106. State of Mississippi for the use and benefit of J. E. Shoemaker, Administrator, etc., petitioner, *v.* J. F. Thames et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 107. Pope Estate Company, petitioner, *v.* John V. Lewis, Former Collector of Internal Revenue for the First Collection District of California. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 109. Charles Lalor Burdick 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. 111. The American Brake Shoe and Foundry Company, petitioner, *v.* Alltex Products Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 114. Henry A. B. Dunning, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 115. D. P. Skousen et al., petitioners, *v.* Consolidated Motors, Inc. Petition for writ of certiorari to the Supreme Court of the State of Arizona denied.

No. 116. The Pennsylvania Railroad Company, petitioner, *v.* Pierre Mistrot. Petition for writ of certiorari to the Court of Appeal, 1st District, State of Louisiana denied.

No. 118. A. B. Pittman, Trustee, National Cottonseed Products Corporation, Bankrupt, petitioner, *v.* Union Planters National Bank and Trust Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 123. Mar De Passy Corporation, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 126. Fixler, Bros., Inc., petitioner, *v.* The Automobile Insurance Company of Hartford, Connecticut. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 127. J. H. Hemler, petitioner, *v.* Hope Producing Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 130. Joe C. Stephens et al., petitioners, *v.* St. Louis Union Trust Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 133. John O. Krouse, petitioner, *v.* Frank O. Lowden et al., Trustees, etc. Petition for writ of certiorari to the Supreme Court of the State of Kansas denied.

No. 73. Mrs. Nannie Pyle, petitioner, *v.* Tennessee Central Railway Company. Petition for writ of certiorari to the Supreme Court of the State of Tennessee denied.

No. 134. Arrow Distilleries, Inc., an Illinois Corporation, petitioner, *v.* Arrow Distilleries, Inc., a Michigan Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 135. Estate of A. M. Wilder, deceased, et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 136. The Badger Oil Company, 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. 137. Charles Pettit, 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. 138. Bertie Pettit, 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. 191. Roeser & Pendleton, Inc., 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. 140. Alma F. Birekner, petitioner, *v.* Robert Tilch et al. Petition for writ of certiorari to the Court of Appeals of the State of Maryland denied.

No. 141. Harvey Eastman et al., petitioners, *v.* The United States of America et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 144. Wm. Carnegie Ewen et al., petitioners, *v.* The Peoria and Eastern Railway Company. Petition for writ of certiorari to the District Court of the United States for the Southern District of New York denied.

No. 145. Nick Balabanoff, petitioner, *v.* R. H. Kellogg et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 146. Hill-Behan Lumber Company, petitioner, *v.* State Highway Commission of Missouri. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 147. M. A. Holmes, petitioner, *v.* Charles J. McColgan, as Bank and Corporation Franchise Tax Commissioner of the State of California. Petition for writ of certiorari to the Supreme Court of the State of California denied.

No. 152. Minnie Keyes, petitioner, *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. 153. John J. Chickering, Administrator, 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. 324. James C. B. Millard, as Executor, etc., petitioner, *v.* Harry A. Maloney. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 154. Exhibit Supply Company, petitioner, *v.* Ace Patents Corporation;

No. 155. Genco, Inc., petitioner, *v.* Ace Patents Corporation; and

No. 156. Chicago Coin Machine Company, petitioner, *v.* Ace Patents Corporation. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 157. Bernice Vince, petitioner, *v.* Great Northern Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 162. Phillips Petroleum Company, petitioner, *v.* C. F. Green, as Chairman of the Iowa State Board of Assessment and Review, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 163. Joseph Obergfell et al., petitioners, *v.* William Green et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 164. Norman B. Pitcairn and Frank C. Nicodemus, Jr., Receivers, etc., petitioners, *v.* Richard F. Wild. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 165. The Borin Corporation, Formerly Zero Ice Corporation, 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. 167. Sonken-Galamba Corporation and W. C. Berry, petitioners, *v.* Butler Iron & Steel Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 172. Brigham Young University, petitioner, *v.* Edith Cannon Lillywhite. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 173. George H. Mason, Trustee, et al., petitioner, *v.* John Wylde et al. Petition for writ of certiorari to the Superior Court, Worcester County, Commonwealth of Massachusetts, denied.

No. 174. Jose Eduardo Casaldue, Trustee, petitioner, *v.* Antonio Diaz Gonzalez et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 175. Mary E. Chewning, petitioner, *v.* The District of Columbia, a Municipal Corporation, Garnishee. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 182. Pauly Jail Building Company and Security Products Company, petitioners *v.* International Association of Bridge, Structural & Ornamental Iron Workers, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 183. Axel Hawkinson, petitioner, *v.* George Gaston Johnston. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 187. Zoilo Mendez Rios, petitioner, *v.* Clarence K. Bowie et al., Trustees. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 195. William H. Killoren, Trustee in Bankruptcy of Hamilton-Brown Shoe Company, Bankrupt, 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. 202. New Amsterdam Casualty Company, petitioner, *v.* The Miami Conservancy District. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 203. H. D. Ryan and L. G. Howard, Trading as Keystone Transfer Co., petitioners, *v.* The Pennsylvania Public Utility Commission. Petition for writ of certiorari to the Superior Court of the Commonwealth of Pennsylvania denied.

No. 204. Nettie Meyer, Anna Jacobson, et al., petitioners, *v.* Kenmore-Granville Hotel Company, et al. Petition for writ of certiorari to the Appellate Court, First District, State of Illinois, denied.

No. 205. A. Crawford Greene, Guardian, etc., 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. 207. Rubert Hermanos, Inc., et al., petitioners, *v.* The People of Puerto Rico. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 211. Robert M. Hannan et al., petitioners, *v.* City of Haverhill et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 213. George Pascone, petitioner, *v.* Commonwealth of Massachusetts. Petition for writ of certiorari to the Supreme Judicial Court of the Commonwealth of Massachusetts denied.

No. 212. Fred Barnett and Edna M. Barnett, petitioners, *v.* Reconstruction Finance Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 214. Fort Street Union Depot Company, petitioner, *v.* Margaret M. Hillen, as Special Administratrix, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 215. S. Nathan & Company, Inc., et al., petitioners, *v.* Red Cab, Incorporated, Frank Bird Transfer Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 218. George H. Hayes, Jr., petitioner, *v.* C. C. Moore Construction Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 219. Samuel Newfield, Trustee, etc., petitioner, *v.* East River Savings Bank. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 220. Freda R. Caspersen, 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. 221. Mary Zacharie Brock et al., petitioners, *v.* Barnsdall Oil Company et al.; and

No. 222. Frank A. Ash et al., petitioners, *v.* Barnsdall Oil Company et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 224. Ruth Naomi Urseth, petitioner, *v.* Sun Life Assurance Company of Canada. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 225. H. H. Wegener, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 227. Twin Ports Oil Company, petitioner, *v.* The Pure Oil Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 228. The S. S. White Dental Manufacturing Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 230. R. G. Trippett and A. H. Meadows, Transferees, etc., et al., 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. 231. W. D. Gordon, petitioner, *v.* Cecil E. Vallee et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 232. Charles M. Koeberlein, petitioner, *v.* George W. Durbin et al. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 233. Frederic H. Penn, Doing business under the name and style of Superlite Company, et al., petitioners, *v.* Novadel-Agene Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 234. Omaha Packing Company, petitioner, *v.* Pittsburgh, Fort Wayne & Chicago Railway Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 236. John T. Clarke, petitioner, *v.* Barclay Park Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 237. William G. Wheat, petitioner, *v.* Ford Motor Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 240. Harry Hanson, petitioner, *v.* Lehigh Valley Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 243. Maryland and Virginia Milk Producers' Association, Incorporated, petitioner, *v.* District of Columbia. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 246. Joseph J. Kopke and Henry Hlavacek, petitioners, *v.* The State of Illinois. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 247. Henderson Supplee, Jr., 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. 253. Elstelnat Holding Corporation, petitioner, *v.* Aaron L. Palmer, Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 254. Doris Shipman Huntman, Individually, etc., petitioner, *v.* New Orleans Public Service, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 260. Ralph Elliott Sprinkle, petitioner, *v.* Mose E. Davis. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 261. Wm. C. Bachelder, Receiver, etc., 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. 263. C. D. Walker, as Trustee, etc., petitioner, *v.* L. Maxcy, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 266. McClave & Company, petitioner, *v.* George A. Carden et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 269. Young Men's Christian Association, a Corporation, petitioner, *v.* New York Casualty Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 270. First Trust & Savings Bank of Oneida, Tennessee, petitioner, *v.* Paul J. Kent, Receiver, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 271. J. T. Smith, petitioner, *v.* The Fourth National Bank of Tulsa, Oklahoma. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma denied.

No. 274. Massman Construction Company, petitioner, *v.* Harry W. Bassett, Deputy Commissioner of United States Employees' Compensation Commission, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 279. White Swan Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 282. Legh R. Powell, Jr., and Henry W. Anderson, as Receivers, petitioners, *v.* J. H. Wiggins. Petition for writ of certiorari

to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 287. Kenneth M. Keefe et al., etc., petitioners, *v.* Bloomfield Village Drain District, etc., et al.; and

No. 288. Kenneth M. Keefe et al., etc., petitioners, *v.* Bloomfield Village Drain District, etc., et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 289. Kenneth M. Keefe et al., etc., petitioners, *v.* Martin Drain and Branches Drain District, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 290. Kenneth M. Keefe et al., etc., petitioners, *v.* Center Line Relief Drain District, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 291. Kenneth M. Keefe et al., etc., petitioners, *v.* Nine-Mile-Halfway Drain District, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 292. Charles A. Bahr, Sr., and George Hamman, Executors, etc., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 293. James A. Tillman, petitioner, *v.* The National City Bank of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 294. Marcelino Lontok, petitioner, *v.* Gregorio Battung and Canuto Fermin. Petition for writ of certiorari to the Court of Appeals of the Commonwealth of the Philippines denied.

No. 298. Fred I. Getty, petitioner, *v.* Kinzbach Tool Company, Inc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 299. T. E. Stephens, petitioner, *v.* Richman & Samuels, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 310. Frank O. Lowden et al., Trustees, etc., petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 312. Worthington Ames and Gertrude Ames, Husband and Wife, petitioners, *v.* Empire Star Mines Company, Ltd. Petition for writ of certiorari to the Supreme Court of the State of California denied.

No. 314. Lois Bowden and Zada Sanders, petitioners, *v.* City of Fort Smith, Arkansas. Petition for writ of certiorari to the Supreme Court of the State of Arkansas denied.

No. 316. E. A. Lynch, Receiver, etc., et al., petitioners, *v.* P. M. Jackson, Trustee, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 317. Linus C. Coggan, 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. 319. Bear Gulch Water 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. 326. Amanta S. Maier, petitioner, *v.* The Continental Oil Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 329. Edward A. Blair, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 330. Hydrolloid, Incorporated, et al., petitioners, *v.* L. L. Brown Paper Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 333. Chicago & Eastern Illinois Railroad Company, petitioner, *v.* Arthur F. Gourley. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 334. Joseph E. Seagram & Sons, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 336. Fred Spikes, petitioner, *v.* Street & Smith Publications, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 337. Prime Securities Corporation, petitioner, *v.* The United States of America;

No. 338. Michigan Silica Company, petitioner, *v.* The United States of America;

No. 339. General Chromium Corporation, petitioner, *v.* The United States of America;

No. 340. Senior Investment Corporation, petitioner, *v.* The United States of America;

No. 341. Udyllite Company, petitioner, *v.* The United States of America; and

No. 342. Standard Cotton Products Company, petitioner, *v.* The United States of America. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 343. American National Bank at Indianapolis, as Trustee, petitioner, *v.* The Service Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 346. Louisiana Delta Cattle Co., Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 347. Tasty Baking Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 350. Wisconsin Co-operative Milk Pool, petitioner, *v.* First Wisconsin National Bank of Milwaukee et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 353. Henry S. Haskins, as Receiver, etc., petitioner, *v.* Roy F. Roseberry et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 354. George E. Morton, Trustee, etc., et al., petitioners, *v.* Dardanelle Special School District No. 15 of Yell County, Arkansas. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 358. Emil Stein, petitioner, *v.* Preston Delano, Comptroller of the Currency, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 497. Leonard L. Edwards, petitioners, *v.* Bingham Pump Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 506. System Federation No. 59 of the Railway Employees Department of The American Federation of Labor, petitioner, *v.* Louisiana & Arkansas Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 511. The Texas and Pacific Railway Company et al., petitioners, *v.* The Citizens National Bank in Abilene. Petition for writ of certiorari to the Supreme Court of the State of Texas denied.

No. 512. Board of Public Instruction for the County of Hernando, State of Florida, petitioner, *v.* W. J. Meredith, James G. Martin, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 513. Outboard, Marine & Manufacturing Company, petitioner, *v.* Muncie Gear Works, Inc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 514. Commerce Title Guaranty Company, 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. 515. Joseph K. Sherman, Trustee, etc., petitioner, *v.* William E. Buckley et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 516. George H. Whiteley, Jr., 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. 517. The Sirocco Company, petitioner, *v.* The City of Miami. Petition for writ of certiorari to the Supreme Court of the State of Florida denied.

No. 519. The Camden Fire Insurance Association, petitioner, *v.* Jennie M. Sundquist, Administratrix, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 521. Darling Stores Corporation, petitioner, *v.* Young Realty Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 522. Hercules Mining Company, 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. 528. The Ohio Oil Company et al., petitioners, *v.* Guy A. Thompson, Trustee, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 534. A. B. Hall, petitioner, *v.* The State of Georgia. Petition for writ of certiorari to the Court of Appeals of the State of Georgia denied.

No. 537. A. Atwater Kent, petitioner, *v.* Walter J. Rothensies, Collector of Internal Revenue, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 538. Harry N. Southard, petitioner, *v.* Harry Jackson, Warden, etc. Petition for writ of certiorari to the Supreme Court of the State of Michigan denied.

No. 539. Irving J. White, petitioner, *v.* Irving Steinman, as Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 540. John Remington Nichols et al., petitioners, *v.* Patrick J. Tuffy, Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 542. N. S. Housman, petitioner, *v.* The People of the State of California. Petition for writ of certiorari to the District Court of Appeal, 1st Appellate District, State of California, denied.

No. 547. Benjamin Mahler and Julia F. Mahler, 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. 560. Federal Life Insurance Company, petitioner, *v.* Lester Ettman. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 561. Steamtug "Lackawanna," Margaret A. Jameson, et al., petitioners, *v.* Steamtug "S. & H. No. 2," Inc., as Owner, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 565. James C. Jones, 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. 573. James W. Murphy, doing business as La France Toledo Company, petitioner, *v.* James A. Brady, Acting Collector of Internal Revenue for Ohio. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 666, October Term, 1940. Detrola Radio and Television Corporation, petitioner, *v.* Hazeltine Corporation. The opinion is amended by substituting the figure "8" for the figure "9" in the seventh line of the third paragraph of the opinion. The petition for rehearing is denied.

No. 90, October Term, 1940. Carlota Benitez Sampayo, petitioner, *v.* The Bank of Nova Scotia. The motion for an extension of time to file a supplement to the petition for rehearing and the motion to recall the mandate are denied. The petition for rehearing is denied. The Chief Justice took no part in the consideration and decision of these applications.

No. 910, October Term, 1940. Abraham L. Shushan, petitioner, *v.* The United States of America;

No. 911, October Term, 1940. Robert J. Newman and Norvin T. Harris, Jr., petitioners, *v.* The United States of America;

No. 912, October Term, 1940. Henry J. Miller, petitioner, *v.* The United States of America; and

No. 913, October Term, 1940. Herbert W. Waguespack, petitioner, *v.* The United States of America. The petitions for rehearing are denied. Mr. Justice Murphy took no part in the consideration and decision of these applications.

No. 938, October Term, 1940. Samuel D. Orwitz, appellant, *v.* Board of Dental Examiners of the State of California. The motion for a writ of certiorari to correct a diminution of the record is granted. Treating the paragraph which the appellant seeks to include in the record as duly certified, the petition for rehearing is denied.

No. 954, October Term, 1940. Georgia M. Spruill, petitioner, *v.* William T. Ballard et al. The motion to consider new evidence is denied. The petition for rehearing is also denied.

No. 1063, October Term, 1940. Pearl Assurance Company, Limited, of London, England, et al., appellants, *v.* Charles F. J. Harrington, as Commissioner, etc. The petition for rehearing is denied. Mr. Justice Frankfurter took no part in the consideration and decision of this application.

No. —, original, October Term, 1940. State of California, complainant, *v.* The United States of America;

No. —, October Term, 1940. Ex parte Ellert L. McGrath, petitioner;

No. 594, October Term, 1940. City of Kansas City, Kansas, et al., appellants, *v.* The United States of America et al.;

No. 618, October Term, 1940. The United States of America, appellant, *v.* Patrick B. Classic et al.;

No. 640, October Term, 1940. The United States of America et al., appellants, *v.* F. O. Morgan, doing business as F. O. Morgan Sheep Commission Company, et al.;

No. 738, October Term, 1940. General Motors Corporation, petitioner, *v.* The United States;

No. 739, October Term, 1940. United Motor Service, Inc., petitioner, *v.* The United States;

No. 817, October Term, 1940. The Royal Indemnity Company, petitioner, *v.* The United States of America;

No. 917, October Term, 1940. John Semar Farnsworth, petitioner, *v.* Joseph W. Sanford, Warden, etc.;

No. 924, October Term, 1940. Tom Wing Art, alias Wing Fook Tom, etc., petitioner, *v.* William A. Carmichael, District Director, etc.;

No. 966, October Term, 1940. Charles Beland, petitioner, *v.* The United States of America;

No. 969, October Term, 1940. South Atlantic Steamship Company of Delaware, petitioner, *v.* National Labor Relations Board;

No. 1045, October Term, 1940. Andrew J. Nichols et al., petitioners, *v.* Walter A. Todd et al.;

No. 1056, October Term, 1940. The Singer Manufacturing Company, petitioner, *v.* National Labor Relations Board; and

No. 1058, October Term, 1940, Frank C. Rand, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. The petitions for rehearing in these cases are denied.

Mr. Acting Solicitor General Fahy presented the Honorable Francis Biddle, of Pennsylvania, Attorney General of the United States. The Chief Justice said:

"Mr. Attorney General, we welcome you to the performance of the important duties which devolve upon you as the Chief Law Officer of the Government and as an officer of this Court. Your commission will be recorded."

No. —, original. *Ex parte* State of Texas et al., petitioners. Motion for leave to file petition for writ of mandamus presented.

No. 303. C. M. Lane Lifeboat Company, Inc., et al., petitioners, *v.* The United States of America. Reported for failure to comply with the rules.

No. 1. Harry Bridges, petitioner, *v.* State of California. Reargued by Mr. Osmond K. Fraenkel for the petitioner and by Mr. Allen W. Ashburn for the respondent. Leave granted respondent to file brief by Thursday next.

No. 3. 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. Reargument commenced by Mr. T. B. Cosgrove for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, October 14, will be as follows: Nos. 3, 2, 4 (and 5), 10 (11, 12, and 13), 14, 15, 16, 19, 20, 24, 17, 18, and 21.

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SUPREME COURT OF THE UNITED STATES

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

Robert E. Noelker, of Morris, Ind.; Cicero C. Sessions, of New Orleans, La.; Jose Luis Avellanal, of Atlanta, Ga.; James Edwin Archer, of Washington, D. C.; William Jerome Pollack, of Cleveland, Ohio; Franklin Joyce Cox, of Houston, Tex.; Richard M. Fennemore, of Phoenix, Ariz.; Orille C. Gaudette, of Lowell, Mass.; William Marshall Slayden II, of Waverly, Tenn.; John Lansdale, Jr., of Cleveland, Ohio; Henry A. Hirshberg, of San Antonio, Tex.; John Catlin Kendall, of Portland, Oreg.; and Linus A. Verzi, of Arlington, Va., were admitted to practice.

ORDER

It is ordered that the following allotment be made of the Chief Justice and Associate Justices of this Court among the circuits, agreeably to the Acts of Congress in such case made and provided, and that such allotment be entered of record, viz:

For the First Circuit, Felix Frankfurter, Associate Justice.
For the Second Circuit, Robert H. Jackson, Associate Justice.
For the Third Circuit, Owen J. Roberts, Associate Justice.
For the Fourth Circuit, Harlan F. Stone, Chief Justice.
For the Fifth Circuit, Hugo L. Black, Associate Justice.
For the Sixth Circuit, Stanley Reed, Associate Justice.
For the Seventh Circuit, James Francis Byrnes, Associate Justice.
For the Eighth Circuit, Frank Murphy, Associate Justice.
For the Ninth Circuit, William O. Douglas, Associate Justice.
For the Tenth Circuit, Frank Murphy, Associate Justice.
For the District of Columbia, Harlan F. Stone, Chief Justice.

No. 196. H. W. Ferguson, petitioner, *v.* The United States of America. Order denying petition for writ of certiorari withheld on motion of Mr. Wm. D. Donnelly for the petitioner.

No. 3. 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. Reargument continued by Mr. T. B. Cosgrove for the petitioners and concluded by Mr. Allen W. Ashburn for the respondent.

No. 2. Martin J. Bernards and Lena Bernards, petitioners, *v.* M. R. Johnson et al. Reargued by Mr. William Lemke for the petitioners and by Mr. William Brewster and Mr. H. G. Platt for the respondents.

No. 4. Major Raymond Lisenba, appellant, *v.* The People of the State of California; and

No. 5. Major Raymond Lisenba, appellant, *v.* The People of the State of California. Reargument commenced by Mr. Morris Lavine for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, October 15, will be as follows: Nos. 4 (and 5), 10 (11, 12, and 13), 14, 15, 16, 19, 20, 24, 17, 18, and 21.

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SUPREME COURT OF THE UNITED STATES

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

William T. Sweigert, of San Francisco, Calif.; Hiram W. Johnson 3d, of San Francisco, Calif.; Mervin Allen Ziegler, of Alexandria, Va.; Herbert S. Miller, of Middletown, Ohio; Thomas LeBeau Fekete, of East St. Louis, Ill.; Reginald Carl Harmon, of Urbana, Ill.; Gilberto Concepcion, of Vega Alta, P. R.; William Page Dame, Jr., of Baltimore, Md.; and Lawrence J. Dahlgren, of Chicago, Ill., were admitted to practice.

No. 285. S. Elbert Pike et al., petitioners, *v.* Frank C. Walker (substituted for James A. Farley), as Postmaster General of the United States et al. Order denying certiorari withheld on motion of Mr. Horace J. Donnelly, Jr., for the petitioners.

No. 4. Major Raymond Lisenba, petitioner, *v.* The People of the State of California; and

No. 5. Major Raymond Lisenba, petitioner, *v.* The People of the State of California. Reargument continued by Mr. Morris Lavine for the petitioner; by Mr. Everett W. Mattoon for the respondent; and concluded by Mr. Eugene D. Williams for the respondent.

No. 10. City of Indianapolis et al., petitioners, *v.* The Chase National Bank of the City of New York, Trustee, etc., et al.;

No. 11. City of Indianapolis et al., petitioners, *v.* The Chase National Bank of the City of New York, Trustee, etc., et al.;

No. 12. The Chase National Bank of the City of New York, Trustee, etc., petitioner, *v.* Citizens Gas Company of Indianapolis et al.; and

No. 13. The Chase National Bank of the City of New York, Trustee, etc., petitioner, *v.* The Indianapolis Gas Company et al. Reargument commenced by Mr. Howard F. Burns for the Chase National Bank; continued by Mr. William H. Thompson for the City of Indianapolis; by Mr. William G. Sparks for the Citizens Gas Co.; and by Mr. William R. Higgins for the Indianapolis Gas Co.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, October 16, will be as follows: Nos. 10 (11, 12, and 13), 14, 15, 16, 19, 20, 24, 17, 18, and 21.

SUPREME COURT OF THE UNITED STATES

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

Grant T. Anderson, of Portland, Oreg.; and Joseph V. McEnery, of Philadelphia, Pa., were admitted to practice.

No. 354. George E. Morton, Trustee, et al., petitioners, *v.* Dardanelle Special School District No. 15 of Yell County, Arkansas. Order denying certiorari withheld on motion of counsel for the petitioners.

No. 10. City of Indianapolis et al., petitioners, *v.* The Chase National Bank of the City of New York, Trustee, etc., et al.;

No. 11. City of Indianapolis et al., petitioners, *v.* The Chase National Bank of the City of New York, Trustee, etc., et al.;

No. 12. The Chase National Bank of the City of New York, Trustee, etc., petitioner, *v.* Citizens Gas Company of Indianapolis et al., and

No. 13. The Chase National Bank of the City of New York, Trustee, etc., petitioner, *v.* The Indianapolis Gas Company et al. Reargument continued by Mr. William R. Higgins for the Indianapolis Gas Co.; by Mr. Howard F. Burns for the Chase National Bank; and Concluded by Mr. William H. Thompson for the City of Indianapolis.

No. 14. Commercial Molasses Corporation, petitioner, *v.* New York Tank Barge Corporation, as chartered owner, etc. Reargued by Mr. T. Catesby Jones for the petitioner and by Mr. Robert S. Erskine for the respondent.

No. 15. New York, Chicago & St. Louis Railroad Company, appellant, *v.* Dorothea T. Frank. Motion for leave to file brief as *amicus curiae* submitted by Mr. Otto C. Sommerich and the motion denied. Reargument commenced by Mr. William J. Donovan for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, October 17, will be as follows: Nos. 15, 16, 19, 20, 24, 17, 18, 21, 6, and 37.

SUPREME COURT OF THE UNITED STATES

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

Bertrand Rhine, of Los Angeles, Calif.; Jack L. Graham, of Washington, D. C.; and J. Lambert Gibson, of Salt Lake City, Utah, were admitted to practice.

No. 150. William D. Pelley, petitioner, *v.* John B. Colpoys, United States Marshal in and for the District of Columbia. Motion to withhold order denying petition for writ of certiorari submitted by counsel for the petitioner.

No. 352. General Motors Corporation et al., petitioners, *v.* The United States of America. Motion to withhold order denying petitioner for writ of certiorari submitted by counsel for the petitioners.

No. 15. New York, Chicago & St. Louis Railroad Company, appellant, *v.* Dorothea T. Frank. Reargument continued by Mr. William J. Donovan for the appellant and concluded by Mr. Louis J. Vorhaus for the appellee.

No. 16. Samuel R. Toucey, petitioner, *v.* New York Life Insurance Company. Reargued by Mr. Richard S. Righter for the respondent and case submitted by Mr. Samuel R. Toucey, *pro se.*

No. 19. Phoenix Finance Corporation, petitioner, *v.* Iowa-Wisconsin Bridge Company. Reargument commenced by Mr. James R. Morford for the petitioner and continued by Mr. Fred A. Ontjes for the respondent.

Adjourned until Monday next, at 12 o'clock.

The day call for Monday, October 20, will be as follows: Nos. 19, 20, 24, 17, 18, 21, 6, 37, 24, and 22.

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SUPREME COURT OF THE UNITED STATES

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

Oscar H. Davis, of Mount Vernon, N. Y.; William John Beer, of Royal Oak, Mich.; Edward Gaulkin, of Newark, N. J.; Joseph W. Conway, of Phoenix, Ariz.; Jno. F. Scott, of Knoxville, Tenn.; Rudolph A. Huebner, of Newark, N. J.; Elmer L. Fagundus, of Newark, N. J.; Stanley E. Macora, of Clinton, Mass.; Charles H. Wager, of New York, N. Y.; Robert W. Allnutt, Jr., of Philadelphia, Pa.; D. Frederick McMullen, of Tampa, Fla.; Neil C. McMullen, of Tampa, Fla.; Frank J. O'Connor, of Washington, D. C.; David M. Bockenek, of Elizabeth, N. J.; Carroll Comer Gilpin, of Saint Louis, Mo.; Robert Nagel Jones, of Saint Louis, Mo.; and Frederick E. Hines, of Santa Monica, Calif., were admitted to practice.

The Chief Justice announced the following orders of the Court:

No. —, original. State of Louisiana, plaintiff, *v.* Claude Cummins et al. On motion for leave to file complaint. *Per curiam:* Leave to file the complaint is denied for want of jurisdiction, it appearing that one of the named parties defendant is a citizen of Louisiana. California *v.* Southern Pacific Co., 157 U. S. 229, 256–262; Minnesota *v.* Northern Securities Co., 184 U. S. 199, 238; New Mexico *v.* Lane, 243 U. S. 52, 58; Texas *v.* Interstate Commerce Commission, 258 U. S. 158, 163. The rule to show cause is discharged.

No. 626. Aponaug Manufacturing Company, appellant, *v.* Alfred H. Stone, Chairman, State Tax Commission, et al. Appeal from the Supreme Court of the State of Mississippi. *Per curiam:* The judgment is affirmed. American Mfg. Co. *v.* City of St. Louis, 250 U. S. 459; Department of Treasury of Indiana *v.* Ingram-Richardson Mfg. Co., 313 U. S. 252.

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. —. Meyer Middleman, petitioner, *v.* The United States;

No. —. Ex parte Godfrey D. Ricketts, petitioner; and

No. —. Ex parte Mrs. Jule S. Jackson, petitioner. Applications denied.

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

No. —, original. Ex parte Lloyd Wiley, petitioner;

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

No. —, original. Ex parte Andrew Frey, petitioner;

No. —, original. Ex parte Ben Sims, petitioner;

No. —, original. Ex parte Daniel Patrick Doyle, petitioner;

No. —, original. Ex parte Charles Lefkowitz, petitioner;

No. —, original. Ex parte Homer Franks, petitioner;

No. —, original. Ex parte William H. Padgett, petitioner;

No. —, original. Ex parte Fred Reger, petitioner;

No. —, original. Ex parte William Barber, petitioner;

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

No. —, original. Ex parte Stanley B. Peplowski, petitioner;

No. —, original. Ex parte Herman Barmore, petitioner;

No. —, original. Ex parte Kenneth Gerard, petitioner;

No. —, original. Ex parte George D. Latimer, petitioner;

No. —, original. Ex parte Ernest Diefenbach, petitioner; and

No. —, original. Ex parte John R. Miller, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied.

No. —, original. Ex parte James M. Wright, petitioner. The motion for leave to file petition for writ of prohibition is denied.

No. —, original. Ex parte Thomas M. McNeill, petitioner;

No. —, original. Ex parte Jessie E. Moore, petitioner;

No. —, original. Ex parte Samuel White, petitioner; and

No. —, original. Ex parte Edward Casebeer, petitioner. The motions for leave to file petitions for writs of mandamus are denied.

No. —, original. Ex parte State of Texas et al., petitioners. A rule is ordered to issue returnable November 10 next, requiring the respondents to show cause why leave to file the petition for writ of mandamus should not be granted.

No. 10, original. Ex parte Raymond Oswald Demaurez, 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. 901, October Term, 1940. Bakery and Pastry Drivers and Helpers Local 802 of the International Brotherhood of Teamsters et al., petitioners, *v.* Hyman Wohl and Louis Platzman. The petition for rehearing is granted. The judgment entered June 2, 1941, is vacated and the mandate is recalled. The case is assigned for argument immediately following No. 142.

No. 962, October Term, 1940. Martin M. Goldman, petitioner, *v.* The United States of America;

No. 963, October Term, 1940. Jacob P. Shulman, petitioner, *v.* The United States of America; and

No. 980, October Term, 1940. Theodore Goldman, petitioner, *v.* The United States of America. The motion to defer consideration of the petition for rehearing is denied. The petition for rehearing is granted. The order denying certiorari is vacated and the petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 256. Dr. Maximilian Goldstein et al., petitioners, *v.* The United States of America. This case is assigned for argument immediately following Nos. 962, 963, and 980.

No. 527. Carpenters and Joiners Union of America, Local No. 213, et al., petitioners, *v.* Ritter's Cafe et al. This case is assigned for argument immediately following No. 901, October Term, 1940.

No. 7. The Carter Oil Company, petitioner, *v.* John F. Welker et al. The motion of respondents to dismiss or affirm is denied.

No. 150. William D. Pelley, petitioner, *v.* John B. Colpoys, United States Marshal, etc. The motion to withhold the order denying petition for writ of certiorari is denied. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 352. General Motors Corporation et al., petitioners, *v.* The United States of America. The motion to withhold the order denying petition for writ of certiorari is granted. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 305. Louis Harrison, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit;

No. 562. E. D. Martindale, petitioner, *v.* Los Angeles County Flood Control District. On petition for writ of certiorari to the District Court of Appeal, 2nd Appellate District, State of California;

No. 570. Clifton N. Fain, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit;

No. 574. E. C. Samples, 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. 583. John Francis Kicak, petitioner, *v.* Alfred Hauber, Executor, etc. On petition for writ of certiorari to the Supreme Court of the State of Ohio; and

No. 593. Edmond C. Fletcher, petitioner, *v.* John P. McMahon, Karl Kindleberger, and Thomas M. Rives. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia. 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. 332. The Williams Manufacturing Company, petitioner, *v.* United Shoe Machinery Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 581. Adolph B. Spreckels, petitioner, *v.* Commissioner of Internal Revenue; and

No. 582. Adolph B. Spreckels, petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 588. National Labor Relations Board, petitioner, *v.* Electric Vacuum Cleaner Company, Inc., et al. Petition for writ of certiorari to the United States Circuit of Appeals for the Sixth Circuit granted.

No. 142. Columbia River Packers Association, Inc., petitioner, *v.* H. B. Hinton et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted and the case is assigned for argument immediately following No. 124.

No. 523. Louis Weber, 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. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 303. C. M. Lane Lifeboat Company, Inc., 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 Second Circuit. Dismissed for failure to comply with the rules.

No. 121. S. Mayner Wallace, petitioner, *v.* Johnanna F. Fiske et al.; and

No. 122. S. Mayner Wallace, petitioner, *v.* Johnanna F. Fiske et al. On petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. In No. 122, the petition for writ of certiorari to review the judgment entered November 16, 1940, rehearing denied November 27, 1940, is denied on the ground that it was not filed within the time provided by law. 28 U. S. C., sec. 350. In No. 121, the motion for leave to dispense with the filing and printing of unnecessary portions of the record is denied for the reason that the Court, upon examination of the papers submitted, finds no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied.

No. 160. Springfield, Ohio, Local No. 352, of the International Alliance of Theatrical Stage Employees, et al., petitioners, *v.* William Settos, Lessee, etc. On petition for writ of certiorari to the Supreme Court of the State of Ohio. It does not appear from the record that the federal question presented by the petition was necessarily decided by the court below. The petition for writ of certiorari is denied. *Lynch v. New York ex rel. Pierson*, 293 U. S. 52; *Honeyman v. Hanan*, 300 U. S. 14, 18.

No. 524. Harry Stein, Trading as Jean Chemical 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 Third Circuit denied. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 548. Ralph W. Crews, petitioner, *v.* Commissioner of Internal Revenue;

No. 549. Robert E. Crews, petitioner, *v.* Commissioner of Internal Revenue;

No. 550. Amy Tresner, petitioner, *v.* Commissioner of Internal Revenue;

No. 551. Charles Crews, petitioner, *v.* Commissioner of Internal Revenue;

No. 552. Everett J. Crews, petitioner, *v.* Commissioner of Internal Revenue; and

No. 553. Marry Willis, petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 555. C. R. Kirk & Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims, denied. Mr.

Justice Jackson took no part in the consideration and decision of this application.

No. 543. Andrew Grant Ilseng, Jr., petitioner, *v.* The United States of America;

No. 544. Andrew G. Ilseng, petitioner, *v.* The United States of America; and

No. 545. Leslie A. McKercher, petitioner, *v.* The United States of America. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied. Mr. Justice Douglas and Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 585. J. Edward Jones, petitioner. *v.* Joseph P. Kennedy et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied. Mr. Justice Reed, Mr. Justice Douglas, and Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 559. L. R. Powell and Henry W. Anderson, Receivers, etc., et al., petitioners, *v.* John Grant Laughter. The motion to substitute is granted and A. B. Laughter, administrator of the estate of John Grant Laughter, deceased, is substituted as the party respondent herein. The petition for writ of certiorari to the Supreme Court of the State of North Carolina is denied.

No. 356. H. S. Oliver, petitioner, *v.* The United States of America; and

No. 357. C. P. Sellers, petitioner, *v.* The United States of America. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 504. John C. Getz et al., petitioners, *v.* Town of Belleair, a Municipal Corporation; and

No. 609. Town of Belleair, a Municipal Corporation, petitioner, *v.* John C. Getz et al. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 557. Hancock Oil Company, petitioner, *v.* Universal Oil Products Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 563. A. C. Carstens et al., petitioners, *v.* Public Utility District No. 1 of Lincoln County et al., etc. Petition for writ of certiorari to the Supreme Court of the State of Washington denied.

No. 571. W. F. Coen, petitioner, *v.* American Surety Company of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 572. The Creek Nation, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 575. Seymour S. Sharp, Superintendent, etc., et al., petitioners, *v.* The Mitchell Irrigation District. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 576. Finsterwald Furniture Company, petitioner, *v.* Finsterwald Clothing Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 577. Florence H. Ehrman et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 578. Ben May, petitioner, *v.* The Midwest Refining Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 579. Dionysia E. Tserioni et al., petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 580. Ford Motor Company, petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 587. J. F. Reich, doing business as Automotive Products Co., petitioner, *v.* Champion Spark Plug Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 590. Standard Oil Co. of New Jersey, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 592. A. A. Sprague, Receiver, etc., petitioner, *v.* J. Albert Woll, United States Attorney, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 32, October Term, 1940. Fidelity Union Trust Company et al., petitioners, *v.* Ethel Adelaide Field. Petition for rehearing denied.

The Court will take a recess from Monday, October 27, until Monday, November 10, next.

No. —, original. Ex parte G. H. Burnham, petitioner. Motion for leave to file petition for writ of mandamus presented.

No. 19. Phoenix Finance Corporation, petitioner, *v.* Iowa-Wisconsin Bridge Company. Reargument concluded by Mr. Fred A. Ontjes for the respondent.

No. 20. The Baltimore and Ohio Railroad Company, petitioner, *v.* Frederick S. Kepner. Reargued by Mr. Harry H. Bryer and Mr. Morison R. Waite for petitioner and by Mr. Samuel T. Gaines for the respondent.

No. 24. Southern Railway Company, petitioner, *v.* Ethel Painter, Administratrix, etc. Argument commenced by Mr. Sidney S. Alderman for the petitioner and continued by Mr. Roberts P. Elam for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, October 21, will be as follows: Nos. 24, 17, 18, 21, 6, 37, 23, 22, 40 (and 41), and 29.

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SUPREME COURT OF THE UNITED STATES

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

Hazel M. Costello, of Denver, Colo.; H. C. Harper, of Sioux City, Iowa; Bruce M. Forrester, of Kansas City, Mo.; and George S. Wilson, of Indianapolis, Ind., were admitted to practice.

No. 668. Robert B. Fennell, petitioner, *v.* Jules S. Bache et al. Time within which to file brief opposing the petition for writ of certiorari extended to and including November 20 next, on motion of Mr. Frank J. O'Conner for the respondent.

No. 510. C. H. Cochran, petitioner, *v.* The State of Kansas and Milton F. Amrine, Warden, etc. It is ordered that H. Thomas Austern, Esq., 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. 24. Southern Railway Company, petitioner, *v.* Ethel Painter, Administratrix, etc. Argument concluded by Mr. Roberts P. Elam for the respondent.

No. 17. Fred F. Edwards, appellant, *v.* The People of the State of California. Reargument commenced by Mr. Samuel Slaff for the appellant; continued 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 Interstate Migration of Destitute Citizens, as *amicus curiae*, by special leave of Court; and concluded by Mr. W. T. Sweigert for the appellee.

No. 18. H. A. Gray, as Director of the Bituminous Coal Division of the Department of the Interior et al., petitioner, *v.* Legh R. Powell, Jr., et al. Reargument commenced by Mr. Robert L. Stern for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, October 22, will be as follows: Nos. 18, 21, 6, 37, 76, 602, 603, 23, 22, and 40 (and 41).

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SUPREME COURT OF THE UNITED STATES

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

Marie Cole Berger, of Chicago, Ill.; Paul F. Mickey, of Winston-Salem, N. C.; Frank J. Mahoney, of San Francisco, Calif.; Stanley C. Moulton, of Elizabeth, N. J.; and Peter J. Gaylor, of Union, N. J., were admitted to practice.

No. 639. Austin Corcoran, petitioner, *v.* Montgomery Ward & Company, Inc. Time within which to file brief opposing petition for writ of certiorari extended to and including November 17, next, on motion of counsel for the respondent.

No. 585. J. Edward Jones, petitioner, *v.* Joseph P. Kennedy et al. Order denying petition for writ of certiorari withheld on motion of Mr. James J. Laughlin for the petitioner.

No. 18. 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. Reargument continued by Mr. Robert L. Stern for the petitioners and concluded by Mr. W. R. C. Cocke for the respondents.

No. 21. George C. Reitz, appellant, *v.* Carroll E. Mealey, as Commissioner of Motor Vehicles of the State of New York. Reargued by Mr. Harry A. Allan for the appellant and by Mr. Jack Goodman for the appellee.

No. 6. The Automatic Devices Corporation, petitioner, *v.* Sinko Tool & Manufacturing Company. Argued by Mr. Drury W. Cooper for the petitioner and by Mr. Russell Wiles and Mr. Bernard A. Schroeder for the respondent.

No. 37. The Cuno Engineering Corporation, petitioner, *v.* The Automatic Devices Corporation. Argument commenced by Mr. Robert Starr Allyn for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, October 23, will be as follows: Nos. 37, 76, 602, 603, 23, 40 (and 41), 30 (31 and 32), and 33.

SUPREME COURT OF THE UNITED STATES

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

Joseph R. Roach, of Chicago, Ill.; Louis Young, of New York City; Anthony John Albert, of Santa Fe, N. Mex.; Bernard A. Grossman, of New York City; Carolyn Royall Just, of Chicago, Ill.; Robert E. Haythorne, of Chicago, Ill.; and Solomon W. Patek, of Ironwood, Mich., were admitted to practice.

No. 37. The Cuno Engineering Corporation, petitioner, *v.* The Automatic Devices Corporation. Argument continued by Mr. Robert Starr Allyn for the petitioner; by Mr. Drury W. Cooper for the respondent; and concluded by Mr. Carlton Hill for the petitioner.

No. 76. The Federal Land Bank of Saint Paul, petitioner, *v.* Bismarck Lumber Company et al. Argued by Mr. Warner W. Gardner for the petitioner and by Mr. P. O. Sathre for the respondents.

No. 602. State of Alabama, petitioner, *v.* King and Boozer, a partnership, etc., et al. Argument commenced by Mr. Thomas S. Lawson for the petitioner and continued by Mr. Acting Solicitor General Fahy for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, October 24, will be as follows: Nos. 602, 603, 23, 40 (and 41), and 33.

SUPREME COURT OF THE UNITED STATES

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

Cecil B. Hamilton, of Washington, D. C.; Frank L. Blackman, of Jackson, Mich.; Michael A. Dwyer, of Ridgewood, N. J.; Leigh Athearn, of San Francisco, Calif.; Henry W. Allen, of Phoenix, Ariz.; Joseph F. Sharp, of New York City; Michael H. Cardozo IV, of New York City; and Fred A. Stiner, of San Diego, Calif., were admitted to practice.

No. 602. State of Alabama, petitioner, *v.* King and Boozer, a partnership, etc., et al. Argument continued by Mr. Acting Solicitor General Fahy for the respondents and concluded by Mr. John W. Lapsley for the petitioner.

No. 603. John C. Curry, Individually, etc., petitioner, *v.* The United States of America et al. Argument commenced by Mr. John W. Lapsley for the petitioner, continued by Mr. Acting Solicitor General Fahy for the respondents, and concluded by Mr. Thomas S. Lawson for the petitioner.

No. 40. Chrysler Corporation et al., appellants, *v.* The United States of America. Argued by Mr. Nicholas Kelley for the appellants and by Mr. Assistant Attorney General Arnold for the appellees.

No. 41. Commercial Credit Company et al., appellants, *v.* The United States of America. Submitted by Mr. Duane R. Dills and Mr. W. Russell Mules for the appellants and by Mr. Acting Solicitor General Fahy, Mr. Assistant Attorney General Arnold, and Mr. Charles H. Weston for the appellee.

Adjourned until Monday, October 27 next, at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

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

Martin Norr, of New York City; R. Carter Tucker, of Kansas City, Mo.; Walter W. Land, of New York City; Samuel Backer, of Atlantic City, N. J.; Lawrence A. Cowen, of San Rafael, Calif.; Victor R. Hansen, of Los Angeles, Calif.; John V. Lewis, of San Francisco, Calif.; Clyde C. Sherwood, of San Francisco, Calif.; John N. Hughes, Jr., of Des Moines, Iowa; Worthington Campbell, of Short Hills, N. J.; Eugene Xavier Murphy, of Washington, D. C.; Ambler H. Moss, of Baltimore, Md.; Ralph H. Ferrell, of Miami, Fla.; and Ralph H. Ferrell, Jr., of Richmond, Va., were admitted to practice.

The Chief Justice announced the following order of the Court:

No. —, original. State of Louisiana, plaintiff, *v.* Claude Cummins et al. On motion for leave to file complaint. *Per curiam:* The motion to strike Abraham L. Shushan, the citizen of Louisiana, as a party defendant is granted. The petition for rehearing is granted. Leave to file the complaint is denied. *Massachusetts v. Missouri*, 308 U. S. 1, 19-20.

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 by this Court that Hugh D. McLellan, of Boston, Massachusetts, 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, in place of Newman F. Baker, deceased.

No. —. *Ex parte* Robert Wright, petitioner. Application denied.

No. —, original. *Ex parte* J. L. Stewart. The motion for leave to file petition for writ of mandamus is denied.

No. —, original. *Ex parte* G. H. Burnham, petitioner. A rule is ordered to issue, returnable November 10, next, requiring the respondent to show cause why leave to file the petition for writ of mandamus should not be granted.

No. 287. Kenneth M. Keefe et al., petitioners, *v.* Bloomfield Village Drain District, etc., et al.;

No. 288. Kenneth M. Keefe et al., petitioners, *v.* Bloomfield Village Drain District, etc., et al.;

No. 289. Kenneth M. Keefe et al., petitioners, *v.* Martin Drain and Branches Drain District et al.;

No. 290. Kenneth M. Keefe et al., petitioners, *v.* Center Line Relief Drain District et al.; and

No. 291. Kenneth M. Keefe et al., petitioners, *v.* Nine-Mile Halfway Drain District et al. The motions to extend time within which to file petitions for rehearing are denied.

No. 584. Haywood Pope, petitioner, *v.* Edward M. Curran and Charles E. Stewart. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 598. Thomas R. Cox, petitioner, *v.* Joseph H. Wilson, as Warden, etc. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit;

No. 618. Julian W. Fretwell, petitioner, *v.* Peoples Service Drug Stores, Inc. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit; and

No. 620. James M. Wright, petitioner, *v.* The Union Central Life Insurance Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh 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. 600. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Safe Deposit and Trust Company of Baltimore, Trustee, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted.

No. 601. M. Hampton Magruder, Collector of Internal Revenue, petitioner, *v.* Washington, Baltimore and Annapolis Realty Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted.

No. 604. Mark Graves et al., as Commissioners constituting the State Tax Commission of the State of New York, petitioners, *v.*

Carl J. Schmidlapp et al. Petition for writ of certiorari to the Surrogates Court of the County of New York, State of New York, granted.

No. 622. Philip B. Fleming, Administrator, etc., petitioner, *v.* A. H. Belo Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 605. Wallace Groves, 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 Reed, Mr. Justice Douglas, and Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 624. Marrs McLean, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 612. The Terminal and Shaker Heights Realty Company, petitioner, *v.* The Van Sweringen Company;

No. 613. The Terminal and Shaker Heights Realty Company, petitioner, *v.* Van Sweringen Corporation, Debtor, et al.; and

No. 614. The Terminal and Shaker Heights Realty Company, petitioner, *v.* The Cleveland Terminal Building Company. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied. Mr. Justice Reed and Mr. Justice Douglas took no part in the consideration and decision of these applications.

No. 606. Carroll O. Still, petitioner, *v.* The United States of America. The motion to proceed on the typewritten record is granted. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 623. Charles Peyton West and Maurice John West, petitioners, *v.* American Telephone and Telegraph Company. The motion to use the certified record in Nos. 44 and 45, October Term, 1940, and to dispense with the printing thereof, is granted. The petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is denied.

No. 38. William S. Lovell and Douglas Gordon Lovell, petitioners, *v.* Dulac Cypress Company, Ltd., et al.; and

No. 82. Dulac Cypress Company, Ltd., et al., petitioners, *v.* William S. Lovell and Douglas Gordon Lovell. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 594. Takoma Park Bank, Inc., petitioner, *v.* Leroy Abbott. Petition for writ of certiorari to the Court of Appeals of the State of Maryland denied.

No. 597. Collin & Gissel (Ludwig Baer), petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 599. Clayton Lofland, petitioner, *v.* Clarence H. Fox, Receiver, etc. Petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania denied.

No. 307. Elizabeth Morgan, petitioner, *v.* Milton C. Potter, Superintendent, etc. Petition for writ of certiorari to the Supreme Court of the State of Wisconsin denied.

No. 608. Milton H. Friend et al., as Trustees, etc., 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. 615. Charles W. Gammons et al., petitioners, *v.* Thomas B. Hassett, Collector of Internal Revenue for the District of Massachusetts. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 616. Justus S. Wardell, Receiver District National Bank of Washington, petitioner, *v.* District of Columbia. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 617. Vernon J. Brown et al., petitioners, *v.* J. B. Simpson, Inc. Petition for writ of certiorari to the Supreme Court of the State of Michigan denied.

No. 625. North Miami, Florida, petitioner, *v.* W. J. Meredith et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 627. Warehousemen's Union, Local 117, International Brotherhood of Teamsters, Chauffeurs, Stablemen and Helpers of America, etc., petitioner, *v.* National Labor Relations Board; and

No. 628. McKesson & Robbins, Inc., et al., petitioners, *v.* National Labor Relations Board. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 212. Fred Barnett and Edna M. Barnett, petitioners, *v.* Reconstruction Finance Corporation;

No. 296. William Hugh Engels, petitioner, *v.* M. F. Amrine, Warden, etc.; and

No. 507. Harry Pyle, petitioner, *v.* The State of Kansas et al. Petitions for rehearing denied.

No. 518. John F. Moran, Receiver of the Prudential Bank, petitioner, *v.* James A. Cobb. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia. Dismissed per stipulation of counsel.

Adjourned until Monday, November 10, next, at 12 o'clock.

The day call for Monday, November 10, will be as follows: Nos. 33, 34, 29, 22, 23, 25 (and 26), 28, 30 (31 and 32), 35, and 36.

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SUPREME COURT OF THE UNITED STATES

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

Robt. R. Mullen, Jr., of Alice, Tex.; Joseph P. O'Hara, of Glencoe, Minn.; Joseph A. Struett, of Chicago, Ill.; Henry T. McGown, of Fort Worth, Tex.; Rudolph L. Miller, of Emmetsburg, Iowa; Percy C. Fewell, of Dallas, Tex.; Tom D. Lumpkin, of Amarillo, Tex.; John T. Plunket, of Dallas, Tex.; Paul Peek, of Sacramento, Calif.; David James Kadyk, of Chicago, Ill.; George W. Hunt, of Peoria, Ill.; Delta Ira Jarrett, of Chicago, Ill.; George Z. Barnes, of Peoria, Ill.; Nubar Wright, of Lovelock, Nev.; Brainerd W. LaTourette, of St. Louis, Mo.; Malcolm K. Buckley, of Buffalo, N. Y.; Conrad Christel, of Buffalo, N. Y.; Howard White, of Peoria, Ill.; Neil S. McCarthy, of Los Angeles, Calif.; Rutledge Slattery, of Philadelphia, Pa.; Paul G. Parsons, of Birmingham, Ala.; David T. Searls, of Houston, Tex.; Frank P. Slattery, of Wilkes-Barre, Pa.; and Richard P. MacNulty, of San Diego, Calif., were admitted to practice.

No. 76. The Federal Land Bank of Saint Paul, petitioner, *v.* Bismarck Lumber Company and John Gray, as Tax Commissioner of the State of North Dakota. On writ of certiorari to the Supreme Court of the State of North Dakota. 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. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 37. The Cuno Engineering Corporation, petitioner, *v.* The Automatic Devices Corporation. 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 District of Connecticut for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Mr. Justice Frankfurter concurs in the result. Concurring opinion by the Chief Justice in which Mr. Justice Frankfurter joins.

No. 6. The Automatic Devices Corporation, petitioner, *v.* Sinko Tool & Manufacturing Company. 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 Douglas.

No. 10. City of Indianapolis et al., petitioners, *v.* The Chase National Bank of the City of New York, Trustee, etc., et al.;

No. 11. City of Indianapolis et al., petitioners, *v.* The Chase National Bank of the City of New York, Trustee, etc., et al.;

No. 12. The Chase National Bank of the City of New York, Trustee, etc., petitioner, *v.* Citizens Gas Company of Indianapolis et al.; and

No. 13. The Chase National Bank of the City of New York, Trustee, etc., petitioner, *v.* The Indianapolis Gas Company et al. On writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgments reversed and cases 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. Justice Frankfurter. Dissenting opinion by Mr. Justice Jackson in which the Chief Justice, Mr. Justice Roberts, and Mr. Justice Reed join.

No. 20. The Baltimore and Ohio Railroad Company, petitioner, *v.* Frederick S. Kepner. On writ of certiorari to the Supreme Court of the State of Ohio. Judgment affirmed with costs. Opinion by Mr. Justice Reed. Dissenting opinion by Mr. Justice Frankfurter in which the Chief Justice and Mr. Justice Roberts join.

No. 2. 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. Judgment affirmed and cause remanded to the District Court of the United States for the District of Oregon. Opinion by Mr. Justice Roberts.

No. 21. 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. Judgment affirmed with costs. Opinion by Mr. Justice Roberts. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black, Mr. Justice Byrnes, and Mr. Justice Jackson join.

No. 602. State of Alabama, petitioner, *v.* King and Boozer, a partnership composed of Tom Cobb King and Simon Elbert Boozer, and United States of America. On writ of certiorari to the Supreme

Court of the State of Alabama. Judgment reversed and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Stone. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 603. John C. Curry, Individually and as Commissioner of Revenue of the State of Alabama, petitioner, *v.* The United States of America, Dunn Construction Company, Inc., et al. On writ of certiorari to the Supreme Court of the State of Alabama. Judgment reversed and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Stone. Mr. Justice Jackson took no part in the consideration or decision of this case.

The Chief Justice announced the following orders of the Court:

No. 244. Ready Truck Lines, Inc., appellant, *v.* The United States of America and Interstate Commerce Commission. 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. Sec. 209 (a) of Part II of the Interstate Commerce Act, 49 U. S. C., Sec. 309 (a); *United States v. Maher*, 307 U. S. 148, 153-4. Mr. Justice Jackson took no part in the consideration and decision of this case.

No. 701. May F. Miller, appellant, *v.* Wisconsin Department of Taxation. Appeal from the Supreme Court of the State of Wisconsin. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a 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."

No. —, original. *Ex parte* George C. Yaunt, petitioner;

No. —, original, *Ex parte* C. C. Crebs, petitioner;

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

No. —. Paysoff Tinkoff, petitioner, *v.* Commissioner of Internal Revenue; and

No. —. People *ex rel.* Paysoff Tinkoff, petitioner, *v.* Hon. G. W. Bristow, Judge, etc. The motions to vacate orders denying applications for extension of time within which to file petitions for writs

of certiorari are denied. Mr. Justice Jackson took no part in the consideration and decision of these applications.

No. 154. Exhibit Supply Company, petitioner, *v.* Ace Patents Corporation;

No. 155. Genco, Inc., petitioner, *v.* Ace Patents Corporation; and

No. 156. Chicago Coin Machine Company, petitioner, *v.* Ace Patents Corporation. The petition for rehearing is granted. The orders denying certiorari are vacated and the petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

No. 665. Harriett V. Pence, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted. The motion to proceed *in forma pauperis* is also granted.

No. 315. The United States of America, on the relation of Thomas Henry Robinson, Jr., 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. 695. John F. Clark, petitioner, *v.* Lester P. Barlow et al. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia. 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. Mr. Justice Jackson took no part in the consideration and decision of these applications.

No. 684. Leslie M. McGoldrick, petitioner, *v.* The Equitable Life Assurance Society of the United States. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. The motion to consider certain orders of the District Court as a part of the record 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 is therefore also denied.

No. 621. Harry Knight, petitioner, *v.* The People of the State of California. On petition for writ of certiorari to the District Court of Appeal, 2d Appellate District, State of California;

No. 647. Nehemiah Glover, petitioner, *v.* The State of Texas. On petition for writ of certiorari to the Court of Criminal Appeals of the State of Texas;

No. 650. Fred Hartzell West, petitioner, *v.* State of Washington. On petition for writ of certiorari to the Supreme Court of the State of Washington;

No. 611. James A. Lovvorn, petitioner, *v.* Honorable Martin I. Welsh, District Judge for the Northern District of California. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit;

No. 677. Hugh Pierre, petitioner, *v.* State of Louisiana. On petition for writ of certiorari to the Supreme Court of the State of Louisiana; and

No. 681. Fred Steffler, 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. The motions for leave to proceed further herein *in forma paperis* 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 petition for writs of certiorari are therefore also denied.

No. 272. Mrs. Jesse Miles et al., petitioners, *v.* Illinois Central Railroad Company. Petition for writ of certiorari to the Court of Appeals of the State of Tennessee granted.

No. 658. United States of America, to the use of Noland Company, Incorporated, petitioner, *v.* Alexander D. Irwin et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted.

No. 532. Blake Centers, petitioner, *v.* Joseph W. Sanford, Warden, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 680. U. S. Industrial Chemicals, Inc., petitioner, *v.* Carbide and Carbon Chemicals Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted.

No. 648. Pecheur Lozenge Co., Inc., petitioner, *v.* National Candy Corporation, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted. Counsel are requested to present their views as to whether State law governs and, if so, what the applicable State law is.

No. 649. Mishawaka Rubber and Woolen Manufacturing Company, petitioner, *v.* S. S. Kresge Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted limited to the first and second questions presented in the petition for certiorari.

No. 636. A. G. Reeves Steel Construction Company, petitioner, *v.* Elizabeth Weiss, Executrix, etc. Petition for writ of certiorari to

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

No. 662. William (Bill) Flippin, Jack Baugh, and Tude Purkey, 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. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 670. William C. Krueger 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 Third Circuit denied. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 641. The Glidden Company et al., petitioners, *v.* The United States of America; and

No. 642. The Glidden Company et al., petitioners, *v.* The United States of America. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied. Mr. Justice Reed and Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 643. Charles Simus, petitioner, *v.* Frank E. Donoghue, Judge of the Municipal Court of Chicago. The motion to proceed on the typewritten record is granted. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 654. Emmett R. Warring, petitioner, *v.* Ray L. Huff, General Superintendent, District Penal Institutions; and

No. 655. Emmett R. Warring, petitioner, *v.* John B. Colpoys, United States Marshal. The motion for bail is denied. Petition for writs of certiorari to the United States Court of Appeals for the District of Columbia denied. Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration and decision of these applications.

No. 536. Robert W. Halliday, petitioner, *v.* S. H. Squire, Superintendent of Banks of the State of Ohio etc. The motion to proceed on typewritten copies of the record is granted. Petition for writ of certiorari to the Supreme Court of the State of Ohio denied.

No. 629. Mrs. David A. Buckley, petitioner, *v.* J. Yancey Christmas. The motion to dispense with the printing of parts of the record is granted. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 669. Howard Hardesty, as Receiver of the National Bank of Fairmont, West Virginia, petitioner *v.* Fairmont Supply Company.

Petition for writ of certiorari to the Supreme Court of Appeals of the State of West Virginia denied for the want of a final judgment.

No. 630. Charles C. Hobart, doing business as the Hobart Cabinet 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. 631. Israel A. Abrams et al., etc., petitioners, *v.* Henry A. Scandrett et al., Trustees, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 632. Tomlinson I. Moseley et al., petitioners, *v.* United States Appliance Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 633. Terminal Railroad Association of St. Louis, a Corporation, petitioner, *v.* William A. Staengel. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 634. George Cotros et al., petitioners, *v.* Nashville Trust Company, Executor etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 637. Charles D. Rice et al., Trustees, petitioners, *v.* Abraham S. Guterman, Trustee in Bankruptcy. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 638. Argus Hosiery Mills, Inc., petitioner, *v.* Renso Robertson. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 640. Gartland Steamship Company, petitioner, *v.* Interlake Iron Corporation. Petition for writ or certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 651. Town of Davenport et al., petitioners, *v.* J. W. Hughes et al. Petition for writ of certiorari to the Supreme Court of the State of Florida denied.

No. 652. Ternstedt Manufacturing Company and General Motors Corporation, petitioners, *v.* Motor Products Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 656. Norman Johnson, suing on behalf of himself, etc., petitioner, *v.* Walter D. Fuller et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 659. Moloney Electric Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue; and

No. 660. Moloney Electric Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 664. Boston and Maine Railroad, petitioner, *v.* James H. Cunningham. Petition for writ of certiorari to the Superior Court for the County of Hampden, Commonwealth of Massachusetts, denied.

No. 672. Southgate Nelson Corporation, petitioner, *v.* Elizabeth J. Quinn. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 674. West Production Company, 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. 675. City Investing Company, petitioner, *v.* 165 Broadway Building, Inc., and the City of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 671. Farmers and Ginners Cotton Oil Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 673. Earle F. Wingren, Trustee, etc., petitioner, *v.* Minnie C. Hanssen et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 676. Carbo-Frost, Inc., et al., petitioners, *v.* Stanley Knight Corporation et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 682. Daniel W. Hoan, petitioner, *v.* The Journal Company et al. Petition for writ of certiorari to the Supreme Court of the State of Wisconsin denied.

No. 685. West Virginia Power 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 Fourth Circuit denied.

No. 686. B. Kathryn Willis, as Executrix, etc., petitioner, *v.* The Pennsylvania Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 687. United New York Sandy Hook Pilots Association et al., petitioners, *v.* The Norwegian Passenger Motor Ship "Oslofjord" etc., et al.; and

No. 688. United New York Sandy Hook Pilots Association et al., petitioners, *v.* Den Norske Amerikalinje A/S, etc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 689. Moore-McCormack Lines, Inc., petitioner, *v.* Muriel W. Hume. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 692. H. S. Richardson, 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. 698. Lula W. Garland, Trustee, 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. 74. Mrs. Louise Harris Moore, petitioner, *v.* The United States;

No. 196. H. W. Ferguson, petitioner, *v.* The United States of America;

No. 200. Pierre S. DuPont, petitioner, *v.* Commissioner of Internal Revenue;

No. 201. John J. Raskob, petitioner, *v.* Commissioner of Internal Revenue;

No. 278. The National Life and Accident Insurance Company, petitioner, *v.* L. P. Brewer, Former Collector of Internal Revenue;

No. 285. S. Elbert Pike, Ernest C. Pike, et al., petitioners, *v.* Frank C. Walker (Substituted for James A. Farley) as Postmaster General of the United States, et al.; and

No. 501. Walter R. Dolloff, petitioner, *v.* The United States of America. The petitions for rehearing are denied. Mr. Justice Jackson took no part in the consideration and decision of these applications.

No. 352. General Motors Corporation et al., petitioners, *v.* The United States of America. Petition for rehearing denied. The Chief Justice, Mr. Justice Murphy, and Mr. Justice Jackson took no part in the consideration and decision of this application.

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

No. 108. Identification Devices, Inc., by James M. Rulong, petitioner, *v.* The United States of America;

No. 121. S. Mayner Wallace, petitioner, *v.* Johnanna F. Fiske et al.;

No. 122. S. Mayner Wallace, petitioner, *v.* Johnanna F. Fiske et al.;

No. 133. John O. Krouse, petitioner, *v.* Frank O. Lowden et al., Trustee, etc.;

No. 140. Alma F. Birckner, petitioner, *v.* Robert Tilch et al.;

No. 175. Mary E. Chewning, petitioner, *v.* The District of Columbia, a municipal corporation, garnishee;

No. 190. E. E. Morgan Company, Inc., appellant, *v.* State of Arkansas, for use and benefit of Phillips County;

No. 191. Roeser & Pendleton, Inc., petitioner, *v.* Commissioner of Internal Revenue;

No. 227. Twin Ports Oil Company, petitioner, *v.* The Pure Oil Company;

No. 264. Joseph K. Nielsen, petitioner, *v.* Judge Everett F. Johnson;

No. 346. Louisiana Delta Cattle Co., Inc., petitioner, *v.* The United States;

No. 354. George E. Morton, Trustee, et al., etc., petitioners, *v.* Dardanelle Special School District No. 15 of Yell County, Arkansas;

No. 358. Emil Stein, petitioner, *v.* Preston Delano, Comptroller of the Currency, et al.;

No. 513. Outboard, Marine & Manufacturing Company, petitioner, *v.* Muncie Gear Works, Inc., et al.;

No. 517. The Sirocco Company, petitioner, *v.* The City of Miami; and

No. 533. Standard Oil Company of Louisiana, appellant, *v.* State of Tennessee, ex rel. George F. McCannless, Commissioner of Finance and Taxation, et al. Petitions for rehearing denied.

No. —, original. Ex parte State of Texas, petitioner. Return to rule to show cause presented.

No. —, original. Ex parte State of Texas, petitioner. Motion of Lone Star Gas Company for leave to intervene presented.

No. —, original. Ex parte G. H. Burnham et al., petitioners. Return to rule to show cause presented.

No. —, original. Ex parte G. H. Burnham et al., petitioners. Motion of Irby Dunklin, Special Master, for leave to intervene presented.

No. 22. Massachusetts Bonding and Insurance Company, petitioner, *v.* Madeleine Corby Webber and William J. Webber. On writ of certiorari to the Supreme Court of the State of Ohio. Dismissed on motion of counsel for the petitioner.

No. 33. The United States of America, petitioner, *v.* Harry S. Emory, St. James Distillery, Inc., et al. Argued by Mr. Melvin H. Siegel for the petitioner. No appearance for respondents.

No. 34. Textile Mills Securities Corporation, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. Edmund S. Kochersperger for the petitioner and by Mr. Arnold Raum for the respondent.

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

The day call for Wednesday, November 12, will be as follows: Nos. 29, 23, 25 (and 26), 30 (31 and 32), 28, 35, 36, 39, 43, and 46.

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SUPREME COURT OF THE UNITED STATES

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

Clarence J. Brainerd, of Chesaning, Mich.; Sarah Elizabeth Fay, of Boston, Mass.; Jeffrey Heimen, of Seattle, Wash.; Geo. B. Sjoselius, of Duluth, Minn.; John E. Skilling, of Bethesda, Md.; Frederick Charles Bold, Jr., of San Francisco, Calif.; Laurence A. Masselink, of Detroit, Mich.; and George D. Gibson, of Richmond, Va., were admitted to practice.

No. 29. American Surety Company of New York, petitioner, *v.* The Bethlehem National Bank of Bethlehem, Pennsylvania, et al. Argued by Mr. Rutledge Slattery for the petitioner and by Mr. George P. Barse for the respondents.

No. 23. The United States of America, as Guardian of the Indians of the Tribe of Hualpai etc., petitioner, *v.* Santa Fe Pacific Railroad Company. Argument commenced by Mr. Nathan R. Margold for the petitioner and continued by Mr. Joyce Cox for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, November 13, will be as follows: Nos. 23, 25 (and 26), 30 (31 and 32), 28, 35, 36, 39, 43, 46, and 48.

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SUPREME COURT OF THE UNITED STATES

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

William Blackburn Barton, of Los Angeles, Calif.; Phineas Indritz, of Chicago, Ill.; and Isidore Lindenbaum, of Los Angeles, Calif.; were admitted to practice.

No. 23. 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. Argument continued by Mr. Joyce Cox and Mr. Max Radin for the respondent and concluded by Mr. Nathan R. Margold for the petitioner.

No. 25. National Labor Relations Board, petitioner, *v.* Virginia Electric and Power Company; and

No. 26. National Labor Relations Board, petitioner, *v.* The Independent Organization of Employees of the Virginia Electric and Power Company. Argued by Mr. Robert B. Watts for the petitioner; by Mr. T. Justin Moore and Mr. George D. Gibson for the respondent in No. 25; and by Mr. William Earle White for the respondent in No. 26.

No. 30. Daniel D. Glasser, petitioner, *v.* The United States of America;

No. 31. Norton I. Kretzke, petitioner, *v.* The United States of America; and

No. 32. Alfred E. Roth, petitioner, *v.* The United States of America. Argument commenced by Mr. Homer Cummings for the petitioner in No. 30.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, November 14, will be as follows: Nos. 30 (31 and 32), 35, 36, 43, 39, 46, 48, 44, 45, and 51.

SUPREME COURT OF THE UNITED STATES

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

W. Wallace Kirkpatrick, of Washington, W. C.; Woodrow L. Berge, of Lincoln, Nebr.; Richard K. Decker, of Lincoln, Nebr.; Harry Levine, of New York City; Henry T. Moore, of Los Angeles, Calif.; Alfred J. L'Heureux, of New York City; Herbert Morton Ball, of Scranton, Pa.; and William Heflin Pierce, of Montgomery, Ala., were admitted to practice.

No. 30. Daniel D. Glasser, petitioner, *v.* The United States of America;

No. 31. Norton I. Kretske, petitioner, *v.* The United States of America; and

No. 32. Alfred E. Roth, petitioner, *v.* The United States of America. Argument continued by Mr. Ralph M. Snyder for the petitioner in No. 30 and concluded by Mr. Edwin D. Dickinson for the respondent in Nos. 30, 31, and 32; and cases submitted by Mr. Edward M. Keating for the petitioner in No. 31 and by Mr. Alfred E. Roth, *pro se*, in No. 32.

No. 35. The United States of America, petitioner, *v.* Alice Gray Kales. Argued by Mr. Arnold Raum for the petitioner and by Mr. Hal H. Smith for the respondent.

No. 36. J. E. Pierce, petitioner, *v.* The United States of America. Argument commenced by Mr. L. E. Gwinn for the petitioner.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 17, will be as follows: Nos. 36, 58 (and 59), 43, 143, 39, 46, 48, 44, 45, and 51.

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SUPREME COURT OF THE UNITED STATES

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

Paul D. Page, Jr., of Houston, Tex.; Abraham L. Kaminstein, of New York City; Leota Green, of Johnson City, Tenn.; Paul J. LaCrosse, of Burlington, Vt.; B. E. Godfrey, of Fort Worth, Tex.; John M. Scott, of Fort Worth, Tex.; Dan E. Lydick, of Fort Worth, Tex.; Eugene U. Blalock, of Los Angeles, Calif.; Vincent J. Moranz, of Philadelphia, Pa.; Mark Willcox, Jr., of Philadelphia, Pa.; Maurice R. Weeks, of Washington, D. C.; and Milton J. Blake, of Denver, Colo., were admitted to practice.

No. 16. 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; and

No. 19. Phoenix Finance Corporation, petitioner, *v.* Iowa-Wisconsin Bridge Company. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgments reversed with costs and cases remanded to the District Court of the United States for the Western District of Missouri and to the District Court of the United States for the Northern District of Iowa, respectively, for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Frankfurter; Mr. Justice Douglas took no part in the consideration or decision of case No. 19. Dissenting opinion by Mr. Justice Reed in which the Chief Justice and Mr. Justice Roberts concur.

No. 24. Southern Railway Company, petitioner, *v.* Ethel Painter, Administratrix of the Estate of Geoffrey L. Painter, deceased. 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 Frankfurter. Concurring: The Chief Justice, Mr. Justice Roberts, and Mr. Justice Reed.

No. 14. 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. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Chief Justice Stone. Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas, Mr. Justice Murphy, and Mr. Justice Byrnes concur.

The Chief Justice announced the following order of the Court:

No. 710. George D. Templeton, on behalf of George Douglas Templeton, Jr., appellant, *v.* State of California. Appeal from the Supreme Court of the State of California. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed because the record does not show that the federal question presented was necessarily passed on by the Supreme Court of California. *Herndon v. Lowry*, 301 U. S. 242, 247; *Honeyman v. Hannan*, 300 U. S. 14, 18; *Lynch v. New York ex rel. Pierson*, 293 U. S. 52.

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 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, is authorized and directed to make such recommendations as may be deemed advisable respecting amendments to the rules promulgated by this Court pursuant to the provisions of the Act of Congress, approved March 8, 1934, amending an Act entitled "An Act to give the Supreme Court of the United States authority to prescribe Rules of Practice and Procedure with respect to proceedings in criminal cases after verdict" (Act of February 24, 1933, c. 119, U. S. C., Title 28, Sec. 723 (a)).

No. —, original. *Ex parte* Frank Contardi, petitioner;

No. —, original. *Ex parte* Glen Wilkerson, petitioner; and

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

No. —, original. *Ex parte* State of Texas, petitioner. This case is assigned for argument on December 8th next, on the motion for leave to file petition for writ of mandamus and the return to the rule to show cause.

No. —, original. Ex parte State of Texas, petitioner. The motion of Lone Star Gas Company for leave to intervene is granted.

No. 657. John C. Geiger, petitioner, *v.* The People of the State of California. On petition for writ of certiorari to the Superior Court, Los Angeles County, State of California; and

No. 683. John C. Geiger, petitioner, *v.* The People of the State of California. On petition for writ of certiorari to the Superior Court, Appellate Department, State of California. 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. 619. Walter G. Query et al., as Members of and Constituting the South Carolina Tax Commission, petitioners, *v.* The United States of America et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 653. Hotel Markham, Inc., et al., petitioners, *v.* Edward Ball et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 678. George E. Crandall, petitioner, *v.* Commonwealth of Pennsylvania; and

No. 679. George E. Crandall, petitioner, *v.* Commonwealth of Pennsylvania. Petition for writs of certiorari to the Superior Court of the Commonwealth of Pennsylvania denied.

No. 690. Paul Patterson et ux., petitioners, *v.* W. E. Peel. Petition for writ of certiorari to the Court of Civil Appeals, 9th Supreme Judicial District, State of Texas, denied.

No. 691. The Bright Brooks Lumber Company, petitioner, *v.* Henry Weiss, Trustee, etc. Petitioner for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 696. Godfrey-Keeler Co., Inc., Debtor, petitioner, *v.* The Wickes Boiler Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 699. Terry Thompson et al., Independent Executors, etc., petitioners, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 703. The Maytag Company and Maytag Sales Corporation, petitioners, *v.* The Apex Electrical Manufacturing Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 237. William G. Wheat, petitioner, *v.* Ford Motor Company. The motion for leave to file petition for rehearing is granted. The petition for rehearing is denied.

No. 136. The Badger Oil Company, petitioner, *v.* Commissioner of Internal Revenue;

No. 148. Raymond Dugan, petitioner, *v.* Stanley P. Ashe, Warden, etc.;

No. 276. Newton H. Brown et al., petitioners, *v.* The Federal Land Bank of Louisville, Kentucky; and

No. 345. Maul L. Fenzel, as Trustee, etc., petitioner, *v.* R. W. Fensterwald et al. Petitions for rehearing denied.

No. 169. Richard W. Leche, petitioner, *v.* The United States of America. The petition for rehearing is denied. Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 16. Samuel R. Toucey, petitioner, *v.* New York Life Insurance Company. The motion of petitioner relative to New York Life Policy No. 8,611,895 is denied.

ORDER

The Court will take a recess from Monday, November 24, until Monday, December 8, next.

No. 667. W. W. McAllister, petitioner, *v.* Merle Young Woodson, and her husband W. B. Woodson. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Dismissed per stipulation of counsel.

No. 36. J. E. Pierce, petitioner, *v.* The United States of America. Argument continued by Mr. L. E. Gwinn for the petitioner and concluded by Mr. Assistant Attorney General Berge for the respondent.

No. 58. District of Columbia, petitioner, *v.* Henry C. Murphy; and

No. 59. District of Columbia, petitioner, *v.* Paul M. DeHart. Argued by Mr. Glenn Simmon for the petitioner and by Mr. Harry R. Turkel for the respondents.

No. 43. Jim Duckworth, appellant, *v.* The State of Arkansas. Argument commenced by Mr. Harold R. Ratcliff for the appellant, and continued by Mr. Jno. P. Streepey for the appellee.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, November 18, will be as follows: Nos. 43, 143, 39, 46, 48, 44, 45, 51, 54 (55 and 56), and 70.

SUPREME COURT OF THE UNITED STATES

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

Abraham David Caesar, of Philadelphia, Pa.; D. Milton Ladd, of Washington, D. C.; Harry Mapes Kimball, of Washington, D. C.; Vincent E. Martino, of Washington, D. C.; Estill E. Ezell, of Saint Louis, Mo.; Carl Frederick Paul, Jr., of Rochester, N. Y.; Henry H. Pike, of Washington, D. C.; and Clyde R. Brown, of Monroe, La., were admitted to practice.

No. 43. Jim Duckworth, appellant, *v.* The State of Arkansas. Argument continued by Mr. Jno. P. Streepey and by Mr. Leffel Gentry for the appellee and concluded by Mr. Harold R. Ratcliff for the appellant.

No. 143. The Board of Trade of Kansas City, Mo., et al., appellants, *v.* The United States of America et al. Argument commenced by Mr. M. W. Borders for the appellants; continued by Mr. J. Stanley Payne for the appellees, United States of America and Interstate Commerce Commission; by Mr. Frank A. Leffingwell for the appellees, Texas Industrial Traffic League et al.; and concluded by Mr. Samuel J. Wettrick for the appellants.

No. 39. Continental Casualty Company and Marie M. Short *v.* The United States of America. Argument commenced by Mr. Joseph V. McEnery for the Continental Casualty Company and Marie M. Short.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, November 19, will be as follows: Nos. 39, 46, 48, 44, 45, and 51.

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SUPREME COURT OF THE UNITED STATES

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

Robert M. McManigal, of Los Angeles, Calif.; Samuel A. Miller, of Atlanta, Ga.; James N. Frazer, of Atlanta, Ga.; Virgil E. Woodcock, of Philadelphia, Pa.; Frank A. Hooper, Jr., of Atlanta, Ga.; and Armor M. Murdoch, of Washington, D. C., were admitted to practice.

No. 39. Continental Casualty Company and Marie M. Short *v.* The United States of America. Argument continued by Mr. Joseph V. McEnergy for the Continental Casualty Company and Marie M. Short; by Mr. Richard H. Demuth for the United States; and concluded by Mr. Joseph V. McEnergy for Continental Casualty Company and Marie M. Short.

No. 46. E. V. Parker, Deputy Commissioner, United States Employees' Compensation Commission, petitioner, *v.* Motor Boat Sales, Incorporated. Argued by Mr. Assistant Attorney General Shea for the petitioner and by Mr. Minitree Jones Fulton for the respondent.

No. 48. Louis H. Pink, Superintendent of Insurance of the State of New York, petitioner, *v.* A. A. A. Highway Express, Inc., et al. Argued by Mr. M. F. Goldstein for the petitioner and by Mr. Frank A. Hooper, Jr., for the respondents.

No. 44. The United States of America, petitioner, *v.* The State of Texas, et al. Argument commenced by Mr. Arnold Raum for the petitioner.

Adjourned until Friday, November 21, at 12 o'clock.

The day call for Friday, November 21, will be as follows: Nos. 44, 45, and 51.

SUPREME COURT OF THE UNITED STATES

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

Claude D. Carson, of Bremen, Ind.; Charles Daughtry Towers, of Jacksonville, Fla.; Dan Henry McNeal, of Moline, Ill.; Jesse James Duckett, of El Campo, Tex.; Maryhelen Wigle, of Seattle, Wash.; Bernard Kriegel, of Los Angeles, Calif.; Sam H. Hood, of Emory, Tex.; George D. Rives, of Washington, D. C.; John Reid Turney, Jr., of Washington, D. C.; and Jack P. F. Gremillion, of Baton Rouge, La., were admitted to practice.

No. 44. The United States of America, petitioner, *v.* The State of Texas et al. Argument continued by Mr. Arnold Raum for the petitioner; by Mr. Pat M. Neff, Jr., for the respondents; and concluded by Mr. Arnold Raum for the petitioner.

No. 45. The United States, petitioner, *v.* The Kansas Flour Mills Corporation. Argued by Mr. Warner W. Gardner for the petitioner and by Mr. Egar Shook and Mr. Phil D. Morelock for the respondent. Adjourned until Monday, November 24, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

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

W. J. Hulsey, of McAlester, Okla.; Lena Hulsey, of McAlester, Okla.; Wray Bevins, of Waverly, Ohio; Wm. M. Briggs, of Blackwell, Okla.; L. Alton Denslow, of Washington, D. C.; Clarence C. Chilcott, of Kansas City, Mo.; Arthur Hamilton Clephane, of Washington, D. C.; Marion A. Prowell, of Tuscaloosa, Ala.; Sumner W. Elton, of Boston, Mass.; Alfred T. White, of New York City; Dixie Dunnigan, of Los Angeles, Calif.; John F. Dooling, Jr., of New York City; William Piel, Jr., of New York City; Carrick H. Buck, of Lihue, T. H.; and William DuBose Sheldon, of Washington, D. C., were admitted to practice.

The Honorable Charles Fahy, of New Mexico, Solicitor General of the United States, was presented by Mr. Attorney General Biddle, and it was ordered that his commission be recorded.

No. 17. Fred F. Edwards, appellant, *v.* The People of the State of California. Appeal from the Superior Court of the State of California in and for the County of Yuba. 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 Byrnes. Concurring opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Murphy join. Concurring opinion by Mr. Justice Jackson.

The Chief Justice announced the following order of the Court:

No. 714. George F. Harrington, appellant, *v.* The People of the State of California. Appeal from the Superior Court of Los Angeles County, State of California. *Per curiam*: The appeal is dismissed for want of a substantial federal question. *Nicchia v. New York*, 254 U. S. 228.

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Court and will be announced orally."

No. —, original. Ex parte James R. Keller, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. 281. National Labor Relations Board, petitioner, v. Sparks-Withington Company et al. Further consideration of the motion to dismiss is postponed to the hearing of the case on the merits. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 154. Exhibit Supply Company, petitioner, v. Ace Patents Corporation;

No. 155. Genco, Inc., petitioner, v. Ace Patents Corporation; and

No. 156. Chicago Coin Machine Company, petitioner, v. Ace Patents Corporation. The motion of respondent to dismiss is denied.

No. 639. Austin Corcoran, petitioner, v. Montgomery Ward & Company, Inc. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. The motion 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. 723. The United States of America, appellant, v. The Masonite Corporation et al. In this case probable jurisdiction is noted. Mr. Justice Jackson took no part in the consideration and decision of this question.

No. 706. City of Chicago, a municipal corporation, et al., petitioners, v. Fieldcrest Dairies, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 707. Lewis J. Valentine, Individually and as Police Commissioner of the City of New York, petitioner, v. F. J. Chrestensen. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 708. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, v. Credit Alliance Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted.

No. 711. H. J. Gorman, City Treasurer of Kansas City, Missouri, et al., petitioners, v. The Washington University. Petition for writ of certiorari to the Supreme Court of the State of Missouri granted.

No. 697. Leon Charles Weiss, 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 Murphy and Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 712. John P. Nick and Clyde A. Weston, 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. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 718. General Motors 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. The Chief Justice took no part in the consideration and decision of this application.

No. 663. Mourning Jones, petitioner, *v.* City of Arcadia, a municipal corporation. Petition for writ of certiorari to the Supreme Court of the State of Florida denied.

No. 700. Margaret Harwick, Assignee of Hugh E. Van De Walker, et al., petitioners, *v.* Charles V. O'Hern, as Receiver, et al. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 702. W. C. Phillips and Fred J. Day, Jr., Trustees, petitioners, *v.* George Walter Baker et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 704. The United States of America, ex rel. Eng Fon Sing, petitioner, *v.* Byron H. Uhl, District Director of Immigration, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 721. Isbrandtsen-Moller Company, Inc., petitioner, *v.* Motorship "Toledo" and Wilh Wilhelmsen et al., Owners. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 123, October Term, 1940. Harriet K. Moon, petitioner, *v.* The Home Life Insurance Company of New York; and

No. 124, October Term, 1940. Harriet K. Moon, petitioner, *v.* Mutual Health & Accident Association. The motion for leave to file a third petition for rehearing is denied.

No. —, original. *Ex parte* J. L. Stewart, petitioner;

No. —, original. State of Louisiana, plaintiff, *v.* Claude Cummins et al.;

No. 82. Dulac Cypress Company, Ltd., et al., petitioners, *v.* William S. Lovell and Douglas Gordon Lovell;

No. 584. Haywood Pope, petitioner, *v.* Edward M. Curran and Charles E. Stewart. Petitions for rehearing denied.

No. 624. Marrs McLean, petitioner, *v.* Commissioner of Internal Revenue. The petition for rehearing is denied. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 223. The United States of America, Interstate Commerce Commission, and The Pacific Electric Railway Company, appellants, *v.* Railway Labor Executives Association et al. Appeal dismissed as to appellant The United States of America, on motion of Mr. Solicitor General Fahy for the United States.

Adjourned until Monday, December 8, at 12 o'clock.

The day call for Monday, December 8, will be as follows: Nos. —, original, *Ex parte* State of Texas, 8 (and 9), 28, 49, 75, 51, 54 (55 and 56), 57, 248, and 63.

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SUPREME COURT OF THE UNITED STATES

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

Orville A. Rogers, of Los Angeles, Calif.; Myron D. Frantz, of Chicago, Ill.; Frank J. Monaco, of Atlanta, Ga.; Terrence A. Carson, of Phoenix, Ariz.; R. C. Patterson, of Houston, Tex.; Harry A. Bernbach, of New York City; P. E. McCullough, of Chicago, Ill.; William A. Ewart, of Pontiac, Mich.; Clay Campbell, of Lansing, Mich.; Clement T. Malan, of Indianapolis, Ind.; William Clarence Hudson, of Royal Oak, Mich.; George Foster, Jr., of New York City; John A. Nolan, of Webster Groves, Mo.; William Gates, Jr., of Boston, Mass.; John Harrington, of Chicago, Ill.; R. H. Whilden, of Houston, Tex.; George Surosky, of Paterson, N. J.; Pinckney L. Cain, of Columbia, S. C.; Thomas E. Skinner, of Birmingham, Ala.; Donald Walker, of Orlando, Fla.; Andrew B. Reavis, of Washington, D. C.; Harold B. Whitfield, of Chicago, Ill.; Charles D. Sloan, of Springfield, Mass.; Rudolph J. Eisinger, of Washington, D. C.; Heba I. Aston, of McAlester, Okla.; Georgina J. Bingert, of Washington, D. C.; E. M. Gallaher, of Tulsa, Okla.; Lyman E. Latourette, of Portland, Oreg.; James G. Holbrook, of Joliet, Ill.; Charles J. McKeown, of Joliet, Ill.; Gerald C. Mann, of Austin, Tex.; and James L. Noel, Jr., of Austin, Tex., were admitted to practice.

The Court took a recess for the purpose of attending the joint session of the Congress of the United States and reconvened at 2:30 o'clock.

No. 15. New York, Chicago & St. Louis Railroad Company, appellant, *v.* Dorothea T. Frank. Appeal from the Appellate Term of the Supreme Court of the State of New York. Judgment affirmed with costs. Concurring opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Reed, Mr. Justice Frankfurter and Mr. Justice Byrnes join.

No. 34. Textile Mills Securities Corporation, petitioner, *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 Douglas. Mr. Justice Jackson took no part in the consideration or disposition of this case.

No. 23. 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. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the District of Arizona. Opinion by Mr. Justice Douglas.

No. 29. American Surety Company of New York, petitioner, *v.* The Bethlehem National Bank of Bethlehem, Pennsylvania, and L. M. Reed, as Receiver, etc. 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 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 Frankfurter. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black concurs.

No. 36. J. E. Pierce, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment reversed and cause remanded to the District Court of the United States for the Western District of Tennessee for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Reed. Dissenting: Mr. Justice Douglas. Mr. Justice Black and Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 46. E. V. Parker, Deputy Commissioner, United States Employees' Compensation Commission, petitioner, *v.* Motor Boat Sales, Incorporated. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment of the Circuit Court of Appeals reversed and that of the District Court affirmed and cause remanded to the District Court of the United States for the Eastern District of Virginia. Opinion by Mr. Justice Black.

No. 1. Harry Bridges, petitioner, *v.* State of California; and

No. 3. 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. On writs of certiorari to the Supreme Court of the State of California. Judgments reversed with costs and cases remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Frankfurter, in which the Chief Justice, Mr. Justice Roberts, and Mr. Justice Byrnes concur.

No. 45. The United States, petitioner, *v.* The Kansas Flour Mills Corporation. 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 Roberts.

No. 4. Major Raymond Lisenba, petitioner, *v.* The People of the State of California; and

No. 5. 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. Judgments affirmed. Opinion by Mr. Justice Roberts. Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas concurs.

No. 35. The United States of America, petitioner, *v.* Alice Gray Kales. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the Eastern District of Michigan. Opinion by Mr. Chief Justice Stone. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 48. Louis H. Pink, Superintendent of Insurance of the State of New York, petitioner, *v.* A. A. A. Highway Express, Inc., H. A. Adams, Trading as Adams Transfer Co., et al. On writ of certiorari to the Supreme Court of the State of Georgia. Judgment affirmed with costs. Opinion by Mr. Chief Justice Stone.

The Chief Justice announced the following orders of the Court:

No. 40. Chrysler Corporation, De Soto Motor Corporation, et al., appellants, *v.* The United States of America; and

No. 41. Commercial Credit Company, Commercial Credit Corporation, etc., et al., appellants, *v.* The United States of America. Appeals from the District Court of the United States for the Northern District of Indiana. *Per curiam:* The Court orders that the appeals in these cases be dismissed for want of a quorum of Justices qualified to sit in them. The Chief Justice, Mr. Justice Roberts, Mr. Justice Murphy, and Mr. Justice Jackson are unable to take part in the consideration or decision of these cases on the merits.

No. 50. Leo S. Holmes, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. *Per curiam:* The motion for leave to proceed in forma pauperis is granted. On the Government's consent, the petition for a writ of certiorari is granted, the judgment is vacated, and the case is remanded to the Circuit Court of Appeals with instructions to enter an order affording reasonable opportunity

for the preparation, presentation, settling, and filing of a suitable bill of exceptions, and with permission to the court to hear argument and redetermine the case insofar as that course may be required if such a bill is filed, or to take such further proceedings and enter such further orders as may seem appropriate if no adequate bill can be settled. Mr. Justice Douglas took no part in the consideration and decision of this case.

No. 736. Laura Morris, Special Administratrix, etc., et al., appellants, *v.* Amasa L. Clark, Joseph E. Robinson, and Box Elder County, Utah. Appeal from the Supreme Court of the State of Utah. *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, 28 U. S. C. sec. 344 (a). 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 as amended, 28 U. S. C. sec. 344 (c), 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 re disbarment of David L. Starr. It having been reported to the Court that David L. Starr of Pittsburgh, Commonwealth of Pennsylvania, a member of the Bar of this Court, has been disbarred from the practice of the law by the Supreme Court of the Commonwealth of Pennsylvania; and this Court by order of October 13, 1941, having suspended the said David L. Starr 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 David L. Starr, who has not filed a return thereto, and that time to file such return has expired;

It is ordered that the said David L. Starr 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 James W. Kauffman, petitioner;

No. —, original. Ex parte Frederick H. Mullins, petitioner;

No. —, original. Ex parte Thaddeus Deatherage; and

No. —, original. Ex parte Louis Deatherage, petitioner; The motions for leave to file petitions for writs of habeas corpus are denied.

No. 713. Joe Tenner, petitioner, *v.* Charles W. Dullea, Chief of Police of the City and County of San Francisco. The order of stay entered herein October 27, 1941, is continued until the further order of this Court.

No. 271. J. T. Smith, petitioner, *v.* The Fourth National Bank of Tulsa, Oklahoma. The motion of petitioner to tax costs is denied.

No. 81. Julian Riley and Hughes Spalding, Executors, etc., petitioners, *v.* The New York Trust Company, Administrator, etc. The motion of the Tax Commission of the State of New York for leave to appear and present oral argument as *amicus curiae* is granted.

No. 668. Robert B. Fennell, petitioner, *v.* Jules S. Bache et al., Trading as J. S. Bache and Company. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia; and

No. 719. Douglas Van Horne, petitioner, *v.* Frank T. Hines, as Administrator of Veterans Affairs. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia. 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. 785. Joseph R. Mickens, petitioner, *v.* Commonwealth of Virginia. On petition for writ of certiorari to the Supreme Court of Appeals of the Commonwealth of 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 is therefore also denied. The order heretofore entered staying execution of sentence is vacated. Mr. Justice Murphy is of opinion that the petition for writ of certiorari should be granted.

No. 720. Milcor Steel Company, petitioner, *v.* George A. Fuller Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 744. The United States of America, petitioner, *v.* Wrightwood Dairy Company; and

No. 783. Wrightwood Dairy Company, petitioner, *v.* The United States of America. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 715. Charles I. Waterman et al., petitioners, *v.* Steamship "Aakre" Rederi A/S Henneseid et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 716. Universal Insurance Company, petitioner, *v.* Hall-Scott Motor Car Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 717. Peter P. Corcoran, petitioner, *v.* Royal Development Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 730. A. B., petitioner, *v.* C. D. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 722. A. D. Dyess, petitioner, *v.* H. J. Miller. Petition for writ of certiorari to the Supreme Court of the State of Texas denied.

No. 725. James Conway, Trading as Conway Negligees, et al., petitioners, *v.* Gerald D. Stone, Trustee, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 726. Louis H. Cook, Trustee, petitioner, *v.* R. R. Hannah, J. H. A. Christiansen, et al., etc. Petition for writ of certiorari to the Supreme Court of the State of Iowa denied.

No. 727. Frederick K. Barbour, 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. 728. Edna R. Elias, 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. 737. Walgreen Co., and Allied Electric Products, Inc., petitioners, *v.* George H. Glade, Jr. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 180. Ralph Wagner, petitioner, *v.* The United States of America. The motion for leave to file petition for rehearing is granted. The petition for rehearing is denied. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 315. The United States of America, on the relation of Thomas Henry Robinson, Jr., petitioner, *v.* James A. Johnston, Warden, etc. Petition for rehearing denied. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 354. George E. Morton, Trustee, et al., petitioners, *v.* Dardanelle Special School District No. 15 of Yell County, Arkansas. The motion for leave to file a second petition for rehearing is granted. The second petition for rehearing is denied.

No. 358. Emil Stein, petitioner, *v.* Preston Delano, Comptroller of the Currency, et al. The motion for leave to file a second petition for rehearing is granted. The second petition for rehearing is denied.

No. —, original. Ex parte William H. Padgett, petitioner;

No. 10. City of Indianapolis et al., petitioners, *v.* The Chase National Bank of the City of New York, Trustee, etc., et al.;

No. 11. City of Indianapolis et al., petitioners, *v.* The Chase National Bank of the City of New York, Trustee, etc., et al.;

No. 12. The Chase National Bank of the City of New York, Trustee, etc., petitioner, *v.* Citizens Gas Company of Indianapolis et al.;

No. 13. The Chase National Bank of the City of New York, Trustee, etc., petitioner, *v.* The Indianapolis Gas Company et al.;

No. 302. J. Ralph De Marcos, petitioner, *v.* Dr. Winfred Overholser, Superintendent of St. Elizabeths Hospital;

No. 631. Israel A. Abrams et al., etc., petitioners, *v.* Henry A. Scandrett et al., Trustees, etc.;

No. 681. Fred Steffler, petitioner, *v.* James A. Johnston, Warden, etc.; and

No. 692. H. S. Richardson, petitioner, *v.* Commissioner of Internal Revenue. Petitions for rehearing denied.

No. 108. Identification Devices, Inc., by James M. Rulong, petitioner, *v.* The United States of America; and

No. 584. Haywood Pope, petitioner, *v.* Edward M. Curran and Charles E. Stewart. Second petitions for rehearing denied.

No. —, original. *Ex parte* George Acret, petitioner. Motion for leave to file petition for writ of mandamus presented.

No. —, original. *Ex parte* Don Ascanio Colonna, petitioner. Motion for leave to file petition for writs of prohibition and mandamus presented.

No. —, original. *Ex parte* G. H. Burnham, petitioner. Leave granted to withdraw motion of Irby Dunklin, Special Master, for leave to intervene.

No. 554. J. B. Spencer et al., petitioners, *v.* Luckenbach Gulf Steamship Company and Swayne & Hoyt, Ltd. Motion for leave to file narrative form of testimony submitted by Mr. J. B. Spencer, *pro se*.

No. —, original. *Ex parte* State of Texas et al., petitioners. Argument on the motion for leave to file petition for writ of mandamus and the return to the rule to show cause commenced by Mr. James P. Hart for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, December 9, will be as follows: Nos: —, original, *Ex parte* State of Texas, 8 (and 9), 28, 49, 75, 51, 54 (55 and 56), 57, 248, and 63.

SUPREME COURT OF THE UNITED STATES

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

Barnett H. Goldstein, of Portland, Oreg.; W. D. Caldwell, of Houston, Tex.; Benjamin H. Teplitz, of Pittsburgh, Pa.; Frederic Richmond, of Washington, D. C.; James R. Hodder, of Boston, Mass.; Robert J. Barry, of St. Paul, Minn.; Victor J. Rogers, of Wichita, Kans.; Kenneth C. Davis, of Seattle, Wash.; Charles E. Hammett, Jr., of Boston, Mass.; Louis J. Castellano, of Brooklyn, N. Y.; Alden T. Hill, of Fort Collins, Colo.; and Carl J. Heyser, of Port Jefferson, N. Y., were admitted to practice.

No. 757. Prudence Realization Corporation, petitioner, *v.* A. Joseph Geist, Trustee. Time within which to file brief in opposition to petition for writ of certiorari extended to and including December 24 next, on motion of Mr. A. Joseph Geist for the respondent.

No. —, original. *Ex parte* State of Texas et al., petitioners. Argument on the motion for leave to file petition for writ of mandamus and the return to the rule to show cause continued by Mr. James P. Hart for the petitioners; by Mr. Charles L. Black for Lone Star Gas Company, Intervener, by special leave of Court; and concluded by Mr. James P. Hart for the petitioners; and case submitted by James P. Alexander, John H. Sharp, and Richard Critz. Justices of the Supreme Court of Texas, *pro se*.

No. 8. The United States of America, petitioner, *v.* Bethlehem Steel Corporation et al.; and

No. 9. United States Shipping Board Merchant Fleet Corporation, petitioner, *v.* Bethlehem Shipbuilding Corporation, Ltd. Argued by Mr. Solicitor General Fahy for the petitioners and by Mr. Frederick H. Wood for the respondents.

No. 28. Cloverleaf Butter Company, petitioner, *v.* Haygood Pater-son, as Commissioner of Agriculture and Industries of the State of

Alabama, et al. Argument commenced by Mr. Erle Pettus for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, December 10, will be as follows: Nos. 28, 49, 75, 51, 54 (55 and 56), 57, 248, 63, 83, and 64.

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SUPREME COURT OF THE UNITED STATES

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

Bruno L. Blinstrub, of Detroit, Mich.; Wm. W. Bishop, Jr., of Ann Arbor, Mich.; Warren Canaday, of Chicago, Ill.; Sidney R. Zatz, of Chicago, Ill.; Frederick L. Smith, of New York City; Melville Reynolds Sands, of Kansas City, Mo.; Clark Y. Gunderson, of Vermillion, S. Dak.; and Walter J. O'Donnell, of Washington, D. C., were admitted to practice.

No. 710. George D. Templeton, on behalf of George Douglas Templeton, Jr., appellant, *v.* State of California. Time within which to file petition for rehearing extended thirty days on motion of Mr. Thomas D. Aitken for the appellant.

No. 28. Cloverleaf Butter Company, petitioner, *v.* Haygood Pater-son, as Commissioner of Agriculture and Industries of the State of Alabama et al. Argument continued by Mr. Erle Pettus for the petitioner; by Mr. Charles L. Rowe and Mr. William H. Loeb for the respondents; and concluded by Mr. Horace C. Wilkinson for the petitioner.

No. 49. Morton Salt Company, petitioner, *v.* The G. S. Suppiger Company. Argued by Mr. Clarence E. Mehlhope for the petitioner and by Mr. Estill E. Ezell and Mr. Lawrence C. Kingsland for the respondent.

No. 75. B. B. Chemical Co., petitioner, *v.* Elmer A. Ellis and Magic Tape Company. Argued by Mr. Harrison F. Lyman for the petitioner and by Mr. William Gates, Jr., for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, December 11, will be as follows: Nos. 51, 54 (55 and 56), 57, 248, 63, 83, 64, 70, 42, and 81.

SUPREME COURT OF THE UNITED STATES

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

Edward L. Scheufler, of Kansas City, Mo.; Max Schwartz, of Brooklyn, N. Y.; Luther Ely Smith, Jr., of St. Louis, Mo.; Woodrow M. Melvin, of Tallahassee, Fla.; Joseph E. Gillen, of Tallahassee, Fla.; and Emery Monash, of Detroit, Mich., were admitted to practice.

No. 774. National Labor Relations Board, petitioner, *v.* Nevada Consolidated Copper Corporation. Time within which to file opposition to petition for writ of certiorari extended to and including January 17, next, on motion of Mr. C. C. Parsons for the respondent.

No. 51. Irving Trust Company and Thomas F. McGlone, Jr., as Executors, etc., et al., appellants, *v.* Chase L. Day, as Executor, etc. Argument commenced by Mr. Philip Zierler for the appellants Irving Trust Company et al. and continued by Mr. Arthur F. Van Thun, Jr., for the appellee. The Court declined to hear further argument. Submitted by Mr. Ralph L. Kaskell, Jr., for the appellants, Edward McGlone and Robert McGlone.

No. 54. The United States of America, petitioner, *v.* James M. Ragen;

No. 55. The United States of America, petitioner, *v.* Arnold W. Kruse; and

No. 56. The United States of America, petitioner, *v.* Lester A. Kruse. Argued by Mr. Gordon B. Tweedy for the petitioner; by Mr. Joseph A. Struett for the respondents in Nos. 55 and 56; and by Mr. John L. McInerney for the respondent in No. 54.

No. 57. Scaife Company, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. Samuel Kaufman for the petitioner and by Mr. Richard H. Demuth for the respondent.

No. 248. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Lerner Stores Corporation (Md.). Argued by Mr. Richard H. Demuth for the petitioner and by Mr. Andrew B. Trudgian for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, December 12, will be as follows: Nos. 63, 83, 64, 70, 42, 81, 78, 52 (and 53), 322, and 61.

SUPREME COURT OF THE UNITED STATES

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

Bernard V. Brady, of Milwaukee, Wis.; C. S. Baldwin, Jr., of Madison, Ga.; Abe Goff, of Moscow, Idaho; and John P. Carr, of Boston, Mass., were admitted to practice.

No. 63. Thomas W. White et al., Former Collectors of Internal Revenue, etc., petitioners, *v.* Winchester Country Club. Argued by Mr. J. Louis Monarch for the petitioners and by Mr. Charles W. Mulcahy for the respondent.

No. 83. Merion Cricket Club, petitioner, *v.* The United States of America. Argued by Mr. John Lewis Evans for the petitioner and by Mr. J. Louis Monarch for the respondent.

No. 64. Clyde Hysler, petitioner, *v.* The State of Florida. Argued by Mr. Carlton C. Arnow for the petitioner and by Mr. Joseph E. Gillen for the respondent.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 15, will be as follows: Nos. 42, 70, 78, 81, 52 (and 53), 322, 67, 61, 86, and 91.

SUPREME COURT OF THE UNITED STATES

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

Richard S. Salant, of New York City; Robert F. Cooper, Jr., of Louisville, Ky.; Harley M. Kilgore, of Beckley, W. Va.; Wilbur B. Davis, of New York City; Albert H. Bosch, of New York City; Meyer E. Aronoff, of St. Louis, Mo.; Thomas Taylor Purdom, of Sparta, Ga.; Edward F. Keenan, of New York City; Richard W. Galihier, of Washington, D. C.; Robert Shields Sams, of Atlanta, Ga.; Martin Ashton Hutchinson, of Richmond, Va.; John H. Flanigan, of Carthage, Mo.; Ray B. Lucas, of Kansas City, Mo.; Harold T. Halfpenny, of Chicago, Ill.; Louis Regenstein, Jr., of Atlanta, Ga.; and Wendell L. Willkie, of New York City, were admitted to practice.

No. 58. District of Columbia, petitioner, *v.* Henry C. Murphy;

No. 59. District of Columbia, petitioner, *v.* Paul M. DeHart. On writs of certiorari to the United States Court of Appeals for the District of Columbia. Judgments reversed with costs and cases remanded to the Court of Appeals with direction to remand to the Board of Tax Appeals for the District of Columbia for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Jackson. The Chief Justice, Mr. Justice Roberts, and Mr. Justice Reed took no part in the consideration or decision of these cases.

No. 33. The United States of America, petitioner, *v.* Harry S. Emory, St. James Distillery, Inc., and St. James Distillery. On writ of certiorari to the Springfield Court of Appeals, State of Missouri. Judgment reversed and cause remanded to the said Court of Appeals for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Byrnes. Dissenting opinion by Mr. Justice Reed in which Mr. Justice Roberts, Mr. Justice Douglas, and Mr. Justice Jackson concur.

No. 18. 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. Judgment reversed and cause remanded to the Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Reed. Mr. Justice Jackson took no part in the consideration or decision of this case. Dissenting opinion by Mr. Justice Roberts in which the Chief Justice and Mr. Justice Byrnes join.

No. 43. Jim Duckworth, appellant, *v.* The State of Arkansas. Appeal from the Supreme Court of the State of Arkansas. Judgment affirmed with costs. Opinion by Mr. Chief Justice Stone. Opinion by Mr. Justice Jackson concurring in the result.

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* William Cherry, petitioner;

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

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

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

No. —, original. *Ex parte* G. H. Burnham, petitioner. The motion for leave to file petition for writ of mandamus is denied. The rule to show cause is discharged.

No. 755. Municipal Investors Association, appellant, *v.* City of Birmingham, a municipal corporation, et al. 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. 738. The United States of America, petitioner, *v.* Elizabeth Kerr, Administratrix, etc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted.

No. 554. J. B. Spencer et al., petitioners, *v.* Luckenbach Gulf Steamship Company and Swayne & Hoyt, Ltd. On petition for writ of certiorari to the Supreme Court of the State of Louisiana. Petitioners' motion to file a narrative form of testimony in lieu of questions and answers is denied for the reason that the Court, upon examination of all the papers submitted, finds no ground upon which a writ of certiorari should be issued. The petition for a writ of certiorari is therefore also denied.

No. 713. Joe Tenner, petitioner, *v.* Charles W. Dullea, Chief of Police of the City and County of San Francisco. On petition for writ of certiorari to the Superior Court for the City and County of San Francisco, State of California. The petition for writ of certiorari is denied in the exercise of our discretion for the reason that petitioner has not presented his application for habeas corpus to the highest court of the state. The stay heretofore entered is continued until further order of this Court to afford petitioner a reasonable opportunity to present his application for habeas corpus to the highest court of the state, and in the event of its denial to renew in this Court an application for a writ of certiorari.

No. 307. Newark Morning Ledger Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 743. Daniel P. Woolley, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 724. Suburban Lumber Company, 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. 735. The American Packing and Provision Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 742. Axel Hawkinson, petitioner, *v.* George Gaston Johnston. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 16. Samuel R. Toucey, petitioner, *v.* New York Life Insurance Company; and

No. 19. Phoenix Finance Corporation, petitioner, *v.* Iowa-Wisconsin Bridge Company. On page 6 of the opinion in these cases, the words "have *pro tanto* amended" in lines twenty-five and twenty-six are changed to "qualify *pro tanto*." The petitions for rehearing are denied.

No. 10, original. Ex parte Raymond Oswald Demaurez, petitioner. The motion for leave to file petition for rehearing is granted. The petition for rehearing is denied.

No. 244. Ready Truck Lines, Inc., appellant, *v.* The United States of America et al. Petition for rehearing denied. Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 1053, October Term 1940. Clarence Pearson, petitioner, *v.* The People of the State of California; and

No. 682. Daniel W. Hoan, petitioner, *v.* The Journal Company et al. Petitions for rehearing denied.

The Court will take a recess from Monday, December 22, until Monday, January 5, 1942.

No. 325. Frederick Rodiek, Ancillary Executor, etc., petitioner, *v.* The United States of America et al. Francis Biddle, present Attorney General of the United States, substituted as a party respondent herein in the place and stead of Robert H. Jackson, resigned, on motion of Mr. Solicitor General Fahy for the respondents.

No. 744. The United States of America, petitioner, *v.* Wrightwood Dairy Company; and

No. 783. Wrightwood Dairy Company, petitioner, *v.* The United States of America. Motion to advance submitted by Mr. Solicitor General Fahy for the United States.

No. 745. The Schenectady Union Publishing Company, petitioner, *v.* Martin L. Sweeney. Motion of Council for Democracy, Inc., for leave to file brief as *amicus curiae* submitted by Mr. Frederick R. Gibbs in that behalf and the motion denied.

No. 42. The United States of America, petitioner, *v.* Louis H. Pink, Superintendent of Insurance of the State of New York et al. Argued by Mr. Solicitor General Fahy for the petitioner and by Mr. Alfred C. Bennett for the respondent.

No. 70. Ira Taylor, appellant, *v.* The State of Georgia. Argument commenced by Mr. Leonard Haas for the appellant and continued by Mr. Thomas Taylor Purdom for the appellant and by Mr. C. S. Baldwin, Jr., for the appellee.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, December 16, will be as follows: Nos. 70, 78, 81, 52 (and 53), 322, 67, 61, 86, 91, and 71.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas; Mr. Justice Murphy, Mr. Justice Byrnes, and Mr. Justice Jackson.

Joe T. Keating, of Washington, D. C.; Solomon Freedman, of Philadelphia, Pa.; George Weitzman, of Easton, Pa.; Gershon A. Aronson, of New York City; Maurice P. McCaffrey, of Sacramento, Calif.; Joseph W. Kaufman, of New York City; Orville W. Wood, of New York City; Kelly Bell, of Houston, Tex.; M. J. Thomas, of Helena, Mont.; Frederick C. Wardle, of Detroit, Mich.; John R. McKim, of Pittsburgh, Pa.; Arthur James Carnes, of Malden, Mass.; William John Robinson, Jr., of Boston, Mass.; Manuel C. Gonzales, of San Antonio, Tex.; Arnold John Van Borkum, of Beatrice, Nebr.; and Eugene Gilbert Cushing, of Vancouver, Wash., were admitted to practice.

No. 70. Ira Taylor, appellant, *v.* The State of Georgia. Argument concluded by Mr. C. S. Baldwin, Jr., for the appellee.

No. 78. Barker Duncan, petitioner, *v.* Guy A. Thompson, Trustee, etc. Argued by Mr. Harry G. Waltner, Jr., for the petitioner and by Mr. John H. Flanigan for the respondent. Leave granted petitioner to file a reply brief.

No. 81. Julian Riley and Hughes Spalding, Executors, etc., petitioners, *v.* The New York Trust Company, Administrator etc. Argued by Mr. Dan MacDougald for the petitioners; by Mr. Marion Smith for the respondents; and by Mr. Mortimer M. Kassell for the Tax Commission of the State of New York, as *amicus curiae*, by special leave of Court.

No. 52. The United States of America et al., appellants, *v.* N. E. Rosenblum Truck Lines, Inc.; and

No. 53. The United States of America et al., appellants, *v.* J. B. Margolies, an individual doing business as Manhattan Truck Lines. Argument commenced by Mr. Frank Coleman for the appellants.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, December 17, will be as follows: Nos. 52 (and 53), 322, 61, 86, 91, 71, 100, 101, 110 (and 267), and 151.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Byrnes, and Mr. Justice Jackson.

Edmund C. Shields, of Lansing, Mich.; Joseph C. Maytnier, of Akron, Ohio; Alvin R. Allison, of Levelland, Tex.; Russell Voertman, of Kansas City, Mo.; Samuel Hassen, of New York City; and Ralph B. Wertheimer, of San Francisco, Calif., were admitted to practice.

No. 52. The United States of America et al., appellants, *v.* N. E. Rosenblum Truck Lines, Inc.; and

No. 53. The United States of America et al., appellants, *v.* J. B. Margolies, an individual doing business as Manhattan Truck Lines. Argument continued by Mr. Frank Coleman for the appellants; by Mr. Gus O. Nations for the appellees; and concluded by Mr. Frank Coleman for the appellants.

No. 322. Pete Lubetich, an individual doing business as Pacific Refrigerated Motor Lines, appellant, *v.* The United States of America et al. Argued by Mr. Albert E. Stephan for the appellant and by Mr. Frank Coleman for the appellees.

No. 86. Peter Young, alias Young Lup, petitioner, *v.* The United States of America. Argued by Mr. Solicitor General Fahy for the respondent and case submitted by Mr. Fred Patterson for the petitioner.

No. 61. Harry F. Meilink, as Trustee, etc., petitioner, *v.* Unemployment Reserve Commission of the State of California. Argument commenced by Mr. W. Randolph Montgomery for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, December 18, will be as follows: Nos. 61, 91, 71, 100, 110 (and 267), and 101.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Byrnes, and Mr. Justice Jackson.

Elden S. Magaw, of Oklahoma City, Okla.; Samuel A. Weiss, of Pittsburgh, Pa.; J. Walter Hall, of Orlando, Fla.; Mont Clair Spear, of Kansas City, Mo.; George B. Searls, of Cambridge, Mass.; Stanley I. Posner, of Medford, Mass.; Harry P. Warner, of Washington, D. C.; Leo G. Marcollo, of Richmond, Calif.; Smith Troy, of Olympia, Wash.; Floyd M. Reischling, of Olympia, Wash.; and William C. Coffill, of Sonora, Calif., were admitted to practice.

No. 61. Harry F. Meilink, as Trustee, etc., petitioner, *v.* Unemployment Reserve Commission of the State of California. Argument continued by Mr. W. Randolph Montgomery for the petitioner, and concluded by Mr. John J. Dailey for the respondent.

No. 91. Charles R. Fischer, Commissioner of Insurance of the State of Iowa, as Receiver, etc., petitioner, *v.* American United Life Insurance Company et al. Argument commenced by Mr. Willis J. O'Brien for the petitioner; continued by Mr. Clayton F. Jennings for respondent, John G. Emery et al.; by Mr. John M. Scott for respondent, Dan E. Lydick; by Robert A. Adams for respondent, American United Life Insurance Company; and concluded by Mr. John N. Hughes, Jr., for the petitioner.

No. 71. National Labor Relations Board, petitioner, *v.* P. Lorillard Company. Argument commenced by Mr. Richard H. Demuth for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, December 19, will be as follows: Nos. 71, 100, and 110 (and 267).

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Byrnes, and Mr. Justice Jackson.

Mation Elizabeth Poole, of Washington, D. C.; E. Madison Hall, Jr., of Washington, D. C.; Bernard A. Foster, Jr., of Washington, D. C.; Harry Mesard, of Albany, N. Y.; John W. Kearns, of Chicago, Ill.; Robert Corpening Finley, of Olympia, Wash.; Everett A. Bogue, of Vermillion, S. Dak.; Hymen S. Gratch, of Chicago, Ill.; Sydney Snitow, of New York City; Melvel W. Snitow, of New York City; Lewis W. Petteway, of Tallahassee, Fla.; Lawrence Adams Truett, of Tallahassee, Fla.; and Donald Kingery Carroll, of Tallahassee, Fla., were admitted to practice.

No. 71. National Labor Relations Board, petitioner, *v.* P. Lorillard Company. Argument continued by Mr. Homer Cummings for the respondent and concluded by Mr. Richard H. Demuth for the petitioner.

No. 100. Illinois Natural Gas Company, appellant, *v.* Central Illinois Public Service Company et al. Argued by Mr. Glenn W. Clark for the appellant and by Mr. Albert E. Hallett, Jr., for the appellees.

No. 110. The Alton Railroad Company et al., appellants, *v.* The United States of America et al.; and

No. 267. The United States of America et al., appellants, *v.* The Alton Railroad Company et al. Argument commenced by Mr. Amos M. Mathews for the Alton Railroad Company et al.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 22, will be as follows: Nos. 110 (and 267).

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Byrnes, and Mr. Justice Jackson.

John D. Swartz, of New York City; William F. Hanlon, of Avon, N. J.; Raymond Krebill, of Washington, D. C.; Bertram E. Williams, of Washington, D. C.; Miles Dorwin Pillars, of Washington, D. C.; Joshua Egelson, of New York City; Jacob I. Weinstein, of Philadelphia, Pa.; Walter James Brobyn, of Washington, D. C.; and Nelson Jones, of Houston, Tex., were admitted to practice.

No. 44. The United States of America, petitioner, *v.* The State of Texas et al. On writ of certiorari to the Court of Civil Appeals, Second Judicial District, State of Texas. Judgment reversed and cause remanded to the said Court of Civil Appeals for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Byrnes. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 25. National Labor Relations Board, petitioner, *v.* Virginia Electric and Power Company; and

No. 26. National Labor Relations Board, petitioner, *v.* The Independent Organization of Employees of the Virginia Electric and Power Company. On writs of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgments reversed and causes remanded to the Circuit Court of Appeals with directions to remand to the Board for a redetermination of the issues in the cases in the light of the opinion of this Court. Opinion by Mr. Justice Murphy. Mr. Justice Roberts and Mr. Justice Jackson took no part in the consideration or decision of these cases.

No. 57. Scaife Company, petitioner, *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 Douglas.

No. 248. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Lerner Stores Corporation (Md.). 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.

No. —. In re disbarment of Howard C. Hopson. It having been reported to the Court that Howard C. Hopson, of Madison, Wis., a member of the Bar of this Court, has been disbarred from the practice of the law by the District Court of the United States for the District of Columbia; and this Court by order of October 13, 1941, having suspended the said Howard C. Hopson 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 Howard C. Hopson, who has not filed a return thereto, and that time to file such return has expired;

It is ordered that the said Howard C. Hopson be, and he hereby is, disbarred and that his name be stricken from the roll of attorneys admitted to practice in this Court.

Mr. Justice Douglas and Mr. Justice Jackson did not participate in the consideration or decision of this matter.

No. —. In the matter of Joe Tenner, petitioner. It is now here ordered by this Court that the State of California, its officers, agents, and servants and all other persons, are hereby prohibited from removing Joe Tenner or permitting him to be removed from the State of California pending the filing by him of a petition for a writ of habeas corpus in the Supreme Court of California and pending the disposition of that petition. The petitioner is directed to file his petition for a writ of habeas corpus on or before January 7, 1942. This order prohibiting the removal of Joe Tenner from the State of California is to remain in effect until the further order of this Court.

No. —, original. Ex parte Thomas Contreras, petitioner; and

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

No. —, original. Herbert N. DeWolfe, complainant, *v.* The State of California. The motion for leave to file bill of complaint is denied.

No. 744. The United States of America, petitioner, *v.* Wrightwood Dairy Company; and

No. 783. Wrightwood Dairy Company, petitioner, *v.* The United States of America. The motion to advance is granted and the cases are advanced and assigned for argument on Monday, January 12, 1942.

No. 990, October Term, 1940. The United States, petitioner, *v.* Nunnally Investment Company. The petition for rehearing is

granted. The order denying certiorari is vacated and the petition for writ of certiorari to the Court of Claims is granted. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 745. The Schenectady Union Publishing Company, petitioner, *v. Martin L. Sweeney*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 327. Isabelle Hammond-Knowlton, as Administratrix, etc., petitioner, *v. The United States of America et al.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 734. S. M. E. Simon, petitioner, *v. The United States of America*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 731. Raymond W. Starr, Attorney General, etc., petitioner, *v. B. C. Schram, Receiver, etc.*; and

No. 732. Raymond W. Starr, Attorney General, etc., petitioner, *v. B. C. Schram, Receiver, etc.* 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. 729. Lina H. Halverson, Beneficiary, 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. 661. American Tri-Ergon Corporation and Tri-Ergon Holding, A. G., petitioners, *v. Radtke Patents Corporation et al.*;

No. 705. Radtke Patents Corporation et al., petitioners, *v. Conway P. Coe, Commissioner of Patents, et al.*; and

No. 740. Whitson Photophone Corporation et al., petitioners, *v. Conway P. Coe, Commissioner of Patents, et al.* Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 739. William H. Killoren, Trustee, etc., 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. 741. Skenandoa Rayon Corporation, 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. 746. The Hudson Motor Car Company, petitioner, *v.* Gustav C. Hertz, Administrator, etc.; and

No. 747. Motor Wheel Corporation, petitioner, *v.* Gustav C. Hertz, Administrator, etc. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 748. John L. Vest, petitioner, *v.* Federal Deposit Insurance Corporation, Receiver, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 749. Arthur Swall, 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. 753. Norman B. Pitcairn and Frank C. Nicodemus, Jr., Receivers, etc., petitioners, *v.* Oliver S. Perry. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. —, original. *Ex parte* Ben Sims, petitioner;

No. 657. John C. Geiger, petitioner, *v.* The People of the State of California;

No. 683. John C. Geiger, petitioner, *v.* The People of the State of California;

No. 663. Mourning Jones, petitioner, *v.* City of Arcadia, a Municipal Corporation; and

No. 690. Paul Patterson et ux., petitioners, *v.* W. E. Peel. Petitions for rehearing denied.

No. 712. John P. Nick and Clyde A. Weston, petitioners, *v.* The United States of America. Petition for rehearing denied. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 718. General Motors Corporation, petitioner, *v.* Conway P. Coe, Commissioner of Patents. Petition for rehearing denied. The Chief Justice took no part in the consideration and decision of this application.

No. —, original. *Ex parte* John Botwinski, petitioner. Motion for leave to file petition for writ of habeas corpus presented.

No. 110. The Alton Railroad Company et al., appellants, *v.* The United States of America et al.; and

No. 267. The United States of America et al., appellants, *v.* The Alton Railroad Company et al. Argument continued by Mr. Amos M.

Mathews for the Alton Railroad Company; by Mr. Daniel W. Knowlton for the United States and Interstate Commerce Commission; by Mr. George S. Dixon for John P. Fleming; and concluded by Mr. Amos M. Mathews for the Alton Railroad Company.

Adjourned until Monday, January 5, 1942, at 12 o'clock.

The day call for Monday, January 5, 1942, will be as follows: Nos. 67, 101, 112, 1023, October Term, 1940, 131 (and 132), 139, 151, 161, 206, and 229.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Byrnes, and Mr. Justice Jackson.

Julian Robert Wilhelm, of New York City; Herbert Zelenko, of New York City; Wilfred M. McFarland, of Omaha, Nebr.; Antonia E. Rago, of Chicago, Ill.; J. M. Grimm, of Cedar Rapids, Iowa; Edwin D. Franey, of St. Louis, Mo.; Clarence Manion, of South Bend, Ind.; and Harry Dow, of Houston, Tex., were admitted to practice.

No. 51. Irving Trust Company and Thomas F. McGlone, Jr., as Executors under the last will and testament and codicil thereto of John J. McGlone, deceased, et al., appellants, *v.* Chase L. Day, as Executor under the last will and testament of Helena Day McGlone, deceased. Appeal from the Surrogate's Court, Kings County, State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Jackson. Mr. Justice Roberts took no part in the decision of this case.

No. 61. Harry F. Meilink, as Trustee in Bankruptcy of the Estate of United Lamp & Shade Corporation, Bankrupt, petitioner, *v.* Unemployment Reserves Commission of the State of California. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Northern District of California. Opinion by Mr. Justice Jackson. Mr. Justice Roberts took no part in the decision of this case.

No. 91. Charles R. Fischer, Commissioner of Insurance of the State of Iowa, as Receiver for the American Life Insurance Company, petitioner, *v.* American United Life Insurance Company, et al. On writ to certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment reversed with costs and cause remanded to the Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Mr. Justice Roberts did not participate in the decision of this case.

No. 143. The Board of Trade of Kansas City, Mo., J. F. Leahy, R. E. Swenson, G. A. Johnson, 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 Western District of Missouri. Judgment affirmed. Opinion by Mr. Justice Frankfurter. Dissenting: Mr. Justice Roberts.

No. 39. Continental Casualty Company and Marie M. Short *v.* The United States of America. On certificate from the United States Circuit Court of Appeals for the Third Circuit. Answer to Question 1 is "Yes." Answer to Question 2 (a) is "No." Answer to Question 2 (b) is "Yes." It is not necessary to answer Questions 3 and 4. Opinion by Mr. Justice Reed. Mr. Justice Roberts took no part in the decision of this case.

No. 54. The United States of America, petitioner, *v.* James M. Ragen;

No. 55. The United States of America, petitioner, *v.* Arnold W. Kruse; and

No. 56. The United States of America, petitioner, *v.* Lester A. Kruse. On writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgments of the Circuit Court of Appeals reversed and judgments of the District Court affirmed and cases remanded to the District Court of the United States for the Northern District of Illinois. Opinion by Mr. Justice Black. Mr. Justice Roberts, Mr. Justice Murphy, and Mr. Justice Jackson took no part in the consideration or decision of these cases.

No. 49. Morton Salt Company, petitioner, *v.* The G. S. Suppiger Company. 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. Chief Justice Stone. Mr. Justice Roberts took no part in the decision of this case.

No. 75. B. B. Chemical Co., petitioner, *v.* Elmer A. Ellis and Magic Tape Company. 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 District Court of the United States for the District of Massachusetts. Opinion by Mr. Chief Justice Stone. Mr. Justice Roberts took no part in the decision of this case.

No. 100. Illinois Natural Gas Company, appellant, *v.* Central Illinois Public Service Company and Illinois Commerce Commission. Appeal from 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. Chief Justice Stone. Mr. Justice Roberts took no part in the consideration or decision of this case.

No. —, original. Ex parte Don Ascanio Colonna, petitioner. The motion for leave to file petitions for writs of prohibition and mandamus is denied. Opinion, *per curiam*, announced by Mr. Chief Justice Stone. Mr. Justice Roberts took no part in the decision of this application.

No. 71. National Labor Relations Board, petitioner, v. P. Lorillard Company. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment reversed and cause remanded to the Circuit Court of Appeals with directions to enforce the order of the Board. Opinion, *per curiam*, announced by Mr. Chief Justice Stone. The Chief Justice and Mr. Justice Roberts took no part in the consideration or decision of this case.

The Chief Justice announced the following orders of the Court:

No. —, original. Ex parte John Botwinski, petitioner. *Per curiam*: It does not appear that petitioner has exhausted his state remedies by applying for a writ of error coram nobis. State ex rel. Dowd v. LaPorte Superior Court, 36 N. E. (2d) 765; State ex rel. Kunkel v. LaPorte Circuit Court, 209 Ind. 682. The motion for leave to file a petition for writ of habeas corpus is therefore denied without prejudice. Mooney v. Holohan, 294 U. S. 103.

No. 794. Fred C. Perkins, Individually and Trading as Perkins Battery Company, appellant, v. Commonwealth of Pennsylvania. Appeal from the Supreme Court of the Commonwealth of Pennsylvania. *Per curiam*: The motion to affirm is granted and the judgment is affirmed. Section 1606 (a) of the Internal Revenue Code as amended, 53 Stat. 1391; Kentucky Whip & Collar Co. v. Illinois Central Railroad Co., 299 U. S. 334.

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 by this Court that the surviving members, or so many of them as are willing to serve, of the Advisory Committee appointed by the orders of the Court dated June 3, 1935, and February

17, 1936, pursuant to Section 2 of the Act of June 19, 1934, c. 651, 48 Stat. 1064, are designated as a continuing Advisory Committee to advise the Court with respect to proposed amendments or additions to the Rules of Civil Procedure for the District Courts of the United States.

No. —, original. Ex parte Stephen Rogalski, petitioner; and

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

No. 108. Identification Devices, Inc., by James M. Rulong, petitioner, *v.* The United States of America. The motion for leave to file an amended petition for writ of certiorari is denied.

No. 37. The Cuno Engineering Corporation, petitioner, *v.* The Automatic Devices Corporation. It is ordered that the mandate of this Court in the above-entitled cause on file in the District Court of the United States for the District of Connecticut be, and the same is hereby, recalled; and that said mandate be amended so as to give petitioner recovery for additional costs in the sum of \$70.60, being the expense incurred in furnishing copies of certain patents for inclusion in the record.

No. 759. Glen Wilkerson, petitioner, *v.* B. B. Barefoot et al., Judges of the Criminal Court of Appeals of the State of Oklahoma. On petition for writ of certiorari to the Criminal Court of Appeals of the State of Oklahoma;

No. 776. Bert Wooner, petitioner, *v.* Milton F. Amrine, Warden of the Kansas State Penitentiary. On petition for writ of certiorari to the Supreme Court of the State of Kansas;

No. 784. E. R. Fitzgerald, petitioner, *v.* The State of Kansas et al. On petition for writ of certiorari to the Supreme Court of the State of Kansas; and

No. 790. Vincent Mummiani, petitioner, *v.* The People of the State of New York; and

No. 791. The People of the State of New York, ex rel. Vincent Mummiani, petitioner, *v.* William E. Hunt, as Warden of Attica State Prison, et al. On petition for writs 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. 635. Everett Ault Evans, alias Everett A. Troglin, alias Dutch Evans, 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. Mr. Justice Jackson took no part in the consideration and decision of these applications.

No. 666. Eugene S. Gates, petitioner, *v.* The United States of America; and

No. 779. Eugene S. Gates, petitioner, *v.* The United States of America. On petitions for writs 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. Mr. Justice Douglas took no part in the consideration and decision of these applications.

No. 803. Steuart Purcell et al., Constituting the Public Service Commission of Maryland et al., appellants, *v.* The United States of America et al. In this case probable jurisdiction is noted.

No. 757. Prudence Realization Corporation, petitioner, *v.* A. Joseph Geist, Trustee. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 772. Dewey Brillhart, Administrator, etc., petitioner, *v.* The Excess Insurance Company of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit granted.

No. 750. Elise N. Milburn, Wife of William Palmer Biles, petitioner, *v.* Proctor Trust Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 751. William H. Taylor, 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. 752. Girard Investment Company, 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. 760. Estate of John Sage, deceased, Alfred D. Sage, et al., Executors, 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. 761. Electro Metallurgical Company et al., petitioners, *v.* Krupp Nirosa Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 773. Louis Daroca, petitioner, *v.* Metropolitan Life Insurance Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 762. James M. Leaver, Jr., petitioner, *v.* Citizens National Trust and Savings Bank of Riverside et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 777. McLaughlin Land and Livestock Company, petitioner, *v.* Bank of America National Trust & Savings Association. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 778. Sarah I. McReynolds, 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. 797. The State of Missouri, petitioner, *v.* St. Louis Union Trust Company, etc., et al. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 758. North American Bond Trust, City Bank Farmers Trust Company, Trustee, petitioner, *v.* Commissioner 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. 763. Frank Fitzgerald, Trustee for Mt. Forest Fur Farms of America, Inc., petitioner, *v.* Gulf Refining Company of Louisiana;

No. 764. Frank Fitzgerald, Trustee for Mt. Forest Fur Farms of America, Inc., petitioner, *v.* Gulf Refining Company;

No. 765. Frank Fitzgerald, Trustee for Mt. Forest Fur Farms of America, Inc., petitioner, *v.* Humble Oil and Refining Company;

No. 766. Frank Fitzgerald, Trustee for Mt. Forest Fur Farms of America, Inc., petitioner, *v.* Shell Oil Company, Inc.;

No. 767. Frank Fitzgerald, Trustee for Mt. Forest Fur Farms of America, Inc., petitioner, *v.* Freeport Sulphur Company;

No. 768. Frank Fitzgerald, Trustee for Mt. Forest Fur Farms of America, Inc., petitioner, *v.* Ernest Cockrell;

No. 769. Frank Fitzgerald, Trustee for Mt. Forest Fur Farms of America, Inc., petitioner, *v.* Gulf Refining Company of Louisiana et al.;

No. 770. Frank Fitzgerald, Trustee for Mt. Forest Fur Farms of America, Inc., petitioner, *v.* Ernest Cockrell, his curator ad hoc, Bruce Nunez, et al.; and

No. 771. Frank Fitzgerald, Trustee for Mt. Forest Fur Farms of America, Inc., petitioner, *v.* Ernest Cockrell, Sidney L. Herold, et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied. Mr. Justice Douglas took no part in the consideration and decision of this application.

No. 663. Mourning Jones, petitioner, *v.* City of Arcadia, a Municipal Corporation. The motion to reconsider the petition for rehearing is granted. The petition for rehearing is denied.

No. 40. Chrysler Corporation, De Soto Motor Corporation, et al., appellants, *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 denied. The petition for rehearing and the motion for stay of issuance of the mandate are also denied.

No. 697. Leon Charles Weiss, petitioner, *v.* The United States of America. The petition for rehearing is denied. Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 23. The United States of America, as Guardian of the Indians of the Tribe of Hualpai, etc., petitioner, *v.* Santa Fe Pacific Railroad Company;

No. 46. E. V. Parker, Deputy Commissioner, United States Employees' Compensation Commission, petitioner, *v.* Motor Boat Sales, Incorporated;

No. 48. Louis H. Pink, Superintendent of Insurance of the State of New York, petitioner, *v.* A. A. Highway Express, Inc., et al.;

No. 295. Joseph N. Weber, as President of the American Federation of Musicians, et al., petitioners, *v.* Opera on Tour, Inc.;

No. 719. Douglas Van Horne, petitioner, *v.* Frank T. Hines, as Administrator of Veterans Affairs; and

No. 785. Joseph R. Mickens, petitioner, *v.* Commonwealth of Virginia. The petitions for rehearing are denied.

Mr. Justice Roberts took no part in the consideration and decision of the cases appearing upon this list in which judgments or orders are this day announced.

No. 281. National Labor Relations Board, petitioner, *v.* Sparks-Withington Company and United Cooperative Society of Jackson, Inc. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Dismissed on motion of counsel for the petitioner.

No. 67. Southport Petroleum Company, petitioner, *v.* National Labor Relations Board. Argued by Mr. Harry Dow for the petitioner and by Mr. Robert B. Watts for the respondent.

No. 101. James H. Halliday, a person non compos mentis, by his Committee, Annie Halliday, petitioner, *v.* The United States of America. Argument commenced by Mr. R. K. Wise for the petitioner; continued by Mr. Warren E. Miller for the petitioner; by Mr. Wilbur C. Pickett for the respondent; and concluded by Mr. R. K. Wise for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, January 6, will be as follows: Nos. 112, 1023, October Term, 1940, 131 (and 132), 139, 151, 161, 206, 229, 124, and 142.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Byrnes, and Mr. Justice Jackson.

Guy W. Knight, of Philadelphia, Pa.; William F. Zearfaus, of Philadelphia, Pa.; Harry C. Page, of Scarsdale, N. Y.; Samuel L. Winters, of Omaha, Nebr.; Frank L. Nevius, of Springfield, Ohio; Eugene A. Nevius, of Springfield, Ohio; Jerome A. Nevius, of Springfield, Ohio; and Ben Anderson, of Portland, Oreg., were admitted to practice.

No. 112. C. L. Williams, Individually, etc., et al., petitioners, *v.* Jacksonville Terminal Company. Argued by Mr. Frank F. L'Engle for the petitioner; by Mr. Robert L. Stern for the Administrator of the Wage and Hour Division, United States Department of Labor, as *amicus curiae*, by special leave of Court; and by Mr. John Dickinson for the respondent.

No. 1023, October Term, 1940. A. J. Pickett, General Chairman of the Brotherhood of Railway and Steamship Clerks, etc., petitioner, *v.* The Union Terminal Company. Argument commenced by Mr. Charles M. Hay for the petitioner and continued by Mr. Robert G. Payne for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, January 7, will be as follows: Nos. 1023, October Term, 1940, 131 (and 132), 139, 151, 161, 206, 229, 124, 142, and 901, October Term, 1940.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Byrnes, and Mr. Justice Jackson.

Jay Bowerman, of Portland, Oreg.; Newell S. Boardman, of Madison, Wis.; John W. Giesecke, of St. Louis, Mo.; Arnot L. Sheppard, of St. Louis, Mo.; Frank J. Comfort, of Des Moines, Iowa; Jesse Slingluff, Jr., of Baltimore, Md.; Samuel Platt, of Reno, Nev.; John P. Tarbox, of Columbia, S. C.; Joseph G. Cooper, of Washington, D. C.; S. Thomas Simon, of New York City; William F. Kenney, of Houston, Tex.; and Harold C. Ackert, of St. Louis, Mo., were admitted to practice.

No. **1023**, October Term, 1940. A. J. Pickett, General Chairman of the Brotherhood of Railway and Steamship Clerks, etc., petitioner, *v.* The Union Terminal Company. Argument continued by Mr. John Dickinson for the respondent and concluded by Mr. Charles M. Hay for the petitioner.

No. **131**. The United States of America, petitioner, *v.* Local 807 of International Brotherhood of Teamsters, etc., et al.; and

No. **132**. Local 807 of International Brotherhood of Teamsters, etc., et al., petitioners, *v.* The United States of America. Argued by Mr. Assistant Attorney General Arnold for the United States and by Mr. Louis B. Boudin for Local 807 of International Brotherhood of Teamsters, etc., et al., and case submitted by Mr. John D. C. Murray for William Campbell et al.

No. **139**. Charles M. Thomson, Trustee, etc., et al., petitioners, *v.* Barney E. Gaskill et al. Argument commenced by Mr. Wymer Dressler for the petitioners and continued by Mr. S. L. Winters for the respondents, and by Mr. Wilfred M. McFarland for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, January 8, will be as follows: Nos. **139**, **151**, **161**, **206**, **229**, **124**, **142**, **901**, October Term, 1940, **527**, and **149**.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Byrnes, and Mr. Justice Jackson.

LeRoy Marceau, of Warren, Ohio; Erasmo R. Cruz, of Bocaue, P. I.; Harold F. Lindley, of Danville, Ill.; William H. Collier, of Dallas, Tex.; and Elbert R. Gilliom, of Indianapolis, Ind., were admitted to practice.

No. 139. Charles M. Thomson, Trustee, etc., et al., petitioners, *v.* Barney E. Gaskill et al. Argument continued by Mr. Wilfred M. McFarland for the petitioners and concluded by Mr. S. L. Winters for the respondent.

No. 151. The United States of America, petitioner, *v.* Joliet & Chicago Railroad Company. Argued by Mr. Arnold Raum for the petition and by Mr. Arthur D. Welton, Jr., for the respondent.

No. 161. Clarence A. Stewart, Administrator, etc., petitioner, *v.* Southern Railway Company. Argument commenced by Mr. William H. Allen for the petitioner; continued by Mr. Charles M. Hay for the petitioner and by Mr. Sidney S. Alderman for the respondent; and concluded by Mr. William H. Allen for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, January 9, will be as follows: Nos. 206, 229, 124, 142, 901, October Term, 1940, 527, 149, 128 (and 129), 328, and 286.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Byrnes, and Mr. Justice Jackson.

Benton L. Britnell, of Decatur, Ala.; Clair A. Davis, of St. Petersburg, Fla.; and Bernard A. Golding, of Houston, Tex., were admitted to practice.

No. 206. D'Oench, Duhme & Co., Inc., petitioner, *v.* Federal Deposit Insurance Corporation. Argument commenced by Mr. John W. Giesecke for the petitioner; continued by Mr. Harold C. Ackert for the petitioner and by Mr. Assistant Attorney General Shea for the respondent; and concluded by Mr. John W. Giesecke for the petitioner.

No. 229. Elizabeth Wright and Charles C. Wright, petitioners, *v.* Gusto Logan, Harriet Logan Sawyer and Exia Logan Reese. Argued by Mr. Elmer McClain for the petitioners and by Mr. Harold F. Lindley for the respondents.

No. 124. Hotel & Restaurant Employee's International Alliance, Local No. 122, et al., petitioners, *v.* Wisconsin Employment Relations Board et al. Argument commenced by Mr. I. E. Goldberg for the petitioners.

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

The day call for Monday, January 12, will be as follows: Nos. 124, 142, 901, October Term, 1940, 527, 149, 744 (and 783), 128 (and 129), 328, 286, and 503.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Byrnes, and Mr. Justice Jackson.

Margaret H. Brass, of Connellsville, Pa.; Hibbard Richter, of Boston, Mass.; Robert Mack David, of Chicago, Ill.; Harold Lypski Lipton, of Chicago, Ill.; James Woodall Rodgers, of Dallas, Tex.; Hyman N. Roth, of Orlando, Fla.; John F. Newcomb, of Athens, Ohio; William Z. Kerr, of Seattle, Wash.; Joseph Apfel, of New York City; Arthur Steinberg, of New York City; George E. C. Hayes, of Washington, D. C.; and William McKinley Gleeson, of Chicago, Ill., were admitted to practice.

No. 63. Thomas W. White et al., Former Collectors of Internal Revenue etc., petitioners, *v.* Winchester Country Club. 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 District Court of the United States for the District of Massachusetts for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Jackson. Mr. Justice Roberts took no part in the decision of this case.

No. 83. Merion Cricket Club, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the Eastern District of Pennsylvania. Opinion by Mr. Justice Jackson. Mr. Justice Roberts took no part in the decision of this case.

No. 110. The Alton Railroad Company, The Atchison, Topeka, and Sante Fe Railway Company, et al., appellants, *v.* The United States of America et al.; and

No. 267. The United States of America et al., appellants, *v.* The Alton Railroad Company et al. Appeals from the District Court of the United States for the Eastern District of Michigan. Judgment affirmed. Opinion by Mr. Justice Douglas. Mr. Justice Roberts did not participate in the consideration or decision of this cause.

No. —, original. *Ex parte* State of Texas et al., petitioners. Motion for leave to file petition for writ of mandamus denied and rule to show cause discharged. Opinion by Mr. Justice Frankfurter. Mr. Justice Roberts heard the argument and agreed to the above

disposition of the case, but through absence was unable to join in the opinion. Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Murphy concur in the result.

No. 78. Barker Duncan, petitioner, *v.* Guy A. Thompson, Trustee of Missouri Pacific Railroad Company. On writ of certiorari to the Springfield Court of Appeals of the State of Missouri. Judgment reversed with costs and cause remanded to the said Court of Appeals for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black. Mr. Justice Roberts took no part in the consideration or decision of this case.

No. 70. Ira Taylor, appellant, *v.* The State of Georgia. Appeal from the Supreme Court of the State of Georgia. 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 Byrnes announced by the Chief Justice. Mr. Justice Roberts took no part in the decision of this case.

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. 803. Steuart Purcell et al., Constituting the Public Service Commission of Maryland et al., appellants, *v.* The United States of America et al. This case is advanced and assigned for argument on Monday, February 9, next.

No. 108. Identification Devices, Inc., by James M. Rulong, petitioner, *v.* The United States of America. The motion for leave to file an amended petition for appeal to the United States Court of Appeals for the District of Columbia is denied.

No. 787. W. Leamon Ralston, petitioner, *v.* Charles H. Cox, United States Marshal. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit;

No. 788. Joseph Shotkin and Bernard Shotkin, petitioners, *v.* John M. Beidler, Morris Drob et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit;

No. 793. J. W. Barwick, petitioner, *v.* Columbus Roberts, as Commissioner of Agriculture of the State of Georgia, et al. On petition for writ of certiorari to the Supreme Court of the State of Georgia;

No. 796. 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; and

No. 804. Caroline White, petitioner, *v.* City of Harrisburg. On petition for writ of certiorari to the Supreme Court of the Common-

wealth 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. 782. Jack T. Skinner, petitioner, *v.* The State of Oklahoma, ex rel. Mac Q. Williamson, Attorney General of the State of Oklahoma. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma granted.

No. 814. The State Tax Commission of Utah, petitioner, *v.* Malcolm P. Aldrich et al., etc. Petition for writ of certiorari to the Supreme Court of the State of Utah granted.

No. 775. Wilmington Trust Company, Executor, 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 Third Circuit granted, limited to the question whether the Circuit Court of Appeals should have set aside the findings of the Board of Tax Appeals relating to question 1 (a) of the petition for writ of certiorari.

No. 98. John J. Oughton, Charles T. Oughton, et al., etc., petitioners, *v.* National Labor Relations Board; and

No. 170. Thomas Gibbs, Catherine V. Kilmartin, et al., etc., petitioners, *v.* National Labor Relations Board et al. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 733. Joseph Friedman, 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 Jackson took no part in the consideration and decision of this application.

No. 781. 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 Sixth Circuit denied. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 792. Sallie Essary, Executrix, etc., petitioner, *v.* Frank O. Lowden et al., Trustees etc., et al. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma denied. Mr. Justice Black is of opinion that the petition should be granted.

No. —, original. Ex parte George Acret, petitioner. The petition for rehearing is denied. The motion for leave to file a supplemental or amended petition for writ of mandamus is also denied.

No. 257. Minnesota Mining & Manufacturing Company, petitioner, *v.* Conway P. Coe, Commissioner of Patents;

No. 258. Minnesota Mining & Manufacturing Company, petitioner, *v.* Conway P. Coe, Commissioner of Patents; and

No. 259. Minnesota Mining & Manufacturing Company, petitioner, *v.* Conway P. Coe, Commissioner of Patents. Petition for rehearing denied. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 659. Moloney Electric Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue; and

No. 660. Moloney Electric Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for rehearing denied.

Mr. Justice Roberts took no part in the consideration and decision of the cases appearing upon this list in which orders are this day announced.

The Court will take a recess from Monday, January 19, until Monday, February 2, next.

No. 245. Cudahy Packing Company of Louisiana, Ltd., petitioner, *v.* Philip B. Fleming, Administrator, etc.;

No. 529. Philip B. Fleming, Administrator, etc., petitioner, *v.* Lowell Sun Company;

No. 622. Philip B. Fleming, Administrator, etc., petitioner, *v.* A. H. Belo Corporation; and

No. 805. The Cudahy Packing Company, petitioner, *v.* Philip B. Fleming, Administrator, etc. Thomas W. Holland, present administrator of the Wage and Hour Division, United States Department of Labor, substituted as a party herein in the place and stead of Philip B. Fleming.

No. 4. Major Raymond Lisenba, petitioner, *v.* The People of the State of California; and

No. 5. Major Raymond Lisenba, petitioner, *v.* The People of the State of California. Mandates stayed pending consideration and disposition of petitions for rehearing on motion of Mr. Morris Lavine for the petitioner.

No. 710. George D. Templeton, on behalf of George Douglas Templeton, Jr., appellant *v.* State of California. Time within which

to file petition for rehearing extended to and including February 11th next on motion of Mr. Thos. D. Aitken for the appellant.

No. 184. Gene Buck, Individually, etc., et al., appellants, *v.* Otto Case, Individually etc., et al. Motion of appellee Lockhart to reinstate case on the calendar submitted by John G. Lockhart *pro se*.

No. 184. Gene Buck, Individually, etc., et al., appellants, *v.* Otto Case, Individually etc., et al. Motion to dismiss submitted by Mr. Louis D. Frohlich and Mr. Herman Finkelstein for the appellants.

No. 186. City of Texarkana, Texas, petitioner, *v.* Arkansas Louisiana Gas Company. Stipulation to dismiss and remand presented.

No. 124. Hotel & Restaurant Employee's International Alliance, Local No. 122 et al., petitioners *v.* Wisconsin Employment Relations Board et al. Argument continued by Mr. Joseph A. Padway for the petitioners; by Mr. N. S. Boardman and Mr. Herman M. Knoeller for the respondents; and concluded by Mr. Joseph A. Padway for the petitioners.

No. 142. Columbia River Packers Association, Inc., petitioner, *v.* H. B. Hinton et al. Argument commenced by Mr. Jay Bowerman for the petitioner and continued by Mr. Ben Anderson for the respondents and by Mr. Ralph E. Moody for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, January 13, will be as follows: Nos. 142, 901, October Term, 1940, 527, 149, 744 (and 783), 286, 328, 128 (and 129), 503, and 154 (155 and 156).

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Byrnes, and Mr. Justice Jackson.

Samuel J. Cohen, of Albany, N. Y.; Harold A. Lockhart, of Kansas City, Mo.; I. Stanley Rosenthal, of Brooklyn, N. Y.; Charles L. Schottland, of Los Angeles, Calif.; John A. Russell, of Chicago, Ill.; Roy E. Raney, of Columbus, Ohio; and Harry Elmer Fake, of Washington, D. C., were admitted to practice.

No. 142. Columbia River Packers Association, Inc., petitioner, *v.* H. B. Hinton et al. Argument concluded by Mr. Ralph E. Moody for the petitioner.

No. 901, October Term, 1940. Bakery and Pastry Drivers and Helpers Local 802 of the International Brotherhood of Teamsters et al., petitioners, *v.* Hyman Wohl and Louis Platzman. Argued by Mr. Edward C. Maguire for the petitioners and by Mr. Arthur Steinberg for the respondents.

No. 527. Carpenters and Joiners Union of America, Local No. 213, et al., petitioners, *v.* Ritter's Cafe et al. Argued by Mr. Sewall Myer and Mr. Joseph A. Padway for the petitioners and by Mr. Bernard A. Golding for the respondent.

No. 149. Great Northern Railway Company, petitioner, *v.* The United States of America. Argument commenced by Mr. F. G. Dorety for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, January 14, will be as follows: Nos. 149, 744 (and 783), 286, 328, 128 (and 129), 503, 154 (155 and 156), 197, 210, and 238 (and 251).

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Byrnes, and Mr. Justice Jackson.

Wm. B. Carssow, of Austin, Tex.; Margaret H. McMahon, of Danbury, Conn.; Fred Simon, of Shreveport, La.; E. C. Gathings, of West Memphis, Ark.; Temple W. Seay, of Lynchburg, Va.; Herbert Resner, of San Francisco, Calif.; Hugh D. McLellan, of Boston, Mass.; John J. Quinn, of Red Bank, N. J.; John Felton Turner, of Oakland, Calif.; John T. Sapienza, of Washington, D. C.; and Genevieve E. Fredsall, of Minneapolis, Minn., were admitted to practice.

No. 149. Great Northern Railway Company, petitioner, *v.* The United States of America. Argument continued by Mr. F. G. Dorety for the petitioner; by Mr. Vernon L. Wilkinson for the respondent; and concluded by Mr. F. G. Dorety for the petitioner.

No. 744. The United States of America, petitioner, *v.* Wrightwood Dairy Company; and

No. 783. Wrightwood Dairy Company, petitioner, *v.* The United States of America. Argued by Mr. John S. L. Yost for the United States and by Mr. Alvin E. Stein for Wrightwood Dairy Company.

No. 286. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Southwest Consolidated Corporation. Argument commenced by Mr. Assistant Attorney General Clark for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, January 15, will be as follows: Nos. 286, 328, 128 (and 129), 503, 154 (155 and 156), 197, 210, and 238 (and 251).

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Byrnes, and Mr. Justice Jackson.

Francis R. Curran, of Wappingers Falls, N. Y.; William T. Thurman, of Atlanta, Ga.; William Gerard Ryan, of New York City; William J. Samford, of Opelika, Ala.; Max M. Marston, of Detroit, Mich.; Henry E. Rice, of Detroit, Mich.; and Frank Schwartz, of Pittsburgh, Pa., were admitted to practice.

No. 286. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Southwest Consolidated Corporation. Argument continued by Mr. Assistant Attorney General Clark for the petitioner; by Mr. A. Chauncey Newlin for the respondent; and concluded by Mr. Assistant Attorney General Clark for the petitioner.

No. 328. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Alabama Asphaltic Limestone Company. Argued by Mr. Assistant Attorney General Clark for the petitioner and by Mr. J. A. O'Callaghan for the respondent.

No. 128. Bondholders Committee, Marlborough Investment Company, First Mortgage Bonds, petitioner, *v.* Commissioner of Internal Revenue; and

No. 129. Marlborough House, Inc., petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. William Z. Kerr for the petitioners and by Mr. Assistant Attorney General Clark for the respondent.

No. 503. Palm Springs Holding Corporation, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. John E. Hughes for the petitioner and by Mr. Assistant Attorney General Clark for the respondent.

No. 154. Exhibit Supply Company, petitioner, *v.* Ace Patents Corporation;

No. 155. Genco, Inc., petitioner, *v.* Ace Patents Corporation; and

No. 156. Chicago Coin Machine Company, petitioner, *v.* Ace Patents Corporation. Argument commenced by Mr. John H. Sutherland for the petitioners and continued by Mr. Casper W. Ooms for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, January 16, will be as follows: Nos. 154 (155 and 156), 197, 210, and 238 (and 251).

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Byrnes, and Mr. Justice Jackson.

Joseph A. Avery, of South Bend, Ind.; Irving H. Green, of Minneapolis, Minn.; Sol Andrews, of Chicago, Ill.; Wm. H. Gross, of Detroit, Mich.; Winston B. McCall, of Birmingham, Ala.; Melber Chambers, of New York City; Ben. C. Duniway, of San Francisco, Calif.; and Reuben R. McCormack, of Arkansas City, Kans., were admitted to practice.

No. 154. Exhibit Supply Company, petitioner, *v.* Ace Patents Corporation;

No. 155. Genco, Inc., petitioner, *v.* Ace Patents Corporation; and

No. 156. Chicago Coin Machine Company, petitioner, *v.* Ace Patents Corporation. Argument continued by Mr. Casper W. Ooms for the respondent and concluded by Mr. John H. Sutherland for the petitioners.

No. 197. The United States of America and Interstate Commerce Commission, appellants, *v.* Carolina Freight Carriers Corporation. Argued by Mr. J. Stanley Payne for appellant, Interstate Commerce Commission; and by Mr. Wilmer Hill for the appellee, and case submitted by Mr. Solicitor General Fahy, Mr. Assistant Attorney General Arnold, Mr. Frank Coleman, and Mr. Smith R. Brittingham, Jr., for appellant, The United States.

No. 210. Howard Hall Company, Inc., appellant, *v.* The United States of America and Interstate Commerce Commission. Argument commenced by Mr. Allan Watkins for the appellant and continued by Mr. Nelson Thomas for the appellees.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 19, will be as follows: No. 210.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Byrnes, and Mr. Justice Jackson.

Neill Reed, of Blytheville, Ark.; Geo. H. West, of Kansas City, Kans.; J. Donald Coffin, of Council Grove, Kans.; Joseph H. McDowell, of Kansas City, Kans.; Harold H. Harding, of Kansas City, Kans.; Albert C. Theis, of St. Louis, Mo.; Wilbur E. Dow, Jr., of New York City; Paul D. Taggart, of Silver Spring, Md.; Harry Richard Smalkin, of Towson, Md.; William Hoffenberg, of Baltimore, Md.; Max Sokol, of Baltimore, Md.; Carlos Lindner Israels, of New York City; Samuel S. Smalkin, of Baltimore, Md.; J. Rex Dibble, of Los Angeles, Calif.; Maurice Jacob Hindin, of Los Angeles, Calif.; Olive Virginia King, of Washington, D. C.; John A. Wilson, of New York City; George Foster Longsdorf, of Oakland, Calif.; and Frank A. Berry, of Nashville, Tenn., were admitted to practice.

No. 67. Southport Petroleum Company, petitioner, *v.* National Labor Relations Board. 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 Jackson. Mr. Justice Roberts took no part in the consideration or decision of this case. Dissenting opinion by Mr. Justice Reed in which the Chief Justice concurs.

No. 101. James H. Halliday, a person non compos mentis, by his committee, Annie Halliday, petitioner, *v.* The United States of America. 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 Western District of South Carolina for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Byrnes. Mr. Justice Roberts and Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 52. The United States of America and Interstate Commerce Commission, appellants, *v.* N. E. Rosenblum Truck Lines, Inc.; and

No. 53. The United States of America and Interstate Commerce Commission, appellants, *v.* J. B. Margolies, an individual doing busi-

ness as Manhattan Truck Lines. Appeals from the District Court of the United States for the Eastern District of Missouri. 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. Mr. Justice Roberts took no part in the consideration or decision of these cases.

No. 322. Pete Lubetich, an individual doing business as Pacific Refrigerated Motor Line, appellant, *v.* The United States of America and Interstate Commerce Commission. Appeal from the District Court of the United States for the Western District of Washington. Judgment affirmed. Opinion by Mr. Justice Murphy. Mr. Justice Roberts took no part in the consideration or decision of this case.

No. 30. Daniel D. Glasser, petitioner, *v.* The United States of America;

No. 31. Norton I. Kretske, petitioner, *v.* The United States of America; and

No. 32. Alfred E. Roth, petitioner, *v.* The United States of America. On writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. In No. 30, conviction of Glasser set aside and cause as to him remanded to the District Court of the United States for the Northern District of Illinois for a new trial. In Nos. 31 and 32, convictions of Kretske and Roth upheld in all respects. Opinion by Mr. Justice Murphy. Mr. Justice Jackson took no part in the consideration or decision of these cases. Dissenting opinion by Mr. Justice Frankfurter in which the Chief Justice joins.

No. 151. The United States of America, petitioner, *v.* Joliet & Chicago Railroad Company. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment of the Circuit Court of Appeals reversed and that of the District Court affirmed and cause remanded to the District Court of the United States for the Northern District of Illinois. Opinion by Mr. Justice Douglas. Mr. Justice Roberts did not participate in the consideration or decision of this case.

The Chief Justice announced the following orders of the Court:

No. 816. The C. H. Musselman Company, appellant, *v.* George P. Alderson, State Tax Commissioner of West Virginia. Appeal from the Circuit Court of Kanawha County, State of West Virginia. *Per curiam*: The judgment is affirmed. *American Mfg. Co. v. St. Louis*, 250 U. S. 459; *Aponaug Mfg. Co. v. Stone*, No. 626, October Term, 1941, decided October 20, 1941; *Dept. of Treasury v. Ingram-Richardson Mfg. Co.*, 313 U. S. 252, 254; *Brown v. Houston*, 114 U. S. 622; *McGoldrick v. Berwin-White Co.*, 309 U. S. 33, 51-53.

No. 184. Gene Buck, Individually and as President of the American Society of Composers, Authors and Publishers, et al., appellants, *v.* Otto Case, Individually and as State Treasurer of Washington, et al. Appeal from the District Court of the United States for the Western District of Washington. *Per curiam:* The motion of appellee Lockhart to reinstate this case on the calendar is denied. On consideration of the stipulation of counsel the appeal is dismissed without costs. Mr. Justice Jackson took no part in the consideration and decision of this case.

No. 186. City of Texarkana, Texas, petitioner, *v.* Arkansas Louisiana Gas Company. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. *Per curiam:* On consideration of the stipulation of the parties the judgment of the Circuit Court of Appeals is vacated and the cause is remanded to the District Court with directions to enter appropriate orders. The costs in this Court are to be paid by the respondent.

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* John A. Kennedy, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. 756. J. L. Stewart, petitioner, *v.* T. W. Davidson, Judge of the United States District Court for the Northern District of Texas. 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. 842. Sam Ruben, James Foley, et al., petitioners, *v.* The United States of America. 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 that the application for writ of certiorari was not made within the time provided by law. Rule XI of the Criminal Appeals Rules, 292 U. S. 665-666. The petition for writ of certiorari is, therefore, also denied.

No. 774. National Labor Relations Board, petitioner, *v.* Nevada Consolidated Copper Corporation. Petition for writ of certiorari

to the United States Circuit Court of Appeals for the Tenth Circuit granted.

No. 795. Plow City Steamship Company, Claimant of the Steamship "Plow City," petitioner, *v.* Texas Gulf Sulphur Company, Incorporated. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied. The Chief Justice took no part in the consideration and decision of this application.

No. 825. Helen T. Schaaf et al., petitioners, *v.* Eleventh Ward Building and Loan Association of Newark, New Jersey. Petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey denied.

Mr. Justice Roberts took no part in the consideration and decision of the cases appearing upon this list in which judgments or orders are this day announced.

No. 210. Howard Hall Company, Inc., appellant, *v.* The United States of America and Interstate Commerce Commission. Argument continued by Mr. Nelson Thomas for the appellees and concluded by Mr. Allan Watkins for the appellant.

Adjourned until Monday, February 2, at 12 o'clock.

The day call for Monday, February 2, will be as follows: Nos. 238 (and 251), 179, 188, 223, 95, 245, 529, 255, 280, and 306.

SUPREME COURT OF THE UNITED STATES

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

Russell Morton Brown, of Washington, D. C.; Robert Kramer, of Washington, D. C.; James B. Frazier, Jr., of Chattanooga, Tenn.; Archibald Cox, of Boston, Mass.; Ernest A. Gross, of New York City; Dolly Lee Butler, of Atlanta, Ga.; Donald R. Rankin, of Richmond, Ind.; Leon Jaworski, of Houston, Tex.; Frank W. Bruce, of Tuscaloosa, Ala.; Max M. Librach, of St. Louis, Mo.; David R. Boatright, of Fort Smith, Ark.; Lemuel Campbell Bryan, of Fort Smith, Ark.; Lawrence E. Brown, of Detroit, Mich.; G. Van Velsor Wolf, of Baltimore, Md.; Theodore H. Little, of Ephrata, Wash.; Clarence M. Mulholland, of Toledo, Ohio; Richard R. McGinnis, of Evansville, Ind.; Theodore Lockyear, of Evansville, Ind.; Beverly S. Wilkerson, of Seattle, Wash.; Harold D. Cohen, of Kingston, N. Y.; A. Bernard Sclove, of Charleston, W. Va.; Eugene W. Test, of Louisville, Ky.; Milford S. Zimmerman, of Kansas City, Mo.; and Benjamin M. Brodsky, of Chicago, Ill., were admitted to practice.

No. 86. Peter Young, alias Young Lup, petitioner, *v.* The United States of America. 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 Territory of Hawaii, for further proceedings as may be required in the light of the opinion of this Court. Opinion by Mr. Justice Murphy. Mr. Justice Roberts and Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 149. Great Northern Railway Company, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Decree modified as indicated in the opinion of this Court and as so modified affirmed and cause remanded to the District Court of the United States for the District of Montana. Opinion by Mr. Justice Murphy. Mr. Justice Roberts and Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 328. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Alabama Asphaltic Limestone 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 Douglas. Mr. Justice Roberts did not participate in the consideration or decision of this case.

No. 503. Palm Springs Holding Corporation, petitioner, *v.* Commissioner of Internal Revenue. 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 for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Mr. Justice Roberts did not participate in the consideration or decision of this case.

No. 128. Bondholders Committee, Marlborough Investment Company, First Mortgage Bonds, petitioner, *v.* Commissioner of Internal Revenue; and

No. 129. Marlborough House, Inc., petitioner, *v.* Commissioner of Internal Revenue. On writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgments affirmed and cases remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Douglas. Mr. Justice Roberts did not participate in the consideration or decision of this case.

No. 286. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Southwest Consolidated Corporation. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth 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. Mr. Justice Roberts did not participate in the consideration or decision of this case.

No. 42. The United States of America, petitioner, *v.* Louis H. Pink, Superintendent of Insurance of the State of New York, et al. On writ of certiorari to the Supreme Court of the State of New York. 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 Douglas. Mr. Justice Reed and Mr. Justice Jackson did not participate in the consideration or decision of this case. Separate opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Roberts joins.

No. 28. Cloverleaf Butter Company, petitioner, *v.* Haygood Pater-son, as Commissioner of Agriculture and Industries of the State of Alabama, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment reversed

with costs and case remanded to the District Court of the United States for the Middle District of Alabama for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Reed. Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Frankfurter, Mr. Justice Murphy, and Mr. Justice Byrnes join. Dissenting opinion by Mr. Justice Frankfurter.

No. 229. Elizabeth Wright and Charles C. Wright, petitioners, *v.* Gusta Logan, Harriet Logan, et al. 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 Eastern District of Illinois for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Mr. Justice Roberts took no part in the consideration or decision of this case.

No. 142. Columbia River Packers Association, Inc., petitioner, *v.* H. B. Hinton, George Bambrick, 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 Black. Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this case.

No. 744. The United States of America, petitioner, *v.* Wrightwood Dairy Company; and

No. 783. Wrightwood Dairy Company, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh 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. Chief Justice Stone. Mr. Justice Roberts took no part in the consideration or decision of these cases.

No. 154. Exhibit Supply Company, petitioner, *v.* Ace Patents Corporation;

No. 155. Genco, Inc., petitioner, *v.* Ace Patents Corporation; and

No. 156. Chicago Coin Machine Company, petitioner, *v.* Ace Patents Corporation. On writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Decrees modified as indicated in the opinion of this Court and cases remanded to the District Court of the United States for the Northern District of Illinois. Opinion by Mr. Chief Justice Stone. Mr. Justice Roberts took no part in the consideration or decision of these cases. Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas concurs.

The Chief Justice announced the following orders of the Court:

No. 832. Alice Seago, Administratrix of the Estate of William E. Seago, petitioner, *v.* The New York Central Railroad 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 on the ground that there was sufficient evidence of negligence for submission to the jury. The case is remanded to the Supreme Court of Missouri for its consideration of other questions presented on the appeal and for further proceedings not inconsistent with this opinion.

No. 836. Karl Hoblitzelle, appellant, *v.* City of University Park et al. Appeal from the Court of Civil Appeals, Fifth Supreme Judicial District, State of Texas. *Per curiam:* The motions for leave to file a statement as to jurisdiction and an amended opposition are granted. The motion to dismiss is granted and the appeal is dismissed for the want of jurisdiction. Section 237 (a), Judicial Code, as amended, 28 U. S. C. sec. 344 (a). 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 as amended, 28 U. S. C. sec. 344 (c), 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. —, original. *Ex parte* Edward Casebeer, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No. —, original. *Ex parte* Rufo C. Romero, 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. 819. Frederick H. Ecker, John W. Stedman, et al., petitioners, *v.* Western Pacific Railroad Corporation, et al.; and

No. 820. Crocker First National Bank of San Francisco et al., petitioners, *v.* Western Pacific Railroad Corporation et al. The motion of respondent, Irving Trust Co., to defer consideration of the petitions for writs of certiorari and for an extension of time to file briefs in opposition is granted.

No. 610. Earl Edward Kent, petitioner, *v.* Joseph W. Sanford, Warden, etc.; and

No. 808. William Roy Miller, petitioner, *v.* The United States of America. On petitions for writs of certiorari to the United States Circuit Court of Appeals for the Fifth 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. 801. Pat Duggan, petitioner, *v.* Joseph O'Grady, Warden, etc. On petition for writ of certiorari to the Supreme Court of the State of Nebraska. Neil Olson, present Warden of the Nebraska State Penitentiary, substituted as the party respondent in the place and stead of Joseph O'Grady, resigned, on motion of the petitioner. 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. 855. The United States of America, appellant, *v.* The Univis Lens Company, Inc., et al.; and

No. 856. The Univis Lens Company, Inc., et al., appellants, *v.* The United States of America. The motion for leave to file statement as to jurisdiction in No. 856 is granted. In these cases probable jurisdiction is noted. Mr. Justice Jackson took no part in the consideration and decision of this question.

No. 799. The United States of America, petitioner, *v.* William R. Johnson; and

No. 800. The United States of America, petitioner, *v.* Jack Sommers et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted. Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 810. Frank J. Boehm, 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. Mr. Justice Douglas, Mr. Justice Murphy, and Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 813. William R. Skidmore, 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. Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 786. Milton Roe Sabin and Bertha Florence Sabin, petitioners, *v.* Home Owners' Loan Corporation. The motion to proceed on type-written papers is granted. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma denied.

No. 806. Paul E. Manheim, as a committee, et al., petitioners, *v.* Van S. Merle-Smith et al.; and

No. 811. Solomon G. Salomon, petitioner, *v.* Van S. Merle-Smith et al. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 807. Sol Feinberg, 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. 812. Christian Corporation, petitioner, *v.* Commonwealth of Virginia and the City of Richmond. Petition for writ of certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia denied.

No. 4. Major Raymond Lisenba, petitioner, *v.* The People of the State of California; and

No. 5. Major Raymond Lisenba, petitioner, *v.* The People of the State of California;

No. 143. The Board of Trade of Kansas City, Mo., et al., appellants, *v.* The United States of America et al.; and

No. 618. Julian W. Fretwell, petitioner, *v.* Peoples Service Drug Stores, Inc. Petitions for rehearing in these cases denied.

No. 54. The United States of America, petitioner, *v.* James M. Ragen;

No. 55. The United States of America, petitioner, *v.* Arnold W. Kruse; and

No. 56. The United States of America, petitioner, *v.* Lester A. Kruse. Petitions for rehearing denied. Mr. Justice Roberts, Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration and decision of these applications.

No. 49. Morton Salt Company, petitioner, *v.* The G. S. Suppiger Company;

No. 763. Frank Fitzgerald, Trustee, etc., petitioner, *v.* Gulf Refining Company of Louisiana;

No. 764. Frank Fitzgerald, Trustee, etc., petitioner, *v.* Gulf Refining Company;

No. 765. Frank Fitzgerald, Trustee, etc., petitioner, *v.* Humble Oil and Refining Company;

No. 766. Frank Fitzgerald, Trustee, etc., petitioner, *v.* Shell Oil Company, Inc.;

No. 767. Frank Fitzgerald, Trustee, etc., petitioner, *v.* Freeport Sulphur Company;

No. 768. Frank Fitzgerald, Trustee, etc., petitioner, *v.* Ernest Cockrell;

No. 769. Frank Fitzgerald, Trustee, etc., petitioner, *v.* Gulf Refining Company of Louisiana et al.;

No. 770. Frank Fitzgerald, Trustee, etc., petitioner, *v.* Ernest Cockrell, his curator ad hoc, Bruce Nunez, et al.; and

No. 771. Frank Fitzgerald, Trustee, etc., petitioner, *v.* Ernest Cockrell, Sidney L. Herold, et al. Petitions for rehearing denied. Mr. Justice Roberts took no part in the consideration and decision of these applications.

No. 875. Group of Institutional Investors and Mutual Savings Bank Group, petitioners, *v.* Chicago, Milwaukee, St. Paul & Pacific Railroad Co.;

No. 876. Group of Institutional Investors and Mutual Savings Bank Group, petitioners, *v.* Union Trust Co. et al.;

No. 877. Group of Institutional Investors and Mutual Savings Bank Group, petitioners, *v.* Israel A. Abrams et al.;

No. 878. Group of Institutional Investors and Mutual Savings Bank Group, petitioners, *v.* H. C. Orton et al., etc.;

No. 879. Group of Institutional Investors and Mutual Savings Bank Group, petitioners, *v.* Guaranty Trust Co. of New York et al., etc.;

No. 880. Group of Institutional Investors and Mutual Savings Bank Group, petitioners, *v.* Chicago, Terre Haute & Southeastern Ry. Co. et al.;

No. 881. Group of Institutional Investors and Mutual Savings Bank Group, petitioners, *v.* United States Trust Co. of New York, as Trustee, etc.;

No. 882. Group of Institutional Investors and Mutual Savings Bank Group, petitioners, *v.* Trustees of Princeton University et al., etc.; and

No. 883. Group of Institutional Investors and Mutual Savings Bank Group, petitioners, *v.* E. Stanely Glines et al., etc. Time within which to file briefs in opposition to petition for writs of certiorari extended to March 4 next on motion of counsel for the respondents.

No. 277. John P. Dinan and Michael T. Dinan, petitioners, *v.* First National Bank—Detroit. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Dismissed on motion of counsel for the petitioners.

No. 238. The United States of America, petitioner, *v.* State of New York; and

No. 251. State of New York, petitioner, *v.* The United States of America. Argued by Mr. J. Louis Monarch for the United States and by Mr. William Gerard Ryan for the State of New York.

No. 179. Alexander MacGregor, Jr., Executor, etc., petitioner, *v.* State Mutual Life Assurance Company of Worcester, Massachusetts. Argument commenced by Mr. William B. Giles for the petitioner and continued by Mr. William Marshall Bullitt for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, February 3d, will be as follows: Nos. 179, 188, 223, 95, 245, 529, 255, 280, 306, and 962, October Term, 1940 (963, October Term, 1940, and 980, October Term, 1940).

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SUPREME COURT OF THE UNITED STATES

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

Paul W. Steer, of Cincinnati, Ohio; Bert. E. Johnson, of Tulsa, Okla.; Thomas Walsh, of St. Paul, Minn.; Frank Goldman, of Lowell, Mass.; Stephen C. Hartel, of New Orleans, La.; Leopold Stahl, of New Orleans, La.; Ward Kremer, of Asbury Park, N. J.; Morton Stavis, of New York City; and Michael S. Rehak, of Chicago, Ill., were admitted to practice.

No. 179. Alexander MacGregor, Jr., Executor, etc., petitioner, *v.* State Mutual Life Assurance Company of Worcester, Massachusetts. Argument continued by Mr. William Marshall Bullitt for the respondent and concluded by Mr. William B. Giles for the petitioner.

No. 188. National Labor Relations Board, petitioner, *v.* Automotive Maintenance Machinery Company. Argued by Mr. Ernest A. Gross for the petitioner and by Mr. John Harrington for the respondent.

No. 223. Interstate Commerce Commission et al., appellants, *v.* Railway Labor Executives Association and Brotherhood of Railroad Trainmen. Argued by Mr. Edward M. Reidy for the appellant, Interstate Commerce Commission; by Mr. Frank Karr for the appellant, Pacific Electric Railway Company; and by Mr. Willard H. McEwen for the appellees.

No. 95. The People of Puerto Rico, petitioner, *v.* Russell & Co., S. en C. Argument commenced by Mr. William Cattron Rigby for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, February 4, will be as follows: Nos. 95, 245, 529, 255, 280, 306, 962, October Term, 1940 (963, October Term, 1940, and 980, October Term, 1940), 256, 96, and 272.

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SUPREME COURT OF THE UNITED STATES

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

John F. Beamis, Jr., of Somersworth, N. H.; Alfred A. Albert, of Boston, Mass.; Stephen Cerstvik, of Newark, N. J.; Henry A. Middleton, of Toledo, Ohio; Telford B. Orbison, of New Albany, Ind.; Jaime Hernandez, of Manila, P. I.; and Ismael Mathay, of Manila, P. I., were admitted to practice.

No. 95. The People of Puerto Rico, petitioner, *v.* Russell & Co., S. en C. Argument continued by Mr. William Catron Rigby for the petitioner and concluded by Mr. George M. Wolfson for the respondent.

No. 245. Cudahy Packing Company of Louisiana, Ltd., petitioner, *v.* Thomas W. Holland, Administrator, etc. Argued by Mr. Stephen C. Hartel and Mr. Leopold Stahl for the petitioner and by Mr. Warner W. Gardner for the respondent.

No. 529. Thomas W. Holland, Administrator, etc., petitioner, *v.* Lowell Sun Company. Argument commenced by Mr. Warner W. Gardner for the petitioner and continued by Mr. Elisha Hanson for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, February 5, will be as follows: Nos. 529, 255, 280, 306, 962, October Term, 1940 (963, October Term, 1940, and 980, October Term, 1940), 256, 96, 272, 320, and 321.

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SUPREME COURT OF THE UNITED STATES

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

Reuben B. Resnik, of Dallas, Tex.; William E. Lucas, of Chicago, Ill.; Elmo B. Hunter, of Kansas City, Mo.; Charles William King, of Portland, Oreg.; David W. Louisell, of Washington, D. C.; Donald Schiff, of New York City; and Jacob Greenwald, of New York City, were admitted to practice.

No. 529. Thomas W. Holland, Administrator, etc., petitioner, *v.* Lowell Sun Company. Argument concluded by Mr. Elisha Hanson for the respondent.

No. 255. Walter Chaplinsky, appellant, *v.* State of New Hampshire. Argued by Mr. Hayden C. Covington for the appellant and by Mr. Frank R. Kenison for the appellee.

No. 280. Rosco Jones, petitioner, *v.* City of Opelika. Argued by Mr. Hayden C. Covington for the petitioner and by Mr. John W. Guider for the respondent.

No. 306. Josephine S. Pearce, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. Gordon S. P. Kleeberg for the petitioner and by Mr. Gordon B. Tweedy for the respondent.

No. 962. October Term, 1940. Martin M. Goldman, petitioner, *v.* The United States of America;

No. 963, October Term, 1940. Jacob P. Shulman, petitioner, *v.* The United States of America; and

No. 980, October Term, 1940. Theodore Goldman, petitioner, *v.* The United States of America. Argument commenced by Mr. Osmond K. Fraenkel for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, February 6, will be as follows: Nos. 962, October Term, 1940 (963, October Term, 1940, and 980, October Term, 1940), 256, 96, 320, 272, 321, 265 (and 268), 252, 803, and 283.

SUPREME COURT OF THE UNITED STATES

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

Morris A. Haft, of Chicago, Ill., was admitted to practice.

No. 962, October Term, 1940. Martin M. Goldman, petitioner, *v.* The United States of America;

No. 963, October Term, 1940. Jacob P. Shulman, petitioner, *v.* The United States of America; and

No. 980, October Term, 1940. Theodore Goldman, petitioner, *v.* The United States of America. Argument continued by Mr. Osmond K. Fraenkel for the petitioners; by Mr. Jacob W. Friedman for the petitioners in Nos. 962 and 980; by Mr. Solicitor General Fahy for the respondent; and concluded by Mr. Osmond K. Fraenkel for the petitioners.

No. 256. Dr. Maximilian Goldstein et al., petitioners, *v.* The United States of America. Argument commenced by Mr. Theodore Kiendl for petitioner, Maximillian Goldstein; continued by Mr. Osmond K. Fraenkel for petitioner, Benjamin Schwartz; by Mr. Solicitor General Fahy for the respondent; by Mr. Theodore Kiendl for petitioner, Maxmillian Goldstein; and concluded by Mr. Osmond K. Fraenkel for petitioner, Benjamin Schwartz; and case submitted by petitioners Herman Rubin and Irving Elentuck, *pro se.*

No. 96. The People of Puerto Rico, petitioner, *v.* Rubert Hermanos, Inc., et al. Argument commenced by Mr. William Catron Rigby for the petitioner.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, February 9, will be as follows: Nos. 96, 320, 272, 321, 265 (and 268), 252, 803, 283, 318, and 323.

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SUPREME COURT OF THE UNITED STATES

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

Larry Creson, of Memphis, Tenn.; Max E. Geline, of Milwaukee, Wis.; Ernest O. Zirkalos, of Lincoln Park, Mich.; George H. Hauerken, of San Francisco, Calif.; and W. H. Strickland, of Lenoir, N. C., 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. 280. Rosco Jones, petitioner, *v.* City of Opelika. On writ of certiorari to the Supreme Court of the State of Alabama. *Per curiam*: The writ is dismissed for want of a final judgment.

No. 868. Lewis Black et al., appellants, *v.* The People of the State of California. Appeal from the District Court of Appeal, 2nd Appellate District, State of California. *Per curiam*: The appeal is dismissed for want of a properly presented substantial federal question. (1) Gorin *v.* United States, 312 U. S. 19, 26-28; (2) Hurtado *v.* California, 110 U. S. 516; Gaines *v.* Washington, 277 U. S. 81, 86.

No. 898. State of Ohio, ex rel. Ellis Thompson, appellant, *v.* Industrial Commission of Ohio. 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. Live Oak Waters Users' Association *v.* Railroad Commission, 269 U. S. 354, 358-59; Ohio ex rel. Squire *v.* Brown, 312 U. S. 652.

No. —, original. Ex parte Robert G. Errington, petitioner; and

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

No. 754. Cecil E. Hayes, 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. 817. Mary Benchick Koštecka, petitioner, *v.* The United States of America; and

No. 818. Live Stock National Bank of Chicago, Administrator, etc., petitioner, *v.* The United States of America. On petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit; and

No. 869. Ralph Mark, petitioner, *v.* The Warden of The Attica State Prison, Attica, N. Y. 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. 852. Mitchell Clifton Anderson et al., petitioners, *v.* The United States of America. Time within which to file a brief for the respondent in opposition to the petition for writ of certiorari extended to and including March 11, next.

No. 875. Group of Institutional Investors et al., petitioners, *v.* Chicago, Milwaukee, St. Paul & Pacific Railroad Co.;

No. 876. Group of Institutional Investors et al., petitioners, *v.* Union Trust Co. et al.;

No. 877. Group of Institutional Investors et al., petitioners, *v.* Israel A. Abrams et al.;

No. 878. Group of Institutional Investors et al., petitioners, *v.* H. C. Orton et al., etc.;

No. 879. Group of Institutional Investors et al., petitioners, *v.* Guaranty Trust Co. of New York et al., etc.;

No. 880. Group of Institutional Investors et al., petitioners, *v.* Chicago, Terre Haute & Southeastern Ry. Co., et al.;

No. 881. Group of Institutional Investors et al., petitioners, *v.* United States Trust Co., of New York, as Trustee, etc.;

No. 882. Group of Institutional Investors et al., petitioners, *v.* Trustees of Princeton University, et al., etc.; and

No. 883. Group of Institutional Investors et al., petitioners, *v.* E. Stanley Glines et al, etc. Time within which to file briefs for the respondents in opposition to the petition for writs of certiorari extended to and including March 24th next.

No. 896. Faitoute Iron & Steel Company et al., appellants, *v.* City of Asbury Park, a Municipal Corporation of the State of New Jersey. In this case probable jurisdiction is noted. Mr. Justice Douglas took no part in the consideration or decision of this question.

No. 798. The Sioux Tribe of Indians, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims granted.

No. 826. Federal Trade Commission, petitioner, *v.* Raladam Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 841. Susan G. Reeves, petitioner, *v.* William Beardall, as Executor, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 564. Mascot Stove Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 644. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Cement Investors, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 645. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* James Q. Newton Trust; and

No. 646. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* James Q. Newton, Jr. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 780. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* New Haven and Shore Line Railway Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 828. James A. Herbert, Trustee, petitioner, *v.* William F. Sullivan et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 831. Erminio Morante, petitioner, *v.* The People of the State of New York. Petition for writ of certiorari to the County Court, Westchester County, State of New York, denied.

No. 833. J. E. Stevens and McKay Stevens, petitioners, *v.* Sinclair Refining Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 838. George T. Goggin, as Trustee, 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. 839. Ray Polito, petitioner, *v.* William Molasky et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 840. Charles M. Thomson, Trustee, etc., petitioner, *v.* William F. Boles. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 851. Indianapolis Power & Light 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. 857. Simon Durlacher, petitioner, *v.* Helen S. Durlacher. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 859. Frank D. Klimkiewicz, petitioner, *v.* The Westminster Deposit and Trust Company et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 864. The Hartford Accident and Indemnity Company, petitioner *v.* City of Sulphur, Oklahoma. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 865. W. D. Haden Company, petitioner, *v.* The Mathieson Alkali Works, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 31. Norton I. Kretske, petitioner, *v.* The United States of America. Petition for rehearing denied. Mr. Justice Jackson took no part in the consideration or decision of this application.

The Court will take a recess from Monday, February 16, until Monday, March 2, next.

No. 96. The People of Puerto Rico, petitioner, *v.* Rubert Hermanos, Inc., et al. Argument continued by Mr. William Cattron Rigby for the petitioner and concluded by Mr. Henri Brown for the respondent.

No. 320. Southern Steamship Company, petitioner, *v.* National Labor Relations Board et al. Argument commenced by Mr. Joseph W. Henderson for the petitioner and continued by Mr. Robert B. Watts for the respondent, National Labor Relations Board, and by Mr. William L. Standard for the respondent, National Maritime Union of America.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, February 10, will be as follows: Nos. 320, 272, 321, 265 (and 268), 252, 803, 283, 323, 325, and 332.

SUPREME COURT OF THE UNITED STATES

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

Joseph Sherbow, of Baltimore, Md.; Leo Mann, of Milwaukee, Wis.; John Henry Williams, of Kansas City, Mo.; and Valentine Brookes, of San Francisco, Calif., were admitted to practice.

No. 858. David P. Laviertes, petitioner, *v.* Ferro Stamping and Manufacturing Company et al. Time within which to file brief for the respondents in opposition to the petition for writ of certiorari extended to and including March 2, next.

No. 320. Southern Steamship Company, petitioner, *v.* National Labor Relations Board et al. Argument continued by Mr. William L. Standard for the respondent, National Maritime Union of America, and concluded by Mr. Joseph W. Henderson for the petitioner.

No. 272. Mrs. Jesse Miles et al., petitioners, *v.* Illinois Central Railroad Company. Argued by Mr. W. G. Cavett for the petitioners and by Mr. Thomas A. Evans and Mr. Larry Creson for the respondent.

No. 321. Stonite Products Company, petitioner, *v.* The Melvin Lloyd Company et al. Argued by Mr. A. D. Caesar and Mr. Charles W. Rivise for the petitioner and by Mr. Isaac J. Silin for the respondent.

No. 265. Federal Power Commission and Illinois Commerce Commission, petitioners, *v.* Natural Gas Pipeline Company of America et al.; and

No. 268. Natural Gas Pipeline Company of America et al., petitioners, *v.* Federal Power Commission and Illinois Commerce Commission. Argument commenced by Mr. George I. Haight for the Natural Gas Pipe Line Co. of America et al., and continued by Mr. Richard H. Demuth for the Federal Power Commission.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, February 11, will be as follows: Nos. 264 (and 268), 803, 283, 323, 325, 332, 508, 532, 558, and 589.

SUPREME COURT OF THE UNITED STATES

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

Elliott W. Finkel, of Pittsburgh, Pa.; Donald C. Little, of Kansas City, Kans.; John S. Dawson, of Boston, Mass.; John James Ziska, of Chicago, Ill.; Ephraim Martin, of Boston, Mass.; Morris H. Kaufman, of Atchison, Kans.; Harold Weiss, of New York City; Frederick R. Bolton, of Detroit, Mich.; William Bernard Rafferty, of Baltimore, Md.; Benjamin C. Howard, of Baltimore, Md.; John R. Norris, of Baltimore, Md.; and Theodore G. Remer, of Chicago, Ill., were admitted to practice.

No. 265. Federal Power Commission and Illinois Commerce Commission, petitioners, *v.* Natural Gas Pipeline Company of America et al.; and

No. 268. Natural Gas Pipeline Company of America et al., petitioners, *v.* Federal Power Commission and Illinois Commerce Commission. Argument continued by Mr. Richard H. Demuth and Mr. Solicitor General Fahy for the Federal Power Commission; by Mr. Albert E. Hallett for Illinois Commerce Commission and concluded by Mr. S. A. L. Morgan for Natural Gas Pipe Line Company of America et al.

No. 803. Steuart Purcell et al., constituting The Public Service Commission of Maryland et al., appellants, *v.* The United States of America et al. Argument commenced by Mr. Clarence W. Miles for the appellants; continued by Mr. James C. Wilson for the appellees, The United States and Interstate Commerce Commission; by Mr. C. M. Clay for the appellees, The Confluence and Oakland Railroad Company et al.; and concluded by Mr. Joseph Sherbow for the appellants.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, February 12, will be as follows: Nos. 283, 323, 325, 332, 508, and 589.

SUPREME COURT OF THE UNITED STATES

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

Chas. W. Rummeler, of Chicago, Ill.; Lowell C. Noyes, of Chicago, Ill.; Harry Dexter Peck, of Sharon, Mass.; Melvin R. Jenney, of Boston, Mass.; Henry Cohen, of New York City; Thomas J. Ryan, Jr., of Boston, Mass.; Anthony L. Montaquila, of Providence, R. I.; G. Warren Stilson, of Washington, D. C.; Calvin W. Derringer, of Washington, D. C.; J. Louis Bixler, of Washington, D. C.; John Hubbard Joss, of Indianapolis, Ind.; and Milton S. Briggs, of Washington, D. C., were admitted to practice.

No. **283**. Butler Brothers, appellant, *v.* Charles J. McColgan, as Franchise Tax Commission of the State of California. Argued by Mr. Leland K. Neeves for the appellant and by Mr. Valentine Brookes for the respondent.

No. **323**. Muncie Gear Works, Inc., et al., petitioners, *v.* Outboard, Marine & Manufacturing Company et al. Argued by Mr. Samuel E. Darby, Jr., for the petitioners and by Mr. Henry M. Huxley for the respondent.

No. **325**. Frederick Rodiek, Ancillary Executor, etc., petitioner, *v.* The United States of America et al. Argument commenced by Mr. Sherwood E. Silliman for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, February 13, will be as follows: Nos. **325**, **332**, and **508**.

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SUPREME COURT OF THE UNITED STATES

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

William H. Merner, of Cedar Falls, Iowa; Silas Coma Garrett III, of Grove Hill, Ala.; Arthur E. Friedland, of New York City; Samuel Silverman, of New York City; Theodore R. Gillenwaters, of Los Angeles, Calif.; Frank Joseph Gollins, of Decatur, Ill.; Jonathan Bertolet Hillegass, of Norristown, Pa.; William Joseph Moran, Jr., of Norristown, Pa.; and Edgar Turlington, of Washington, D. C., were admitted to practice.

No. 325. Frederick Rodiek, Ancillary Executor, etc., petitioner, *v.* The United States of America et al. Argument continued by Mr. Sherwood E. Silliman for the petitioner; by Mr. Assistant Attorney General Shea for the respondents and concluded by Mr. Sherwood E. Silliman for the petitioner.

No. 332. The Williams Manufacturing Company, petitioner, *v.* United Shoe Machinery Corporation. Argued by Mr. H. A. Toulmin, Jr., for the petitioner and by Mr. Harrison F. Lyman for the respondent.

Adjourned until Monday, February 16, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Byrnes, and Mr. Justice Jackson.

Marvin J. Coles, of New York City; Joseph Chandler Burton, of Birmingham, Ala.; Sol H. Shapiro, of Malden, Mass.; Fergus Belanger, of Washington, D. C.; Claude Bayles Mickelwait, of San Francisco, Calif.; Daniel M. Schuyler, of Chicago, Ill.; Paul W. Rion, of Dayton, Ohio; Robert A. Shapiro, of Dayton, Ohio; Franklin Riter, or Salt Lake City, Utah; Harold M. Platt, of Southampton, N. Y.; William C. Shipley, of Albuquerque, N. Mex.; E. Greig Scott, of Phoenix, Ariz.; Allen L. Gray, of St. Paul, Minn.; and Frederick J. Moses, of New York City, were admitted to practice.

No. 81. Julian Riley and Hughes Spalding, Executors of the estate of Julia M. Hungerford, deceased, petitioners, *v.* The New York Trust Company, Administrator C. T. A. of the estate of Julia M. Hungerford, deceased, et al. On writ of certiorari to the Supreme Court of the State of Delaware. Judgment affirmed with costs. Opinion by Mr. Justice Reed. Concurring opinion by Mr. Chief Justice Stone in which Mr. Justice Frankfurter and Mr. Justice Jackson join.

No. 8. The United States of America, *v.* Bethlehem Steel Corporation, Bethlehem Shipbuilding Corporation, Ltd., Bethlehem Steel Company et al.; and

No. 9. United States Shipping Board Merchant Fleet Corporation, petitioner, *v.* Bethlehem Shipbuilding Corporation, Ltd. On writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgments affirmed and cases remanded to the District Court of the United States for the Eastern District of Pennsylvania. Opinion by Mr. Justice Black announced by Mr. Justice Reed. The Chief Justice, Mr. Justice Roberts, and Mr. Justice Jackson took no part in the decision of these cases. Concurring opinion by Mr. Justice Murphy. Dissenting opinion by Mr. Justice Frankfurter. Separate opinion by Mr. Justice Douglas for reversal of the judgments below.

No. 161. Clarence A. Stewart, Administrator of the Estate of John R. Stewart, deceased, petitioner, *v.* Southern Railway Company. 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 Circuit Court of Appeals for further proceedings in

conformity with the opinion of this Court. Opinion by Mr. Justice Roberts. Dissenting opinion by Mr. Justice Black in which Mr. Justice Reed, Mr. Justice Douglas, and Mr. Justice Murphy join.

No. 179. Alexander MacGregor, Jr., Executor of the Estate of Alexander MacGregor, deceased, petitioner, *v.* State Mutual Life Assurance Company of Worcester, Massachusetts. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Eastern District of Michigan. Opinion, *per curiam*, announced by Mr. Chief Justice Stone.

No. 188. National Labor Relations Board, petitioner, *v.* Automotive Maintenance Machinery Company. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment reversed and cause remanded to the Circuit Court of Appeals with directions to enforce the Board's order in full, but with the modification proposed by the Board to conform to the decision in Republic Steel Corp'n *v.* Labor Board, 311 U. S. 7. Opinion, *per curiam*, announced by Mr. Chief Justice Stone. The Chief Justice and Mr. Justice Roberts are of opinion that the order as modified should be enforced except with respect to the alleged discriminatory discharges of Warner, Jr., and Jordan, which they think are without the support of substantial evidence. Mr. Justice Jackson took no part in the consideration or decision of this case.

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. 907. The Citizens National Bank of Kirksville, Missouri, petitioner, *v.* Commissioner of Internal Revenue. Time within which to file brief for the respondent in opposition to the petition for writ of certiorari extended to and including March 19, next.

No. 860. The United States of America, *ex rel.* Louis Mainieri, alias Louis Grubbe, etc., petitioner, *v.* People of the State of New York. On petition for writ of certiorari to the Court of Appeals of the State of New York; and

No. 888. The People of the State of New York, *ex rel.* Stanley Smith, petitioner, *v.* William Hunt, as Warden of Attica State Prison, Attica, 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. 848. Mary W. Stewart et al., petitioners, *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. 830. The Seminole Nation, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims granted and case assigned for argument immediately following No. 348.

No. 837. Smith Betts, petitioner, *v.* Patrick J. Brady, Warden, etc. Petition for writ of certiorari to Carroll T. Bond, a Judge of the State of Maryland, being a judge of the Court of Appeals of Maryland from the City of Baltimore granted. Counsel are requested on the argument of this case to discuss the jurisdiction of this Court, particularly (1) whether the decision below is that of a court within the meaning of section 237 of the Judicial Code, and (2) whether state remedies, either by appeal or by application to other judges or any other state court, have been exhausted.

No. 939. The Overnight Motor Transportation Company, Inc., petitioner, *v.* William H. Missel. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted and case assigned for argument immediately following No. 622. The motion of respondent for leave to proceed *in forma pauperis* is granted.

No. 862. Pennsylvania Water & Power Company, petitioner, *v.* Federal Power Commission. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied. Mr. Justice Frankfurter took no part in the consideration or decision of this application.

No. 821. Thomas D. Aiken, Tillie Davenport, et al., petitioners, *v.* Samuel Insull, Jr., Philip J. McEnroe, et al.; and

No. 822. DeMet's, Incorporated, and Robert E. Wood, petitioners, *v.* Samuel Insull, Jr., C. W. Sills, et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 823. Samuel Insull, Jr., et al., petitioners, *v.* Thomas D. Aiken et al.;

No. 824. Samuel Insull, Jr., et al., petitioners, *v.* DeMet's, Incorporated; and

No. 827. Stanley Field, petitioner, *v.* DeMet's, Incorporated. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 834. Wilbur E. Dow, petitioner, *v.* Harold L. Ickes, Secretary of the Interior et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 853. Robert P. Shick, petitioner, *v.* William A. Goodman, Trustee of Harry M. Albright, Bankrupt. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 861. United Services Automobile Association, petitioner, *v.* Katherine Harman et al. Petition for writ of certiorari to the Court of Civil Appeals, 4th Supreme Judicial District, State of Texas, denied.

No. 867. Nathan Herzog and Emanuel Herzog, Individually, etc., petitioners, *v.* Jack Dorman, Trustee. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. —, original. *Ex parte* Stanley B. Peplowski, petitioner; and

No. 710. George D. Templeton, on behalf of George Douglas Templeton, Jr., appellant, *v.* State of California. Petitions for rehearing denied.

No. 32. Alfred E. Roth, petitioner, *v.* The United States of America. Petition for rehearing denied. Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 67. Southport Petroleum Company, petitioner, *v.* National Labor Relations Board; and

No. 756. J. L. Stewart, petitioner, *v.* T. W. Davidson, Judge, etc. Petitions for rehearing denied. Mr. Justice Roberts took no part in the consideration or decision of these applications.

No. 792. Sallie Essary, Executrix, etc., petitioner, *v.* Frank O. Lowden et al., Trustees, etc., et al. The motion for leave to file petition for rehearing is granted. The petition for rehearing is denied. Mr. Justice Roberts took no part in the consideration or decision of these applications.

No. 813. William R. Skidmore, petitioner, *v.* The United States of America. Petition for rehearing denied. Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 738. The United States of America, petitioner, *v.* Elizabeth Kerr, Administratrix, etc. Death of Elizabeth Kerr suggested and Citizens Loan & Trust Co., administrator de bonis non of the estate of Joseph Kelly Kerr, deceased, substituted as the party respondent

herein, per stipulation of counsel, on motion of Mr. Solicitor General Fahy in that behalf.

No. 745. The Schenectady Union Publishing Company, petitioner, v. Martin L. Sweeney. Motion for leave to file brief of American Jewish Committee, the B'nai B'rith, the Jewish Labor Committee, and the American Jewish Congress, as *amici curiae*, submitted by Mr. Henry H. Nordlinger in that behalf.

Adjourned until Monday, March 2, next, at 12 o'clock.

The day call for Monday, March 2, will be as follows: Nos. 252, 508, 318, 505, 532, 535, 558, 581 (and 582), 588 and 589.

SUPREME COURT OF THE UNITED STATES

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

Robert E. Mitchell, of Washington, D. C.; Henry Peyton Kucera, of Dallas, Tex.; Chas. C. Wine, of Texarkana, Ark.; Paul Washington Crutchfield, of Decatur, Ga.; Eugene Cotton, of Washington, D. C.; Sidney S. Hein, of Far Rockaway, N. Y.; Jonathan H. Lookadoo, of Arkadelphia, Ark.; Irl B. Rosenblum, of Saint Louis, Mo.; Wm. J. Kirby, of Little Rock, Ark.; Bingham W. Zellmer, of Cleveland, Ohio; Florence E. Coughlin, of Philadelphia, Pa.; Nathan J. Felsenberg, of Baltimore, Md.; John J. Carmody, of Painesville, Ohio; Ira L. Shapiro, of Chicago, Ill.; Max M. Batzer, of Philadelphia, Pa.; George Alexander Koplów, of Sioux Falls, S. Dak.; Emil Schlesinger, of New York City; and John F. X. Finn, of New York City, were admitted to practice.

No. 238. The United States of America, petitioner, *v.* State of New York; and

No. 251. State of New York, petitioner, *v.* The United States of America. On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment of the Circuit Court of Appeals reversed with respect to the claim under title VIII of the Social Security Act, but otherwise affirmed, and case remanded to the District Court of the United States for the Western District of New York to permit the reinstatement of the judgment of that court. Opinion by Mr. Justice Byrnes.

No. 131. The United States of America, petitioner, *v.* Local 807 of International Brotherhood of Teamsters, Chauffeurs, Stablemen and Helpers of America et al.; and

No. 132. Local 807 of International Brotherhood of Teamsters, Chauffeurs, Stablemen and Helpers of America et al., petitioners, *v.* The United States of America. On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed and cases remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Byrnes. Mr. Justice Roberts and Mr. Justice Jackson took no part

in the consideration or decision of these cases. Dissenting opinion by Mr. Chief Justice Stone.

No. 206. D'Oench, Duhme & Co., Inc., petitioner, *v.* Federal Deposit Insurance Corporation. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Eastern District of Missouri. Opinion by Mr. Justice Douglas. Mr. Justice Roberts did not participate in the consideration or decision of this case. Opinion by Mr. Justice Frankfurter concurring in the result in which the Chief Justice joins. Concurring opinion by Mr. Justice Jackson.

No. 197. The United States of America and Interstate Commerce Commission, appellants, *v.* Carolina Freight Carriers Corporation. Appeal from the District Court of the United States for the Western District of North Carolina. Judgment affirmed. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Jackson in which Mr. Justice Frankfurter joins.

No. 210. Howard Hall Company, Inc., appellant, *v.* The United States of America and Interstate Commerce Commission. Appeal from the District Court of the United States for the Northern District of Alabama. Decree reversed and cause remanded to the said District Court with directions to remand to the Interstate Commerce Commission so that the basic or essential findings required under the rule of *Florida v. United States*, 282 U. S. 194, 215, may be made. Opinion by Mr. Justice Douglas. Dissenting: Mr. Justice Frankfurter and Mr. Justice Jackson.

No. 283. Butler Brothers, appellant, *v.* Charles J. McColgan, as Franchise Tax Commissioner of the State of California. Appeal from the Supreme Court of the State of California. Judgment affirmed with costs. Opinion by Mr. Justice Douglas.

No. 64. Clyde Hysler, petitioner, *v.* The State of Florida. On writ of certiorari to the Supreme Court of the State of Florida. Judgment affirmed. Opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas and Mr. Justice Murphy concur.

No. 124. Hotel & Restaurant Employee's International Alliance, Local No. 122, et al., petitioners, *v.* Wisconsin Employment Relations Board et al. On writ of certiorari to the Supreme Court of the State of Wisconsin. Judgment affirmed with costs. Opinion by Mr. Justice Frankfurter. Mr. Justice Roberts took no part in the consideration or decision of this case.

No. 139. Charles M. Thomson, Trustee for Property of Chicago & Northwestern Railway Company, et al., petitioners, *v.* Barney E.

Gaskill 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 District of Nebraska without prejudice to an application for leave to amend the bill of complaint. Opinion by Mr. Justice Frankfurter. Mr. Justice Roberts took no part in the consideration or decision of this case.

No. 112. C. L. Williams, Individually and as Duly Appointed and Authorized Agent and Representative of Herbert Aiken, et al., petitioners *v.* Jacksonville Terminal Company; and

No. 1023, October Term, 1940. A. J. Pickett, General Chairman of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, etc., petitioner, *v.* The Union Terminal Company. On writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgments affirmed with costs and cases remanded to the District Courts of the United States for the Southern District of Florida and Northern District of Texas respectively. Opinion by Mr. Justice Reed. Mr. Justice Roberts took no part in the consideration or decision of these cases. Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas and Mr. Justice Murphy concur.

No. 223. Interstate Commerce Commission and The Pacific Electric Railway Company, appellants, *v.* Railway Labor Executives Association and Brotherhood of Railroad Trainmen. Appeal from the District Court of the United States for the District of Columbia. Judgment affirmed. Opinion by Mr. Justice Black.

No. 803. Steuart Purcell, Edmund H. Budnitz, and Arthur H. Brice, Constituting The Public Service Commission of Maryland, et al., appellants, *v.* The United States of America, The Confluence and Oakland Railroad Company, et al. Appeal from the District Court of the United States for the District of Maryland. Judgment affirmed. Opinion by Mr. Justice Black.

No. 245. Cudahy Packing Company of Louisiana, Ltd., petitioner, *v.* Thomas W. Holland, Administrator of the Wage and Hour Division, United States Department of Labor. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment reversed and cause remanded to the District Court of the United States for the Eastern District of Louisiana for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Stone. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black, Mr. Justice Byrnes and Mr. Justice Jackson join.

The Chief Justice announced the following orders of the Court :

No. 325. Frederick Rodiek, Ancillary Executor of the Estate of Johann Friedrich Hackfeld, Deceased, petitioner *v.* The United States of America et al. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. *Per curiam*: The judgment is affirmed by an equally divided Court. The Chief Justice, Mr. Justice Murphy, and Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 529. Thomas W. Holland, Administrator, Wage and Hour Division, United States Department of Labor, petitioner, *v.* Lowell Sun Company. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. *Per curiam*: The judgment is affirmed by an equally divided Court. Mr. Justice Murphy took no part in the consideration or decision of this case.

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. 2. Martin J. Bernards and Lena Bernards, petitioners, *v.* M. R. Johnson, Catherine Collins, et al. The motion to recall the mandate is denied.

No. 745. The Schenectady Union Publishing Company, petitioner, *v.* Martin L. Sweeney. The motion for leave to file brief of American Jewish Committee, the B'nai B'rith, the Jewish Labor Committee, and the American Jewish Congress, as *amici curiae* is granted. Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 789. The United States of America, ex rel. Boyd L. Kithcart, petitioner, *v.* Hon. A. K. Gardner et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit;

No. 809. Jennie Summers, petitioner, *v.* Paul Rice and Mabel Rice. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit;

No. 884. Ted Rogoway, petitioner, *v.* The Warden, United States Penitentiary, McNeil Island, Washington. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit;

No. 891. W. C. Welch, petitioner, *v.* The State of Texas. On petition for writ of certiorari to the Court of Criminal Appeals, of the State of Texas;

No. 890. John M. Minnec, petitioner, *v.* Robert H. Hudspeth, Warden, United States Penitentiary, Leavenworth, Kansas. On peti-

tion for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit; and

No. 909. Thomas J. Adams, petitioner, *v.* The 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. 829. Dora Brady and Lucinda Watashe, petitioners, *v.* Annie Beams, Melviney Barnett Ditzler, et al.;

No. 846. Joe H. Tiger et al., petitioners, *v.* Annie Beams et al.;

No. 847. Charles Barnett, Pelo Deere, et al., petitioners, *v.* Susie Connor et al.;

No. 850. Bennie Barnett Scott, petitioner, *v.* Annie Beams, Melviney Barnett Ditzler et al.; and

No. 906. Rosa Allen et al., petitioners, *v.* Annie Beams et al. On petition for writs of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. In No. 846 the motion to consider the petition for certiorari on a typewritten record is granted. The petition for writ of certiorari is denied. In Nos. 829, 847, 850, and 906, the motions for leave to proceed further *in forma pauperis* are denied for the reason that the Court, upon examination of the papers submitted, finds no ground upon which writs of certiorari should be issued. The petitions for writs of certiorari are therefore also denied.

No. 912. Max Weber, petitioner, *v.* P. J. Squier, Warden, U. S. Penitentiary, McNeil Island, Washington. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. The petition for writ of certiorari is denied on the ground that the cause is moot, it appearing that petitioner has been released upon order of the United States Board of Parole and that he is no longer in the respondent's custody. The motion for leave to proceed further herein *in forma pauperis* is therefore also denied.

No. 927. Northern Pacific Railway Company and Great Northern Railway Company, appellants, *v.* The United States of America, et al. In this case probable jurisdiction is noted.

No. 872. State of Georgia, petitioner, *v.* Hiram W. Evans, John W. Greer, Jr., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 910. A. B. Kirschbaum Company, 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 Third Circuit granted.

No. 845. The United States, petitioner, *v.* Consumers Paper Company. Petition for writ of certiorari to the Court of Claims granted.

No. 924. Arsenal Building Corporation and Spear & Co., Inc., petitioners, *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 Second Circuit granted.

No. 904. A. M. Landman, Superintendent of the Five Civilized Tribes, etc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied. Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 894. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* R. A. Sprouse. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied. Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Murphy are of opinion that the petition for writ of certiorari should be granted.

No. 843. Emiliano Benavides, petitioner, *v.* State of Texas. Petition for writ of certiorari to the Court of Criminal Appeals of the State of Texas denied.

No. 854. W. T. Stewart, Trustee etc., et al.; petitioners, *v.* J. P. Dyar. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 863. I. B. Melville and H. G. Day, as Trustees etc., et al., petitioners, *v.* Arthur Weybrew, Elmer L. Ouderkirk, et al. Petition for writ of certiorari to the Supreme Court of the State of Colorado denied.

No. 866. L. L. Skaggs, 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. 870. Samuel Bernstein, 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. 871. Philip W. Pelts, petitioner, *v.* Reconstruction Finance Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 873. Affiliated Enterprises, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 874. Chester Chianese, 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. 886. United Block Company, Inc., 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. 892. Hazeltine Corporation, petitioner, *v.* The Crosley Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 893. United States Gypsum Company, petitioner, *v.* Dominic Galeota. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 897. Terminal Railroad Association of St. Louis, petitioner, *v.* Alice Benner, Administratrix, etc. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 902. Harry C. Barker, petitioner, *v.* Morris J. Levin, Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 849. Jacob Novick, 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. 889. Lois G. Larson, also known as L. G. Larson, etc., petitioner, *v.* Jack Lane, Trustee, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 895. Puget Sound Power & Light Company and Old Colony Trust Company, petitioners, *v.* Public Utility District No. 1 of Whatcom County, a municipal corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 899. Perry L. Davis and Claude C. Bledsoe, petitioners, *v.* The State of Iowa. Petition for writ of certiorari to the Supreme Court of the State of Iowa denied.

No. 901. George Pitts, petitioner, *v.* Fred G. Drummond. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma denied.

No. 905. Keystone Automobile Club Casualty Company 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. 908. New York & Long Branch Railroad Company, petitioner, *v.* Thomas M. Fury. Petition for writ of certiorari to the Monmouth County Court of Common Pleas, State of New Jersey, denied.

No. 915. Mary Lois McIntosh, petitioner, *v.* Ella L. Wiggins. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 916. Eugene Tuttle, et al., petitioners, *v.* James C. Bell, County Treasurer, etc. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 154. Exhibit Supply Company, petitioner, *v.* Ace Patents Corporation;

No. 155. Genco, Inc., petitioner, *v.* Ace Patents Corporation;

No. 156. Chicago Coin Machine Company, petitioner, *v.* Ace Patents Corporation. Petition for rehearing denied. Mr. Justice Roberts took no part in the consideration or decision of this application.

No. —, original. Herbert N. DeWolfe, complainant, *v.* The State of California;

No. —, original. *Ex parte* Robert G. Errington, petitioner;

No. 868. Lewis Black, Samuel Blumenberg, et al., appellants, *v.* The People of the State of California. Petitions for rehearing denied.

No. 810. Frank J. Boehm, petitioner, *v.* The United States of America. Petition for rehearing denied. Mr. Justice Douglas and Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 745. The Schenectady Union Publishing Company, petitioner, *v.* Martin L. Sweeney. Motion for leave to file brief of American Civil Liberties Union as *amicus curiae* submitted by Mr. Sol M. Alpher, in that behalf.

No. 945. Hartford Fire Insurance Company, petitioner, *v.* Martin Leithauser, as Administrator, etc. Time within which to file brief for the respondent in opposition to the petition for writ of certiorari extended to and including March 26th next, on motion of counsel for the respondent.

No. 983. Udox H. Hankins, Receiver, etc., petitioner, *v.* The United States of America. Time within which to make service under the provisions of rule 38, paragraph 3, extended to and including March 30 next, on motion of Mr. Frank J. Looney for the petitioner.

No. 252. Allen-Bradley Local No. 1111, United Electrical, Radio, and Machine Workers of America, et al., appellants, *v.* Wisconsin

Employment Relations Board and Allen-Bradley Company. Argument commenced by Mr. Max E. Geline for the appellants; continued by Mr. N. S. Boardman and Mr. Leo Mann for the appellees; and concluded by Mr. Eugene Cotton for the appellants.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, March 3, will be as follows: Nos. 508, 318, 505, 532, 535, 581 (and 582), 588, 558, 589, and 499.

SUPREME COURT OF THE UNITED STATES

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

Jack Comer, of Knoxville, Tenn.; Bentley M. McMullin, of Denver, Colo.; Joseph Warren, Jr., of Brookline, Mass.; Herman W. Klausner, of Jersey City, N. J.; Harry E. Boe, of Chicago, Ill.; Francis Goodall McDonald, of Hillsboro, Tex.; Daniel J. Schrull, of Philadelphia, Pa.; Robert E. Friedman, of New Orleans, La.; Roland Rice, of Washington, D. C.; Floyd Edward Hoffmann, of San Mateo, Calif.; Harold E. Schweitzer, of Los Angeles, Calif.; and Wm. L. Greenbaum, of Newark, N. J., were admitted to practice.

No. 508. *Scripps-Howard Radio, Inc. v. Federal Communications Commission*. Argued by Mr. Paul M. Segal for Scripps-Howard Radio, Inc., and by Mr. Thomas E. Harris for the Federal Communications Commission.

No. 318. *Sampson Tulee, appellant, v. State of Washington*. Argued by Mr. Nathan R. Margold for the appellant and by Mr. T. H. Little for the appellee.

No. 505. *Lester A. Crancer et al., Copartners, etc., et al., petitioners, v. Frank O. Lowden et al., Trustees etc.* Argument commenced by Mr. Irl B. Rosenblum for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, March 4, will be as follows: Nos. 505, 532, 535, 581 (and 582), 588, 558, 589, 499, 595, and 523.

SUPREME COURT OF THE UNITED STATES

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

Jesse R. Fillman, of New York City; Whitworth Stokes, of Nashville, Tenn.; and William F. Fratcher, of Detroit, Mich., were admitted to practice.

No. 505. Lester A. Crancer et al., copartners, etc., et al., petitioners, v. Frank O. Lowden et al., Trustees, etc. Argument continued by Mr. Irl B. Rosenblum for the petitioners; by Mr. Hale Houts for the respondents; and concluded by Mr. Irl B. Rosenblum for the petitioners.

No. 532. Blake Centers, petitioner, v. Joseph W. Sanford, Warden, etc. Argued by Mr. Paul Crutchfield for the petitioner and by Mr. Herbert Wechsler for the respondent.

No. 535. Gregg Cartage & Storage Company et al., appellants, v. The United States of America et al. Argued by Mr. Howell Leuck and Mr. H. Russell Bishop for the appellants and by Mr. James C. Wilson for the appellees.

No. 581. Adolph B. Spreckels, petitioner, v. Commissioner of Internal Revenue; and

No. 582. Adolph B. Spreckels, petitioner, v. Commissioner of Internal Revenue. Argument commenced by Mr. Walter Slack for the petitioner and continued by Mr. Thomas M. Wilkins for the petitioner and by Mr. Arnold Raum for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, March 5, will be as follows: Nos. 581 (and 582), 588, 558, 589, 499, 595, 523, 600, 601, and 648.

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SUPREME COURT OF THE UNITED STATES

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

Morris L. Forer, of Trenton, N. J.; Wilbur A. Osterling, of Washington, D. C.; Frederic Wingersky, of Boston, Mass.; Charles V. Shannon, of Washington, D. C.; and H. D. Addison, of Wayne, Nebr., were admitted to practice.

No. 280. Rosco Jones, petitioner, *v.* City of Opelika. Time within which to file petition for rehearing extended to and including April 20 next, and mandate stayed on motion of Mr. Hayden Covington for the petitioner.

No. 581. Adolph B. Spreckels, petitioner, *v.* Commissioner of Internal Revenue; and

No. 582. Adolph B. Spreckels, petitioner, *v.* Commissioner of Internal Revenue. Argument continued by Mr. Arnold Raum for the respondent and concluded by Mr. Walter Slack for the petitioner.

No. 588. National Labor Relations Board, petitioner, *v.* Electric Vacuum Cleaner Company, Inc., et al. Argued by Mr. Robert B. Watts for the petitioner; by Lawrence C. Spieth for the respondent, Electric Vacuum Cleaner Co., Inc.; and by Mr. Herbert S. Thatcher for the respondent, International Molders' Union of North America, Local 430, et al.

No. 558. The United States of America, appellant, *v.* Dennis Malphurs et al. Argument commenced by Mr. Herbert Wechsler for the appellant and continued by Mr. John L. Graham for the appellees.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, March 6, will be as follows: Nos. 558, 589, 499, 595, 523, 600, 601, 648, 990, October Term, 1940, and 658.

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SUPREME COURT OF THE UNITED STATES

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

Albert Sidney Johnston, Jr., of Biloxi, Miss.; Arthur Frankel, of Chicago, Ill.; Hilda Marie Gowen, of Washington, D. C.; Thomas F. Gowen, of Washington, D. C.; Leo Brady, of New York City; William G. Stigler, of Stigler, Okla.; James K. Smith, of Commerce, Tex.; Irwin L. Tappen, of New York City; Max Goldenthal, of West Hartford, Conn.; Herman Seid, of New York City; and George L. Griffin, of Chicago, Ill., were admitted to practice.

No. 558. The United States of America, appellant, *v.* Dennis Malphurs et al. Argument concluded by Mr. Francis P. Whitehair for the appellees.

No. 589. William Jacob, petitioner, *v.* The City of New York. Argued by Mr. Dominick Blasi for the petitioner and by Mr. Alfred T. White for the respondent.

No. 499. Memphis Natural Gas Company, appellant, *v.* Roy H. Beeler, Attorney General of the State of Tennessee, et al. Argued by Mr. Walter P. Armstrong for the appellant and by Mr. Whitworth Stokes and Mr. Lewis S. Pope for the appellees.

No. 595. Swift and Company et al., appellants, *v.* The United States of America et al. Argument commenced by Mr. Ross Dean Rynder for appellants, Swift & Co. et al.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 9, will be as follows: Nos. 595, 523, 600, 601, 648, 990, October Term, 1940, 658, 665, 604, and 814.

SUPREME COURT OF THE UNITED STATES

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

J. Howard Marshall, of San Francisco, Calif.; Robert L. Hyder, of West Plains, Mo.; Byron Clayton, of West Orange, N. J.; Charles P. Dickinson, of Orlando, Fla.; Edward D. Lucas, of Petersburg, Va.; Christian H. Bonnin, of New York City; Garfield O. Anderson, of Salt Lake City, Utah; John E. Lawyer, of Washington, D. C.; Francis S. Appleby, of New York City; John B. Coman, of New York City; and Charles S. Cutler, of New York City were admitted to practice.

No. 321. Stonite Products Company, petitioner, *v.* The Melvin Lloyd Company, and J. A. Zurn Mfg. Co. 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 District Court of the United States for the Western District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Murphy.

No. 255. Walter Chaplinsky, appellant, *v.* State of New Hampshire. Appeal from the Supreme Court of the State of New Hampshire. Judgment affirmed with costs. Opinion by Mr. Justice Murphy.

No. 306. Josephine S. Pearce, 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 Douglas. Dissenting opinion by Mr. Justice Frankfurter in which the Chief Justice joins.

The Chief Justice announced the following orders of the Court:

No. 161. Clarence A. Stewart, Administrator etc., petitioner, *v.* Southern Railway Company. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. *Per curiam*: Upon petition for rehearing, it appearing that the case has been

settled, the petition is granted and the judgment entered February 16, 1942, is vacated. The judgment of the Circuit Court of Appeals is reversed with costs and the case is remanded to the District Court with directions to dismiss the suit as moot.

No. 532. Blake Centers, petitioners, *v.* Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. *Per Curiam*: Upon consent of the Government, the judgment below is vacated and the case is remanded to the District court with permission to both parties to reopen the case for the purpose of taking further evidence with respect to all issues in the case, and for findings on those issues, including whether petitioner consulted with appointed counsel, whether such counsel appeared in court with him, or whether he waived such consultation or appearance, and whether he understood the charge to which he pleaded guilty.

No. 805. The Cudahy Packing Company, petitioner, *v.* Thomas W. Holland, Administrator of the Wage and Hour Division, United States Department of Labor. 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. The judgment is reversed on the authority of *Cudahy Packing Co. of Louisiana v. Holland*, No. 245, decided March 2, 1942. Mr. Justice Murphy took no part in the consideration or decision of this case.

No. 967. Theresa McSweeney, appellant, *v.* Equitable Trust Company. Appeal from the Court of Errors and Appeals of the State of New Jersey. *Per curiam*: The motion to dismiss the appeal is granted and the appeal is dismissed for the reason that the judgment was based upon a nonfederal ground adequate to support it. *Enterprise Irrig. Dist. v. Canal Co.*, 243 U. S. 157; *Utley v. St. Petersburg*, 292 U. S. 106, 111-112.

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 Daniel P. Doyle, petitioner; and

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

No. 745. The Schenectady Union Publishing Company, petitioner, *v.* Martin L. Sweeney. The motion for leave to file brief of American Civil Liberties Union as *amicus curiae* is granted.

No. 903. Robert L. Peyton, petitioner, *v.* Railway Express Agency, Inc., et al. 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 Fifth Circuit is also granted.

No. 913. American Chicle Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims granted.

No. 644. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Cement Investors, Inc.;

No. 645. Guy T. Helvering, Commissioner of Internal Revenue, petitioner *v.* James Q. Newton Trust; and

No. 646. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* James Q. Newton, Jr. The petitions for rehearing are granted. The orders denying certiorari are vacated and the petitions for writs of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit are granted.

No. 835. J. A. Zachariassen & Co., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied. Mr. Justice Reed took no part in the consideration or decision of this application.

No. 900. John E. Sheridan and Leo A. Crossen, Trustees, etc., et al., petitioners, *v.* Walter J. Rothensies, Collector of Internal Revenue, First Collection District of Pennsylvania. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 921. Black Diamond Lines, Inc., petitioner, *v.* United States Navigation Co., Inc.; and

No. 922. Black Diamond Lines, Inc., petitioner, *v.* United States Navigation Co., Inc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 944. Inter-Ocean Casualty Company, petitioner, *v.* Bessie Brockman. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 911. Bull Steamship Lines, Inc., petitioner, *v.* Guy A. Thompson, Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 28. Cloverleaf Butter Company, petitioner, *v.* Haygood Paterson, as Commissioner of Agriculture and Industries of the State of Alabama, et al. The opinion of February 2, 1942, is amended as follows:

On page 4, line 5, strike out the words "comes under" and substitute therefor the words "is subject to."

On page 14, line 15, strike out the word "watches" and substitute therefor the words "has authority to watch."

On page 15, line 7, strike out the word "subjected" and substitute therefor the word "subject."

On page 15, lines 7 and 8, strike out the word "continuous."

Respondents' petition for rehearing is denied.

No. 286. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Southwest Consolidated Corporation. Petition for rehearing denied. Mr. Justice Roberts took no part in the consideration or decision of this application.

No. 780. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* New Haven and Shore Line Railway Company, Inc.;

No. 786. Milton Roe Sabin and Bertha Florence Sabin, petitioners, *v.* Home Owners' Loan; and

No. 811. Solomon G. Salomon, petitioner, *v.* Van S. Merle-Smith et al. Petitions for rehearing denied.

ORDER

The Court will take a recess from Monday, March 16, until Monday, March 30, next.

No. 622. Thomas W. Holland, Administrator etc., petitioner, *v.* A. H. Belo Corporation. L. Metcalfe Walling, present administrator of the Wage and Hour Division, United States Department of Labor, substituted as the party petitioner in the place and stead of Thomas W. Holland, resigned, on motion of Mr. Solicitor General Fahy for the petitioner.

No. 745. The Schenectady Union Publishing Company, petitioner, *v.* Martin L. Sweeney. Motion of New York State Publishers Association for leave to file brief as *amicus curiae* submitted by Mr. George C. Vournas in that behalf.

No. —, original. Ex parte Martin Wohl et al., petitioners. Motion for leave to file petition for writ of prohibition presented.

No. 595. Swift and Company et al., appellants, *v.* The United States of America et al. Argument continued by Mr. Ross Dean Rynder for the appellant Swift Co. et al.; by Mr. Hugh B. Cox for the appellees United States and Interstate Commerce Commission; by Mr. Douglas F. Smith for the appellees, The Alton R. R. Co. et al.; and concluded by Mr. Paul E. Blanchard for the appellant, Armour & Co.

No. 523. Louis Weber, petitioner, *v.* The United States of America. Argued by Mr. Archibald Cox for the respondent and case submitted by Mr. A. L. Wirin for the petitioner.

No. 600. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Safe Deposit and Trust Company of Baltimore, Trustee etc., et al. Argued by Mr. Assistant Attorney General Clark for the petitioner and by Mr. Charles McH. Howard for the respondent.

No. 601. M. Hampton Magruder, Collector of Internal Revenue, petitioner, *v.* Washington, Baltimore and Annapolis Realty Corporation. Argument commenced by Mr. Robert L. Stern for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, March 10, will be as follows: Nos. 601, 648, 990, October Term, 1940, 658, 665, 604, 814, 500, 680, and 706.

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SUPREME COURT OF THE UNITED STATES

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

Jack R. Kirchik, of Miami, Fla.; Henry T. Kilburn, of New York City; Russell H. Fluent, of Seattle, Wash.; Chas. W. Briggs, of Saint Paul, Minn.; William Henry Buntin, of Norfolk, Va.; and John W. Cavanaugh, of Chicago, Ill., were admitted to practice.

No. 852. Mitchell Clifton Anderson et al., petitioners, *v.* The United States of America. Time within which to file brief for the respondent in opposition to the petition for writ of certiorari extended to and including March 26 next, on motion of Mr. Solicitor General Fahy for the respondent.

No. 601. M. Hampton Magruder, Collector of Internal Revenue, petitioner, *v.* Washington, Baltimore and Annapolis Realty Corporation. Argument continued by Mr. Robert L. Stern for the petitioner; by Mr. Richard F. Cleveland and Mr. Ambler H. Moss for the respondent; and concluded by Mr. Robert L. Stern for the petitioner.

No. 648. Pecheur Lozenge Co., Inc., petitioner, *v.* National Candy Company, Inc. Argued by Mr. Alfred J. L'Heureux for the petitioner and by Mr. James D. Carpenter, Jr., for the respondent.

No. 990, October Term, 1940. The United States, petitioner, *v.* Nunnally Investment Company. Argument commenced by Mr. Arnold Raum for the petitioner and continued by Mr. W. A. Sutherland for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, March 11, will be as follows Nos. 990, October Term, 1940, 658, 665, 604, 814, 500, 680, 706, 707, and 720.

SUPREME COURT OF THE UNITED STATES

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

Everett J. Brown, Jr., of Oakland, Calif.; James W. Foley, of San Jose, Calif.; Ralph Winkler, of Scranton, Pa.; Toland C. McGettigan, of Santa Rosa, Calif.; Joseph H. Broderick, of New York City; Edward Levin, of San Francisco, Calif.; George R. Larwill, of Los Angeles, Calif.; Thomas A. Ryan, of New York City; and Thomas Cifelli, Jr., of Bloomfield, N. J., were admitted to practice.

No. 990, October Term, 1940. The United States, petitioner, *v.* Nunnally Investment Company. Argument continued by Mr. W. A. Sutherland for the respondent and concluded by Mr. Arnold Raum for the petitioner.

No. 658. United States of America, to the use of Noland Company, Inc., petitioner, *v.* Alexander D. Irwin et al., etc. Argued by Mr. Alexander M. Heron for the petitioner and by Mr. Prentice E. Edrington for the respondents.

No. 665. Harriett V. Pence, petitioner, *v.* The United States of America. Argument commenced by Mr. William B. Collins for the petitioner and continued by Mr. Richard H. DeMuth for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, March 12, will be as follows: Nos. 665, 604, 814, 500, 680, and 707.

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SUPREME COURT OF THE UNITED STATES

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

Robert Edward Dickman, of Lincoln, Nebr.; Rudolph J. Jurick, of Union, N. J.; and Hugh D. Glisson, of Portsmouth, Va., were admitted to practice.

No. 665. Harriett V. Pence, petitioner, *v.* The United States of America. Argument continued by Mr. Richard H. Demuth for the respondent and concluded by Mr. William B. Collins for the petitioner.

No. 604. Mark Graves et al., as Commissioners, etc., petitioners, *v.* Carl J. Schmidlapp and Elizabeth E. Gorrie, as Executors, etc. Argued by Mr. Mortimer M. Kassell for the petitioners and by Mr. Thomas A. Ryan for the respondents.

No. 814. The State Tax Commission of Utah, petitioner, *v.* Malcolm P. Aldrich and Mary S. Harkness, Administrators, etc. Argument commenced by Mr. J. Lambert Gibson for the petitioner; continued by Mr. Garfield O. Anderson for the petitioner, and by Mr. Melber Chambers for the respondents; and concluded by Mr. Garfield O. Anderson for the petitioner.

No. 500. The United States of America upon the relation of and for the use of The Tennessee Valley Authority, petitioner, *v.* W. P. N. Powelson, Assignee etc., et al. Argument commenced by Mr. William C. Fitts, Jr., for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, March 13, will be as follows: Nos. 500 and 680.

SUPREME COURT OF THE UNITED STATES

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

Giles Henry Penstone, of Chicago, Ill.; Harry Price, of Washington, D. C.; Fleet Cooper Hathorn, Jr., of Hattiesburg, Miss.; Ludwig M. Wilson, of New York City; Mitchell Salem Fisher, of New York City; Bernard D. Fischman, of New York City; Adolph Magidson, of New York City; David F. Taber, of Chicago, Ill.; and Charles R. Denny, Jr., of Washington D. C., were admitted to practice.

No. 500. The United States of America upon the relation and for the use of The Tennessee Valley Authority, petitioner, *v.* W. P. N. Powelson, Assignee, etc., et al. Argument continued by Mr. William C. Fitts, Jr., and Mr. Solicitor General Fahy for the petitioner; and concluded by Mr. Arthur T. Vanderbilt for the respondents.

No. 680. U. S. Industrial Chemicals, Inc., petitioner, *v.* Carbide and Carbon Chemicals Corporation. Argued by Mr. William H. Davis for the petitioner and by Mr. Samuel E. Darby, Jr., for the respondent.

Adjourned until Monday, March 16, next at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

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

Joseph B. Quinn, of Philadelphia, Pa.; Robert C. Bassett, of Green Bay, Wis.; Stephen Alfred Wilson, of New York City, Willard John Stone, Jr., of Pasadena, Calif.; Samuel E. Neel, of Kansas City, Mo.; Dick Hoblit Woods, of Kansas City, Mo.; Philip Donald DeHoff, of Jacksonville, Fla.; Charles Sumner Moore, of Atlantic City, N. J.; and Ray A. Heimburger, of Sandusky, Ohio, were admitted to practice.

Mr. Attorney General Biddle addressed the Court, as follows:

MAY IT PLEASE THE COURT:

Members of the Bar of this Court assembled this morning in respectful and affectionate tribute to the memory of Mr. Justice Van Devanter. A Minute and resolution were adopted which I have the honor to present, with the request that they be embodied in the permanent records of the Court. The Minute is as follows:

“WILLIS VAN DEVANTER was of the stuff of which pioneers are made. When he died his country lost a virile and devoted son.

The story of his eventful life is a record of faithful and distinguished public service. Nevertheless when the long chronicle has been read the man himself seems even more impressive than the things he did. The simple fact is that he stood forth a man among men.

He was a son of the Hoosier State. Born in Marion on April 17, 1859, his self-development began in the public schools. DePauw University claimed him as the most distinguished of its alumni. In the law school of Cincinnati University he prepared for admission to the bar. After a few years of practice in his home town, during which he served as Deputy County Prosecutor, he answered the call of the West and was among those who helped organize the Territory of Wyoming into Statehood. After having served under appointment by President Harrison as a Justice of the Supreme Court of the Territory, he became Chief Justice of the new State. President McKinley made him an Assistant to the Attorney General of the United States attached to the Department of the Interior. President Theodore Roosevelt commissioned him a Circuit Judge in the Eighth Circuit.

By President Taft he was appointed an Associate Justice of the Supreme Court of the United States. He and Mr. Justice Lamar took their seats upon the Bench on January 3, 1911. From that day to the day of his retirement, June 2, 1937, he devoted himself assiduously to the work of the Court. He was a colleague whose understanding, courtesy, and generosity toward the other members of the Court have never been exceeded. His personal friendliness and cordiality and his desire to be helpful easily survived any disagreement in views. These qualities enabled him to hold the warm affection and respect of every colleague and contributed much to the esprit of the Court.

The course of his life before his elevation to the Supreme Bench fitted him in eminent degree for the work which as an Associate Justice he was called upon to do. His Wyoming experience had given him an intimate knowledge and sympathetic understanding of the people of the great western area.

As Assistant Attorney General, charged with the problems of the Interior Department, he had acquired an unrivaled knowledge of the public land law, of the law of waters as it existed in the western portion of the United States and of the law respecting the Indians as embodied in treaties, acts of Congress and administrative practice. It is not too much to say that, when he came upon the Supreme Court, he was one of the most expert persons in the United States in these fields. Throughout his service on the Court, his counsel and advice on these matters were invaluable to his brethren.

His experience as a lawyer and as a Judge of the Circuit Court of Appeals for the Eighth Circuit had made him familiar with federal practice and with the relation of the federal government to that of the States. His opinions written for the Supreme Court on questions of procedure and on the constitutional relationship between the States and the nation are amongst the most careful, accurate and important adjudications of the Court during his term of service. Each of his opinions was the product of hard work. It is even said that on each of them he spent prodigious labor. His mental processes were simple and direct and his literary style was wholesome and unaffected. Mr. Justice Van Devanter's knowledge in matters of procedure has been described as "perfectly extraordinary." When colleagues were inclined to regard some question of procedure as one of first impression he would go quietly to the shelves, take down a volume of the Reports and find among the memorandum opinions at the end of the volume a precedent exactly in point.

When some years ago the then Chief Justice and the other Justices were consulted in regard to general orders in bankruptcy, the Chief

Justice expressed complete reliance upon Mr. Justice Van Devanter as the strongest man in the Court to deal with such problems.

In a controversy between the United States and Canada, Mr. Justice Van Devanter and Chief Justice Duff served as the Commissioners contemplated by the Convention between the two Governments. The unprejudiced, judicious, and tactful way in which the Commissioners discharged their delicate duty brought the controversy to a fair and generally satisfactory conclusion.

Mr. Justice Van Devanter was distinguished for two great judicial qualities. He had, in the first place, a remarkable sense of proportion and never pressed a principle to the extreme in disregard of considerations of policy and practicality. He did not lack the courage to stand, and stand firmly, by a principle which he deemed sound. On the other hand he recognized that reconciliation and adjustment are quite as important, in the light of the facts and the result, as is rigid adherence to principle. In the second place, he had a most orderly and analytical mind. The problems presented by a cause seemed, without effort on his part, to fall into their sequential relation. It resulted that his exposition of his views in conference was clear and orderly. It has been a matter of remark that, if a stenographer could have been present and had taken down some of his statements of cases, those statements might well have been made the opinions of the Court, so lucid, so orderly, and so comprehensive were they. His extreme conscientiousness and thoroughness in endeavoring to get to the bottom of every question of fact and law presented to him were distinguishing characteristics. He was wont to look carefully into minute details which might conceivably have a bearing upon the case before him and insisted on having it made clear to him what their effect might be. Many judges have assumed that they can ignore details of this sort; but those who practised before Judge Van Devanter recall that often he would pick an important point out of something that counsel had not considered worth dealing with.

If it be necessary to conform to the custom of classifying judges as Liberal or Conservative, Mr. Justice Van Devanter must be styled as a Conservative but this is said with a realization that there is more than one species within each genus. His was not the conservatism attributable to tradition or to worldly possessions. He acted in the living present and he preferred the simple life. Himself no stranger to frontier experiences, he had in him the spirit of the men who won the West and of those others who in an earlier day fought for the liberties which have been the glory of America. These he deemed priceless and when he conceived them to be in danger he was vigorous in their defence. He had boundless admiration for

the pioneers of that era when going was roughest. "There were no drones in those days," he once remarked; "the country would not support them."

Willis Van Devanter was at heart a sportsman and a lover of the great open spaces. In early days Buffalo Bill was often his companion on hunting trips and the future Justice was happy in the companionship of men inured to hardship and danger. He was, however, a farmer even before he was a hunter, for at fifteen he took charge of his grandfather's farm, did the plowing, and attended to all the work. When he retired from the Supreme Court it was life on a farm for which he longed and when he bought a farm in Maryland it was the realization of a long-deferred hope. On these fertile acres he spent most of his allotted time. During his public career he had been the recipient of many honors and the object of much eulogy, but it is said he prized as highly as any other tributes the testimony of a tenant on the place who said of the retired Justice that he was "a helpful farmhand." In his youth, before he headed westward, he had invited Dollie Burhans, of Iona, Michigan, to live his life and share his fortunes. She accepted and they were married. Their life together was exceptionally happy. She bore him two sons who survive their father. Her death came in 1934 when she and her husband were traveling abroad. Death overtook the Justice on February 8, 1941. His two surviving sons, a brother, and two devoted sisters were among those who stood with bowed heads when the Chaplain of the United States Senate read the solemn words of the Burial Service.

Such was the man in honor of whom this meeting is held. Many of those present date their friendship for him from the day when, as young practitioners in his court, he showed them kindly consideration and made them feel at home. Strong, straightforward, God-fearing and loyal, let it be recorded of him that he represented America at her best.

RESOLVED that the foregoing Minute be adopted, that a copy of it be transmitted to the family of Mr. Justice Van Devanter, and that the Attorney General of the United States be asked to present the Minute to the Court on behalf of the Bar with the request that it be inscribed upon the records of the Court."

For twenty-seven years Mr. Justice Van Devanter sat as a member of this Court, serving under three Chief Justices, in six Presidencies, during two depressions, and a major war. Prior to his appointment, he had rendered distinguished service as a judge of the Eighth Circuit Court of Appeals as well as of State and territorial courts; as an Assistant Attorney General, guiding the Department of the Interior

through the complex problems presented in the management of the public lands; as an active and successful attorney, conducting an exciting practice in a rugged land; and as a prominent participant in the development of Wyoming from Territory to State. Thus he brought to the service of this Court the fruits of wide experience, happily combined with a fine intellect, great learning, and ardent devotion to the judicial office. In his opinions, in conference, and in moulding the legislative framework of the Court's jurisdiction, he played an important part in the enduring work of the Court.

Though Mr. Justice Van Devanter was a specialist in several phases of the Court's business, his opinions include many cases which attracted widespread interest. Almost at the beginning of his service he held for a divided court that defendants who cornered the cotton market were guilty of a restraint of trade under the Sherman Act (*U. S. v. Patten*, 226 U. S. 525). He delivered the judgment in the *National Prohibition Cases* (253 U. S. 350). He spoke for the Court in *Pennsylvania v. West Virginia*, barring under the commerce clause the reservation by a State for the use of its inhabitants of a major portion of the natural gas produced within its boundaries; in *New York v. Zimmerman*, 278 U. S. 63, sustaining a State statute requiring secret societies to register their membership; in *Johnson v. Manhattan Railway*, 289 U. S. 479, untangling the complicated issues of jurisdiction and policy in an important railroad receivership; in *Wyoming v. Colorado*, resolving the recurrent problems involved in the controversy between the two States over water rights in the Laramie River (259 U. S. 419, 496; 260 U. S. 1; 298 U. S. 573); in *Ex parte Bakelite Corp.*, 279 U. S. 438, and *Federal Radio Commission v. General Electric Company*, 281 U. S. 464, distinguishing judicial from administrative action with reference to the constitutional limitation of the jurisdiction of this Court to "cases" and "controversies." On the great issues that divided the Court in recent years, he wrote but rarely, though his position was clear and held with firm conviction. Reference may be made, however, to *Evans v. Gore*, 253 U. S. 245, and *Indian Motorcycle Co. v. United States*, 283 U. S. 570, dealing with the extent of immunity from federal taxation.

As a Circuit Judge, Justice Van Devanter had dealt with all the problems of the western states during the years of his service. His opinion in *Brewster v. Lanyon Zinc Co.*, 140 F. 801, is famous for the establishment of the doctrine that oil and gas leases may be declared void for breach of an implied covenant to develop the land. His opinions on this Court reflect his abiding interest in public land questions and his special concern with Indian problems and with the intricate but far-reaching issues of jurisdiction and procedure.

For the Indians he had the deepest sympathy and understanding and in their cases, particularly in his later years on the Bench, he was almost invariably the spokesman of the Court. Each such decision was made the occasion for an essay in tribal history, so that one may trace the wanderings of the Western tribes through opinions such as those in *United States v. Reily*, 290 U. S. 33; *United States v. The Creek Nation*, 295 U. S. 103, and others. He said of the Pueblo tribe, in *United States v. Chavez*, 290 U. S. 359, 361: "They are essentially a simple, uninformed, and dependent people, easily victimized and ill-prepared to cope with the superior intelligence and cunning of others." To the extent of his power, the Justice protected the "ignorant" from the "cunning."

In the field of jurisdiction and procedure, Justice Van Devanter was an acknowledged master. His opinions in the *Bakelite*, *Radio Commission* and *Manhattan Railway* cases have been noted. To these we may add, almost at random, such decisions as the *Second Employers' Liability Cases*, 223 U. S. 1; *Wells Fargo v. Taylor*, 254 U. S. 175; *Lee v. Chesapeake & Ohio Ry. Co.*, 260 U. S. 653; and *Employers Reinsurance Corp. v. Bryant*, 299 U. S. 374, dealing with the vital issues involved in the relationship of state and federal courts; *Slocum v. New York Life Insurance Co.*, 228 U. S. 364 and *Baltimore & Carolina Line Inc. v. Redman*, 295 U. S. 654, dealing with procedure; and *Dahnke-Walker Milling Co. v. Bondurant*, 257 U. S. 282, dealing with the scope of appeal as of right on federal questions arising in state courts.

Relatively speaking, Justice Van Devanter's opinions were not numerous, for he wrote with great deliberation and care. Yet his opinions, like all true artistic achievement, conceal the effort involved in their creation. There are no waste passages, no needless quotations, no superfluous citations. The argument moves from premise to conclusion, articulate, closely reasoned, and complete, each opinion a model of orderly reasoning and lucid expression. But it was not only for his majority opinions, or for his very few dissenting opinions, that Justice Van Devanter will be remembered. It is the process of deliberation in considering cases that makes the Court an organic entity rather than the aggregate of nine individual votes. In this Justice Van Devanter rendered invaluable service. His courtesy, his penetrating logic, his enormous knowledge of precedent, and his capacity for oral presentation were here brought to bear at the crucial moment. These talents led Chief Justice Taft in 1926 to say that Justice Van Devanter "exercises more influence, a good deal, than any other member of the Court." His service in the conference is attested also by Chief Justice Hughes and, upon his retirement, led to the statement by his brother Justices

that his "labors have entered into the very warp and woof of the Court."

The part that Justice Van Devanter played in the drafting and presentation to Congress of the Judges' Bill which became the Judiciary Act of 1925 will be a monument to his memory long after individual cases are lost in the anonymity of time. Following the retirement of Mr. Justice Day, Justice Van Devanter became Chairman of the Committee of the Court engaged in the preparation of the bill. The original draft submitted to the Court in 1921 was largely his work, and upon its subsequent introduction in the Congress, the chief burden of explanation of the bill in the Congressional hearings of 1922 and 1924 fell to him. The hearings happily give us an enduring record of those qualities of Justice Van Devanter which served so fruitfully in the conferences of the Court. On all the phases of appellate jurisdiction of the Supreme Court and the Circuit Courts of Appeals, he answered question after question, simply, succinctly, precisely, exhibiting complete knowledge of every intricacy, every detail, including peculiarities of practice even in the territorial courts. The Act itself, serving as it did, to extend the system of discretionary review and to provide a unified statement of the appellate jurisdiction, will stand as one of the great legislative achievements of our time.

When Justice Van Devanter retired from this Court, at the age of seventy-eight, after thirty-four years of continuous service as a federal judge, he had earned repose. Characteristically, however, he was ready to serve in a District Court to relieve a congested docket, saying quite simply "I am still a judge." So in the last years of his life he presided at the trial of several major cases. His conduct of the trial, his charge to the jury, his treatment of counsel and of witnesses was a model to the profession.

The success in working with others which contributed to Justice Van Devanter's judicial career graced his entire life. His courtesy had an earnestness which was compelling. He had great capacity for friendship. He had the human warmth which knows no line of doctrine. In his personal relations, as in his judicial work, he sought an element of perfection. When he died the Chief Justice spoke for the Bar as well as for the Court in saying: "He was a man of sterling character and of rare sagacity, a wise counsellor, and a faithful friend."

As a state and federal official, as a judge and as a justice, he gave his life to the service of his country.

The Chief Justice said:

Mr. ATTORNEY GENERAL: It is altogether fitting that the Bar and this Court, of which Justice Van Devanter was so long a mem-

ber, should now express and here record their estimate of his character and his eminent services. During most of his active life Justice Van Devanter was a public servant, for whose services there could be no greater reward than recognition that they were well and faithfully performed. Such recognition by his professional brethren is the only reward he would have prized.

No mere catalogue of the events and achievements of his career could give an adequate impression of the man. His distinction was so preeminently that of character and personality, and was so rooted in his conception of the duties and obligations of the judicial office, that we should miss the true significance of his work as a judge if we were to attempt to define it wholly in terms of his public record. But his character and personality were not uninfluenced by environment. All that he experienced in his early days in the West and his later contacts with it did much to shape the pattern of his life. As lawyer, legislator, and judge in Wyoming in its period of transition from territorial government to statehood, and later as Circuit Judge for the Eighth Circuit, exercising his jurisdiction throughout a vast territory extending westward from the Mississippi River to the foothills of the Rockies, he made his own something of the tradition and outlook of the pioneer West.

He saw and was a part of the expansion of free enterprise in the development of the new world lying beyond the Mississippi. It was a period when, more than any other in our history, men were the masters of their fate. They sought the great West to build homes, acquire property, and establish orderly communities. As good citizens they were zealous to put down the lawlessness of the frontier and to establish laws and courts which would insure the safety of persons and property. Beyond that they asked only for that most natural and characteristic of privileges in a thinly settled country—the right to be let alone. Theirs was the philosophy that that government governs best which governs least, a philosophy not without its effect upon Justice Van Devanter's appraisal of the functions of government under the restraints of a written constitution.

As Circuit Judge his opinions in appellate cases speedily won the recognition of Bench and Bar by the range and accuracy of the legal knowledge which they exhibited, the care with which they were prepared and their clarity of statement. His quick perception, his ready command of the rules of evidence, his alert and incisive mind, gave him special facility in the trial of jury cases. The trials over which he presided as Circuit Judge, of which there were many of note, were conducted with exemplary fairness, courtesy, firmness, and dispatch. He never lost his zest for the forensic battleground. His last judicial service, after his retirement from this Court, was to pre-

side over several trials in the District Court in New York. It was a matter of public comment that under his sure and skillful direction they were models for the administration of trial justice.

As Assistant Attorney General assigned to the Interior Department and later as Judge in a western circuit, he was most frequently concerned with the infinite variety of questions arising out of the administration of the public-land laws. Never content with superficial knowledge or performance, he devoted himself assiduously to their mastery. He thus gained expert knowledge of mining laws and the law of water rights in the semiarid regions of the West, of the laws and treaties affecting the right of Indians, of the rights of government and individuals arising out of the railroad land grants and other grants of the public lands—all of which continued to occupy the attention of the courts throughout his lifetime. His acquaintance with the history and customs of the Indian tribes, his sympathetic understanding of their inability to cope with the greed and cunning to which they were so often exposed, made him a veritable citadel of justice for this hapless people. Early in his career he had occasion to make special studies in equity jurisprudence and of the procedure and jurisdiction of the federal courts. His knowledge of these indispensable aids to the sound administration of justice was profound.

It was with this background and experience and these special skills that Justice Van Devanter began in 1911 his service as a Justice of this Court, which was to continue for over twenty-six years until his retirement in June 1937. You do well, Mr. Attorney General, to make mention of some of the notable cases in which he wrote opinions for the Court, for they give something of the measure of the man and the lawyer. They remind us that while he brought to this Court the benefits of his special knowledge and experience in particular branches of the law, he was by no means a narrow specialist. They cover a wide range of interests. They evidence the breadth and depth of his knowledge in many fields of the law and reveal the vigor, sanity, and precision of his mind. They exhibit the sense of proportion with which he adapted principles of the law to the special facts and circumstances to which they were to be applied. They are models of judicial exposition, never discursive, redundant, or sprinkled with irrelevant citations. Simple and direct in statement, orderly, lucid, complete; they give a hint, but only a hint, of the painstaking care which in fact he gave to their preparation.

This Court often had occasion to draw on Justice Van Devanter's exceptional knowledge of procedure and judicial administration for purposes other than the decision of cases and the writing of opinions.

A notable example was his supervision, as chairman of a committee of the Court, over the receivership growing out of the boundary dispute between Oklahoma and Texas, which occupied the attention of the Court from 1920 to 1925. Another was his participation in the drafting of the Judiciary Act of 1925. To his special familiarity with the organization and appellate practice of the federal courts, to his skill in draftsmanship in preparing the Act, and to his luminous expositions of its provisions, are due in large measure the enactment of that legislation. It gave to the Court freedom to direct its efforts to the performance of its true function as the highest appellate court of a nation-wide judicial system.

Those whose privilege it was to sit with Justice Van Devanter in this Court know well that the public evidences of his judicial activities conceal rather more than they reveal what was his greatest service to the Court and to the public. It was a service inspired by his high conception of the function of a Justice of this Court, and of the part which the Court itself should play in our constitutional system. He was profoundly aware that the true source of the strength of the Court and the permanency of its influence is public confidence in the thoroughness, integrity, and disinterestedness with which it does its work. In his mind this signified, and rightly so, the need of unremitting study by every judge of every record and application which comes to the Court for disposition, and the free and frank exchange of views with associates as preliminaries to decision unaffected by extrinsic influences or nonjudicial considerations.

This faith, sustained by his natural fidelity to every task which he undertook, and the force of his example, exercised a powerful and wholesome influence on the deliberations of the Court. Continued without interruption for more than twenty-six years, it would be difficult to overestimate its importance in perpetuating and strengthening this great tradition of the Court. At the conference table he was a tower of strength. When his turn came to present his views of the case in hand, no point was overlooked, no promising possibility left unexplored. His statements were characteristically lucid and complete, the manifest expression of a judgment exercised with unswerving independence. Often his expositions would have served worthily, both in point of form and substance, as the Court's opinion in the case.

He had an abiding faith that reason would afford the solvent for every problem of judicial cognizance. He thought and spoke of this Court as the place for the final appeal to reason in composing the inevitable conflicts growing out of the distribution by the Constitution of the diverse powers of government.

In the provisions of the Constitution, and particularly the Fifth and Fourteenth Amendments, he saw safeguards to those rights and privileges of the individual which he regarded as the chief spiritual values of the society which he had known in his own life and experience. Those who differed with him differed not in their appraisal of such values but in their judgment that an instrument of government, intended to endure for ages to come, could not rightly be interpreted as casting a dynamic society in so rigid a mold. Both were content to resolve their differences by the appeal to reason in the course of adjudication. Both would have regarded as inappropriate and inept the labelling of their differing views of the appropriate boundaries of constitutional power as either conservative or liberal.

Apart from cherished family ties and the association with friends and colleagues, the work of the Court was his chief interest in life. To that he gave of himself to the uttermost and without interruption until the very day of his retirement. He was a man of simple, unobtrusive religious faith; modesty and simplicity were the keynotes of his life. It was a life untouched by any interest in or desire for wealth. He had a large capacity for friendship. He instinctively sought to find in others the qualities which would merit his esteem. His relations with his colleagues were marked by his uniform courtesy and helpfulness and by their mutual regard. In his daily intercourse with them and in the discussion of every pending problem, his statements were direct, forthright, and crystal clear, because they were the true reflection of his thought.

As we recall the years of association in a common endeavor, the clash of mind with mind in the unending struggle to attain in some measure the ideal of justice under law, there lives in memory this man's devotion and loyalty to a great task, the integrity and sturdy independence with which he wrought. For these are the attributes of the judge, without which there can be no justice. They are the foundation stones of the institution which we serve.

No. 505. Lester A. Crancer and George B. Fleischman, copartners, doing business under the firm names of Valley Steel Products Company and Mid-Valley Steel Company, petitioners, *v.* Frank O. Lowden, James E. Gorman, and Joseph B. Fleming, Trustees of the Chicago, Rock Island and Pacific Railway Company. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Eastern District of Missouri. Opinion by Mr. Justice Byrnes.

No. 96. The People of Puerto Rico, petitioner, *v.* Rubert Hermanos, Inc., et al. 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 Supreme Court of Puerto Rico for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Byrnes. Dissenting: The Chief Justice and Mr. Justice Roberts.

No. 581. Adolph B. Spreckles, petitioner, *v.* Commissioner of Internal Revenue; and

No. 582. Adolph B. Spreckles, petitioner, *v.* Commissioner of Internal Revenue. On writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgments affirmed and cases remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Black. Mr. Justice Jackson took no part in the consideration or decision of these cases.

No. 95. The People of Puerto Rico, petitioner, *v.* Russell & Co., S en C. 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 Roberts. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black, Mr. Justice Murphy, and Mr. Justice Byrnes join.

No. 265. Federal Power Commission and Illinois Commerce Commission, petitioners, *v.* Natural Gas Pipeline Company of America and Texoma Natural Gas Company; and

No. 268. Natural Gas Pipeline Company of America and Texoma Natural Gas Company, petitioners, *v.* Federal Power Commission and Illinois Commerce Commission. On writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment 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. Chief Justice Stone. Concurring opinion by Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Murphy, announced by Mr. Justice Black. Concurring opinion by Mr. Justice Frankfurter.

The Chief Justice announced the following order of the Court:

No. 954. Public Service Company of Indiana and Union Trust Company of Indianapolis, Trustee, appellants, *v.* City of Lebanon, Indiana. Appeal from the Supreme Court of the State of Indiana. *Per curiam*: The appeal is dismissed for want of a substantial federal question. *McGovern v. New York*, 229 U. S. 363; *Roberts v. New York City*, 295 U. S. 264; *Shriver v. Woodbine Savings Bank*, 285 U. S. 467; *Pennsylvania Hospital v. Philadelphia*, 245 U. S. 20; *Violet Trapping Co. v. Grace*, 297 U. S. 119.

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 Martin Wohl et al., petitioners. A rule is ordered to issue, returnable Monday, March 30, next, requiring the respondent to show cause why leave to file the petition for writ of prohibition should not be granted.

No. 745. The Schenectady Union Publishing Company, petitioner, v. Martin L. Sweeney. The motion of New York State Publishers Association for leave to file brief as amicus curiae is granted.

No. 924. Arsenal Building Corporation and Spear & Co., Inc., petitioners, v. Philip B. Fleming, Administrator etc. The motion to substitute is granted and L. Metcalfe Walling, present Administrator of the Wage and Hour Division, United States Department of Labor, is substituted as the party respondent herein in the place and stead of Philip B. Fleming, resigned.

No. 929. Norman Williams, petitioner, v. R. H. Lawrence, Superintendent. On petition for writ of certiorari to the Supreme Court of the State of Georgia;

No. 932. Edmond L. Viles and Frances N. Viles, petitioners, v. The Prudential Insurance Company of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit; and

No. 935. James M. Wright, petitioner, v. First Joint Stock Land Bank of Fort Wayne et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh 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. 966. Charles Jobin, appellant, v. The State of Arizona;

No. 1025. National Broadcasting Company, Inc., et al., appellants, v. The United States of America et al.;

No. 1026. Columbia Broadcasting System, Inc., appellant, v. The United States of America et al.;

No. 1036. Chrysler Corporation et al., appellants, v. The United States of America. In these cases probable jurisdiction is noted.

No. 314. Lois Bowden and Zada Sanders, petitioners, v. City of Fort Smith, Arkansas. The order denying certiorari is vacated and the petition for writ of certiorari to the Supreme Court of the State of Arkansas is granted. The case is assigned for argument immediately following No. 966.

No. 947. M. Hampton Magruder, Collector of Internal Revenue, etc., petitioner, *v.* Frederick M. Supplee and Elizabeth G. Supplee, his wife. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted.

No. 948. Marine Harbor Properties, Inc., petitioner, *v.* Manufacturer's Trust Company (successor by merger to the Mortgage Corporation of New York), as Trustee, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 844. Bakery Sales Drivers Local Union No. 344 (A. F. of L.) et al., petitioners, *v.* Carpenter Baking Company. Petition for writ of certiorari to the Supreme Court of the State of Wisconsin denied.

No. 858. David P. Lavietes, petitioner, *v.* Ferro Stamping and Manufacturing Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 917. United States Fidelity and Guaranty Company, petitioner, *v.* Ethel M. Doheny, as Administratrix, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 928. Armand Schmoll, Inc., petitioner, *v.* The Federal Reserve Bank of New York. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 930. Scherck, Richter Company, petitioner, *v.* Thomas N. Dysart and Frederick W. Straus, as Members of the Central Properties First Mortgage Bondholders' Committee, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 931. The North Electric 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. 936. Edward L. Corbett, petitioner, *v.* Lillian J. Halliwell. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 941. The D. W. Klein Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 942. Bryan County, State of Oklahoma, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 951. Standard Oil Company of New Jersey, petitioner, *v.* Olaf Jorgensen, James J. Shea, et al. Petition for writ of certiorari to the Municipal Court of the City of New York, Borough of Manhattan, First District, State of New York, denied.

No. 953. Princeton Knitting Mills, Inc., petitioner, *v.* Arcadia Knitting Mills, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 81. Julian Riley and Hughes Spalding, Executors, etc., petitioners, *v.* The New York Trust Company, Administrator, etc., et al.;

No. 179. Alexander MacGregor, Jr., Executor, etc., petitioner, *v.* State Mutual Life Assurance Company of Worcester, Massachusetts;

No. 821. Thomas D. Aiken, Tillie Davenport, et al., petitioners, *v.* Samuel Insull, Jr., Philip J. McEnroe, et al.;

No. 822. DeMet's, Incorporated, and Robert E. Wood, petitioners, *v.* Samuel Insull, Jr., C. W. Sills, et al.; and

No. 853. Robert P. Shick, petitioner, *v.* William A. Goodman, Trustee, etc. Petitions for rehearing denied.

No. 720. Milcor Steel Company, petitioner, *v.* George A. Fuller Company et al. Leave granted to file brief of Truman Sunderland Safford as *amicus curiae* on motion of Mr. Truman Sunderland Safford in that behalf.

Adjourned until Monday, March 30, next at 12 o'clock.

The day call for Monday, March 30, will be as follows: Nos. 720, 706, 707, 745, 755, 757, 649, 711, 348, and 830.

SUPREME COURT OF THE UNITED STATES

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

Herbert J. Kenarik, of Newark, N. J.; R. L. Wagner, of Evanston, Ill.; William E. Russell, Jr., of New York City; Norman S. Altman, of New York City; Frederic S. Glover, Jr., of Detroit, Mich.; Fred. A. Gariepy, of Chicago, Ill.; Lois Goldstein Forer, of Winnetka, Ill.; Richard C. Meissner, of Omaha, Nebr.; Reuben G. Crimm, of Atlanta, Ga.; Arthur Morgan, of Youngstown, Ohio; Raymond S. Powers, of Youngstown, Ohio; William W. Colson, Jr., of Miami, Fla.; Leo Brown, of New York City; E. M. Nuckols, Jr., of Washington, D. C.; Edwin A. Hofeld, of Chicago, Ill., and David H. Caplow, of Chicago, Ill., were admitted to practice.

No. 323. Muncie Gear Works, Inc., and Bruns & Collins, Inc., petitioners, *v.* Outboard, Marine & Manufacturing Company and Johnson Brothers Engineering Corporation. 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 Jackson.

No. 901, October Term, 1940. Bakery and Pastry Drivers and Helpers Local 802 of the International Brotherhood of Teamsters et al., petitioners, *v.* Hyman Wohl and Louis Platzman. On writ of certiorari to the Court of Appeals of the State of New York. Judgment reversed with costs and cause remanded to the Supreme Court of the State of New York, County of Bronx, for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Jackson. Mr. Justice Roberts took no part in the consideration or decision of this case. Concurring opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Murphy join.

No. 589. William Jacob, petitioner, *v.* The City of New York. 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 Murphy. Mr. Justice Frankfurter and Mr. Justice Jackson concur in the result. Dissenting: The Chief Justice, Mr. Justice Roberts, and Mr. Justice Reed.

No. 252. Allen-Bradley Local No. 1111, United Electrical, Radio and Machine Workers of America et al., appellants, *v.* Wisconsin Employment Relations Board and Allen-Bradley Company. Appeal from the Supreme Court of the State of Wisconsin. Judgment affirmed with costs. Opinion by Mr. Justice Douglas.

No. 527. Carpenters and Joiners Union of America, Local No. 213, et al., petitioners, *v.* Ritter's Cafe et al. On writ of certiorari to the Court of Civil Appeals for the First Supreme Judicial District of Texas. Judgment affirmed with costs. Opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas and Mr. Justice Murphy concur. Dissenting opinion by Mr. Justice Reed.

No. 588. National Labor Relations Board, petitioner, *v.* Electric Vacuum Cleaner Company, Inc., and International Molders' Union of North America, Local 430, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment reversed and cause remanded to the said Circuit Court of Appeals with directions to enforce the order of the Board except as to reimbursement of federal, state, and local work-relief projects. Opinion by Mr. Justice Reed. Dissenting: Mr. Justice Roberts.

No. 272. Mrs. Jesse Miles et al., petitioners, *v.* Illinois Central Railroad Company. On writ of certiorari to the Court of Appeals of the State of Tennessee. Judgment reversed with costs and cause remanded to the said Court of Appeals for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Reed. Concurring opinion by Mr. Justice Jackson. Dissenting opinion by Mr. Justice Frankfurter in which the Chief Justice, Mr. Justice Roberts, and Mr. Justice Byrnes join.

No. 318. Sampson Tulee, appellant, *v.* State of Washington. Appeal from the Supreme Court of the State of Washington. 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 Black.

No. 680. U. S. Industrial Chemicals, Inc., petitioner, *v.* Carbide and Carbon Chemicals Corporation. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the District of Maryland for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts.

No. 499. Memphis Natural Gas Company, appellant, *v.* Roy H. Beeler, Attorney General of the State of Tennessee, et al. Appeal from the Supreme Court of the State of Tennessee. Appeal dismissed for want of jurisdiction and certiorari granted. Judgment affirmed with costs. Opinion by Mr. Justice Stone. Mr. Justice Roberts took no part in the consideration or decision of this case.

No. 604. Mark Graves, John P. Hennessee, and Joseph M. Mesnig, as Commissioners, Constituting the State Tax Commission of the State of New York, petitioners, *v.* Carl J. Schmidlapp and Elizabeth E. Gorrie, as Executors of the last will and testament of Eugene V. R. Thayer, deceased. On writ of certiorari to the Surrogate's Court of the County of New York, State of New York. Judgment reversed with costs and cause remanded to the said Surrogate's Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Stone. Mr. Justice Roberts concurs in the result.

No. 648. Pecheur Lozenge Co., Inc., petitioner, *v.* National Candy Company, Inc. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Decree vacated without costs in this Court to either party, and cause remanded to the Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion, *per curiam*, announced by Mr. Chief Justice Stone.

The Chief Justice announced the following order of the Court:

No. 523. Louis Weber, 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 affirmed by an equally divided Court. Mr. Justice Jackson took no part in the consideration or decision of this case.

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. 950. Roy McArthur and G. A. McArthur, a copartnership, doing business as Anaconda Van Lines, appellants, *v.* The United States of America, et al. Appeal from the District Court of the United States for the Northern District of Illinois. *Per curiam*: It does not appear that the questions involved in this appeal are substantial. The motion to affirm is therefore granted and the judgment is affirmed. United States *v.* N. E. Rosenblum Truck Lines, Inc., 315 U. S. —; Lubetich *v.* United States, 315 U. S. —.

No. —, original. Ex parte Martin Wohl et al., petitioners. The time within which to file return to the rule to show cause is extended to and including April 6 next.

No. —, original. Ex parte John St. Francis Slaughter, petitioner;

No. —, original. Ex parte Pedro E. Sanchez Tapia, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied.

No. —, original. James DeWindt and Mabel DeWindt, plaintiffs, v. State of South Carolina. The motion for leave to file a petition is denied.

No. —, William Smith, plaintiff, v. Western Union Telegraph Co., et al. Application denied.

No. 49. Morton Salt Company, petitioner, v. The G. S. Suppiger Company. Ordered that the last three lines on page 1 of the opinion in this case be amended to read: "The Clayton Act authorizes those injured by violations tending to monopoly to main—".

No. 245. Cudahy Packing Company of Louisiana, Ltd., petitioner, v. Thomas W. Holland, Administrator etc. Ordered that the opinion in this case be amended as follows:

1. Strike from the last line on page 5 the phrase "the Bituminous Coal Act of 1937,".

2. Strike from the fifth line of page 6 the phrase " , save possibly one,".

3. Strike footnotes 6 and 9.

4. Renumber the footnotes accordingly.

No. 706. City of Chicago, a municipal corporation, et al., petitioners, v. Fieldcrest Dairies, Inc. The motion of the State of Illinois for leave to appear and present oral argument as amicus curiae is granted.

No. 962. Esther P. Deere, Administratrix of the Estate of Amos J. Deere, deceased, petitioner, v. Southern Pacific Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit;

No. 971. Norman J. Sanford, petitioner, v. Board of Prison, Terms, and Paroles of the State of Washington. On petition for writ of certiorari to the Supreme Court of the State of Washington; and

No. 978. Commonwealth of Pennsylvania, ex rel. Alfred Maurice, petitioner, v. Herbert A. Smith, Warden, et al. 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. 1080. Claude R. Wickard, Secretary of Agriculture of the United States, et al., appellants, *v.* Roscoe C. Filburn. In this case probable jurisdiction is noted.

No. 920. State Bank of Hardinsburg, petitioner, *v.* Chancey Ray Brown and Mary G. Brown. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 958. Henry Anton Pfister, petitioner, *v.* Northern Illinois Finance Corporation et al.; and

No. 959. Henry Anton Pfister, petitioner, *v.* Northern Illinois Finance Corporation et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 979. O. B. Williams and Lillie Shaver Hendrix, petitioners, *v.* The State of North Carolina. Petition for writ of certiorari to the Supreme Court of the State of North Carolina granted.

No. 980. Lawrason Riggs, Jr., Special Guardian, petitioner, *v.* Giovanni Del Drago et al, etc. Petition for writ of certiorari to the Surrogate's Court, New York County, State of New York, granted.

No. 964. The Washington Terminal Company, petitioner, *v.* F. E. Boswell et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted. In view of the act of August 24, 1937 (50 Stat. 751), the Court hereby certifies to the Attorney General of the United States that the constitutionality of the Railway Labor Act is drawn in question in this cause.

No. 919. The Fifth Avenue Bank of New York, as Trustee, etc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 933. In the matter of petition of Ethyl M. Shibe for writ of prohibition to the Orphans' Court of Philadelphia County and to Lewis H. Van Dusen, petitioner. Petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania denied.

No. 934. Nelson Taylor, J. R. Mason, et al., petitioners, *v.* Provident Irrigation District. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 946. Charles F. Clise and James W. Clise, Jr., as Executors, etc., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 952. Alice Dunn, Katie Dunn, et al., petitioners, *v.* Republic Natural Gas Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 957. Alfonse Dobrusky, petitioner, *v.* State of Nebraska. Petition for writ of certiorari to the Supreme Court of the State of Nebraska denied.

No. 965. Genzo Shimadzu and Northeastern Engineering Corporation, petitioners, *v.* The Electric Storage Battery Co. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 969. Sonken-Galamba Corporation and The Tank Corporation, petitioners, *v.* The Atchison, Topeka & Santa Fe Railway Company, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 1020. Helen Van Zile Anthony, William D. Smith, et al., etc., petitioners, *v.* United States Trust Company of New York. Petition for writ of certiorari to the Surrogates' Court, New York County, State of New York, denied.

No. 693. George W. Covington and Kate Ellis Covington, petitioners, *v.* Commissioner of Internal Revenue; and

No. 694. George W. Covington and Kate Ellis Covington, petitioners, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 907. The Citizens National Bank of Kirksville, Missouri, 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. 956. J. P. Gardzielewski, 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. 963. Sara T. Walsh, petitioner, *v.* School District of Philadelphia. Petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania denied.

No. 968. Massachusetts Hair & Felt Company, petitioner, *v.* B. F. Sturtevant Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 972. David O'Brien, petitioner, *v.* Pabst Sales Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 975. Aetna Auto Finance, Inc., petitioner, *v.* Aetna Casualty & Surety Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 977. Anna Lalor Burdick, Thomas Jefferson Lalor, et al., petitioners, *v.* Charles Lalor Burdick and Chemical Bank & Trust Com-

pany, Trustees, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 992. Lloyd Brasileiro, petitioner, *v.* Lazzaro La Guerra. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1012. Southern Steel Company, petitioner, *v.* Butex Gas Company and Butane Gas System Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 121. S. Mayner Wallace, petitioner, *v.* Johanna F. Fiske et al.; and

No. 122. S. Mayner Wallace, petitioner, *v.* Johanna F. Fiske et al. The motion for leave to file a second petition for rehearing is granted. The second petition for rehearing is denied.

No. 1023, October Term, 1940. A. J. Pickett, General Chairman, etc., petitioner, *v.* The Union Terminal Company;

No. 112. C. L. Williams, Individually, etc., et al., petitioners, *v.* Jacksonville Terminal Company; and

No. 206. D'Oench, Duhme & Co., Inc., petitioner, *v.* Federal Deposit Insurance Company. Petitions for rehearing denied. Mr. Justice Roberts took no part in the consideration or decision of these applications.

No. 287. Kenneth M. Keefe et al., etc., petitioners, *v.* Bloomfield Village Drain District, etc., et al.

No. 288. Kenneth M. Keefe et al., etc., petitioners, *v.* Bloomfield Village Drain District, etc., et al.;

No. 289. Kenneth M. Keefe et al., etc., petitioners, *v.* Martin Drain and Branches Drain District, etc., et al.;

No. 290. Kenneth M. Keefe et al., etc., petitioners, *v.* Center Line Relief Drain District, etc., et al.; and

No. 291. Kenneth M. Keefe et al., etc., petitioners, *v.* Nine-Mile-Halfway Drain District, etc., et al.;

No. 829. Dora Brady and Lucinda Watashe, petitioners, *v.* Annie Beams et al.;

No. 834. Wilbur E. Dow, petitioner, *v.* Harold L. Ickes, Secretary, etc.;

No. 849. Jacob Novick, petitioner, *v.* The United States of America;

No. 863. I. B. Melville and H. G. Day, as Trustees, etc., et al., petitioners, *v.* Arthur Weybrew et al.;

No. 890. John M. Minnec, petitioner, *v.* Robert H. Hudspeth, Warden, etc.;

No. 892. Hazeltine Corporation, petitioner, *v.* The Crosley Corporation;

No. 894. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* R. A. Sprouse; and

No. 915. Mary Lois McIntosh, petitioner, *v.* Ella L. Wiggins. Petitions for rehearing denied.

No. —, original. *Ex parte* William Doster Noland, petitioner. Motion for leave to file petition for writ of mandamus presented.

No. 5, original. State of Colorado, complainant, *v.* State of Kansas et al. Motion for appointment of a Special Master submitted by Mr. Henry C. Vidal and Mr. Jean S. Breitenstein for the complainant.

No. 5, original. State of Colorado, complainant, *v.* State of Kansas et al. Application for an order directing the procedure for submission of the cause to the Court submitted by Mr. J. S. Parker and Mr. W. E. Stanley for the defendants.

No. 720. Milcor Steel Company, petitioner, *v.* George A. Fuller Company et al. Argued by Mr. George L. Wilkinson for the petitioner and by Mr. Malcolm K. Buckley for the respondents.

No. 706. City of Chicago, a Municipal Corporation, et al., petitioners, *v.* Fieldcrest Dairies, Inc. Argument commenced by Mr. James A. Velde for the petitioners, and continued by Mr. Walter V. Schaefer for the petitioners and by Mr. Fred A. Gariepy for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, March 31, will be as follows: Nos. 706, 707, 745, 755, 757, 649, 711, 348, 830, and 738.

SUPREME COURT OF THE UNITED STATES

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

Donald D. MacFarlane, of Detroit, Mich.; Henry J. Fox, of Washington, D. C.; Stanley K. Brown, of Altadena, Calif.; Hardin H. Conn, of Springfield, Tenn.; Hugh B. Helm, of Hopkinsville, Ky.; Chester E. Onstad, of Broadus, Mont.; Morris A. Marks, of New York City; William F. Cusick, of Washington, D. C.; Arthur H. Kent, of San Francisco, Calif.; and Victor M. Marin, of New York City, were admitted to practice.

No. 706. City of Chicago, A Municipal Corporation, et al., petitioners, *v.* Fieldcrest Dairies, Inc. Argument continued by Mr. Fred A. Gariepy for the respondent; by Mr. Albert E. Hallett for the State of Illinois, as *amicus curiae*, by special leave of Court; and concluded by Mr. Walter V. Schaefer for the petitioners.

No. 707. Lewis J. Valentine, Individually and as Police Commissioner of the City of New York, petitioner, *v.* F. J. Chrestensen. Argued by Mr. William C. Chanler for the petitioner and by Mr. Walter W. Land for the respondent.

No. 745. The Schenectady Union Publishing Company, petitioner, *v.* Martin L. Sweeney. Argument commenced by Mr. Morris L. Ernst for the petitioner and continued by Mr. John O'Connor for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call of Wednesday, April 1, will be as follows: Nos. 745, 755, 757, 649, 711, 348, 830, 738, 622, and 939.

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SUPREME COURT OF THE UNITED STATES

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

Carl B. Vickers, of Fayetteville, W. Va.; Herman Eugene Klein, of Chicago, Ill.; Thomas H. Stone, of Richmond, Va.; Fred H. Parvin, of Greeneville, Tenn.; and Ray C. Brown, of Tampa, Fla., were admitted to practice.

No. 745. The Schenectady Union Publishing Company, petitioner, *v.* Martin L. Sweeney. Argument continued by Mr. John O'Connor for the respondent and concluded by Mr. Morris L. Ernst for the petitioner.

No. 755. Municipal Investors Association, appellant, *v.* City of Birmingham, a municipal corporation, et al. Argument commenced by Mr. Claude H. Stevens for the appellant. The Court declined to hear further argument.

No. 757. Prudence Realization Corporation, petitioner, *v.* A. Joseph Geist, Trustee. Argued by Mr. Irving L. Schanzer for the petitioner and by Mr. Morris A. Marks for the respondent.

No. 649. Mishawaka Rubber and Woolen Manufacturing Company, petitioner, *v.* S. S. Kresge Company. Argued by Mr. George L. Wilkinson for the petitioner and by Mr. William B. Giles for the respondent.

No. 348. The Seminole Nation, petitioner, *v.* The United States. Argument commenced by Mr. Paul M. Niebell for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, April 2, will be as follows: Nos. 348, 830, 711, 738, 622, 939, 510, 708, 723, and 855 (and 856).

SUPREME COURT OF THE UNITED STATES

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

Leo Jaffe, of El Paso, Tex.; Harland F. Leathers, of New York City; John Sailer, of Philadelphia, Pa.; Harold Scott Baile, of Philadelphia, Pa.; J. Edgar Murdock, of Greensburg, Pa.; Fred. P. Rondeau, of Chicago, Ill.; Edward Vincent Broderick, of New York City; and Guido Pantaleoni, of New York City, were admitted to practice.

No. 348. The Seminole Nation, petitioner, *v.* The United States. Argument continued by Mr. Paul M. Niebell for the petitioner, continued by Mr. Charles R. Denny for the respondent, and concluded by Mr. Paul M. Niebell for the petitioner.

No. 830. The Seminole Nation, petitioner, *v.* The United States. Argued by Mr. C. Maurice Weidemeyer for the petitioner and by Mr. Charles R. Denny for the respondent.

No. 711. H. J. Gorman, City Treasurer of Kansas City, Missouri, et al., petitioners, *v.* The Washington University. Argued by Mr. William E. Kemp for the petitioners and by Mr. George Wharton Pepper for the respondent.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 6, will be as follows: Nos. 738, 622, 939, 708, 510, 772, 774, 723, 855 (and 856), and 775.

SUPREME COURT OF THE UNITED STATES

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

Jay Kyle, of Topeka, Kans.; Andrew J. Dallstream, of Chicago, Ill.; Arthur J. O'Deal, of Hackensack, N. J.; George A. Mahone, of Baltimore, Md.; William O. Tydings, of Baltimore, Md.; John R. Moberly, of Kansas City, Mo.; Irving I. Rand, of New York City; Louis A. Otto, Jr., of Cleveland, Ohio; Samuel S. Bisgyer, of New York City; Harold W. Mattingly, of Los Angeles, Calif.; and William F. Scharnikow, of Hackensack, N. J., were admitted to practice.

No. 658. United States of America to the use of Noland Company, Incorporated, petitioner, *v.* Alexander D. Irwin and Archibald O. Leighton, Trading as Irwin and Leighton, et al. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment reversed with costs and cause remanded to the District Court of the United States for the District of Columbia for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Byrnes.

No. 320. Southern Steamship Company, petitioner, *v.* National Labor Relations Board and National Maritime Union of America. 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 Byrnes. Dissenting opinion by Mr. Justice Reed in which Mr. Justice Black, Mr. Justice Douglas and Mr. Justice Murphy concur.

No. 508. Scripps-Howard Radio, Inc., *v.* Federal Communications Commission. On certificate from the United States Court of Appeals for the District of Columbia. Question certified answered in the affirmative. Opinion by Mr. Justice Frankfurter. Mr. Justice Black took no part in the consideration and decision of this case. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Murphy joins.

No. 558. The United States of America, appellant, *v.* Dennis Malphurs, D. W. Whitehurst, and Elzie Perry. Appeal from the District Court of the United States for the Southern District of Florida.

Judgment vacated and cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion, *per curiam*, announced by Mr. Chief Justice Stone. Mr. Justice Jackson took no part in the consideration or decision of this case.

The Chief Justice announced the following orders of the Court:

No. 1060. R. P. Duck, appellant, *v.* Arkansas Corporation Commission. Appeal from the Supreme Court of the State of Arkansas. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *California v. Thompson*, 313 U. S. 109; *Olson v. Nebraska*, 313 U. S. 236.

No. 1067. T. E. Avent, appellant, *v.* Mississippi Unemployment Compensation Commission and R. G. Ragland. Appeal from the Supreme Court of the State of Mississippi. *Per curiam*: The appeal is dismissed for want of a substantial federal question. *Carmichael v. Southern Coal Co.*, 307 U. S. 495, 510-13; *Great A. & P. Co. v. Grosjean*, 301 U. S. 412; *H. E. Butt Grocery Co. v. Sheppard*, 311 U. S. 608; *Helvering v. Clifford*, 309 U. S. 331.

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 paragraph 1 of Rule 12 of the rules of this Court be amended to read as follows:

"1. Upon the presentation of a petition for the allowance of an appeal to this court, from any court, to any judge or justice empowered by law to allow it, there shall be presented by the applicant a separate typewritten statement particularly disclosing the basis upon which it is contended that this court has jurisdiction upon appeal to review the judgment or decree in question. The statement shall refer distinctly (a) to the statutory provision believed to sustain the jurisdiction, (b) to the statute of the state, or statute or treaty of the United States, the validity of which is involved (giving the volume and page where the statute or treaty may be found in the official edition), setting it out verbatim or appropriately summarizing its pertinent provisions; and (c) to the date of judgment or decree sought to be reviewed and the date upon which the application for appeal is presented.

"The statement shall show that the nature of the case and the rulings of the court were such as to bring the case within the juris-

dictional provisions relied on and shall cite the cases believed to sustain jurisdiction. It shall also include a statement of the grounds upon which it is contended that the questions involved are substantial (*McArthur v. United States*, 315 U. S. —; *Zucht v. King*, 260 U. S. 174, 176-77).

“If the appeal is from a state court, the statements shall in addition specify the stage in the proceedings in the court of first instance and in the appellate court, at which, and the manner in which, the federal questions sought to be reviewed were raised; the method of raising them (e. g., by a pleading, by request to charge and exceptions, by assignment of error); and the way in which they were passed upon by the court; with such pertinent quotations of specific portions of the record, or summary thereof, with specific reference to the places in the record where the matter appears (e. g., ruling on exception, portion of the court’s charge and exception thereto, assignment of error) as will support the assertion that the rulings of the court were of a nature to bring the case within the statutory provision believed to confer jurisdiction on this court. The provisions of this paragraph, with appropriate record page references, must be complied with when review of a state court judgment is sought by petition for writ of certiorari. (See Rule 38, par. 2.)

“The applicant shall append to the statement a copy of any opinions delivered upon the rendering of the judgment or decree sought to be reviewed, including earlier opinions in the same case, or opinions in companion cases, reference to which may be necessary to ascertain the grounds of the judgment or decree.

“If the appeal is from an interlocutory decree of a specially constituted district court of the United States, the statement must also include a showing of the matters in which it is claimed that the court has abused its discretion in granting or denying the interlocutory injunction (*Alabama v. United States*, 279 U. S. 229).”

No. —, original. Ex parte William Doster Noland, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No. 9, original. State of Kansas, complainant, v. State of Missouri. Ordered that the States of Kansas and Missouri are permitted each to deposit with the Clerk one thousand dollars (\$1,000) to defray the expenses of the Special Master.

No. 19. Phoenix Finance Corporation, petitioner, v. Iowa-Wisconsin Bridge Company. The motion of petitioner to recall the mandate and retax costs is granted and it is ordered that the mandate be recalled and amended so as to give petitioner recovery for additional costs in the sum of \$94.00.

No. 1062. McKinley Morris, petitioner, v. The State of Texas. The application for stay is denied.

No. 11, original. Ex parte Forrest Holiday, petitioner. The motion for leave to file petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit 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 is therefore also denied.

No. 1035. Commonwealth of Pennsylvania, ex rel. George R. Busser, petitioner, v. Herbert A. Smith, Warden, etc. On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania. 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 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. 918. Dewey Gilmore, petitioner, v. The United States of America. On petition for writ of certiorari to the United States Circuit of Appeals for the Tenth Circuit;

No. 925. Selvie Windfield Wells, 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. 984. Hayward Graham, petitioner, v. M. F. Amrine, Warden, State Penitentiary. On petition for writ of certiorari to the Supreme Court of the State of Kansas;

No. 986. Al Campeau, petitioner, v. Milton F. Amrine, Warden, Kansas State Penitentiary, Lansing, Kansas. On petition for writ of certiorari to the Supreme Court of the State of Kansas;

No. 995. Fred Hartzell West, petitioner, v. P. E. Mahoney, as Superintendent, Washington State Penitentiary. On petition for writ of certiorari to the Superior Court, King County, State of Washington; and

No. 955. Alchrist Grant (alias Pompey) and Cyrus Pinckney, petitioners, v. The State of South Carolina. On petition for writ of certiorari to the Supreme Court of the State of South Carolina. 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. 1040. W. B. Parker, Director of Agriculture, et al., appellants, v. Porter L. Brown. In this case probable jurisdiction is noted.

No. 852. Mitchell Clifton Anderson et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 1016. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* The Ohio Leather Company;

No. 1017. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* The Strong Manufacturing Company; and

No. 1018. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Warren Tool Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 1029. Sola Electric Company, petitioner, *v.* Jefferson Electric Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted. Counsel are requested to discuss in their briefs and on the argument of this case (1) whether federal or state law applies, and (2) in the event that state law is held to govern, what the applicable state law is.

No. 985. Owens-Illinois Glass 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. The Chief Justice and Mr. Justice Roberts took no part in the consideration or decision of this application.

No. 940. Caribbean Embroidery Cooperative, Inc., et al., petitioners, *v.* Philip B. Fleming, Administrator of the Wage and Hour Division, U. S. Department of Labor. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 945. Hartford Fire Insurance Company, petitioner, *v.* Martin Leithauser, as Administrator etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 970. Great Southern Life Insurance Company et al., petitioners, *v.* Joseph Lankston Williams. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 981. Lillian I. Randall, petitioner, *v.* Labaddie Bottoms River Protection District of Franklin County, Missouri. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 987. Federal Power Commission, petitioner, *v.* Safe Harbor Water Power Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 990. Josephine V. Hall, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 994. William Eric Fowler, petitioner, *v.* Raymond H. Pilson et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 996. Northern Mining Corporation, petitioner, *v.* Max Trunz. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 998. The Niles Fire Brick 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. 1007. William H. Langroise, as Executor, etc., petitioner, *v.* Will Cummings, Individually, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 1013. Frank Parker and George Moran, petitioners, *v.* The People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 1014. Charles B. Rayner, petitioner, *v.* United North and South Development Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1015. William H. Eisenlord, as Administrator, etc., petitioner, *v.* May Ellis et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1024. Tampax Incorporated and Tampax Sales Corporation, petitioners, *v.* The Personal Products Corporation et al., etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 64. Clyde Hysler, petitioner, *v.* The State of Florida. The opinion of the Court is amended as follows: On page 8 of the slip opinion, strike out the first five sentences of the first paragraph.

The petition for rehearing is denied.

No. 325. Frederick Rodiek, ancillary executor, etc., petitioner, *v.* The United States of America et al. The motion to substitute is granted and Leo T. Crowley, Alien Property Custodian, is substituted as a party respondent herein in the place and stead of Francis Biddle, as Attorney General. The petition for rehearing is denied. The Chief Justice, Mr. Justice Murphy, and Mr. Justice Jackson took no part in the consideration or decision of these applications.

No. 870. Samuel Bernstein, petitioner, *v.* The United States of America;

No. 884. Ted Rogoway, petitioner, *v.* The Warden, United States Penitentiary, McNeil Island, Washington; and

No. 935. James M. Wright, petitioner, *v.* First Joint Stock Land Bank of Fort Wayne et al. Petitions for rehearing denied.

No. —, original. *Ex parte* Martin Wohl and Harry Wohl, petitioners. Return to rule to show cause presented.

No. 738. The United States of America, petitioner, *v.* Citizens Loan & Trust Co., Administrator, etc. Argued by Mr. Wilbur C. Pickett for the petitioner and Mr. Camden R. McAtee for the respondent.

No. 622. L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor, petitioner, *v.* A. H. Belo Corporation. Argued by Mr. Solicitor General Fahy for the petitioner and by Mr. Maurice E. Purnell for the respondent.

No. 939. Overnight Motor Transportation Company, Inc., petitioner, *v.* William H. Missel. Argument commenced by Mr. J. Ninian Beall for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, April 7, will be as follows: Nos. 939, 708, 510, 772, 774, 723, 855 (and 856), 775, 798, and 799 (and 800).

SUPREME COURT OF THE UNITED STATES

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

Grayson Chandler Powell, of Swainsboro, Ga.; Lydon F. Maider, of Gloversville, N. Y.; Walther E. Wyss, of Schenectady, N. Y.; Neil Killough, of Wynne, Ark.; Jack J. Levinson, of New York City; Marcus Frederick Fietz, of Jonesboro, Ark.; Frank P. Celeste, of Cleveland, Ohio; Mathias J. Walther, of Cleveland, Ohio; Ernest W. Maner, of Hot Springs National Park, Ark.; Glenn Earl Baird, of Chicago, Ill.; James Arthur Lanigan, of Los Angeles, Calif.; and L. Byron Cherry, of New York City, were admitted to practice.

No. 939. Overnight Motor Transportation Company, Inc., petitioner, *v.* William H. Missel. Argument continued by Mr. J. Ninian Beall and by Mr. John R. Norris for the petitioner and concluded by Mr. George A. Mahone for the respondent.

No. 708. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Credit Alliance Corporation. Argued by Mr. J. Louis Monarch for the petitioner and by Mr. Newell W. Ellison for the respondent.

No. 510. C. H. Cochran, petitioner, *v.* The State of Kansas et al. Argument commenced by Mr. H. Thomas Austern for the petitioner and continued by Mr. Jay Kyle for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, April 8, will be as follows: Nos. 510, 772, 774, 723, 855 (and 856), 775, 798, 799 (and 800), 826, and 841.

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SUPREME COURT OF THE UNITED STATES

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

Leslie W. Humphreys, of Portland, Oreg.; James A. Glenn, of Coshocton, Ohio; and Frederick Waldo Teyland, Jr., of Oakland, Calif., were admitted to practice.

No. 841. Susan G. Reeves, petitioner, *v.* William Beardall, as Executor, etc. Submitted by Mr. Daniel Burke for the petitioner and by Mr. Charles R. Scott and Mr. Charles P. Dickinson for the respondent.

No. 510. C. H. Cochran, petitioner, *v.* The State of Kansas and Milton F. Amrine, Warden, etc. Argument continued by Mr. Jay Kyle for the respondents and concluded by Mr. H. Thomas Austern for the petitioner.

No. 772. Dewey Brillhart, Administrator, etc., petitioner, *v.* The Excess Insurance Company of America. Argued by Mr. Clarence C. Chilcott for the petitioner and by Mr. Dick H. Woods and Mr. Paul R. Stinson for the respondent.

No. 774. National Labor Relations Board, petitioner, *v.* Nevada Consolidated Copper Corporation. Argued by Mr. Ernest A. Gross for the petitioner and by Mr. C. C. Parsons for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, April 9, will be as follows: Nos. 723, 855 (and 856), 775, 798, 799 (and 800), 826, 837, 872, and 782.

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SUPREME COURT OF THE UNITED STATES

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

Roy V. Harris, of Augusta, Ga.; John F. Meck, Jr., of New Haven, Conn.; John J. Tierney, of Portland, Maine; Frank I. Cowan, of Portland, Maine; Frederick C. Felty, of San Antonio, Tex.; Asher William Schwartz, of New York City; Morton E. Rome, of Baltimore, Md.; and Robert E. Clapp, Jr., of Frederick, Md.; were admitted to practice.

No. 855. The United States of America, appellant, *v.* The Univis Lens Company, Inc., et al.; and

No. 856. The Univis Lens Company, Inc., et al., appellants, *v.* The United States of America. Motion for leave to file brief of American Optical Company, as *amicus curiae*, submitted by Mr. S. Milton Simpson in that behalf and the motion denied.

No. 782. Jack T. Skinner, petitioner, *v.* The State of Oklahoma, ex rel. Mac Q. Williamson, Attorney General of the State of Oklahoma. Submitted by Mr. W. J. Hulsey, Mr. H. I. Aston, and Mr. Guy L. Andrews for the petitioner and by Mr. Mac Q. Williamson for the respondent.

No. 723. The United States of America, appellant, *v.* The Masonite Corporation et al. Argued by Mr. Hugh B. Cox for the appellant; by Mr. Charles H. Tuttle for the appellee, Masonite Corporation; and concluded by Mr. Andrew J. Dallstream for the appellees, Celotex Corporation et al.

No. 855. The United States of America, appellant, *v.* The Univis Lens Company, Inc., et al.; and

No. 856. The Univis Lens Company, Inc., et al., appellants, *v.* The United States of America. Argument commenced by Mr. Samuel S. Isseks for the United States and continued by Mr. H. A. Toulmin, Jr., for The Univis Lens Co., Inc., et al., and by Mr. Assistant Attorney General Arnold for the United States in these cases and the appellant in No. 723.

The Court will take a recess at the conclusion of the argument in case No. 872 until Monday, April 27 next.

Adojurned until tomorrow at 12 o'clock.

The day call for Friday, April 10, will be as follows: Nos. 855 (and 856), 775, 798, 799 (and 800), 826, 837, and 872.

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SUPREME COURT OF THE UNITED STATES

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

Bertram S. Nayfack, of New York City; Paul B. Jessup, of Wallace, Idaho; Henry Hofheimer, of New York City; Charles C. Evans, of New York City; William A. Porteous, Jr., of New Orleans, La.; Benjamin F. Rossner, of Washington, D. C.; James K. Rankin, of Atlanta, Ga.; and David A. Howell, of Detroit, Mich., were admitted to practice.

No. 723. The United States of America, appellant, *v.* The Masonite Corporation et al.;

No. 855. The United States of America, appellant, *v.* The Univis Lens Company, Inc., et al.; and

No. 856. The Univis Lens Company, Inc., et al., appellants, *v.* The United States of America. Argument concluded by Mr. Assistant Attorney General Arnold for the United States.

No. 775. Wilmington Trust Company, Executor, etc., petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Argued by Mr. William S. Potter for the petitioner and by Mr. Richard H. Demuth for the respondent.

No. 798. The Sioux Tribe of Indians, petitioner, *v.* The United States. Argued by Mr. Ralph H. Case for the petitioner and by Mr. Solicitor General Fahy for the respondent.

No. 799. The United States of America, petitioner, *v.* William R. Johnson; and

No. 800. The United States of America, petitioner, *v.* Jack Somers et al. Argument commenced by Mr. Arnold Raum for the petitioner.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 13, will be as follows: Nos. 799 (and 800), 826, 837, and 872.

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SUPREME COURT OF THE UNITED STATES

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

Robert V. Massey, Jr., of Philadelphia, Pa.; E. W. Moise, of Atlanta, Ga.; Emil Jackson Clower, of Atlanta, Ga.; William Harrell Humphreys, Jr., of Lumberton, N. C.; James Gwaltney Westwarren MacClamroch, of Greensboro, N. C.; Hannah Scher Siegel, of Brooklyn, N. Y.; Cyrus S. Gentry, of Pleasantville, N. Y.; Douglas M. Orr, of Atlanta, Ga.; and Edward S. Seidman, of New York City, were admitted to practice.

No. 535. Gregg Cartage & Storage Company, Hugh Wells, Trustee in Bankruptcy of the Gregg Cartage & Storage Company, et al., appellants, *v.* The United States of America and Interstate Commerce Commission. Appeal from the District Court of the United States for the Northern District of Ohio. Judgment affirmed. Opinion by Mr. Justice Jackson. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Byrnes join.

No. 601. M. Hampton Magruder, Collector of Internal Revenue, petitioner, *v.* Washington, Baltimore and Annapolis Realty Corporation. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the District of Maryland for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Murphy.

No. 600. Guy T. Helvering, Commissioner of Internal Revenue, petitioner *v.* Safe Deposit and Trust Company of Baltimore, Trustee under Wills of R. J. Reynolds and Katharine S. Johnston, etc., et al. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment of the Circuit Court of Appeals reversed and cause remanded to the Circuit Court of Appeals with directions to remand to the Board of Tax Appeals for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black. Opinion by the Chief Justice, Mr. Justice Roberts, Mr. Justice Frankfurter, and Mr. Justice Byrnes concurring in part and dissenting in part announced by Mr. Justice Roberts.

No. 707. Lewis J. Valentine, individually and as Police Commissioner of the City of New York, petitioner, *v.* F. J. Chrestensen. On

writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree 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 Roberts.

The Chief Justice announced the following orders of the Court:

No. 745. The Schenectady Union Publishing Company, petitioner, *v.* Martin L. Sweeney. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. *Per curiam*: The judgment is affirmed by an equally divided Court. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 1074. Ernest E. Moore, doing business as Moore Motor Freight Lines, appellant, *v.* The United States of America and Interstate Commerce Commission. Appeal from the District Court of the United States for the District of Minnesota. *Per curiam*: The motion to affirm is granted and the judgment is affirmed. United States *v.* Maher, 307 U. S. 148, 153-154; United States *v.* Rosenblum, 315 U. S. —; Lubetich *v.* United States, 315 U. S. —.

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 John Duggan, Jr. It having been reported to the Court that John Duggan, Jr., of Uniontown, 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 John Duggan, Jr., 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, required him to show cause why he should not be disbarred from the practice of the law in this Court.

No. —, original. *Ex parte* Martin Wohl et al., petitioners. The motion for leave to file petition for writ of prohibition is denied. The rule to show cause is discharged.

No. 782. Jack T. Skinner, petitioner, *v.* The State of Oklahoma, ex rel. Mac Q. Williamson, Attorney General of the State of Oklahoma. This case is restored to the docket for oral argument. The Attorney General of Oklahoma, or his representative, is requested to participate in the oral argument.

No. 238. The United States of America, petitioner, *v.* State of New York; and

No. 251. State of New York, petitioner, *v.* The United States of America. Ordered that the opinion in these cases be amended as follows: Strike from line 12 of page 7, the phrase "the sum of the assets available" and insert "the total of such claims."

No. 821. Thomas D. Aiken et al., petitioners, *v.* Samuel Insull, Jr., et al.; and

No. 822. DeMet's, Incorporated, et al., petitioners, *v.* Samuel Insull et al. The motion to grant relief requested in alternative motion filed March 13, 1942, is denied.

No. 973. The United States of America, ex rel. Bernard Paul Coy, petitioner, *v.* The United States of America et al. 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 Sixth Circuit is also granted. Counsel are requested to discuss whether the time for appeal to the Circuit Court of Appeals and for petition for certiorari to this Court are governed by the Rules in Criminal Cases, and, if not, what statute applies.

No. 1062. McKinley Morris, petitioner, *v.* The State of Texas. On petition for writ of certiorari to the Court of Criminal Appeals of the 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. 1083. C. J. Hendry Company and Frank Sematovich, appellants *v.* E. C. Moore et al., etc. Appeal from the Supreme Court of the State of California. The appeal is dismissed for want of jurisdiction. Section 237 (a), Judicial Code, as amended, 28 U. S. C. sec. 344 (a). 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 as amended, 28 U. S. C. sec. 344 (c), certiorari is granted.

No. 982. The United States, petitioner, *v.* Fred J. Rice and W. Cameron Burton, Receivers, etc. Petition for writ of certiorari to the Court of Claims granted.

No. 1009. Adriano Merlano Bersia, Carlo Novella, 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. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 1010. Paolo Pieraccini, Carlo Saglietto, 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. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 1011. Luigi Schiaffino, Paolo Caltafiano, 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. Mr. Justice Jackson took no part in the consideration and decision of this application.

No. 1019. Charles T. Bach and Girard Trust Company, Executors, etc., petitioners, *v.* Walter J. Rothensies, Individually and as United States Collector of Internal Revenue, etc. The motion to defer consideration of the petition for writ of certiorari is denied. The petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is denied.

No. 961. Henry Gerke, James T. Brown, et al., petitioners, *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. 991. Edwin L. Wiegand Company and Edwin L. Wiegand, petitioners, *v.* Harold E. Trent Company and Harold E. Trent. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 993. Norristown Box Company, 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. 997. Antoinette Coviello, petitioner, *v.* New York Central Railroad Company. Petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey denied.

No. 1005. George Bohnke and Mrs. Henry T. (Eloise) Brown, petitioners, *v.* The People of the State of New York. Petition for writ of certiorari to the County Court of Suffolk County, State of New York denied.

No. 1008. J. R. McDonald, J. R. Mason, et al., petitioners, *v.* Banta Carbona Irrigation District. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 1022. Warren Eldreth Green, petitioner, *v.* Donald W. McLaren, Major, United States Army. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1023. Milk & Ice Cream Drivers and Dairy Employees Union, Local No. 225, et al., petitioners, *v.* Wisconsin Employment Relations Board et al. Petition for writ of certiorari to the Supreme Court of the State of Wisconsin denied.

No. 1056. Chestnut Securities Company, petitioner, *v.* Oklahoma Tax Commission. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 95. The People of Puerto Rico, petitioner, *v.* Russell & Co., S. en C.;

No. 505. Lester A. Crancer et al., copartners, etc., et al., petitioners, *v.* Frank O. Lowden et al., etc.; and

No. 932. Emond L. Viles and Frances N. Viles, petitioners, *v.* The Prudential Insurance Company of America. Petitions for rehearing denied.

No. 644. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Cement Investors, Inc.;

No. 645. Guy T. Helvering, Commissioner of Internal Revenue, petitioner *v.* James Q. Newton Trust;

No. 646. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* James Q. Newton, Jr.;

No. 913. American Chicle Company, petitioner, *v.* The United States;

No. 927. Northern Pacific Railway Company et al., appellants, *v.* The United States of America et al.;

No. 947. M. Hampton Magruder, Collector of Internal Revenue, etc., petitioner, *v.* Frederick M. Supplee et al.;

No. 1016. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* The Ohio Leather Company;

No. 1017. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* The Strong Manufacturing Company; and

No. 1018. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Warren Tool Company. Ordered that these cases be transferred to the summary docket. (See Rule 7, paragraph 5, and Rule 28, paragraphs 3 and 6.)

No. 1125. Standard Oil Company of California, appellant, *v.* Charles G. Johnson, as Treasurer of the State of California. Motion to advance submitted by Mr. Earl Warren and Mr. H. H. Linney for the appellee.

No. 799. The United States of America, petitioner, *v.* William R. Johnson; and

No. 800. The United States of America, petitioner, *v.* Jack Sommers et al. Argument continued by Mr. Arnold Raum for the petitioner and concluded by Mr. Floyd E. Thompson for the respondents.

No. 826. Federal Trade Commission, petitioner, *v.* Raladam Company. Argued by Mr. Robert L. Stern for the petitioner and by Mr. Rockwell T. Gust for the respondent.

No. 837. Smith Betts, petitioner, *v.* Patrick J. Brady, Warden, etc. Argument commenced by Mr. Jesse Slingluff, Jr., for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, April 14, will be as follows: Nos. 837 and 872.

SUPREME COURT OF THE UNITED STATES

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

Theodore Hollis Roche, of San Francisco, Calif.; Wilbur Wilson, of Norman, Okla.; Alfred John Martin, of Atlanta, Ga.; James Alexander Crooks, of Washington, D. C.; Frank Edward Scrivener, of Washington, D. C.; and Douglas L. King, of Riverside, Calif., were admitted to practice.

No. 1125. Standard Oil Company of California, appellant, *v.* Charles G. Johnson, as Treasurer of the State of California. 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. The motion to advance is granted and the case is assigned for argument on Monday, May 4 next.

No. 619. Walter G. Query et al., etc., petitioners, *v.* The United States of America et al. The order denying certiorari is vacated. The petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted and the case is assigned for argument on Monday, May 4 next, immediately following No. 1125.

No. 1027. Harry Braverman, petitioner, *v.* The United States of America; and

No. 1028. Allen Wainer, petitioner, *v.* The United States of America. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 837. Smith Betts, petitioner, *v.* Patrick J. Brady, Warden, etc. Argument continued by Mr. Jesse Slingluff, Jr., for the petitioner; by Mr. William C. Walsh and Mr. Robert E. Clapp, Jr., for the respondent; and concluded by Mr. G. Van Velsor Wolf for the petitioner.

No. 872. State of Georgia, petitioner, *v.* Hiram W. Evans et al. Argued by Mr. Ellis G. Arnall for the petitioner and by Mr. Edwin W. Moise for the respondents.

Adjourned until Monday, April 27 next, at 12 o'clock.

The day call for Monday, April 27, will be as follows: Nos. 644, 645 (and 646), 845, 848, 896, 910, 924, 913, 927, and 947.

SUPREME COURT OF THE UNITED STATES

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

Gerhard Van Arkel, of Boston, Mass.; Richard M. Davis, of Denver, Colo.; James Quigg Newton, Jr., of Denver, Colo.; David Bolton, of New York City; Lawrence F. Daly, of Milwaukee, Wis.; Alexander McF. Mood, of Fort Worth, Tex.; Marvin T. Swann, of Atlanta, Ga.; Marshal I. McMahon, of Chicago, Ill.; Edward Rubin, of Los Angeles, Calif.; Orson H. Matthews, of Salt Lake City, Utah; Roland Johnson Christy, of Philadelphia, Pa.; L. A. Goudeau, of Baton Rouge, La.; William Mazo, of Washington, D. C.; D. Barlow Burke, of Philadelphia, Pa.; Edward J. Griffiths, of Philadelphia, Pa.; Miles Henninger, of Milwaukee, Wis.; Sydney A. Luria, of New York City; and Stephen H. Hart, of Denver, Colo., were admitted to practice.

No. 775. Wilmington Trust Company, Executor of Alice duPont Ortiz, deceased, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. 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 Douglas.

No. 706. City of Chicago, a municipal corporation, Board of Health of the City of Chicago, et al., petitioners, *v.* Fieldcrest Dairies, Inc. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment vacated with costs and cause remanded to the District Court of the United States for the Northern District of Illinois with directions to retain the bill pending a determination of proceedings in the state court in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Mr. Justice Roberts concurs in the result.

No. 814. The State Tax Commission of Utah, petitioner, *v.* Malcolm P. Aldrich and Mary S. Harkness, Administrators with the will annexed of the estate of Edward S. Harkness, deceased. On writ of certiorari to the Supreme Court of the State of Utah. 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. Concurring opinion by Mr. Justice

Frankfurter. Dissenting opinion by Mr. Justice Jackson in which Mr. Justice Roberts concurs.

No. 872. State of Georgia, petitioner, *v.* Hiram W. Evans, John W. Greer, Jr., American Bitumuls Company, et al. 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 Northern District of Georgia for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Frankfurter. Mr. Justice Black concurs in the result. Dissenting opinion by Mr. Justice Roberts.

No. 755. Municipal Investors, Association, appellant, *v.* City of Birmingham, a municipal corporation, et al. Appeal from the Supreme Court of the State of Michigan. Judgment affirmed with costs. Opinion by Mr. Justice Reed.

No. 720. Milcor Steel Company, petitioner, *v.* George A. Fuller Company, Neff Lathing Company, Inc., et al. 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 Southern District of New York. Opinion by Mr. Justice Black.

No. 826. Federal Trade Commission, petitioner, *v.* Raladam Company. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment reversed and cause remanded to the said Circuit Court of Appeals with directions to affirm the order of the Federal Trade Commission. Opinion by Mr. Justice Black.

No. 708. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Credit Alliance Corporation. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Roberts. The Chief Justice took no part in the consideration or decision of this case. Dissenting: Mr. Justice Black, Mr. Justice Reed, and Mr. Justice Douglas.

No. 256. Dr. Maximilian Goldstein, Dr. Benjamin Schwartz, Herman Rubin, and Irving Elentuch, petitioners, *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 Roberts. Mr. Justice Jackson took no part in the consideration or decision of this case. Dissenting opinion by Mr. Justice Murphy in which the Chief Justice and Mr. Justice Frankfurter join.

No. 962, October Term, 1940. Martin M. Goldman, petitioner, *v.* The United States of America;

No. 963, October Term, 1940. Jacob P. Shulman, petitioner, *v.* The United States of America; and

No. 980, October Term, 1940. Theodore Goldman, petitioner, *v.* The United States of America. On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgments affirmed and cases remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Roberts. Mr. Justice Jackson took no part in the consideration or decision of this case. The Chief Justice and Mr. Justice Frankfurter state: "Had a majority of the Court been willing at this time to overrule the *Olmstead* case, we should have been happy to join them. But as they have declined to do so, and as we think this case is indistinguishable in principle from *Olmstead's*, we have no occasion to repeat here the dissenting views in that case with which we agree." Dissenting opinion by Mr. Justice Murphy.

No. 757. Prudence Realization Corporation, petitioner, *v.* A. Joseph Geist, Trustee. 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 Eastern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Stone.

No. 711. H. J. Gorman, City Treasurer of Kansas City, Missouri, and Frank McCabe, City Assessor of Kansas City, Missouri, petitioners, *v.* The Washington University. On writ of certiorari to the Supreme Court of the State of Missouri. Writ of certiorari dismissed for want of jurisdiction. Opinion by Mr. Chief Justice Stone.

No. 1006. Harmon Metz Waley, 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. Motion for leave to proceed in forma pauperis granted. Petition for writ of certiorari granted. Judgment vacated 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, *per curiam*, announced by Mr. Chief Justice Stone. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 774. National Labor Relations Board, petitioner, *v.* Nevada Consolidated Copper Corporation. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgment reversed and cause remanded to the said Circuit Court of Appeals with directions to enforce the Board's order, but with the modification proposed by the Board to conform to this Court's decision in *Republic Steel Corporation v. Labor Board*, 311 U. S. 7. Opinion, *per curiam*, announced by Mr. Chief Justice Stone.

The Chief Justice announced the following order of the Court:

No. 1113. Eddie J. Viator, appellant, *v.* State Tax Commission, A. H. Stone, Chairman, and J. E. Davis, Excise Commissioner. Appeal from the Supreme Court of the State of Mississippi. *Per curiam*: The motion for leave to file amended statement as to jurisdiction is granted. The appeal is dismissed for the want of jurisdiction. Section 237 (a), Judicial Code, as amended, 28 U. S. C., sec. 344 (a). 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, as amended, 28 U. S. C., sec. 344 (c), 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. —. *Ex parte* Nathan Rosenberg, petitioner. The motion to direct the Clerk to amend the roll of attorneys to show change of name of Nathan Rosenberg to "Nathan Rosenberg Rogers" is granted.

No. —, original. *Ex parte* Harold Glass, petitioner;

No. —, original. *Ex parte* Emmet H. Bozel, petitioner;

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

No. 974. William Ward, petitioner, *v.* 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 granted, and the case is assigned for argument on Tuesday, May 5th next.

No. 1059. Harry Pyle, petitioner, *v.* State of Kansas and Milton F. Amrine, Warden, 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 Kansas is also granted.

No. 926. Elmer Bently Pickens, 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. 1030. Ella H. Tinkoff, Debtor, and Paysoff Tinkoff, Creditor-Claimant, petitioners, *v.* Ben Gold, Trustee etc., et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit;

No. 1032. Sam McGrew, 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. 1053. Lemphis Jones, alias Fred Jones, petitioner, *v.* Joseph H. Brophy, as Warden of Auburn State Prison. On petition for

writ of certiorari to the County Court of Cayuga County, State of New York;

No. 1099. Bert Meredith, petitioner, *v.* Milton F. Amrine et al. On petition for writ of certiorari to the Supreme Court of the State of Kansas;

No. 960. John Mosher, 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. 1043. Arthur R. McCleary, 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; and

No. 1061. Charles D. Rodgers, petitioner, *v.* Walter B. Martin, as Warden of Clinton Prison, Dannemora, N. Y. 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. 1054. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* John Stuart. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 1055. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* R. Douglas Stuart. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted and the case placed on the summary docket.

No. 819. Frederick H. Ecker, John W. Stedman, et al., etc., petitioners, *v.* Western Pacific Railroad Corporation et al.;

No. 820. Crocker First National Bank of San Francisco et al., etc., petitioners, *v.* Western Pacific Railroad Corporation et al.;

No. 885. The Western Pacific Railroad Company, petitioner, *v.* Frederick H. Ecker et al.;

No. 989. Reconstruction Finance Corporation, petitioner, *v.* Western Pacific Railroad Corporation et al.; and

No. 1086. Irving Trust Company, as substituted trustee, etc., petitioner, *v.* Crocker First National Bank of San Francisco et al., etc. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 1076. B. B. Guy, Jr., petitioner, *v.* Missouri Pacific Railroad Company et al. Petition for writ of certiorari to the Supreme Court of the State of Arkansas granted.

No. 1169. William A. Adams, Warden of the City Prison of Manhattan, et al., petitioners, *v.* The United States of America, ex rel. Gene McCann. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted and case assigned for argument on Tuesday, May 5 next.

No. 1068. Illinois Northern Utilities Company, petitioner, *v.* City of Geneseo, Illinois, and Illinois Commerce Commission; and

No. 1069. Central Illinois Electric and Gas Company, petitioner, *v.* Village of Heyworth, Illinois, and Illinois Commerce Commission. Petition for writs of certiorari to the Supreme Court of the State of Illinois denied. Mr. Justice Douglas took no part in the consideration and decision of this application.

No. 1106. Otto Refior, petitioner, *v.* Lansing Drop Forge Company, a Michigan Corporation, et al. 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. 1021. Legh R. Powell and Henry W. Anderson, as Receivers, etc., petitioners, *v.* Maryland Trust Company, as Successor Trustee etc.; and

No. 1075. The New York Trust Company, as surviving trustee, etc., petitioner, *v.* Maryland Trust Company, as successor trustee etc. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 1033. Dakota Tractor and Equipment Company, 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. 1034. Richard E. Marine, 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. 1037. The Bridgeport City Trust Company and Arthur E. Alling, 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 denied.

No. 1044. Farm Bureau Mutual Automobile Insurance Company, petitioner, *v.* Rose Violano, Administratrix, and J. Alan Partridge. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1047. Associated Hospital Service Corporation of Massachusetts, petitioner, *v.* Thomas B. Hassett, Former Acting Collector. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 1049. Federal Deposit Insurance Corporation, Receiver, etc., petitioner, *v.* S. C. White, A. J. Rew, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 1050. B. W. Coyle, C. G. Long, et al., petitioners, *v.* W. B. Skirvin, Individually etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 1051. A. J. Johnson et al., petitioners, *v.* Kersh Lake Drainage District et al. Petition for writ of certiorari to the Supreme Court of the State of Arkansas denied.

No. 1058. Midland Cooperative Wholesale, Inc., petitioner, *v.* Harold L. Ickes, Secretary of the Interior, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 1066. Massachusetts Bonding & Insurance Company, petitioner *v.* Mrs. E. S. Massey et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 983. Udox N. Hankins, Receiver, etc., petitioner, *v.* The United States of America. Petition for writ of certiorari to the Supreme Court of the State of Louisiana denied.

No. 1038. The United States of America, petitioner, *v.* American National Bank and Trust Company of Chicago, Administrator, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 1039. The United States of America, petitioner, *v.* Anna Shepanek, individually etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 1090. The United States of America, petitioner, *v.* Pearlie Lawson, Administratrix etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 1041. James Carlisle Baskin, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 1042. W. A. Nailling, 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. 1052. J. Frank Hogue, petitioner, *v.* Clinton T. Duffy, Warden, San Quentin Penitentiary. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 1057. Inland Steel Company, petitioner, *v.* Foreman M. Lebold and Samuel N. Lebold. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 1077. Albert I. Cassell, petitioner, *v.* Howard University, a corporation. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 1078. National Electric Products Corporation, petitioner, *v.* Triangle Conduit & Cable Co., Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 1095. The Pennsylvania Railroad Company, petitioner, *v.* P. L. Miller. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 527. Carpenters and Joiners Union of America, Local No. 213, et al., petitioners, *v.* Ritter's Cafe et al. The motion for leave to file brief of National Lawyers Guild as *amicus curiae* is granted. The petition for rehearing is denied.

No. —, original. James deWindt and Mabel deWindt, plaintiffs, *v.* State of South Carolina;

No. 272. Mrs. Jessie Miles et al. petitioners, *v.* Illinois Central Railroad Company;

No. 588. National Labor Relations Board, petitioner, *v.* Electric Vacuum Cleaner Company, Inc., et al.;

No. 680. U. S. Industrial Chemicals, Inc., petitioner, *v.* Carbide and Carbon Chemicals Corporation;

No. 925. Selvie Windfield Wells, petitioner, *v.* The United States of America;

No. 965. Genzo Shimadzu and Northeastern Engineering Corporation, petitioners, *v.* The Electric Storage Battery Co.;

No. 970. Great Southern Life Insurance Company et al., petitioners, *v.* Joseph Lankston Williams;

No. 978. Commonwealth of Pennsylvania, ex rel. Alfred Maurice, petitioner, *v.* Herbert A. Smith, Warden, et al.;

No. 986. Al Campeau, petitioner, *v.* Milton F. Amrine, Warden, etc.; and

No. 1013. Frank Parker and George Moran, petitioners, *v.* The People of the State of Illinois. Petitions for rehearing denied.

No. 1080. Claude R. Wickard, Secretary of Agriculture of the United States, et al., appellants, *v.* Roscoe C. Filburn. Motion for leave to file brief of William Lemke and others as *amici curiae*

granted and the motion for leave to participate in the oral argument denied.

No. 644. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Cement Investors, Inc. Argued by Mr. Assistant Attorney General Clark for the petitioner and by Mr. Stephen H. Hart for the respondent.

No. 645. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* James Q. Newton Trust; and

No. 646. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* James Q. Newton, Jr. Argued by Mr. Assistant Attorney General Clark for the petitioner and by Mr. Richard M. Davis for the respondents.

No. 848. Mary W. Stewart et al., petitioners, *v.* The United States of America. Argument commenced by Mr. Robert L. Lipman for the petitioners and continued by Mr. Allan P. Matthew for the petitioners and by Mr. Richard H. Demuth for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, April 28, will be as follows: Nos. 848, 896, 910, 924, 913, 927, 947, 966, 314, and 1025.

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REPRINT

SUPREME COURT OF THE UNITED STATES

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

Jack F. McQuade, of Moscow, Idaho; Verling C. Enteman, of Newark, N. J.; Henry Clifton, Jr., of New York City; Richard W. Hall, of Cambridge, Mass.; William Joseph Webb, of Mayfield, Ky.; Robert Edward Webb, of Mayfield, Ky.; Roland Kidder Smith, Jr., of Chicago, Ill.; Andrew F. Oehmann, of Washington, D. C.; Charles J. Connolly, of Cincinnati, Ohio; Wayne H. Smith, of Indianapolis, Ind.; Robert F. Higley, of San Diego, Calif.; Walter A. Meador, of Nashville, Tenn.; and Ernest N. Votaw, of Philadelphia, Pa., were admitted to practice.

No. 848. Mary W. Stewart et al., petitioners, *v.* The United States of America. Argument continued by Mr. Richard H. Demuth for the respondent and concluded by Mr. Robert L. Lipman for the petitioners.

No. 896. *Faitoute Iron & Steel Company et al.*, appellants, *v.* *City of Asbury Park*, a municipal corporation of the State of New Jersey. Argued by Mr. Arthur T. Vanderbilt for the appellants and by Mr. Ward Kremer for the appellee.

No. 910. *A. B. Kirschbaum Company*, petitioner, *v.* Philip B. Fleming, Administrator, etc. L. Metcalfe Walling, present Administrator of the Wage and Hour Division, United States Department of Labor substituted as the party respondent herein in the place and stead of Philip B. Fleming, resigned, on motion of Mr. William Clarke Mason for the petitioner.

No. 910. *A. B. Kirschbaum Company*, petitioner, *v.* L. Metcalfe Walling, Administrator, etc. Argument commenced by Mr. William Clarke Mason for the petitioner and continued by Mr. Solicitor General Fahy for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, April 29, will be as follows: Nos. 910, 924, 913, 927, 947, 966, 314, 1025-1026, and 1036.

SUPREME COURT OF THE UNITED STATES

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

Charles J. Zinn, of New York City; Rufus A. Horn, of Tallassee, Ala.; Halbert W. Dodd, of West Frankfort, Ill.; Max A. Mandel, of Laredo, Tex.; John P. Blair, of Beaumont, Tex.; Arthur G. Klein, of New York City; Santos P. Amadeo, of San Juan, P. R.; and Meldrim Thomson, Jr., of Miami, Fla., were admitted to practice.

No. 1042. W. A. Nailling, petitioner, *v.* The United States of America. Order denying certiorari withheld until May 11th next on motion of Mr. L. E. Gwinn for the petitioner.

No. 910. A. B. Kirschbaum Company, petitioner, *v.* L. Metcalfe Walling, Administrator etc. Argument continued by Mr. Solicitor General Fahy for the respondent and concluded by Mr. William Clarke Mason for the petitioner.

No. 924. Arsenal Building Corporation and Spear & Co., Inc., petitioners, *v.* L. Metcalfe Walling, Administrator etc. Argued by Mr. Walter Gordon Merritt for the petitioners and by Mr. Solicitor General Fahy for the respondent.

No. 913. American Chicle Company, petitioner, *v.* The United States. Argued by Mr. Erwin N. Griswold for the petitioner and by Mr. J. Louis Monarch for the respondent.

No. 927. Northern Pacific Railway Company et al., appellants, *v.* The United States of America et al. Argument commenced by Mr. J. P. Plunkett for the appellants and continued by Mr. Smith R. Brittingham, Jr., for the appellees, The United States and Interstate Commerce Commission.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, April 30, will be as follows: Nos. 927, 947, 966, 314, 1025, 1026, 1036, 1080, 973, and 619.

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SUPREME COURT OF THE UNITED STATES

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

Spurgeon E. Bell, of Austin, Tex.; Hal F. Rachal, of Corpus Christi, Tex.; Richard C. Sheppard, of Boston, Mass.; Pat Coon, of Austin, Tex.; William A. McRae, Jr., of Jacksonville, Fla.; F. Cleveland Hedrick, Jr., of Jacksonville, Fla.; Millard W. Cron, of Gallatin, Tenn.; William Bryant Spohn, of Washington, D. C.; Joseph L. Borda, of New York City; Kelly L. Taulbee, of Los Angeles, Calif.; and Joseph A. Solovei, of New York City, were admitted to practice.

No. 1119. Henry Allen Hill, petitioner, *v.* The State of Texas. On petition for writ of certiorari to the Court of Criminal Appeals of the State of Texas. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari is also granted and the case is assigned for argument on Monday, May 11, next.

Execution of the judgment of Criminal District Court No. 2, Dallas County, Texas, is stayed pending the final disposition of the case by this Court.

No. 927. Northern Pacific Railway Company et al., appellants, *v.* The United States of America et al. Argument concluded by Mr. Smith R. Brittingham, Jr., for the appellees, The United States and Interstate Commerce Commission, and case submitted by Mr. Neal E. Williams for The Public Service Commission of North Dakota et al.

No. 947. M. Hampton Magruder, Collector of Internal Revenue, etc., petitioner, *v.* Frederick M. Supplee et al. Argued by Mr. Douglas B. Maggs for the petitioner and by Mr. Nathan J. Felsenberg for the respondents.

No. 966. Charles Jobin, appellant, *v.* The State of Arizona. Argued by Mr. Hayden C. Covington for the appellant. No appearance for the appellee.

No. 314. Louis Bowden and Zada Sanders, petitioners, *v.* City of Fort Smith, Arkansas. Argued by Mr. Osmond K. Fraenkel and by Mr. Hayden C. Covington for the petitioners. No appearance for the respondent.

No. 1025. National Broadcasting Company, Inc., et al., appellants, *v.* The United States of America et al. Motion for a temporary restraining order submitted by Mr. John T. Cahill for the appellants. Argument commenced by Mr. John T. Cahill for the appellants and continued by Mr. Telford Taylor for the appellees.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, May 1, will be as follows: Nos. 1025, 1026, 1036, 1080, 973, 619, 1125, 1040, 782, and 974.

SUPREME COURT OF THE UNITED STATES

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

Jane Mapes Pierce, of Grand Rapids, Mich.; Robert L. Pierce of Ann Arbor, Mich.; Francis C. Reed, of New York City; Richard W. Hogue, Jr., of New York City; Leighton Homer Surbeck, of New York City; Joseph H. Ream, of New York City; Robert D. Flory, of Columbus, Nbr.; Henry Gardner Ingraham, of Brooklyn, N. Y.; Robert S. Nevin, of Dayton, Ohio; E. K. Gubin, of San Francisco, Calif.; George C. Sharp, of New York City; Lisle R. Van Burgh, of Houston, Tex.; Dell King Steuart, of Minneapolis, Minn., and J. Cookman Boyd, Jr., of Baltimore, Md., were admitted to practice.

No. 903. Robert L. Peyton, petitioner, *v.* Railway Express Agency, Inc., et al. Submitted by Mr. Robert L. Peyton pro se and by Mr. Harry S. Marx and Mr. Charles C. Evans for the respondents.

No. 1025. National Broadcasting Company, Inc., et al., appellants, *v.* The United States of America et al. Argument concluded by Mr. Telford Taylor for the appellees, The United States of America and Federal Communications Commission.

No. 1026. Columbia Broadcasting System, Inc., appellant, *v.* The United States of America et al. Motion for temporary restraining order submitted by Mr. Charles E. Hughes, Jr., for the appellant. Argued by Mr. Charles E. Hughes, Jr., for the appellant; by Mr. Telford Taylor for the appellees, The United States of America and Federal Communications Commission; and by Mr. Louis G. Caldwell for the appellee, Mutual Broadcasting System, Inc.

No. 1036. Chrysler Corporation et al., appellants, *v.* The United States of America. Argument commenced by Mr. Nicholas Kelley for the appellants and continued by Mr. Albert Holmes Baldrige for the appellee.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, May 4, will be as follows: Nos. 1036, 1080, 973, 619, 1125, 1040, 782, and 974.

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SUPREME COURT OF THE UNITED STATES

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

James E. Fahey, of Louisville, Ky.; Julius Schlezinger, of Columbus, Ohio; Jerome C. Strumpf, of New York, N. Y.; Strother P. Walton, of Fresno, Calif.; George Levin Aynsworth, of Fresno, Calif.; Walton Stanley Allen, of Marlow, Okla.; Herman Horowitz, of New York, N. Y.; Elmer S. Tackett, of Hot Springs, Ark.; Frank W. DeFriece, of Bristol, Tenn.; Walter S. Smith, of Knoxville, Tenn.; Norman E. H. Deletzke, of Chicago, Ill.; Mildred Oats, of New York, N. Y.; Adrian A. Kragen, of Oakland, Calif.; Ernest Roy Gilpin, of New York, N. Y.; Manuel Levine, of Brookline, Mass.; Warren M. Caro, of Brooklyn, N. Y.; Richard P. Dietzman, of Louisville, Ky.; Gabriel A. Namen, of Worcester, Mass.; Daniel P. Loomis, of Cranford, N. J.; and Nora B. Padway, of Milwaukee, Wis., were admitted to practice.

No. 595. Swift and 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 Northern District of Illinois. Decree affirmed. Opinion by Mr. Justice Jackson. Dissenting opinion by Mr. Justice Douglas in which the Chief Justice and Mr. Justice Murphy join.

No. 738. The United States of America, petitioner, *v.* Citizens Loan & Trust Co., Administrator, etc. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment reversed and cause remanded to the District Court of the United States for the District of Columbia for reinstatement of its judgment. Opinion by Mr. Justice Byrnes.

No. 649. Mishawaka Rubber and Woolen Manufacturing Company, petitioner, *v.* S. S. Kresge Company. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Decree vacated with costs and cause remanded to the District Court of the United States for the Eastern District of Michigan for the entry of a decree in conformity with the opinion of this Court. Opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas and Mr. Justice Murphy join.

The Chief Justice announced the following orders of the Court:

No. 815. The State Tax Commission of Utah and Oliver G. Ellis, State Treasurer of the State of Utah, petitioners, *v.* Alvin Untermyer, Irwin Untermyer, et al., etc. On petition for writ of certiorari to the Supreme Court of the State of Utah. *Per curiam*: The petition for writ of certiorari is granted and the judgment is reversed on authority of No. 814, State Tax Commission of Utah *v.* Aldrich, decided April 27, 1942.

No. 1160. Board of Trustees of the Town of Cebolleta Land Grant, appellant, *v.* L Bar Cattle Company, Inc. Appeal from the Supreme Court of the State of New Mexico. *Per curiam*: The appeal is dismissed for the want of jurisdiction. Section 237 (a), Judicial Code, as amended, 28 U. S. C., sec. 344 (a). Treating the papers whereon the appeal was allowed as an application for writ of certiorari as required by section 237 (c) of the Judicial Code, as amended, 28 U. S. C., sec. 344 (c), 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."

ORDER

It is ordered by this Court that the bond of the Marshal, Thomas E. Waggaman, dated May 2, 1942, be, and the same is, this day approved and recorded.

ORDER

It is ordered that the Rules of Practice for the Courts of the United States in Admiralty and Maritime Jurisdiction be, and they are hereby, amended by adding the following new rule:

Rule 44½ Pre-Trial Procedure; Formulating Issues.

Rule 16 of the Rules of Civil Procedure shall be applicable in cases in Admiralty.

No. —, original. *Ex parte* John Weber, petitioner. Application denied.

No. —, original. *Ex parte* Leo T. Schugsda, petitioner; and

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

No. 5, original. State of Colorado, complainant, *v.* State of Kansas et al. It is ordered that the Honorable Charles C. Cavanah, a retired District Judge of the United States, of Boise, Idaho, be, and he is hereby appointed Special Master in this cause, with authority to

summon witnesses, issue subpoenas, and to take such evidence as he may deem it necessary to call for, or as may be introduced in the event that the taking of additional testimony is authorized. The motion now pending before this Court to take additional testimony in the cause is referred to the Master, whose decision shall be final unless a petition for its review by this Court is filed by any party within ten days after the decision. The Master is directed to examine the evidence already taken in the cause and any further evidence that may be taken, 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. In view of the fact that the Master is a retired judge, the Court accepts his offer to serve without compensation, but he shall be allowed his actual expenses. 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 place becomes vacant during the recess of the Court, the Chief Justice shall have authority to make a new designation of a Master, which shall have the same effect as if originally made by the Court herein.

No. 799. The United States of America, petitioner, *v.* William R. Johnson; and

No. 800. The United States of America, petitioner, *v.* Jack Sommers, James A. Hartigan, John M. Flanagan, et al. Ordered that this cause be restored to the docket for reargument on October 12, next.

For purposes of the reargument the briefs, with appropriate record citations, and arguments of counsel will be directed solely to the following questions:

(1) What evidence warranted submission by the trial court to the jury of the charges made as to each of the defendants (a) in each of the four substantive counts, and (b) in the conspiracy count.

(2) In the circumstances of this cause, is proof of gross receipts sufficient to establish that net income resulted from the operation of any enterprise in which respondent Johnson is alleged to have been interested?

(3) To sustain the sentence of respondent Johnson on the first four counts, on petitioner's "expenditure theory," must the record furnish proof that during some one of the four years referred to in those counts his expenditures exceeded reported income, and were made in part from his unreported income received in that particular year?

(4) If so, does the record furnish such proof?

No. 976. Continental Illinois National Bank and Trust Company of Chicago, Conservator, etc., 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. 1031. Virdo Jones, petitioner, *v.* The State of Kansas et al. On petition for writ of certiorari to the Supreme Court of the State of Kansas;

No. 1081. Homer C. Price, 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. 1108. Myrtle W. Quinn, as Administratrix, etc., petitioner, *v.* American Range Lines, Inc., et al. On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania;

No. 1153. Alfred Bauer, petitioner, *v.* Walter B. Martin, as Warden of Clinton Prison, Dannemora, New York. On petition for writ of certiorari to the Supreme Court of the State of New York;

No. 1102. John Russell Miller, petitioner, *v.* Clinton T. Duffy, Warden, California State Prison. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit;

No. 1103. John Russell Miller, petitioner, *v.* Clinton T. Duffy, Warden, California State Prison. On petition for writ of certiorari to the Supreme Court of the State of California;

No. 1117. James Harrington, petitioner, *v.* Dr. Walter B. Martin, as Warden, etc. On petition for writ of certiorari to the Supreme Court of the State of New York;

No. 1129. Ed Wetzel, petitioner, *v.* W. F. Schaefer, as Trustee, etc. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit;

No. 1134. Mary Copley, petitioner, *v.* The Industrial Accident Commission of the State of California et al. On petition for writ of certiorari to the Supreme Court of the State of California; and

No. 1149. Frank Contardi, petitioner, *v.* Herbert A. Smith, Warden, etc. 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. 1079. Benjamin M. Perlstein and Harry Paul, petitioners, *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 or decision of this application.

No. 1097. Odell Waller, petitioner, *v.* Rice M. Youell, Superintendent, etc. The motion for leave to proceed on the typewritten record is granted. The petition for writ of certiorari to the Supreme Court of Appeals of the State of Virginia is denied.

No. 923. Phillips Pipe Line Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 1091. National Manufacture and Stores Corporation, petitioner, *v.* Marion H. Allen, Collector of Internal Revenue, Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1092. City of Oakland, a municipal corporation, 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. 1101. Ceval Neal, petitioner, *v.* The State of Maryland. Petition for writ of certiorari to the Court of Appeals of the State of Maryland denied.

No. 709. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Kay Manufacturing Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 157, October Term, 1939. John Weber, petitioner, *v.* The United States of America.

No. —, original. Ex parte William Doster Noland, petitioner;

No. 11, original. Ex parte Forrest Holiday, petitioner;

No. 658. United States of America, to the use of Noland Company, Incorporated, petitioner, *v.* Alexander D. Irwin et al.;

No. 981. Lillian I. Randall, petitioner, *v.* Labaddie Bottoms River Protection District of Franklin County, Missouri;

No. 990. Josephine V. Hall, petitioner, *v.* The United States;

No. 1014. Charles B. Rayner, petitioner, *v.* United North and South Development Company; and

No. 1024. Tampax, Incorporated, and Tampax Sales Corporation, petitioners, *v.* The Personal Products Corporation et al. Petitions for rehearing denied.

No. 523. Louis Weber, petitioner, *v.* The United States of America. Petition for rehearing denied. Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 712. John P. Nick and Clyde A. Weston, petitioners, *v.* The United States of America. The motion for leave to file a second petition for rehearing is granted. The second petition for rehearing is denied.

ORDER

It is ordered that the call of the docket, except for special assignments, be suspended for the term upon the conclusion of the argument in case No. 974, and that the Court will then take a recess until Monday, May 11.

No. 1180. Graver Tank & Manufacturing Corporation, petitioner, *v.* New England Terminal Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Dismissed per stipulation of counsel.

No. 1036. Chrysler Corporation et al., appellants, *v.* The United States of America. Argument concluded by Mr. Albert Holmes Baldridge for the appellee.

No. 1080. Claude R. Wickard, Secretary of Agriculture, etc., et al., appellants, *v.* Roscoe C. Filburn. Argued by Mr. Solicitor General Fahy for the appellants and by Mr. Harry N. Routzohn and Mr. Webb R. Clark for the appellee.

No. 973. The United States of America, ex rel. Bernard Paul Coy, petitioner, *v.* The United States of America et al. Argument commenced by Mr. James E. Fahey for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, May 5, will be as follows: Nos. 973, 619, 1125, 1040, 782, and 974.

SUPREME COURT OF THE UNITED STATES

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

John Howland, of Cleveland, Ohio; Herbert G. Pillen, of Washington, D. C.; Eldred E. Adams, of Louisa, Ky.; William H. Levit, of San Francisco, Calif.; Casimir Adam Miketta, of Los Angeles, Calif.; Charles Pergler, of Washington, D. C.; Alex W. Davis, of Los Angeles, Calif.; Pierce Works, of Los Angeles, Calif.; James R. Withrow, Jr., of New York City; William Power Maloney, of New York City; William Galbally, Jr., of Los Angeles, Calif.; Joseph E. Kehoe, of Melrose, Mass.; Thomas Winfield Blackwell, Jr., of Winston-Salem, N. C.; and Richard Charles Cadwallader, of Baton Rouge, La., were admitted to practice.

No. 973. The United States of America, ex rel. Bernard Paul Coy, petitioner, *v.* The United States of America et al. Argument continued by Mr. James E. Fahey for the petitioner and concluded by Mr. H. G. Ingraham for the respondent.

No. 619. Walter G. Query et al., etc., petitioners, *v.* The United States of America et al. Argued by Mr. Claude K. Wingate for the petitioners and by Mr. Assistant Attorney General Clark for the respondents.

No. 1125. Standard Oil Company of California, appellant, *v.* Charles G. Johnson, as Treasurer of the State of California. Argued by Mr. Francis R. Kirkham for the appellant and by Mr. Adrian A. Kragen for the appellee.

No. 1040. W. B. Parker, Director of Agriculture, et al., appellants, *v.* Porter L. Brown. Argued by Mr. Walter L. Bowers for the appellants and by Mr. G. Levin Aynesworth for the appellee.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, May 6, will be as follows: Nos. 782 and 974.

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SUPREME COURT OF THE UNITED STATES

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

Edward P. Chase, of Santa Fe, N. Mex.; Cecil Mignonae Roeder, of Jacksonville, Ill.; John M. Robinson, Jr., of Los Angeles, Calif.; Gail L. Ireland, of Denver, Colo.; William Axer Graham, of Baltimore, Md.; and P. H. Dickerson, of Hot Springs, Ark., were admitted to practice.

No. 782. Jack T. Skinner, petitioner, *v.* The State of Oklahoma, ex rel. Mac Q. Williamson, Attorney General of the State of Oklahoma. Argued by Mr. Mac Q. Williamson for the respondent and case submitted by Mr. W. J. Hulse, Mr. H. I. Aston, and Mr. Guy L. Andrews for the petitioner.

No. 974. William Ward, petitioner, *v.* State of Texas. Argument commenced by Mr. Leon A. Ransom for the petitioner; continued by Mr. Robert Ming, Jr., for the petitioner; by Mr. Pat Coon and Mr. Spurgeon E. Bell for the respondent; and concluded by Mr. William Robert Ming, Jr., for the petitioner.

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

The day call for Monday, May 11, will be as follows: Nos. 1169 and 1119.

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SUPREME COURT OF THE UNITED STATES

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

Lorna E. Lockwood, of Phoenix, Ariz.; Joe V. Williams, Jr., of Chattanooga, Tenn.; John Tilden Rogers, of Winston-Salem, N. C.; James Patterson Alexander, of Austin, Tex.; Charles Louis Knight, of Washington, D. C.; William R. Rodeberg, of Washington, D. C.; Fred Frieman, of Newark, N. J.; William L. Craig, of Evansville, Ind.; Fred W. Crow, of Pomeroy, Ohio; Marcus A. Hollabaugh, of Washington, D. C.; Paul M. Strack, of Newark, N. J.; Geo. W. Crockett, Jr., of Fairmont, W. Va.; Walter T. Nolte, of Washington, D. C.; Edwin W. Baron, of Cheyenne, Wyo.; and R. F. Deacon Arledge, of Albuquerque, N. Mex., were admitted to practice.

No. 665. Harriett V. Pence, petitioner, *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 Eastern District of Wisconsin. Opinion by Mr. Justice Jackson. Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Black and Mr. Justice Douglas join.

No. 798. The Sioux Tribe of Indians, petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Byrnes. The Chief Justice took no part in the consideration or decision of this case.

No. 348. The Seminole Nation, petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment reversed in part and affirmed in part and cause remanded to the Court of Claims for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Murphy. Mr. Justice Reed took no part in the consideration or decision of this case. Dissenting: Mr. Justice Jackson.

No. 830. The Seminole Nation, petitioner, *v.* The United States. 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 Murphy. Mr. Justice Reed took no part in the consideration or decision of this case. Dissenting: Mr. Justice Jackson.

No. 723. The United States of America, appellant, *v.* The Masonite Corporation, Celotex Corporation, et al. Appeal from the District Court of the United States for the Southern District of New York. 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 Douglas. Mr. Justice Roberts and Mr. Justice Jackson did not participate in the consideration or decision of this case.

No. 841. Susan G. Reeves, petitioner, *v.* William Beardall, as Executor of the Last Will and Testament of Susan J. Graham, deceased. 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 said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas.

No. 990, October Term, 1940. The United States, petitioner, *v.* Nunnally Investment Company. On writ of certiorari to the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Frankfurter. Mr. Justice Jackson took no part in the consideration or decision of this case. Dissenting opinion by Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Byrnes, announced by Mr. Justice Douglas.

No. 510. C. H. Cochran, petitioner, *v.* The State of Kansas and Milton F. Amrine, Warden, Kansas State Penitentiary. On writ of certiorari to the Supreme Court of the State of Kansas. 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. 855. The United States of America, appellant, *v.* The Univis Lens Company, Inc., The Univis Corporation, Jack R. Silverman, Myer H. Stanley, G. F. Stanley, N. M. Stanley; and

No. 856. The Univis Lens Company, Inc., The Univis Corporation, Jack R. Silverman, Myer H. Stanley, G. F. Stanley, N. M. Stanley, appellants, *v.* The United States of America. Appeals from the District Court of the United States for the Southern District of New York. Decree in No. 855 reversed. Decree in No. 856 affirmed, and both cases are remanded to the District Court for the entry of an appropriate decree in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Stone. Mr. Justice Jackson took no part in the consideration or decision of these cases.

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. 1040. W. B. Parker, Director of Agriculture, et al., appellants, *v.* Porter L. Brown. This cause is restored to the docket for reargument on October 12 next. In their briefs and on the oral argument counsel for the parties are requested to discuss the questions whether the state statute involved is rendered invalid by the action of Congress in passing the Sherman Act, the Agricultural Adjustment Act as amended, or any other Act of Congress. The Solicitor General is requested to file a brief as *amicus curiae* and, if he so desires, to participate in the oral argument.

No. 1107. Wade Garrett, petitioner, *v.* Moore-McCormack Company, Inc., et al. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania is granted.

No. 1142. Hazel Frances Goodale, petitioner, *v.* Charles S. Campbell and the First National Bank and Trust Co. et al. On petition for writ of certiorari to the Supreme Court of the State of Michigan. 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. 1165. William H. Dunn, Jr., and Raymond Krause, appellants, *v.* The State of Ohio. 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. 894. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* R. A. Sprouse. The order denying certiorari is vacated. The petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted and the case is assigned for argument immediately following No. 1100.

No. 1094. The United States, petitioner, *v.* Callahan Walker Construction Company. Petition for writ of certiorari to the Court of Claims granted.

No. 1100. Emil H. Strassburger, 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. 1130. United Carbon Company and United Carbon Company, Inc., petitioners, *v.* Binney & Smith Company. Petition for writ

of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted.

No. 1111. Ludovic Pignatelli, petitioner, *v.* The United States of America. The motion to proceed on typewritten papers is granted. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1116. The United States of America *ex rel.* John C. McDermott, petitioner, *v.* Arthur G. Jaeger, United States Marshal, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 1082. Alvah H. Weathers, 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. 1104. William Milburn, petitioner, *v.* Martha Heald; and

No. 1105. William Milburn, petitioner, *v.* Orland Heald. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 1109. Edward Montgomery, 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. 1110. Mae Huffman, petitioner, *v.* Home Owners' Loan Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 1114. Gulf Refining Company, petitioner, *v.* Mark C. Walker & Son Company et al.; and

No. 1115. Gulf Refining Company, petitioner, *v.* Charles Weaver & Company, Inc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 1131. Phil Ryan, petitioner, *v.* Ione Cross, Ruby Cross, an infant by her next friend, et al., etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 1135. Sol Andrews et al., petitioners, *v.* Equitable Life Assurance Society of the United States et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 1136. Addressograph-Multigraph Corporation, petitioner, *v.* American Expansion Bolt and Manufacturing Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 1144. John D. McCoach, Trustee, petitioner, *v.* J. Rob Griffin, Administrator, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 286. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Southwest Consolidated Corporation. The motion for leave to file a second petition for rehearing is granted. The second petition for rehearing is denied.

No. 745. The Schenectady Union Publishing Company, petitioner, *v.* Martin L. Sweeney. Petition for rehearing denied. Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 1042. W. A. Nailling, petitioner, *v.* The United States of America. Petition for rehearing denied.

ORDER

The Court will take a recess from today until Monday, May 25, and from that day until Monday, June 1, 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. 1119. Henry Allen Hill, petitioner, *v.* The State of Texas. Argued by Mr. Pat Coon and Mr. Spurgeon E. Bell for the respondent and case submitted by Mr. J. F. McCutcheon for the petitioner.

No. 1169. William A. Adams, Warden, etc., et al., petitioners, *v.* The United States of America, ex rel. Gene McCann. Warner W. Gardner, Esq., of Washington, D. C., appointed counsel for the petitioner in this case. Case continued until October 12 next on motion of Mr. Warner W. Gardner, the Solicitor General not objecting.

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

SUPREME COURT OF THE UNITED STATES

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

John Joseph Finn, of Barre, Vt.; Herbert E. Gyles, of Aiken, S. C.; John T. Rose, Jr., of Punta Gorda, Fla.; James P. Byrnes, of Chicago, Ill.; William Charles Kaleel, of St. Petersburg, Fla.; James M. Wilson, of Enid, Okla.; James F. Douglas, Jr., of Washington, D. C.; Emmons M. Sanford, of Silver Spring, Md.; Henry H. Spencer, of St. Louis, Mo.; K. Thomas Everngam, of Baltimore, Md.; Richard H. Akers, of Bethesda, Md.; Austin L. Staley, of Pittsburgh, Pa.; Felix C. Lourie, of New York City; Elry Stone, of Miami, Fla.; T. Murray Robinson, of Oklahoma City, Okla.; David G. Geffner, of Providence, R. I.; Herbert H. Lind, of Zanesville, Ohio; Chas. E. Kamp, of Houston, Tex.; Aaron H. Marx, of New York City; James J. McQuirk, Jr., of New York City; John G. Bosche, of San Francisco, Calif.; Philip Adams, of San Francisco, Calif.; John T. Hillis, of Logansport, Ind.; Leonard B. Marshall, of Terre Haute, Ind.; Howard Taylor Batman, of Terre Haute, Ind.; Frank T. Cullitan, of Cleveland, Ohio; Benjamin M. Goldstein, of Monticello, N. Y.; Warley L. Parrott, of New York City; Sophie B. Lyman, of Washington, D. C.; Ewing Gordon Simpson, of Washington, D. C.; Louis F. Davis, of Chicago, Ill.; Lyman M. Tondel, Jr., of New York City; Daniel J. Reidy, of New York City; John J. Dolan, of Washington, D. C.; Howard A. Swartwood, of Binghamton, N. Y.; William H. Pritchard, of Johnson City, N. Y.; Birney Mills Van Benschoten, of Flint, Mich.; Charles M. Van Benschoten, of Flint, Mich.; Clayton Lee Burwell, of Charlotte, N. C.; R. F. Hoke Pollock, of Kinston, N. C.; Walton S. Shepherd, Jr., of Charleston, W. Va.; Ray C. Thomas, of Gary, Ind.; John Lloyd, Jr., of Atlantic City, N. J.; Miller Walton, of Miami, Fla.; Hubert E. Wickens, of Greensburg, Ind.; Arthur D. Bishop, of Flora, Ind.; Charles Adolph Williams, of Oxford, Ohio; Merl L. Gochenour, of Warsaw, Ind.; and Wilfred Davis Graham, of Pittsburgh, Pa., were admitted to practice.

No. 947. M. Hampton Magruder, Collector of Internal Revenue for the District of Maryland, petitioner, *v.* Frederick M. Supplee and Elizabeth G. Supplee, his wife. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment

reversed with costs and cause remanded to the District Court of the United States for the District of Maryland for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Murphy.

No. 848. Mary W. Stewart et al., petitioners, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth 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 Northern District of California. Opinion by Mr. Justice Roberts.

No. 332. The Williams Manufacturing Company, petitioner, *v.* United Shoe Machinery Corporation. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Decree affirmed with costs and cause remanded to the District Court of the United States for the Southern District of Ohio. Opinion by Mr. Justice Roberts. Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas and Mr. Justice Murphy concur.

No. 973. The United States of America, ex rel. Bernard Paul Coy, petitioner, *v.* The United States of America et al. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Writ of certiorari dismissed. Opinion, *per curiam*, announced by Mr. Chief Justice Stone.

No. 927. Northern Pacific Railway 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 Minnesota. Judgment affirmed. Opinion, *per curiam*, announced by Mr. Chief Justice Stone.

No. 903. Robert L. Peyton, petitioner, *v.* Railway Express Agency, Inc., et al. 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 Western District of Texas for further proceedings in conformity with the opinion of this Court. Opinion, *per curiam*, announced by Mr. Chief Justice Stone.

The Chief Justice announced the following orders of the Court:

No. 1154. Banque de France, appellant, *v.* The Supreme Court of the State of New York et al. Appeal from the Supreme Court of the State of New York. *Per curiam*: The appeal is dismissed for the want of jurisdiction. Section 237 (a), Judicial Code, as amended, 28 U. S. C., sec. 344 (a). Treating the papers whereon the appeal was allowed as an application for writ of certiorari as re-

quired by section 237 (c) of the Judicial Code, as amended, 28 U. S. C., sec. 344 (c), certiorari is denied. The Chief Justice took no part in the consideration or decision of this case.

No. 1202. John A. Kramer, appellant, *v.* Richard Sheehy, as Warden of the State Prison of the State of Nevada. Appeal from the Supreme Court of the State of Nevada. *Per curiam*: The Court has examined all the federal questions raised by appellant. It finds that the attack upon the validity of the state statute raises no substantial federal question (*Wolfgang v. California*, 270 U. S. 627, and cases cited), and that none of the other questions presented warrant further review. The motion to dismiss is therefore granted and the appeal is dismissed for want of a substantial federal question. The motion for leave to proceed further herein *in forma pauperis* is denied.

No. 1212. Edgar Bohn, appellant, *v.* Mrs. Elizabeth West Bohn. 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 federal question. Under Rule 30 (2), damages of 10 percent on the amount of the judgment are awarded, it appearing that the appeal was frivolous and taken merely for delay.

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* Bernard Bahlhorn, petitioner;

No. —. *Ex parte* Nicholas Parsin, petitioner;

No. —. Robert G. Errington, petitioner, *v.* Robert H. Hudspeth, Warden, etc. Applications denied.

No. —. Ed Wetzal, appellant, *v.* W. F. Schaefer. The petition for appeal is denied.

No. —. *Ex parte* Philip A. Weinstein, petitioner. The motion to direct the Clerk to amend the roll of attorneys to show change of name of Philip A. Weinstein to "Philip A. Winston" is granted.

No. —, original. *Ex parte* George R. Busser, petitioner;

No. —, original. *Ex parte* Alfred Bauer, petitioner;

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

No. 1059. Harry Pyle, petitioner, *v.* State of Kansas et al. It is ordered that Joseph P. Tumulty, Jr., Esq., 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. 914. Edward Casebeer, 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;

No. 1215. Homer C. Price, petitioner, *v.* National Surety Corporation of New York. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit;

No. 1224. Theophilus Ward, 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;

No. 1227. Al Campeau, petitioner, *v.* Milton F. Amrine, Warden, Kansas State Penitentiary, Lansing, Kansas. On petition for writ of certiorari to the Supreme Court of the State of Kansas;

No. 1098. Augustus H. Cottrell, 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. 1177. Louise Dean Moyer, petitioner, *v.* Frank Hines, as Administrator of Veterans' Affairs. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 1230. Francis E. Weidhaas, petitioner, *v.* Loew's, Inc., and Metro Goldwyn Pictures Corporation. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit; and

No. 1253. Charles Edward Rozea, 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 grounds upon which writs of certiorari should be issued. The petitions for writs of certiorari are therefore also denied.

No. 1171. The United States of America, appellant, *v.* The Wayne Pump Company et al.; and

No. 1172. The United States of America, appellant, *v.* The Wayne Pump Company 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 Jackson took no part in the consideration or decision of this question.

No. 1137. National Labor Relations Board, petitioner, *v.* Indiana & Michigan Electric Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 1138. Walter L. Mangus and Rose L. Mangus, petitioners, *v.* Matthew A. Miller. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit granted.

No. 1211. Opal Saxton Davis, petitioner, *v.* Department of Labor and Industries of the State of Washington. Petition for writ of certiorari to the Supreme Court of the State of Washington granted.

No. 1132. George M. Holley, 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. Mr. Justice Murphy took no part in the consideration or decision of this application.

No. 1145. W. J. Lamar et al., petitioners, *v.* Kentenia Cumberland Corporation et al. The motion for leave to proceed on typewritten papers is granted. The petition for writ of certiorari to the Court of Appeals of the Commonwealth of Kentucky is denied.

No. 1156. Mayte C. Ross, petitioner, *v.* Commissioner of Internal Revenue. The motion to defer consideration of the application for writ of certiorari is denied. The petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is denied.

No. 1229. Klaxon Company, petitioner, *v.* Stentor Electric Manufacturing Company. The motion to use the certified transcript in No. 741, October Term, 1940, and to dispense with the printing thereof is granted. The petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is denied.

No. 1084. George R. Cooke Company, petitioner, *v.* Nick Maki. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 1093. Samuel Evans Massengill, petitioner, *v.* J. T. Wilson, Administrator of the estate of Pearl Locklair, deceased. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 1096. The Nez Perce Tribe of Indians, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No 1118. Eldon Steele, petitioner, *v.* The State of North Carolina. Petition for writ of certiorari to the Supreme Court of the State of North Carolina denied.

No. 1120. Anthony Maggio, Carl Ippolito, et al., petitioners, *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. 1123. Evergreen Farms Company, petitioner, *v.* Willacy County Water Control & Improvement District No. 1. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1124. Albert Miller, Max Miller, et al., petitioners, *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. 1126. Herman E. Heflin and Edward Huell Heflin, 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.

No. 1139. The First National Bank of Greeley, Colorado, as Executor etc., et al., petitioners, *v.* Minnesota Mines, Inc. Petition for writ of certiorari to the Supreme Court of the State of Colorado denied.

No. 1143. Franham Distributors, Inc., petitioner, *v.* New York World's Fair 1939 Inc. and Swift and Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1146. Davenport Hosiery Mills and United Hosiery Mills, petitioners, *v.* J. Buckner Fisher, Receiver, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 1147. Frank G. Rath et al., petitioners, *v.* Pearl E. Crosby. Petition for writ of certiorari to the Supreme Court of the State of Oregon denied.

No. 1148. Occidental Life Insurance Company, petitioner, *v.* Sophie Eiler. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 1151. Bernardine Warren, Administratrix, etc., petitioner, *v.* Richard E. Haines, Trading as Annadale Creamery Co. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 1157. Robert A. Helton, Administrator, etc., petitioner, *v.* Charles M. Thompson, Trustee, etc. Petition for writ of certiorari to the Appellate Court, First Division, State of Illinois denied.

No. 1159. The State of Wyoming, petitioner, *v.* Yellowstone Park Company. Petition for writ of certiorari to the Supreme Court of the State of Wyoming denied.

No. 1161. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Lewis B. Maytag, Alternate Executor, etc.; and

No. 1162. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Ora B. Maytag et al., Executors, etc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No 1182. Louis N. Rosenbaum, petitioner, *v.* Frederick Brown. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 1141. Otto C. Berry and General Motors Corporation, petitioners, *v.* Bohn Aluminum & Brass Corporation and Adolph L. Nelson. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 1150. Manley Oil Corporation et al., petitioners, *v.* Shell Oil Company, Incorporated. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 1155. Estate of William S. Hull, deceased, et al., etc., 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. 1158. J. G. Glover, 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. 1164. Myrtle A. Garner, petitioner, *v.* George Alexander. Petition for writ of certiorari to the Supreme Court of the State of Oregon denied.

No. 1167. Robert Moody, August J. Lang, Jr., et al., petitioners, *v.* Toole County Irrigation District. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 1174. Wardner G. Scott, State Engineer, etc., et al., petitioners, *v.* The United States of America et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 1175. Gamboa, Rodriguez, Rivera & Co., Inc., petitioner, *v.* Imperial Sugar Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1179. Community Natural Gas Company, petitioner, *v.* Ruth Ravell. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1194. J. Buckner Fisher, Receiver, etc., petitioner, *v.* Louise Whiton, Executrix, etc. Petition for writ of certiorari to the Court of Appeals of the State of Tennessee denied.

No. 1213. Roy E. Ammond, petitioner, *v.* The Pennsylvania Railroad Company and H. F. Emerson. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 1058. Midland Cooperative Wholesale, Inc., petitioner, *v.* Harold L. Ickes, Secretary of the Interior, et al. Motion to extend time for filing petition for rehearing until October 5, 1942, denied.

No. 1014. Charles B. Rayner, petitioner, *v.* United North and South Development Company; and

No. 1042. W. A. Nailling, petitioner, *v.* The United States of America. Motions for leave to file second petitions for rehearing granted. The second petitions for rehearing are denied.

No. —, original. Ex parte Pedro E. Sanchez Tapia, petitioner;

No. 157, October Term, 1939. John Weber, petitioner, *v.* The United States of America;

No. 711. H. J. Gorman, City Treasurer of Kansas City, Missouri, et al., petitioners, *v.* The Washington University;

No. 960. John Mosher, petitioner, *v.* Robert H. Hudspeth, Warden, etc.;

No. 1021. Legh R. Powell and Henry W. Anderson, as Receivers, etc., petitioners, *v.* Maryland Trust Company, as Successor etc.;

No. 1075. The New York Trust Company, as Surviving Trustee, etc., petitioner, *v.* Maryland Trust Company, as Successor Trustee;

No. 1077. Albert I. Cassell, petitioner, *v.* Howard University, a corporation;

No. 1099. Bert Meredith, petitioner, *v.* Milton F. Amrine et al.;

No. 1113. Eddie J. Viator, appellant, *v.* State Tax Commission et al.; and

No. 1149. Frank Contardi, petitioner, *v.* Herbert A. Smith, Warden, etc. Petitions for rehearing denied.

No. 830. The Seminole Nation, petitioner, *v.* The United States. Ordered that the opinion in this case be amended by adding at the end of the first full paragraph on page 4 the following: "The Government in this Court agrees to this proposition and suggests that the cause be remanded to the Court of Claims."

No. —, original. Ex parte Odell Waller, petitioner. Motion for leave to file petition for writ of habeas corpus submitted by Mr. John F. Finerty for the petitioner.

No. 1046. Ivan W. Mueller, petitioner, *v.* Eunice L. Mueller et al. Reported for failure to comply with the rules.

Adjourned until Monday, June 1, next, at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

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

Stanley F. Coar, of Scranton, Pa.; Judson H. West, of Indianapolis, Ind.; Walter Greig, of Austin, Tex.; Thomas A. Wheat, of Liberty, Tex.; Harold F. Thurow, of Houston, Tex.; Robert G. Page, of New York City; Simon M. Frank, of Houston, Tex.; Joseph H. Bourgon, Jr., of Detroit, Mich.; Harold A. Zelinkoff, of Wichita, Kans.; John Sparkman, of Huntsville, Ala.; Harold Townley Ponders, of Florence, Ala.; Martin E. Blum, of Cleveland, Ohio; Leon D. Latham, Jr., of Burlington, Vt.; Roy Carrington Bragg, of Alexandria, Va.; William James Bailey, of Springfield, Mass.; John Edward Sheridan, of Philadelphia, Pa.; Charles S. Shotz, of Philadelphia, Pa.; Herman P. Eberharter, of Pittsburgh, Pa.; Arthur S. Perry, of Austin, Tex.; B. S. Hollimon, Jr., of Ennis, Tex.; Marion K. Smith, of Shreveport, La.; Christopher T. Lawless, of Brooklyn, N. Y.; Robert K. Stuart, of Chicago, Ill.; S. Preston Smith, of Washington, D. C.; Rowland Edwards, of Washington, D. C.; William J. Sweeney, of Washington, D. C.; Howard T. Mitchell, of Los Angeles, Calif.; James W. Haley, of Washington, D. C.; Robert Hugh Rudd, of Richmond, Va.; John G. Garlinghouse, of Detroit, Mich.; Russell William Bartels, of Wayne, Nebr.; Carrie Abell Hodgson, of East Falls Church, Va.; Ruppert Bingham, of Butte, Mont.; Stone E. Bush, of Washington, D. C.; John L. Cecil, of Louisville, Ky.; J. Ray Larcombe, of Warrenton, Va.; Margaret M. Comey, of Boston, Mass.; John B. Cunningham, of New York City; William J. Barnes, of New York City; Eleanor H. Haley, of Washington, D. C.; Frederick Marion Glass, of New York City; Edmond W. Dillon, of Columbus, Ohio; Robert L. Reinhardt, of New York City; Benson S. Telsey, of Brooklyn, N. Y.; Catherine F. Dolan, of Washington, D. C.; Clair L. Stout, of Washington, D. C.; John L. Gushman, of Toledo, Ohio; David E. Hinckle, of Los Angeles, Calif.; Irving A. Lore, of Milwaukee, Wis.; Harold N. Gast, of Perth Amboy, N. J.; John E. Toolan, of Perth Amboy, N. J.; Arthur M. Smith, of Detroit, Mich.; Archie M. Stevenson, of San Francisco, Calif.; Carleton B. Wood, of Los Angeles, Calif.; Thomas Lynwood Smith, of Asheboro, N. C.; Richard Thomas

Maher, of Columbia, S. C.; James Guenveur Brawley, of Washington, D. C.; and Emma Naomi Wheeler, of Washington, D. C., were admitted to practice.

No. 974. William Ward, petitioner, *v.* State of Texas. On writ of certiorari to the Court of Criminal Appeals of the State of Texas. Judgment reversed with costs and cause remanded to the said Court of Criminal Appeals for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Byrnes.

No. 1036. Chrysler Corporation, De Soto Motor Corporation, Plymouth Motor Corporation, et al., appellants, *v.* The United States of America. Appeal from the District Court of the United States for the Northern District of Indiana. Judgment affirmed. Opinion by Mr. Justice Byrnes. Mr. Justice Roberts, Mr. Justice Murphy, and Mr. Justice Jackson took no part in the consideration or decision of this case. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Reed joins.

No. 644. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Cement Investors, Inc.;

No. 645. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* James Q. Newton Trust; and

No. 646. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* James Q. Newton, Jr. On writs of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgments affirmed and cases remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Douglas.

No. 782. Jack T. Skinner, petitioner, *v.* The State of Oklahoma, ex rel. Mac Q. Williamson, Attorney General of the State of Oklahoma. On writ of certiorari to the Supreme Court of the State of Oklahoma. 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. Concurring opinion by Mr. Chief Justice Stone. Concurring opinion by Mr. Justice Jackson.

No. 772. Dewey Brillhart, Administrator of the Estate of James Dweight Brillhart, deceased, petitioner, *v.* The Excess Insurance Company of America. 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 District of Kansas for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Frankfurter. Concurring opinion by Mr. Justice Douglas. Dis-

sending opinion by Mr. Chief Justice Stone in which Mr. Justice Roberts and Mr. Justice Jackson join.

No. 896. *Faitoute Iron & Steel Company, The Howard Savings Institution, et al., appellants, v. City of Asbury Park*, a municipal corporation of the State of New Jersey. Appeal from the Court of Errors and Appeals of the State of New Jersey. Judgment affirmed with costs. Opinion by Mr. Justice Frankfurter. Mr. Justice Reed concurs in the result.

No. 910. *A. B. Kirschbaum Company, petitioner, v. L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor*. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit; and

No. 924. *Arsenal Building Corporation and Spear & Co., Inc., petitioners, v. L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor*. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgments affirmed and cases remanded to the District Court of the United States for the Eastern District of Pennsylvania and the District Court of the United States for the Southern District of New York respectively. Opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Roberts.

No. 1125. *Standard Oil Company of California, appellant, v. Charles G. Johnson, as Treasurer of the State of California*. Appeal from the Supreme Court of the State of California. 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. 619. *Walter G. Query, John P. Derham, et al., petitioners, v. The United States of America et al.* On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Decree vacated and cause remanded to the District Court of the United States for the Eastern District of South Carolina for the entry of a fresh decree from which a timely appeal may be taken if the petitioners so desire. Opinion by Mr. Justice Black.

No. 913. *American Chicle Company, petitioner, v. The United States*. On writ of certiorari to the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Roberts.

No. 837. *Smith Betts, petitioner, v. Patrick J. Brady, Warden of the Penitentiary of Maryland*. On writ of certiorari to the Honorable Carroll T. Bond, a judge of the State of Maryland, being a judge of the Court of Appeals of Maryland from the City of Baltimore. Judgment affirmed with costs. Opinion by Mr. Justice Roberts.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas and Mr. Justice Murphy concur.

No. 1119. Henry Allen Hill, 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 cause remanded to the said Court of Criminal Appeals for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Stone.

No. 1026. Columbia Broadcasting System, Inc., appellant, *v.* The United States of America et al. Appeal from the District Court of the United States for the Southern District of New York. Judgment reversed and cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Stone. Mr. Justice Black took no part in the consideration or decision of this case. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Reed and Mr. Justice Douglas join.

No. 1025. National Broadcasting Company, Inc., et al., appellants, *v.* The United States of America et al. Appeal from the District Court of the United States for the Southern District of New York. Judgment reversed and cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Stone. Mr. Justice Black took no part in the consideration or decision of this case. Dissenting: Mr. Justice Reed, Mr. Justice Frankfurter, and Mr. Justice Douglas.

The Chief Justice announced the following orders of the Court:

No. 1187. Ted Sanford, appellant, *v.* Norfleet Hill, Sheriff of Harris County, Texas. Appeal from the Court of Criminal Appeals of the State of Texas. *Per curiam*: The appeal is dismissed for want of a substantial federal question. *Gorin v. United States*, 312 U. S. 19, 27-28; *Hotel & Restaurant Employee's International Alliance v. Wisconsin Employment Relations Board*, decided March 2, 1942.

No. 1239. Fifth Street Building, a corporation, appellant, *v.* Charles J. McColgan, as Franchise Tax Commissioner of the State of California. Appeal from the Supreme Court of the State of California. *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, 28 U. S. C., sec. 344 (a). Treating the papers whereon the appeal was allowed as an application for writ of certiorari as required by section 237 (c) of the Judicial Code, as amended, 28 U. S. C., sec. 344 (c), certiorari is denied.

No. 1245. John C. Toole, Joseph R. Applegate, et al., appellants, *v.* Michigan State Board of Dentistry et al. Appeal from the Supreme Court of the State of Michigan. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Semler v. Dental Examiners*, 294 U. S. 608, and cases cited.

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 John Duggan, Jr. It having been reported to the Court that John Duggan, Jr., of Pittsburgh, Commonwealth of Pennsylvania, a member of the Bar of this Court, has been disbarred from the practice of the law by the Supreme Court of the Commonwealth of Pennsylvania; and this Court by order of April 13, 1942, having suspended the said John Duggan, Jr., from the practice of the 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 the said John Duggan, Jr., who has not filed a return thereto, and that the time to file such return has expired;

It is ordered that the said John Duggan, Jr., 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 Paysoff Tinkoff. It having been reported to the Court that Paysoff Tinkoff, of Chicago, State of Illinois, has been disbarred from the practice of the law by the Supreme Court of the State of Illinois;

It is ordered that the said Paysoff Tinkoff, 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. —. James Baker, petitioner, *v.* State of Florida. The application for a further stay is denied.

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

No. 595. Swift and Company et al., appellants, *v.* The United States of America et al. Ordered that the opinion of this Court in this case be amended by striking from the eighth line of the second full paragraph on page 10 of the pamphlet print the word "use"

and inserting in lieu thereof the words "establish or become interested in". The petition for rehearing is denied.

No. 1169. William A. Adams, Warden, etc., et al., petitioners, *v.* The United States of America ex rel. Gene McCann. It is ordered that Robert G. Page, Esquire, of New York City, a member of the Bar of this Court, be appointed to serve as counsel for the respondent in this case in place of Warner W. Gardner.

No. 1216. The Public Utilities Commission of Ohio et al., appellants, *v.* United Fuel Gas Company. In this case probable jurisdiction is noted.

No. 706. City of Chicago, a municipal corporation, et al., petitioners, *v.* Fieldcrest Dairies, Inc. The motion to modify the judgment as to costs is denied.

No. 2. Martin J. Bernards and Lena Bernards, petitioners, *v.* M. R. Johnson et al. The motion to recall the mandate is denied.

No. 1080. Claude R. Wickard, Secretary of Agriculture of the United States, et al., appellants, *v.* Roscoe C. Filburn. This cause is restored to the docket for reargument on Monday, October 12, next, following the cases heretofore assigned for that day. Reargument will be limited to the question whether the Act, insofar as it deals with wheat consumed on the farm of the producer, is within the power of Congress to regulate commerce.

No. 1208. Andrew R. Hastings, 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;

No. 1214. Weldon O. McAninch, petitioner, *v.* P. J. Squier, Warden, etc. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit;

No. 1219. J. B. Walker, petitioner, *v.* James T. Spencer, substituted for Fount Butler, Administrator, etc., et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit;

No. 1238. Paysoff Tinkoff, petitioner, *v.* George W. Griffith, etc., et al. On petition for writ of certiorari to the Supreme Court of the State of Illinois;

No. 1241. Frank Johnson, alias Bradley Johnson, petitioner, *v.* State of Alabama. On petition for writ of certiorari to the Supreme Court of the State of Alabama;

No. 1248. Mrs. J. H. Hodges, petitioner, *v.* Ocean Accident & Guarantee Corporation. On petition for writ of certiorari to the Court of Appeals of the State of Georgia; and

No. 1265. William Nathan Powers, 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. 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. 1204. Frank Bird, 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. 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 writ of certiorari was not made within the time provided by law. Rule XI of the Criminal Appeals Rules, 292 U. S. 665-666; U. S. ex rel. Coy *v.* United States, decided May 25, 1942. The petition for writ of certiorari is therefore also denied.

No. 1166. The United States of America, petitioner, *v.* Victor N. Miller, also known as Vic Miller et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 1217. George H. Keys, 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 for the reason that the application therefor was not made within the time provided by law. Rule XI of the Criminal Appeals Rules, 292 U. S. 665-666.

No. 1195. City of Salamanca 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. Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 1218. Art Metal Construction Company, for its own use and for the use of McCloskey & Co., Inc., petitioner, *v.* Lehigh Structural Steel Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied. Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 1046. Ivan W. Mueller, petitioner, *v.* Eunice L. Mueller et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit dismissed for failure to comply with the rules.

No. 1152. Harry Leford Miller and Samuel Eugene Crosby, petitioners, *v.* The United States of America; and

No. 1168. Jake Dees and Frank Dees, petitioners, *v.* The United States of America. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1173. Lionel A. Goudeau, petitioner, *v.* Amelie Daigle, Widow of Paul J. LeBlanc, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1176. L. W. Mesta, 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. 1178. Ozark Chemical 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. 1181. 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. 1183. Lena L. Bush, petitioner, *v.* The Order of United Commercial Travelers of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1185. Canadian Pacific Railway Company, petitioner, *v.* Dennis Sullivan et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 1186. Modern Factors Company, petitioner, *v.* Tastyeast, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 1188. The Union Trust Company of the District of Columbia, Executor, 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 Fourth Circuit denied.

No. 1192. Camille R. Gump, Executrix, Edwin Letts Oliver, Executor, etc., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 1193. St. Francis Hospital, 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. 1196. Manufacturers Trust Company, petitioner, *v.* Charles H. Kelby, et al., etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1198. J. R. Mason, petitioner, *v.* Anderson-Cottonwood Irrigation District. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 1203. Marguerite Levy, Executrix, etc., petitioner, *v.* National Battery Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 1206. Gilbert E. Thiel, petitioner, *v.* Southern Pacific Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 1207. Jamaica Water Supply Company, 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. 1220. Frank Carmine Nardone and Nathan W. Hoffman, 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. 1226. The Chesapeake and Curtis Bay Railroad Company et al., petitioners, *v.* Richfield Oil Corporation of New York. Petition for writ of certiorari to the Court of Appeals of the State of Maryland denied.

No. 1228. Robert R. Williams, Anna M. Williams, the wife of said Robert R. Williams, et al., petitioners, *v.* Kenneth S. Keyes, Alex M. Balfe, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1232. G. F. Howard, petitioner, *v.* United States, ex rel. S. S. Alexander, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 1236. Equitable Life Insurance Society of the United States, petitioner, *v.* Emma R. Tucker. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 1127. Manila Gas Corporation and the Islands Gas and Electric Company, petitioners, *v.* The Collector of Internal Revenue of the Philippine Islands. Petition for writ of certiorari to the Supreme Court of the Commonwealth of the Philippines denied.

No. 1222. Henry D. Baker, petitioner, *v.* William H. Delay, State Police Detective. Petition for writ of certiorari to the Superior Court, County of Suffolk, Commonwealth of Massachusetts denied.

No. 1189. Wilson & Co., Inc., 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. 1201. Engineers Club of Philadelphia, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 1223. Daniel J. Houlihan, 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. 1234. The Peoples Natural Gas Company et al., petitioners, *v.* Federal Power Commission. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 1235. Golden Gate Bridge and Highway District of California (a public Corporation of the State of California), 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. 1254. Judson Zimmer, Substitute Trustee, etc., petitioner, *v.* New York State Tax Commission; and

No. 1255. Judson Zimmer, Substitute Trustee, etc., petitioner, *v.* New York State Tax Commission. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1199. Heilig Brothers Co., petitioner, *v.* National Labor Relations Board; and

No. 1200. Heilig Brothers Co., petitioner, *v.* National Labor Relations Board. Petition for writs of certiorari to the District Court of the United States for the Middle District of Pennsylvania and to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 325. Frederick Rodiek, Ancillary Executor, etc., petitioner, *v.* The United States of America et al. The motion for extension of the term and for an extension of time within which to file petition for rehearing is denied. The Chief Justice, Mr. Justice Murphy, and Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 745. The Schenectady Union Publishing Company, petitioner, *v.* Martin L. Sweeney. The motion for extension of the term and for an extension of time within which to file petition for rehearing is denied. Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 121. S. Mayner Wallace, petitioner, *v.* Johanna F. Fiske et al.; and

No. 122. S. Mayner Wallace, petitioner, *v.* Johanna F. Fiske et al. The motion for leave to file a motion to vacate the order denying certiorari is granted. The motion to vacate the order denying certiorari is denied.

No. 1097. Odell Waller, petitioner, *v.* Rice M. Youell, Superintendent, etc.;

No. 809. Jennie Summers, petitioner, *v.* Paul Rice and Mabel Rice;

No. 1034. Richard E. Marine, petitioner, *v.* Conway P. Coe, Commissioner of Patents;

No. 738. The United States of America, petitioner, *v.* Citizens Loan & Trust Co., Administrator, etc.;

No. 923. Phillips Pipe Line Company, petitioner, *v.* The United States;

No. 1058. Midland Cooperative Wholesale, Inc., petitioner, *v.* Harold L. Ickes, Secretary of the Interior, et al.;

No. 649. Mishawaka Rubber and Woolen Manufacturing Company, petitioner, *v.* S. S. Kresge Company;

No. 665. Harriett V. Pence, petitioner, *v.* The United States of America; and

No. 1081. Homer C. Price, petitioner, *v.* James A. Johnston, Warden, etc. Petitions for rehearing denied.

ORDER

The Court will take a recess from today until Monday, June 8, 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.

Adjourned until Monday, June 8, next, at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

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

Doris Rita Williamson, of Washington, D. C.; M. M. Roberts, of Hattiesburg, Miss.; Morton Liftin, of New York City; George Zolotar, of New York City; Henry D. O'Connor, of Philadelphia, Pa.; Gibbs Latimer Baker, of Washington, D. C.; Joseph Lancaster Brent Bodfish, of San Francisco, Calif.; Charles B. Heinemann, Jr., of Chicago, Ill.; John E. McCullough, of Topeka, Kans.; Wm. Paul Pinkerton, of Kansas City, Mo.; and Meyer Wolfe Meritt, of Pittsburgh, Pa., were admitted to practice.

No. 622. L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor, petitioner, *v.* A. H. Belo Corporation. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the Northern District of Texas. Opinion by Mr. Justice Byrnes. Dissenting opinion by Mr. Justice Reed in which Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Murphy join.

No. 939. Overnight Motor Transportation Company, Inc., petitioner, *v.* William H. Missel. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment affirmed with costs. Opinion by Mr. Justice Reed. The Chief Justice concurs in the result. Dissenting: Mr. Justice Roberts.

No. 280. Rosco Jones, petitioner, *v.* City of Opelika. On petition for writ of certiorari to the Supreme Court of the State of Alabama;

No. 314. Lois Bowden and Zada Sanders, petitioners, *v.* City of Fort Smith, Arkansas. On writ of certiorari to the Supreme Court of the State of Arkansas;

No. 966. Charles Jobin, appellant, *v.* The State of Arizona. Appeal from the Supreme Court of the State of Arizona. In No. 280 the petition for rehearing is granted and the judgment entered February 9, 1942, is vacated. The judgments are affirmed with costs. Opinion by Mr. Justice Reed. Dissenting opinion by Mr. Chief Justice Stone, in which Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Murphy join. Dissenting opinion by Mr. Justice Mur-

phy in which the Chief Justice, Mr. Justice Black, and Mr. Justice Douglas concur. Dissenting opinion by Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Murphy announced by Mr. Justice Black.

The Chief Justice announced the following order of the Court:

No. 315. The United States of America, on the relation of Thomas Henry Robinson, Jr., petitioner, *v.* James A. Johnston, Warden, United States Penitentiary, Alcatraz Island, California. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. *Per curiam:* The motion for leave to file a second petition for rehearing is granted. The second petition for rehearing is granted. The order denying certiorari is vacated and the petition for writ of certiorari is granted. The motion for leave to proceed in forma pauperis is also granted. In view of the conflict of views which has arisen among the judges of the Ninth Circuit with respect to the decision in this case (see *Robinson v. Johnston*, 118 F. (2d) 998, 1001, and *Crockett v. United States*, 125 F. (2d) 547, 548, 549), and in view of this Court's decision in *Waley v. Johnston*, 315 U. S. —, reversing 124 F. (2d) 587, the judgment is vacated, and the case is remanded to the Circuit Court of Appeals for further proceedings, including leave to petitioner to apply for a hearing before the court en banc. See *Textile Mills Corp'n v. Commissioner*, 315 U. S. 326.

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 46 of the Rules of Practice for the Courts of the United States in Admiralty and Maritime Jurisdiction be, and it is hereby, amended by adding thereto the following paragraph:

"During time of war the court may in its discretion, upon its own motion or that of any person, direct that any admiralty proceeding be conducted in private and that the records, pleadings, evidence and documents filed therein be impounded, if it has reason to believe that disclosure of them may be contrary to the national interest. In any admiralty proceeding, during time of war, to which the United States or an officer or agency thereof is not a party, the court shall give to the Attorney General prompt notice of the pendency of the proceeding and its nature."

No. —. Amanda Eleanor Wold, petitioner, *v.* Industrial Accident Commission of California et al. Application denied.

No. —. H. D. Ryan et al., etc., petitioners, *v.* Pennsylvania Public Utility Commission. The application for a stay is denied.

No. —, original. Ex parte Louis Burall, petitioner. The motion for leave to file petition for writ of certiorari is denied.

No. —, original. Ex parte John St. Francis Slaughter, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. 12, original. Ex parte Kumezo Kawato, petitioner. The motion for leave to proceed on typewritten papers is granted. The motion for leave to file a petition for writ of mandamus is granted. The application is assigned for argument on Monday, October 12, next. The Solicitor General is requested to file a brief and, if he so desires, to participate in the oral argument.

No. 500. The United States of America upon the relation and for the use of The Tennessee Valley Authority, petitioner, *v.* W. P. N. Powelson, Assignee, etc., et al. This case is restored to the docket for reargument on Monday, October 12, next. The reargument will be limited to the questions presented in points II to VII, inclusive, of the Government's brief. Counsel are requested to discuss in their briefs the legislative history, so far as relevant, of sec. 25 of the Tennessee Valley Authority Act.

No. 1194. J. Buckner Fisher, Receiver, etc., petitioner, *v.* Louise Whiton, Executrix, etc., et al. The petition for rehearing is granted. The order denying certiorari is vacated and the petition for writ of certiorari to the Court of Appeals of the State of Tennessee is granted.

No. 949. Benjamin McNabb et al., petitioners, *v.* The United States of America. 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 Sixth Circuit is granted. The Court directs that the expense of printing the record be paid by the United States, pursuant to 28 U. S. C., sec. 832.

No. 1163. Jessie William Miller, petitioner, *v.* The United States of America. 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. The Court directs that the expense of printing the record be paid by the United States pursuant to 28 U. S. C., sec. 832.

No. 1252. Ansel Higgins, petitioner, *v.* Carr Brothers Company. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Supreme Judicial Court of the State of Maine is granted. In view of the act of August 24, 1937 (28 U. S. C., sec. 401), the Court hereby certifies to the Attorney

General of the United States that the constitutionality of the Fair Labor Standards Act is drawn in question in this case.

No. 1045. William C. Crockett, 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. In view of the Government's concession that the remedy of habeas corpus is available to petitioner to try his allegations, the petition for writ of certiorari is denied, but without prejudice to an application for habeas corpus to the proper district court. 28 U. S. C., sec. 452. The motion for leave to proceed further herein *in forma pauperis* is denied.

No. 1197. Carlota Benitez Sampayo, petitioner, *v.* The Bank of Nova Scotia. On petition for writ of certiorari to the United States Circuit Court of Appeals for the First 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 Chief Justice took no part in the consideration or decision of these applications.

No. 1266. John Sawa, petitioner, *v.* State of Indiana. On petition for writ of certiorari to the Criminal Court of Lake County, State of Indiana;

No. 937. Merrill L. Gall, petitioner, *v.* Patrick J. Brady, Warden of the Maryland Penitentiary; and

No. 938. Charles Carey, petitioner, *v.* Patrick J. Brady, Warden of the Maryland Penitentiary. On petitions for writs of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit;

No. 1085. Frank McKee and James Ryan, petitioners, *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. 1112. H. Dulaney Mitchell, alias H. D. Morton, 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;

No. 1244. Oren Lester Record, 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;

No. 1267. Sam Roberts, petitioner, *v.* John J. Bennett, Jr., as Attorney General of the State of New York and Ransom Pratt. On petition for writ of certiorari to the Supreme Court of the State of New York;

No. 1259. Marlin N. Holton, petitioner, *v.* The State of Texas; and

No. 1260. Marlin N. Holton, petitioner, *v.* The State of Texas. On petition for writs of certiorari to the Court of Criminal Appeals of the State of Texas; and

No. 1284. Roydon M. Barrett *v.* Charles W. Williamson, petitioner. On petition for writ of certiorari to the Superior 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. 875. Group of Institutional Investors et al., petitioners, *v.* Chicago, Milwaukee, St. Paul & Pacific Railroad Co.;

No. 876. Group of Institutional Investors et al., petitioners, *v.* Union Trust Co. et al.;

No. 877. Group of Institutional Investors et al., petitioners, *v.* Israel A. Abrams et al.;

No. 878. Group of Institutional Investors et al., petitioners, *v.* H. C. Orton et al., etc.;

No. 879. Group of Institutional Investors et al., petitioners, *v.* Guaranty Trust Co. of New York, et al., etc.;

No. 880. Group of Institutional Investors et al., petitioners, *v.* Chicago, Terre Haute & Southeastern Ry. Co., et al.;

No. 881. Group of Institutional Investors et al., petitioners, *v.* United States Trust Co., of New York, as Trustee, etc.;

No. 882. Group of Institutional Investors et al., petitioners, *v.* Trustees of Princeton University, et al., etc.;

No. 883. Group of Institutional Investors et al., petitioners, *v.* E. Stanley Glines et al., etc.; and

No. 988. Reconstruction Finance Corporation, petitioner, *v.* Chicago, Milwaukee, St. Paul and Pacific Railroad Company et al. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 887. Warren-Bradshaw Drilling Company, petitioner, *v.* O. V. Hall, individually, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 1249. Mother Lode Coalition Mines Company, 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 stated in the Government's memorandum and the case is placed on the summary docket.

No. 1221. Ringling Brothers-Barnum & Bailey Combined Shows, Inc., petitioner, *v.* George H. Sheppard, Comptroller, etc., et al. Petition for writ of certiorari to the United States Circuit Court of

Appeals for the Fifth Circuit denied. Mr. Justice Murphy took no part in the consideration or decision of this application.

No. 1275. Enterprise Box Company, petitioner, *v.* Thomas W. Holland, Administrator, etc. The motion to substitute L. Metcalfe Walling, present Administrator of the Wage and Hour Division, United States Department of Labor, in the place and stead of Thomas W. Holland is granted. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 943. Continental Baking Company, petitioner, *v.* Jesse Bum-pus. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 1184. O. O. Owens, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 1209. Gladys M. Westphal, Widow of F. Gilbert Westphal, et al., petitioners, *v.* Kansas City Life Insurance Company, Kansas City, Missouri; and

No. 1210. Gladys M. Westphal, Widow of F. Gilbert Westphal, petitioner, *v.* Kansas City Life Insurance Company, Kansas City, Missouri. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 1225. Joseph H. Moskowitz, 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. 1205. Guantanamo Sugar Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 1237. The Concord Company, petitioner, *v.* Walter R. Willcuts et al., as Executors, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 1247. Aladdin Industries, Incorporated, 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. 1256. Algoma Net 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. 348. The Seminole Nation, petitioner, *v.* The United States. Ordered that the opinion of this Court in this case be amended by adding after the first full paragraph on page 16 of the opinion the following paragraph:

"Upon the remand the Court of Claims will be free to consider any legal or equitable defenses which the Government may interpose to the claims asserted there by petitioner."

The petition for rehearing is denied. Mr. Justice Reed took no part in the consideration or decision of this application.

No. 618. Julian W. Fretwell, petitioner, *v.* Peoples Service Drug Stores, Inc.; and

No. 786. Milton Roe Sabin and Bertha Florence Sabin, petitioners, *v.* Home Owners' Loan Corporation. The motions for leave to file second petitions for rehearing are granted. The second petitions for rehearing are denied.

No. 723. The United States of America, appellant, *v.* The Masonite Corporation et al. The petition for rehearing is denied. Mr. Justice Roberts and Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 1005. George Bohnke and Mrs. Henry T. (Eloise) Brown, petitioners, *v.* The People of the State of New York;

No. 1030. Ella H. Tinkoff, Debtor, et al., petitioners, *v.* Ben Gold, Trustee, etc., et al.;

No. 1102. John Russell Miller, petitioner, *v.* Clinton T. Duffy, Warden, etc.;

No. 1103. John Russell Miller, petitioner, *v.* Clinton T. Duffy, Warden, etc.;

No. 1144. John D. McCoach, Trustee, petitioner, *v.* J. Rob Griffin, Administrator, etc.; and

No. 1241. Frank Johnson, alias Bradley Johnson, petitioner, *v.* State of Alabama. 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.