

OCTOBER TERM, 1939

STATISTICS

	Original	Appellate	Total
Number of cases on docket.....	15	1,063	1,078
Cases disposed of.....	4	942	946
Remaining on docket.....	11	121	132

Cases disposed of—

By written opinions.....	151
By per curiam opinions.....	97
By denial or dismissal of petitions for certiorari.....	690
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Number of admissions to bar.....	1,016

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Rehearing granted (No. 473). Writ had been dismissed for want of jurisdiction because it did not appear that decision of the highest court of the State (New York) did not rest upon an adequate nonfederal ground. Court of Appeals of New York amended remittitur on motion and judgment on remittitur was entered in New York Supreme Court. Suggesting that the jurisdictional defect had been supplied, petitioner moved for a rehearing-----	122, 149
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SUPREME COURT OF THE UNITED STATES

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

Francis M. Shea, of Buffalo, N. Y.; Samuel O. Clark, Jr., of New York City; Masaji Marumoto, of Honolulu, T. H.; Ernest C. Lum, of Newark, N. J.; Harve M. Duggins, of Knoxville, Tenn.; William M. Kearney, of Reno, Nev.; Hal Petty, of Knoxville, Tenn.; A. Thurman Ridley, of Knoxville, Tenn.; Everett L. Gordon, of Chicago, Ill.; Benjamin H. Matthews, of Chicago, Ill.; James P. Dillie, of Chicago, Ill.; Charles Emory Taintor, of Los Angeles, Calif.; Joseph C. Vesely, of Hopkins, Minn.; Robert M. C. Littler, of San Francisco, Calif.; Dwight L. McCormack, of Dallas, Tex.; Hayden C. Covington, of San Antonio, Tex.; Edward F. X. Ryan, of New York City; Richard C. Goodspeed, of Los Angeles, Calif.; Juan Nevaes Santiago, of Fajardo, P. R.; Prentice E. Edrington, of Washington, D. C.; Ruth Alberta Clark, of Miami Beach, Fla.; Curtis B. Camp, of Chicago, Ill.; George H. McWherter, of Greensburg, Pa.; and Walter C. Hardesty, Jr., of Daytona Beach, Fla.; were admitted to practice.

No. 329. Henry Russell, Lawrence Miller, et al., etc., petitioners, *v.* James S. Todd, Joseph R. Work, et al., etc. Motion for leave to file brief as *amicus curiae* submitted by Mr. Henry Woog, and the motion denied.

No. 10, original. The State of Texas, complainant, *v.* The State of New Mexico et al. Final report submitted by Mr. Charles Warren, Special Master.

No. —, original. *Ex parte* Northern Pacific Railroad Company, petitioner. Motion for leave to file petition for writ of mandamus submitted by Mr. Raymond M. Hudson for the petitioner.

No. —, original. State of Oklahoma, upon the relation of Mac Q. Williamson, Attorney General of the State of Oklahoma, etc., complainant, *v.* Harry H. Woodring, Secretary of War of the United States. Motion for leave to file Bill of Complaint submitted by Mr. Mac Q. Williamson for the complainant.

No. 10, original, October Term 1935. The State of Wyoming, complaint, *v.* The State of Colorado. Motion for leave to file petition for rule to show cause submitted by Mr. James A. Greenwood and Mr. W. J. Wehrli for the complainant.

No. 12. Royal Indemnity Company, petitioner, *v.* Woodbury Granite Company, Inc., et al. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Dismissed per stipulation of counsel.

No. 21. State of Florida, ex rel. William W. Vare, appellant, *v.* W. V. Knott, State Treasurer, etc. Suggestion of death of the party appellant submitted by Mr. Dean Acheson for the appellant.

No. 22. State of Florida, ex rel. Hardware Mutual Casualty Company et al., appellants, *v.* W. V. Knott, State Treasurer, etc. Motion to vacate judgment of the Supreme Court of Florida submitted by Mr. Dean Acheson for the appellants.

No. 89. John G. Getz, Jr., et al., petitioners, *v.* Edinburg Consolidated Independent School District. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Dismissed on motion of counsel for the petitioners.

No. 101. Hamilton Gas Company et al., petitioners, *v.* Inland Gas Corporation, Debtor, et al.;

No. 102. Piney Oil & Gas Company, petitioner, *v.* Inland Gas Corporation, Debtor, et al.;

No. 103. Hamilton Gas Company, petitioner, *v.* Inland Gas Corporation, Debtor, et al.; and

No. 104. Piney Oil & Gas Company, petitioner, *v.* Inland Gas Corporation, Debtor, et al. On petitions for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Dismissed on motion of counsel for the petitioners.

Adjourned until Monday next, at 12 o'clock.

The day call for Monday, October 9, will be as follows: Nos. 1, 26, 4, 5, 6, 7, 8, 9, 10, and 11.

SUPREME COURT OF THE UNITED STATES

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

Cutler W. Halverson, of Yakima, Wash.; George A. Meacham, of Clinton, Okla.; Martin M. Lore, of Milwaukee, Wis.; Edward O'Donnell Neel, of Augusta, Ga.; Benjamin Myron Parker, of New York City; Sandy H. Singleton, of Duncan, Okla.; William Byram Holst, of Washington, D. C.; Robert Reynolds Willard, of Ventura, Calif.; Edmund F. Lamb, of New York City; John E. Purdy, of New York City; Andrew B. Trudgian, of New York City; Roy McKittrick of Jefferson City, Mo.; Arthur O'Keefe, of Jefferson City, Mo.; Harry D. France, of Louisville, Ky.; H. Appleton Federa, of Louisville, Ky.; William Hayes, of Covington, Ky.; George A. Mason, of Chicago, Ill.; George A. Mason, Jr., of Chicago, Ill.; Allen C. Orrick, of St. Louis, Mo.; John E. Deming, of Elizabethtown, N. Y.; Bernard H. Reich, of New York City; William Bours Bond, of Jacksonville, Fla.; William H. Thomas, of Cleveland, Ohio; Buell F. Jones, of Chicago, Ill.; John C. Stirrat, of Oakland, Calif.; Norman Sanford Wolff, of San Francisco, Calif.; Taylor E. Wilhelm, of Ottawa, Ill.; Leonard J. Grossman, of Chicago, Ill.; Richard S. Munter, of Spokane, Wash.; Frank H. Fisse, of St. Louis, Mo.; and Harry W. Kroeger, of St. Louis, Mo.; 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. 75. Marie K. Baddour, as Administratrix C. T. A. of Raschid S. Baddour, deceased, appellant, *v.* The City of Long Beach. Appeal from the Supreme Court of the State of New York. *Per curiam:* The appeal is dismissed for want of a substantial federal question. *Euclid v. Ambler*, 272 U. S. 365, 387-388; *Zahn v. Board of Public Works*, 274 U. S. 325, 327-328; *Lewis v. Mayor*, 290 U. S. 585; *Jewish Mental Society v. Village of Hastings*, 297 U. S. 666; *West Brothers Brick Co. v. Alexandria*, 302 U. S. 658.

No. 143. The People of the State of New York, *ex rel.* Retsof Mining Company, appellant, *v.* Mark Graves, John J. Merrill, and John

P. Hennessey, Constituting the State Tax Commission of the State of New York. Appeal from the Supreme Court of the State of New York. *Per curiam*: Without passing on the question whether the jurisdiction of the Court of Appeals was properly invoked by application for leave to appeal to that court, the motion to dismiss the appeal to this Court is granted and the appeal is dismissed for want of a substantial federal question. *Anderson v. Forty-Two Broadway Co.*, 239 U. S. 69, 72-73; *Denman v. Slayton*, 282 U. S. 514, 519-520.

No. 150. Highway Steel & Manufacturing Company, appellant, *v.* Crawford County Circuit Court and J. O. Kincannon, the Judge thereof. Appeal from the Supreme Court of the State of Arkansas. *Per curiam*: The appeal is dismissed for want of a substantial federal question. *Hess v. Pawloski*, 274 U. S. 352; *St. Marys Petroleum Co. v. West Virginia*, 203 U. S. 183, 191-192; *Bain Peanut Co. v. Pinson*, 282 U. S. 499.

No. 194. Fred P. Brown, appellant, *v.* Commonwealth of Massachusetts. Appeal from the Superior Court, County of Suffolk, Commonwealth of Massachusetts. *Per curiam*: The appeal is dismissed for want of a substantial federal question. *Semler v. Oregon Dental Examiners*, 294 U. S. 608.

No. 212. Radium Dial Company, appellant, *v.* Edward T. Ryan, Clerk of the Circuit Court of La Salle County, Illinois. Appeal from the Supreme Court of the State of Illinois. *Per curiam*: The appeal is dismissed for want of a substantial federal question. *Louisville & Nashville Rd. Co. v. Schmidt*, 177 U. S. 230, 236; *Holmes v. Conway*, 241 U. S. 624, 631-632; *Insurance Co. v. Glidden*, 284 U. S. 151, 158; *Snyder v. Massachusetts*, 291 U. S. 97, 105.

No. 296. People of the State of Illinois, ex rel. Emil Eitel and Karl Eitel, appellants, *v.* John Toman, as Successor to Horace G. Lindheimer, etc., et al.; and

No. 297. People of the State of Illinois, ex rel. Sears, Roebuck & Co., appellant, *v.* John Toman, as Successor to Horace G. Lindheimer, etc., et al. Appeals from the Supreme Court of the State of Illinois. *Per curiam*: The motions to dismiss are granted and the appeals are dismissed for want of a substantial federal question. *League v. Texas*, 184 U. S. 156, 161-162; *Kentucky Union Co. v. Kentucky*, 219 U. S. 140, 152-153; *Satterlee v. Matthewson*, 2 Pet. 378, 413; *Violet Trapping Co. v. Grace*, 297 U. S. 119, 120; *Ingraham v. Hanson*, 297 U. S. 378, 381; *Schenebeck v. McCrary*, 298 U. S. 36, 37. Mr. Justice Stone and Mr. Justice Roberts took no part in the consideration or decision of No. 297.

No. 322. Hibbard, Spencer, Bartlett & Company, a corporation, appellant, *v.* City of Chicago, a Municipal Corporation. Appeal from the Appellate Court, First District, 1st Division, State of Illi-

nois. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Central Land Co. v. Laidley*, 159 U. S. 103, 112; *Patterson v. Colorado*, 205 U. S. 454, 461; *Willoughby v. Chicago*, 235 U. S. 45, 50; *O'Neil v. Northern Colorado Irrigation Co.*, 242 U. S. 20, 26-27; *Dunbar v. City of New York*, 251 U. S. 516, 519; *Rooker v. Fidelity Trust Co.*, 261 U. S. 114, 118; *Tidal Oil Co. v. Flanagan*, 263 U. S. 444, 450; *American Railway Express Co. v. Kentucky*, 273 U. S. 269, 273.

No. 173. The Trustees of Pillsbury Academy, a corporation, *v. The appellant, v. The State of Minnesota*; and

No. 174. The Trustees of Pillsbury Academy, a corporation, appellant, *v. The State of Minnesota*. Appeals from the Supreme Court of the State of Minnesota. *Per curiam*: The motions to affirm are granted and the judgments of the Supreme Court of Minnesota are affirmed. *Violet Trapping Co. v. Grace*, 297 U. S. 119, 120; *Ingraham v. Hanson*, 297 U. S. 378, 381; *Schenebeck v. McCrary*, 298 U. S. 36, 37. Mr. Justice Black took no part in the consideration or decision of these cases.

No. 301. Carolene Products Company, appellant, *v. Henry A. Wallace, Secretary of Agriculture of the United States, et al.* Appeal from the District Court of the United States for the District of Columbia. *Per curiam*: The motion to affirm is granted and the decree of the District Court of the United States for the District of Columbia is affirmed. *Hygrade Provision Co. v. Sherman*, 266 U. S. 497, 500; *Spielman Motor Co. v. Dodge*, 295 U. S. 89, 95-96.

No. 21. State of Florida, ex rel. William W. Vars, appellant, *v. W. V. Knott, State Treasurer and Insurance Commissioner of the State of Florida, as Insurance Commissioner*. Appeal from the Supreme Court of the State of Florida. *Per curiam*: The death of William W. Vars, the appellant in this cause, having been suggested by counsel for the said appellant, and counsel for the appellee having indicated that they have no objection, the appeal is dismissed on the ground that the cause of action has abated. *Martin v. Baltimore & Ohio Railroad*, 151 U. S. 673, 691-692, 703; *Kaipu v. Pinkham*, 206 U. S. 566; *Beard v. Arkansas*, 207 U. S. 601, 602; *Seale v. Georgia*, 209 U. S. 554.

No. 22. State of Florida, ex rel. Hardware Mutual Casualty Company et al., appellants, *v. W. V. Knott, State Treasurer and Insurance Commissioner of the State of Florida, as Insurance Commissioner*. Appeal from the Supreme Court of the State of Florida. *Per curiam*: It appearing that the cause has become moot, the motion to vacate and remand is granted and the judgment of the Supreme Court of Florida is vacated and the cause is remanded for

such further proceedings as by that court may be deemed appropriate.

No. —, original. Ex parte Richard J. Thomas, petitioner;
No. —, original. Ex parte John S. Farnsworth, petitioner;
No. —, original. Ex parte J. R. Palmer, petitioner;
No. —, original. Ex parte Clyde H. Walker et al., petitioners; and
No. —, original. Ex parte E. R. Lindsey, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied.

No. —. Ex parte John F. Struthers, petitioner; and
No. —. Ex parte George Gossman et al., petitioners. Application denied.

No. —, original. Ex parte Northern Pacific R. R. Co., by Charles E. Schmidt et al., petitioners. The motion for leave to file petition for writ of mandamus is denied.

No. —. Northern Pacific R. R. Co., by Charles E. Schmidt, et al., appellants, *v.* The United States of America et al.; and

No. —. Charles E. Schmidt et al., appellants, *v.* The United States of America et al. The applications for the allowance of appeals presented to Mr. Justice Reed and referred by him to the Court are denied.

No. —, original. State of Oklahoma, on the relation of Mac Q. Williamson, Attorney General of the State of Oklahoma, etc., complainant, *v.* Harry H. Woodring, Secretary of War of the United States. A rule is ordered to issue, returnable within forty days, requiring the defendant to show cause why leave to file the Bill of Complaint should not be granted. The Court directs the attention of the Attorney General of the United States to this case in which the complainant seeks to restrain the enforcement of an act of Congress upon the ground that it is repugnant to the Constitution of the United States.

No. 10, original, October Term 1935. State of Wyoming, complainant, *v.* State of Colorado. A rule is ordered to issue, returnable within forty days, requiring the defendant to show cause why leave to file the petition for rule to show cause should not be granted.

No. 204. John T. Kobilkin, petitioner, *v.* Warren H. Pillsbury, Deputy Commissioner of the United States Employees' Compensation Commission, etc., 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 Ninth Circuit is granted.

No. 141. William Roy Miller, 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. On consideration of the suggestion of a diminution of the record and motion for a writ of certiorari in that relation, the motion for a writ of certiorari is granted. The 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. 86. Fred Reger, 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. 106. Seab S. Nelson, 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. 119. Jessie Glover, individually and as next friend of her minor children, Yvonne Glover, et al., petitioner, *v.* Compagnie Generale Transatlantique. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit;

No. 130. Charles J. Dodge et al., petitioners, *v.* Frank C. Dodge et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit;

No. 139. James T. Pell, petitioner, *v.* The T. J. Hall Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit;

No. 145. Harry Lacy, petitioner, *v.* The State of Texas. On petition for writ of certiorari to the Court of Criminal Appeals, State of Texas;

No. 182. Charles Price, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of the State of Illinois;

No. 184. E. R. Lindsey, petitioner, *v.* J. M. McCauley, Warden, etc. On petition for writ of certiorari to the Supreme Court of the State of Washington;

No. 188. Jerome A. Jacobs, petitioner, *v.* The State of New York. On petition for writ of certiorari to the Court of Appeals of the State of New York;

No. 199. James E. Boyer, petitioner, *v.* The City of Salina, Kansas, et al. On petition for writ of certiorari to the Supreme Court of the State of Kansas;

No. 200. James E. Boyer, petitioner, *v.* Salina Journal et al. On petition for writ of certiorari to the Supreme Court of the State of Kansas;

No. 205. Henry W. Pullin, 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. 208. Louis E. McGowen, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 214. *In re* Paysoff Tinkoff, petitioner. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit;

No. 215. Charles Van Newkirk, petitioner, *v.* Cities Service Oil Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit;

No. 216. Walker B. Buckner, 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. 224. Emil Pfaff, petitioner, *v.* J. M. McCauley, as Warden, etc. On petition for writ of certiorari to the Supreme Court of the State of Washington;

No. 227. Evelyn A. Horosko, petitioner, *v.* The School District of the Township of Mount Pleasant et al. On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania;

No. 255. Daniel C. Regan, petitioner, *v.* D. A. Remer, Superintendent, United States Prison Camp No. 11, Kooskia, Idaho. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit;

No. 263. Orville Chester Garrison, 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. 298. Douglas Fouchaux, petitioner, *v.* Board of Commissioners of the Port of New Orleans. On petition for writ of certiorari to the Supreme Court of the State of Louisiana;

No. 303. Marian Meyers and Harold Lacombe, petitioners, *v.* People of the State of California. On petition for writ of certiorari to the District Court of Appeal, 3d Appellate District, State of California;

No. 305. Earl Yon, petitioner, *v.* State of Florida. On petition for writ of certiorari to the Supreme Court of the State of Florida;

No. 336. Mrs. Edna Hicks, petitioner, *v.* National Labor Relations Board et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit;

No. 340. Henry Yuen, Roy Staton, et al., petitioners, *v.* People of the State of California. On petition for writ of certiorari to the District Court of Appeal, 3d Appellate District, State of California;

No. 341. Grant Spear, petitioner, *v.* People of the State of California. On petition for writ of certiorari to the District Court of Appeal, 3d Appellate District, State of California; and

No. 371. Edmond C. Fletcher, petitioner, *v.* Charles A. Jones and Paul J. Frizzell, Trustees. 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. 294. John F. O'Brien, petitioner, *v.* Calmar Steamship Corporation. 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 Third Circuit is denied.

No. 201. Buckstaff Bath House Company, appellant, *v.* Ed I. McKinley, as Commissioner, etc., et al. Appeal from the Supreme Court of the State of Arkansas. The appeal is dismissed for want of jurisdiction. Section 237 (a), Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari as required by section 237 (c), Judicial Code, as amended (43 Stat. 936, 938), certiorari is granted.

No. 239. Abe Fischer, appellant, *v.* Pauline Oil & Gas Company. Appeal from the Supreme Court of the State of Oklahoma. The appeal is dismissed for want of jurisdiction. Section 237 (a), Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari as required by section 237 (c), Judicial Code, as amended (43 Stat. 936, 938), certiorari is granted.

No. 92. John E. Madden, Jr., Executor of the estate of John E. Madden, deceased, appellant, *v.* Commonwealth of Kentucky, by James W. Martin, Commissioner, etc.;

No. 138. Z. M. McCarroll, Commissioner of Revenues of the State of Arkansas, appellant, *v.* Dixie Greyhound Lines, Inc.;

No. 252. The Bell Telephone Company of Pennsylvania, appellant, *v.* Pennsylvania Public Utility Commission;

No. 270. Nathan Mayo, as Commissioner of Agriculture of the State of Florida, et al., appellants, *v.* Lakeland Highlands Canning Co., Inc., et al.; and

No. 271. Paramino Lumber Company et al., appellants, *v.* Wm. A. Marshall, Deputy Commissioner, etc., et al. In these cases probable jurisdiction is noted.

No. 78. The United States of America, appellant, *v.* The Baltimore and Annapolis Railroad Company et al.; and

No. 222. Illinois Central Railroad Company, appellant, *v.* State of Minnesota. Further consideration of the question of the jurisdiction of this Court in these cases and of the motions to dismiss is postponed to the hearing of the cases on the merits.

No. 120. Ernest Newton Kalb et al., appellants, *v.* Henry Feuerstein and Helen Feuerstein, his wife;

No. 121. Ernest Newton Kalb, appellant, *v.* Roscoe R. Luce et al.; and

No. 251. James Stewart & Co., Inc., appellant, *v.* Katherine Sadrakula, as Administratrix, etc. Further consideration of the question of the jurisdiction of this Court and of the motions to dismiss or affirm is postponed to the hearing of the cases on the merits.

No. 281. J. K. Wadley, Lillian J. Porter, et al., appellants, *v.* State of Louisiana on the relation of John L. Munn. 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. 49. George W. Griffiths, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 63. V. L. LeTulle, petitioner, *v.* Frank Scofield, United States Collector of Internal Revenue for the First District of Texas. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 69. Walter E. Pearson, State Treasurer of the State of Oregon, petitioner, *v.* Ruth Hayes McGraw, and Edmund Hayes, as Executors, etc. Petition for writ of certiorari to the Supreme Court of the State of Oregon granted.

No. 70. American Federation of Labor et al., petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted.

No. 73. Postal Steamship Corporation, petitioner, *v.* Steamship "El Isleo," etc., et al.; and

No. 74. Postal Steamship Corporation, petitioner, *v.* Southern Pacific Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 110. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Mary Q. Hallock et al.;

No. 111. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Mary Q. Hallock, Executrix, etc.;

No. 112. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* S. H. Squire, Superintendent of Banks of the State of Ohio, etc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 262. South Chicago Coal & Dock Company et al., petitioners, *v.* Harry W. Bassett, Deputy Commissioner, etc. Petition for writ

of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 122. Chicot County Drainage District, petitioner, *v.* The Baxter State Bank and Mrs. Lena S. Shields. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 129. General American Tank Car Corporation, petitioner, *v.* El Dorado Terminal Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 151. Pearl E. Deputy and The Sussex Trust Company, etc., petitioners, *v.* Pierre S. DuPont. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 152. Channan Singh, petitioner, *v.* Edward L. Haff, District Director of Immigration, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 176. Hagggar 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 granted.

No. 193. National Labor Relations Board, petitioner, *v.* Waterman Steamship Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 210. J. Earl Morgan, Executor, etc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 236. United States of America, for the use and benefit of Midland Loan Finance Company, petitioner, *v.* National Surety Corporation and Patrick J. Malone. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 237. Henry J. Miller, petitioner, *v.* Lester Shirl Hatfield, Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 242. Elsie V. Keys, as Administratrix, etc., petitioner, *v.* Pennsylvania Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 243. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* F. W. Fitch. Petition for writ of certiorari to the

United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 246. Frederick S. Deitrick, Receiver, etc., petitioner, *v.* Thomas E. Greaney. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 265. Federal Communications Commission, petitioner, *v.* The Pottsville Broadcasting Company. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted.

No. 272. National Licorice Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 300. Jerry Bruno, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted and the case advanced and assigned for argument on Monday, November 6th, next.

No. 310. Margaret C. Berry, as Administratrix, etc., petitioner, *v.* Midtown Service Corporation et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 146. Joseph T. Higgins, Collector of Internal Revenue for the Third District of New York, petitioner, *v.* John Thomas Smith. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted and the case assigned for argument immediately following No. 49.

No. 317. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* James Lee Johnson. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted and the case assigned for argument immediately following No. 146.

No. 68. William Helis, petitioner, *v.* Mrs. Itasca Kinney Ward, as Executrix, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted limited to the question whether a new trial should not have been granted.

No. 56. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* The F. & R. Lazarus & Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted. Mr. Justice Reed took no part in the consideration and decision of this application.

No. 253. National Labor Relations Board, petitioner, *v.* International Brotherhood of Electrical Workers et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted and the case assigned for argument immediately following No. 70.

No. 80. Fur Workers Union No. 21238, etc., petitioner, *v.* Fur Workers Union, Local No. 72, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted. Mr. Justice Roberts took no part in the consideration and decision of this application.

No. 183. Walter J. Rothensies, Collector of Internal Revenue, etc., petitioner, *v.* Linford B. Cassell, Surviving Executor, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted and the case assigned for argument immediately following Nos. 110, 111, and 112.

No. 132. Rafael Sancho Bonet, Treasurer, petitioner, *v.* The Texas Company (P. R.) Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted. Mr. Justice Stone took no part in the consideration and decision of this application.

No. 196. Bhagat Singh, alias Achal Singh, petitioner, *v.* Edward L. Haff, District Director of Immigration and Naturalization, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted and the case assigned for argument immediately following No. 152.

No. 156. Lawrence Yearsley and George Yearsley, petitioners, *v.* W. A. Ross Construction Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted and case assigned for argument immediately following No. 72.

No. 309. William H. Danforth, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted and the case assigned for argument immediately following No. 156.

No. 229. The Real Estate-Land Title and Trust Company, 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. Mr. Justice Roberts and Mr. Justice Reed took no part in the consideration and decision of this application.

No. 230. Peter J. Carpenter, petitioner, *v.* Wabash Railway Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted limited to the question of the right of the petitioner to intervene in order to assert priority.

No. 240. Frank Carmine Nardone, Nathan W. Hoffman, 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 granted limited to the question whether the trial

court correctly disposed of petitioners' claim that a portion of the respondent's evidence was procured through the illegal interception of telephone and telegraph messages and the question of the propriety of a preliminary inquiry to ascertain that fact. The case is assigned for argument immediately following No. 42. Mr. Justice Reed took no part in the consideration and decision of this application.

No. 57. Vincent G. Rinn, Marshall H. Jackson, et al., petitioners, *v.* Asbestos Manufacturing Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion that the petition for writ of certiorari should be granted.

No. 64. Town of Walkerton, petitioner, *v.* The New York, Chicago and St. Louis Railroad Company. Petition for writ of certiorari to the Supreme Court of the State of Indiana denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion that the petition for writ of certiorari should be granted.

No. 190. John Kowaleski, Administrator, etc., petitioner, *v.* The Pennsylvania Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion that the petition for writ of certiorari should be granted.

No. 238. George M. Madden, doing business as Kohl & Madden Printing Ink Company, petitioner, *v.* Mac Sim Bar Paper Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion that the petition for writ of certiorari should be granted.

No. 249. Weightstill Woods, Court Trustee, petitioner, *v.* Indemnity Insurance Company of North America; and

No. 250. Weightstill Woods, Court Trustee, petitioner, *v.* Granada Apartments, Inc., et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied. Mr. Justice Roberts took no part in the consideration and decision of this application. Mr. Justice Black and Mr. Justice Douglas are of the opinion that the petition for writs of certiorari should be granted.

No. 58. Federal Trade Commission, petitioner, *v.* The Goodyear Tire & Rubber Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied. Mr. Justice Stone and Mr. Justice Reed took no part in the consideration and decision of this application.

No. 88. Winget Kickernick Company, a corporation, and Mary D. Neilson, petitioners, *v.* S. S. Kresge Company, a corporation, et al.

Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. Mr. Justice Stone and Mr. Justice Roberts took no part in the consideration and decision of this application.

No. 95. J. L. Prescott Company, petitioner, *v.* Procter & Gamble Company; and

No. 96. J. L. Prescott Company, petitioner, *v.* Procter & Gamble Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied. Mr. Justice Stone took no part in the consideration and decision of this application.

No. 98. Corn Products Refining Company et al., petitioners, *v.* Loft, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied. The Chief Justice and Mr. Justice Roberts took no part in the consideration and decision of this application.

No. 158. John A. McCormick et al., petitioners, *v.* Reconstruction Finance Corporation;

No. 159. John A. McCormick et al., petitioners, *v.* Reconstruction Finance Corporation;

No. 160. Walter R. Werner et al., petitioners, *v.* Reconstruction Finance Corporation;

No. 161. Henry B. Bele, Trustee, et al., petitioners, *v.* Reconstruction Finance Corporation; and

No. 162. Utility & Industrial Corporation, petitioner, *v.* Reconstruction Finance Corporation. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied. Mr. Justice Reed took no part in the consideration and decision of these applications.

No. 169. R. L. Blaffer, petitioner, *v.* Commissioner of Internal Revenue; and

No. 170. W. S. Farish, petitioner, *v.* Commissioner of Internal Revenue. The application that these cases be consolidated for the purpose of filing petitions for writs of certiorari and that only the record in No. 169 be printed is granted. The petition for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is denied.

No. 180. Guy A. Thompson, as and only as Trustee, etc., petitioner, *v.* John P. Murphy et al., as Executors, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. Mr. Justice Reed and Mr. Justice Douglas took no part in the consideration and decision of this application.

No. 218. Guy A. Thompson, as and only as Trustee, etc., petitioner, *v.* Terminal Shares, Inc., et al.; and

No. 219. Guy A. Thompson, as and only as Trustee, etc., petitioner, *v.* Terminal Shares, Inc., et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. Mr. Justice Reed and Mr. Justice Douglas took no part in the consideration and decision of this application.

No. 213. Russell Olley, Arthur O'Gara, et al., petitioners, *v.* The Philadelphia & Reading Coal & Iron Company et al. The motion to dispense with the printing of the record is granted. The petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is denied. Mr. Justice Douglas took no part in the consideration and decision of this application.

No. 313. Dayton Hotel Company, petitioner, *v.* Chas. A. Krause Milling Co. et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied. Mr. Justice Douglas took no part in the consideration and decision of this application.

No. 257. Standard Oil Company of New Jersey, as Owner, etc., petitioner, *v.* Edwin Bonici. It appearing that the judgment has been paid and that the cause has become moot the petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is denied. Mr. Justice Roberts took no part in the consideration and decision of this application.

No. 36. Federico Fernandez Toste, petitioner, *v.* Leslie A. MacLeod, Auditor of Puerto Rico, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 41. Allied Agents, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 46. C. O. Griffin, petitioner, *v.* Will H. Smith, Collector of Internal Revenue for the District of Indiana; and

No. 47. C. O. Griffin, petitioner, *v.* The United States of America. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 147. John Thomas Smith, petitioner, *v.* Joseph T. Higgins, Collector of Internal Revenue for the Third District of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 179. Robert T. Jones, Jr., petitioner, *v.* W. E. Page, Jr., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 50. Consolidated Freight Lines, Inc., 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. 51. F. J. Kress Box Company et al., petitioners, *v.* The City of Pittsburgh et al. Petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania denied.

No. 52. Eric Lyders, petitioner, *v.* The County of Del Norte. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 53. Melvin Hyman, as Trustee in Bankruptcy of Joseph Benjamin Lane, Bankrupt, petitioner, *v.* R. W. McLendon, W. E. McLendon, and C. E. McLendon. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 54. John D. Ball, 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. 55. Clyde O. Marshall, Elsie M. Marshall, et al., petitioners, *v.* Desert Properties Company, a Common Law Trust, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 59. Oscar E. Bland and Josephine H. Bland, husband and wife, 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. 60. Chicago and Northwestern Railway Company, petitioner, *v.* Industrial Commission of Illinois et al. Petition for writ of certiorari to the Circuit Court of Cook County, State of Illinois, denied.

No. 61. A. F. McCue and B. A. Wise, Trustees of Hamilton Gas Company, petitioners, *v.* R. C. Hutchinson, O. K. Hutchinson, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 62. R. C. Hutchinson, O. K. Hutchinson, et al., petitioners, *v.* A. F. McCue and B. A. Wise, Trustee of Hamilton Gas Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 65. Edward & John Burke, Ltd., petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 66. The Louisville Trust Company, petitioner, *v.* National Bank of Kentucky and A. M. Anderson, Receiver, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 67. C. D. Walker, Trustee in Bankruptcy, etc., et al., petitioners, *v. L. Maxcy, Inc.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 71. The Roby-Somers Coal Company, petitioner, *v. C. F. Routzahn*, Individually and as Collector of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 76. Camelia Rourange, as Administratrix, etc., petitioner, *v. Columbian Steamship Company, Inc.* Petition for writ of certiorari to the Court of Appeals of the State of New York denied.

No. 79. Eva Still et al., petitioners, *v. Union Circulation Co., Inc.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 81. The Cudahy Packing Company, petitioner, *v. National Labor Relations Board.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 82. Pittsburgh Forging Company et al., petitioners, *v. American Foundry Equipment Company.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 83. Ortiz 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. 84. Norman B. Pitcairn and Frank C. Nicodemus, Jr., as Receivers, etc., petitioners, *v. American Refrigerator Transit Company et al.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 85. Ellis Shapiro, Samuel Kaufman, et al., petitioners, *v. The Evening Times Printing & Publishing Company.* Petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey denied.

No. 90. Phoenix Blue Diamond Express, petitioner, *v. Dorrio Mendez, Loreto Luna, et al.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 91. California Fruit Growers Exchange, petitioner, *v. The New York, New Haven & Hartford Railroad Company.* Petition for writ of certiorari to the Supreme Court of Errors of the State of Connecticut denied.

No. 93. F. S. Lewis & Company, Jack A. Benjamin, et al., petitioners, *v. The United States of America.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 97. Israel C. Gellman, petitioner, *v.* Oliver Machinery Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 99. Mary E. Robinson, Executrix, etc., 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. 100. Southern Extract Company, petitioner, *v.* Rosalie Green. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 105. Louisville Refining 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. 107. Lewis H. Kraskin, petitioner, *v.* Clara Kraskin. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 108. John D. Hospelhorn, Receiver of the Baltimore Trust Company, etc., petitioners, *v.* Charles S. Corbin. Petition for writ of certiorari to the Circuit Court of Northampton County, Commonwealth of Virginia, denied.

No. 109. Michael J. Lane and Emma J. Beuchert, petitioners, *v.* Ida Elizabeth Ewald. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 113. W. E. Bowen and Dakyns B. Stover, petitioners, *v.* J. Ed. Hart. Petition for writ of certiorari to the Supreme Court of the State of South Carolina denied.

No. 114. The Toledo Railways & Light Company, petitioner, *v.* William V. McMaken, Collector of Internal Revenue, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 115. Carbo-Frost, Inc., petitioner, *v.* Pure Carbonic, Incorporated, and Carbonic Dispensing, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 116. Charles E. Schmidt et al., petitioners, *v.* The United States of America et al.; and

No. 117. Northern Pacific Railroad Company, by Charles E. Schmidt et al., petitioners, *v.* The United States of America et al. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 118. Grain Handling Company, Inc., et al., petitioners, *v.* Kenneth G. McManigal, Deputy Commissioner, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 123. First National Bank of Hughes Springs, Texas, et al., petitioners, *v.* The Century Insurance Company, Ltd. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 125. Identification Devices, Inc., et al., petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 126. Jesse H. Shreve and Archie C. Shreve, petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 127. Matthew Devoe, 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. 131. Galveston Truck Line Corporation, petitioner, *v.* The State of Texas. Petition for writ of certiorari to the Court of Civil Appeals, 5th Supreme Judicial District, State of Texas, denied.

No. 133. Harold Fetty, petitioner, *v.* E. H. Carroll, Administrator, etc. Petition for writ of certiorari to the Supreme Court of Appeals of the State of West Virginia denied.

No. 134. Walter H. Hanson and J. R. Bean, petitioners, *v.* Hilda Bruun and Benedict Solum. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 135. The Penn Mutual Life Insurance Company, petitioner, *v.* Henrietta T. Forcier and William H. Woodward. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 136. Minnie I. Meacham, petitioner, *v.* S. M. Halley. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 137. New York Life Insurance Company, petitioner, *v.* Edward T. Malloy et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 140. Moises T. Tolentino, petitioner, *v.* The People of the Philippine Islands. Petition for writ of certiorari to the Supreme Court of the Commonwealth of the Philippines denied.

No. 142. W. A. McVay, petitioner, *v.* Charles H. Swift et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 144. Flora B. Dodd, petitioner, *v.* Aetna Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 148. John Henry Barnett, Jr., petitioner, *v.* Frank T. Hines, Administrator of Veterans' Affairs. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 149. American Rio Grande Land & Irrigation Company, Debtor, et al., petitioners, *v.* Hidalgo and Cameron County Water Control and Improvement District Number 9. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 153. The United States of America ex rel. Steve Jorczak, petitioner, *v.* Joseph E. Ragen, Warden, Illinois State Penitentiary. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 154. International-Great Northern Railroad Company et al., petitioners, *v.* Mary M. Lucas et al. Petition for writ of certiorari to the Court of Civil Appeals, 11th Supreme Judicial District, State of Texas, denied.

No. 155. T. D. Wilson et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 163. John W. Davis, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 312. The United Light and Power Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 390. Gilbert D. Hedden, Transferee, etc., petitioner, *v.* Commissioner of Internal Revenue;

No. 391. Andrew M. Conneen, Jr., Transferee, etc., petitioner, *v.* Commissioner of Internal Revenue;

No. 392. Hattie S. Hedden, Transferee, etc., petitioner, *v.* Commissioner of Internal Revenue; and

No. 393. Gertrude S. Hedden, Transferee, etc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 164. The People of the State of Illinois ex rel. James W. Hollie et al., petitioners, *v.* Chicago Park District et al. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 165. The Cliffs 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.

No. 166. Jeanne Marie Cable, 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. 167. Walter W. Corrigan, 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. 168. R. L. Blaffer & 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. 171. William W. Bodine, 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. 172. The Renner Company, petitioner, *v.* McNeff Brothers, a partnership. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 175. McKesson & Robbins, Inc., petitioner, *v.* William H. Edwards, Individually and as Collector of Internal Revenue, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 177. Minnesota Tribune Company, petitioner, *v.* Walter R. Willcuts, Ruth Willcuts, et al., etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 178. The United States, ex relatione The New River Company, petitioner, *v.* Henry Morgenthau, Jr., Secretary of the Treasury of the United States, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 181. John M. Minnece, 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. 185. Mary M. Fabian, Executrix, etc., et al., petitioners, *v.* George B. Conway and Darby Mining Company. Petition for writ of certiorari to the Supreme Court of the State of Montana denied.

No. 186. Meta C. Levey, Executrix, etc., petitioner, *v.* Will H. Smith, Collector of Internal Revenue for the District of Indiana. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 187. Irene Milinkovitch, petitioner, *v.* Superintendent of Insurance of the State of New York, Liquidator, etc., et al. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 191. Bank of Commerce Liquidating Company, petitioner, *v.* Louis J. Becker, Collector of Internal Revenue; and

No. 192. Mercantile Liquidating Company, petitioner, *v.* Louis J. Becker, Collector of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 197. Federal Crude Oil Company, petitioner, *v.* Yount-Lee Oil Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 198. Hugh Wells, Trustee, etc., petitioner, *v.* John J. Boyle, Treasurer of Cuyahoga County, Ohio. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 202. Ralph Feldman, petitioner, *v.* The United States of America; and

No. 203. Jacob Feldman, petitioner, *v.* The United States of America. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 206. The A. S. Boyle Company, petitioner, *v.* Pacific Marine Supply Company and Webb Products, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 207. Marrs McLean et al., petitioners, *v.* The Texas Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 209. Betty Rogers, O. N. Beasley, 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. 211. Connors Marine Company, Inc., petitioner, *v.* American Molasses Company of New York et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 217. Jane Bass, Administratrix, etc., petitioner, *v.* Mabel A. Dehner, Executrix, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 221. Manila Electric Company, petitioner, *v.* Pasay Transportation Company. Petition for writ of certiorari to the Supreme Court of the Commonwealth of the Philippines denied.

No. 223. Carrier Engineering Corporation, petitioner, *v.* Geza Horvath et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 225. C. Leon de Aryan, petitioner, *v.* Roy O. Akers. Petition for writ of certiorari to the Supreme Court of the State of California denied.

No. 228. The General Tire & Rubber Company, petitioner, *v.* The Fisk Rubber Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 231. S. A. Garrison, petitioner, *v.* Guy A. Thompson and L. W. Baldwin, Trustees, etc. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 232. Terminal Railroad Association of St. Louis, petitioner, *v.* Ethel Sheehan, as Administratrix, etc. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 241. Annie M. Noble, Committee of Lehman Noble, Incompetent, 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. 244. Kellogg Switchboard & Supply Company, petitioner, *v.* Michigan Bell Telephone Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 245. Kellogg Switchboard & Supply Company, petitioner, *v.* Michigan Bell Telephone Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 247. Thomas E. Greaney, petitioner, *v.* Frederick S. Deitrick, Receiver, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 248. Litchfield and Madison Railway Company, petitioner, *v.* William Giesecking. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 254. Harry J. Merritt, Receiver of Mt. Forest Fur Farms of America, Inc., et al., petitioners, *v.* Mt. Forest Fur Farms of America, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 258. E. H. Coulter, Trustee, petitioner, *v.* Ed Blieden, as Trustee, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 259. Johanna H. Hinshaw, as Administratrix, etc., petitioner, *v.* New England Mutual Life Insurance Company; and

No. 260. Johanna H. Hinshaw, as Administratrix, etc., petitioner, *v.* Massachusetts Mutual Life Insurance Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 261. The Prudential Insurance Company of America, petitioner, *v. F. A. Nelson, Trustee in Bankruptcy of Chickamauga Trust Company, Bankrupt*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 264. Matt J. Walsh and Frank E. Garbutt, doing business under the firm name and style of Garbutt-Walsh, petitioners, *v. M. G. Tadlock et al.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 267. Crowe Coal Company, petitioner, *v. National Labor Relations Board*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 269. Haynes Drilling Company, petitioner, *v. Indian Territory Illuminating Oil Company*. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma denied.

No. 273. Frank Hodorowicz, petitioner, *v. The United States of America*;

No. 274. Clem Dowait, petitioner, *v. The United States of America*; and

No. 275. Peter Hodorowicz, petitioner, *v. The United States of America*. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 276. Mike Hodorowicz, petitioner, *v. The United States of America*; and

No. 277. Clem Dowait, petitioner, *v. The United States of America*. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 278. The Pennsylvania Railroad Company, petitioner, *v. Lena Anna Selway, as Administratrix, etc.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 279. John W. Schenck *ex rel. Chu Guay Oi*, petitioner, *v. Mary H. Ward, United States Commissioner of Immigration*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 280. Weightstill Woods, petitioner, *v. Roy D. Rains and wife*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 282. Steve L. Zegura, 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. 283. Southwestern Gas & Electric Company; petitioner, *v. City of Texarkana et al.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 285. City of Los Angeles, a Municipal Corporation of the State of California, petitioner, *v.* Irving Trust Company, as Trustee, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 287. Lucile Atkins Vallette and L. Rittenoure, petitioners, *v.* City of Vero Beach, a Municipal Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 288. City of Mohall, North Dakota, et al., petitioners, *v.* First National Bank of Sleepy Eye, Minnesota, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 289. Sylvan B. Heininger, doing business as Dr. S. B. Heininger, D. D. S., et al., petitioners, *v.* James A. Farley, Postmaster General of the United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 290. Rambusch Decorating Company, petitioner, *v.* The Brotherhood of Painters, Decorators and Paperhangers of America, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 291. I. Anson West, Trustee, et al., petitioners, *v.* City of El Paso; and

No. 292. City of El Paso, petitioner, *v.* I. Anson West, Trustee, et al. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 293. Joseph Rakonick, petitioner, *v.* Hamilton Brown Shoe Co., a corporation, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 295. Allen R. Jamison, petitioner, *v.* John Willoughby. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 299. Woodmen of the World Life Insurance Society, petitioner, *v.* Federal Communications Commission and WKZO, Inc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 304. E. G. McKeever and A. E. Ralston, as Liquidators of Mexican Petroleum Corporation of Louisiana, Inc., et al., petitioners, *v.* Rufus W. Fontenot, United States Collector, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 306. Clara F. Reading, petitioner, *v.* The Travelers Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 320. Lamborn & Company, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 325. Charles V. Bob, 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. 328. Betsey Nudelman, 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. 429, October Term, 1938. Milton Prebyl, petitioner, *v.* Prudential Insurance Company of America. The motion to annul and vacate the order denying the petition for writ of certiorari is denied.

No. —, original. October Term, 1938. *Ex parte* Albert Leighton, petitioner;

No. —, original. October Term, 1938. *Ex parte* Harmon Metz Waley, petitioner;

No. 76, October Term, 1938. The Maytag Company, petitioner, *v.* Hurley Machine Company et al.;

No. 77, October Term, 1938. The Maytag Company, petitioner, *v.* Easy Washing Machine Corporation; and

No. 661, October Term, 1938. General Electric Supply Corporation, petitioner, *v.* The Maytag Company;

No. 590, October Term, 1938. Bethlehem Steel Company, petitioner, *v.* Zurich General Accident & Liability Insurance Co., Ltd.;

No. 650, October Term, 1938. L. W. Baldwin et al., petitioners, *v.* Scott County Milling Company;

No. 687, October Term, 1938. The United States of America, appellant, *v.* Neal Powers;

No. 771, October Term, 1938. The United States of America, appellant, *v.* Rock Royal Co-operative, Inc., et al.;

No. 827, October Term 1938. Dairymen's League Cooperative Association, Inc., appellant, *v.* Rock Royal Co-operative, Inc., et al.;

No. 828, October Term 1938. Metropolitan Cooperative Milk Producers Bargaining Agency, Inc., appellant, *v.* Rock Royal Co-operative, Inc., et al.;

No. 834, October Term 1938. George F. Seiberling et al., Executors, etc., petitioners, *v.* The United States;

No. 835, October Term 1938. Lehigh Valley Trust Co. et al., petitioners, *v.* The United States;

No. 842, October Term 1938. Federal Reserve Bank of Philadelphia, petitioner, *v.* Reba Cook Algar et al.;

No. 891, October Term 1938. William J. Graham et al., petitioners, *v.* The United States of America;

No. 899, October Term 1938. Big Lake Oil Company, petitioner, *v.* Commissioner of Internal Revenue;

No. 903, October Term 1938. George C. Shepard, petitioner, *v.* Commissioner of Internal Revenue;

No. 904, October Term 1938. W. E. Rice, as Trustee, etc., petitioner, *v.* Smith Engineering Company;

No. 905, October Term 1938. W. E. Rice, as Trustee, etc., petitioner, *v.* Smith Engineering Company et al.;

No. 915, October Term 1938. The City of Los Angeles, petitioner, *v.* Borax Consolidated, Limited, etc., et al.;

No. 919, October Term 1938. Fred Kammerer, petitioner, *v.* The State of New York;

No. 921, October Term 1938. Marshall County Bank, a corporation, etc., petitioner, *v.* Mary K. Crowther;

No. 929, October Term 1938. First National Bank of Chicago, Administrator, etc., petitioner, *v.* The United States of America;

No. 945, October Term 1938. City and County of Denver, appellant, *v.* The People of the State of Colorado;

No. 960, October Term 1938. Trustees of Lumber Investment Association, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue;

No. 962, October Term 1938. Louis Martini, petitioner, *v.* James A. Johnston, Warden, etc.;

No. 966, October Term 1938. Burnette F. Stephenson, petitioner, *v.* Commissioner of Internal Revenue;

No. 974, October Term 1938. John Semar Farnsworth, petitioner, *v.* Joseph W. Sanford, Warden, etc.;

No. 975, October Term 1938. The Kansas Farmers' Union Royalty Company et al., appellants, *v.* Samuel P. Hushaw;

No. 980, October Term 1938. A. H. Hargis, petitioner, *v.* King Swope, Judge, etc. The petitions for rehearing in these cases are denied.

No. 833, October Term 1938. United States Trust Company of New York, Executor, etc., petitioner, *v.* The United States. The motion to enlarge the record is denied. The petition for rehearing is also denied.

No. 986, October Term 1938. Benjamin D. Ritholz et al., petitioners, *v.* American Optometric Association. The motion for stay is denied. The petition for rehearing is also denied.

Mr. Justice Butler took no part in the consideration and decision of the cases in which judgments or orders are this day announced.

No. —, original. Commonwealth of Massachusetts, complainant, *v.* State of Missouri et al. Argued on the motion for leave to file the bill of complaint and on the returns to the rule to show cause by Mr. Edward O. Proctor for the complainant; by Mr. Harry W. Kroeger for the defendants, St. Louis Union Trust Co., Trustee, et al., and by Mr. Edward H. Miller for the defendant, State of Missouri.

No. 1. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Wilshire Oil Company, Inc. Argued by Mr. Arnold Raum for the petitioner and by Mr. Joseph D. Brady for the respondent.

No. 26. F. H. E. Oil Company, petitioner, *v.* Commissioner of Internal Revenue. Argument commenced by Mr. Harry C. Weeks for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, October 10, will be as follows: Nos. 26, 4, 5, 6, 7, 8, 9, 10, 11, and 13.

SUPREME COURT OF THE UNITED STATES

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

Donald Paul Covert, of Glendale, Calif.; Leonard A. Watson, of New York City; Harry L. Filer, of Hamden, Conn.; J. L. Emanuel, of Raleigh, N. C.; James Sermon Smith, of Logan, Utah; Raphael Dechter, of Los Angeles, Calif.; Joseph J. Rifkind, of Los Angeles, Calif.; Carl F. Zeidler, of Milwaukee, Wis.; Joseph Robert Rosborough, of Moline, Ill.; Jerome R. Hellerstein, of New York City; Edmund B. Hennefeld, of New York City; and Eduardo Quintero, of Manila, P. I., were admitted to practice.

No. 26. F. H. E. Oil Company, petitioner, *v.* Commissioner of Internal Revenue. Argument continued by Mr. Harry C. Weeks for the petitioner and concluded by Mr. Arnold Raum of the respondent.

No. 4. Evelyn Treinies, petitioner, *v.* Sunshine Mining Company, Katherine Mason, et al. Argued by Mr. Thomas D. Aitken for the petitioner; by Mr. C. W. Halverson for respondent, Sunshine Mining Company; and by Mr. Richard S. Munter for respondents, Katherine Mason, et al.

No. 5. Harry A. Woodring, Secretary of War, et al., petitioners, *v.* Justus B. Wardell, Receiver, etc. Argument commenced by Mr. Assistant Attorney General Shea for the petitioners and continued by Mr. Brice Clagett for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, October 11, will be as follows: Nos. 5, 6, 7, 8, 9, 10, 11, 13, 18, and 29.

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SUPREME COURT OF THE UNITED STATES

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

Reverdy Johnson 4th, of New York City; Robert I. Morris, of Newark, N. J.; Sidney S. Grant, of Boston, Mass.; Gaius G. Gannon, of Houston, Tex.; Ralph R. Wien, of Painesville, Ohio; Joseph A. O'Connell, of Washington, D. C.; Earl A. Phillips, of Seattle, Wash.; Willard P. Scott, of New York City; and Henry G. Bodkin, of Los Angeles, Calif., were admitted to practice.

No. 5. Harry A. Woodring, Secretary of War, et al., petitioners, *v.* Justus B. Wardell, Receiver, etc. Argument continued by Mr. Brice Claggett for the respondent and concluded by Mr. George P. Barse for the respondent.

No. 6. Inland Waterways Corporation et al., petitioners, *v.* Cary H. Hardee, Receiver, etc. Argued by Mr. Assistant Attorney General Shea for the petitioners, and by Mr. Swagar Sherley and Mr. George B. Springston for the respondent.

No. 7. Howard S. Palmer, James Lee Loomis, and Henry B. Sawyer, Trustees, etc., petitioners, *v.* The Commonwealth of Massachusetts. Argued by Mr. Edward R. Brumley for the petitioners and by Mr. Edward O. Proctor for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, October 12, will be as follows: Nos. 8, 9, 10, 11, 13, 18, 29, 14, 15 (and 16), and 17.

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SUPREME COURT OF THE UNITED STATES

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

Glenn R. Lewis, of San Angelo, Tex.; W. F. Moore, of Paris, Tex.; Paul Ware, of Chicago, Ill.; V. Betty Doheney, of Hynes, Calif.; Bernice E. Wesner, of Sugar Creek, Mo.; and O. B. Eidson, of Topeka, Kans., were admitted to practice.

No. 8. Ziffrin, Incorporated, appellant, *v.* James W. Martin, Commissioner of Revenue of the Commonwealth of Kentucky, et al. H. Clyde Reeves, Commissioner of Revenue of the Commonwealth of Kentucky, Member of Kentucky Tax Commission and Member of Kentucky State Alcoholic Beverage Control Board substituted as a party appellee in the place and stead of James W. Martin, formerly Commissioner of Revenue of the Commonwealth of Kentucky, etc., per stipulation of counsel, on motion of Mr. Norton L. Goldsmith for the appellant.

No. 8. Ziffrin, Incorporated, appellant, *v.* H. Clyde Reeves, Commissioner of Revenue of the Commonwealth of Kentucky, et al. Argued by Mr. Norton L. Goldsmith for the appellant and by Mr. H. Appleton Federa for the appellees.

No. 9. Standard Brands, Incorporated, petitioner, *v.* National Yeast Corporation. Argued by Mr. Leonard A. Watson for the petitioner and by Mr. Stephen H. Philbin for the respondent.

No. 10. H. Luther Pittman, Clerk of the Superior Court of Baltimore City, petitioner, *v.* Home Owners' Loan Corporation of Washington, D. C. Argument commenced by Mr. H. Vernon Eney for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, October 13, will be as follow: Nos. 10, 11, 13, 18, 29, 14, 15 (and 16), 17, 19, and 38.

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SUPREME COURT OF THE UNITED STATES

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

Lee J. Quasey, of Chicago, Ill.; Charles Kassel, of Fort Worth, Tex.; and Patrick Henry Winston, of Olympia, Wash., were admitted to practice.

No. 10. H. Luther Pittman, Clerk of the Superior Court of Baltimore City, petitioner, *v.* Home Owners' Loan Corporation of Washington, D. C. Argument continued by Mr. H. Vernon Eney for the petitioner; by Mr. Solicitor General Jackson for the respondent; and concluded by Mr. William C. Walsh for the petitioner.

No. 11. Clara Schneider, petitioner, *v.* The State (Town of Irvington). Argued by Mr. Joseph F. Rutherford for the petitioner and by Mr. Robert I. Morris for the respondent.

No. 13. Kim Young, appellant, *v.* The People of the State of California. Argued by Mr. Osmond K. Fraenkel for the appellant and case submitted by Mr. Ray L. Chesebro, Mr. Frederick Von Schrader, Mr. Leon T. David, and Mr. Bourke Jones for the appellee.

No. 18. Harold F. Snyder, petitioner, *v.* City of Milwaukee. Argued by Mr. A. W. Richter for the petitioner and by Mr. Carl F. Zeidler for the respondent.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 16, will be as follows: Nos. 29, 14, 15 (and 16), 17, 19, 38, 23 (and 24), 34, 37, and 25.

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SUPREME COURT OF THE UNITED STATES

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

Samuel Hilton Levy, of Newport, R. I.; Sydney R. Snitkin, of New York City; Robert E. Gibbs, of Columbus, Ohio; Carvel Mattson, of Richfield, Utah; Frank Lee Dils, of Covington, Ky.; Walter F. David, of Borger, Tex.; Roy Massena, of Chicago, Ill.; Isidore Fried, of Chicago, Ill.; Donald N. Schaffer, of Chicago, Ill.; and Arthur E. Simon, of Seattle, Wash., 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. —. In the matter of the disbarment of Clyde H. Walker. It appearing to the Court from the record in *Ex parte Clyde H. Walker*, No. —, original, October Term, 1939, that Clyde H. Walker, of Champaign, Illinois, a member of the bar of this Court, has been convicted of a felony in the United States District Court for the Western District of Washington;

It is ordered that the said Clyde H. Walker be, and he hereby is, suspended from the practice of the law in this Court, and that a rule issue returnable within forty (40) days requiring the said Clyde H. Walker 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 Anna L. Cooke. It having been reported to the Court that the District Court of the United States for the District of Columbia has entered an order accepting the resignation of Anna L. Cooke, of Washington, D. C., as a member of the bar of the said District Court and directing the clerk of that court to strike her name from the roll of attorneys admitted to practice before such court and prohibiting her henceforth from practicing law and holding herself out to be an attorney at law in the District of Columbia;

It is ordered that the said Anna L. Cooke, a member of the bar of this Court, be and she hereby is suspended from the practice of law in this Court, and that a rule issue returnable within forty (40)

days requiring the said Anna L. Cooke to show cause why she should not be disbarred from the practice of law in this Court.

No. —. In the matter of the disbarment of David B. Getz. It having been reported to the Court that the Appellate Division of the Supreme Court of the State of New York, First Department, has entered an order disbaring David B. Getz, of New York City, a member of the bar of this Court, from practice as an attorney or counsellor at law in the State of New York;

It is ordered that the said David B. Getz be, and he hereby is, suspended from the practice of law in this Court, and that a rule issue returnable within forty (40) days requiring the said David B. Getz to show cause why he should not be disbarred from the practice of the law in this Court.

No. —. Earl E. Bess, appellant, *v.* The State of West Virginia; and

No. —. Earl E. Bess, appellant, *v.* The State of West Virginia. The petitions for the allowance of appeals, referred by the Chief Justice to the Court, are denied.

No. —. In the matter of the Complaint of Edmond C. Fletcher. The motion of Edmond C. Fletcher for leave to file complaint is denied.

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

No. 10, original. State of Texas, complainant, *v.* The State of New Mexico et al. The Special Master having presented his final report stating that the cause has been settled, it is ordered, adjudged, and decreed as follows:

1. The report of the Special Master is received, filed, and confirmed.

2. The bill of complaint is dismissed.

3. The Special Master is directed to return to the proper parties the original copies of the record of the testimony and the exhibits introduced into evidence before him.

4. Costs, including the compensation and expenses of the Special Master, shall be paid one-half by the State of Texas and one-half by the State of New Mexico and the Middle Rio Grande Conservancy District, the State of Texas to be reimbursed by the State of New Mexico and the Middle Rio Grande Conservancy District to the extent of one-half of all sums heretofore disbursed by it on account of expenses of the Special Master.

No. 10, original. State of Texas, complainant, *v.* The State of New Mexico et al. An order is entered fixing the compensation and allowing the expenses of the Special Master herein.

No. 124. Lonnie Avery, petitioner, *v.* The State of Alabama. 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 Alabama is also granted.

No. 226. Gaylie R. Cleveland, petitioner, *v.* J. W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit; and

No. 374. Honor D. Wilson, petitioner, *v.* Louisville Joint Stock Land Bank of Louisville, Kentucky, 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. 343. The United States of America et al., appellants, *v.* Frank O. Lowden et al., as Trustees, etc. In this case probable jurisdiction is noted. The motion to advance is granted and the case is advanced and assigned for argument on Monday, November 6, next.

No. 397. The United States of America, appellant, *v.* The Borden Company 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. The motion to advance is granted and the case is advanced and assigned for argument on Monday, November 13, next.

No. 346. The United States of America, petitioner, *v.* Socony-Vacuum Oil Company, Inc., et al.; and

No. 347. Socony-Vacuum Oil Company, Inc., et al., petitioners, *v.* The United States of America. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 316. Frank R. McNinch, Norman S. Case, et al., petitioners, *v.* Paul R. Heitmeyer. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted and the case assigned for argument immediately following No. 265.

No. 329. Henry Russell, Lawrence Miller, et al., petitioners, *v.* James S. Todd, Joseph R. Work, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted, limited to the question of the application of the New York statute of limitations.

No. 342. Amalgamated Utility Workers, affiliated with Utility Workers Organizing Committee, etc., petitioner, *v.* Consolidated

Edison Company of New York, Inc., et al. On consideration of the suggestion of a diminution of the record and motion for a writ of certiorari in that relation, the motion for a writ of certiorari is granted. The petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is also granted.

No. 157. John Weber, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied. Mr. Justice Douglas took no part in the consideration and decision of this application.

No. 266. The Virginian Railway Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 268. Federal Export Corporation, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 302. Howard S. Palmer et al., as Trustees of the property of Old Colony Railroad Company, petitioners, *v.* Howard S. Palmer et al., as Trustees of the property of New York, New Haven and Hartford Railroad Company et al.; and

No. 321. Howard S. Palmer et al., as Trustees of the property of New York, New Haven and Hartford Railroad Company et al., petitioners, *v.* Howard S. Palmer et al., as Trustees of the property of Old Colony Railroad Company. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 308. Union Dredging Company (a corporation), etc., petitioner, *v.* Hazel Brashear, as Administratrix, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 315. State Automobile Mutual Insurance Company of Columbus, Ohio, petitioner, *v.* Mabel A. York and C. V. York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 319. The Central Railroad Company of New Jersey, 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. 323. William J. Mitchell et al., petitioners, *v.* William N. Ottinger, Receiver, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 326. The Univis Corporation and United Kingdom Optical Company, Ltd., petitioners, *v.* Paul Rips and Rips Optical Company; and

No. 327. The Univis Corporation and United Kingdom Optical Company, Ltd., petitioners, *v.* Charlotte M. Grimshaw. Petition for

writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 330. American National Insurance Company, petitioner, *v. Yee Lim Shee et al.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 331. New York Life Insurance Company, a corporation, petitioner, *v. Jack Ostroff et al.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 332. Samuel L. Waterman, also known as S. L. Waterman, etc., petitioner, *v. New York Life Insurance Company.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 333. Gus Taylor, petitioner, *v. Doane Merrill, as Trustee, etc.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 334. John Lee Stark, petitioner, *v. Howe Sound Company, Inc., et al.* Petition for writ of certiorari to the Court of Appeals of the State of New York denied.

No. 337. Corporation of America, petitioner, *v. Barbara Campbell.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 338. Thomas M. Schumacher and Sidney M. Ehrman, Trustees, etc., petitioners, *v. Raymond King.* Petition for writ of certiorari to the District Court of Appeal, 1st Appellate District, State of California, denied.

No. 339. R. W. Doty, Secretary of Banking of the Commonwealth of Pennsylvania, Receiver, etc., 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. 344. M. M. Martin, Trustee, etc., petitioner, *v. New York Life Insurance Company.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 345. M. M. Martin, Trustee, etc., petitioner, *v. The Equitable Life Assurance Society of the United States.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 348. Luke Hannon, petitioner, *v. The United States of America;*

No. 349. Joseph Hannon, petitioner, *v. The United States of America;*

No. 350. Thomas Hannon, petitioner, *v. The United States of America;*

No. 351. Jake Rosenberg, petitioner, *v.* The United States of America; and

No. 352. Fred Stone, petitioner, *v.* The United States of America. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 614, October Term, 1938. The Farmers' Loan and Trust Company, as Trustee, etc., et al., petitioners, *v.* Frank Collis Bowers, as Executor, etc.; and

No. 615, October Term, 1938. The Farmers' Loan and Trust Company, as Trustee, etc., et al., petitioners, *v.* Frank Collis Bowers, as Executor, etc. The petition for rehearing is denied.

Mr. Justice Butler took no part in the consideration and decision of the cases in which judgments or orders are this day announced.

The Court will take a recess from Monday, October 23, until Monday, November 6, next.

No. 9, original. State of Arkansas, complainant, *v.* State of Tennessee. Report of the Special Master presented.

No. 407. Mabel L. Traglio and Paul Traglio, petitioners, *v.* Evelyn R. Harris. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Dismissed on motion of counsel for the petitioners.

No. 29. Elmira Nichols and Pauline Thompson, appellants, *v.* Commonwealth of Massachusetts. Argument commenced by Mr. Sidney S. Grant for the appellants; continued by Mr. Edward O. Proctor for the appellee; and concluded by Mr. Osmond K. Fraenkel for the appellants.

No. 14. The Board of County Commissioners of the County of Jackson, etc., petitioner, *v.* The United States of America. Argued by Mr. O. B. Eidson for the petitioner and by Mr. Raymond T. Nagle for the respondent.

No. 15. L. Boteler, Trustee of the estate of Richmaid Creameries, Inc., debtor, petitioner, *v.* Ray Ingels, Director of Motor Vehicles of the State of California, et al.; and

No. 16. L. Boteler, Trustee of Richmaid Creameries, Inc., debtor, petitioner, *v.* Ray Ingels, Director of Motor Vehicles of the State of

California, et al. Argued by Mr. Raphael Dechter for the petitioner and by Mr. H. H. Linney for the respondents.

No. 17. Ford Motor Company, petitioner, *v.* Tom L. Beauchamp, Secretary of the State of Texas, et al. Argument commenced by Mr. Gaius G. Gannon for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, October 17, will be as follows: Nos. 17, 19, 38, 23 (and 24), 34, 37, 25, 30, 31, and 32.

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SUPREME COURT OF THE UNITED STATES

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

Audley W. Johnson, of Sioux City, Iowa; Wm. M. P. Smith, of Edwardsville, Ill.; John C. Macfarland, of Los Angeles, Calif.; J. Clifford Argue, of Los Angeles, Calif.; Robert S. Gordon, of New York City; John L. Bland, of Los Angeles, Calif.; James C. Hollingsworth, of Ventura, Calif.; and Edmund M. Brady, of Detroit, Mich., were admitted to practice.

No. 17. Ford Motor Company, petitioner, *v.* Tom L. Beauchamp, Secretary of the State of Texas, et al. Argument continued by Mr. Gaius G. Gannon for the petitioner; by Mr. Glenn R. Lewis for the respondent; and concluded by Mr. Gaius G. Gannon for the petitioner.

No. 19. Oklahoma Packing Company et al., petitioners, *v.* Oklahoma Gas and Electric Company et al. Argued by Mr. Paul Ware for the petitioners and by Mr. I. J. Underwood and Mr. Streeter B. Flynn for the respondents.

No. 38. Neirbo Company, The A. P. Smith Manufacturing Company, et al., petitioners, *v.* Bethlehem Shipbuilding Corporation, Ltd. Argument commenced by Mr. Robert P. Weil for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, October 18, will be as follows: Nos. 38, 23 (and 24), 34, 37, 25, 30, 31, 32, 35, and 39.

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SUPREME COURT OF THE UNITED STATES

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

Frank S. Roderick, of Oakland, Calif.; J. Frost Walker, Jr., of Union, S. C.; Marvin Lyons, of New York City; Otis T. Bradley, of New York City; Ernest Palmer, of Springfield, Ill.; Frank W. Young, of Springfield, Ill.; Orville A. Tedrick, of Poplar Bluffs, Mo.; Rufus Bell Burrus, of Independence, Mo.; Paul G. Muth, of Dayton, Ohio; and Philip F. Blum, of Dayton, Ohio, were admitted to practice.

No. 38. Neirbo Company, The A. P. Smith Manufacturing Company, et al., petitioners, *v.* Bethlehem Shipbuilding Corporation, Ltd. Argument continued by Mr. William D. Whitney for the respondent and concluded by Mr. Laurence Arnold Tanzer for the petitioners.

No. 23. Thomas K. Case and Adele B. Cowan, et al., petitioners, *v.* Los Angeles Lumber Products Company, Ltd.; and

No. 24. Thomas K. Case and Adele B. Cowan, et al., petitioners, *v.* Los Angeles Lumber Products Company, Ltd. Argument commenced by Mr. Robert M. Clarke for the petitioners; continued by Mr. Solicitor General Jackson for the United States as *amicus curiae*, by special leave of Court; by Mr. J. Clifford Argue and Mr. John C. Macfarland for the respondent; and concluded by Mr. Solicitor General Jackson for the United States as *amicus curiae*, by special leave of Court.

No. 34. Estate of Charles Henry Sanford, deceased, etc., petitioner, *v.* Commissioner of Internal Revenue. Argument commenced by Mr. Montgomery B. Angell for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, October 19, will be as follows: Nos. 34, 37, 25, 30, 31, 32, 35, 39, and 43.

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SUPREME COURT OF THE UNITED STATES

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

James Rufus Keeling, of Washington, D. C.; Harold H. Bredell, of Indianapolis, Ind.; Walter P. Reilly, of Newark, N. J.; James L. Handford, of Newark, N. J.; Fred D. Everett, of Des Moines, Iowa; Matthew S. Gibson, of New York City; M. M. Heuser, of Bristol, Va.; Geo. M. Warren, of Bristol, Va.; and L. E. Dubon, of San Juan, P. R., were admitted to practice.

No. 34. Estate of Charles Henry Sanford, deceased, etc., petitioner, *v.* Commissioner of Internal Revenue. Argument continued by Mr. Montgomery B. Angell for the petitioner and concluded by Miss Helen R. Carloss for the respondent.

No. 37. Almon G. Rasquin, Collector of Internal Revenue, etc., petitioner, *v.* George Arents Humphreys. Argued by Miss Helen Carloss for the petitioner and by Mr. Sidney W. Davidson for the respondent.

No. 25. Valvoline Oil Company, appellant, *v.* The United States of America et al. Argued by Mr. J. Campbell Brandon for the appellant and by Mr. Hugh B. Cox for the appellees.

No. 30. The United States of America, petitioner, *v.* The Glenn L. Martin Company. Argument commenced by Mr. Assistant Attorney General Clark for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, October 20, will be as follows: Nos. 30, 31, 32, and 43.

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SUPREME COURT OF THE UNITED STATES

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

Eleanor March Moody, of Boston, Mass.; W. A. Thornhill, Jr., of Beckley, W. Va.; Harry H. Porter, of Evanston, Ill.; S. Ralph Warnken, of Baltimore, Md.; and Glenwood C. Fuller, of Grand Rapids, Mich., were admitted to practice.

No. 30. The United States of America, petitioner, *v.* The Glenn L. Martin Company. Argument continued by Mr. Assistant Attorney General Clark for the petitioner and concluded by Mr. John T. Koehler for the respondent.

No. 31. Texas Electric Railway Company, appellant, *v.* Clyde O. Eastus, United States Attorney for the Northern District of Texas, et al. Argument commenced by Mr. J. M. Burford for the appellant; continued by Mr. Robert L. Stern for the appellees; and concluded by Mr. Robert E. Quirk for the appellant.

No. 43. The United States, petitioner, *v.* John McShain, Inc. Argued by Mr. Richard H. Demuth for the petitioner and by Mr. Prentice E. Edrington for the respondent.

Adjourned until Monday, October 23, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

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

J. W. Harrell, of Jacksonville, Fla.; Gene DeMambro, of Lincoln Park, Mich.; Mary Smith, of Rexburg, Idaho; Philip R. Overton, of Austin, Tex.; Frank Cain, of Dallas, Tex.; Hartell F. Denmure, of Aurora, Ind.; Fred H. Schauer, of Santa Barbara, Calif.; Francis V. Robinson, of Lincoln, Nebr.; Harold S. Nelson, of Owatonna, Minn.; Wendell W. Schooling, of Huntington Park, Calif.; Samuel G. Wagner, of Pittsburgh, Pa.; Dorothea M. Wagner, of Pittsburgh, Pa.; and John S. Henry, of New York City, 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. 431. James F. Hoey, doing business as Midland Service Company, 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 for a stay is denied. The decree is affirmed. *Interstate Commerce Commission v. Union Pacific Railroad Company*, 222 U. S. 541, 547-548; *Los Angeles Switching Case*, 234 U. S. 294, 311-312; *United States v. American Tin Plate Company*, 301 U. S. 402, 411.

No. 406. John C. Allen, appellant, *v.* The People of the State of Illinois. Appeal from the Supreme Court of the State of Illinois; and

No. 448. Peter Gendusa, appellant, *v.* State of Louisiana. Appeal from the Supreme Court of the State of Louisiana. *Per curiam:* The appeals are dismissed for want of jurisdiction. Section 237 (a), Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeals were allowed as petitions for writs of certiorari, as required by Section 237 (c) of the Judicial Code, as amended (43 Stat. 936, 938), certiorari is denied. The motions for leave to proceed further herein *in forma pauperis* are also denied.

No. —. In the matter of the disbarment of Walter C. Balderston. The application for an extension of time within which to file return to the rule to show cause is denied.

No. —. In the matter of the disbarment of Walter C. Balderston. It having been reported to the Court that the District Court of the United States for the District of Columbia has entered an order accepting the resignation of Walter C. Balderston, of Washington, D. C., as a member of the bar of that court, directing that his name be stricken from its roll of attorneys, and prohibiting him from practicing law and holding himself out to be an attorney at law in the District of Columbia;

And it appearing that by order of February 27, 1939, this Court suspended the said Walter C. Balderston from the practice of law in this Court and directed that a rule issue requiring him to show cause, under Rule 2, why he should not be disbarred from the practice of law in this Court;

And it further appearing that the said rule duly issued and was served upon the said Walter C. Balderston; and no return or answer to said rule having been filed by or in behalf of the said Walter C. Balderston, although the return day thereof, as extended, has passed;

It is now ordered that the said Walter C. Balderston 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* Louis Martini, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. 9, original. State of Arkansas, complainant, *v.* State of Tennessee. The report of the Special Master herein is received and ordered to be filed. It is ordered that exceptions to the said report, if any, be filed on or before November 20, next; that briefs upon such exceptions be filed on or before December 18; and that reply briefs, if any, be filed on or before January 2. The cause is assigned for hearing on Monday, January 8, next, at the head of the call for that day.

No. 94. John Wojcichowski Burak, 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;

No. 189. Martin J. Bernards and Lena Bernards, petitioners, *v.* M. R. Johnston et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit;

No. 233. Herbert Large, petitioner, *v.* Metropolitan Life Insurance Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit;

No. 234. Annie R. Wharton and M. Elston Wharton, petitioners, *v.* Shenandoah Publishing House et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit;

No. 284. Robt. L. Hill, petitioner, *v.* The Topeka Morris Plan. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit;

No. 404. Eleanor Lewis-Kures et al., petitioners, *v.* Edward R. Walsh & Co., Inc. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit; and

No. 439. Thomas Lewis, petitioner, *v.* S. P. Ashe, Warden, Western State Penitentiary, 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. 195. Isiah (Izell) Chambers, Jack Williamson, et al., petitioners, *v.* The State of Florida. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Supreme Court of the State of Florida is also granted.

No. 354. Federal Housing Administration, Region No. 4, etc., petitioner, *v.* Ruth Burr, doing business as Secretarial Service Bureau. Petition for writ of certiorari to the Supreme Court of the State of Michigan granted.

No. 370. Montrose Cemetery Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 355. The United States of America, petitioner, *v.* Moscow Fire Insurance Company, etc., et al. Petition for writ of certiorari to the Supreme Court of the State of New York granted. The petitioner having applied for a stay pending the final disposition of the cause in this Court, It is hereby ordered that the application for a stay be granted and that the Bank of New York and Trust Company (Bank of New York) be, and it hereby is stayed from making any payment whatsoever pursuant to the judgment of the Supreme Court of the State of New York dated August 22, 1934 until further order of this Court. Mr. Justice Reed took no part in the consideration and decision of these applications.

No. 353. Milk Wagon Drivers Union of Chicago, Local 753, etc., et al., petitioners, *v.* Meadowmoor Dairies, Inc. On consideration of the suggestion of a diminution of the record and motion for a

writ of certiorari in that relation, the motion for a writ of certiorari is granted. The petition for writ of certiorari to the Supreme Court of the State of Illinois is denied.

No. 372. Lucile Harvey, a widow, petitioner, *v.* City of St. Petersburg, a municipal corporation, etc. Petition for writ of certiorari to the Supreme Court of the State of Florida denied for the want of a final judgment.

No. 375. Stackpole Sons, Inc., et al., petitioners, *v.* Houghton Mifflin Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. Mr. Justice Frankfurter took no part in the consideration and decision of this application.

No. 307. Corinne Griffith Marshall, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 335. The Western Union Telegraph Company et al., petitioners, *v.* Parker Rust-Proof Company et al.; and

No. 414. Parker Rust-Proof Company et al., petitioners, *v.* The Western Union Telegraph Company et al. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 356. In the matter of Dan W. Tracy, petitioner. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 358. Standard Surety & Casualty Company of New York, petitioner, *v.* Standard Accident Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 360. Bertram Wm. Coltman, petitioner. *v.* Colgate-Palmolive-Peet Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 361. James Talcott, Inc., petitioner, *v.* Joseph Glavin, Trustee, etc.; and

No. 362. James Talcott, Inc., petitioner, *v.* Joseph Glavin, Trustee, etc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 363. Faye Glenn, C. F. Dillard, Trustee, et al., petitioners, *v.* Bessie Lewis and The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 364. Horatio Wales, petitioner, *v.* John Jacobs. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 368. Samuel A. Neidich, 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. 369. Sig Ellingson and Company, petitioner, *v.* Mason City Production Credit Association. Petition for writ of certiorari to the Supreme Court of the State of Minnesota denied.

No. 373. Acme Tank Cleaning Process Corporation, petitioner, *v.* Salvage Process Corporation et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 377. The United States of America, petitioner, *v.* American Medical Association, a corporation, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 378. British-American Tobacco Company, Ltd., petitioner, *v.* Federal Reserve Bank of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 141. William Roy Miller, petitioner, *v.* The United States of America;

No. 144. Flora B. Dodd, petitioner, *v.* Aetna Life Insurance Company; and

No. 212. Radium Dial Company, appellant, *v.* Edward T. Ryan, Clerk, etc. Petitions for rehearing denied.

Mr. Justice Butler took no part in the consideration and decision of the cases in which judgments or orders are this day announced.

No. 12, original. State of Missouri, complainant, *v.* State of Iowa. Stipulation to dismiss bill of complaint and as to costs submitted.

Adjourned until Monday, November 6, next, at 12 o'clock.

The day call for Monday, November 6, will be as follows: Nos. 300, 343, 20, 32, 27, 72, 309, 28, 33, and 35.

SUPREME COURT OF THE UNITED STATES

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

M. L. Cook, of Galveston, Texas; Craig Van Meter, of Mattoon, Ill.; Hugh C. Simpson, of Knoxville, Tenn.; John Thaddeus Baker, of Muskogee, Okla.; John J. Woolley, of Athens, Ohio; Lawrence Grosvenor Worstell, Jr., of Athens, Ohio; Mary Kathryn Kernan, of Dayton, Ohio; Lorine Miller, of Dayton, Ohio; Homer Kripke, of Washington, D. C.; Scott Clawson Lambert, of San Francisco, Calif.; E. Stanley Brin, Chicago, Ill.; Fred H. Kelly, of Mattoon, Ill.; Luther M. Bickett, of San Antonio, Texas; Samuel Korman Char-ness, of Chicago, Ill.; M. Sherwood Slate, of Chicago, Ill.; Frank A. Kearney, of Phoebus, Va.; H. Maurice Fridlund, of New York City; Frank V. Lipari, of New York City; John B. McCraw, of Dallas, Texas; Marie McCraw Robinson, of Dallas, Texas; and Samuel B. Wasserman, of New York City; were admitted to practice.

No. 1. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Wilshire Oil Company, Inc. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Mr. Justice Butler and Mr. Justice Reed took no part in the consideration or decision of this case.¹

No. 26. F. H. E. Oil Company, petitioner, *v.* Commissioner of Internal Revenue. 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 Butler and Mr. Justice Reed took no part in the consideration or disposition of this case.

No. 23. Thomas K. Case and Adele B. Cowan, and Estate of Adele B. Cowan, Deceased, petitioners, *v.* Los Angeles Lumber Products Company, Ltd.; and

¹No. 2. Guy T. Helvering, Commissioner of Internal Revenue, *v.* Bandini Petroleum Company; and No. 3, Guy T. Helvering, Commissioner of Internal Revenue, *v.* Wilshire Annex Oil Company. On writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgments reversed, per stipulation of counsel to abide the decision in No. 1.

No. 24. Thomas K. Case and Adele B. Cowan, and Estate of Adele B. Cowan, Deceased, petitioners, *v.* Los Angeles Lumber Products Company, Ltd. On writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Decrees reversed with costs, and cases remanded to the District Court of the United States for the Southern District of California for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Mr. Justice Butler took no part in the consideration or disposition of these cases.

No. 7. Howard S. Palmer, James Lee Loomis, and Henry B. Sawyer, Trustees, etc., petitioners, *v.* The Commonwealth of Massachusetts. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree affirmed with costs and cause remanded to the District Court of the United States for the District of Connecticut. Opinion by Mr. Justice Frankfurter. Mr. Justice Butler took no part in the consideration or decision of this case.

No. 4. Evelyn Treinies, petitioner, *v.* Sunshine Mining Company, Katherine Mason, T. R. Mason, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Decree affirmed, and cause remanded to the District Court of the United States for the District of Idaho. Opinion by Mr. Justice Reed. Mr. Justice Butler took no part in the consideration or decision of this case.

No. 15. L. Boteler, Trustee of the Estate of Richmaid Creameries, Inc., Debtor, petitioner, *v.* Ray Ingels, Director of Motor Vehicles of the State of California, et al.; and

No. 16. L. Boteler, Trustee of Richmaid Creameries, Inc., Debtor, petitioner, *v.* Ray Ingels, Director of Motor Vehicles of the State of California et al. On writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Decrees affirmed with costs, and causes remanded to the District Court of the United States for the Southern District of California. Opinion by Mr. Justice Black. Mr. Justice Butler took no part in the consideration or decision of these cases.

No. 30. The United States of America, petitioner, *v.* The Glenn L. Martin Company. 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 judgment of the District Court of the United States for the District of Maryland affirmed and cause remanded to the said District Court. Opinion by Mr. Justice Black. Mr. Justice Butler took no part in the consideration or decision of this case.

No. 34. Estate of Charles Henry Sanford, Deceased, Jennie R. Baird, Substitutionary Administratrix, C. T. A., petitioner, *v.* Com-

missioner 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 Stone. Mr. Justice Butler took no part in the consideration or decision of this case.

No. 37. Almon G. Rasquin, Collector of Internal Revenue of the United States for the First District of New York, petitioner, *v.* George Arents Humphreys. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed with costs, and cause remanded to the District Court of the United States for the Eastern District of New York. Opinion by Mr. Justice Stone. Mr. Justice Butler took no part in the consideration or decision of this case.

No. 9. Standard Brands, Inc., petitioner, *v.* National Grain Yeast Corporation. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Decree affirmed with costs, and cause remanded to the District Court of the United States for the District of New Jersey. Opinion by Mr. Justice McReynolds. Mr. Justice Butler and Mr. Justice Stone took no part in the consideration or decision of this cause.

No. —, original. Commonwealth of Massachusetts, complainant, *v.* State of Missouri et al. On motion for leave to file bill of complaint. Motion for leave to file bill of complaint denied. Opinion by Mr. Chief Justice Hughes. Mr. Justice Butler took no part in the consideration and decision of this case.

No. 10. M. Luther Pittman, Clerk of the Superior Court of Baltimore City, petitioner, *v.* Home Owners' Loan Corporation of Washington, D. C. On writ of certiorari to the Court of Appeals of the State of Maryland. Judgment affirmed. Opinion by Mr. Chief Justice Hughes. Mr. Justice Butler took no part in the consideration and decision of this case.

The Chief Justice announced the following orders of the Court:

No. 31. Texas Electric Railway Company, appellant, *v.* Clyde O. Eastus, United States Attorney for the Northern District of Texas, et al. Appeal from the District Court of the United States for the Northern District of Texas. *Per curiam*: The judgment is affirmed. Shields *v.* Utah Idaho Central R. Co., 305 U. S. 177; Interstate Commerce Commission *v.* Union Pacific Railroad Co., 222 U. S. 541, 547-548; Los Angeles Switching Case, 234 U. S. 294, 311-312; United States *v.* American Tin Plate Co., 301 U. S. 402, 411.

No. 43. The United States, petitioner, *v.* John McShain, Inc. On writ of certiorari to the Court of Claims. *Per curiam*: The judgment is reversed, and the cause is remanded to the Court of Claims with instructions to enter judgment in favor of the United States. Plumley *v.* United States, 226 U. S. 545, 547; Merrill-Ruckgaber Co. *v.* United States, 241 U. S. 387, 393.

No. 388. Graybar Electric Company, Inc., et al., appellants, *v.* John C. Curry, as Commissioner of Revenue of the State of Alabama, et al. Appeal from the Supreme Court of the State of Alabama. *Per curiam*: The motion to affirm is granted and the judgment is affirmed. Banker Bros. *v.* Pennsylvania, 222 U. S. 210; Wiloil Corporation *v.* Pennsylvania, 294 U. S. 169.

No. 396. W. T. Carter & Bros. et al., appellants, *v.* Earle H. Short et al. Appeal from the Supreme Court of the State of Texas. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a properly presented substantial federal question. (1) Godchaux Co. *v.* Estopinal, 251 U. S. 179; Rooker *v.* Fidelity Trust Co., 261 U. S. 114, 117; Herndon *v.* Georgia, 295 U. S. 441, 443; (2) Compare Litchfield *v.* Register, 9 Wall. 575, 577-578; Minnesota *v.* Lane, 247 U. S. 243, 250; Lane *v.* Darlington, 249 U. S. 331, 333.

No. 458. H. Merlyn Christie, Clayton N. Smith, et al., appellants, *v.* J. E. Broussard, Individually, et al. Appeal from the Court of Civil Appeals, 9th Supreme Judicial District, State of Texas. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a properly presented substantial federal question. (1) Mutual Life Insurance Co. *v.* McGrew, 188 U. S. 291, 308; Godchaux Co. *v.* Estopinal, 251 U. S. 179; Home for Incurables *v.* City of New York, 187 U. S. 155, 158; (2) Roberts *v.* City of New York, 295 U. S. 264, 278; Seattle Ry. *v.* Linhoff, 231 U. S. 568, 570; Cross Lake Shooting and Fishing Club *v.* Louisiana, 224 U. S. 632, 638; Ross *v.* Oregon, 227 U. S. 150, 162.

No. 468. Roedenbeck Farms, Inc., W. L. Kemper, et al., appellants, *v.* J. E. Broussard, Individually, et al. Appeal from the Court of Civil Appeals, 9th Supreme Judicial District, State of Texas. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a properly presented substantial federal question. (1) Mutual Life Ins. Co. *v.* McGrew, 188 U. S. 291, 308; Zadig *v.* Baldwin, 166 U. S. 485, 488; Home for Incurables *v.* City of New York, 187 U. S. 155, 158; (2) Roberts *v.* City of New York, 295 U. S. 264, 278; Seattle Ry. *v.* Linhoff, 231 U. S. 568, 570; Cross Lake Shooting and Fishing Club *v.* Louisiana, 224 U. S. 632, 638; Ross *v.* Oregon, 227 U. S. 150, 162.

The Chief Justice said:

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

ORDER

It is ordered that the members of the Advisory Committee appointed by Orders of June 3, 1935, and February 17, 1936, to assist the Court in the preparation of a unified system of general rules for cases in equity and actions at law in the District Courts of the United States and in the Supreme Court of the District of Columbia, or so many of such members as are willing to serve, be requested to prepare and submit to the Court such amendments as they may deem advisable to the Rules of Civil Procedure adopted by the Court and reported to Congress by the Attorney General on January 3, 1938.

ORDER

The Court appoints Mr. Elmore Whitehurst, of Texas, to be Assistant Director of the Administrative Office of the United States Courts, pursuant to the Act to provide for the administration of the United States Courts, and for other purposes, approved August 7, 1939.

ORDER

It is ordered that, pursuant to the provisions of Public Resolution No. 50, 76th Congress, approved August 10, 1939, there be transferred \$25,000 from the appropriation "Miscellaneous Salaries, United States Courts, 1940," to an appropriation to be designated "Salaries, Administrative Office, United States Courts, 1940," and that \$25,000 be transferred from the appropriation "Miscellaneous Expenses, United States Courts, 1940," to an appropriation to be designated "Contingent Expenses, Administrative Office, United States Courts, 1940."

No. 408. Harry Dean, 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; and

No. 434. Alfred K. Queen, 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. 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. 380. Alfred A. Maurer and Marcus W. Myers, Trading as Maurer & Myers Auto Convoy, appellants, *v.* William J. Hamilton,

Jr., Secretary of Revenue, etc., 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. 394. State of Minnesota ex rel. Charles Edwin Pearson, appellant, *v.* Probate Court of Ramsey County, Minnesota, et al. In this case probable jurisdiction is noted. It is ordered that Michael F. Kinhead, present probate judge of Ramsey County be substituted as a party appellee in the place of Albin S. Pearson, pursuant to stipulation of counsel.

No. 383. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* George B. Clifford, Jr. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 384. Guy T. Helvering, Commissioner of Internal Revenue, petitioner *v.* Meredith Wood. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 386. The Dickinson Industrial Site, Inc., a corporation, etc., petitioner, *v.* Percy Cowan et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 419. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* John Kehoe. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 399. Waldo G. Bryant and Ida Bryant, Executors, etc., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted and case assigned for argument immediately following No. 183.

No. 286. William R. Parmele, petitioner, *v.* State of Ohio. The motion for leave to proceed on a typewritten record is granted. The motion of John Rossel to be made a party is denied because filed too late. The petition for writ of certiorari to the Supreme Court of the State of Ohio is denied.

No. 382. Leslie G. McKenney, petitioner, *v.* Swayne & Hoyt, Ltd., et al. The motion for leave to proceed on a typewritten record is granted. The petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is denied.

No. 428. J. Dudley Clark, petitioner, *v.* Frederick S. Deitrick, Receiver, etc., et al. The motion for leave to file typewritten documents as part of the record in lieu of printing is granted. The

petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is denied.

No. 441. Standard Oil Company of New Jersey, petitioner, *v.* A/B Svenska Amerika Linien, as Owner, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. Mr. Justice Roberts took no part in the consideration and decision of this application.

No. 318. The Texas Company, Delaware-Louisiana Fur Trapping Company, Inc., et al., petitioners, *v.* Parish of Jefferson. Petition for writ of certiorari to the Supreme Court of the State of Louisiana denied.

No. 357. The Hammond Clock Company, petitioner, *v.* The Electric Auto-Lite Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 379. Stelly Frazie, petitioner, *v.* Orleans Dredging Company. Petition for writ of certiorari to the Supreme Court of the State of Mississippi denied.

No. 381. Edward E. Rieck, 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 denied.

No. 385. City of Long Beach, Glen L. Clark, et al., petitioners, *v.* H. F. Metcalf, as Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 387. Felipe F. Vidal, Receiver, petitioner, *v.* Benigno Fernandez Garcia, Attorney General of Puerto Rico, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 389. Luckenbach Steamship Company, Inc., Owner, etc., petitioner, *v.* S/S "Sylvan Arrow" et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 395. Carnegie-Illinois Steel Corporation, Successor, etc., petitioner, *v.* Andrew B. Berger, Receiver, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 398. Louisville & Nashville Railroad Company, petitioner, *v.* Philip S. Grizzard, Jr., as Administrator, etc. Petition for writ of certiorari to the Supreme Court of the State of Alabama denied.

No. 401. Dean Alvord et al., petitioners, *v.* Town of Belleair, J. C. Smith as Tax Collector, etc., et al. Petition for writ of certiorari to the Supreme Court of the State of Florida denied.

No. 402. J. G. Haverstick, petitioner, *v.* Drainage District No. 7 of Poinsett County, Arkansas. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 403. Richard Barry, petitioner, *v.* Howard Hughes, Caddo Company, Inc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 410. Sunshine Anthracite Coal Company, petitioner, *v.* Harold L. Ickes, as 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. 311. William T. Wright, Individually, etc., petitioner, *v.* Albany Port District Commission et al. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 405. Lykes Brothers Ripley Steamship Co., Inc., petitioner, *v.* Mannie Smith. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 415. The Crosley Corporation, petitioner, *v.* Federal Communications Commission. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 416. Village of Downers Grove, petitioner, *v.* Harry Joseph, as Receiver, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 418. Stackpole Carbon 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. 420. General American Life Insurance Company, petitioner, *v.* Central National Bank of Cleveland, Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 421. William McKay, petitioner, *v.* Fort Shelby Hotel Company, Debtor, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 422. Royal Indemnity Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 423. Frank Bornn, doing business as Bornn Distilling Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 424. William J. Dennis et al., petitioners, *v.* L. E. Pitner et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 432. The United States of America, petitioner, *v.* Ana Rosario, Beneficiary of John J. Robles. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 435. McAllister Towing & Transportation Company, Inc., petitioner, *v.* American Diamond Lines, Inc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 436. A. Danciger, Jack Danciger, et al., petitioners, *v.* Floyd E. Jacobs, Administrator, etc., et al. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 440. F. H. Gouax et al., petitioners, *v.* Harry E. Bovay and Kenyon D. Wells, Trustees, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 451. City of Reading, petitioner, *v.* Walter S. Rae. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 469. Albert J. Peterson, Lewis W. Riddle, et al., petitioners, *v.* Weightstill Woods, Court Trustee, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 173. The Trustees of Pillsbury Academy, a corporation, appellants, *v.* The State of Minnesota; and

No. 174. The Trustees of Pillsbury Academy, a corporation, appellants, *v.* The State of Minnesota. The petitions for rehearing are denied. Mr. Justice Black took no part in the consideration and decision of these applications.

No. 217. Jane Bass, Administratrix, etc., petitioner, *v.* Mabel A. Dehner, Executrix, etc. Petition for rehearing denied. Mr. Justice Black is of opinion that the petition for rehearing and the petition for writ of certiorari in this case should be granted.

No. —, original. *Ex parte* J. R. Palmer, petitioner;

No. 54. John D. Ball, petitioner, *v.* The United States of America;

No. 71. The Roby-Somers Coal Company, petitioner, *v.* C. F. Routzahn. Individually and as Collector of Internal Revenue;

No. 150. Highway Steel & Manufacturing Company, appellant, *v.* Crawford County Circuit Court and J. O. Kincannon, the Judge thereof;

No. 168. R. L. Balffer & Company, petitioner, *v.* Commissioner of Internal Revenue;

No. 209. Betty Rogers, O. N. Beasley, et al., etc., petitioners, *v.* Commissioner of Internal Revenue;

No. 238. George M. Madden, doing business as Kohl & Madden Printing Ink Company, petitioner, *v.* Mac Sim Bar Paper Company;

No. 249. Weightstill Woods, Court Trustee, petitioner, *v.* Indemnity Insurance Company of North America;

No. 250. Weightstill Woods, Court Trustee, petitioner, *v.* Granada Apartments, Inc., et al.;

No. 257. Standard Oil Company of New Jersey, as Owner, etc., petitioner, *v.* Edwin Bonici;

No. 263. Orville Chester Garrison, petitioner, *v.* James A. Johnston, Warden, etc.;

No. 296. People of the State of Illinois ex rel. Emil Eitel and Karl Eitel, appellants, *v.* John Toman, as Successor, etc., et al.; and

No. 297. People of the State of Illinois ex rel. Sears, Roebuck & Co., appellant, *v.* John Toman, as Successor to Horace G. Lindheimer, etc., et al. Petitions for rehearing denied.

Mr. Justice Butler took no part in the consideration and decision of the cases in which judgments or orders are this day announced.

No. 6. Inland Waterways Corporation et al., petitioners, *v.* Cary H. Hardee, Receiver, etc. Motion to substitute Frederick J. Young, Receiver of the Commercial National Bank of Washington, D. C., as the party respondent in the place and stead of Cary H. Hardee, resigned, submitted by Mr. George B. Springston for the respondent.

No. 256. Borough of Fort Lee, a municipal corporation, etc., et al., petitioners, *v.* The United States of America ex rel. Edwin H. Barker et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Dismissed per stipulation of counsel.

No. 300. Jerry Bruno, petitioner, *v.* The United States of America. Argued by Mr. Samuel B. Wasserman for the petitioner and by Mr. Assistant Attorney General Rogge for the respondent.

No. 343. The United States of America et al., appellants, *v.* Frank O. Lowden et al., as Trustees, etc. Argued by Mr. James C. Wilson for the appellants and by Mr. W. F. Peter for the appellees.

No. 20. National Labor Relations Board, petitioner, *v.* Newport News Shipbuilding & Dry Dock Company. Argument commenced by Mr. Charles Fahy for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, November 7, will be as follows: Nos. 20, 32, 27, 72, 309, 28, 33, 39, 48, and 40.

SUPREME COURT OF THE UNITED STATES

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

James J. Dillon, of Atlanta, Ga.; Ross A. Burley, of Louisville, Ky.; Hugh E. Wall, Jr., of Dayton, Ohio; Richard K. Lyon, of Washington, D. C.; and George T. Garrett, of Montgomery, Ala., were admitted to practice.

No. —. Philadelphia-Detroit Lines, Inc., a corporation, appellant, *v.* United States of America and Interstate Commerce Commission. The application of the appellant for the suspension of the challenged order of the Interstate Commerce Commission pending an appeal herein has been referred by Mr. Justice Black to the Court and the application is denied.

No. 20. National Labor Relations Board, petitioner, *v.* Newport News Shipbuilding & Dry Dock Company. Argument continued by Mr. Charles Fahy for the petitioner; by Mr. H. H. Rumble for the respondent; by Mr. Frank A. Kearney for the Employees' Representative Committee, Intervener; and concluded by Mr. Charles Fahy for the petitioner.

No. 32. City of Atlanta, a Municipal Corporation of the State of Georgia, appellant, *v.* National Bituminous Coal Commission et al. Harold L. Ickes, Secretary of the Interior, substituted as the party appellee in the place and stead of National Bituminous Coal Commission and Percy Tetlow, Chairman, et al., on motion of Mr. J. C. Murphy for the appellant.

No. 32. City of Atlanta, a Municipal Corporation of the State of Georgia, appellant, *v.* Harold L. Ickes, Secretary of the Interior. Leave granted Charles S. Rhyne to appear and present oral argument for the appellant *pro hac vice*, on motion of Mr. J. C. Murphy in that behalf. Argument commenced by Mr. J. C. Murphy for the appellant. The Court declined to hear further argument.

No. 27. Mabel Franklin and R. F. Graves, petitioners, *v.* The United States of America. Argued by Mr. Warner W. Gardner for the respondent and case submitted by Mr. Sam Costen for the petitioners.

No. 72. The United States of America, petitioner, *v.* Mrs. Julia Caroline Sponenbarger et al. Argument commenced by Mr. Warner W. Gardner for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, November 8, will be as follows: Nos. 72, 309, 28, 33, 39, 48, 40, 42, 240, and 56.

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SUPREME COURT OF THE UNITED STATES

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

Joseph Marks, of Washington, D. C.; Abraham Mann, of New York City; Frank W. Ingram, of Reno, Nev.; and T. E. Mosheim, of Sequin, Tex., were admitted to practice.

No. 193. National Labor Relations Board, petitioner, *v.* Waterman Steamship Corporation. Motion of the National Maritime Union of America for leave to intervene submitted by Mr. Joseph Kovner in that behalf.

No. 72. The United States of America, petitioner, *v.* Mrs. Julia Caroline Sponenbarger et al. Argument continued by Mr. Warner W. Gardner for the petitioner; by Mr. Lamar Williamson for the respondents; and concluded by Mr. Warner W. Gardner for the petitioner.

No. 309. William H. Danforth, petitioner, *v.* The United States of America. Argued by Mr. J. L. London for the petitioner and by Mr. Warner W. Gardner for the respondent.

No. 28. Cities Service Oil Company, petitioner, *v.* B. P. Dunlap et al. Argument commenced by Mr. Clayton L. Orn for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, November 9, will be as follows: Nos. 28, 33, 39, 48, 40, 42, 240, 56, 69, and 77.

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SUPREME COURT OF THE UNITED STATES

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

Mary Elizabeth Rose, of Washington, D. C.; David Fisher, of Chicago, Ill.; John L. McInerney, of Chicago, Ill.; and Casper C. Cutler, of Detroit, Mich., were admitted to practice.

No. 10, original, October Term, 1935. The State of Wyoming, complainant *v.* The State of Colorado. ORDER. Upon consideration of the stipulation of counsel in the above-entitled cause, It is now here ordered that the time within which the State of Colorado shall file its return to the rule to show cause be, and the same hereby is, extended to and including December 16, 1939.

No. 28. Cities Service Oil Company, petitioner, *v.* B. P. Dunlap et al. Argument continued by Mr. Clayton L. Orn for the petitioner, by Mr. Angus G. Wynne for the respondents and concluded by Mr. Clayton L. Orn for the petitioner. Leave granted counsel for respondent to file additional brief within five days.

No. 33. John Hancock Mutual Life Insurance Company, petitioner, *v.* Benno Bartels. Argument commenced by Mr. L. M. Bickett for the petitioner; continued by Mr. T. E. Mosheim, by Mr. Elmer McClain and Mr. William Lemke for the respondent and concluded by Mr. L. M. Bickett for the petitioner.

No. 39. Jean McNeil Pepper, petitioner, *v.* Scott Litton. Argument commenced by Mr. M. M. Heuser for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, November 10, will be as follows: Nos. 39, 48, 40, 42, 240, 56, 69, 77, 63, and 68.

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SUPREME COURT OF THE UNITED STATES

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

Max Radin, of Berkeley, Calif.; J. A. A. Burnquist, of St. Paul, Minn.; Harold F. McGuire, of Washington, D. C.; Edward C. McLean, of New York City; Leonard D. Callahan, of Washington, D. C.; Harold Shaper, of New York City; and Jesse Climemko, of New York City, were admitted to practice.

No. 39. Jean McNeil Pepper, petitioner, *v.* Scott Litton. Argument continued by Mr. M. M. Heuser for the petitioner; by Mr. Henry Roberts for the respondent; and concluded by Mr. M. M. Heuser for the petitioner.

No. 48. The United States of America, petitioner, *v.* Honorable Patrick T. Stone, United States District Judge for the Western District of Wisconsin. Argued by Mr. Assistant Attorney General Arnold for the petitioner and by Mr. Weymouth Kirkland for the respondent.

No. 40. The Union Stock Yard and Transit Company of Chicago, appellant, *v.* The United States of America et al. Argument commenced by Mr. Frederick H. Wood for the appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 13, will be as follows: Nos. 40, 42, 240, 56, 397, 69, 77, 63, 68, and 49.

SUPREME COURT OF THE UNITED STATES

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

Thomas J. Gallagher, of Brooklyn, N. Y.; Peter J. Connolly, of Washington, D. C.; Vivian A. Clements, Jr., of Washington, D. C.; Abraham W. Brussell, of Chicago, Ill.; Daniel D. Carmell, of Chicago, Ill.; Thornton G. Berry, Jr., of Welch, W. Va.; Irving R. Kaufman, of New York City; Dean H. Dickinson, of Portland, Oreg.; Nat B. King, of Laredo, Tex.; Harry Stickney, of Cincinnati, Ohio; William C. Graves, of Chicago, Ill.; Martin Burns, of Chicago, Ill.; Catherine E. Falvey, of Somerville, Mass.; Kathryn C. Field, of Boston, Mass.; Samuel L. Lipman, of New Bedford, Mass.; Emil H. Molthan, of Philadelphia, Pa.; Joseph Neff Ewing, of Valley Forge, Pa.; Willard H. Hawley, of Washington, D. C.; and Glenn Simmon, of Washington, D. C., were admitted to practice.

No. 25. Valvoline Oil Company, 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 Pennsylvania. Judgment affirmed. Opinion by Mr. Justice Reed. Mr. Justice Butler took no part in the consideration or decision of this case.

No. 8. Ziffrin, Incorporated, appellant, *v.* H. Clyde Reeves, Commissioner of Revenue of the Commonwealth of Kentucky, et al. Appeal from the District Court of the United States for the Eastern District of Kentucky. Decree affirmed with costs. Opinion by Mr. Justice McReynolds. Mr. Justice Butler took no part in the consideration or decision of this case.

The Chief Justice announced the following orders of the Court:
 No. 400. First National Bank of Albuquerque, appellant, *v.* State Tax Commission et al. Appeal from the Supreme Court of the State of New Mexico. *Per curiam*: The appeal is dismissed for want of a substantial federal question. Bell's Gap Railroad Company *v.* Pennsylvania, 134 U. S. 232, 236-238; Des Moines Bank *v.* Fairweather, 263 U. S. 103. The petition for writ of certiorari is denied.

No. 447. J. Paul Leonard, Trading as Community Variety Store, appellant, *v.* A. J. Maxwell, as Commissioner of Revenue. Appeal from the Supreme Court of the State of North Carolina. *Per curiam*: The motion for leave to file a statement as to jurisdiction is granted. The motion to dismiss is also granted and the appeal is dismissed for want of a substantial federal question. (1) American Sugar Refining Company *v.* Louisiana, 179 U. S. 89, 93-95; Carmichael *v.* Southern Coal Co., 301 U. S. 495, 509-510; Rapid Transit Corporation, *v.* New York, 303 U. S. 573, 578-581. (2) Smiley *v.* Kansas, 196 U. S. 447, 457; Darnell *v.* Indiana, 226 U. S. 390, 398.

No. 27. Mabel Franklin and R. F. Graves, petitioners, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. *Per curiam*: The judgment is affirmed upon the ground that the District Court had no jurisdiction to entertain the suit. Judicial Code, Section 24 (20); 28 U. S. C. Section 41 (20). See Otis Elevator Company *v.* United States, 18 Fed. Supp. 87 (D. C. S. D. N. Y.).

No. 32. City of Atlanta, a municipal corporation of the State of Georgia, appellant, *v.* Harold L. Ickes, Secretary of the Interior. Appeal from the District Court of the United States for the District of Columbia. *Per curiam*: The judgment is affirmed on the ground that the appellant has no standing to maintain the suit. Tennessee Power Co. *v.* Tennessee Valley Authority, 306 U. S. 118, 142; Alabama Power Co. *v.* Ickes, 302 U. S. 464, 478-479; Sprunt & Son *v.* United States, 281 U. S. 249, 255-256; Aetna Life Insurance Co. *v.* Haworth, 300 U. S. 227, 240-241.

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* William Bayley, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. 12, original. State of Missouri, complainant, *v.* State of Iowa. The counsel for the respective parties to the above-entitled cause having stipulated and agreed that this cause has been fully settled and compromised and that it shall be dismissed and have filed a stipulation to that effect,

It is ordered, adjudged, and decreed that the Bill of Complaint in this cause be, and it hereby is, dismissed, and that the costs, including the compensation of the Special Master, shall be divided equally between the parties.

No. 12, original. State of Missouri, complainant, *v.* State of Iowa. An order is entered fixing the compensation of the Special Master herein.

No. 429. October Term, 1938. Milton Prebyl, petitioner, *v.* Prudential Insurance Company of America. The motion for leave to file protest and declaration of rights is denied.

No. 193. National Labor Relations Board, petitioner, *v.* Waterman Steamship Corporation. The motion of the National Maritime Union of America for leave to intervene is denied.

No. 6. Inland Waterways Corporation et al., petitioners, *v.* Cary H. Hardee, Receiver of Commercial National Bank of Washington, D. C. The motion for substitution is granted and Frederick J. Young, Receiver of the Commercial National Bank of Washington, D. C., is substituted as the party respondent in the place and stead of Cary H. Hardee, resigned.

No. 470. Georgia M. Spruill, petitioner, *v.* William T. Ballard and Abram R. Serven et al. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 478. Joseph Cato, petitioner, *v.* Court Smith, Warden, State Prison, San Quentin, California. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit;

No. 484. Clarence H. Fischer, Inmate No. 15536, etc., petitioner, *v.* J. M. McCauley, as Warden, etc. On petition for writ of certiorari to the Supreme Court of the State of Washington;

No. 87. Bob White, petitioner, *v.* The State of Texas. On petition for writ of certiorari to the Court of Criminal Appeals of the State of Texas; and

No. 128. Ed. Potter, petitioner, *v.* Nathan Mayo, as Custodian of the Florida State Prison, et al. On petition for writ of certiorari to the Supreme Court of the State of Florida. 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. 476. The United States of America, appellant, *v.* Northern Pacific Railway Company et al.; and

No. 477. Northern Pacific Railway Company et al., appellants, *v.* The United States of America. In these cases probable jurisdiction is noted.

No. 437. John J. McCabe, petitioner, *v.* Boston Terminal Company. Petition for writ of certiorari to the Superior Court in and for the County of Suffolk, Commonwealth of Massachusetts, granted.

No. 459. The H. Rouw Company, petitioner, *v.* Frank J. Crivella. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 462. Germantown Trust Company, Trustee, etc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 460. National Labor Relations Board, petitioner, *v.* The Falk Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted and the case assigned for argument immediately following No. 253.

No. 376. The Warfield Company, petitioner, *v.* American Lecithin Company; and

No. 455. American Lecithin Company, petitioner, *v.* The Warfield Company. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 409. Dixie Wholesale Grocery, Inc., petitioner, *v.* James W. Martin, Commissioner of Revenue, et al. Petition for writ of certiorari to the Court of Appeals of the Commonwealth of Kentucky denied.

No. 425. Galena Manufacturing Company of Illinois, petitioner, *v.* Superior Oil Works. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 433. William G. Fullerton et al., petitioners, *v.* The City of Pittsburgh. Petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania denied.

No. 442. Thomas Campisi, 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. 443. John Wesley Davis, Individually, etc., petitioner, *v.* Elizabeth S. Shelly et al. Petition for writ of certiorari to the District Court of Appeals, 1st Appellate District, State of California, denied.

No. 444. National Candy Company, a corporation, petitioner, *v.* Federal Trade Commission;

No. 445. March of Time Candies, Inc., a corporation, petitioner, *v.* Federal Trade Commission; and

No. 446. Dietz Gum Company of Chicago, a corporation, et al., petitioners, *v.* Federal Trade Commission. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 450. The Alton Railroad Company, petitioner, *v.* Jackson County, Missouri. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 452. James A. Cobb, petitioner, *v.* Howard University. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 454. Globe & Rutgers Fire Insurance Co. 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 Second Circuit denied.

No. 456. David Graves George, petitioner, *v.* Victor Talking Machine Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 438. Jerry W. Carter, as Chairman, et al., petitioners, *v.* Legh R. Powell, Jr., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 223. Carrier Engineering Corporation, petitioner, *v.* Geza Horvath et al.;

No. 322. Hibbard, Spencer, Bartlett & Company, a corporation, appellant, *v.* City of Chicago, a Municipal Corporation;

No. 390. Gilbert D. Hedden, Transferee, etc., petitioner, *v.* Commissioner of Internal Revenue;

No. 391. Andrew M. Conneen, Jr., Transferee, etc., petitioner, *v.* Commissioner of Internal Revenue;

No. 392. Hattie S. Hedden, Transferee, etc., petitioner, *v.* Commissioner of Internal Revenue; and

No. 393. Gertrude S. Hedden, Transferee, etc., petitioner, *v.* Commissioner of Internal Revenue. Petition for rehearing denied.

Mr. Justice Butler took no part in the consideration and decision of the cases in which judgments or orders are this day announced.

The Court will take a recess from Monday, November 20, until Monday, December 4, next.

No. 316. Frank R. McNinch, Norman S. Case, et al., petitioners, *v.* Paul R. Heitmeyer. J. Lawrence Fly, Chairman of the Federal Communications Commission substituted as a party petitioner in the place and stead of Frank R. McNinch, resigned, on motion of Mr. Solicitor General Jackson for the petitioners.

No. 40. The Union Stock Yard and Transit Company of Chicago, appellant, *v.* The United States of America et al. Argument continued by Mr. Frederick H. Wood for the appellant; by Mr. Daniel W. Knowlton for appellees, The United States and Interstate Commerce Commission; by Mr. Lee J. Quasey for appellee, National Live Stock Marketing Association; by Mr. Douglas F. Smith for appellees, Railroad Companies; and concluded by Mr. Frederick H. Wood for the appellant.

No. 42. Joseph J. Weiss, Martin Gross, et al., petitioners, *v.* The United States of America. Argument commenced by Mr. Theodore Kiendl for petitioner, Dr. Maximilian Goldstein; continued by Mr. Lloyd Paul Stryker for petitioner, Joseph J. Weiss; by Mr. Jacob W. Friedman for petitioner, Martin Gross; and by Mr. Assistant Attorney General Rogge for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, November 14, will be as follows: Nos. 42, 240, 56, 397, 69, 77, 63, 49, 146, and 317.

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SUPREME COURT OF THE UNITED STATES

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

L. B. Schwartz, of Washington, D. C.; Henry Munroe, of Albany, N. Y.; Harold C. Havighurst, of Evanston, Ill.; and Robert L. Howard, of Columbia, Mo., were admitted to practice.

No. 193. National Labor Relations Board, petitioner, *v.* Waterman Steamship Corporation. Motion of the American Federation of Labor for leave to intervene submitted by Mr. Charlton Ogburn in that behalf.

No. 42. Joseph J. Weiss, Martin Gross, et al., petitioners, *v.* The United States of America. Argument continued by Mr. Assistant Attorney General Rogge for the respondent and concluded by Mr. Lloyd Paul Stryker for petitioner, Joseph J. Weiss.

No. 240. Frank Carmine Nardone et al., petitioners, *v.* The United States of America. Argued by Mr. David V. Cahill for petitioner, Frank Carmine Nardone; by Mr. Jesse Climenko for petitioner, Nathan W. Hoffman; by Mr. Louis Halle for petitioner, Robert Gottfried; and by Mr. Assistant Attorney General Rogge for the respondent.

No. 56. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* The F. & R. Lazarus & Company. Argued by Mr. Norman D. Keller for the petitioner, and by Mr. Murray Seasongood and Mr. Robert P. Goldman for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, November 15, will be as follows: Nos. 397, 69, 77, 63, 49, 146, 317, 35, 80, and 73 (and 74).

SUPREME COURT OF THE UNITED STATES

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

Walter W. Blood, of Denver, Colo.; Frank B. Gary, Jr., of Columbia, S. C.; W. E. Davant, of Bay City, Tex.; and Morris I. Jaffe, of Dallas, Tex., were admitted to practice.

No. 397. The United States of America, appellant, *v.* The Borden Company et al. Motion of appellees, Hunding Dairy Company, a corporation and Carl W. Hunding to dismiss appeal as to said appellees submitted by Mr. James P. Dillie on behalf of counsel.

No. 397. The United States of America, appellant, *v.* The Borden Company et al. Four hours allowed for oral argument. Argued by Mr. Assistant Attorney General Arnold for the appellant; by Mr. Loy N. McIntosh for appellees, Sidney Wanzer & Sons, Inc., et al.; by Mr. Wililam C. Graves for appellees, Pure Milk Association et al.; by Mr. Joseph A. Padway for appellees Robert G. Fitchie et al.; and by Mr. Frederic Burnham for appellees, The Borden Company et al.; and case submitted by Mr. Daniel D. Carmell for appellee, Leslie G. Goudie; by Mr. Charles S. Deneen, Mr. Roy Massena, and Mr. Donald W. Schaffer for appellees, Hunding Dairy Company et al.; by Mr. Ben H. Matthews and Mr. James P. Dillie for appellee, Leland Spencer, and by Mr. Louis M. Mantynband for appellees, Western United Dairy Company et al., upon and by their adoption of the brief filed on behalf of appellees, Sidney Wanzer & Sons, Inc., et al.

No. 69. Walter E. Pearson, State Treasurer of the State of Oregon, petitioner, *v.* Ruth Hayes McGraw et al. Argument commenced by Mr. Willis S. Moore for the petitioner and continued by Mr. Fletcher Rockwood for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, November 16, will be as follows: Nos. 69, 77, 63, 49, 146, 317, 73 (and 74), and 78.

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SUPREME COURT OF THE UNITED STATES

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

Herman A. Fischer, of Chicago, Ill.; Marie M. Herney, of San Diego, Calif.; Kenneth H. Guild, of Cleveland, Ohio; Gustav C. Axelrod, of St. Paul, Minn.; and DeWitt A. Higgs, of San Diego, Calif., were admitted to practice.

The Chief Justice said:

"It is my sad duty to announce the passing, early this morning, of our brother, Mr. Justice Pierce Butler. After a long and distinguished career at the Minnesota Bar, he was appointed Associate Justice of this Court and took his seat in January 1923. Trained in the exacting school of a most active professional practice, Pierce Butler brought to this Court not only his learning in the law, but a rich store of practical experience. His fidelity, his courage and forthrightness, which were his outstanding characteristics, made him a doughty warrior for his convictions, and he served the Court with great ability and indefatigable industry and an unwavering loyalty to its traditions and to his lofty conception of its function in preserving our constitutional heritage.

"The funeral services in Washington will be held tomorrow morning at 11 o'clock at Saint Matthew's Cathedral, and the Court will attend. A committee of the Court composed of Mr. Justice McReynolds, Mr. Justice Stone, and Mr. Justice Roberts will attend the services to be held in St. Paul.

"As a further token of respect for the memory of our brother, the Court, immediately upon the conclusion of the hearing in the case now on argument, in which counsel from the Pacific coast are engaged, will adjourn until Wednesday, November 22 next, at noon."

No. 69. Walter E. Pearson, State Treasurer of the State of Oregon, petitioner, *v.* Ruth Hayes McGraw et al. Argument continued by Mr. Fletcher Rockwood for the respondents and concluded by Mr. Dean H. Dickinson for the petitioner.

Adjourned until Wednesday, November 22 next, at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

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

Joseph S. Gershman, of New York City; Gerard D. Reilly, of Boston, Mass.; Richard E. Cotton, of St. Petersburg, Fla.; Armond Monroe Jewell, of Los Angeles, Calif.; Edward D. Phinney, of Mount Vernon, N. Y.; Thomas H. Daley, of Washington, D. C.; Joseph Shemon Crespi, of Atlanta, Ga.; and David Brodsky, of New York City, were admitted to practice.

No. 38. *Neirbo Company, The A. P. Smith Manufacturing Company, et al., petitioners, v. Bethlehem Shipbuilding Corporation, Ltd.* 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 Frankfurter. Dissenting opinion by Mr. Justice Roberts in which the Chief Justice and Mr. Justice McReynolds join.

No. 11. *Clara Schneider, petitioner, v. The State (Town of Irvington).* On writ of certiorari to the Court of Errors and Appeals of the State of New Jersey;

No. 13. *Kim Young, appellant, v. The People of the State of California.* Appeal from the Appellate Department of the Superior Court of Los Angeles County, California;

No. 18. *Harold F. Snyder, petitioner, v. City of Milwaukee.* On writ of certiorari to the Supreme Court of the State of Wisconsin; and

No. 29. *Elmira Nichols and Pauline Thompson, appellants, v. Commonwealth of Massachusetts.* Appeal from the Superior Court of Worcester County, Massachusetts. Judgments reversed with costs and cases remanded to the Court of Errors and Appeals of New Jersey, the Superior Court of Los Angeles County, California; the Supreme Court of Wisconsin, and the Superior Court of Worcester County, Massachusetts, respectively, for further proceedings not

inconsistent with the opinion of this Court. Opinion by Mr. Justice Roberts. Dissenting: Mr. Justice McReynolds.

The Chief Justice announced the following orders of the Court:

No. 486. Madison Avenue Corporation, appellant, *v.* Walter Stokes, Jr., as Commissioner of Finance and Taxation of the State of Tennessee. Appeal from the Supreme Court of the State of Tennessee. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Gregg Dyeing Co. *v.* Query, 286 U. S. 472, 476; Brown-Forman Co. *v.* Kentucky, 217 U. S. 563, 571-572; Swiss Oil Corporation *v.* Shanks, 273 U. S. 407, 412-413; Roberts & Schaefer Co. *v.* Emmerson, 271 U. S. 50, 54-55.

No. 48. The United States of America, petitioner, *v.* Honorable Patrick T. Stone, United States District Judge for the Western District of Wisconsin. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. *Per curiam*: The judgment is affirmed by an equally divided Court.

The Chief Justice said:

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

ORDER

The Court appoints Mr. Henry P. Chandler, of Chicago, Illinois, to be Director of the Administrative Office of the United States Courts, pursuant to the Act to provide for the administration of the United States Courts, and for other purposes, approved August 7, 1939.

No. —, *Ex parte* John Muldoon, petitioner. Application denied.

No. 144. Flora B. Dodd, petitioner, *v.* Aetna Life Insurance Company. The motion for leave to file a second petition for rehearing is denied.

No. 193. National Labor Relations Board, petitioner, *v.* Waterman Steamship Corporation. The motion of the American Federation of Labor for leave to intervene is denied.

No. 411. James A. Lovvorn, petitioner, *v.* T. Whitfield Davidson, Judge, U. S. District Court, Northern District of Texas. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit;

No. 483. Sylvester Wilson, 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; and

No. 507. Robert A. Hartman, petitioner, *v.* J. Nelson Greene. On petition for writ of certiorari to the Supreme Court of the State of Louisiana. The motions for leave to proceed further herein *in forma pauperis* are denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which writs of certiorari should be issued. The petitions for writs of certiorari are therefore also denied.

No. 479. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Charles A. Bruun. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 490. The United States of America, petitioner, *v.* Alphonse Desrochers. The petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is struck from the docket upon the ground that the petition is not presented by or on behalf of The United States, the party to the record.

No. 417. New World Life Insurance Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 453. Gold, Silver and Tungsten, Inc., petitioner, *v.* Donald F. Wallace, as Executor, etc., et al. Petition for writ of certiorari to the Supreme Court of the State of Colorado denied.

No. 457. Gans Steamship Line, a corporation, 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. 471. Joseph J. Schlafly, Executor of the Estate of August Schlafly, deceased, petitioner, *v.* Louis J. Becker, Collector of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 472. James R. Bemis, Executor of the estate of William N. Bemis, deceased, petitioner, *v.* Louis J. Becker, Collector of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 481. Guy A. Thompson, Trustee, etc., petitioner, *v.* Magnolia Petroleum Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 157. John Weber, petitioner, *v.* The United States of America;

No. 360. Bertram Wm. Coltman, petitioner, *v.* Colgate-Palmolive-Peet Company; and

No. 369. Sig Ellingson and Company, petitioner, *v.* Mason City Production Credit Association. Petitions for rehearing denied.

No. 892, October Term, 1938. John F. Jenkins et al., petitioners, *v.* A. Don Bitgood, formerly Acting Collector of Internal Revenue. Motion for leave to file petition for rehearing submitted by Mr. Curtiss K. Thompson for the petitioners.

No. —, original, State of Oklahoma, upon the relation of Mac Q. Williamson, Attorney General of the State of Oklahoma, etc., complainant, *v.* Harry H. Woodring, Secretary of War of the United States. Return to rule to show cause presented.

No. 488. Joseph Dugan, petitioner, *v.* The United States. Motion for an order releasing proceedings from orders of secrecy and suggestion of a diminution of the record submitted by Mr. Joseph Dugan for the petitioner, in support thereof, and by Mr. Solicitor General Jackson for the respondent, in opposition thereto.

Adjourned until Monday, December 4, next, at 12 o'clock.

The day call for Monday, December 4, will be as follows: Nos. 77, 63, 49, 146, 317, 35, 80, 68, 122, and 124.

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SUPREME COURT OF THE UNITED STATES

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

John W. McConneloug, of St. Paul, Minn.; Harold Obernauer, of Pittsburgh, Pa.; John R. Brosnan, of Washington, D. C.; Wilby S. Cowan, of Columbus, Ohio; Robert C. Tyler, of Columbus, Ohio; Louis W. Adams, of Columbus, Ohio; Dale D. Rapp, of Columbus, Ohio; Stephen J. Angland, of Great Falls, Mont.; George Taylor, of Brooklyn, N. Y.; Harold F. Adams, of Columbus, Ohio; Elnathan B. Adams, of Hot Springs, S. Dak.; and Kenneth E. Grant, of Los Angeles, Calif., were admitted to practice.

No. 39. Jean McNeil Pepper, petitioner, *v.* Scott Litton. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment of the Circuit Court of Appeals reversed with costs and judgment of the District Court affirmed and cause remanded to the District Court of the United States for the Western District of Virginia. Opinion by Mr. Justice Douglas.

No. 69. Walter E. Pearson, State Treasurer of the State of Oregon, petitioner, *v.* Ruth Hayes McGraw and Edmund Hayes, As Executors, etc. On writ of certiorari to the Supreme Court of the State of Oregon. 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. Dissenting: Mr. Justice McReynolds. Concurring opinion by Mr. Justice Stone. Mr. Justice Frankfurter agrees with Mr. Justice Stone's views as to Oregon's power to tax the federal reserve notes in question, but is of opinion that the record sustains the ground taken in the Court's opinion.

No. 19. Oklahoma Packing Company, formerly Wilson & Co., Inc., of Oklahoma, et al., petitioners, *v.* Oklahoma Gas & Electric Company et al. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Decree reversed with costs and

cause remanded to the District Court of the United States for the Western District of Oklahoma with directions to dismiss the bill of complaint. Opinion by Mr. Justice Frankfurter. Opinion by Mr. Chief Justice Hughes concurring in the reversal of the decree in which Mr. Justice McReynolds and Mr. Justice Roberts join.

No. 300. Jerry Bruno, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment reversed and cause remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Frankfurter. Mr. Justice McReynolds concurs in the result.

No. 309. William H. Danforth, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment reversed in part and affirmed in part 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 Reed.

No. 56. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* The F. & R. Lazarus & Company. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Black. Mr. Justice Reed took no part in the consideration or decision of this case.

No. 72. The United States of America, petitioner, *v.* Mrs. Julia Caroline Spontenbarger et al. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment of the Circuit Court of Appeals reversed and the judgment of the District Court of the United States for the Eastern District of Arkansas affirmed. Opinion by Mr. Justice Black.

No. 20. National Labor Relations Board, petitioner, *v.* Newport News Shipbuilding & Dry Dock Company. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Decree 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 Roberts.

No. 40. The Union Stock Yard and Transit Company of Chicago, appellant, *v.* The United States of America et al. Appeal from the District Court of the United States for the Northern District of Illinois. Decree affirmed. Opinion by Mr. Justice Stone.

No. 343. The United States of America and the Interstate Commerce Commission, appellants, *v.* Frank O. Lowden, James E. Gor-

man, et al. Appeal from the District Court of the United States for the Northern District of Illinois. Decree reversed and cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone.

No. 28. Cities Service Oil Company, petitioner, *v.* B. P. Dunlap et al. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Decree reversed with costs and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice McReynolds announced by Mr. Chief Justice Hughes.

No. 33. John Hancock Mutual Life Insurance Company, petitioner, *v.* Venno Bartels. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Western District of Texas. Opinion by Mr. Chief Justice Hughes.

No. 397. The United States of America, appellant, *v.* The Borden Company, Charles L. Dressel et al. Appeal from the District Court of the United States for the Northern District of Illinois. The appeal as to count three is dismissed. The judgment is reversed as to counts one, two, and four, and the cause is remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Hughes.

The Chief Justice announced the following order of the Court:

No. 508. Ralph Mark, appellant, *v.* State of Wisconsin. Appeal from the Supreme Court of the State of Wisconsin. *Per curiam:* The motion for leave to file the motion to dismiss the appeal is granted. The motion to dismiss is also granted and the appeal is dismissed for want of a substantial federal question. *Hurtado v. California*, 110 U. S. 516; *Bolln v. Nebraska*, 176 U. S. 83; *Lem Woon v. Oregon*, 229 U. S. 586. The motion for leave to proceed further herein *in forma pauperis* is denied.

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. —. John Brod Peters, plaintiff, *v.* John J. Nangle et al. Application denied.

No. — Joseph Poresky, petitioner, *v.* Joseph B. Ely et al. The application presented to the Chief Justice and referred by him to the Court is denied.

No. — In re disbarment of Anna L. Cooke. It having been reported to the Court that the District Court of the United States for the District of Columbia has entered an order accepting the resignation of Anna L. Cooke, of Washington, D. C., as a member of the bar of the said District Court and directing the clerk of that court to strike her name from the roll of attorneys admitted to practice before such court and prohibiting her henceforth from practicing law and holding herself out to be an attorney at law in the District of Columbia;

And this Court by order of October 16, 1939, having suspended the said Anna L. Cooke from the practice of law in this Court and directed that a rule issue requiring her to show cause within forty (40) days why she should not be disbarred from the practice of the law in this Court;

And it appearing that the said rule was issued and served upon the said Anna L. Cooke and that she has failed to file any return although the time for such a return has expired;

It is ordered that the said Anna L. Cooke be and she hereby is disbarred, and that her name be stricken from the roll of attorneys admitted to practice in this Court.

No. — In re disbarment of David B. Getz. It having been reported to the Court that the Appellate Division of the Supreme Court of the State of New York, First Department, has entered an order disbaring David B. Getz, of New York City, a member of the bar of this Court, from practice as an attorney or counselor at law in the State of New York;

And this Court by order of October 16, 1939, having suspended the said David B. Getz from the practice of law in this Court and directed that a rule issue requiring him to show cause within forty (40) days why he should not be disbarred from the practice of law in this Court;

And it appearing that the said rule was issued and served upon the said David B. Getz and that he has failed to file any return although the time for such a return has expired;

It is ordered that the said David B. Getz 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 re disbarment of French B. Loveland. A rule is ordered to issue returnable on January 2, 1940, requiring French B. Loveland, of Cape May C. H., New Jersey, a member of the Bar of

this Court, to show cause in writing before this Court why he should not be disbarred from further practice of law in this Court for conduct unbecoming a member of the Bar of this Court, in that he has failed to respond to communications addressed to him by the Clerk of this Court respecting costs due by his client in the case of *Lanzetta et al. v. The State of New Jersey*, No. 308, of October Term, 1938.

No. 43. The United States, petitioner, *v. John McShain, Inc.* It is ordered that the order in this case dated November 6, 1939, be, and it hereby is, amended to read as follows:

Per curiam: The judgment is reversed to the extent that it includes the \$1,877.93 alleged to be due from the United States in paragraphs XIV through XXIV of the petition to the Court of Claims, and the cause is remanded to the Court of Claims with instructions to enter judgment in favor of the United States with regard to this item. *Plumley v. United States*, 226 U. S. 545, 547; *Merrill-Ruckgaber Co. v. United States*, 241 U. S. 387, 393."

No. 15. L. Boteler, Trustee of the Estate of Richmaid Creameries, Inc., debtor, petitioner, *v. Ray Ingels, Director of Motor Vehicles of the State of California, et al.*; and

No. 16. L. Boteler, Trustee of Richmaid Creameries, Inc., debtor, petitioner, *v. Ray Ingels, Director of Motor Vehicles of the State of California, et al.* Ordered that the first sentence in the second paragraph on page 3 of the opinion be amended to read:

First. Subdivision 57 (j) prohibits allowance of a tax penalty against the bankrupt estate only if incurred by the bankrupt before bankruptcy by reason of his own delinquency."

It is further ordered that the petition for rehearing be denied.

No. 481. Guy A. Thompson, Trustee, etc., petitioner, *v. Magnolia Petroleum Company et al.* 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 Eighth Circuit is granted.

No. 506. Bernie Bennett, petitioner, *v. The United States of America.* On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 553. Robert Schenk, petitioner, *v. The State of California et al.* On petition for writ of certiorari to the Supreme Court of the State of California; and

No. 555. George W. Nally, petitioner, *v. The State of Missouri.* On petition for writ of certiorari to the Supreme Court of the State of Missouri. The motions for leave to proceed further herein *in forma pauperis* are denied for the reason that the Court, upon exam-

ination 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. 549. Henry C. Groseclose, petitioner, *v.* Clyde I. Plummer, Warden of the California State Prison, etc. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied. The motion for leave to file petition for writ of habeas corpus is denied.

No. 68. William Helis, petitioner, *v.* Mrs. Itasca Kinney Ward, as Executrix, etc., et al. The motion of Agnes E. Lewis and others for leave to intervene is denied. The motion to proceed further *in forma pauperis* is also denied.

No. 488. Joseph Dugan, petitioner, *v.* The United States. On petition for writ of certiorari to the Court of Claims. The motion of petitioner for an order releasing the proceedings in this case from the various orders of secrecy imposed thereon by the court below is denied. 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 a writ of certiorari is also denied and the Clerk of this Court is directed to return to the Court of Claims the papers filed in this case.

No. 482. Edward Sheldon and Margaret Ayer Barnes, petitioners, *v.* Metro-Goldwyn Pictures Corporation, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 473. Joseph D. McGoldrick, Comptroller of the City of New York, petitioner, *v.* Gulf Oil Corporation. Petition for writ of certiorari to the Supreme Court of the State of New York granted and the case is assigned for argument immediately following No. 475.

No. 474. Joseph D. McGoldrick, Comptroller of the City of New York, petitioner, *v.* A. H. DuGrenier, Inc., et al. Petition for writ of certiorari to the Supreme Court of the State of New York granted and the case is assigned for argument immediately following No. 45.

No. 475. Joseph D. McGoldrick, Comptroller of the City of New York, petitioner, *v.* Berwind-White Coal Mining Company. Petition for writ of certiorari to the Supreme Court of the State of New York granted and the case is assigned for argument immediately following No. 474.

No. 491. Lottie Hamrick and L. D. Hamrick, petitioners, *v.* Curtis F. Bryan et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied. Mr. Justice Douglas took no part in the consideration and decision of this application.

No. 501. Wade H. Cooper, petitioner, *v.* J. F. T. O'Connor, Individually, etc., et al. 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 and decision of this application.

No. 461. Titan Metal Manufacturing 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. 489. United States Guarantee Company, petitioner, *v.* William M. Elkins et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 492. The Oak Woods Cemetery Association, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 493. The Emerson Electric Manufacturing Co., petitioner, *v.* Emerson Radio & Phonograph Corporation et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 480. Justin Haynes & Company, Inc., petitioner, *v.* The Federal Trade Commission. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 505. Metro-Goldwyn Pictures Corporation et al., petitioners, *v.* Edward Sheldon and Margaret Ayer Barnes. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 485. Montague Stanley Tweedie, 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. 494. Mrs. Mary Herder, Mrs. Alma Williams, et al., petitioners, *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. 495. Porto Rico Railway, Light & Power Company, petitioner, *v.* Jose Enrique Colom, Commissioner of the Interior of Puerto Rico, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 496. Ziolo Mendez Rios, petitioner, *v.* Harry N. Baetjer et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 497. Seaside Improvement 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. 498. Stonega Coke & Coal Company, petitioner, *v.* Samuel Price et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 23. Thomas K. Case and Adele B. Cowan et al., petitioners, *v.* Los Angeles Lumber Products Company, Ltd.;

No. 24. Thomas K. Case and Adele B. Cowan et al., petitioners, *v.* Los Angeles Lumber Products Company, Ltd.;

No. 31. Texas Electric Railway Company, appellant, *v.* Clyde O. Eastus, United States Attorney, etc., et al.;

No. 34. Estate of Charles Henry Sanford, deceased, etc., petitioner, *v.* Commissioner of Internal Revenue;

No. 234. Annie R. Wharton et al., petitioners, *v.* Shenandoah Publishing House et al.;

No. 353. Milk Wagon Drivers Union of Chicago, etc., et al., petitioners, *v.* Meadowmoor Dairies, Inc.;

No. 358. Standard Surety & Casualty Company of New York, petitioner, *v.* Standard Accident Insurance Company;

No. 388. Graybar Electric Company, Inc., appellants, *v.* John C. Curry, as Commissioner, etc., et al.;

No. 402. J. G. Haverstick, petitioner, *v.* Drainage District No. 7 of Poinsett County, Arkansas;

No. 408. Harry Dean, petitioner, *v.* The United States of America; and

No. 410. Sunshine Anthracite Coal Company, petitioner, *v.* Harold L. Ickes, as Secretary of the Interior, et al. Petitions for rehearing denied.

No. 892, October Term 1938. John F. Jenkins et al., petitioners, *v.* A. Don Bitgood, Formerly Acting Collector of Internal Revenue. The motion for leave to file a petition for rehearing is denied.

No. 201. Buckstaff Bath House Company, petitioner, *v.* Ed I. McKinley, as Commissioner of the Department of Labor of the State of Arkansas, et al. Submitted by Mr. Terrell Marshall for the petitioner and by Mr. W. L. Pope for the respondents.

No. 77. Interstate Natural Gas Company and United States Fidelity and Guaranty Company, petitioners, *v.* A. H. Stone, Commissioner, etc. Leave granted Mr. Maxwell Bramlette to appear and present oral argument for the petitioners, *pro hac vice*, on motion of Mr. Garner W. Green. Argument commenced by Mr. Garner W. Green for the petitioners. The Court declined to hear further argument.

No. 63. V. L. LeTulle, petitioner, *v.* Frank Scofield, United States Collector of Internal Revenue for the First District of Texas. Argued by Mr. Homer L. Bruce for the petitioner and by Mr. J. Louis Monarch for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, December 5, will be as follows: Nos. 49, 146, 317, 35, 80, 68, 122, 124, 70, and 253.

SUPREME COURT OF THE UNITED STATES

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

L. S. Moore, of Centerville, Ala.; Ruth Mirick Jameson, of Washington, D. C.; Harold Leon Cook, of Portland, Ore.; Stacy M. Reed, of Washington, D. C.; John Foshee, of Centerville, Ala.; Leo Gottlieb, of New York City; Samuel Levine, of Washington, D. C.; Sidney C. Schlesinger, of New York City; A. Owsley Stanley, Jr., of Henderson, Ky.; and R. Winton Elliott, of Washington, D. C., were admitted to practice.

No. 49. George W. Griffiths, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. Herman A. Fischer for the petitioner and by Mr. Arnold Raum for the respondent.

No. 146. Joseph T. Higgins, Collector of Internal Revenue for the Third District of New York, petitioner, *v.* John Thomas Smith. Argued by Mr. Assistant Attorney General Clark for the petitioner and by Mr. David Sher for the respondent.

No. 317. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* James Lee Johnson. Argument commenced by Mr. Assistant Attorney General Clark for the petitioner; continued by Mr. Abraham Lowenhaupt for the respondent; and concluded by Mr. Arnold Raum for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, December 6, will be as follows: Nos. 35, 80, 68, 122, 124, 70, 253, 460, 78, and 132.

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SUPREME COURT OF THE UNITED STATES

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

Leslie Moses, of Houston, Tex.; P. E. Cavaney, of Los Angeles, Calif.; James Lahey Screws, of Montgomery, Ala.; William H. Loeb, of Montgomery, Ala.; Maurice Patrick O'Connor, of Washington, D. C.; Roy Glynn Allman, of Rockymount, Va.; and Edward H. deGroot, Jr., of Washington, D. C., were admitted to practice.

No. 35. Retail Food Clerks and Managers Union, Local No. 1357, et al., petitioners, *v.* Union Premier Food Stores, Inc., et al. Argued by Mr. Joseph A. Padway for the petitioners and by Mr. Harry Shapiro for the respondents.

No. 80. Fur Workers Union No. 21238, affiliated with the American Federation of Labor, etc., petitioner, *v.* Fur Workers Union, Local No. 72, et al. Argument commenced by Mr. Irvin Goldstein for the petitioner. The Court declined to hear further argument.

No. 68. William Helis, petitioner, *v.* Mrs. Itasca Kinney Ward, as Executrix etc., et al. Argued by Mr. Eugene D. Saunders for the petitioner and by Mr. William N. Bonner for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, December 7, will be as follows: Nos. 122, 124, 70, 253, 460, 78, 132, 73 (and 74), 151, and 129.

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SUPREME COURT OF THE UNITED STATES

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

Jerrold H. Ruskin, of New York City; Lionel Peabody Marks, of New York City; Aloysius John Engelhard, of Milwaukee, Wis.; Robert C. Brown, Jr., of Chicago, Ill.; Albert Henry Kirchner, of Washington, D. C.; Anne M. Mosher, of Laurel, Md.; Bessie I. Koehl, of Washington, D. C.; Susan D. Richards, of Washington, D. C.; Blanche B. Boaz, of Washington, D. C.; John B. Meister, of Wauseon, Ohio; Jess B. Harper, of Talihina, Okla.; and Armando A. Miranda, of San Juan, P. R., were admitted to practice.

No. 122. Chicot County Drainage District, petitioner, *v.* The Baxter State Bank and Mrs. Lena S. Shields. Argument commenced by Mr. E. L. McHaney, Jr., for the petitioner; continued by Mr. G. W. Hendricks for the respondents; and concluded by Mr. S. Lasker Ehrman for the petitioner.

No. 124. Lonnie Avery, petitioner, *v.* The State of Alabama. Argument commenced by Mr. L. S. Moore for the petitioner; continued by Mr. Thomas S. Lawson for the respondent; and concluded by Mr. John Foshee for the petitioner.

No. 70. American Federation of Labor, International Longshoremen's Association, et al., petitioners, *v.* National Labor Relations Board. Argument commenced by Mr. Joseph A. Padway for the petitioners and continued by Mr. Charles Fahy for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, December 8, will be as follows: Nos. 70, 253, 460, 78, 132, 73 (and 74), 151, 129, 110 (111 and 112), and 183.

SUPREME COURT OF THE UNITED STATES

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

Constantine N. Perkins, of Los Angeles, Calif.; Fred G. Stickel, Jr., of Newark, N. J.; and Thurgood Marshall, of Baltimore, Md., were admitted to practice.

No. 193. National Labor Relations Board, petitioner, *v.* Waterman Steamship Corporation. Motion for leave to file brief of the National Maritime Union of America as *amicus curiae* submitted by Mr. Joseph Kovner in that behalf and the motion denied.

No. 70. American Federation of Labor, International Longshoremen's Association, et al. petitioners. *v.* National Labor Relations Board. Argument continued by Mr. Charles Fahy for the respondent and concluded by Mr. Joseph A. Padway for the petitioners.

No. 253. National Labor Relations Board, petitioner, *v.* International Brotherhood of Electrical Workers et al. Argued by Mr. Charles Fahy for the petitioner and by Mr. John B. Hollister and Mr. Isaac Lobe Straus for the respondents.

No. 460. National Labor Relations Board, petitioner, *v.* The Falk Corporation et al. Argument commenced by Mr. Charles Fahy for the petitioner and continued by Mr. A. J. Englehard for the respondent, The Falk Corporation.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 11, will be as follows: Nos. 460, 78, 132, 73 (and 74), 151, 129, 110 (111 and 112), 183, 399, and 138.

SUPREME COURT OF THE UNITED STATES

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

Walker H. Nye, of Cleveland, Ohio; Nathaniel Rubinkam, of Chicago, Ill.; Charles H. Welles, 3d, of Scranton, Pa.; William Leibermann, of New York City; Gustave B. Garfield, of New York City; George D. Mulligan, of Newark, N. J.; John F. Cusack, of Chicago, Ill.; Frank Pace, Jr., of Little Rock, Ark.; and Raymond E. Hackett, of Stamford, Conn., were admitted to practice.

No. 240. Frank Carmine Nardone, Nathan W. Hoffman, and Robert Gottfried, petitioners, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment reversed and the 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 Frankfurter. Mr. Justice McReynolds is of opinion that the Circuit Court of Appeals reached the proper conclusion upon reasons there adequately stated and its judgment should be affirmed. Mr. Justice Reed took no part in the consideration or decision of this case.

No. 17. Ford Motor Company, petitioner, *v.* Tom L. Beauchamp, Secretary of State of the State of Texas, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Western District of Texas. Opinion by Mr. Justice Reed. Mr. Justice McReynolds is of opinion that the judgment complained of should be reversed. Mr. Justice Black and Mr. Justice Douglas concur in the result.

No. 42. Joseph J. Weiss, Martin Gross, Dr. George Krupp, and Dr. Maximilian Goldstein, petitioners, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment reversed and cause remanded to the District Court of the United States for the 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. 503. Ernest Cavicchi, doing business as The Wade Button Co., appellant, *v.* Mohawk Manufacturing Co., Inc. Appeal from the Supreme Court of the State of New York. *Per curiam*: The appeal is dismissed for want of a substantial federal question. *Red Cross Line v. Atlantic Fruit Co.*, 264 U. S. 109; *New Marshall Co. v. Marshall Engine Co.*, 223 U. S. 473, 478; *Geneva Furniture Co. v. Karpen*, 238 U. S. 254, 259.

No. 77. Interstate Natural Gas Company et al., petitioners, *v.* A. H. Stone, Commissioner of Franchise Tax, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. *Per curiam*: The judgment is affirmed. *Southern Gas Corporation v. Alabama*, 301 U. S. 148, 153, 156-157.

No. 80. Fur Workers Union No. 21238, Affiliated with the American Federation of Labor, etc., petitioner, *v.* Fur Workers Union, Local No. 72, et al. On writ of certiorari to the United States Court of Appeals for the District of Columbia. *Per curiam*: The judgment is affirmed. *Lauf v. E. G. Shinner*, 303 U. S. 323; *New Negro Alliance v. Grocery Co.*, 303 U. S. 552. Cf. *Senn v. Tile Layers Union*, 301 U. S. 468.

No. 317. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* James Lee Johnson. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. *Per curiam*: The judgment is affirmed by an equally divided Court.

The Chief Justice said:

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

No. 365. Leona Piatt Gray, petitioner, *v.* The Union Joint Stock Land Bank of Detroit;

No. 366. Carl H. Gray, petitioner, *v.* The Union Joint Stock Land Bank of Detroit; and

No. 367. Ralph Piatt, petitioner, *v.* The Union Joint Stock Land Bank of Detroit. On petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. *Per curiam*: The motion for leave to proceed *in forma pauperis* is granted. The petition for writs of certiorari is also granted, the judgments of the Circuit Court of Appeals are reversed, and the causes are remanded to the District Court for further proceedings. See *John Hancock Mutual Life Ins. Co. v. Benno Bartels*, No. 33, decided December 4, 1939.

No. 412. Florence Morrison, petitioner, *v.* The Federal Land Bank of Louisville, Kentucky, et al.; and

No. 413. Florence Morrison, Executrix, etc., petitioner, *v.* The Federal Land Bank of Louisville, Kentucky, et al. On petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. *Per curiam:* The motion for leave to proceed *in forma pauperis* is granted. The petition for writs of certiorari is also granted, the judgments of the Circuit Court of Appeals are reversed, and the causes are remanded to the District Court for further proceedings. See John Hancock Mutual Life Ins. Co. *v.* Benno Bartels, No. 33, decided December 4, 1939.

No. 235. Dudley Potter, petitioner, *v.* The Union Central Life Insurance Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. *Per curiam:* The petition for writ of certiorari is granted. As the appeal from the order of the District Court filed December 4, 1937, was duly perfected, the Circuit Court of Appeals had jurisdiction and its order dismissing the appeal was error. The order is reversed and the cause is remanded to the Circuit Court of Appeals for further proceedings.

No. 517. Frank S. Guy, 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 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. 237. Henry J. Miller, petitioner, *v.* Lester Shirl Hatfield, Trustee, etc., et al. The motion of the petitioner for leave to proceed *in forma pauperis* as to the printing of the record is granted.

No. 536. Ethyl Gasoline Corporation et al., appellants, *v.* The United States of America; and

No. 541. Gertrude Vanderbilt Whitney et al., appellants, *v.* State Tax Commission of the State of New York. In these cases probable jurisdiction is noted.

No. 499. Federal Communications Commission, petitioner, *v.* Sanders Brothers Radio Station. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted.

No. 500. State of Minnesota, petitioner, *v.* National Tea Company et al. Petition for writ of certiorari to the Supreme Court of the State of Minnesota granted.

No. 514. Byron Thornhill, petitioner, *v.* The State of Alabama. Petition for writ of certiorari to the Court of Appeals of the State of Alabama granted.

No. 510. The United States of America, petitioner, *v.* Philip Klein, Escheator of the Commonwealth of Pennsylvania. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied. Mr. Justice Reed took no part in the consideration and decision of this application.

No. 359. The National City Bank of Cleveland, Trustee, petitioner, *v.* The Euclid-Doan Company and A. J. Harvey. Petition for writ 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. 324. A. F. Hamacek Marine Corporation, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 504. George J. D'Allessandro et al., petitioners, *v.* Lula Bechtol. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 511. William E. Boeing, 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. 512. Antonio Criscuolo and Lucia Criscuolo, petitioners, *v.* Matts Werner Sweins et al. Petition for writ of certiorari to the District Court of Appeal, 1st Appellate District, State of California, denied.

No. 513. Claude Shoaf, petitioner, *v.* W. H. Fitzpatrick. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 516. Harry Dunn, Noah Dunn, et al., petitioners, *v.* Peter Micco et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 539. The Atchison, Topeka and Santa Fe Railway Company, petitioner, *v.* Hanna Baker, as Treasurer of Baca County, et al., etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 429. Abraham & Straus, Inc., petitioner, *v.* Art Metal Works, Inc.; and

No. 430. Abraham & Straus, Inc., petitioner, *v.* Art Metal Works, Inc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 449. New York Life Insurance Company, petitioner, *v.* Stella Jane Gamer, as Executrix, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 1. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Wilshire Oil Company, Inc.;

No. 456. David Graves George, petitioner, *v.* Victor Talking Machine Company; and

No. 470. Georgia M. Spruill, petitioner, *v.* William T. Ballard et al. Petitions for rehearing denied.

ORDER

The Court will take a recess from Monday, December 18, until Tuesday, January 2, 1940.

No. 417. New World Life Insurance Company, a corporation, petitioner, *v.* The United States. Motion to extend time for filing petition for rehearing submitted by Mr. Edmund S. Kochersperger in behalf of counsel for the petitioner.

No. —, original. Commonwealth of Pennsylvania, complainant, *v.* State of New Jersey, Motion for leave to file bill of complaint submitted by Mr. Wm. A. Schnader for the complainant.

No. 460. National Labor Relations Board, petitioner, *v.* The Falk Corporation et al. Argument continued by Mr. Leon B. Lamfrom for the respondent, The Falk Corporation; by Mr. Giles F. Clark for the respondent, Independent Union of Falk Employees; and concluded by Mr. Charles Fahy for the petitioner.

No. 78. The United States of America, appellant, *v.* The Baltimore and Annapolis Railroad Company et al. Argument commenced by Mr. Assistant Attorney General Shea for the appellant. The Court declined to hear further argument.

No. 132. Rafael Sancho Bonet, Treasurer, petitioner, *v.* The Texas Company (P. R.) Inc. Argued by Mr. William Cattron Rigby for the petitioner and by Mr. Lionel P. Marks and Mr. Jerrold H. Ruskin for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, December 12, will be as follows: Nos. 73 (and 74), 151, 129, 110 (111 and 112), 183, 399, 138, 92, 120 (and 121), and 239.

SUPREME COURT OF THE UNITED STATES

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

Edward Joseph Clarke, of New York City; Thomas Morgan Lewis, of Wilkes-Barre, Pa.; John Louis Shook, of Dallas, Tex.; George V. Strong, of Philadelphia, Pa.; and Albert R. Connelly, of New York City, were admitted to practice.

No. 239. Abe Fischer, appellant, *v.* Pauline Oil & Gas Company. Submitted by Mr. Claude H. Rosenstein for the petitioner and by Mr. Charles E. France for the respondent.

No. 73. Postal Steamship Corporation, petitioner, *v.* Steamship El Isleo, etc.; and

No. 74. Postal Steamship Corporation, petitioner, *v.* Southern Pacific Company. Argued by Mr. John C. Crawley for the petitioner and by Mr. Chauncey I. Clark for the respondents.

No. 151. Pearl E. Deputy and The Sussex Trust Company, etc., petitioners, *v.* Pierre S. DuPont. Argued by Mr. Robert K. McConaughey for the petitioners and by Mr. George Wharton Pepper for the respondent.

No. 129. General American Tank Car Corporation, petitioner, *v.* El Dorado Terminal Company. Argument commenced by Mr. Allan P. Matthews for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, December 13, will be as follows: Nos. 129, 110 (111 and 112), 183, 399, 138, 92, 120 (and 121), 176, 229, and 237.

SUPREME COURT OF THE UNITED STATES

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

William H. Lamb, of Philadelphia, Pa.; Arthur T. Thorson, of Elkhorn, Wis.; and Harrison Tilghman, of Easton, Md., were admitted to practice.

No. 310. Margaret C. Berry, as Administratrix, etc., petitioner, *v.* Midtown Service Corporation et al. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Dismissed per stipulation of counsel.

No. 517. Frank S. Guy, petitioner, *v.* The United States of America. Order denying petition for writ of certiorari ordered withheld pending the filing and determination of a timely petition for rehearing.

No. 129. General American Tank Car Corporation, petitioner, *v.* El Dorado Terminal Company. Argument continued by Mr. Allan P. Matthews for the petitioner and concluded by Mr. W. F. Williamson for the respondent.

No. 110. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Mary Q. Hallock et al.;

No. 111. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Mary Q. Hallock, Executrix, etc.; and

No. 112. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* S. H. Squire, Superintendent of Banks of the State of Ohio, etc. Argued by Mr. Arnold Raum for the petitioner and by Mr. Walker K. Nye and Mr. Ashley M. Van Duzer for the respondents in Nos. 110 and 111 and case submitted by Mr. W. H. Annat for the respondent in No. 112.

No. 183. Walter J. Rothensies, Collector of Internal Revenue, etc., petitioner, *v.* Linford B. Cassell, Surviving Executor, etc., Craig Huston, Administrator d. b. n. c. t. a. of the Estate of George F. Uber, deceased, substituted as the party respondent in the place and stead of Linford B. Cassell, per stipulation of counsel, on motion of Mr. William R. Spofford for the respondent.

No. 183. Walter J. Rothensies, Collector of Internal Revenue, etc., petitioner, *v.* Craig Huston, Administrator, etc. Argument commenced by Mr. Arnold Raum for the petitioner and continued by Mr. William R. Spofford for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, December 14, will be as follows: Nos. 183, 399, 138, 92, 120 (and 121), 176, and 229.

SUPREME COURT OF THE UNITED STATES

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

William A. Hannon, Jr., of Kansas City, Mo.; Robert Lee Blackwell, of Louisville, Ky.; Benjamin Otis Frick, of Philadelphia, Pa.; and Harold J. Kinney, of St. Paul, Minn., were admitted to practice.

No. 183. Walter J. Rothensies, Collector of Internal Revenue, etc., petitioner, *v.* Craig Huston, Administrator, etc. Argument continued by Mr. William R. Spofford for the respondent and concluded by Mr. Arnold Raum for the petitioner.

No. 399. Waldo G. Bryant and Ida Bryant, Executors, etc., petitioners, *v.* Commissioner of Internal Revenue. Argued by Mr. J. Gilmer Korner, Jr., and Mr. David S. Day for the petitioners and by Mr. Arnold Raum for the respondent. Leave granted petitioners to file a reply brief by Monday next.

No. 138. A. M. McCarroll, Commissioner of Revenues of the State of Arkansas, appellant, *v.* Dixie Greyhound Lines, Inc. Argument commenced by Mr. Frank Pace, Jr., for the appellant; continued by Mr. Amos M. Matthews for the appellant and by Mr. A. L. Heiskell for the appellee; and concluded by Mr. Amos M. Matthews for the appellant.

No. 92. John E. Madden, Jr., Executor, etc., appellant, *v.* Commonwealth of Kentucky, by James W. Martin, Commissioner of Revenue of the Commonwealth of Kentucky. H. Clyde Reeves, present Commissioner of Revenue of the Commonwealth of Kentucky, substituted as party appellee in the place and stead of James W. Martin, resigned, as per stipulation of counsel, on motion of Mr. Leo T. Wolford in that behalf.

No. 92. John E. Madden, Jr., Executor, etc., appellant, *v.* Commonwealth of Kentucky, by H. Clyde Reeves, Commissioner of Revenue of the Commonwealth of Kentucky. Argued by Mr. Leo T. Wolford for the appellant and by Mr. Samuel M. Rosenstein for the appellee.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, December 15, will be as follows: Nos. 120 (and 121) and 176.

SUPREME COURT OF THE UNITED STATES

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

Edgar F. Baumgartner, of New York City; Charles Henry Austin, of Chicago, Ill.; Sumner Sigsbee Kittelle, of Washington, D. C.; and David B. Hexter, of New York City, were admitted to practice.

No. 10. Original, October Term, 1935. The State of Wyoming, complainant, *v.* The State of Colorado. Time within which to file return of the defendant to the rule to show cause extended to and including January 15, 1940.

No. 120. Ernest Newton Kalb and Margaret Kalb, his wife, appellants, *v.* Henry Feuerstein and Helen Feuerstein, his wife; and

No. 121. Ernest Newton Kalb, appellant, *v.* Roscoe R. Luce et al. Argued by Mr. William Lemke and Mr. Elmer McClain for the appellants and by Mr. J. Arthur Moran and Mr. Arthur T. Thorson for the appellees.

No. 176. Haggar Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Argued by Mr. Thomas M. Wilkins for the petitioner and by Miss Helen R. Carlross for the respondent.

Adjourned until Monday, December 18, next, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

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

Vernon M. Smith, of Berkeley, Calif.; Ralph Waldo Wilson, of Gloucester, Mass.; Clifford T. Inglis, of Jacksonville, Fla.; Earl Q. Kullman, of New York City; Ruhl Leroy Cooper, of Washington, D. C.; and J. Ross Gamble, of Washington, D. C., were admitted to practice.

No. 201. Buckstaff Bath House Company, petitioner, *v.* Ed I. McKinley, as Commissioner, etc., et al. On writ of certiorari to the Supreme Court of the State of Arkansas. Judgment affirmed with costs. Opinion by Mr. Justice Douglas. Mr. Justice Reed concurs.

No. 68. William Helis, petitioner, *v.* Mrs. Itasca Kinney Ward, as Executrix, etc., et al. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Decree affirmed with costs and cause remanded to the District Court of the United States for the Eastern District of Louisiana. Opinion by Mr. Justice Douglas.

No. 14. The Board of County Commissioners of the County of Jackson, in the State of Kansas, etc., petitioner, *v.* The United States of America, etc. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgment modified 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. Mr. Justice McReynolds concurs in the result. Separate opinion by Mr. Justice Black in which Mr. Justice Douglas concurs.

No. 49. George W. Griffiths, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Frankfurter.

The Chief Justice announced the following order of the Court:

No. 78. The United States of America, appellant, *v.* The Baltimore and Annapolis Railroad Company et al. Appeal from the Court of

Appeals of the State of Maryland. *Per curiam*: The appeal is dismissed for want of a substantial Federal question. *Hendrick v. Maryland*, 235 U. S. 610, 622-623; *Kane v. New Jersey*, 242 U. S. 160, 167; *Hodge Co. v. Cincinnati*, 284 U. S. 335, 337; *South Carolina State Highway Department v. Barnwell Bros.*, 303 U. S. 177, 189.

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. State of Oklahoma ex rel. Mac Q. Williamson, Attorney General of the State of Oklahoma, etc., complainant, *v.* Harry H. Woodring, Secretary of War of the United States. The return to the rule to show cause is received and ordered filed. This cause is set for hearing on Monday, January 29, 1940, on the motion for leave to file the bill of complaint and the return to the rule to show cause.

No. —, original. Commonwealth of Pennsylvania, complainant, *v.* State of New Jersey. A rule is ordered to issue, returnable January 5, 1940, requiring the defendant to show cause why leave to file the bill of complaint should not be granted.

No. 9, original. State of Arkansas, complainant, *v.* State of Tennessee. This cause is reassigned for argument on Monday, April 22, 1940. The brief of the complainant to be filed on or before March 18 and reply briefs to be filed on or before April 15.

No. 417. New World Life Insurance Company, petitioner, *v.* The United States. The motion of the petitioner to extend the time for filing petition for rehearing is granted and the time is extended to and including March 15, 1940.

No. 68. William Helis, petitioner, *v.* Mrs. Itasca Kinney Ward, as Executrix, etc. The motion of Agnes E. Lewis and others to postpone consideration is denied.

No. 562. Frank S. Connor, petitioner, *v.* The People of the State of California 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 State of California is also granted.

No. 571. Lloyd N. Cobbledick, Individually, etc., et al., petitioners, *v.* The United States of America;

No. 572. A. H. Brawner, Individually, etc., et al., petitioners, *v.* The United States of America; and

No. 573. Eugene Palmuth, Individually, etc., et al., petitioners, *v.* The United States of America. The petition for writs of certiorari in

these cases is granted. The motion to advance is granted and the cases are advanced and assigned for argument on Monday, January 29, 1940.

No. 542. The City of Yonkers, petitioner, *v.* Walter F. Downey, Receiver, etc.;

No. 543. Joseph F. Loehr, Mayor, et al., petitioners, *v.* Walter F. Downey, Receiver, etc.;

No. 544. Joseph F. Loehr, Mayor, et al., petitioners, *v.* Walter F. Downey, Receiver, etc.; and

No. 545. The City of Yonkers, as Trustee, etc., petitioner, *v.* Walter F. Downey, as Receiver, etc. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 487. The Winchester Manufacturing Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 515. The Kansas City Southern Railway Company et al., petitioners, *v.* City of Shreveport. Petition for writ of certiorari to the Supreme Court of the State of Louisiana denied.

No. 540. James E. Carroll, Executor, etc., et al., petitioners, *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. 411. James A. Lovvorn, petitioner, *v.* T. Whitfield Davidson, Judge, etc.; and

No. 453. Gold, Silver, and Tungsten, Inc., petitioner, *v.* Donald F. Wallace, as Executor, etc., et al. Petitions for rehearing denied.

Adjourned until Tuesday, January 2, 1940, at 12 o'clock.

The day call for Tuesday, January 2, 1940, will be as follows: Nos. 475, 45, 474, 44, 473, 152, 196, 193, 156, and 195.

SUPREME COURT OF THE UNITED STATES

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

Harry Leviton, of Chicago, Ill.; George J. Fagin, of Oklahoma City, Okla.; C. A. L. Johnstone, Jr., of Mobile, Ala.; William G. Mulligan, Jr., of New York City; Durward E. Balch, of Dickinson, N. Dak.; and William C. Chanler, of New York City; were admitted to practice.

No. 132. Rafael Sancho Bonet, Treasurer, petitioner, *v.* The Texas Company (P. R.), Inc. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Judgment of the Circuit Court of Appeals reversed with costs and judgment of the Supreme Court of Puerto Rico affirmed and the cause remanded to the said Supreme Court. Opinion by Mr. Justice Douglas. Mr. Justice Stone did not participate in the consideration or disposition of this case.

No. 120. Ernest Newton Kalb and Margaret Kalb, his wife, appellants, *v.* Henry Feuerstein and Helen Feuerstein, his wife; and

No. 121. Ernest Newton Kalb, appellant, *v.* Roscoe R. Luce, Henry Feuerstein, et al. Appeals from the Supreme Court of the State of Wisconsin. 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.

No. 124. Lonnie Avery, petitioner, *v.* The State of Alabama. On writ of certiorari to the Supreme Court of the State of Alabama. Judgment affirmed with costs. Opinion by Mr. Justice Black.

No. 460. National Labor Relations Board, petitioner, *v.* The Falk Corporation et al. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment modified and cause remanded to the Circuit Court of Appeals with instructions to enforce the Board's order without any modification. Opinion by Mr. Justice Black. Mr. Justice McReynolds took no part in the consideration or decision of this case.

No. 63. V. L. LeTulle, petitioner, *v.* Frank Scofield, United States Collector of Internal Revenue for the First District of Texas. On writ of certiorari to the United States Circuit Court of Appeals for

the Fifth Circuit. Judgment of the Circuit Court of Appeals affirmed with costs and cause remanded to the District Court of the United States for the Western District of Texas with directions to proceed in accordance with the opinion and mandate of the Circuit Court of Appeals. **Opinion by Mr. Justice Roberts.**

No. 129. General American Tank Car Corporation, petitioner, *v.* El Dorado Terminal Company. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Northern District of California for further proceedings in conformity with the opinion of this Court. **Opinion by Mr. Justice Roberts.**

No. 176. Hagggar Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. 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 Stone.**

No. 70. American Federation of Labor, International Longshoremen's Association, et al., petitioners, *v.* National Labor Relations Board. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment affirmed and cause remanded to the said Court of Appeals. **Opinion by Mr. Justice Stone.**

No. 253. National Labor Relations Board, petitioner, *v.* International Brotherhood of Electrical Workers 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 for further proceedings in conformity with the opinion of this Court. **Opinion by Mr. Justice Stone.**

No. 122. Chicot County Drainage District, petitioner, *v.* The Baxter State Bank and Mrs. Lena S. Shields. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Eastern District of Arkansas with direction to dismiss the complaint. **Opinion by Mr. Chief Justice Hughes.**

No. 73. Postal Steamship Corporation, petitioner, *v.* Steamship El Isleo, etc., Southern Pacific Company, claimant; and

No. 74. Postal Steamship Corporation, petitioner, *v.* Southern Pacific Company. On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgments reversed with costs 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 Hughes.

The Chief Justice announced the following orders of the Court:

No. 35. Retail Food Clerks and Managers Union, Local No. 1357, et al., petitioners, *v.* Union Premier Food Stores, Inc., et al. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. *Per curiam*: As it appears that the cause has become moot, the judgment of the Circuit Court of Appeals is reversed, without costs to either party in this Court, and the cause is remanded to the District Court with directions to dismiss the complaint. *United States v. Hamburg American Co.*, 239 U. S. 466, 477-478; *Heitmuller v. Stokes*, 256 U. S. 359, 362-363; *Brownlow v. Schwartz*, 261 U. S. 216, 218.

No. 564. Ralph D. Lacoé, appellant, *v.* County of San Diego. Appeal from the District Court of Appeal, 4th Appellate District, State of California. *Per curiam*: The appeal is dismissed for want of a substantial federal question. *Kidd v. Alabama*, 188 U. S. 730; *Darnell v. Indiana*, 226 U. S. 390, 398.

No. 578. Quanah, Acme & Pacific Railway Company, appellant, *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 Texas. *Per curiam*: The decree is affirmed. *Central R. R. Co. v. United States*, 257 U. S. 247, 257; *Interstate Commerce Commission v. Union Pacific Railroad Co.*, 222 U. S. 541, 547-548; *Los Angeles Switching Case*, 234 U. S. 294, 311-312; *United States v. American Tin Plate Co.*, 301 U. S. 402, 411.

No. 537. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Lucien H. Tyng; and

No. 538. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* William Buchsbaum. On petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit. *Per curiam*: The petitions for writs of certiorari are granted. The judgments are reversed and the causes are remanded to the Circuit Court of Appeals for further proceedings. *LeTulle v. Scofield*, No. 63, this day decided.

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* Harmon Metz Waley, petitioner;

No. —, original. *Ex parte* E. R. Lindsey, petitioner; and

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

No. —. Joseph Poresky, petitioner, *v.* Joseph B. Ely. The motion for a reconsideration of the application herein is denied.

No. 509. Jonathan M. Levine, petitioner, *v.* James A. Farley, as Postmaster General of the United States, et al. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied.

No. 535. Universal Service Association et al., petitioners, *v.* Securities and Exchange Commission. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied. Mr. Justice Douglas took no part in the consideration and decision of this application.

No. 502. Hugh Cassel, Karl Nathan, et al., petitioners, *v.* Radio-Keith-Orpheum Corporation et al.; and

No. 577. Ernest W. Stirn, petitioner, *v.* Atlas Corporation et al., etc. Petitions for writs 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 these applications.

No. 551. The Atlantic Refining Company, petitioner, *v.* James B. Berry Sons' Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied. Mr. Justice Roberts took no part in the consideration and decision of this application.

No. 546. Scholarship Endowment Foundation, a corporation, petitioner, *v.* Ralph Nicholas, as Collector of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 547. Fritz Steinbrecher, as Trustee, petitioner, *v.* John Toman, as County Treasurer and County Collector of Cook County, Illinois. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 548. Harry H. Neuberger, 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. 556. The Anglo California National Bank of San Francisco and Herbert Fleishhacker, petitioners, *v.* Jean Lazard, Max Lazard, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 565. The Dean Rubber Manufacturing Company and Wilbur J. Dean, petitioners, *v.* Frank B. Killian, Trustee. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 554. George Stewart Brown and Susan M. Brown, his wife, petitioners, *v.* M. Hampton Magruder, United States Collector of Internal Revenue for the District of Maryland. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 560. Philip Publicker, petitioner, *v.* Thomas Shallcross, Jr., John Arthur Brown, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 566. The Great Atlantic & Pacific Tea Company, petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 568. Richard L. Merrick, Individually, etc., et al., petitioners, *v.* American Security & Trust Company. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 575. William D. Johnson, petitioner, *v.* Commissioner of Internal Revenue; and

No. 576. William D. Johnson, petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 249. Weightstill Woods, Court Trustee, petitioner, *v.* Indemnity Insurance Company of North America; and

No. 250. Weightstill Woods, Court Trustee, petitioner, *v.* Granada Apartments, Inc., et al. The motion for leave to file a second petition for rehearing is denied.

No. 488. Joseph Dugan, petitioner, *v.* The United States; and

No. 494. Mrs. Mary Herder et al., petitioners, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petitions for rehearing denied.

The following order was adopted by the Supreme Court on December 28, 1939.

ORDER

ORDERED:

1. That the first sentence of Rule 81 (a) (6) of the Rules of Civil Procedure be amended so as to read as follows:

“(6) These rules do not apply to proceedings under the Act of September 13, 1888, c. 1015, § 13 (25 Stat. 479) as amended, U. S. C.,

Title 8, § 282, relating to deportation of Chinese; they apply to proceedings for enforcement or review of compensation orders under the Longshoremen's and Harbor Workers' Compensation Act, Act of March 4, 1927, c. 509, §§ 18, 21 (44 Stat. 1434, 1436), U. S. C., Title 33, §§ 918, 921, except to the extent that matters of procedure are provided for in that Act".

2. *Effective Date.*—That the foregoing amendment take effect on the day which is three months subsequent to the adjournment of the second regular session of the 76th Congress, but if that day is prior to September 1, 1940, then this amendment shall take effect on September 1, 1940. This amendment governs all proceedings in actions brought after it takes effect and also all further proceedings in actions then pending, except to the extent that in the opinion of the Court its application in a particular action pending when the amendment takes effect would not be feasible or would work injustice, in which event the former procedure applies.

3. That the Chief Justice be authorized to transmit this amendment to the Attorney General with the request that he report it to the Congress at the beginning of the regular session in January, 1940.

Mr. Justice Black does not approve of the adoption of this amendment.

No. —. In the matter of French B. Loveland. Return to the rule to show cause presented.

No. 196. Bhagat Singh, alias Achal Singh, petitioner, *v.* Edward L. Haff, District Director of Immigration and Naturalization for the Port of San Francisco. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Writ of certiorari dismissed on motion of counsel for the petitioner.

No. 475. Joseph D. McGoldrick, Comptroller of the City of New York, petitioner, *v.* Berwind-White Coal Mining Company. Argued by Mr. William C. Chanler for the petitioner and by Mr. John W. Davis for the respondent.

No. 45. Joseph D. McGoldrick, Comptroller of the City of New York, petitioner, *v.* Felt & Tarrant Mfg. Co. Argued by Mr. William C. Chanler for the petitioner and by Mr. Newton K. Fox for the respondent.

No. 474. Joseph D. McGoldrick, Comptroller of the City of New York, petitioner, *v.* A. H. DuGrenier, Inc., et al. Argued by Mr. William C. Chanler for the petitioner and by Mr. John H. Jackson for the respondents.

No. 44. Joseph D. McGoldrick, Comptroller of the City of New York, petitioner *v.* Compagnie Generale Transatlantique. Argued by Mr. William C. Chanler for the petitioner and by Mr. Harold S. Deming for the respondent.

No. 473. Joseph D. McGoldrick, Comptroller of the City of New York, petitioner, *v.* Gulf Oil Corporation. Argument commenced by Mr. Paxton Blair for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, January 3, will be as follows: Nos. 473, 193, 156, 195, 210, 229, 222, 237, 242, and 204.

SUPREME COURT OF THE UNITED STATES

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

Joseph Russel Frager, of St. Louis, Mo.; Jacob N. Wasserman, of New York City; Fred W. Shields, of Washington, D. C.; and S. D. McGill, of Jacksonville, Fla, were admitted to practice.

No. 473. Joseph D. McGoldrick, Comptroller of the City of New York, petitioner, *v.* Gulf Oil Corporation. Argument continued by Mr. Paxton Blair for the petitioner; by Mr. Matthew S. Gibson for the respondent; and concluded by Mr. Paxton Blair for the petitioner.

No. 193. National Labor Relations Board, petitioner, *v.* Waterman Steamship Corporation. Argued by Mr. Robert B. Watts for the petitioner and by Mr. Gessner T. McCorvey and Mr. C. A. L. Johnstone, Jr., for the respondent.

No. 156. Lawrence Yearsley and George Yearsley, petitioners, *v.* W. A. Ross Construction Company. Argument commenced by Mr. Robert Van Pelt for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, January 4, will be as follows: Nos. 156, 195, 210, 229, 237, 243, 222, 242, 204, and 230.

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SUPREME COURT OF THE UNITED STATES

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

John W. Morgan, of Lynn, Mass.; Royal E. Jackson, of Washington, D. C.; J. Joseph Sullivan, of San Francisco, Calif; Earl Pryor, of Washington, D. C.; Harry H. Wiggins, of New York City; Archibald L. Hannum, of Berwyn, Md.; John Henry Young, of Washington, D. C.; Kent W. Hughes, of Lima, Ohio; and Benjamin W. Moore, of Yonkers, N. Y., were admitted to practice.

No. 156. Lawrence Yearsley and George Yearsley, petitioners, *v.* W. A. Ross Construction Company. Argument continued by Mr. Clay C. Rogers for the respondent and concluded by Mr. Robert VanPelt for the petitioners.

No. 195. Isiah (Izell) Chambers, Jack Williamson, et al., petitioners, *v.* The State of Florida. Argued by Mr. Leon A. Ransom and Mr. S. D. McGill for the petitioners and by Mr. Tyrus A. Norwood for the respondent.

No. 210. J. Earl Morgan, Executor, etc., petitioner, *v.* Commissioner of Internal Revenue. Argument commenced by Mr. Brode B. Davis for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, January 5, will be as follows: Nos. 210, 229, 237, 243, 222, 242, 204, 230, 236, and 246.

SUPREME COURT OF THE UNITED STATES

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

Arnold F. Schaetzle, of Des Moines, Iowa; Marion B. Plant, of San Francisco, Calif.; Joseph A. Lamorelle, of Philadelphia, Pa.; Gersh I. Moss, of Baltimore, Md.; and George Paul Slade, of Providence, R. I., were admitted to practice.

No. 210. J. Earl Morgan, Executor, etc., petitioner, *v.* Commissioner of Internal Revenue. Argument continued by Mr. Brode B. Davis for the petitioner and concluded by Mr. Richard H. Demuth for the respondent.

No. 229. The Real Estate-Land Title and Trust Company, petitioner, *v.* The United States of America. Argued by Mr. Joseph Neff Ewing for the petitioner and by Miss Helen R. Carlross for the respondent.

No. 237. Henry J. Miller, petitioner, *v.* Lester Shirl Hatfield, Trustee, etc., et al. Argued by Mr. Elmer McClain for the petitioner and by Mr. Kent W. Hughes for the respondents.

No. 243. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* F. W. Fitch. Argument commenced by Mr. Arnold Raum for the petitioner and continued by Mr. William D. Mitchell and Mr. Arnold F. Schaetzle for the respondent.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 8, will be as follows: Nos. 243, 222, 242, 204, 230, 236, 246, 251, 252, and 262.

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SUPREME COURT OF THE UNITED STATES

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

George C. Dix, of New York City; S. Stanley Kreutzer, of New York City; J. Robert Rubin, of New York City; Earle L. Beatty, of New York City; Cullen G. Frey, of Wilmington, Del.; Maurice A. Cohen, of Bayonne, N. J.; and Howard Wilson, of Cincinnati, Ohio, were admitted to practice.

No. 151. Pearl E. Deputy and The Sussex Trust Company, etc., petitioners, *v.* Pierre S. Du Pont. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment of the Circuit Court of Appeals reversed with costs and the judgment of the District Court of the United States for the District of Delaware affirmed and cause remanded to said District Court. Opinion by Mr. Justice Douglas. Concurring opinion by Mr. Justice Frankfurter in which Mr. Justice Reed joins. Dissenting opinion by Mr. Justice Roberts in which Mr. Justice McReynolds joins.

No. 146. Joseph T. Higgins, Collector of Internal Revenue for the Third District of New York, petitioner, *v.* John Thomas Smith. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment of the Circuit Court of Appeals reversed with costs and the judgment of the District Court of the United States for the Southern District of New York affirmed and the cause remanded to the said District Court. Opinion by Mr. Justice Reed. Dissenting opinion by Mr. Justice Roberts in which Mr. Justice McReynolds joins.

The Chief Justice announced the following order of the Court:

No. 598. Philadelphia-Detroit Lines, Inc., appellant, *v.* The United States of America and Interstate Commerce Commission. Appeal from the District Court of the United States for the Southern District of Florida. *Per curiam*: The judgment is affirmed. *Hoey v. United States*, No. 431, decided October 23, 1939; Louis-

ville & Nashville R. R. Co. v. Sloss-Sheffield Co., 295 Fed. 53, 56, affirmed 269 U. S. 217; Spiller v. Atchison, T. & S. F. Ry Co., 253 U. S. 117, 126.

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 H. Gibson, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. —. In the matter of French B. Loveland. French B. Loveland, a member of the Bar of this Court, having made return in response to the rule to show cause issued on December 4, 1939, and the costs therein mentioned having been paid, the said rule, in view of the explanation submitted in said return, is discharged.

No. 610. Rufus Sanders, petitioner, v. J. C. Aldredge, Sheriff of Fulton County, Georgia. On petition for writ of certiorari to the Supreme Court of the State of Georgia. 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. 552. Thomas E. Murray as Receiver, etc., et al., petitioners, v. The City of New York et al.; and

No. 558. William Roberts, Receiver, etc., petitioner, v. Thomas E. Murray as Receiver, etc., et al. The motion to defer consideration of the petitions for writs of certiorari in these cases is granted and consideration is deferred until March 1, 1940. The Chief Justice took no part in the consideration and decision of this motion.

No. 567. Harry M. Veix, appellant, v. Sixth Ward Building and Loan Association of Newark, New Jersey; and

No. 592. William H. Osborn, Channing F. MacNeil, et al., appellants, v. Thos. W. Ozlin et al. In these cases probable jurisdiction is noted.

No. 569. The United States of America, petitioner, v. United States Fidelity and Guaranty Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit granted.

No. 570. The United States of America, petitioner, v. John C. Shaw, Administrator, etc. Petition for writ of certiorari to the Supreme Court of the State of Michigan granted.

No. 550. J. C. (Glen) Mims, petitioner, *v.* The State of New Mexico. Petition for writ of certiorari to the Supreme Court of the State of New Mexico denied for the want of a final judgment.

No. 557. Interstate Oil Company, Helen R. White, et al., petitioners, *v.* F. B. Gormley, Receiver, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 574. Hartford Accident and Indemnity Company, petitioner, *v.* Petroleum Royalties Company, a Trust Estate, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 77. Interstate Natural Gas Company et al., petitioners, *v.* A. H. Stone, Commissioner of Franchise Tax, et al.;

No. 365. Leona Piatt Gray, petitioner, *v.* The Union Joint Stock Land Bank of Detroit;

No. 366. Carl H. Gray, petitioner, *v.* The Union Joint Stock Land Bank of Detroit;

No. 367. Ralph Piatt, petitioner, *v.* The Union Joint Stock Land Bank of Detroit;

No. 503. Ernest Cavicchi, doing business as The Wade Button Co., appellant, *v.* Mohawk Manufacturing Co., Inc.;

No. 512. Antonio Criscuolo and Lucia Criscuolo, petitioners, *v.* Matts Werner Sweins et al.;

No. 516. Harry Dunn, Noah Dunn, and Ralph Dunn, petitioners, *v.* Peter Micco, Hettie Micco, Guardian, etc., et al.; and

No. 517. Frank S. Guy, petitioner, *v.* The United States of America. The petitions for rehearing in these cases are denied.

The Court will take a recess from Monday, January 15, until Monday, January 29 next.

No. 614. Public Service Commission of Wisconsin, petitioner, *v.* Wisconsin Telephone Co. Motion of the Committee on Public Utilities of National Lawyers Guild for leave to file a brief as Amicus Curiae submitted by Mr. Harry Booth in that behalf and the motion denied.

No. —, original. Commonwealth of Pennsylvania, complainant, *v.* State of New Jersey et al. Return of the individual defendants to the rule to show cause presented.

No. 243. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* F. W. Fitch. Argument continued by Mr. Arnold F. Schaeztle for the respondent and concluded by Mr. Arnold Raum for the petitioner.

No. 222. Illinois Central Railroad Company, appellant, *v.* State of Minnesota. Argued by Mr. Charles A. Helsell for the appellant and by Mr. John A. Weeks for the appellee.

No. 242. Elsie V. Keys, as Administratrix, etc., petitioner, *v.* Pennsylvania Railroad Company. Argued by Mr. Simone N. Gazan for the petitioner and by Mr. Ray Rood Allen for the respondent.

No. 204. John T. Kobilkin, petitioner, *v.* Warren H. Pillsbury, Deputy Commissioner, etc., et al. Argument commenced by Mr. Telford Taylor for the respondent, Warren H. Pillsbury, Deputy Commissioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, January 9 will be as follows: Nos. 204, 230, 236, 246, 251, 252, 262, 270, 265, and 316.

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SUPREME COURT OF THE UNITED STATES

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

John E. Mulrone, of Des Moines, Iowa; David Stoneman, of Boston, Mass.; George T. Havel, of Le Center, Minn.; Albert F. Hillix, of Kansas City, Mo.; John Augustin Gallaher, of Denver, Colo.; Albert E. Hallett, Jr., of Chicago, Ill.; and Murray Hudson, of Monroe, La., were admitted to practice.

No. 204. John T. Kobilkin, petitioner, *v.* Warren H. Pillsbury, Deputy Commissioner, etc., et al. Argument continued by Mr. Telford Taylor for respondent, Warren H. Pillsbury, Deputy Commissioner, and concluded by Mr. M. B. Plant for respondent, Matson Navigation Company, and case submitted by Mr. George R. Olshausen for the petitioner. Leave granted petitioner to file an additional brief within ten days.

No. 230. Peter J. Carpenter, petitioner, *v.* Wabash Railway Company et al. Argued by Mr. Hyman G. Stein for the petitioner and by Mr. Arthur A. Gammell for the respondents.

No. 236. United States of America, for the use and benefit of Midland Loan Finance Company, petitioner, *v.* National Surety Corporation and Patrick J. Malone. Argument commenced by Mr. Benedict Deinard for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, January 10, will be as follows: Nos. 236, 246, 252, 262, 265, 316, 270, 251, 272, and 329.

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SUPREME COURT OF THE UNITED STATES

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

Christopher S. Sargent, of New York City; Claude T. Reno, of Allentown, Pa.; Harry M. Showalter, of Lewisburg, Pa.; Joseph Bernard Kauffman, of Atlantic City, N. J.; George W. Keitel, of Harrisburg, Pa.; and Richard W. Sharpless, of Auburn, Ind., were admitted to practice.

No. 236. United States of America, for the use and benefit of Midland Loan Finance Company, petitioner, *v.* National Surety Corporation and Patrick J. Malone. Argument continued by Mr. George T. Havel for the respondent, Patrick J. Malone; by Mr. Pierce Butler, Jr., for the respondent, National Surety Corporation; and concluded by Mr. Benedict Deinard for the petitioner.

No. 246. Frederick S. Deitrick, Receiver, etc., petitioner, *v.* Thomas E. Greaney. Argued by Mr. George P. Barse for the petitioner and by Mr. David Stoneman for the respondent.

No. 252. The Bell Telephone Company of Pennsylvania, appellant, *v.* Pennsylvania Public Utility Commission. Argument commenced by Mr. Benjamin O. Frick for the appellant. The Court declined to hear further argument.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, January 11, will be as follows: Nos. 262, 265, 316, 270, 251, 272, and 329.

SUPREME COURT OF THE UNITED STATES

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

Harold Leventhal, of New York City; James W. Gum, of Washington, D. C.; Samuel Morris, of Atlantic City, N. J.; Benedict P. Cottone, of New York City; Victor Rogers Taylor, of Washington, D. C.; J. P. Wenchel, of Baltimore, Md.; G. L. Reeves, of Tampa, Fla.; and Arno P. Mowitz, of Philadelphia, Pa., were admitted to practice.

No. 262. South Chicago Coal & Dock Company et al., petitioners, *v.* Harry W. Bassett, Deputy Commissioner, etc. Argued by Mr. Robert J. Fologie for the petitioners and by Mr. Assistant Attorney General Shea for the respondent.

No. 265. Federal Communications Commission, petitioner, *v.* The Pottsville Broadcasting Company. Argued by Mr. Solicitor General Jackson for the petitioner and by Mr. Charles D. Drayton and Mr. Eliot C. Lovett for the respondent.

No. 316. J. Lawrence Fly, Norman S. Case, et al., petitioners, *v.* Paul R. Heitmeyer. Argued by Mr. Solicitor General Jackson for the petitioners and by Mr. Clarence C. Dill for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, January 12, will be as follows: Nos. 270, 251, and 329.

SUPREME COURT OF THE UNITED STATES

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

H. Douglas Weaver, of Edgeley, N. Dak.; George S. Elpern, of New York City; Albert Louis Felberbaum, of St. Louis, Mo.; Leon Frechtel, of Mount Vernon, N. Y.; David H. Cannon, of Los Angeles, Calif.; Lester Asher, of Chicago, Ill.; Harry Gladstone Isemann, of Washington, D. C.; Edward S. Ferebee, of Norfolk, Va.; Harry E. Ratner, of New York City; Howard Lee Holtzendorff, of Lincoln, Nebr.; Sylvan H. Hirsch, of Philadelphia, Pa.; and Allen J. Levin, of Philadelphia, Pa., were admitted to practice.

No. 270. Nathan Mayo, as Commissioner of Agriculture of the State of Florida, et al., appellants, *v.* Lakeland Highlands Canning Co., Inc., et al. Argument commenced by Mr. William C. Pierce for the appellants; continued by Mr. G. L. Reeves for the appellees; and concluded by Mr. O. K. Reaves for the appellants.

No. 251. James Stewart & Co., Inc., appellant, *v.* Katherine Sadrakula, as Administratrix, etc. Argued by Mr. Clarence E. Mellen for the appellant and by Mr. Leo Fixler for the appellee.

No. 329. Henry Russell, Lawrence Miller, et al., petitioners, *v.* James S. Todd, Joseph R. Work, et al. Argued by Mr. Ralph M. Carson for the petitioners and by Mr. George A. Spiegelberg for the respondents. Leave granted petitioner to file a reply brief within four days.

Adjourned until Monday, January 15, next, at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

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

Earl B. Wixcey, of Washington, D. C.; Manford Edward Nelson, of Washington, D. C.; Abe Fortas, of New Haven, Conn.; Marshall Alexander Wiley, of Chippewa Falls, Wis.; Joseph Scott Lafferty, of Chicago, Ill.; Theodore Harold Haas, of New York City; L. Mendel Rivers, of Charleston, S. C.; George C. Norton, of New York City; and John B. Wheeler, of Hollis, N. Y., were admitted to practice.

No. 229. The Real Estate Land Title and Trust Company, 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 Douglas. Mr. Justice Roberts and Mr. Justice Reed took no part in the consideration or decision of this case.

No. 237. Henry J. Miller, petitioner, *v.* Lester Shirl Hatfield, Trustee in Farmer Debtor Bankruptcy, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Decree 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, *per curiam*, announced by Mr. Chief Justice Hughes.

No. 473. Joseph D. McGoldrick, Comptroller of the City of New York, petitioner, *v.* Gulf Oil Corporation. On writ of certiorari to the Supreme Court of the State of New York. Writ of certiorari dismissed for the want of jurisdiction. Opinion, *per curiam*, announced by Mr. Chief Justice Hughes.

The Chief Justice announced the following order of the Court:

No. 242. Elsie V. Keys, as Administratrix of the Estate of Harry A. Keys, deceased, petitioner, *v.* Pennsylvania Railroad Company. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. *Per curiam*: The judgment of the Circuit Court of Appeals is reversed and that of the District Court is af-

firmed upon the ground that the question of assumption of risk was properly submitted to the jury.

The Chief Justice said:

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

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

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

No. —, original. Commonwealth of Pennsylvania, complainant, *v.* State of New Jersey et al. The return of the individual defendants to the rule to show cause is received and ordered filed. This cause is set for hearing on Monday, February 26 next, on the motion for leave to file the bill of complaint and the return to the rule to show cause.

No. 562. Frank S. Connor, petitioner, *v.* The People of the State of California et al. 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. 19. Oklahoma Packing Company, formerly Wilson & Co., Inc., of Oklahoma, et al., petitioners, *v.* Oklahoma Gas and Electric Company et al. The decision of the Supreme Court of Oklahoma in *Community Natural Gas Co. v. Corporation Commission*, 182 Okla. 137, having been brought to the attention of this Court for the first time in the petition of respondents for a rehearing of the disposition made of this cause in the opinion delivered on December 4, 1939, that opinion is hereby withdrawn and replaced by the opinion of this day. The petition for rehearing is denied.

No. 621. Edmond L. Viles, petitioner, *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. 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. 559. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Julian Price. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted.

No. 588. National Labor Relations Board et al., petitioners, *v.* Bradford Dyeing Association (U. S. A.) et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 563. Delaware River Joint Toll Bridge Commission, petitioner, *v.* John D. Colburn and Bessie Colburn. Petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey granted and the case assigned for argument immediately following No. —, original, Commonwealth of Pennsylvania *v.* State of New Jersey et al. The Court directs the attention of counsel to the question of the jurisdiction of this Court.

No. 585. Wilton Realty Corporation et al., petitioners, *v.* Paul E. Weadock, as Examiner, Securities and Exchange Commission, et al. Petition for writ 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. 581. Edwin L. Wiegand et al., petitioners, *v.* The W. Bingham Company and Cutler-Hammer, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 584. Crane-Johnson Company, a corporation of North Dakota, 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. 17. Ford Motor Company, petitioner, *v.* Tom L. Beauchamp, Secretary of State of the State of Texas, et al.; and

No. 68. William Helis, petitioner, *v.* Mrs. Itasca Kinney Ward, as Executrix, etc., et al. The petitions for rehearing in these cases are denied.

No. 614. Public Service Commission of Wisconsin, petitioner, *v.* Wisconsin Telephone Company. Motion for leave to file brief of the National Association of Railroad and Utilities Commissioners as amicus curiae submitted by Mr. John E. Benton in that behalf.

No. 10, original, October Term 1935. State of Wyoming, complainant *v.* State of Colorado. Return to the rule to show cause presented.

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

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

No. 4, original. State of New York et al., complainants, *v.* State of Illinois et al. Petition of the defendant, State of Illinois, for temporary modification of paragraph 3 of decree of April 21, 1930, presented.

Adjourned until Monday, January 29, next, at 12 o'clock.

The day call for Monday, January 29, will be as follows: Nos. —, original, Oklahoma *v.* Woodring, 571 (572 and 573), 152, 272, 271, 281, 342, 354, 355, 370, and 380.

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SUPREME COURT OF THE UNITED STATES

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

Arcadio Y. Laperal, of Manila, P. I.; Adele K. Saypol, of New York City; Irving H. Saypol, of New York City; J. H. Jackson, of Shreveport, La.; R. D. Watkins, of Minden, La.; Carl J. Burke, of Pittston, Pa.; Glenn H. Griswold, of Peru, Ind.; Margaret Carter Hoyt, of Danville, Va.; Hugh T. Williams, of Danville, Va.; John P. McQuillen, of Sioux Falls, S. Dak.; Oscar A. Zabel, of Seattle, Wash.; Stanley B. Long, of Seattle, Wash.; Harold Evans, of Philadelphia, Pa.; Michael Joseph Bruder, of Newark, N. J.; John D. Stedeford, of Pittsburgh, Pa.; Lynn Adams, of Oklahoma City, Okla.; and Anthony Wayne Smith, of Washington, D. C., were

The Honorable Robert H. Jackson, of New York, presented his commission as Attorney General of the United States and presented Honorable Francis Biddle, of Pennsylvania, Solicitor General of the United States, and it was ordered that their respective commissions be recorded.

No. 243. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* F. W. Fitch. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth 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 Reed concurs in the result. Dissenting: Mr. Justice McReynolds.

No. 222. Illinois Central Railroad Company, appellant, *v.* State of Minnesota. Appeal from the Supreme Court of the State of Minnesota. Judgment affirmed with costs. Opinion by Mr. Justice Douglas.

No. 110. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Mary Q. Hallock and Central United National Bank of Cleveland, trustees;

No. 111. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Mary Q. Hallock, Executrix, Estate of Henry Hallock, deceased;

No. 112. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* S. H. Squire, Superintendent of Banks of the State of Ohio, etc. On writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit;

No. 183. Walter J. Rothensies, Collector of Internal Revenue for the First District of Pennsylvania, petitioner, *v.* Craig Huston, Administrator d.b.n. c.t.a. of the estate of George F. Uber, deceased. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit; and

No. 399. Waldo G. Bryant and Ida Bryant, Executors of the estate of Waldo C. Bryant, deceased, petitioners, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. In Nos. 110, 111, and 112, judgments reversed and cases remanded to the said United States Circuit Court of Appeals for the Sixth Circuit for further proceedings in conformity with the opinion of this Court. In No. 183, 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. In No. 399, judgment affirmed and cause remanded to the United States Circuit Court of Appeals for the Second Circuit. Opinion by Mr. Justice Frankfurter. The Chief Justice concurs in the result upon the ground that each of these cases is controlled by decision in *Klein v. United States*, 283 U. S. 231. Dissenting opinion by Mr. Justice Roberts in which Mr. Justice McReynolds joins.

No. 265. Federal Communications Commission, petitioner, *v.* The Pottsville Broadcasting Company. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment reversed and cause remanded to the said Court of Appeals with directions to dissolve the writ of mandamus and to dismiss respondent's petition. Opinion by Mr. Justice Frankfurter. Mr. Justice McReynolds concurs in the result.

No. 316. J. Lawrence Fly, Norman S. Case, T. A. M. Craven, et al., petitioners, *v.* Paul R. Heitmeyer. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment reversed and cause remanded to the said Court of Appeals with directions to dissolve the writ of mandamus and to dismiss respondent's petition. Opinion by Mr. Justice Frankfurter. Mr. Justice McReynolds concurs in the result.

No. 92. John E. Madden, Jr., Executor of the Estate of John E. Madden, deceased, appellant, *v.* Commonwealth of Kentucky, by H. Clyde Reeves, Commissioner, etc. Appeal from the Court of Appeals of the Commonwealth of Kentucky. Judgment affirmed with costs. Opinion by Mr. Justice Reed, Mr. Chief Justice Hughes concurs in the result upon the ground, as stated by the Court of Appeals

of Kentucky, that the classification adopted by the legislature rested upon a reasonable basis. Dissenting opinion by Mr. Justice Roberts in which Mr. Justice McReynolds joins.

No. 251. James Stewart & Co., Inc., appellant, *v.* Katherine Sadrakula, as Administratrix, etc. Appeal from the Supreme Court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Reed.

No. 210. J. Earl Morgan, Executor of the Estate of Elizabeth S. Morgan, deceased, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Roberts.

No. 475. Joseph D. McGoldrick, Comptroller of the City of New York, petitioner, *v.* Berwind-White Coal Mining Company. On writ of certiorari to the Supreme Court of the State of New York. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Stone. Dissenting opinion by Mr. Chief Justice Hughes in which Mr. Justice McReynolds and Mr. Justice Roberts join.

No. 45. Joseph D. McGoldrick, Comptroller of the City of New York, petitioner, *v.* Felt & Tarrant Mfg. Co.; and

No. 474. Joseph D. McGoldrick, Comptroller of the City of New York, petitioner, *v.* A. H. DuGrenier, Inc., Principal, and Stewart & McGuire, Inc., Agent. On writs of certiorari to the Supreme Court of the State of New York. 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 Stone. Dissenting: The Chief Justice, Mr. Justice McReynolds, and Mr. Justice Roberts.

No. 156. Lawrence Yearsley and George Yearsley, petitioners, *v.* W. A. Ross Construction Company. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment of the Circuit Court of Appeals reversing the judgment of the District Court affirmed with costs but upon the grounds stated in the opinion of this Court and cause remanded to the District Court of the United States for the District of Nebraska. Opinion by Mr. Chief Justice Hughes.

No. 230. Peter J. Carpenter, petitioner, *v.* Wabash Railway Company, Frank C. Nicodemus, Jr., et al. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment of the Circuit Court of Appeals vacated with costs and cause remanded to the District Court of the United States for the

Eastern District of Missouri with directions to allow petitioner's claim in accordance with the statutory provision. Opinion by Mr. Chief Justice Hughes.

No. 252. The Bell Telephone Company of Pennsylvania, appellant, *v.* Pennsylvania Public Utility Commission. Appeal from the Superior Court of the Commonwealth of Pennsylvania. Appeal dismissed for the want of a substantial federal question. Opinion, *per curiam*, announced by Mr. Chief Justice Hughes.

The Chief Justice announced the following orders of the Court:

No. 204. John T. Kobilkin, petitioner, *v.* Warren H. Pillsbury, Deputy Commissioner of the United States Employees' Compensation Commission, etc., et al. 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.

No. 603. Jagels, "A Fuel Corporation," appellant, *v.* Frank J. Taylor, Comptroller of the City of New York. Appeal from the Supreme Court of the State of New York. *Per curiam*: The motion to substitute Joseph D. McGoldrick, present Comptroller of the City of New York, as appellee in place of Frank J. Taylor is granted. The judgment is affirmed. McGoldrick *v.* Berwind-White Coal Mining Co., No. 475; McGoldrick *v.* Du Grenier, No. 474; McGoldrick *v.* Felt & Tarrant Co., No. 45, all this day decided.

No. 629. Columbia Terminals Company, appellant, *v.* A. B. Lambert, Samuel H. Liberman, et al. Appeal from the District Court of the United States for the Eastern District of Missouri. *Per curiam*: The decree is vacated and the cause is remanded to the District Court with directions to dismiss the complaint on the merits. Eicholz *v.* Public Service Commission, 306 U. S. 268; Welch Co. *v.* New Hampshire, 306 U. S. 79.

No. 630. Public Service Commission of the State of Missouri, appellant, *v.* Columbia Terminals Company. Appeal from the District Court of the United States for the Eastern District of Missouri. *Per curiam*: The appeal is dismissed for want of jurisdiction. Public Service Commission *v.* Brashear Lines, 306 U. S. 204.

No. 622. C. M. Cady and Theodore Cady, doing business under the name and title of C. M. Cady & Sons, appellants, *v.* City of Detroit, etc., et al. Appeal from the Supreme Court of the State of Michigan. *Per curiam*: The appeal is dismissed for want of a substantial federal question. (1) Euclid *v.* Ambler, 272 U. S. 365; Cusack Co. *v.* City of Chicago, 242 U. S. 526; (2) Hatch *v.* Reardon, 204 U. S. 152, 160-161; Standard Food Co. *v.* Wright, 225 U. S. 540, 550; Ware-

house Co. *v.* Tobacco Growers, 276 U. S. 71, 88; (3) Caperton *v.* Boywer, 14 Wall. 216, 236-237; Herndon *v.* Georgia, 295 U. S. 441, 442-443.

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* J. L. Stewart, petitioner; and

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

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

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

No. 4, original. State of New York et al., complainants, *v.* State of Illinois et al. A rule is ordered to issue returnable February 26 next requiring the complainants to show cause why the petition for temporary modification of the decree should not be granted.

No. 10, original, October Term, 1935. State of Wyoming, complainant, *v.* State of Colorado. The return to the rule to show cause is received and ordered filed. This cause is set for hearing on Monday, February 26 next, on the motion for leave to file petition for rule to show cause and return to the rule to show cause.

No. 605. Anna May Milar, petitioner, *v.* Viola M. Burleigh, Executrix, etc., et al. On petition for writ of certiorari to the Supreme Court of the State of Ohio;

No. 617. J. L. Stewart, petitioner, *v.* A. F. St. Sure, Judge, United States District Court for the Northern District of California. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit; and

No. 649. Thomas R. Cox, petitioner, *v.* Joseph H. Wilson, as Warden, etc., et al. On petition for writ of certiorari to the Washington County Court, 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. 596. Trademens National Bank of Oklahoma City, appellant, *v.* The Oklahoma Tax Commission. In this case probable jurisdiction is noted.

No. 635. Herbert Tigner, appellant, *v.* The State of Texas. In this case probable jurisdiction is noted.

No. 582. The People of Puerto Rico, petitioner, *v.* Rubert Hermanos, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 587. The United States of America, petitioner, *v.* City and County of San Francisco. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 595. Kersh Lake Drainage District, etc., et al., petitioners, *v.* A. J. Johnson. Petition for writ of certiorari to the Supreme Court of the State of Arkansas granted.

No. 579. Union Joint Stock Land Bank of Detroit, petitioner, *v.* Carl Byerly. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 597. The Western Union Telegraph Company, petitioner, *v.* Paul Nester and Juan Charles, Copartners. Petition for writ of certiorari to the United States Circuit of Appeals for the Ninth Circuit granted.

No. 625. Oscar Getz, James M. Lavine, et al., petitioners, *v.* The Baltimore and Ohio Railroad Company et al. The motion to dispense with the printing of the record is granted. The petition for writ of certiorari to the District Court of the United States for the District of Maryland is denied. Mr. Justice Roberts took no part in the consideration and decision of these applications.

No. 604. Standard Oil Company of California and Henry Fairbank 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 denied. Mr. Justice Stone took no part in the consideration and decision of this application.

No. 583. Zasu Pitts Woodall, 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. 600. Moses Williams, William Minot, et al., etc., petitioners, *v.* Emery Bird Thayer Dry Goods Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 561. Cherokee Fuel Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 590. Martin E. Geibel, petitioner, *v.* Robert H. Scott, as Judge of the Superior Court of the State of California, etc. Petition for writ of certiorari to the Supreme Court of the State of California denied.

No. 601. John G. Ruhlin, Jennie B. Ruhlin, et al., petitioners, *v.* New York Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 602. Stella S. Housman, 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. 607. Sarah M. McCurdy, petitioner, *v.* New York Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 618. George Allison & Co., Inc., et al., petitioners, *v.* Interstate Commerce Commission. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 624. The Kroger Grocery & Baking Company, petitioner, *v.* Lucille Barker. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 626. France Manufacturing Company, petitioner, *v.* Jefferson Electric Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 19. Oklahoma Packing Company, Formerly Wilson & Co., Inc., etc., et al., petitioners, *v.* Oklahoma Gas and Electric Company et al. The motion for leave to file a petition for rehearing is denied. The motion to recall the mandate is also denied.

No. 456. David Graves George, petitioner, *v.* Victor Talking Machine Company. The motion for leave to file a second petition for rehearing is denied.

No. 4. Evelyn Treinies, petitioner, *v.* Sunshine Mining Company et al.;

No. 63. V. L. LeTulle, petitioner, *v.* Frank Scofield, United States Collector of Internal Revenue, etc.;

No. 129. General American Tank Car Corporation, petitioner, *v.* El Dorado Terminal Company;

No. 537. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Lucien H. Tyng;

No. 538. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* William Buchsbaum;

No. 566. The Great Atlantic & Pacific Tea Company, petitioner, *v.* Federal Trade Commission; and

No. 578. Quanah, Acme & Pacific Railway Company, appellant, *v.* The United States of America et al. The petitions for rehearing in these cases are denied.

No. 48. The United States of America, petitioner, *v.* Honorable Patrick T. Stone, United States District Judge; and

No. 317. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* James Lee Johnson. Leave granted to withdraw petitions for rehearing on motion of Mr. Solicitor General Biddle for the petitioners.

No. 648. J. L. Winkelman, petitioner, *v.* Roy G. Allman. Motion to require petitioner to post a cost bond submitted by Mr. Roy G. Allman for the respondent.

No. 591. Metropolitan Life Insurance Company, petitioner, *v.* Forrest Banion, as Administrator, etc. et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Dismissed per stipulation of counsel.

No. —, original. State of Oklahoma, upon the relation of Mac Q. Williamson, Attorney General of the State of Oklahoma, etc., complainant, *v.* Harry H. Woodring, Secretary of War of the United States. Four hours allowed for oral argument. Argument on the motion for leave to file bill of complaint and return to the rule to show cause commenced by Mr. Claude C. Hatchett for the complainant; continued by Mr. Attorney General Jackson for the defendant; and by Mr. Mac Q. Williamson for the complainant.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, January 30, will be as follows: Nos. —, original, Oklahoma *v.* Woodring, 571 (572 and 573), 271, 281, 342, 354, 355, 370, 380, 383, and 384.

SUPREME COURT OF THE UNITED STATES

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

Scott W. Lucas, of Havana, Ill.; James M. Slattery, of Chicago, Ill.; Benjamin C. Ribman, of New York City; Frank X. Schaut, of Cleveland, Ohio; Urban H. Benderman, of Cleveland, Ohio; Tremaine Kellogg Burrows, of Washington, D. C.; Scott Snodgrass, of San Angelo, Tex.; and Grant W. Kelleher, of Butte, Mont., were admitted to practice.

No. —, original. State of Oklahoma, upon the relation of Mac Q. Williamson, Attorney General of the State of Oklahoma, etc., complainant, *v.* Harry H. Woodring, Secretary of War of the United States. Argument on the motion for leave to file bill of complaint and return to the rule to show cause concluded by Mr. Mac Q. Williamson for the complainant. Leave granted complainant to file a supplemental brief by Friday next.

No. 571. Lloyd N. Cobblepick, Individually and as Vice President of Cobblepick-Kibbe Glass Company, et al., petitioners, *v.* The United States of America;

No. 572. A. H. Brawner, Individually, etc., et al., petitioners, *v.* The United States of America; and

No. 573. Eugene Palmuth, Individually, etc., etc., petitioners, *v.* The United States of America. Argued by Mr. Donald R. Richberg for the petitioners and by Mr. Wendell Berge for the respondent.

No. 271. Paramino Lumber Company et al., appellants, *v.* Wm. A. Marshall, Deputy Commissioner, etc., et al. Argued by Mr. Stanley B. Long for the appellants and by Mr. Oscar A. Zabel for the appellee, John T. Clark.

No. 281. J. K. Wadley, Lillian J. Porter, et al., appellants, *v.* State of Louisiana on the relation of John L. Munn. Argument commenced by Mr. John B. Files for the appellants.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, January 31, will be as follows: Nos. 281, 342, 354, 355, 370, 380, 383, 384, 386, and 394.

SUPREME COURT OF THE UNITED STATES

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

Herbert S. Marks, of Washington, D. C.; Harry A. Glovsky, of North Adams, Mass.; William Starr Vincent, of Baltimore, Md.; David L. Sprung, of New York City; Francis F. Welsh, of Newark, N. J.; Robert G. Howell, of Bridgeton, N. J.; Francis A. Stanger, Jr., of Cedarville, N. J.; Oscar B. Thiel, of Gary, Ind.; William Shepherd Drewry, of Norfolk, Va.; and Seymour J. Quinney, of Salt Lake City, Utah, were admitted to practice.

No. 637. *Compania General de Tabacos de Filipinas*, petitioner, *v.* Collector of Internal Revenue. Time within which to file brief for respondent extended to February 21, next, on motion of Mr. Nathan R. Margold for the respondent.

No. 281. *J. K. Wadley, Lillian J. Porter, et al.*, appellants, *v.* State of Louisiana on the relation of John L. Munn. Argument continued by Mr. Joseph H. Jackson for the appellants. The Court declined to hear further argument.

No. 342. *Amalgamated Utility Workers, Affiliated with Utility Workers Organizing Committee, Congress of Industrial Organizations*, petitioner, *v.* Consolidated Edison Company of New York, Inc., et al. Argued by Mr. Louis B. Boudin for the petitioner; by Mr. William L. Ransom for the respondents, Consolidated Edison Co. of New York, Inc., et al.; and by Mr. Isaac Lobe Strauss for the respondents, International Brotherhood of Electrical Workers et al.

No. 354. Federal Housing Administration, Region No. 4, State Director, Raymond Foley, petitioner, *v.* Ruth Burr. Doing business as Secretarial Service Bureau. Argument commenced by Mr. Sidney J. Kaplan for the petitioner and continued by Mr. Gus O. Nations for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, February 1, will be as follows: Nos. 354, 355, 370, 380, 383, 384, 386, 394, 419, and 437.

SUPREME COURT OF THE UNITED STATES

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

Francis Harley Scheetz, of Philadelphia, Pa.; Charles E. Kenworthy, of Philadelphia, Pa.; Arthur R. Seelig, of Chicago, Ill.; Carney D. Matheson, of Detroit, Mich.; George S. Dixon, of Detroit, Mich.; Thomas P. Helmev, of Minneapolis, Minn.; and Leonard G. McAneny, of Yonkers, N. Y., were admitted to practice.

Mr. Attorney General Jackson addressed the Court as follows:

Mr. Chief Justice and Associate Justices of the Supreme Court of the United States: The Bar of the Supreme Court, including those who here represent the executive branch of the government, desires to observe with you the one hundred fiftieth anniversary of this Court's service. We do so in a spirit of rededication to the great principles of freedom and order which come to life in your judgments.

The Court as we know it could hardly have been foreseen from its beginnings. When it first convened, no one seemed in immediate need of its appellate process, and it adjourned—to await the perpetration of errors by lower courts. Errors were, of course, soon forthcoming. The Justices who sat upon the Bench, although not themselves aged, were older than the Court itself. The duration of an argument was then measured in days instead of hours. All questions were open ones, and neither the statesmanship of the Justices nor the imagination of the advocate was confined by the ruling case. Some philosophers have so feared the weight of tradition as to assert that happy are a people who have no history. We, however, may at least believe that there was some happiness in belonging to a bar that had little occasion to distinguish precedents or in sitting upon a Court that could not be invited to overrule itself. Few tribunals have had greater opportunity for original and constructive work, and none ever seized opportunity with more daring and wisdom.

From the very beginning the duties of the Court required it, by interpretation of the Constitution, to settle doubts which the

framers themselves had been unable to resolve. Luther Martin in his great plea in *McCulloch v. Maryland* was not only an advocate but a witness of what had been and a prophet of things to come. He said: "The whole of this subject of taxation is full of difficulties, which the Convention found it impossible to solve, in a manner entirely satisfactory." Thus, controversies so delicate that the framers would have risked their unity if an answer had been forced were bequeathed to this Court. During its early days it had the aid of counsel who expounded the Constitution from intimate and personal experience in its making. They knew that to get acceptance of its fundamental design for government many controversial details were left to be filled in from time to time by the wisdom of those who were to follow. This knowledge made them bold.

The passing of John Marshall marked the passing of that phase of the Court's experience. Thereafter the Constitution became less a living and contemporary thing—more and more a tradition. The work of the Court became less an exposition of its text and setting and purposes and became more largely a study of what later men had said about it. The Constitution was less resorted to for deciding cases, and cases were more resorted to for deciding about the Constitution. This was the inevitable consequence of accumulating a body of judicial experience and opinion which the legal profession would regard as precedents.

It would, I am persuaded, be a mistake to regard the work of the Court of our own time as either less important or less constructive than that of its earlier days. It is perhaps more difficult to revise an old doctrine to fit changed conditions than to write a new doctrine on a clean slate. But, as the underlying structure of society shifts, its law must be reviewed and rewritten in terms of current conditions if it is not to be a dead science.

In this sense, this age is one of founding fathers to those who follow. Of course, they will reexamine the work of this day, and some will be rejected. Time will no doubt disclose that sometimes when our generation thinks it is correcting a mistake of the past, it is really only substituting one of its own. But the greater number of your judgments become a part of the basic philosophy on which a future society will adjust its conflicts.

We who strive at your bar venture to think ourselves also in some measure consecrated to the task of administering justice. Recent opinions have reminded us that the initiative in recon-

sidering legal doctrine should come from an adequate challenge by counsel. Lawyers are close to the concrete consequences upon daily life of the pronouncements of this Court. It is for us to bring the cases and to present for your corrective action any wrongs and injustices that result from operation of the law.

However well the Court and its bar may discharge their tasks, the destiny of this Court is inseparably linked to the fate of our democratic system of representative government. Judicial functions, as we have evolved them, can be discharged only in that kind of society which is willing to submit its conflicts to adjudication and to subordinate power to reason. The future of the Court may depend more upon the competence of the executive and legislative branches of government to solve their problems adequately and in time than upon the merit which is its own. There seems no likelihood that the tensions and conflicts of our society are to decrease. Time increases the disparity between underlying economic and social conditions, in response to which our Federation was fashioned, and those in which it must function. Adjustment grows more urgent, more extensive, and more delicate. I see no reason to doubt that the problems of the next half century will test the wisdom and courage of this Court as severely as any half century of its existence.

In a system which makes legal questions of many matters that other nations treat as policy questions, the bench and the bar share an inescapable responsibility for fostering social and cultural attitudes which sustain a free and just government. Our jurisprudence is distinctive in that every great movement in American history has produced a leading case in this Court. Ultimately, in some form of litigation, each underlying opposition and unrest in our society finds its way to this judgment seat. Here, conflicts were reconciled or, sometimes, unhappily, intensified. In this forum will be heard the unending contentions between liberty and authority, between progress and stability, between property rights and personal rights, and between those forces defined by James Bryce as centrifugal and centripetal, and whose struggle he declared made up most of history. The judgments and opinions of this Court deeply penetrate the intellectual life of the nation. This Court is more than an arbiter of cases and controversies. It is the custodian of a culture and is the protector of a philosophy of equal rights, of civil liberty, of tolerance, and of trusteeship of political and economic power, general acceptance of which gives us a basic national unity. Without it our representative system would be impossible.

Lord Balfour made an observation about British government, equally applicable to American, and expressed a hope that we may well share, when he wrote:

“Our alternating Cabinets, though belonging to different parties, have never differed about the foundation of society, and it is evident that our whole political machinery presupposes a people so fundamentally at one that they can afford to bicker; and so sure of their own moderation that they are not dangerously disturbed by the never-ending din of political conflict. May it always be so.”

Mr. Charles A. Beardsley, President of the American Bar Association, addressed the Court as follows:

Mr. Chief Justice and the Associate Justices of the Supreme Court of the United States: I appreciate this opportunity, which has been accorded to me, as the representative of the American Bar Association, to participate in this commemoration of the 150th anniversary of the first session of this honorable Court.

It is most fitting that this event should be commemorated. Its commemoration may well serve to recall to the minds of the American people the purposes of the founders of our National Government, and the part, in the fulfillment of those purposes, that this Court was intended to take, has taken, and will take in the years to come. And this commemoration may well serve, further, to challenge the American people to dedicate themselves anew to the fulfillment of those purposes.

In the Preamble of our Constitution, its framers recited the purposes to attain which the Constitution was to be ordained and established. In this recital, the purpose to “establish justice” is second only to the purpose “to form a more perfect union.”

Daniel Webster reminds us that justice is “the ligament that holds civilized beings together,” and “the greatest interest of man on earth.”

To the end that they might “establish justice,” to the end that they might provide “the ligament that holds civilized beings together,” to the end that they might strengthen the foundation of civilization on the North American Continent, and to the end that they might serve “the greatest interest of man on earth,” the framers of the Constitution provided therein for a federal judiciary, with this Court as its head, to administer “justice” under and pursuant to law.

In the words of President Washington this Court was intended to be “the keystone of our political fabric.” And it was intended

to be the protector of our Constitution, and of the inalienable rights of a free people.

Gladstone's characterization of our Constitution as "the most wonderful product ever struck off at a given time by the brain and purpose of man," is justified by the fact that, for 150 years, this Court has approached as near as any human institution might well be expected to approach, the fulfillment of the purpose of the framers of the Constitution, to "establish justice" for the American people.

We may properly take pride in the extent to which this Court has approached that fulfillment, realizing as we do, as Addison reminds us, that to be just "to the utmost of our abilities, is the glory of man," and that "to be perfectly just, is an attribute of the divine nature."

Not only is it permissible on this occasion for us to recall that this Court is a human institution, but it is also desirable for the American people to recall, on this occasion, that this human institution will endure, and that justice, under and pursuant to law, will be preserved for the American people, only so long as the American people, by their alertness, fidelity, and sanity cause them to be preserved and to endure.

For there are forces at work in the world today that are inimical to the continued fulfillment by this Court of the purpose for which it was created.

As a result of the workings of these forces, in substantial parts of the world, national temples of justice are no longer honored or worthy of honor, and international morality and law are giving ground to international immorality and anarchy. And many hundreds of millions of people are engaged in war, seeking to settle their differences, not according to justice, but by force—by the use of a means that is calculated to bring victory to the strongest, or to the most unscrupulous, of the contending peoples, wholly regardless of justice.

And, even within our own borders, there are forces at work that are inimical to the principles upon which our Government is founded, including the principle of justice under and pursuant to law.

Thus, there is a tendency, among groups of employers and employees, to use physical force as the means of settling differences, instead of being willing to use the administration of justice—the institution devised by man, when he was emerging from barbarism, as a substitute for combats, for fights and for wars—an institution that is calculated to bring victory to the

contending party who has the most justice on his side, regardless of the relative physical strength of the contending parties.

Also, we have among us many people who are eternally striving to inculcate doctrines that, in other parts of the world, are producing international lawlessness, anarchy, and war, doctrines that, in other parts of the world, are destroying temples of justice, and doctrines that, in other parts of the world, are depriving the people of their liberties, and of their lives.

And, finally, there is an all-too-widespread inclination to disregard the fundamental principles upon which our Government, and our Civilization, are founded, and an all-too-general disposition to ignore the historic warning that "eternal vigilance is the price of liberty."

For 150 years the American people have honored, respected, and sustained this Court, and, through the years this Court has gained for itself the gratitude and affectionate regard of the American people, because the American people have been steadfast in their devotion to the fundamental principles upon which our Government is founded, and because the American people have seen in the record of this Court the evidence of the striving by its members to be just, "to the utmost of" their "abilities."

This Court has gained, and has retained, this honor, this respect, this gratitude, and this affectionate regard, although, in the words of a nineteenth-century publicist, this Court has no "palaces or treasures, no arms but truth and wisdom, and no splendor but the justice and publicity of its judgments."

On this occasion, as we commemorate the 150th anniversary of the first session of this Court, we dedicate ourselves anew, to the task of defending our Constitution, to the task of guarding our liberties, and to the task of strengthening, defending, and preserving this Court, as "the keystone of our political fabric," as the protector of our Constitution, and as the guarantor of justice for the American people under and pursuant to law, not only for another 150 years, but also for all time.

The Chief Justice said:

Mr. Attorney General and Mr. Beardsley: The Court welcomes the words of appreciation you have spoken in recognition of the one hundred and fiftieth anniversary of the day appointed for the first session of this tribunal. We are highly gratified at the presence of distinguished Senators and Representatives,—the members of the Judiciary Committees of the Houses of Congress and of the Special Joint Committee appointed in relation to this occasion. We trust that what has been said echoes a sentiment cherished in the hearts

of the American people. They have again and again evinced the sound instinct which leads them, regardless of any special knowledge of legal matters, to cherish as their priceless possession the judicial institutions which safeguard the reign of law as opposed to despotic will. Democracy is a most hopeful way of life, but its promise of liberty and of human betterment will be but idle words save as the ideals of justice, not only between man and man, but between government and citizen, are held supreme.

The States have the power and privilege of administering justice except in the field delegated to the Nation, and in that field there is a distinct and compelling need. The recognition of this anniversary implies the persistence, through the vicissitudes of one hundred and fifty years, of the deep and abiding conviction that amid the clashes of political policies, the martial demands of crusaders, the appeals of sincere but conflicting voices, the outbursts of passion and of the prejudices growing out of particular interests, there must be somewhere the quiet, deliberate and effective determination of an arbiter of the fundamental questions which inevitably grow out of our constitutional system and must be determined in controversies as to individual rights. It is the unique function of this Court, not to dictate policy, not to promote or oppose crusades, but to maintain the balance between States and Nation through the maintenance of the rights and duties of individuals.

But necessary as is this institution, its successful working has depended upon its integrity and the confidence thus inspired. By the method of selection, the tenure of office, the removal from the bias of political ambition, the people have sought to obtain as impartial a body as is humanly possible and to safeguard their basic interests from impairment by the partiality and the passions of politics. The ideals of the institution cannot, of course, obscure its human limitations. It does most of its work without special public attention to particular decisions. But ever and anon arise questions which excite an intense public interest, are divisive in character, dividing the opinion of lawyers as well as laymen. However serious the division of opinion, these cases must be decided. It should occasion no surprise that there should be acute differences of opinion on difficult questions of constitutional law when in every other field of human achievement, in art, theology, and even on the highest levels of scientific research, there are expert disputants. The more weighty the question, the more serious the debate, the more likely is the opportunity for honest and expert disagreement. This is a token of vitality. It is fortunate and not regrettable that the avenues of criticism are open to all whether they denounce or praise. This is a vital part of the democratic process. The essential thing is that the

independence, the fearlessness, the impartial thought and conscientious motive of those who decide should both exist and be recognized. And at the end of 150 years, this tribunal still stands as an embodiment of the ideal of the independence of the judicial function in this, the highest and most important sphere of its exercise.

We cannot recognize fittingly this anniversary without recalling the services of the men who have preceded us and whose work has made possible such repute as this institution enjoys. This tribunal works in a highly concrete fashion. The traditions it holds have been wrought out through the years at the conference table and in the earnest study and discussions of men constantly alive to a supreme obligation. We do not write on a blank sheet. The Court has its jurisprudence, the helpful repository of the deliberate and expressed convictions of generations of sincere minds addressing themselves to exposition and decision, not with the freedom of casual critics or even of studious commentators, but under the pressure and within the limits of a definite official responsibility.

To one who over twenty-nine years ago first took his seat upon this Bench, this day is full of memories of associations with those no longer with us, who wrought with strength and high purpose according to the light that was given them, in complete absorption in their judicial duty. We pay our tribute to these men of the more recent period as we recognize our indebtedness to their eminent predecessors. We venerate their example. Reflection upon their lives brings emphasis to the thought that even with the tenure of the judicial office, the service of individuals however important in their day soon yields to the service of others who must meet new problems and carry on in their own strength.

The generations come and go but the institutions of our Government have survived. This institution survives as essential to the perpetuation of our constitutional form of government,—a system responsive to the needs of a people who seek to maintain the advantages of local government over local concerns and at the same time the necessary national authority over national concerns, and to make sure that the fundamental guarantees with respect to life, liberty and property, and of freedom of speech, press, assembly and religion shall be held inviolate. The fathers deemed that system of government well devised to secure the blessings of liberty to themselves and their posterity. Whether that system shall continue does not rest with this Court but with the people who have created that system. As Chief Justice Marshall said: "The people made the Constitution, and the people can unmake it. It is the creature of their will, and lives only by their will". It is our responsibility to see that their

will as expressed in their Constitution shall be faithfully executed in the determination of their controversies.

And deeply conscious of that responsibility, in the spirit and with the loyalty of those who have preceded us, we now rededicate ourselves to our task.

No. 543. Joseph F. Loehr, Mayor, et al., petitioners, *v.* Walter F. Downey, Receiver, etc.; and

No. 544. Joseph F. Loehr, Mayor, et al., petitioners, *v.* Walter F. Downey, Receiver, etc. John J. Condon, Mayor, Gustav W. Klein, Jr., First Deputy and Acting Comptroller, and Raymond J. Whitney, City Manager, etc., successors to Joseph F. Loehr, Mayor, James J. Hushion, Comptroller, and Dennis M. Morrissey, Commissioner of Public Safety, respectively, substituted as the parties petitioners herein on motion of Mr. George P. Barse on behalf of counsel for the petitioners.

No. 354. Federal Housing Administration, Region No. 4, State Director, Raymond Foley, petitioner, *v.* Ruth Burr, Doing Business as Secretarial Service Bureau. Argument continued by Mr. Gus O. Nations for the respondent and concluded by Mr. Sidney J. Kaplan for the petitioner.

No. 355. The United States of America, petitioner, *v.* Moscow Fire Insurance Company, etc., et al. Boris Hoppe as Executor under the Last Will and Testament of Olga I. Hoppe substituted as a party respondent herein in the place and stead of Olga I. Hoppe, deceased, on motion of Mr. Edward J. Ennis in that behalf.

No. 355. The United States of America, petitioner, *v.* Moscow Fire Insurance Company, etc., et al. Three hours and one-half allowed for oral argument. Argument commenced by Mr. Edward J. Ennis for the petitioner; continued by Mr. Paul C. Whipp for the respondent, Lucke, Surviving Director of Moscow Fire Ins. Co. and Conservator; and by Mr. Borris M. Komar for the respondents Morro, et al., stockholders of the Moscow Fire Ins. Co.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, February 2, will be as follows: Nos. 355, 370, 380, 383, 384, 386, 394, 419, 437, and 459.

SUPREME COURT OF THE UNITED STATES

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

Bernard J. Ackerman, of Rockville, Conn.; Helen E. Cottrell, of New York City; George M. Wolfson, of New York City; and Theodore Hardeen, Jr., of Chicago, Ill., were admitted to practice.

No. 355. The United States of America, petitioner, *v.* Moscow Fire Insurance Company, etc., et al. Argument continued by Mr. Osmond K. Fraenkel for the respondents, Kentman et al.; by Mr. Hartwell Cabell for the respondents, Heckscher et al.; by Mr. Walter H. Pollak for the respondents, Zahle et al.; and concluded by Mr. Edward J. Ennis for the petitioner; and case submitted by Mr. Samson Selig for the respondents, Sawyer et al.; and by Mr. Thomas Kiernan for the respondent, Boris Hoppe, as Executor, etc. Leave granted petitioner to file an additional brief by Thursday next.

No. 370. Montrose Cemetery Company, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. Elden McFarland for the petitioner and by Mr. Richard H. Demuth for the respondent.

No. 380. Alfred A. Maurer and Marcus W. Myers, Trading as Maurer & Myers Auto Convoy, appellants, *v.* William J. Hamilton, Jr., Secretary, etc., et al. Argument commenced by Mr. Sterling G. McNees for the appellants; continued by Mr. George W. Keitel for the appellees; and by Mr. Edmund M. Brady for the appellants.

Adjourned until Monday at 12 o'clock.

The day call for Monday, February 5, will be as follows: Nos. 380, 383, 384, 346 (and 347), 386, 394, 272, 419, 437, and 459.

SUPREME COURT OF THE UNITED STATES

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

Edward J. Hayes, of Detroit, Mich.; Kent C. van den Berg, of Saint Paul, Minn.; Charles C. Stanley, of San Marino, Calif.; John H. Pursel, of Phillipsburg, N. J.; Hubert T. Morrow, of Los Angeles, Calif.; Ernest D. Hurd, of Salt Lake City, Utah; Lula E. Bachman, of Detroit, Mich.; Julian H. Levi, of Chicago, Ill.; Charles J. Vogel, of Fargo, N. Dak.; Herbert Henry Thomas, of Madison, Wis.; Hiram E. Wooster, of Walden, N. Y.; O. R. McGuire, of Washington, D. C.; Ben Chapoton Hughes, of Detroit, Mich.; and G. Mennen Williams, of Detroit, Mich., were admitted to practice.

The Chief Justice said:

“The President, by and with the advice and consent of the Senate, has appointed Frank Murphy, of Michigan, recently Attorney General of the United States, to be Associate Justice of this Court. Mr. Murphy is present. The Clerk will read his commission. Mr. Murphy will then take the oath and the Marshal will escort him to his seat upon the bench.”

The Clerk then read the commission, as follows:

“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 FRANK MURPHY, of Michigan, 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 fulfill 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 Frank Murphy, 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 eighteenth day of January, in the year of our Lord one thousand nine hundred and forty, and of the Independence of the United States of America the one hundred and sixty-fourth.

"FRANKLIN D. ROOSEVELT.

"By the President :

"ROBERT H. JACKSON,

"*Acting Attorney General.*"

The oath of office was then administered by the Clerk, and Mr. Justice Murphy was escorted by the Marshal to his seat upon the bench.

No. 236. United States of America for the use and benefit of Midland Loan Finance Company, petitioner, *v.* National Surety Corporation and Patrick J. Malone. 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 District of Minnesota. Opinion by Mr. Justice Reed.

The Chief Justice announced the following orders of the Court :

No. 281. J. K. Wadley, Lillian J. Porter, et al., appellants, *v.* State of Louisiana on the relation of John L. Munn. Appeal from the Supreme Court of the State of Louisiana. *Per curiam*: The appeal is dismissed for want of a properly presented federal question. *Godchaux v. Estopinal*, 251 U. S. 179; *Rooker v. Fidelity Trust Co.*, 261 U. S. 114, 117; *Herndon v. Georgia*, 295 U. S. 441, 443.

No. 370. Montrose Cemetery Company, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. *Per curiam*: As it appears that the Board of Tax Appeals received and considered the evidence pertinent to the question of the valuation of the cemetery lots on March 1, 1913, we find no ground for disturbing its ruling. The judgment of the Circuit Court of Appeals is affirmed.

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. 614. Public Service Commission of Wisconsin, petitioner, *v.* Wisconsin Telephone Company. On petition for writ of certiorari to the Supreme Court of the State of Wisconsin. The motion of the National Association of Railroad and Utilities Commissioners for leave to file a brief *amicus curiae* is granted. The petition for writ of certiorari is denied upon the ground that the Court is unable to find that the decision of the highest court of the State did not rest upon an adequate non-federal ground. Judicial Code, Sec. 237 (b), 28 U. S. C. 344 (b). *Lynch v. New York*, 293 U. S. 52; *Honeyman v. Hanan*, 300 U. S. 14; *New York City v. Central Savings Bank*, 306 U. S. 661; *McGoldrick v. Gulf Oil Corporation*, No. 473, decided January 15, 1940.

No. —, original. *Ex parte* Warren Elwood, petitioner; and

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

No. —, original. *Ex parte* Samuel White, petitioner. The motion for leave to file petition for writ of prohibition is denied.

No. 628. Lottie Stewart and James Stewart, petitioners, *v.* Capital Transit Company. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 661. Fred Hartzell West, petitioner, *v.* State of Washington and Superintendent of the Washington State Penitentiary. On petition for writ of certiorari to the Supreme Court of the State of Washington;

No. 670. Dora Robertson et al., petitioners, *v.* W. J. Chronister et al. On petition for writ of certiorari to the Supreme Court of the State of Arkansas; and

No. 631. John Parker, petitioner, *v.* American Society of Mechanical Engineers. 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. 639. Rebecca Shelley, petitioner, *v.* Andrew Jordan, Assistant District Director of Naturalization and Immigration. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds that the application for a writ of certiorari was not filed within the time provided by law. Section 8 (a), Act of February 13, 1925 (43 Stat. 936, 940). The petition for writ of certiorari is therefore also denied.

No. 648. J. L. Winkelman, petitioner, *v.* Roy G. Allman. The motion of respondent to require the petitioner to post a cost bond is denied without prejudice to an application to the United States Circuit Court of Appeals for the Ninth Circuit.

No. 473. Joseph D. McGoldrick, Comptroller of the City of New York, petitioner, *v.* Gulf Oil Corporation. The petition for rehearing is granted. The judgment entered January 15, 1940, is vacated and the case is restored to the docket for reargument and assigned for hearing on Monday, February 26, next.

No. 593. Frances Perkins, Individually and as Secretary, etc., et al., petitioners, *v.* Lukens Steel Company et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted.

No. 613. The United States of America, petitioner, *v.* George S. Bush & Co., Inc. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals granted.

No. 426. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Stephen J. Leonard. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 427. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Alfred C. Fuller. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 589. C. W. Blakeslee & Sons, Inc., et al., petitioners, *v.* The United States. The motion to remand is denied. The petition for writ of certiorari to the Court of Claims is denied.

No. 615. American Federation of Labor et al., petitioners, *v.* Ross W. Swing et al. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied for the want of a final judgment.

No. 599. Sanford Corporation, 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. 606. (Dr.) Royal Lee, trading as Vitamin Products Company, 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. 609. Albert E. Cohen, trading as Stewart's Jewelry Shop, petitioner, *v.* Globe Indemnity Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 611. Luziers', Inc., petitioner, *v.* Dan M. Nee, Collector of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 612. Florence N. Lewis, petitioner, *v.* Vendome Bags, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 616. Martin A. Severson, petitioner, *v.* Hanford Tri-State Airlines, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 619. Arthur Hardoncourt, petitioner, *v.* Irene J. Hardoncourt (also known as Irene J. Roberts and Joan Hardoncourt), etc. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 623. Port of Seattle, petitioner, *v.* Fidelity and Deposit Company of Maryland. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 586. Norman Williams, petitioner, *v.* J. C. Aldredge, Sheriff of Fulton County, Georgia. Petition for writ of certiorari to the Supreme Court of the State of Georgia denied.

No. 594. Caroline A. Dunham, petitioner, *v.* Omaha and Council Bluffs Street Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 550. J. G. (Glen) Mims, petitioner, *v.* The State of New Mexico;

No. 557. Interstate Oil Company, Helen R. White, et al., petitioners, *v.* F. B. Gormley, Receiver, etc.;

No. 577. Ernest W. Stirn, petitioner, *v.* Atlas Corporation et al.; and

No. 598. Philadelphia-Detroit Lines, Inc., appellant, *v.* The United States of America et al. The petitions for rehearing in these cases are denied.

The Court will take a recess from Monday, February 12, next until Monday, February 26.

No. 648. J. L. Winkelman, petitioner, *v.* Roy G. Allman. Time within which to file brief on behalf of the respondent extended fifteen days from this date on motion of Mr. Roy G. Allman for the respondent.

No. 383. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* George B. Clifford, Jr. Argued by Mr. Warner W. Gardner for the petitioner and by Mr. Thomas P. Helmev for the respondent.

No. 384. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Meredith Wood. Argued by Mr. Warner W. Gardner for the petitioner and by Mr. George M. Wolfson and Mr. Dean G. Acheson for the respondent.

No. 346. The United States of America, petitioner, *v.* Socony-Vacuum Oil Company, Inc., et al.; and

No. 347. Socony-Vacuum Oil Company, Inc., et al., petitioners, *v.* The United States of America. Four hours allowed for oral argument. Argument commenced by Mr. John Henry Lewin for the United States.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, February 6, will be as follows: Nos. 346 (and 347), 386, 394, 272, 419, 437, 459, 462, 481, and 482.

SUPREME COURT OF THE UNITED STATES

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

Nelson A. Sharfman, of New York City; Edward M. Miles, of Seattle, Wash.; Daniel H. Howell, of Van Buren, Ark.; Samuel G. Clawson, of Chicago, Ill.; McKenzie Shannon, of Chicago, Ill.; and Leon A. Grapes, of Davenport, Iowa, were admitted to practice.

No. 346. The United States of America, petitioner, *v.* Socony-Vacuum Oil Company, Inc., et al.; and

No. 347. Socony-Vacuum Oil Company, Inc., et al., petitioners, *v.* The United States of America. Argument continued by Mr. John Henry Lewin for the United States: by Mr. William J. Donovan for Socony-Vacuum Oil Company, Inc., et al.; by Mr. Assistant Attorney General Arnold for the United States; and concluded by Mr. John Henry Lewin for the United States.

No. 386. The Dickinson Industrial Site, Inc., a Corporation, etc., petitioner, *v.* Percy Cowan et al. Argument commenced by Mr. Benjamin Wham for the petitioner: continued by Mr. Julian H. Levi for the respondents: and concluded by Mr. Walter A. Wade for the petitioner.

No. 394. State of Minnesota ex rel. Charles Edwin Pearson, appellant, *v.* Probate Court of Ramsey County, Minnesota, et al. Argument commenced by Mr. Joseph F. Covern for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, February 7, will be as follows: Nos. 394, 272, 419, 437, 459, 462, 482, 499, 542 (543, 544, and 545), and 567.

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SUPREME COURT OF THE UNITED STATES

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

Harold St. L. O'Dougherty, of Brooklyn, N. Y.; Alonzo E. Yont, of Boston, Mass.; Laurence D. Yont, of Boston, Mass.; Joseph Wentworth, of Boston, Mass.; and John M. Hall, of Boston, Mass., were admitted to practice.

No. 584. Crane-Johnson Company, a Corporation of North Dakota, petitioner, *v.* Commissioner of Internal Revenue. Motion to extend time for filing petition for rehearing submitted by Mr. William J. Cogger on behalf of counsel for the petitioner.

No. 394. State of Minnesota *ex rel.* Charles Edwin Pearson, appellant, *v.* Probate Court of Ramsey County, Minnesota, et al. Argument continued by Mr. Joseph W. Cowern for the appellant; by Mr. Chester S. Wilson and Mr. Kent C. van den Berg for the appellees; and concluded by Mr. Joseph W. Cowern for the appellant.

No. 272. National Licorice Company, petitioner, *v.* National Labor Relations Board. Argued by Mr. Abraham Mann for the petitioner and by Mr. Robert B. Watts for the respondent.

No. 419. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* John Kehoe. Argument commenced by Mr. John Philip Wenchel for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, February 8, will be as follows: Nos. 419, 437, 459, 462, 482, 499, 542 (543, 544, and 545), and 567.

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SUPREME COURT OF THE UNITED STATES

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

Gerald Jones, of Tucson, Ariz.; Hilmer Gellein, of Detroit, Mich.; Milton L. Romm, of Yonkers, N. Y.; Charles Bernard Godwin, Jr., of Suffolk, Va.; Erle Pettus, Jr., of Birmingham, Ala.; Martin C. Colvin, of Los Angeles, Calif.; Stewart Maurice, of New York City; Howard H. Sheppe, of Washington, D. C.; Harry Clifton Ames, of Washington, D. C.; and Wilmer A. Hill, of Washington, D. C., were admitted to practice.

No. 419. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* John Kehoe. Argument continued by Mr. John Phillip Wenchel for the petitioner and concluded by Mr. Robert T. McCracken for the respondent.

No. 437. John J. McCabe, petitioner, *v.* Boston Terminal Company. Argued by Mr. Laurence D. Yont for the petitioner and by Mr. Joseph Wentworth and Mr. John M. Hall for the respondent.

No. 459. The H. Rouw Company, petitioner, *v.* Frank J. Crivella. Submitted by Mr. William A. Curtis and Mr. Daniel H. Howell for the petitioner and by Mr. Harry P. Daily and Mr. John P. Woods for the respondent.

No. 462. Germantown Trust Company, Trustee, etc., petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. Harold Evans for the petitioner and by Mr. J. Louis Monarch for the respondent.

No. 482. Edward Sheldon and Margaret Ayer Barnes, petitioner, *v.* Metro-Goldwyn Pictures Corporation et al. Argument commenced by Mr. Arthur F. Driscoll for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, February 9, will be as follows: Nos. 482, 499, and 542 (543, 544, and 545).

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SUPREME COURT OF THE UNITED STATES

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

Dillard Estes, of Dallas, Tex.; Joe W. Whitten, of Oklahoma City, Okla.; William A. Lloyd, of Austin, Tex.; Joseph C. Thomason, of Knoxville, Tenn.; Richard B. McDermott, of Tulsa, Okla.; Roy M. Huff, of Tulsa, Okla.; Donald B. Waite, of Cleveland, Ohio; Irving Goodman, of Chicago, Ill.; Charles H. Watson, of Chicago, Ill.; Francis F. Burch, of Philadelphia, Pa.; and Clarence D. Brewer, of Detroit, Mich., were admitted to practice.

No. 604. Standard Oil Company of California et al., petitioners, *v. The United States of America*. Motion to extend the time within which to file petition for rehearing submitted by Mr. Seth W. Richardson for the petitioners.

No. 482. Edward Sheldon and Margaret Ayer Barnes, petitioners, *v. Metro-Goldwyn Pictures Corporation et al.* Argument continued by Mr. Arthur F. Driscoll for the petitioners and concluded by Mr. John W. Davis for the respondents.

No. 499. Federal Communications Commission, petitioner, *v. Sanders Brothers Radio Station*. Argued by Mr. William J. Dempsey for the petitioner and by Mr. Louis G. Caldwell for the respondent. Leave granted petitioner to file a reply brief by Tuesday next.

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

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SUPREME COURT OF THE UNITED STATES

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

Clyce W. Aston, of Sherman, Tex.; Donald H. McLean, Jr., of Brooklyn, N. Y.; Edward Gillett Knowles, of Denver, Colo.; Harry Brownstein, of South Bend, Ind.; Harry Cassman, of Atlantic City, N. J.; Alvin O. King, of Lake Charles, La.; John E. Scott, of Indianapolis, Ind.; Paul D. McGarry, of Miami, Fla.; Jacquin Frank, of New York City; James F. Sullivan, of Washington, D. C.; and John E. Teate, of Jacksonville, Tex., were admitted to practice.

No. 354. Federal Housing Administration, Region No. 4, State Director Raymond Foley, petitioner, *v.* Ruth Burr, doing business as Secretarial Service Bureau. On writ of certiorari to the Supreme Court of the State of Michigan. Judgment affirmed. Opinion by Mr. Justice Douglas. Mr. Justice Murphy did not participate in the consideration or decision of this case.

No. 193. National Labor Relations Board, petitioner, *v.* Waterman Steamship Corporation. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment reversed and cause remanded to said Circuit Court of Appeals with directions to enforce the Board's order in its entirety. Opinion by Mr. Justice Black. Mr. Justice Murphy took no part in the consideration or decision of this case.

No. 195. Isiah (Izell) Chambers, Jack Williamson, Charlie Davis, and Walter Woodward (Woodard), petitioners, *v.* The State of Florida. On writ of certiorari to the Supreme Court of the State of Florida. 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. Mr. Justice Murphy took no part in the consideration and decision of this case.

No. 246. Frederick S. Deitrick, Receiver of the Boston-Continental National Bank, petitioner, *v.* Thomas E. Greaney. 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 Stone. Mr. Justice Murphy took no part in the consideration or decision of this case. Dissenting opinion by Mr. Justice Roberts in which Mr. Justice McReynolds joins.

No. 138. Z. M. McCarroll, Commissioner of Revenues of the State of Arkansas, appellant, *v.* Dixie Greyhound Lines, Inc. Appeal from 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 Arkansas. Opinion by Mr. Justice McReynolds. Concurring opinion by Mr. Justice Stone in which the Chief Justice, Mr. Justice Roberts, and Mr. Justice Reed join. Dissenting opinion by Mr. Justice Black, Mr. Justice Frankfurter and Mr. Justice Douglas. Mr. Justice Murphy took no part in the consideration or decision of this case.

The Chief Justice announced the following orders of the Court:

No. —, original. State of Oklahoma, upon the relation of Mac Q. Williamson, Attorney General of the State of Oklahoma, etc., complainant, *v.* Harry H. Woodring, Secretary of War of the United States. *Per curiam*: The motion for leave to file a bill of complaint is denied by an equally divided Court. Mr. Justice Murphy took no part in the consideration or decision of this motion.

No. 355. The United States of America, petitioner, *v.* Moscow Fire Insurance Company, etc., et al. On writ of certiorari to the Supreme Court of the State of New York. *Per curiam*: The judgment is affirmed by an equally divided Court. Mr. Justice Stone, Mr. Justice Reed, and Mr. Justice Murphy took no part in the consideration or decision of this cause.

No. 437. John J. McCabe, petitioner, *v.* Boston Terminal Company. On writ of certiorari to the Superior Court in and for the County of Suffolk, Commonwealth of Massachusetts. *Per curiam*: The Supreme Judicial Court, holding that the plaintiff's cause of action arose under the Federal Employers' Liability Act, directed judgment for the defendant upon the ground that the time had passed within which an action could be brought or an amendment allowed setting up such a cause of action. We are of the opinion that this was error and that an opportunity for such an amendment should have been afforded. *New York Central & Hudson River R. R. Co. v. Kinney*, 260 U. S. 340. The judgment is vacated and the cause is remanded for further proceedings not inconsistent with this opinion.

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 OF ALLOTMENT OF JUSTICES

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, Harlan F. Stone, Associate Justice.

For the Third Circuit, Owen J. Roberts, Associate Justice.

For the Fourth Circuit, Charles Evans Hughes, Chief Justice.

For the Fifth Circuit, Hugo L. Black, Associate Justice.

For the Sixth Circuit, James C. McReynolds, Associate Justice.

For the Seventh Circuit, Frank Murphy, Associate Justice.

For the Eighth Circuit, Stanley Reed, Associate Justice.

For the Ninth Circuit, William O. Douglas, Associate Justice.

For the Tenth Circuit, Stanley Reed, Associate Justice.

For the District of Columbia, Charles Evans Hughes, Chief Justice.

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

No. 380. Alfred A. Maurer and Marcus W. Myers, trading as Maurer & Myers Auto Convoy, appellants, v. William J. Hamilton, Jr., Secretary of Revenue, etc., et al. It is ordered that this case be restored to the docket for reargument, and the case is assigned for reargument on Monday, February 26, next.

No. 604. Standard Oil Company of California and Henry Fairbank, et al., petitioners, v. The United States of America. The motion to extend the time for filing a petition for rehearing is granted and the time is extended to March 4, next.

No. 685. Joseph Murphy, petitioner, v. Warden of Clinton State Prison at Dannemora, New York. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit; and

No. 689. Edwin Haden, petitioner, v. Alfred F. Dowd, as Warden of the Indiana State Prison. On petition for writ of certiorari to the Supreme Court of the State of Indiana. 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. 667. John Carlson, appellant, *v.* The People of the State of California. The motion for leave to file statement opposing jurisdiction and motion to dismiss is granted. In this case probable jurisdiction is noted. The case is assigned for argument immediately following No. 514.

No. 608. Century Distilling Company, petitioner, *v.* Continental Distilling Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 620. Neal Crowley, as Receiver, etc., petitioner, *v.* Harold L. Ickes, Secretary of the Interior. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 627. Norman L. Baker, petitioner, *v.* State of Wisconsin. Petition for writ of certiorari to the Supreme Court of the State of Wisconsin denied.

No. 636. D. W. Evans et al., petitioners, *v.* Alvanley Johnston et al. Petition for writ of certiorari to the Appellate Court, First District, State of Illinois, denied.

No. 640. Donald McGregor, as Receiver, etc., petitioner, *v.* Board of Public Utility Commissioners et al. Petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey, denied.

No. 647. Harry E. Peters, petitioner, *v.* Mutual Life Insurance Company of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit, denied.

No. 673. John Hancock Mutual Life Insurance Company, petitioner, *v.* Rebecca Lampert. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit, denied.

No. 122. Chicot County Drainage District, petitioner, *v.* The Baxter State Bank et al;

No. 610. Rufus Sanders, petitioner, *v.* J. C. Aldredge, Sheriff of Fulton County, Georgia, and

No. 621. Edmond L. Viles, petitioner, *v.* The Prudential Insurance Company of America. The petitions for rehearing are denied.

No. 476. The United States of America, appellant, *v.* Northern Pacific Railway Company et al.; and

No. 477. Northern Pacific Railway Company et al., appellants, *v.* The United States of America. Motion of Minority Stockholders of

Northern Pacific Railroad Company for leave to appear and present oral argument submitted by Mr. Raymond M. Hudson in that behalf.

No. — original. Ex parte Edmond C. Fletcher, petitioner. Motion for leave to file petition for writ of mandamus presented.

No. —, original. Ex parte Ira J. McCullough, petitioner. Motion for leave to file petition presented.

No. —, original. Ex parte Wallace S. Bransford, County Treasurer, petitioner. Motion for leave to file petition for writ of mandamus presented.

Adjourned until Monday, February 26, next, at 12 o'clock.

The call for Monday, February 26, will be as follows Nos. —, original, *Pennsylvania v. New Jersey*, 563, 10 original, October Term, 1935, 473, 380, 570, 569, 479, 481, and 541.

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SUPREME COURT OF THE UNITED STATES

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

William C. Erbecker, of Indianapolis, Ind.; Ewing T. Kerr, of Cheyenne, Wyo.; Hyman Isaac, of Elizabeth, N. J.; William Lamar Rose, of Punta Gorda, Fla.; Readie P. Ashurst, of Atlanta, Ga.; Lucile Shealy Cotton, of Atlanta, Ga.; Julian B. Fite, of Muskogee, Okla.; Everett S. Layman, of San Francisco, Calif.; Louis A. Lowenstein, of Danville, Ill.; Riley McClain, of Paris, Ill.; Clifford H. Stone, of Gunnison, Colo.; Fancher Sarchet, of Fort Collins, Colo.; Robert G. Smith, of Greeley, Colo.; Bernard W. Freund, of Los Angeles, Calif.; Alfred W. Kiefer, of Hackensack, N. J.; Tenola E. Graves, of Michigan City, Ind.; George F. Killinger, of Chicago, Ill.; Abraham I. Harkavy, of Newark, N. J.; James E. Leppard, of Chesterfield, S. C.; and Thomas E. Harris, of New York City, were admitted to practice.

No. 383. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* George B. Clifford, Jr. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment of the Circuit Court of Appeals reversed and judgment of the Board of Tax Appeals affirmed and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Roberts, in which Mr. Justice McReynolds joins.

No. 384. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Meredith Wood. 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. Mr. Justice Roberts concurs in the result.

No. 239. Abe Fischer, petitioner, *v.* Pauline Oil & Gas Company. 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 Roberts. Mr. Justice Murphy took no part in the consideration and decision of this case.

No. 462. Germantown Trust Company, Trustee, etc., petitioner, *v.* 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 Roberts.

No. 270. Nathan Mayo, as Commissioner of Agriculture of the State of Florida, et al., appellants, *v.* Lakeland Highlands Canning Co., Inc., et al. Appeal from the District Court of the United States for the Southern District of Florida. Decree reversed with costs and cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts. Mr. Justice Murphy took no part in the consideration and decision of this case. Separate opinion by Mr. Justice Frankfurter in which Mr. Justice Black and Mr. Justice Douglas join.

No. 329. Henry Russell, Lawrence Miller, et al., petitioners, *v.* James S. Todd, Joseph R. Work, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree 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 Stone. Dissenting: Mr. Justice Roberts. Mr. Justice Murphy took no part in the consideration and decision of this case.

No. 419. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* John Kehoe. 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 McReynolds.

No. 262. South Chicago Coal & Dock Company and London Guarantee & Accident Company, Ltd., petitioners, *v.* Harry W. Bassett, Deputy Commissioner, etc. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Decree affirmed and cause remanded to the District Court of the United States for the Northern District of Illinois. Opinion by Mr. Chief Justice Hughes. Mr. Justice Murphy took no part in the consideration and decision of this case.

No. 342. Amalgamated Utility Workers, Affiliated with Utility Workers Organizing Committee, Congress of Industrial Organizations, petitioner, *v.* Consolidated Edison Company of New York, 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 said Circuit Court of Appeals. Opinion by Mr. Chief Justice Hughes. Mr. Justice Murphy took no part in the consideration and decision of this case.

No. 394. State of Minnesota ex rel. Charles Edwin Pearson, appellant, *v.* Probate Court of Ramsey County, Minnesota, et al. Appeal from the Supreme Court of the State of Minnesota. Judgment affirmed with costs. Opinion by Mr. Chief Justice Hughes.

No. 571. Lloyd N. Cobblestick, Individually, etc., et al., petitioners, *v.* The United States of America;

No. 572. A. H. Brawner, Individually, etc., et al., petitioners, *v.* The United States of America; and

No. 573. Eugene Palmuth, Individually, etc., et al., petitioners, *v.* The United States of America. On writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgments affirmed and cases remanded to the District Court of the United States for the Northern District of California. Opinion by Mr. Justice Frankfurter announced by the Chief Justice. Mr. Justice Murphy did not participate 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. —, original. Ex parte Charles E. Phillips, petitioner; and

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

No. —, original, Ex parte Wallace S. Bransford, petitioner. A rule is ordered to issue, returnable Monday, March 18, next, requiring the respondent to show cause why leave to file the petition for writ of mandamus should not be granted.

No. —, original. Ex parte Ira J. McCullough et al., petitioners. A rule is ordered to issue, returnable Monday, March 18, next, requiring the respondent to show cause why leave to file the petition for writ of mandamus should not be granted.

No. —, original. Ex parte Edmond C. Fletcher, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No. —, original. Ex parte R. L. Scott, petitioner; and

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

No. 476. The United States of America, appellant, *v.* Northern Pacific Railway Company et al.; and

No. 477. Northern Pacific Railway Company et al., appellants, *v.* The United States of America. The motion of the Minority Stockholders of the Northern Pacific Railroad Company for leave to appear and present oral argument in these cases is denied.

No. 656. Alfred L. Sova, petitioner, *v.* W-R Company (formerly Wilcox-Rich Corporation). On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit;

No. 677. Frank McKee, 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. 686. James Bostic, petitioner, *v.* Thomas M. Rives, Superintendent, etc. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia; and

No. 709. *In re* Edmond C. Fletcher, petitioner. 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. 210. J. Earl Morgan, Executor, etc., petitioner, *v.* Commissioner of Internal Revenue. The opinion is amended by striking from the first line of the second full paragraph on page 2 the words "Although it is conceded that", and by striking from the first line of the fourth full paragraph on page 3 the words "it is conceded that". The petition for rehearing is denied.

No. 632. Jesse Cantwell, Newton Cantwell, and Russell Cantwell, appellants, *v.* The State of Connecticut. With respect to the appeal of all appellants from the judgment of the Supreme Court affirming the judgment of conviction on the third count of the information, probable jurisdiction is noted. The appeal of Jesse Cantwell from the judgment of the Supreme Court affirming the judgment of conviction on the fifth count is dismissed for want of jurisdiction. Section 237 (a), Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon that appeal was allowed as a petition for writ of certiorari as required by section 237 (c) of the Judicial Code (43 Stat. 936, 938), certiorari is granted.

No. 719. The Colorado National Bank of Denver, appellant, *v.* Homer F. Bedford, as Treasurer of the State of Colorado. In this case probable jurisdiction is noted.

No. 638. Apex Hosiery Company, petitioner, *v.* William Leader et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 662. Dampskibsselskabet Dannebrog, Claimant, et al., petitioners, *v.* Signal Oil and Gas Company of California. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 645. Martin T. Manton, petitioner, *v.* The United States of America; and

No. 646. George M. Spector, petitioner, *v.* The United States of America. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. Mr. Justice Stone and Mr. Justice Murphy took no part in the consideration and decision of these applications.

No. 658. Carolina, Clinchfield, and Ohio Railway, petitioner, *v.* Sarah Good Hosiery Mills, Inc. Petition for writ of certiorari to the Supreme Court of the State of North Carolina denied for the want of a final judgment.

No. 633. Shakespeare Company, petitioner, *v.* The Enterprise Manufacturing Company and Bronson Reel Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 641. Carnegie-Illinois Steel Corporation et al., petitioners, *v.* Cold Metal Process Company; and

No. 642. Carnegie-Illinois Steel Corporation et al., petitioners, *v.* Cold Metal Process Company. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 644. National Biscuit Company, petitioner, *v.* John Seymour, Walter Seymour, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 657. Catharine D. Sharpe, 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. 659. Florida Blue Ridge Corporation, petitioner, *v.* Tennessee Electric Power Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 663. Elizabeth B. Clum, petitioner, *v.* Guardian Life Insurance Company of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 665. Jack Hasenberg petitioner, *v.* New York Creditmen's Association. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 580. The Municipal Council of San Rafael et al., petitioners, *v.* Hospital De San Juan De Dios. Petition for writ of certiorari to the Supreme Court of the Commonwealth of the Philippines denied.

No. 660. George A. Bates, 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. 666. S. L. Cantley, Receiver, etc., petitioner, *v.* Ernest E. Andrews et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 676. Atlantic Greyhound Corporation et al., petitioners, *v.* Fred M. Lyon et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 204. John T. Kobilkin, petitioner, *v.* Warren H. Pillsbury, Deputy Commissioner, etc., et al.;

No. 222. Illinois Central Railroad Company, appellant, *v.* State of Minnesota;

No. 230. Peter J. Carpenter, petitioner, *v.* Wabash Railway Company et al.;

No. 601. John G. Ruhlin, Jennie B. Ruhlin, et al., petitioners, *v.* New York Life Insurance Company;

No. 603. Jagels, "A Fuel Corporation", appellant, *v.* Joseph D. McGoldrick, Comptroller of the City of New York;

No. 605. Anna May Milar, petitioner, *v.* Viola M. Burleigh, Executrix, etc., et al.;

No. 617. J. L. Stewart, petitioner, *v.* A. F. St. Sure, Judge, etc.; and

No. 626. France Manufacturing Company, petitioner, *v.* Jefferson Electric Company. The petitions for rehearing are denied.

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

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

No. 4, original. State of New York et al., complainants, *v.* State of Illinois et al. Returns to rule to show cause presented.

No. 518. First National Bank of Altoona, Pa., Trustee, etc., petitioner, *v.* Commissioner of Internal Revenue;

No. 519. Independent Oil Company, petitioner, *v.* Commissioner of Internal Revenue;

No. 520. Mrs. C. Rosenfelt, petitioner, *v.* Commissioner of Internal Revenue;

No. 521. Mrs. L. Hirsch, petitioner, *v.* Commissioner of Internal Revenue;

No. 522. S. M. Cohn, petitioner, *v.* Commissioner of Internal Revenue;

No. 523. H. L. Cohn, petitioner, *v.* Commissioner of Internal Revenue;

No. 524. C. N. Cohn, petitioner, *v.* Commissioner of Internal Revenue;

No. 525. B. Cohn Trust, petitioner, *v.* Commissioner of Internal Revenue; and

No. 526. B. Cohn, petitioner, *v.* Commissioner of Internal Revenue. On petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Dismissed on motion of counsel for the petitioners.

No. 527. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Independent Oil Company;

No. 528. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Mrs. C. Rosenfelt;

No. 529. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Mrs. L. Hirsch;

No. 530. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* S. M. Cohn;

No. 531. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* H. L. Cohn;

No. 532. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* C. N. Cohn;

No. 533. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* B. Cohn Trust; and

No. 534. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* B. Cohn. On petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Dismissed on motion of counsel for the petitioner.

No. 552. Thomas E. Murray, as Receiver, etc., et al., petitioners, *v.* The City of New York et al.; and

No. 558. William Roberts, Receiver, etc., petitioner, *v.* Thomas E. Murray, as Receiver et al. Motion further to defer consideration of petitions for writs of certiorari presented.

No. —, original. Commonwealth of Pennsylvania, complainant, *v.* State of New Jersey et al. Argument on the motion for leave to file bill of complaint and the returns to the rule to show cause commenced by Mr. William A. Schnader for the complainant. Leave granted to file response of defendant, State of New Jersey, to rule to show cause and argument continued by Mr. John W. Ockford for the defendant, State of New Jersey; by Mr. Egbert Rosecrans for the individual defendants, Bessie Colburn et al.; and concluded by Mr. William A. Schnader for the complainant.

No. 563. Delaware River Joint Toll Bridge Commission, Pennsylvania-New Jersey, petitioner, *v.* John D. Colburn and Bessie Colburn. Argued by Mr. Edward B. Stout for the petitioner and by Mr. Egbert Rosecrans for the respondents.

No. 10, original, October Term, 1935. State of Wyoming, complainant *v.* State of Colorado. Argument on the motion for leave to file petition for rule to show cause and return to rule to show cause commenced by Mr. Ewing T. Kerr for the complainant and continued by Mr. Byron G. Rogers for the defendant.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, February 27, will be as follows: Nos. 10, original, October Term, 1935, 473, 380, 570, 569, 479, 481, 541, 542 (543, 544, and 545), and 514.

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SUPREME COURT OF THE UNITED STATES

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

Shirley Stewart, of Port Huron, Mich.; Carl E. Cameron, of Long Beach, Calif.; Milton D. Korman, of Washington, D. C.; Thos. H. Cobbs, of Saint Louis, Mo.; Wm. H. Armstrong, of Saint Louis, Mo.; Clair W. MacLeod, of San Francisco, Calif.; Harvey B. Jacobson, of Chicago, Ill.; Leonard W. Ferris, of Utica, N. Y.; George P. Lamb, of Washington, D. C.; W. J. Smith, of Texarkana, Ark.; Willard H. McEwen, of Toledo, Ohio; Frank William Rose, of Ogden, Utah; and Josef L. Hektoen, of Chicago, Ill., were admitted to practice.

No. 10, original, October Term, 1935. State of Wyoming, complainant, *v.* State of Colorado. Argument on the motion for leave to file petition for rule to show cause and the return to the rule to show cause continued by Mr. Byron G. Rogers for the defendant and concluded by Mr. Ewing T. Kerr for the complainant.

No. 473. Joseph D. McGoldrick, Comptroller of the City of New York, petitioner, *v.* Gulf Oil Corporation. Reargued by Mr. Paxton Blair for the petitioner and by Mr. Matthew S. Gibson for the respondent.

No. 570. The United States of America, petitioner, *v.* John C. Shaw, Administrator, etc. Argued by Mr. Solicitor General Biddle for the petitioner and by Mr. Eugene F. Black and Mr. Shirley Stewart for the respondent.

No. 569. The United States of America, petitioner, *v.* United States Fidelity and Guaranty Company et al. Argued by Mr. Solicitor General Biddle for the petitioner and by Mr. Bower Broadus and Mr. Julian B. Fite for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, February 28, 1940, will be as follows: 479, 481, 541, 542 (543, 544, and 545), 514, 667, 536, 559, 567, and 579.

SUPREME COURT OF THE UNITED STATES

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

Geo. D. Brabson, of Washington, D. C.; Gilbert H. Jertberg, of Fresno, Calif.; and Albert H. Gavit, of Gary, Ind., were admitted to practice.

No. 479. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Charles A. Bruun. Argued by Mr. Arnold H. Raum for the petitioner and by Mr. John H. McEvers for the respondent.

No. 481. Guy A. Thompson, Trustee, Missouri-Illinois Railroad Company, Debtor, petitioner. *v.* Magnolia Petroleum Company and The Ohio Oil Company. Argued by Mr. Thomas T. Railey for the petitioner and by Mr. Craig Van Meter and Mr. Thomas H. Cobbs for the respondents.

No. 541. Gertrude Vanderbilt Whitney and Cornelius Vanderbilt, as Executors, etc., et al., appellants. *v.* State Tax Commission of the State of New York. Argument commenced by Mr. Arthur A. Ballantine for the appellants and continued by Mr. Mortimer M. Kassell for the appellee.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, February 29, will be as follows: Nos. 541, 542 (543, 544, and 545), 514, 667, 536, 559, 567, 579, 500, and 582.

SUPREME COURT OF THE UNITED STATES

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

Isadore Katz, of Philadelphia, Pa.; A. S. Clay III, of Atlanta, Ga.; Archie D. Gray, of Houston, Tex.; Robert M. McKee, of Crosbyton, Tex.; and Earl B. Craig, of San Antonio, Tex., were admitted to practice.

No. 541. Gertrude Vanderbilt Whitney and Cornelius Vanderbilt, as Executors, etc., et al. Argument continued by Mr. Mortimer M. Kassell for the appellee and concluded by Mr. Arthur A. Ballantine for the appellants.

No. 542. The City of Yonkers, petitioner, *v.* Walter F. Downey, Receiver, etc.;

No. 543. John J. Condon, Mayor, et al., petitioners, *v.* Walter F. Downey, Receiver, etc.;

No. 544. John J. Condon, Mayor, et al., petitioners, *v.* Walter F. Downey, Receiver, etc.; and

No. 545. The City of Yonkers, as Trustee, etc., petitioner, *v.* Walter F. Downey, as Receiver, etc. Argued by Mr. Leonard G. McAneny and Mr. E. J. Dimock for the petitioners and by Mr. George P. Barse for the respondent.

No. 514. Byron Thornhill, petitioner, *v.* The State of Alabama. Argument commenced by Mr. James J. Mayfield for the petitioner; continued by Mr. William H. Loeb for the respondent; and concluded by Mr. Joseph A. Padway for the petitioner.

No. 667. John Carlson, appellant, *v.* The People of the State of California. Leave granted Laurence W. Carr to file papers and to appear and present oral argument for the appellee, *pro hac vice*, on motion of Mr. Lee Pressman in that behalf. Argument commenced by Mr. Lee Pressman for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, March 1, will be as follows: Nos. 667, 536, 559, 567, 579, 500, 582, 595, 596, and 597.

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SUPREME COURT OF THE UNITED STATES

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

Albert C. Arent, of Rochester, N. Y.; Harland L. Hackbert, of Chicago, Ill.; John W. Babcock, of Detroit, Mich.; A. E. Later, of Rigby, Idaho; Frank T. Bow, of Canton, Ohio; W. Reginald Jones, of Oakland, Calif.; J. Harold Flannery, of West Pittston, Pa.; Irene Hermann Faust, of Indianapolis, Ind.; William H. Faust, of Indianapolis, Ind.; and William H. Faust, Jr., of Indianapolis, Ind., were admitted to practice.

No. 667. John Carlson, appellant, *v.* The People of the State of California. Leave granted to file brief of Ross W. Swing et al., as amici curiae, within one week, on motion of Mr. Myer N. Rosengard in that behalf.

No. 667. John Carlson, appellant, *v.* The People of the State of California. Argument continued by Mr. Lee Pressman for the appellant; by Mr. Laurence W. Carr for the appellee, *pro hac vice*, by special leave of Court; and concluded by Mr. Lee Pressman for the appellant.

No. 536. Ethyl Gasoline Corporation, Earle W. Webb, et al., appellants, *v.* The United States of America. Argument commenced by Mr. Dean G. Acheson for the appellants and continued by Mr. Assistant Attorney General Arnold for the appellee.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 4 will be as follows: Nos. 536, 476 (and 477), 559, 567, 579, 500, 582, 595, 596, and 597.

SUPREME COURT OF THE UNITED STATES

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

W. Richardson Blair, of Philadelphia, Pa.; Finley J. Gibbs, of San Jose, Calif.; Peter T. Kourides, of New York City; Charles M. McCarty, of New York City; John Joseph Williams, Jr., of Sarasota, Fla.; Francis C. Dart, of Sarasota, Fla.; Charles Solis Corben, of New York City; Arthur F. Cole, of Elizabeth, N. J.; Milton Kramer, of Brooklyn, N. Y.; Joseph A. Fanelli, of New York City; Foster A. Smith, of West Frankfort, Ill.; Jacob Abramson, of Rochester, N. Y.; Myles F. P. Gibbons, of Scranton, Pa.; Leo John Lamberson, of South Bend, Ind.; Clarence Kelsey, of Jersey City, N. J.; and Herbert C. Smyth, Jr., of New York City, were admitted to practice.

No. 272. National Licorice Company, petitioner, *v.* National Labor Relations Board. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment modified as indicated in the opinion of this Court and as so modified, affirmed, and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Stone. Separate opinion by Mr. Justice Douglas in which Mr. Justice Black joins. Mr. Justice Murphy took no part in the consideration or decision of this case.

The Chief Justice announced the following order of the Court:

No. 730. Charles Friedman, appellant, *v.* Arthur Markendorf, Chairman, etc., et al. Appeal from the Court of Appeals of the Commonwealth of Kentucky. *Per curiam*: The appeal is dismissed for want of a substantial Federal question. *Gardner v. Massachusetts*, 305 U. S. 559; *Gray v. Connecticut*, 159 U. S. 77; *Roschen v. Ward*, 279 U. S. 337; *Semler v. Dental Examiners*, 294 U. S. 608, 611.

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. 10, original, October Term, 1935. State of Wyoming, complainant, *v.* State of Colorado. The motion of the State of Wyoming for leave to file a petition for a rule directing the State of Colorado to appear and show cause why it should not be adjudged in contempt for the violation of a decree of this Court is granted. The petition presented is ordered filed, and the State of Colorado is directed to show cause, as aforesaid, on or before March 25, 1940. The motion of the State of Colorado that evidence be taken to determine the amount of return flow to the Laramie River from the diversions at the headgates of the meadowland ditches is denied.

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

No. —, original. Commonwealth of Pennsylvania, complainant, *v.* State of New Jersey et al. The motion for leave to file a bill of complaint is granted and process is ordered to issue returnable March 25 next.

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

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

No. 4, original. The State of New York et al., complainants, *v.* The State of Illinois et al. The return to the rule to show cause is received and ordered filed and the cause is assigned for argument on Monday, March 25 next, on the petition for temporary modification of the decree and the return to the rule to show cause.

No. 747. Robert Considine, petitioner, *v.* Commonwealth of Pennsylvania. On petition for writ of certiorari to the Supreme Court of the State 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 no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied.

No. 552. Thomas E. Murray, as Receiver, etc., et al., petitioners, *v.* The City of New York et al.; and

No. 558. William Roberts, Receiver, etc., *v.* Thomas E. Murray, as Receiver, etc., et al. The motion further to defer consideration of the petitions for writs of certiorari is granted and consideration is deferred until May 1 next. The Chief Justice took no part in the consideration and decision of this application.

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

No. 724. The United States of America et al., appellants, *v.* Chicago Heights Trucking Co. et al. In these cases probable jurisdiction is noted.

No. 671. Sontag Chain Stores Co., Ltd., petitioner, *v.* National Nut Company of California. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 682. J. Steve Anderson, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue; and

No. 683. L. H. Prichard, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit granted.

No. 690. Minersville School District et al., petitioners, *v.* Walter Gobitis, Individually, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 643. Bentley W. Warren et al., petitioners, *v.* Howard S. Palmer et al., etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 674. The United States of America, petitioner, *v.* Appalachian Electric Power Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted. The Chief Justice took no part in the consideration and decision of this application.

No. 678. Greenwood County, petitioner, *v.* Duke Power Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied. Mr. Justice Reed took no part in the consideration and decision of this application.

No. 637. Compania General de Tabacos de Filipinas, petitioner, *v.* Collector of Internal Revenue. Petition for writ of certiorari to the Supreme Court of the Commonwealth of the Philippines denied.

No. 648. J. L. Winkelman, petitioner, *v.* Roy G. Allman. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 668. Puget Sound Navigation 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. 680. Rose Packard Shyvers, petitioner, *v.* The Security-First National Bank of Los Angeles. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 684. Austin Clark, alias Dick Austin, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 688. Lewis R. Pettingill, petitioner, *v.* Howard B. Fuller. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 691. Southern Pacific Company, petitioner, *v.* Anna Sherman, as Administratrix, etc. Petition for writ of certiorari to the District Court of Appeal, First Appellate District, State of California, denied.

No. 374. Honor D. Wilson, petitioner, *v.* Louisville Joint Stock Land Bank of Louisville, Kentucky, et al. The motion for leave to file petition for rehearing is denied.

No. 616. Martin A. Severson, petitioner, *v.* Hanford Tri-State Airlines, Inc., et al.;

No. 628. Lottie Stewart and James Stewart, petitioners, *v.* Capital Transit Company; and

No. 685. Joseph Murphy, petitioner, *v.* Warden of Clinton State Prison at Dannemora, New York. The petitions for rehearing in these cases are denied.

The Court will take a recess from Monday, March 11 until Monday, March 25 next.

No. 571. Lloyd N. Cobbledick, Individually, etc., et al., petitioners, *v.* The United States of America;

No. 572. A. H. Brawner, Individually, etc., et al., petitioners, *v.* The United States of America; and

No. 573. Eugene Palmuth, Individually, etc., et al., petitioners, *v.* The United States of America. Mandates ordered to issue forthwith on motion of Mr. Solicitor General Biddle for the respondent.

No. 562. Frank S. Connor, petitioner, *v.* The People of the State of California. Suggestion of a diminution of the record and a motion for a writ of certiorari in that relation submitted by Mr. Everett W. Mattoon for the respondent with leave to the petitioner to reply thereto by Friday next on motion of Mr. H. Thomas Austern for the petitioner.

No. 417. New World Life Insurance Company, petitioner, *v.* The United States. Motion to extend time for filing petition for rehearing submitted by Mr. Walter E. Barton for the petitioner.

No. 536. Ethyl Gasoline Corporation et al., appellants, *v.* The United States of America. Argument continued by Mr. Assistant Attorney General Arnold for the appellee and concluded by Mr. Dean G. Acheson for the appellants.

No. 476. The United States of America, appellant, *v.* Northern Pacific Railway Company et al.; and

No. 477. Northern Pacific Railway Company et al., appellants, *v.* The United States of America. Six hours allowed for oral argument. Argument commenced by Mr. Edward F. McClennen for the United States, continued by Mr. Assistant Attorney General Littell for the United States, and by Mr. John W. Davis for the Northern Pacific Railway Company et al.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, March 5 will be as follows: Nos. 476 (and 477), 559, 567, 579, 500, 582, 380, 595, 596, and 597.

SUPREME COURT OF THE UNITED STATES

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

F. M. Dudley, of Oklahoma City, Okla.; Melvin H. Siegel, of Knoxville, Tenn.; Jesse Rothman, of New York City; David Hanover, of Memphis, Tenn.; George Emerson, of Washington, D. C.; George V. Woodling, of Cleveland, Ohio; Stuart Knowlton Barnes, of Washington, D. C.; Edward H. Cashion, of Chicago, Ill.; Raoul Berger, of Chicago, Ill.; Ralph G. Martin, of Columbus, Ohio; Edgar J. Bernheimer, of New York City; and Sydney J. Schwartz, of New York City, were admitted to practice.

No. 476. The United States of America, appellant, *v.* Northern Pacific Railway Company et al.; and

No. 477. Northern Pacific Railway Company et al., appellants, *v.* The United States of America. Argument continued by Mr. John W. Davis and by Mr. Lorenzo B. daPonte for the Northern Pacific Railway Company et al. and concluded by Mr. Edward F. McClellen for the United States.

No. 559. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Julian Price. Argument commenced by Mr. Richard H. Demuth for the petitioner and continued by Mr. George D. Brabson for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, March 6, will be as follows: Nos. 559, 567, 579, 500, 582, 380, 595, 596, and 597.

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Wednesday, March 6, 1940

SUPREME COURT OF THE UNITED STATES

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

Lawrence W. Gunther, of Washington, D. C.; Charles D. Hayes, of Washington, D. C.; C. Lee Spillers, of Wheeling, W. Va.; Sam Clammer, of Tulsa, Okla.; Horace Chapman Young, of Washington, D. C.; George Rose Smith, of Little Rock, Ark.; and Thomas J. Dodd, Jr., of Vermillion, S. Dak., were admitted to practice.

No. 429. Abraham & Straus, Inc., petitioner, *v.* Art Metal Works, Inc.; and

No. 430. Abraham & Straus, Inc., petitioner, *v.* Art Metal Works, Inc. Motion for leave to file petition for rehearing submitted by Mr. Enoch A. Chase for the petitioner.

No. 559. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Julian Price. Argument continued by Mr. George D. Brabson for the respondent and concluded by Mr. Richard H. Demuth for the petitioner.

No. 596. Tradesmens National Bank of Oklahoma City, appellant, *v.* The Oklahoma Tax Commission. Submitted by Mr. E. A. Walker for the appellant and by Mr. F. M. Dudley for the appellee.

No. 567. Harry M. Veix, appellant, *v.* Sixth Ward Building and Loan Association of Newark, N. J. Argued by Mr. Walter P. Reilly and Mr. James L. Handford for the appellant, and by Mr. Fred G. Stickel, Jr., and Mr. Louis J. Cohen for the appellee.

No. 579. Union Joint Stock Land Bank of Detroit, petitioner, *v.* Carl Byerly. Argued by Mr. Ralph G. Martin for the petitioner and by Mr. Elmer McClain and Mr. William Lemke for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, March 7, will be as follows: Nos. 500, 582, 595, and 597.

SUPREME COURT OF THE UNITED STATES

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

Milton D. Sapiro, of San Francisco, Calif.; C. Glenn Morris, of Topeka, Kans.; D. D. Panick, of Little Rock, Ark.; James P. O'Donnell, of Herkimer, N. Y.; Ralph E. Becker, of Port Chester, N. Y.; Sproesser Wynn, of Fort Worth, Tex.; and J. Donald Duncan, of New York City, were admitted to practice.

No. 500. State of Minnesota, petitioner, *v.* National Tea Company et al. Argument commenced by Mr. Matthias N. Orfield for the petitioner; continued by Mr. Michael J. Doherty for the respondents; and concluded by Mr. George W. Markham for the petitioner.

No. 582. The People of Puerto Rico, petitioner, *v.* Rubert Hermanos, Inc. Argument commenced by Mr. William Cattron Rigby for the petitioner; continued by Mr. Melvin H. Siegel for the United States as *amicus curiae*, by special leave of Court; and by Mr. Henri Brown for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, March 8, will be as follows: Nos. 582, 595, and 597.

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SUPREME COURT OF THE UNITED STATES

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

Victor E. Hillman, of Worcester, Mass.; Arthur E. Voglewede, of Decatur, Ind.; Charles Cranston Spray, of Chicago, Ill.; Helen P. Culhane, of Washington, D. C.; Arthur S. Metzger, of Kansas City, Mo.; J. Franklin Wilson, of Washington, D. C.; Jas. T. Carter, of Richmond, Va.; Lee R. Grabill, Jr., of Wilmington, Del.; and Wallace E. Davis, of Orlando, Fla., were admitted to practice.

No. 582. The People of Puerto Rico, petitioner, *v.* Rubert Hermanos, Inc. Argument continued by Mr. Henri Brown and by Mr. George M. Wolfson for the respondent, and concluded by Mr. William Cattron Rigby for the petitioner.

No. 595. Kersh Lake Drainage District, etc., et al., petitioners, *v.* A. J. Johnson. Argument commenced by Mr. George B. Rose for the petitioners; continued by Mr. Walter G. Riddick for the respondent; and concluded by Mr. George Rose Smith for the petitioners.

No. 597. The Western Union Telegraph Company, petitioner, *v.* Paul Nester and Juan Charles, copartners. Argued by Mr. Francis Raymond Stark for the petitioner and case submitted by Mr. Earl C. Demoss for the respondents.

Adjourned until Monday, March 11, next, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

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

Edw. F. Cavanagh, Jr., of New York City; McKibben Lane, of Macon, Ga.; Joseph Connolly, of Boston, Mass.; Howard P. Quealy, of Minneapolis, Minn.; Oliver W. Hammonds, of Oklahoma City, Okla.; Lawrence Soule Apey, of Boston, Mass.; G. Burgess Ela, of Madison, Wis.; J. W. Stone, of Harriman, Tenn.; Jacques M. Schiffer, of Saint Thomas, V. I.; Irwin Margulies, of New York City; Jacob M. Weinstein, of New York City; Lucian Willis Bugbee, Jr., of Indianapolis, Ind.; Charles J. Dewey, of Philadelphia, Pa.; Samuel B. Rochkind, of Washington, D. C.; Harry Gottlieb, of Atlantic City, N. J.; John F. Havlin, of Boston, Mass.; Harry S. Neiwirth, of Newark, N. J.; David L. Schwartz, of Newark, N. J.; J. Gordon Mason, of Wilkes-Barre, Pa.; and Walter F. Kaufman, of Lancaster, Pa., were admitted to practice.

No. 386. The Dickinson Industrial Site, Inc., a corporation, formerly The Albert Dickinson Company, petitioner, *v.* Percy Cowan, Edgar N. Greenebaum, Walter A. Wade, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Northern District of Illinois. Opinion by Mr. Justice Douglas.

No. 271. Paramino Lumber Company and Union Insurance Society of Canton, Ltd., appellants, *v.* Wm. A. Marshall, Deputy Commissioner, Fourteenth Compensation District under the Longshoremen's and Harbor Workers' Compensation Act, and John T. Clark. Appeal from the District Court of the United States for the Western District of Washington. Judgment affirmed with costs. Opinion by Mr. Justice Reed. Dissenting: Mr. Justice McReynolds. Mr. Justice Murphy took no part in the consideration or decision of this case.

The Chief Justice announced the following orders of the Court:

No. 634. Dave Canty, petitioner, *v.* The State of Alabama. On petition for writ of certiorari to the Supreme Court of the State of Alabama. *Per curiam:* The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari is also

granted and the judgment is reversed. *Chambers v. Florida*, No. 195, decided February 12, 1940.

No. 664. American Manufacturing Company, petitioner, *v.* National Labor Relations Board. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. *Per curiam*: The petition for writ of certiorari is granted. Section 2 (g) (3) of the order of the Circuit Court of Appeals is modified so as to read as follows:

“(3) that the individual contracts of employment entered into between the respondent and some of its employees were made by the respondent in violation of the National Labor Relations Act; and that the respondent will no longer offer, solicit, enter into, continue, enforce, or attempt to enforce such contracts with its employees; but this is without prejudice to the assertion by the employees of any legal rights they may have acquired under such contracts.”

As so modified the order is affirmed. *National Licorice Company v. National Labor Relations Board*, No. 272, decided March 4, 1940.

Mr. Justice Black and Mr. Justice Douglas are of the opinion that the order should be affirmed without modification.

No. 735. Ann F. Gordon and Edmund Gertrude Faison, appellants *v.* Arthur M. Wirtz, Herman Hachmeister, et al. 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 jurisdiction. Section 237 (a), Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari, as required by section 237 (c) of the Judicial Code (43 Stat. 936, 938), certiorari is denied.

No. 742. Artie F. Arthur, appellant, *v.* State of Indiana. Appeal from the Supreme Court of the State of Indiana. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial Federal question. *Hendrick v. Maryland*, 235 U. S. 610; *Hicklin v. Coney*, 290 U. S. 169, 173; *Carley & Hamilton v. Snook*, 281 U. S. 66, 72-73.

No. 750. Edgar Brothers Company, appellant, *v.* T. Grady Head, State Revenue Commissioner of Georgia. Appeal from the Court of Appeals of the State of Georgia. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial Federal question. *Underwood Typewriter Co. v. Chamberlain*, 254 U. S. 113; *Bass, Ratcliff & Gretton, Ltd., v. State Tax Commission*, 266 U. S. 271; *Matson Navigation Co. v. State Board*, 297 U. S. 441; *Ford Motor Co. v. Beauchamp*, 308 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."

No. 417. New World Life Insurance Company, petitioner, *v.* The United States. The motion of petition to extend the time for filing petition for rehearing is granted and the time is extended to May 1st, next.

No. 669. George McDonald, petitioner, *v.* The State of New York. On petition for writ of certiorari to the Court of Appeals of the State of New York. 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. 681. Railroad Commission of Texas et al., petitioners, *v.* Rowan & Nichols Oil Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 679. William P. Buckner, Jr., 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 Douglas and Mr. Justice Murphy took no part in the consideration and decision of this application.

No. 725. Edward B. McLean, by his Attorney, etc., et al., petitioners, *v.* Neil Burkinshaw, Ancillary Committee, etc. The motion of the guardian ad litem for leave to file brief in opposition to the petition for writ of certiorari is granted. The petition for writ of certiorari to the United States Court of Appeals for the District of Columbia is denied.

No. 672. Berliner Handels-Gesellschaft, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 692. Southern Pacific Company, petitioner, *v.* Minnie Weiland, as Administratrix, etc. Petition for writ of certiorari to the District Court of Appeals, Third Appellate District, State of California, denied.

No. 693. Southern Pacific Company, petitioner, *v.* Ida P. Woodward, Administratrix, etc. Petition for writ of certiorari to the District Court of Appeals, Third Appellate District, State of California, denied.

No. 694. Jacob Arbetman, Louis Oppenheimer, et al., etc., petitioners, *v.* Reconstruction Finance Corporation, et al. Petition for

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

No. 695. John W. Donald, William Edward Larman, and John R. Green, petitioners, *v.* District of Columbia. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 696. Ella R. Clarke, petitioner, *v.* Gold Dust Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 700. J. Rogers Flannery, J. Rogers Flannery, Jr., et al., petitioners, *v.* Flannery Bolt Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 701. Leonard L. Barrett, petitioner, *v.* Henry Morgenthau, Jr., Secretary of the Treasury, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 708. Borough of Edgewater, petitioner, *v.* Hon. Joseph L. Bodine, Justice of the New Jersey Supreme Court, and Nancy Cox, Petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey denied.

No. 710. Linea Sud-Americana, Inc., petitioner, *v.* 7,295.40 Tons of Linseed and Archer-Daniels-Midland Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 711. Olin R. Holt, 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. 716. Florence E. Vail, Executrix, etc., petitioner, *v.* County of Somerset. Petition for writ of certiorari to the Supreme Court of the State of New Jersey denied.

No. 723. Employers Liability Assurance Corporation, Ltd., petitioner, *v.* Aaron Tracey Newton. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 429. Abraham & Straus, Inc., petitioner, *v.* Art Metal Works, Inc.; and

No. 430. Abraham & Straus, Inc., petitioner, *v.* Art Metal Works, Inc. The motion for leave to file petition for rehearing is granted. The petition for rehearing is denied.

No. 138. Z. M. McCarroll, Commissioner of Revenues of the State of Arkansas, appellant, *v.* Dixie Greyhound Line, Inc.;

No. 193. National Labor Relations Board, petitioner, *v.* Waterman Steamship Corporation;

No. 246. Frederick S. Deitrick, Receiver, etc., petitioner, *v.* Thomas E. Greaney; and

No. 631. John Parker, petitioner, *v.* American Society of Mechanical Engineers. The petitions for rehearing in these cases are denied.

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

The day call for Monday, March 25, will be as follows: Nos. 152, 426, 427, 588, 592, 593, 380, 587, 632, and 635.

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SUPREME COURT OF THE UNITED STATES

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

Adelaide E. Schlaudecker, of Washington, D. C.; Sophronia May Hodder, of Washington, D. C.; Timothy F. Cohan, of Albany, N. Y.; Bessie Phelan, of Allenton, Mo.; Israel Stiefel, of Philadelphia, Pa.; Joseph Weintraub, of Philadelphia, Pa.; Francis W. Cole, of Hartford, Conn.; John C. Parsons, of Hartford, Conn.; Allen R. Cozier, of Washington, D. C.; H. Emerson Kokjer, of Wahoo, Nebr.; George B. Bailey, of Newark, N. J.; George A. Piper, of Lincoln, Nebr.; Walter R. Johnson, of Omaha, Nebr.; J. Ralph Arnold, of Milwaukee, Wis.; Laurie O. Telfer, of Port Huron, Mich.; Gordon A. Nicholson of Omaha, Nebr.; Samuel E. Sax, of Portland, Oreg.; Morton Miller, of New York City; John B. McGurl, of Minersville, Pa.; Robert F. Wilson, of New York City; Irving L. Werksman, of Passaic, N. J.; William C. Clausen, of Aurora, Ill.; Thomas Read, of Shelby, Mich.; D. F. Strickland, of Mission, Tex.; Isador Grossman, of Cleveland, Ohio; Harold W. Kennedy, of Los Angeles, Calif.; Abraham Hornstein, of New York City; George D. Hornstein, of New York City; George W. Barcus, of Austin, Tex.; Eldon M. Martin, of Chicago, Ill.; and Josh Lee, of Norman, Okla., were admitted to practice.

No. 596. *Tradesmens National Bank of Oklahoma City, appellant, v. The Oklahoma Tax Commission.* Appeal from the Supreme Court of the State of Oklahoma. Judgment affirmed with costs. Opinion by Mr. Justice Murphy. Mr. Justice McReynolds took no part in the consideration or decision of this case.

No. 500. *State of Minnesota, petitioner, v. National Tea Company and Allied Stores Corporation (formerly Hahn Department Stores, Incorporated).* On writ of certiorari to the Supreme Court of the State of Minnesota. Judgment vacated, each party to pay its own costs in this Court and cause remanded to the said Supreme Court for further proceedings. Opinion by Mr. Justice Douglas. Mr. Justice McReynolds took no part in the decision of this case. Dissenting opinion by Mr. Chief Justice Hughes in which Mr. Justice Stone and Mr. Justice Roberts join.

No. 6. Inland Waterways Corporation, United States Shipping Board Merchant Fleet Corporation, et al., petitioners, *v.* Frederick J. Young, Receiver of Commercial National Bank of Washington, D. C. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Decree reversed 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 Frankfurter. Mr. Justice Reed and Mr. Justice Murphy took no part in the disposition of this case. Dissenting opinion by Mr. Justice Roberts in which the Chief Justice and Mr. Justice McReynolds join.

No. 5. Harry A. Woodring, Secretary of War, and H. A. A. Smith, General Purchasing Officer and Chief of Washington Office, Panama Canal, petitioners, *v.* Justus B. Wardell, Receiver, District National Bank of Washington, D. C. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Decree reversed 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 Frankfurter. Mr. Justice Reed and Mr. Murphy took no part in the disposition of this case. Dissenting: The Chief Justice, Mr. Justice McReynolds, and Mr. Justice Roberts.

No. 541. Gertrude Vanderbilt Whitney and Cornelius Vanderbilt, as Executors etc., et al., appellants, *v.* State Tax Commission of the State of New York. Appeal from the Surrogate's Court of the County of New York, State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Frankfurter. Dissenting: Mr. Justice Roberts. Mr. Justice McReynolds did not participate in the decision of this case.

No. 582. The People of Puerto Rico, petitioner, *v.* Rubert Hermanos, Inc. 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 Frankfurter. Mr. Justice McReynolds did not participate in the decision of this case.

No. 570. The United States of America, petitioner, *v.* John C. Shaw, Administrator de bonis non of the estate of Sydney C. McLouth, deceased. On writ of certiorari to the Supreme Court of the State of Michigan. 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 Reed. Mr. Justice McReynolds took no part in the decision of this case.

No. 569. The United States of America, petitioner, *v.* United States Fidelity and Guaranty Company, J. M. Bernardin, Trustee, etc., et al. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgment reversed and cause remanded to the District Court of the United States for the Eastern District of Oklahoma for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Reed. Mr. Justice McReynolds took no part in the decision of this case.

No. 481. Guy A. Thompson, Trustee, Missouri-Illinois Railroad Company, Debtor, petitioner, *v.* Magnolia Petroleum Company and The Ohio Oil Company. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Decree reversed with costs and cause remanded to the District Court of the United States for the Eastern District of Missouri for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Mr. Justice McReynolds took no part in the decision of this case.

No. 595. Kersh Lake Drainage District, etc., et al., petitioners, *v.* A. J. Johnson. On writ of certiorari to the Supreme Court of the State of Arkansas. Decree affirmed with costs. Opinion by Mr. Justice Black. Mr. Justice McReynolds took no part in the decision of this case.

No. 479. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Charles A. Bruun. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth 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 Roberts. The Chief Justice concurs in the result in view of the terms of the stipulation of facts. Mr. Justice McReynolds took no part in the decision of this case.

No. 499. Federal Communications Commission, petitioner, *v.* Sanders Brothers Radio Station. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment reversed and cause remanded to the said Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts. Mr. Justice McReynolds took no part in the decision of this case.

No. 473. Joseph D. McGoldrick, Comptroller of the City of New York, petitioner, *v.* Gulf Oil Corporation. On writ of certiorari to the Supreme Court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Stone. Mr. Justice McReynolds took no part in the decision of this case.

No. 44. Joseph D. McGoldrick, Comptroller of the City of New York, petitioner, *v.* Compagnie Generale Transatlantique. On writ of certiorari to the Supreme Court of the State of New York. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Stone. Mr. Justice McReynolds and Mr. Justice Murphy took no part in the consideration or decision of this case.

The Chief Justice and Mr. Justice Roberts concur in part and dissent in part.

No. 536. Ethyl Gasoline Corporation, Earl W. Webb, and John Coard Taylor, appellants, *v.* The United States of America. Appeal from the District Court of the United States for the Southern District of New York. Decree affirmed. Opinion by Mr. Justice Stone. Mr. Justice McReynolds and Mr. Justice Roberts took no part in the consideration or decision of this case.

No. 482. Edward Sheldon and Margaret Ayer Barnes, petitioners, *v.* Metro-Goldwyn Pictures Corporation, Metro-Goldwyn-Mayer Distributing Corporation, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree 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 Hughes. Mr. Justice McReynolds took no part in the decision of this case.

No. 559. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Julian Price. 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 judgment of the Board of Tax Appeals affirmed. Opinion by Mr. Chief Justice Hughes. Mr. Justice McReynolds took no part in the decision of this case.

The Chief Justice announced the following orders of the Court:

No. 562. Frank S. Connor, petitioner, *v.* The People of the State of California et al. On writ of certiorari to the Supreme Court of the State of California. *Per curiam:* The motion for a writ of certiorari to correct a diminution of the record is denied. The motion to remand is granted, the judgment is vacated and the cause is remanded to the Supreme Court of California for further consideration of the application for habeas corpus.

No. 87. Bob White, petitioner, *v.* The State of Texas. On petition for writ of certiorari to the Court of Criminal Appeals of the State of Texas. *Per Curiam:* The motion for leave to file a petition

for rehearing is granted, and the petition for rehearing is also granted. The order entered November 13, 1939 is vacated. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari is granted and the judgment is reversed. *Chambers v. Florida*, No. 195, decided February 12, 1940; *Canty v. Alabama*, No. 634, decided March 11, 1940. The mandate is ordered to issue forthwith.

No. 698. Perry Frame, petitioner, *v.* Robert H. Hudspeth, Warden, United States Penitentiary, Leavenworth, Kansas. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. *Per curiam*: The motion for leave to proceed *in forma pauperis* is granted. The petition for certiorari is also granted, and, upon consent of the Solicitor General, the judgment of the Circuit Court of Appeals is reversed and the cause remanded to the District Court for the purpose of making a full inquiry into the mental status of the petitioner at the time he entered the pleas of guilty.

No. 463. Andrew B. Berger, as Receiver, etc., petitioner, *v.* The Chase National Bank of the City of New York;

No. 464. B. C. Schram, as Receiver, etc., petitioner, *v.* The Chase National Bank of the City of New York;

No. 465. Justis S. Wardell, as Receiver, etc., petitioner, *v.* The Chase National Bank of the City of New York;

No. 466. Frederick J. Young, Successor to Cary A. Hardee, as Receiver, etc., petitioner, *v.* The Chase National Bank of the City of New York;

No. 467. Otto J. Feucht et al., as Liquidating Trustees, etc., petitioners, *v.* The Chase National Bank of the City of New York. On petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit. The petition for writs of certiorari is granted and the judgments of the Circuit Court of Appeals are affirmed. *Woodring v. Wardell*, No. 5, and *Inland Waterways Corporation v. Young*, No. 6, both this day decided. The Chief Justice, Mr. Justice McReynolds, and Mr. Justice Roberts dissent. Mr. Justice Murphy took no part in the consideration or decision of this cause.

No. 781. J. E. Rayburn et al., appellants, *v.* W. H. Richardson et al. Appeal from the Court of Civil Appeals, 5th Supreme Judicial District, State of Texas. *Per curiam*: The appeal is dismissed for want of a substantial federal question. *Hendrick v. Maryland*, 235 U. S. 610; *Sproles v. Binford*, 286 U. S. 374, 388-389; *Hicklin v. Coney*, 290 U. S. 169, 173.

No. 788. The Green Point Savings Bank, appellant, *v.* Board of Zoning Appeals of the Town of Hempstead et al. 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 the want of a properly presented substantial federal question. (1) *Cleveland & Pittsburgh R. R. Co. v. Cleveland*, 235 U. S. 50, 53; *Hiawasse Power Co. v. Carolina-Tenn. Co.*, 252 U. S. 341, 344; *White River Co. v. Arkansas*, 279 U. S. 692, 700; (2) *Euclid v. Ambler*, 272 U. S. 365; *Zahn v. Board of Public Works*, 274 U. S. 325; *Lewis v. Mayor*, 290 U. S. 585.

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 41 of the Rules of this Court be, and the same is hereby, amended to read as follows:

"41

"JUDGMENTS OF THE COURT OF CLAIMS—PETITIONS FOR REVIEW ON
CERTIORARI

"(See sec. 3 (b) of the Act of February 13, 1925, as amended by the Act of May 22, 1939)

"1. A petition to this court for a writ of certiorari to review a judgment of the Court of Claims shall be accompanied by a certified transcript of the record in that court, consisting of the pleadings, findings of fact, conclusions of law, judgment and opinion of the court, and such other parts of the record as are material to the errors assigned. The petition shall contain a summary and short statement of the matter involved; the relevant parts of statutes involved (see Rule 27 (f)); the questions presented; and the reasons relied on for the allowance of the writ. Only the questions specifically brought forward by the petition for writ of certiorari will be considered. A supporting brief may be annexed to the petition or presented separately, but it must be direct and concise. (See Rules 26 and 27.) The petition, brief and record shall be filed with the clerk and forty copies shall be printed under his supervision. The record shall be printed in the same way and upon the same terms that records on appeal are required to be printed. The estimated costs of printing shall be paid within five days after the estimate is furnished by the clerk and if payment is not so made the petition may be summarily dismissed. When the petition, brief and record are printed the petitioner shall forthwith serve copies thereof on the respondent,

or his counsel of record, and shall file with the clerk due proof thereof.

"2. Within twenty days after the petition, brief and record are served (unless enlarged by the court, or a justice thereof when the court is not in session) the respondent may file with the clerk forty printed copies of an opposing brief, conforming to Rules 26 and 27. Upon the expiration of that period, or upon an express waiver of the right to file or the actual filing of such brief in a shorter time, the petition, briefs and record, shall be distributed by the clerk to the court for its consideration. (See Rule 38, par. 4 (a).)

"The provision of subdivision (a) of paragraph 3 of Rule 38 shall apply to briefs in opposition to petitions for writs of certiorari to review judgments of the Court of Claims.

"3. The same general considerations will control in respect of petitions for writs of certiorari to review judgments of the Court of Claims as are applied to applications for such writs to other courts. (See par. 5 of Rule 38.)"

IT IS FURTHER ORDERED that the regulations prescribed by this Court in reference to appeals from the Court of Claims, appearing in 210 U. S., appendix, be, and they hereby are, rescinded.

No. —, original. Ex parte Louis E. Simmonds, petitioner; and

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

No. —, original. Ex parte Wallace S. Bransford, petitioner. The return to the rule to show cause is received and ordered filed. This cause is set for hearing on Monday, April 22, next, on the motion for leave to file the petition for writ of mandamus and the return to the rule to show cause.

No. 621. Edmond L. Viles, petitioner, *v.* The Prudential Insurance Company of America. The petition for leave to file an amended complaint is denied.

No. 329. Henry Russell, Lawrence Miller, Charles Steers, et al., etc., petitioners, *v.* James S. Todd, Joseph R. Work, et al., etc. The motion to stay the mandate is granted. The motion for an extension of time within which to file a petition for rehearing is granted and the time is extended to May 15, next.

No. 584. Crane-Johnson Company, a Corporation of North Dakota, petitioner, *v.* Commissioner of Internal Revenue. The motion for leave to file petition for rehearing is granted. The petition for rehearing is also granted. The order denying certiorari is vacated and the petition for writ of certiorari is granted.

No. 739. Harold R. Love, 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. 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. 699. Mamie A. King, petitioner, *v.* Realty Mortgage Company, etc., et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied. Mr. Justice Black took no part in the consideration and decision of these applications.

No. 777. Lewis G. Hines, Secretary of Labor and Industry of the Commonwealth of Pennsylvania et al., appellants. *v.* Bernard Davidowitz and Vincenzo Travaglini; and

No. 804. The Sunshine Anthracite Coal Company, appellant, *v.* Homer M. Adkins, as Collector of Internal Revenue for the District of Arkansas. In these cases probable jurisdiction is noted.

No. 675. The United States of America, petitioner, *v.* Ashby Oliver Stewart. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 705. The United States, petitioner, *v.* Emmett F. Dickerson. Petition for writ of certiorari to the Court of Claims granted.

No. 715. The United States of America, petitioner, *v.* Arlene Summerlin, as Ancillary Administratrix, etc. Petition for writ of certiorari to the Supreme Court of the State of Florida granted.

No. 650. The Schriber-Schroth Company, petitioner, *v.* The Cleveland Trust Company, Chrysler Corporation;

No. 651. The Aberdeen Motor Supply Company, petitioner, *v.* The Cleveland Trust Company, Chrysler Corporation; and

No. 652. The F. E. Rowe Sales Company, petitioner, *v.* The Cleveland Trust Company, Chrysler Corporation. The motion to consider the petition for writs of certiorari on a reduced number of copies of the record is granted. The petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted. Mr. Justice Roberts took no part in the consideration and decision of these applications.

No. 733. Robert J. Deckert, Roland W. Randal, et al., petitioners, *v.* Independence Shares Corporation et al.; and

No. 734. Robert J. Deckert, Roland W. Randal, et al., petitioners, *v.* The Pennsylvania Company for Insurance on Lives and Granting Annuities. Petition for writs of certiorari to the United States Cir-

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

No. 731. The United States of America, petitioner, *v.* Standard Oil Company of California. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied. Mr. Justice Stone took no part in the consideration and decision of this application.

No. 653. The Cleveland Trust Company, Chrysler Corporation, petitioner, *v.* The Schriber-Schroth Company;

No. 654. The Cleveland Trust Company, Chrysler Corporation, petitioner, *v.* The Aberdeen Motor Supply Company; and

No. 655. The Cleveland Trust Company, Chrysler Corporation, petitioner, *v.* The F. E. Rowe Sales Company. The motion to consider the petition for writs of certiorari on a reduced number of copies of the record is granted. The petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is denied. Mr. Justice Roberts took no part in the consideration and decision of these applications.

No. 718. American Casualty Company of Reading, Pennsylvania, petitioner, *v.* Mrs. Hoke C. Windham, Frank Windham, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied. Mr. Justice Roberts took no part in the consideration and decision of this application.

No. 722. Charles H. Stewart, Jr., petitioner, *v.* Commonwealth of Pennsylvania (City of Jeannette). 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 writ of certiorari to the Mayor's Court, City of Jeannette, Commonwealth of Pennsylvania, is denied.

No. 687. Whitney Kernochan, Executor of the will of Frederic Kernochan, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 697. Benjamin Rubenstein, 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. 702. Glade Candy Company, petitioner, *v.* Federal Trade Commission;

No. 703. Shupe-Williams Candy Company, petitioner, *v.* Federal Trade Commission; and

No. 704. Ostler Candy Company, petitioner, *v.* Federal Trade Commission. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 706. The Elmwood Corporation, 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. 712. The Banner Machine Company, petitioner, *v.* C. F. Routzahn, Collector of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 717. Harry R. Tatle, petitioner, *v.* A. C. Schmidt, Trustee in Bankruptcy of Peacock Food Markets, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 736. The Paine & Williams Company, petitioner, *v.* Baldwin Rubber Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 761. Gulf Oil Corporation, petitioner, *v.* Joseph D. McGoldrick, Comptroller of the City of New York. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 720. W. J. Meredith, petitioner, *v.* Fred P. Cone et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 721. Thomas H. Worrell, petitioner, *v.* The Federal Land Bank of Baltimore. Petition for writ of certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia denied.

No. 726. Fleisher Engineering & Construction Co. et al., petitioners, *v.* The United States of America, for the use and benefit of George S. Hallenbeck, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 728. Oscar E. Buder, petitioner, *v.* The New York Trust Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 729. H. Ely Goldsmith, 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. 737. Union Simplex Train Control Co., Inc., petitioner, *v.* General Railway Signal Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 741. H. E. Fletcher Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 743. North American Accident Insurance Company, petitioner, *v.* C. F. Tebbs. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 744. George E. Eddy, petitioner, *v.* Reconstruction Finance Corporation et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 745. Ygnacio Sanchez, 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. 746. W. Percy McDonald, Testamentary Guardian, etc., et al., petitioners, *v.* The Mutual Life Insurance Company of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 751. The United States of America, petitioner, *v.* Sam B. Powe, George E. McKenzie, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 753. Benjamin Wham, Trustee, etc., petitioner, *v.* Sarah Martin, Individually, et al. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 758. Dorothy A. D. Allen, 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. 772. Arthur Summer, petitioner, *v.* Manufacturers Trust Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 775. Hanover Fire Insurance Company, petitioner, *v.* Newman's, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 784. Marshall Keig, Trustee in Bankruptcy, etc., petitioner, *v.* Lake Shore Athletic Club Members' Committee et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 355. The United States of America, petitioner, *v.* Moscow Fire Insurance Company, etc., et al. The petition for rehearing is denied. It is ordered that the stay against payment by the Bank of New York & Trust Company (Bank of New York) pursuant to the judgment of the Supreme Court of the State of New York dated August 22, 1934, be, and it hereby is, vacated.

No. 604. Standard Oil Company of California and Henry Fairbank et al., petitioners, *v.* The United States of America. Petition for rehearing denied. Mr. Justice Stone took no part in the consideration and decision of this application.

No. 666. S. L. Cantley, Receiver, etc., petitioner, *v.* Ernest E. Andrews, Catherina Diepenbrock, et al. The motions of Paul M.

Plunkett and J. B. Faegre for leave to file briefs as *amici curiae* are denied. The petition for rehearing is denied.

No. 625. Oscar Getz, James M. Lavine, et al., petitioners, *v.* The Baltimore and Ohio Railroad Company et al. The motion for leave to file a petition for rehearing is denied.

No. 239. Abe Fischer, appellant, *v.* Pauline Oil & Gas Company;

No. 641. Carnegie-Illinois Steel Corporation et al., petitioners, *v.* Cold Metal Process Company;

No. 642. Carnegie-Illinois Steel Corporation et al., petitioners, *v.* Cold Metal Process Company;

No. 649. Thomas R. Cox, petitioner, *v.* Joseph H. Wilson, as Warden, etc., et al.;

No. 709. In re Edmond C. Fletcher, petitioner; and

No. 723. Employers Liability Assurance Corporation, Ltd., petitioner, *v.* Aaron Tracey Newton. Petitions for rehearing denied.

No. 713. The United States of America et al., appellants, *v.* The American Trucking Associations, Inc., et al. Philip B. Fleming, Administrator, Wage and Hour Division, United States Department of Law, substituted as a party appellant herein in the place and stead of Harold D. Jacobs, resigned, on motion of Mr. Solicitor General Biddle in that behalf.

No. —, original. Ex parte Ira J. McCullough et al., petitioners. Return to rule to show cause presented.

No. 10, original, October Term, 1935. State of Wyoming, complainant, *v.* State of Colorado. Returns to rule to show cause presented.

No. 10, original. State of Texas, complainant, *v.* State of New Mexico et al. Motion of complainant as to taxation of costs presented.

No. 13, original. Commonwealth of Pennsylvania, complainant, *v.* State of New Jersey. Answers of the defendants presented.

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

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

No. 4, original. The State of New York et al., complainants, *v.* The State of Illinois et al. Argument on the motion of defendant,

State of Illinois for temporary modification of paragraph 3 of the decree of April 21, 1930, and the return to the rule to show cause commenced by Mr. John E. Cassidy for the defendant, State of Illinois; continued by Mr. Herbert H. Naujoks for the complainants, State of Wisconsin et al.; by Mr. Timothy F. Cohan, for the Complainant, State of New York; by Mr. Thomas J. Herbert for the complainant, State of Ohio; and by Mr. Montgomery S. Winning for the defendant, State of Illinois.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, March, 26, will be as follows: Nos. 152, 426, 427, 588, 592, 380, 587, 632, 635, and 638.

SUPREME COURT OF THE UNITED STATES

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

Overton Brooks, of Shreveport, La.; Frederick O. McKenzie, of New York City; Edwin S. Pickett, of New Haven, Conn.; Mary Tenenbaum, of Atlanta, Ga.; Benjamin E. Jaffe, of Detroit, Mich.; Joseph Almyk Lieberman, of New York City; Bernard R. Lieberman, of New York City; James W. Templeman, of Springfield, Ill.; Aubrey N. Irwin, of Glendale, Calif.; Albertis S. Harrison, Jr., of Lawrenceville, Va.; J. C. Thomson, of New York City; Walter D. Yankauer, of New York City; Harold C. Heiss, of Cleveland, Ohio; Clarence E. Weisell, of Cleveland, Ohio; Wilbur G. Mitchell, of Richmond, Va.; George Washington Reilly, of Richmond, Va.; and Edward Gifford Burke, of Newark, N. J., were admitted to practice.

No. 674. The United States of America, petitioner, *v.* Appalachina Electric Power Company. Motion of the Commonwealth of Virginia for leave to intervene as a party respondent submitted by Mr. Abram P. Staples in that behalf.

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

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

No. 4, original. The State of New York et al., complainants; *v.* The State of Illinois et al. Argument on the motion of the defendant, State of Illinois, for a temporary modification of paragraph 3 of the decree of April 21, 1930, and the return to the rule to show cause concluded by Mr. Montgomery S. Winning for the defendant, State of Illinois.

No. 152. Channan Singh, petitioner, *v.* Edward L. Haff, District Director of Immigration and Naturalization for the Port of San Francisco, California. Argued by Mr. Gerard D. Reilly for the respondent and case submitted by Mr. Marshall B. Woodworth for the petitioner.

No. 426. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Stephen J. Leonard. Argued by Mr. Arnold Raum for the petitioner and by Mr. J. Donald Duncan for the respondent.

No. 427. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Alfred C. Fuller. Argued by Mr. Arnold Raum for the petitioner and by Mr. Francis W. Cole for the respondent.

No. 588. National Labor Relations Board, petitioner, *v.* Bradford Dyeing Association (U. S. A.), et al. Argument commenced by Mr. Charles Fahy for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, March 27, will be as follows: Nos. 588, 592, 380, 587, 632, 635, 638, 643, 662, and 682 (and 683).

SUPREME COURT OF THE UNITED STATES

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

Thomas J. Bray, of Oskaloosa, Iowa, was admitted to practice.

No. 588. National Labor Relations Board, petitioner, *v.* Bradford Dyeing Association (U. S. A.) et al. Argument continued by Mr. Charles Fahy for the petitioner; by Mr. Harry Parsons Cross for the respondent, Bradford Dyeing Association; and concluded by Mr. Charles Fahy for the petitioner; and case submitted by Mr. John Ferguson for the respondent, B. D. A. Employees Federation, Local Union No. Sixteen, etc.

No. 592. William H. Osborn, Channing F. MacNeil, et al., appellants, *v.* Thos. W. Ozlin, William Meade Fletcher, et al. Argued by Mr. John Lord O'Brian for the appellants and by Mr. Abram P. Staples for the appellees.

No. 380. Alfred A. Maurer and Marcus W. Myers, Trading as Maurer & Myers Auto Convoy, appellants, *v.* William J. Hamilton, Jr., Secretary of Revenue of the Commonwealth of Pennsylvania, et al. Reargument commenced by Mr. Sterling G. McNees for the appellants.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, March 28, will be as follows: Nos. 380; 587, 632, 635, 643, 662, 638, 682 (and 683), 719, and 593.

SUPREME COURT OF THE UNITED STATES

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

Charles Auerbach, of Cleveland, Ohio; Francis A. Pallotti, of Hartford, Conn.; Richard F. Corkey, of New London, Conn.; Charles W. Dibbell, of New York City; Charles Halsted, of New York City; and Luke H. Stapleton, of Cheshire, Conn., were admitted to practice.

No. 380. Alfred A. Maurer and Marcus W. Myers. Trading as Maurer & Myers Auto Convoy, appellants, *v.* William J. Hamilton, Jr., Secretary of Revenue of the Commonwealth of Pennsylvania, et al. Reargument continued by Mr. Sterling G. McNees for the appellants; by Mr. George W. Keitel for the appellees; and concluded by Mr. Edmund M. Brady for the appellants.

No. 587. The United States of America, petitioner. *v.* City and County of San Francisco, A Municipal Corporation. Argued by Mr. Assistant Attorney General Littell for the petitioner and by Mr. Garret W. McEnerney and Mr. John J. O'Toole for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, March 29, will be as follows: Nos. 632, 635, 643, 662, 638, 682 (and 683), 719, and 593.

SUPREME COURT OF THE UNITED STATES

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

Lewis A. Newsom, of Shreveport, La.; Homer John Micklethwaite, of Portsmouth, Ohio; Laurence Meredith Kimble, of Portsmouth, Ohio; Paul E. Troy, of Boston, Mass.; Laurence B. Finn, of Bowling Green, Ky.; John Noble, Jr., of Boston, Mass.; Albert M. Parker, of New York City; and Robert C. Dunn, of Toledo, Ohio, were admitted to practice.

No. 773. Gene McCann, petitioner, *v.* New York Stock Exchange et al. Motion for leave to file brief of George W. Kirchwey, as *amicus curiae*, submitted by Mr. M. J. Sawyer in that behalf and the motion denied.

No. 632. Jesse Cantwell, Newton Cantwell, and Russell Cantwell, appellants; Jesse Cantwell, petitioner, *v.* The State of Connecticut. Argued by Mr. Hayden C. Covington for the appellants and petitioner and by Mr. Francis A. Pallotti and Mr. Edwin S. Pickett for the appellee and respondent.

No. 635. Herbert Tigner, appellant, *v.* The State of Texas. Argued by Mr. Charles I. Francis for the appellant and by Mr. George W. Barcus and Mr. Lloyd Davidson for the appellee.

No. 643. Bentley W. Warren and Charles W. Mulcahy, as Trustees, etc., petitioners, *v.* Howard S. Palmer et al., etc. Argument commenced by Mr. Erwin N. Griswold for the petitioners.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 1, will be as follows: Nos. 643, 662, 638, 682 (and 683), 719, and 593.

SUPREME COURT OF THE UNITED STATES

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

John Moses, of Bismarck, N. Dak.; John R. Curtis, of Gary, Ind.; John B. Tansil, of Billings, Mont.; Carl D. McGee, of Pawnee, Okla.; Victor E. Musso, of New York City; Franklin M. Warden, of Chicago, Ill.; Marvin C. Harrison, of Cleveland, Ohio; Joseph Bohrer, of Newark, N. J.; S. David Coleman, of Los Angeles, Calif.; Matthew J. Clarke, of Newark, N. J.; and Eli H. Brown III, of Louisville, Ky., were admitted to practice.

The Chief Justice announced the following orders of the Court:

No. 152. Channan Singh, petitioner, *v.* Edward L. Haff, District Director of Immigration and Naturalization for the Port of San Francisco, California. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. *Per Curiam*: The judgment is affirmed. *Low Wah Suey v. Backus*, 225 U. S. 460, 468; *Zakonaite v. Wolf*, 226 U. S. 272, 275; *Bilokumsky v. Tod*, 263 U. S. 149, 157.

No. 809. The Peoples Gas Light and Coke Company, appellant, *v.* William W. Hart et al. Appeal from the Supreme Court of the State of Illinois. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for the want of a substantial federal question. *Los Angeles Gas Co. v. Railroad Commission*, 289 U. S. 287, 304-305; *Lindheimer v. Illinois Tel. Co.*, 292 U. S. 151, 164; *Dayton Power & Light Co. v. Public Utilities Commission*, 292 U. S. 290, 298; *Townsend v. Yeomans*, 301 U. S. 441, 450-451.

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. 14, original. Ira J. McCullough, Otis J. McCullough, and Ray Andrade, doing business under the firm name and style of McCullough Tool Co., petitioners, *v.* Hon. George Cosgrave, Judge, for the United States District Court, Southern District of California. *Per*

curiam: The motion for leave to file petition for mandamus is granted, and the return to the order to show cause is treated as an answer to the petition. The District Judge is directed to vacate the order dated January 15, 1940, in the cases of Kammerer Corporation and Baash-Ross Tool Company *v.* Ira J. McCullough et al., and Ira J. McCullough *v.* Baash-Ross Tool Company and Kammerer Corporation, referring these cases to a Master for trial. It is further ordered that the trial of these cases be had by the District Court in due course without postponement of the trial to that of other cases not entitled to a preference, but with such arrangement as to the particular Judge who shall conduct the trial as may be consistent with the court's convenience. Rules of Civil Procedure, Rule 53 (b); Los Angeles Brush Manufacturing Company *v.* James, 272 U. S. 701.

No. —, original. Ex parte Glen W. Shafer, petitioner; and

No. —, original. Ex parte Arthur E. Hansen, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied.

No. —, original. Ex parte J. C. Moore, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No. 10, original. The State of Texas, complainant, *v.* The State of New Mexico et al. The motion of the complainant to apply funds in the registry of the Court to reimburse El Paso County Water Improvement District No. 1 for costs advanced by said District is denied, and the amount remaining in the registry of the Court is directed to be paid to the Attorney General of the State for such disposition as the State may require.

No. 13, original. The Commonwealth of Pennsylvania, complainant, *v.* State of New Jersey et al. The answers are received and ordered filed. The cause is set for hearing on the Bill of Complaint and Answers and assigned for argument on Monday, April 22, next.

No. 785. Elmer Ray Lowman, petitioner, *v.* The Federal Land Bank of Louisville, Kentucky, et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied.

No. 674. The United States of America, petitioner, *v.* Appalachian Electric Power Company. The motion of the Commonwealth of Virginia for leave to intervene is denied, with permission to file a brief and participate in oral argument as *amicus curiae*. Mr. Chief

Justice Hughes took no part in the consideration or decision of this application.

No. 752. Franz J. Borchard and Frieda W. Borchard, petitioners, *v.* California Bank and California Trust Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 770. Milk Wagon Drivers Union Local 753 et al., petitioners, *v.* Lake Valley Farm Products, Inc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 796. Securities and Exchange Commission, petitioner, *v.* United States Realty and Improvement Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 732. International Association of Machinists, Tool and Die Makers Lodge No. 35, etc., petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted.

No. 740. The United States of America, *ex rel.* Constantinos Karpathiou, petitioner, *v.* Fred J. Schlotfeldt, District Director of Immigration and Naturalization, Chicago District. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied for the reason that application therefor was not made within the time provided by law. Section 8(a), Act of February 13, 1925 (43 Stat. 936, 940).

No. 754. Harry H. Landay, petitioner, *v.* The United States of America;

No. 755. Frank R. Lane, petitioner, *v.* The United States of America;

No. 756. Edward A. Attix, petitioner, *v.* The United States of America; and

No. 757. Leonard E. Brown, 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. Mr. Justice Douglas took no part in the consideration and decision of this application.

No. 714. The Cuban-American Sugar Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 760. American Employers' Insurance Company, petitioner, *v.* Curtis Williams. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 762. Baltimore & Ohio Railroad Company, petitioner, *v.* Scott I. Rader. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 763. General Motors Acceptance Corporation, petitioner, *v.* Ross H. Collier, Trustee in Bankruptcy, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 764. Poland Union, petitioner, *v.* First National Bank of Herkimer et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 766. Boesch Manufacturing Company, Inc., et al., petitioners, *v.* United States Hat Machinery Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 769. Gloria Laura Morgan Vanderbilt, by Thomas B. Gilchrist, General Guardian of her property, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 771. Oswald Jaeger Baking Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 776. S. C. Loveland, Inc., Owner, etc., et al., petitioners, *v.* Pennsylvania Sugar Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 798. Franklin Life Insurance Company, petitioner, *v.* Mrs. Wiley Hiram Critz. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 694. Jacob Arbetman, Louis Oppenheimer, et al., petitioners, *v.* Reconstruction Finance Corporation et al. Petition for rehearing denied.

The Court will take a recess from Monday, April 8, until Monday, April 22, next.

No. 643. Bentley W. Warren and Charles W. Mulcahy, as Trustees etc., petitioners, *v.* Howard S. Palmer et al., etc. Argument continued by Mr. Erwin N. Griswold for the petitioners and concluded by Mr. Hermon J. Wells for the respondents.

No. 662. Dampskibsselskabet Dannebrog, Claimant etc., et al., petitioners, *v.* Signal Oil and Gas Company of California. Argued by Mr. Lane Summers for the petitioners and Mr. Glenn J. Fairbrook for the respondent.

No. 638. Apex Hosiery Company, petitioner, *v.* William Leader et al. Three hours allowed for oral argument. Argument commenced by Mr. Sylvan H. Hirsch for the petitioner and continued by Mr. Isadore Katz for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, April 2, will be as follows: Nos. 638, 682 (and 683), 719, and 593.

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SUPREME COURT OF THE UNITED STATES

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

Neal Earl Williams, of Fargo, N. Dak.; David Rust Hensley, of Montgomery City, Mo.; Richard K. Parsell, of New York City; Gordon C. Willard, of Mountain Lakes, N. J.; Harold Robinson, of Springfield, Mass.; James A. Davis, of New York City; Leon Quat, of New York City; and Mary M. Connelly, of Washington, D. C., were admitted to practice.

No. 638. Apex Hosiery Company, petitioner, *v.* William Leader and American Federation of Full Fashioned Hosiery Workers, etc. Argument continued by Mr. Isadore Katz for the respondents and concluded by Mr. Sylvan H. Hirsch for the petitioner.

No. 682. J. Steve Anderson, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue; and

No. 683. L. H. Prichard, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Argued by Mr. Charles H. Garnett for the petitioners and by Mr. J. Louis Monarch for the respondent.

No. 719. The Colorado National Bank of Denver, appellant, *v.* Homer F. Bedford, as Treasurer of the State of Colorado. Argument commenced by Mr. Walter W. Blood for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, April 3, will be as follows: Nos. 719 and 593.

SUPREME COURT OF THE UNITED STATES

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

Iving Spieler, of New York City; Murray L. Crosse, of Washington, D. C.; George Stephens Knight, of Livingston, Tenn.; Lorenzo Thompson Bennett, Jr., of Washington, D. C.; and Paul H. Fox, of New York City, were admitted to practice.

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

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

No. 4, original. State of New York, complainant, *v.* State of Illinois et al. On motion of the defendant, State of Illinois, for a temporary modification of the decree of April 21, 1930, and the return to the rule to show cause. Opinion, *per curiam*, announced by Mr. Chief Justice Hughes.

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

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

No. 4, original. State of New York, complainant, *v.* State of Illinois et al. *Order.* Upon consideration of the return of the States who are complainants in the above-entitled causes to the rule issued January 29, 1940, requiring them to show cause why the petition of the State of Illinois for temporary modification of the decree of this Court entered April 21, 1930, and enlarged May 22, 1933, should not be granted, and of the argument had thereon.

It is ordered that the petition of the State of Illinois and the return of the complainant States to the order to show cause be referred to Monte M. Lemann, Esquire, as a Special Master, with directions and authority to make summary inquiry and to report to this Court with all convenient speed with respect to the actual condition of the Illinois Waterway by reason of the introduction of untreated sewage, and whether, and to what extent, if any, that condition constitutes an actual menace to the health of the inhabitants of the complaining

communities, and also with respect to the feasibility of remedial or ameliorating measures available to the State of Illinois without an increase in the diversion of water from Lake Michigan.

The Special Master is authorized to employ stenographic and clerical help, to fix times and places for taking evidence, to issue subpoenas to witnesses, including those of his own selection, and to administer oaths. When the report of the Special Master is filed the clerk of the Court shall cause the same to be printed. The Special Master shall be allowed his actual expenses and a reasonable compensation for his services to be fixed hereafter by the Court. The allowances to him, the compensation paid to his stenographic and clerical assistants, and the cost of printing his report shall be charged against and be borne by the parties in such proportions as the Court hereafter may direct.

If the appointment herein made of a Special Master is not accepted, or if the place becomes vacant during the recess of the Court, the Chief Justice shall have authority to make a new designation which shall have the same effect as if originally made by the Court herein.

No. 588. National Labor Relations Board, petitioner, *v.* Bradford Dyeing Association (U. S. A.) et al. Suggestion of the dissolution of the Textile Workers Organizing Committee submitted by Mr. George Maurice Morris on behalf of counsel for the respondent Bradford Dyeing Association (U. S. A.), with leave to the petitioner to reply thereto by Monday next, on motion of Mr. Charles Fahy for the petitioner.

No. 809. The Peoples Gas Light and Coke Company, appellant, *v.* William W. Hart et al., etc. Mandate ordered to issue forthwith on motion of Mr. John A. Kratz on behalf of counsel for the appellant.

No. 719. The Colorado National Bank of Denver, appellant, *v.* Homer F. Bedford, as Treasurer of the State of Colorado. Argument continued by Mr. Walter W. Blood for the appellant; by Mr. George K. Thomas and Mr. Henry E. Lutz for the appellee; and concluded by Mr. Walter W. Blood for the appellant.

No. 593. Frances Perkins, Individually and as Secretary of Labor of the United States, et al., petitioners, *v.* Lukens Steel Company et al. Argued by Mr. Solicitor General Biddle for the petitioners and by Mr. William Clarke Mason for the respondents.

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

SUPREME COURT OF THE UNITED STATES

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

Ban Davis Clower, of Tyler, Tex.; John D. Shoaff, of Fort Wayne, Ind.; Edward W. Brockman, of Pine Bluff, Ark.; John C. Kunkel, of Harrisburg, Pa.; Edgar Walker Cale, of Temple, Tex.; Bailey Stanton, of Chicago, Ill.; Harry G. Johnson, of Chicago, Ill.; William Sturner, of Washington, D. C.; Paul J. McGough, of Minneapolis, Minn.; Wright W. Brooks, of Minneapolis, Minn.; Harry H. Crane, of Saint Louis, Mo.; John S. Chapman, of Tuckahoe, N. Y.; Herschel L. Main, of Washington, D. C.; Lowell Glenn Fassett, Jr., of Minneapolis, Minn.; Smith W. Brookhart, of Washington, Iowa; Gerard D. Connolly, of Boston, Mass.; Forrest M. Darrough, of Tulsa, Okla.; Anna Boyle, of Washington, D. C.; Russell A. Collins, of Newport News, Va.; and Arnold W. Knauth, of New York City, were admitted to practice.

The Chief Justice announced the following orders of the Court:

No. 767. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Edson T. Wood, Jr., and Gaylord A. Wood, Trustees, etc. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. *Per curiam:* The petition for writ of certiorari is granted. The judgment is reversed and the cause is remanded to the Circuit Court of Appeals for further proceedings. *Helvering v. Bruun*, No. 479, decided March 25, 1940.

No. 823. A. M. Klemm & Son, appellant, *v.* The City of Winter Haven, A. M. Hess, as Mayor etc., et al. Appeal from the Supreme Court of the State of Florida. *Per curiam:* The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Central Land Co. v. Laidley*, 159 U. S. 103, 112; *Patterson v. Colorado*, 205 U. S. 454, 460-461; *Tidal Oil Co. v. Flanagan*, 263 U. S. 444, 450.

No. 840. Acme Fast Freight, 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. *Per curiam:* The decree is affirmed. *Lehigh Valley R. R. Co. v. United States*, 243 U. S. 444; *Interstate Commerce Commission v. Delaware, Lacka-*

wanna & Western R. R. Co., 220 U. S. 235; Northern Ry. Co. v. O'Connor, 232 U. S. 508.

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 Robert Considine, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. 674. The United States of America, petitioner, v. Appalachian Electric Power Company. The motion of the States of Virginia and West Virginia for a continuance is granted and the case is assigned for argument on Monday, October 14, next. The Chief Justice took no part in the consideration and decision of this application.

No. 773. Gene McCann, petitioner, v. New York Stock Exchange et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied. Mr. Justice Douglas took no part in the consideration and decision of these applications.

No. 759. Harry Bridges, petitioner, v. State of California. Petition for writ of certiorari to the Supreme Court of the State of California granted.

No. 783. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, v. Paul R. G. Horst. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 799. Hertha J. Sibbach, petitioner, v. Wilson & Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 813. Montgomery Ward and Company, petitioner, v. Luther M. Duncan. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 822. The State of Washington on the relation of Columbia Broadcasting Company, appellant, v. The Superior Court of the State of Washington for King County et al. Appeal from the Supreme Court of the State of Washington. The appeal is dismissed for want of jurisdiction. Section 237 (a), Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 937). Treat-

ing the papers whereon the appeal was allowed as a petition for writ of certiorari, as required by section 237 (c) of the Judicial Code (43 Stat. 936, 938), certiorari is granted.

No. 707. Republic Steel Corporation, petitioner, *v.* National Labor Relations Board et al.; and

No. 787. Central Council of Steel Plants, Northern District, Republic Steel Corporation, petitioner, *v.* National Labor Relations Board. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied. Mr. Justice Roberts took no part in the consideration and decision of these applications.

No. 738. The Lawyers Title Insurance Company, petitioner, *v.* Lawyers Title Insurance Corporation. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 765. L. J. Kelly, F. H. Dolan, and Bax Baxter, et al., petitioners, *v.* Anaheim First National Bank and J. V. Hogan, Receiver, Intervenor. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 786. Clawson & Bals, Inc., petitioner, *v.* Carter H. Harrison, Collector of Internal Revenue, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 790. Van Camp Milk Company, petitioner, *v.* John P. Franzel, Jr., Trustee in Bankruptcy of Van Camp Products Company, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 794. Jennings A. Snider, petitioner, *v.* La Verne Moore. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 795. The National Electric Signal Company, petitioner, *v.* City of Electra and City of Vernon. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 797. Mabel L. Doyle et al., petitioners, *v.* Mrs. B. F. Loring, Administratrix, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 802. American Eagle Fire Insurance Company et al., petitioners, *v.* June W. Gayle et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 806. American Steamship Owners Mutual Protection and Indemnity Association, Inc., petitioner, *v.* The Export Steamship Corporation and American Export Lines, Inc., et al. Petition for writ

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

No. 386. The Dickinson Industrial Site, Inc., a Corporation, etc., petitioner, *v.* Percy Cowan, Edgar N. Greenebaum, et al.; and

No. 711. Olin R. Holt, petitioner, *v.* The United States of America. The petitions for rehearing in these cases are denied.

Adjourned until Monday, April 22, next, at 12 o'clock.

The day call for Monday, April 22, will be as follows: Nos. 13, original; —, original, Ex parte Bransford; 9, original; 613, 671, 681, 690, 705, 713, and 724.

SUPREME COURT OF THE UNITED STATES

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

Edward N. Scheiberling, of Albany, N. Y.; Paris T. Houston, of Harrogate, Tenn.; Bernard D. Cahn, of Chicago, Ill.; Martin Riger, of New York City; Carl L. Yaeger, of Minneapolis, Minn.; Rex G. Baker, of Houston, Tex.; James P. Hart, of Austin, Tex.; C. Edward Leffler, of Saint Louis, Mo.; J. Dean Leffler, of Saint Louis, Mo.; Sawnie B. Smith, of Edinburg, Tex.; Carl Muskat, of Milwaukee, Wis.; Eugene W. Miller, of San Diego, Calif.; Sebastian Gaeta, of Wyckoff, N. J.; Dominick F. Pachella, of Hackensack, N. J.; W. O. Lowe, of Knoxville, Tenn.; Imogen B. Emery, of Cedar Rapids, Iowa; Churchill M. Buck, of Blytheville, Ark.; D. F. Taylor, of Osceola, Ark.; James R. Tritschler, of Newark, Ohio; Charles S. Evans, of San Francisco, Calif.; Richard V. Nahabedian, of Detroit, Mich.; Helena V. O'Brien, of Framingham, Mass.; Miriam C. Sullivan, of Boston, Mass.; Michael H. Sullivan, of Boston, Mass.; Trent McMath, of Detroit, Mich.; W. T. Saye, of Longview, Tex.; Hewan A. Lasseter, of Orlando, Fla.; Marvin H. Taylor, of Louisville, Ky.; Daniel B. Allison, of Baltimore, Md.; Philip Wittenberg, of New York City; John Mercer Johnson, of Tucson, Ariz.; Roy P. Monahan, of New York City; and Norman L. Meyers, of Washington, D. C., were admitted to practice.

No. 514. Byron Thornhill, petitioner, *v.* The State of Alabama. On writ of certiorari to the Court of Appeals of the State of Alabama. 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 Murphy. Dissenting: Mr. Justice McReynolds.

No. 667. John Carlson, appellant, *v.* The People of the State of California. Appeal from the Superior Court of Shasta County, State of California. Judgment reversed with costs and cause remanded to the said Superior Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Murphy. Dissenting: Mr. Justice McReynolds.

No. 427. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Alfred C. Fuller. 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 Reed.

No. 426. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Stephen J. Leonard. 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. Opinion by Mr. Justice Douglas. Concurring in the result: Mr. Justice Reed. Dissenting: The Chief Justice, Mr. Justice McReynolds, and Mr. Justice Roberts.

No. 592. William H. Osborn, Channing F. MacNeil, et al., appellants, *v.* Thos. W. Ozlin, William Meade Fletcher, et al. Appeal from the District Court of the United States for the Eastern District of Virginia. Decree affirmed with costs. Opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Roberts in which the Chief Justice and Mr. Justice McReynolds join.

No. 587. The United States of America, petitioner, *v.* City and County of San Francisco, a Municipal Corporation. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Decree of the Circuit Court of Appeals reversed and the decree 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 Black. Dissenting: Mr. Justice McReynolds.

No. 567. Harry M. Veix, appellant, *v.* Sixth Ward Building and Loan Association of Newark, New Jersey. Appeal from the Supreme Court of the State of New Jersey. Judgment affirmed with costs. Opinion by Mr. Justice Reed. Mr. Justice McReynolds concurs in the result.

No. 719. The Colorado National Bank of Denver, appellant, *v.* Homer F. Bedford, as Treasurer of the State of Colorado. Appeal from the Supreme Court of the State of Colorado. Judgment affirmed with costs. Opinion by Mr. Justice Reed.

No. 579. Union Joint Stock Land Bank of Detroit, petitioner, *v.* Carl Byerly. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Southern District of Ohio for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts. Dissenting: Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Murphy.

No. 380. Alfred A. Maurer and Marcus W. Myers, Trading as Maurer & Myers Auto Convoy, appellants, *v.* William J. Hamilton,

Jr., Secretary of Revenue of the Commonwealth of Pennsylvania, et al. Appeal from the Supreme Court of the Commonwealth of Pennsylvania. Judgment affirmed with costs. Opinion by Mr. Justice Stone.

No. 597. The Western Union Telegraph Company, petitioner, *v.* Paul Nester and Juan Charles, Co-partners. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Southern District of California for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice McReynolds.

No. 542. The City of Yonkers, petitioner, *v.* Walter F. Downey, Receiver of the First National Bank and Trust Company of Yonkers, in Liquidation;

No. 543. John J. Condon, Mayor, Gustav W. Klein, Jr., et al., petitioners, *v.* Walter F. Downey, Receiver of the First National Bank and Trust Company of Yonkers, in Liquidation;

No. 544. John J. Condon, Mayor, Gustav W. Klein, Jr., et al., petitioners, *v.* Walter F. Downey, Receiver of the First National Bank and Trust Company of Yonkers, in Liquidation; and

No. 545. The City of Yonkers, as Trustee etc., petitioner, *v.* Walter F. Downey, as Receiver of the First National Bank and Trust Company of Yonkers, New York. On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgments affirmed with costs and cases remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice McReynolds.

No. 10, original, October Term, 1935. State of Wyoming, complainant, *v.* State of Colorado. On petition for rule to show cause. Petition denied. Costs to be equally divided. Opinion by Mr. Chief Justice Hughes.

The Chief Justice announced the following orders of the Court:

No. 768. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Center Investment Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. *Per curiam:* The petition for writ of certiorari is granted. The judgment is reversed and the cause is remanded to the Circuit Court of Appeals with directions to remand to the Board of Tax Appeals for findings in the light of the principles established in *Helvering v. Bruun*, No. 479, decided March 25, 1940, and for findings and decision on the other questions left undetermined by the Board.

No. 844. State of Florida, *ex rel.* M. E. Garland, appellant, *v.* City of West Palm Beach. Appeal from the Supreme Court of the State

of Florida. *Per Curiam*: The appeal is dismissed for the reason that the judgment of the State Court is based upon a non-federal ground adequate to support it. *Farson, Son & Co. v. Bird*, 248 U. S. 268, 271; *Doyle v. Atwell*, 261 U. S. 590; *McCoy v. Shaw*, 277 U. S. 302.

No. 845. State of Florida, *ex rel.* F. C. Yoeman, appellant, *v.* City of Sarasota; and

No. 846. State of Florida, *ex rel.* M. E. Garland, appellant, *v.* City of Sarasota. Appeals from the Supreme Court of the State of Florida. *Per curiam*: The motions to dismiss are granted and the appeals are dismissed for the reason that the judgments of the State Court are based upon a non-federal ground adequate to support them. *Farson, Son & Co. v. Bird*, 248 U. S. 268, 271; *Doyle v. Atwell*, 261 U. S. 590; *McCoy v. Shaw*, 277 U. S. 302.

No. 836. The Superior Court of the State of California, in and for the City and County of San Francisco, et al., appellants, *v.* Ralph W. Evans, as Building and Loan 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 a properly presented federal question. *Godchaux Co. v. Estopinal*, 251 U. S. 179; *Rooker v. Fidelity Trust Co.*, 261 U. S. 114, 117; *Herndon v. Georgia*, 295 U. S. 441, 443.

No. 838. Roy Moon, appellant, *v.* Floyd F. Jones, as County Clerk etc.;

No. 862. The Franklin Society for Home Building and Savings, appellant, *v.* John J. Bennett, Jr., as Attorney General of the State of New York, et al. Appeals from the Supreme Court of the State of New York. *Per curiam*: The motions to dismiss are granted and the appeals are dismissed for want of a substantial federal question. *Bell's Gap R. Co. v. Pennsylvania*, 134 U. S. 232, 237; *Northwestern Life Ins. Co. v. Wisconsin*, 247 U. S. 132, 138-139; *Alward v. Johnson*, 282 U. S. 509, 513-514.

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. 87. Bob White, petitioner, *v.* The State of Texas. This cause is set for May 20, 1940, in order to afford to the State of Texas the opportunity to present its contentions upon the questions set forth in subdivisions (e), (f), (g), (h), and (j) of paragraph 4 of its petition for rehearing. The case will be heard on briefs and oral argument, or on briefs alone if that is desired, briefs to be filed and served on or before the date above mentioned.

ORDER

It is ordered that, pursuant to the provisions of Public Resolution No. 50, 76th Congress, approved August 10, 1939, there be transferred \$25,000 from the appropriation "Miscellaneous Salaries, United States Courts, 1940", to the appropriation designated "Salaries, Administrative Office, United States Courts, 1940", and that \$5,000 be transferred from the appropriation "Miscellaneous Salaries, United States Courts, 1940", to the appropriation designated "Contingent Expenses, Administrative Office, United States Courts, 1940", the above amounts to be in addition to amounts heretofore transferred by order of November 6, 1939.

No. —, original. Ex parte Albert Leighton, petitioner. The motion for leave to file petition for writ of mandamus is denied.

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

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

No. —. Ex parte E. R. Lindsey, petitioner. Application denied.

No. 818. Edgar Smith, petitioner, *v.* The State of Texas. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Court of Criminal Appeals of the State of Texas is granted.

No. 819. Alice T. Yardley, petitioner, *v.* Houghton Mifflin Company, Inc. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second 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. 499. Federal Communications Commission, petitioner, *v.* Sanders Brothers Radio Station. The opinion in this case is amended by inserting the word "financially" between the words "be" and "injured", in the last line on page 5, and by striking from the opinion the first full sentence, beginning "In" and ending "remedy", on page 6. The petition for rehearing is denied.

No. 726. Fleisher Engineering & Construction Co. and Joseph A. Bass, doing business as Joseph A. Bass Co. et al., petitioners, *v.* The United States of America, for the use and benefit of George S. Hallenbeck, etc. 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 Second Circuit is granted.

No. 778. Wilson and Co., Inc., petitioner, *v.* The United States;

No. 779. Wilson & Co., Inc., of Kansas, petitioner, *v.* The United States; and

No. 780. T. M. Sinclair & Company, Limited, petitioner, *v.* The United States. Petition for writs of certiorari to the Court of Claims granted.

No. 789. The Nashville, Chattanooga & St. Louis Railway, petitioner, *v.* Gordon Browning et al., Constituting the State Board of Equalization of Tennessee. Petition for writ of certiorari to the Supreme Court of the State of Tennessee granted.

No. 814. American United Mutual Life Insurance Company, petitioner, *v.* City of Avon Park, Florida. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 815. Fidelity Union Trust Company, and Minton H. Twinch, as Executors, etc., et al., petitioners, *v.* Ethel Adelaide Field. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 774. Bacardi Corporation of America, petitioner, *v.* Rafael Sancho Bonet, Treasurer, and Destileria Serralles, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 782. West India Oil Company (Puerto Rico), petitioner, *v.* Rafael Sancho Bonet, Treasurer of Puerto Rico. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 803. Carl A. Hansberry, Nannie L. Hansberry, et al., petitioners, *v.* Anna M. Lee, Edward L. Govanus, et al. Petition for writ of certiorari to the Supreme Court of the State of Illinois granted.

No. 825. L. Singer & Sons et al., petitioners, *v.* Union Pacific Railroad Company; and

No. 826. Kansas City, Missouri, petitioner, *v.* L. Singer & Sons et al. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 851. Howard S. Palmer et al., Trustees etc., petitioners, *v.* Connecticut Railway & Lighting Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 748. Missouri-Kansas Pipe Line Company, petitioner, *v.* Columbia Gas & Electric Corporation et al.; and

No. 749. Missouri-Kansas Pipe Line Company, petitioner, *v.* Columbia Gas & Electric Corporation et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third

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

No. 792. C. Franklin Davis, petitioner, *v.* Securities and Exchange Commission. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied. Mr. Justice Douglas took no part in the consideration and decision of this application.

No. 793. Orion N. Steelman and Marshall E. Birkins, petitioners, *v.* The Wichita Falls and Southern Railway Company. Petition for writ of certiorari to the District Court of the United States for the Northern District of Texas denied.

No. 800. James A. Welch and wife, S. E. Welch, petitioners, *v.* The United States of America, upon the relation and for the use of Tennessee Valley Authority; and

No. 801. S. A. Lewis, Joseph N. Lewis, et al., petitioners, *v.* The United States of America, upon the relation of and for the use of Tennessee Valley Authority. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 807. Pet Milk Company, petitioner, *v.* Blanche Gray. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 811. Harold S. Anderson, 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. Angelo A. Corte, Ernest D. Corte, et al., petitioners, *v.* Albert Miller and Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 791. John P. Squire Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 810. Mildred Reed Scales, joined by James B. Scales, her husband, petitioners, *v.* The Prudential Insurance Company of America, Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 820. Dale Van Every, 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. 824. Hartford Accident & Indemnity Company, petitioner, *v.* Frank A. Cardillo, Deputy Commissioner, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 827. D. P. Osterling, petitioner, *v.* The Commonwealth Trust Company of Pittsburgh et al.;

No. 828. D. P. Osterling, petitioner, *v.* The Commonwealth Trust Company of Pittsburgh et al.;

No. 829. D. P. Osterling, petitioner, *v.* The Commonwealth Trust Company of Pittsburgh et al.; and

No. 830. D. P. Osterling, petitioner, *v.* The Commonwealth Trust Company of Pittsburgh et al. Petition for writs of certiorari to the Supreme Court of the Commonwealth of Pennsylvania denied.

No. 831. Lowell Trucking Corporation and Bolta Rubber Co., Inc., petitioners, *v.* Niagara Fire Insurance Company. Petition for writ of certiorari to the Superior Court in and for the County of Essex, Commonwealth of Massachusetts, denied.

No. 832. Centennial Oil Company, petitioner, *v.* W. A. Thomas, Collector of Internal Revenue for the Second Collection District of Texas. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 837. The City of York, Nebraska, petitioner, *v.* Iowa-Nebraska Light & Power Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 855. Bryan Hunt, Administrator of the estate of James Cornell, deceased, et al., petitioners, *v.* Mrs. Viola Seeley et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 5. Harry A. Woodring, Secretary of War, et al., petitioners, *v.* Justus S. Wardell, Receiver, etc.; and

No. 6. Inland Waterways Corporation et al., petitioners, *v.* Frederick J. Young, Receiver, etc. Petitions for rehearing denied. Mr. Justice Reed and Mr. Justice Murphy took no part in the consideration and decision of these applications.

No. 463. Andrew B. Berger, as Receiver, etc., petitioner, *v.* The Chase National Bank of the City of New York;

No. 464. B. C. Schram, as Receiver, etc., petitioner, *v.* The Chase National Bank of the City of New York;

No. 465. Justus S. Wardell, as Receiver, etc., petitioner, *v.* The Chase National Bank of the City of New York;

No. 466. Frederick J. Young, Successor to Cary A. Hardee, as Receiver, etc., petitioner, *v.* The Chase National Bank of the City of New York; and

No. 467. Otto J. Feucht et al., as Liquidating Trustees, etc., petitioners, *v.* The Chase National Bank of the City of New York. Petition for rehearing denied. Mr. Justice Murphy took no part in the consideration and decision of this application.

No. 595. Kersh Lake Drainage District, etc., et al., petitioners, *v.* A. J. Johnson;

No. 720. W. J. Meredith, petitioner, *v.* Fred P. Cone et al.;

No. 722. Charles H. Stewart, Jr., petitioner, *v.* Commonwealth of Pennsylvania (City of Jeannette); and

No. 761. Gulf Oil Corporation, petitioner, *v.* Joseph D. McGoldrick, Comptroller of the City of New York. Petitions for rehearing denied.

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

No. 552. Thomas E. Murray, as Receiver, etc., petitioner, *v.* The City of New York et al.; and

No. 558. William Roberts, as Receiver, etc., petitioner, *v.* Thomas E. Murray, as Receiver, et al. Motion further to defer consideration of petitions for writs of certiorari presented.

No. 13, original. Commonwealth of Pennsylvania, complainant, *v.* State of New Jersey et al. Leave granted Mr. Robert B. Meyner to appear and present oral argument for the defendants, Colburn et al., *pro hac vice*, on motion of Mr. Egbert Rosecrans in that behalf. Argument commenced by Mr. William A. Schnader for the complainant; continued by Mr. John W. Ockford for the defendant, State of New Jersey; by Mr. Egbert Rosecrans for the defendants, Colburn et al.; by Mr. Robert B. Meyner for the defendants, Colburn et al., *pro hac vice*, by special leave of Court; and concluded by Mr. William A. Schnader for the complainant.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, April 23, will be as follows: Nos. —, original, *Ex parte* Bransford; 9, original; 613, 671, 681, 690, 705, 713, 724, and 715.

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SUPREME COURT OF THE UNITED STATES

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

Paul L. Anderson, of Rogers, Ark.; J. G. Moore, of Morrilton, Ark.; James C. Dezendorf, of Portland, Oreg.; J. Tweed McMullen, of Clearwater, Fla.; Albert M. Wiggins, of Pittsburgh, Pa.; Sylvester Larkin, of Marion, Ohio; Joe Corman, of Houston, Tex.; Arthur D. Welton, Jr., of Chicago, Ill.; George K. Gardner, of Cambridge, Mass.; Irving L. Schanzer, of New York City; and Robert V. Danto, of Detroit, Mich., were admitted to practice.

No. —, original. Ex Parte Wallace S. Bransford as County Treasurer of Pima County, Arizona, and ex-officio Tax Collector, petitioner. Argued on the motion for leave to file petition for writ of mandamus and the return to the rule to show cause by Mr. Gerald Jones for the petitioner and by Mr. J. L. Gust for the respondent.

No. 9, original. The State of Arkansas, complainant, *v.* The State of Tennessee. Argued on the exceptions of the complainant to the report of the Special Master by Mr. D. Fred Taylor, Jr., for the complainant and by Mr. Nat Tipton and Mr. C. M. Buck for the defendant.

No. 613. The United States of America, petitioner, *v.* George S. Bush & Co., Inc. Argument commenced by Mr. Warner W. Gardner for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, April 24, will be as follows: Nos. 613, 671, 681, 690, 705, 713, 724, 715, 804, and 796.

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SUPREME COURT OF THE UNITED STATES

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

Harry D. Sporkin, of Philadelphia, Pa.; Glenn Parker, of Laramie, Wyo.; John Cromwell Blocker, of St. Petersburg, Fla.; Asbury Sumnerlin, of Winter Haven, Fla.; R. Sturgis Ingersoll, of Philadelphia, Pa.; Charles I. Thompson, of Philadelphia, Pa.; Herman I. Orentlicher, of Brockton, Mass.; Fred Wallace McConnell, of Washington, D. C.; Irvin Lechliter, of Washington, D. C.; E. Gardner Prime, of New York City; Robert F. Irwin, Jr., of Philadelphia, Pa.; George M. Kevlin, of Philadelphia, Pa.; Oliver Wendell Holmes Hughes, of Washington, D. C.; and Joseph G. Gorman, of Chicago, Ill., were admitted to practice.

No. 613. The United States of America, petitioner, *v.* George S. Bush & Co., Inc. Argument continued by Mr. Warner W. Gardner for the petitioner and concluded by Mr. George R. Tuttle for the respondent.

No. 671. Sontag Chain Stores Co., Ltd., petitioner, *v.* National Nut Company of California. Argued by Mr. Guy A. Gladson for the petitioner and by Mr. Hugh N. Orr for the respondent.

No. 681. Railroad Commission of Texas et al., petitioners, *v.* Rowan & Nichols Oil Company. Argument commenced by Mr. James P. Hart for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, April 25, will be as follows: Nos. 681, 690, 705, 713, 724, 715, 804, 796, 752, and 789.

SUPREME COURT OF THE UNITED STATES

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

Lewis D. Thill, of Milwaukee, Wis.; Stephen B. Robinson, of Washington, D. C.; Irene E. Halpern, of New York City; Albert B. Griggs, of Washington, D. C.; Harry L. Say, of Sacramento, Calif.; James Morris Bishop, of Nashville, Tenn.; Frank Ewing, of New York City; Henry M. Stevenson, of New York City; W. L. Gates, of Washington, D. C.; William E. Day, of Washington, D. C.; Ralph A. Stevens, of Portsmouth, Ohio; and Donald M. Duson, of El Campo, Tex., were admitted to practice.

No. 681. Railroad Commission of Texas et al., petitioners, *v.* Rowan & Nichols Oil Company. Argument continued by Mr. James P. Hart for the petitioners; by Mr. Dan Moody for the respondent; and concluded by Mr. James P. Hart for the petitioners.

No. 690. Minersville School District et al., petitioners, *v.* Walter Gobitis, Individually, et al. Argument commenced by Mr. Joseph W. Henderson for the petitioners; continued by Mr. Joseph F. Rutherford for the respondents; and concluded by Mr. George K. Gardner for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, April 26, will be as follows: Nos. 705, 713, 724, 715, 804, 796, 752, and 789.

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SUPREME COURT OF THE UNITED STATES

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

Paul W. Potter, of West Palm Beach, Fla.; Richard Serviss, of Oxford, Ohio; Louis J. Messano, of Jersey City, N. J.; Alex. R. DeSevo, of Jersey City, N. J.; Frank P. McCarthy, of Jersey City, N. J.; William J. Burke, of Billings, Mont.; Robert E. Plunkett, of Detroit, Mich.; Thomas W. Henderson, of Los Angeles, Calif.; Rosalie A. Byer, of Milwaukee, Wis.; and William H. Avery, Jr., of Chicago, Ill., were admitted to practice.

No. 705. The United States, petitioner, *v.* Emmett F. Dickerson. Argued by Mr. Assistant Attorney General Shea for the petitioner and by Mr. Herman J. Galloway for the respondent.

No. 713. The United States of America et al., appellants, *v.* The American Trucking Associations, Inc. et al. Argued by Mr. Thomas E. Harris for the appellants and by Mr. J. Ninian Beall for the appellees.

No. 724. The United States of America et al., appellants, *v.* Chicago Heights Trucking Co. et al. Argument commenced by Mr. A. H. Feller for the appellants and continued by Mr. John R. Turney for the appellees.

Adjourned until Monday, next at 12 o'clock.

The day call for Monday, April 29, will be as follows: Nos. 724, 715, 804, 796, 752, and 789.

SUPREME COURT OF THE UNITED STATES

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

Milton I. Baldinger, of Olyphant, Pa.; William Garbose, of Gardner, Mass.; Carl A. Phillipps, of Washington, D. C.; Gordon B. Tweedy, of New York City; Young H. Fraser, of Atlanta, Ga.; Augustus M. Roan, of Atlanta, Ga.; Clinton D. Vernon, of Washington, D. C.; Wm. S. Shelfer, of Atlanta, Ga.; Ivan J. Hutchens, of Decatur, Ill.; John A. Dunaway, of Atlanta, Ga.; Walter Lee Tucker, of Washington, D. C.; Wallace L. Ware, of Los Angeles, Calif.; Isaac W. Keys, of Corpus Christi, Tex.; Lewis B. Lefkowitz, of Dallas, Tex.; Hugh Akerman, of Orlando, Fla.; William H. Dial, of Orlando, Fla.; Stephen Tuhy, Jr., of Washington, D. C.; Lyle L. Robertson, of Manilla, Iowa; John Edwards Lockwood, of New York City; John Gaines Hervey, of Philadelphia, Pa.; and George E. Ray, of Gloucester, Mass., were admitted to practice.

No. 643. Bentley W. Warren and Charles W. Mulcahy, as the Trustees of the Property of Boston and Providence Railroad Corporation, petitioners, *v.* Howard S. Palmer et al., as the Trustees of the Property of the New York, New Haven and Hartford Railroad Company and Old Colony Railroad Company. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the District of Connecticut. Opinion by Mr. Justice Reed.

No. 593. Frances Perkins, individually and as Secretary of Labor of the United States, et al., petitioners, *v.* Lukens Steel Company et al. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment of the Court of Appeals reversed and the judgment of the District Court dismissing the bill affirmed and cause remanded to the District Court of the United States for the District of Columbia. Opinion by Mr. Justice Black. Dissenting: Mr. Justice McReynolds.

The Chief Justice announced the following orders of the Court:

No. 879. W. A. Loving and Carrol Loving, a copartnership, appellants, *v.* The United States of America et al. Appeal from the District Court of the United States for the Western District of Oklahoma. *Per curiam*: The judgment is affirmed. *McDonald v. Thompson*, 305 U. S. 263, 266; *United States v. Maher*, 307 U. S. 148, 153-154; *Interstate Commerce Commission v. Union Pacific Rd. Co.*, 222 U. S. 541, 547-548; *Los Angeles Switching Case*, 234 U. S. 294, 311-312.

No. 881. State of Ohio, *ex rel.* Frank Jonak, appellant, *v.* James A. White, Will T. Blake, and Clarence H. Knisley, as Members of the 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 substantial federal question. *Louisville & Nashville Rd. v. Schmidt*, 177 U. S. 230, 236; *Holmes v. Conway*, 241 U. S. 624, 631-632; *Insurance Co. v. Glidden*, 284 U. S. 151, 158; *Snyder v. Massachusetts*, 291 U. S. 97, 105; *Radium Dial Co. v. Ryan*, No. 212, decided October 9, 1939.

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. Curtis, petitioner. The motion for leave to file a petition for writ of habeas corpus is denied.

No. —, original. *Ex parte* Railroad Commission of Texas et al., petitioners. The motion for leave to file a petition for a writ of mandamus is denied.

No. 552. Thomas E. Murray, as Receiver, etc., et al., petitioners, *v.* The City of New York et al.; and

No. 558. William Roberts, Receiver, etc., petitioner, *v.* Thomas E. Murray, as Receiver, etc., et al. The motion further to defer consideration of the petitions for writs of certiorari is granted and consideration is deferred until October 7 next. The Chief Justice took no part in the consideration and decision of this application.

No. 907. Martin J. Bernards and Lena Bernards, petitioners, *v.* M. R. Johnson, Catherine Collins, 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 Ninth Circuit is granted.

No. 854. John M. Moon, petitioner, *v.* The Union Central Life Insurance Company et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit;

No. 880. Harold Harpin, 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; and

No. 916. Dora Robertson et al., petitioners, *v.* W. J. Chronister et al. On petition for writ of certiorari to the Supreme Court of the State of Arkansas. The motions for leave to proceed further herein *in forma pauperis* are denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which writs of certiorari should be issued. The petitions for writs of certiorari are therefore also denied.

No. 870. The United States of America, appellant, *v.* William L. Hutcheson, George Casper Ottens, et al. In this case probable jurisdiction is noted. Mr. Justice Murphy took no part in the consideration and decision of this question.

No. 843. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Walter C. Janney and Pauline F. M. Janney. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted. Mr. Justice Roberts took no part in the consideration and decision of this application.

No. 847. Stern Brothers & Co., petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted and the case assigned for argument immediately following No. 675.

No. 805. Township of South Hackensack, in the County of Bergen, etc., petitioner, *v.* Federal Deposit Insurance Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 808. Irving Knott Baxter, petitioner, *v.* Emory University et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 816. Carbon Silk Mill Company, petitioner, *v.* George R. Powell and T. McKeen Chidsey, Trustees of Vertex Hosiery Mills, Inc., Debtor. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 841. The Standard Oil Company, petitioner, *v.* John A. Zangerle, Auditor, etc. Petition for writ of certiorari to the Supreme Court of the State of Ohio denied.

No. 856. The Norcor Company, petitioner, *v.* Joseph J. Schmitt. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 857. American Life Insurance Company of Alabama, petitioner, *v.* Mabel E. Hutcheson. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 885. The Railroad Credit Corporation, petitioner, *v.* Southern Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 712. The Banner Machine Company, petitioner, *v.* C. F. Routzahn, Collector of Internal Revenue;

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

No. 823. A. M. Klemm & Son, appellant, *v.* The City of Winter Haven et al. Petitions for rehearing denied.

ORDER

It is ordered that the call of the docket, except as otherwise directed, be suspended for the Term upon the conclusion of the argument in case No. 789, and that the Court will then take a recess until Monday, May 6.

No. 724. The United States of America and Interstate Commerce Commission, appellants, *v.* Chicago Heights Trucking Co. et al. Argument continued by Mr. John R. Turney and by Mr. Robert E. Quirk for the appellees and concluded by Mr. A. H. Feller for the appellants.

No. 715. The United States of America, petitioner, *v.* Arlene Summerlin, as Ancillary Administratrix, etc. Argued by Mr. Frederick Bernays Weiner for the petitioner and by Mr. Asbury Summerlin for the respondent.

No. 804. The Sunshine Anthracite Coal Company, appellant, *v.* Homer M. Adkins, as Collector of Internal Revenue for the District of Arkansas. Argued by Mr. Henry Adamson for the appellant and by Mr. Attorney General Jackson for the appellee.

No. 796. Securities and Exchange Commission, petitioner, *v.* United States Realty and Improvement Company. Argument commenced by Mr. Solicitor General Biddle for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, April 30, will be as follows: Nos. 796, 752, and 789.

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SUPREME COURT OF THE UNITED STATES

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

Dean Dinwoodey, of Washington, D. C.; Edwin R. Teple, of Washington, D. C.; William Wilkinson Dent, of Collins, Miss.; J. Thaddeus Cline, of San Francisco, Calif.; Herbert B. Cohn, of New York City; and Henry M. Marx, of New York City, were admitted to practice.

No. 593. Frances Perkins, Individually and as Secretary of Labor of the United States, et al., petitioners, *v.* Lukens Steel Company et al. Motion that the mandate issue forthwith submitted by Mr. Solicitor General Biddle for the petitioners with leave to the respondents to file an opposition thereto by Thursday next, on motion of Mr. Wm. Clarke Mason for the respondents.

No. 796. Securities and Exchange Commission, petitioner, *v.* United States Realty and Improvement Company. Argument continued by Mr. Solicitor General Biddle for the petitioner; by Mr. Joseph M. Hartfield for the respondent; and concluded by Mr. Henry M. Marx for the respondent.

No. 752. Franz J. Borchard and Frieda W. Borchard, petitioners, *v.* California Bank and California Trust Company. Argument commenced by Mr. Lloyd S. Nix for the petitioners; continued by Mr. Thos. W. Henderson for the respondents; and concluded by Mr. William Lemke for the petitioners.

No. 789. The Nashville, Chattanooga & St. Louis Railway, petitioner, *v.* Gordon Browning et al., Constituting the State Board of Equalization of Tennessee. Argument commenced by Mr. William H. Swiggart for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, May 1, will be as follows: No. 789.

SUPREME COURT OF THE UNITED STATES

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

Claiborne Lafferty, of Little Rock, Ark.; Jarvis Hunt, of North Attleboro, Mass.; and Charles H. Leavy, of Spokane, Wash., were admitted to practice.

No. 789. The Nashville, Chattanooga & St. Louis Railway, petitioner, *v.* Gordon Browning et al., Constituting the State Board of Equalization of Tennessee. Argument continued by Mr. William H. Swiggart for the petitioner; by Mr. W. F. Barry for the respondents; and concluded by Mr. William H. Swiggart for the petitioner.

Adjourned until Monday, May 6 next, at 12 o'clock.

181208—40—90

SUPREME COURT OF THE UNITED STATES

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

Donald Gray Slawson, of Grand Rapids, Mich.; Bernard Edwin Wall, of Bloomington, Ill.; John A. Danaher, of Hartford, Conn.; James Bradshaw Mintener, of Minneapolis, Minn.; Robert S. Buttles, of New York City; William C. Warren, Jr., of Buffalo, N. Y.; Clarence W. Hull, of Los Angeles, Calif.; Bartel J. Jonkman, of Grand Rapids, Mich.; Frederick L. Orum, of Cadiz, Ohio; James Mango, of Newark, N. J.; Leo L. Weinberg, of Newark, N. J.; Chas. H. Elston, of Cincinnati, Ohio; Delos J. Needham, of Cleveland, Ohio; Ephraim L. Marks, of Omaha, Nebr.; Bernard M. Spencer, of Nebraska City, Nebr.; Jesse L. Brightwell, of Monticello, Mo.; Hanse H. Hamilton, of New York City; Frank P. Dunnington, Jr., of Washington, D. C.; James M. Brearley, of Washington, D. C.; William G. Wiles, of Washington, D. C.; Henry Kirk Greer, of New York City; George C. Wildermuth, of Brooklyn, N. Y.; Charles Neill, of Brooklyn, N. Y.; Lulu Seifert DeMay, of Detroit, Mich.; Nathaniel J. Harben, of Marshall, Tex.; Sam W. Campbell, of Minneapolis, Minn.; James Stanley Bassett, of Kansas City, Mo.; Paul Joseph Wimsey, of Chicago, Ill.; Joe B. Tye, of Marshalltown, Iowa; Merwin F. Ashley, of Boston, Mass.; Samuel Stratton Jennings, Jr., of New York City; J. Franklin Garner, Jr., of Lakeland, Fla.; Mastin E. Geschwind, of Oklahoma City, Okla.; Daniel S. Beeler, of Rutledge, Tenn.; George G. Shapitric, of Los Angeles, Calif.; Richard Musenbrock, of Minneapolis, Minn.; Thomas M. Quinn, Jr., of Indianapolis, Ind.; Albert P. Wheatley, of Washington, D. C.; Carrol C. Bryan, of New York City; John Adams Hartman, of Windber, Pa.; John Adams Hartman, Jr., of Windber, Pa.; and Andrew Stone Hartnett, of Stafford, Kans., were admitted to practice.

No. 346. The United States of America, petitioner, *v.* Socony-Vacuum Oil Company, Inc., et al.; and

No. 347. Socony-Vacuum Oil Company, Inc., et al., petitioners, *v.* The United States of America. On writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment of the Circuit Court of Appeals reversed and judgment of the District

Court of the United States for the Western District of Wisconsin affirmed and cause remanded to said District Court. Opinion by Mr. Justice Douglas. The Chief Justice and Mr. Justice Murphy did not participate in the consideration or decision of this case. Dissenting opinion by Mr. Justice Roberts in which Mr. Justice McReynolds concurs.

No. 635. Herbert Tigner, appellant, *v.* The State of Texas. Appeal from the Court of Criminal Appeals of the State of Texas. Judgment affirmed with costs. Opinion by Mr. Justice Frankfurter. Dissenting: Mr. Justice McReynolds.

The Chief Justice announced the following orders of the Court:

No. 915. Southern Service Company, Ltd., appellant, *v.* County of Los Angeles and City of Los Angeles. 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 a substantial federal question. (1) *Graham & Foster v. Goodcell*, 282 U. S. 409, 429-430; *Eitel v. Toman*, 308 U. S. 505; *Sears, Roebuck & Co. v. Toman*, 308 U. S. 505. (2) *Ohio Oil Co. v. Conway*, 281 U. S. 146, 159; *Railroad Co. v. Commissioners*, 98 U. S. 541, 543-544; *Chesebrough v. United States*, 192 U. S. 253, 259-260.

No. 921. B. J. Wynne, A. M. Lockett & Company, Ltd., et al., appellants, *v.* The State of Texas. Appeal from the Supreme Court of the State of Texas. *Per curiam*: The appeal is dismissed for the want of a substantial federal question. *Hodge v. Muscatine County*, 196 U. S. 276.

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. 930. Railroad Commission of Texas et al., appellants, *v.* Humble Oil and Refining Company. Motion for stay. The enforcement of the injunction is stayed until action upon the statement as to jurisdiction.

No. —, original. *Ex parte* W. J. Meredith et al., petitioners. The motion for a temporary restraining order pending the motion for leave to file a petition for a writ of mandamus, presented to Mr. Justice Frankfurter and referred by him to the Court, is denied.

No. —, original. *Ex parte* R. L. Scott, petitioner. The motion for leave to file a petition for writ of mandamus is denied.

No. 593. Frances Perkins, Individually, etc., et al., petitioners, *v.* Lukens Steel Company et al. The motion that the mandate issue forthwith is denied.

No. 821. James M. Wright, petitioner, *v.* First Joint Stock Land Bank of Fort Wayne, Indiana et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit;

No. 848. William C. Crockett, 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. 937. Thaddeus Deatherage and Louis Deatherage, petitioners, *v.* Clyde I. Plummer, Warden, Folsom Prison et al. On petition for writ of certiorari to the Supreme Court of the State of California: and

No. 964. Walter H. Rhodes, petitioner, *v.* The State of Iowa. On petition for writ of certiorari to the Supreme Court of the State of Iowa. 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. 905. The United States of America, appellant, *v.* May Harris, alias Kitty Harris; and

No. 906. The United States of America, appellant, *v.* Marie Kenny, alias Marie Rickert, alias Mae Kelly. In these cases probable jurisdiction is noted.

No. 864. Federal Communications Commission, petitioner, *v.* Columbia Broadcasting System of California, Inc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted.

No. 865. Federal Communications Commission, petitioner, *v.* The Associated Broadcasters. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted.

No. 867. C. E. Stevens Company et al., petitioners, *v.* Foster & Kleiser Co. et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted and the case assigned for argument immediately following No. 870.

No. 888. Charles Peyton West and Maurice John West, petitioners, *v.* American Telephone and Telegraph Company; and

No. 889. Charles Peyton West and Maurice John West, petitioners, *v.* American Telephone and Telegraph Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the

Sixth Circuit granted and cases assigned for argument immediately following No. 815.

No. 871. Charles T. Fisher and Sarah W. Fisher, petitioners, *v.* Commissioner of Internal Revenue. 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. 882. Julian W. Fretwell, petitioner, *v.* Gillette Safety Razor Company. The motion to proceed on typewritten papers is granted. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 817. British-American Tobacco Company, Ltd., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 834. Colorado Serum Co., 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. 850. Southwestern Serum Company, 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. 842. National Federation of Railway Workers, petitioner, *v.* National Mediation Board et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 849. Marguerite Hubbard, petitioner, *v.* Matson Navigation Co. et al. Petition for writ of certiorari to the District Court of Appeal, 1st Appellate District, State of California, denied.

No. 852. Mrs. Bess T. Orendorf et al., petitioners, *v.* Fayette Farms, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 858. Robert Barbour, 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. 859. Ben Rebhuhn, Ann Rebhuhn, and Ben Raeburn, 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. 860. E. M. Williams, Administrator of the Estate of Marshall H. Williams, 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. 866. Texas Natural Gas Utilities, petitioner, *v.* City of El Campo, Texas, et al. Petition for writ of certiorari to the Court of Civil Appeals, 1st Supreme Judicial District, State of Texas, denied.

No. 869. Lawrence Ellis Walton, petitioner, *v.* Sutton & Company, Inc. Petition for writ of certiorari to the Supreme Court of Appeals of the State of Virginia denied.

No. 878. Metropolitan Life Insurance 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. 884. The Good Coal 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. 773. Gene McCann, petitioner, *v.* New York Stock Exchange et al. Petition for rehearing denied.

ORDER

The Court will take a recess from today until Monday, May 20; from that day until Monday, May 27, and from that day until Monday, June 3, 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. —, original. *Ex parte* W. J. Meredith et al., petitioners. Motion for leave to file petition for writ of mandamus presented.

Adjourned until Monday, May 20, at 12 o'clock.

Monday, May 20, 1940

SUPREME COURT OF THE UNITED STATES

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

John T. M. Reddan, of Washington, D. C.; James P. O'Brien, of Washington, D. C.; Charles R. Cabrera, of San Francisco, Calif.; C. Girard Davidson, of Lafayette, La.; Maurice W. Hibschan, of Washington, D. C.; H. Nathan Swaim, of Indianapolis, Ind.; Charles Eugene Raymond, of Portland, Oreg.; Gilbert Shake, of Vincennes, Ind.; Curtis G. Shake, of Vincennes, Ind.; Roy L. Walker, of Lampasas, Tex.; Cooper K. Ragan, of Houston, Tex.; Frank M. Mayfield, of Lexington, Mo.; G. Henry Tyne, of Nashville, Tenn.; John Lacey Reynolds, of Nashville, Tenn.; Hyman Copins, of Boston, Mass.; David Kammerman, of Wethersfield, Conn.; Oliver C. Aldreich, of Edinburg, Tex.; Gregory P. Maushart, of Los Banos, Calif.; Walter S. Alt, of Saint Louis, Mo.; Edmund S. Ruffin, Jr., of Pittsburgh, Pa.; Carleton M. Crick, of Pittsburgh, Pa.; Morris Lavine, of Los Angeles, Calif.; Wm. J. Fanning, of Sulphur Springs, Tex.; Virgil D. Willis, of Harrison, Ark.; Charles Alexander McCabe, of Pomeroy, Wash.; Henry Barrett Chamberlin, of Chicago, Ill.; F. S. K. Whittaker, of Houston, Tex.; John F. Woods, of New York City; Wallace H. Martin, of New York City; Robert J. Patterson, of Washington, D. C.; Thomas A. Courtney, of Washington, D. C.; Francis Riggs Cawley, of Washington, D. C.; John R. Kistner, of Cleveland, Ohio; Myron C. Cramer, of Washington, D. C.; Leo Resnick, of McAlester, Okla.; Lenore D. Underwood, of San Francisco, Calif.; Michael Havran, of East Chicago, Ind.; Milton Jacobs, of New York City; Robert B. Mullaney, of Chicago, Ill.; Joseph V. Kline, of New York City; Hiram Claire Bond, of Lansing, Mich.; William R. Consedine, of Washington, D. C.; Lester M. Levin, of New York City; Robert H. Davison, of Boston, Mass.; Samuel James Gerson, of Dayton, Ohio; Eldon Ferdinand Hoerner, of Dayton, Ohio; Crofford Warren Bridges, of Bakersfield, Calif.; William M. Sutherland, of Corpus Christi, Tex.; Richard L. Tedrow, of Washington, D. C.; Loretta M. Coots, of Washington, D. C.; and Walter A. Graham, of Washington, D. C., were admitted to practice.

Mr. Attorney General Jackson addressed the Court as follows :

Mr. Chief Justice and Associate Justices:

The Bar of the Supreme Court has delegated me to lodge in your keeping its proceedings in memory of Mr. Justice Butler. By resolution it has expressed its high estimate of his life and services. The resolutions adopted by the Bar read as follows :

At a meeting of the members of the Bar of the Supreme Court of the United States held on January 27th, 1940, to take appropriate action following the death of Mr. Justice Butler, the Committee appointed by the Solicitor General reported this Minute for submission to the meeting :

Pierce Butler's life story is an epic of America. From his birth on a small Minnesota farm to the day of his death while a Justice of the Supreme Court of the United States his record was one of obstacles surmounted, of professional distinction achieved, and of merit appropriately rewarded.

His father and mother, Irish immigrants from County Wicklow, had settled in Dakota County, Minnesota, where they lived the life of pioneer farmers. They reared a family of eight children, of whom the future jurist was one. He was born on St. Patrick's day (March 17th), 1866. Strong of body and of vigorous mind, he dominated his environment and used its limitations as opportunities for self-development. A country school-teacher at sixteen, he qualified for admission to Carleton College at Northfield, Minnesota, from which he was graduated in 1887. During his student days he did farm chores early and late, and in the daily interval rode a farm horse to school. Having determined to become a lawyer, he moved to Saint Paul and in 1888 was admitted to the bar.

His abilities were early recognized, and after serving for two years as an assistant he became the County Attorney of Ramsey County. In this way he acquired proficiency in the art of the successful trial lawyer and was noted for his capacity to win the confidence of all the diverse elements of which local juries were composed.

In 1897 he began the general practice of the law. Here again his character and ability made their mark and important clients were eager to retain him. While throughout his career he represented great railroads and other powerful corporations and became in this sense a corporation lawyer, he never sacrificed his independence of judgment and it was always he who dominated the client. His professional services were often placed at the disposal of the Government and he figured in many important

cases arising under the Anti-Trust Laws and the Railroad and Utility Statutes. He was of the sort that men instinctively trust. He became one of the notable figures in the life of the great Northwest. When it was known that he was to appear the court room was wont to be crowded with people eager to hear him and to see him in action.

He had great energy, prodigious memory and large capacity for logical thinking. His character was a unit without internal stress. There was inherent a belief that there exists a philosophical rightness and he sought to apply it to each matter in hand. A skillful legal tactician, his sole strategy was to drive forward unswervingly in the direction which he regarded as the right one. Expediency never justified retreat or indirection.

As senior member of the firm of Butler, Mitchell and Doherty, he was constantly at work and always with notable fidelity to court and client. For the five years from 1913 to 1918 he served as a member of the Committee of Counsel for the Federal Valuation of Railroads. In 1919 he was of counsel for shareholders in proceedings in Canada under the Canadian Northern Acquisition Act. Later he was appointed one of the counsel for the Dominion of Canada in the Arbitration at Montreal held under the Grand Trunk System Acquisition Act. In this proceeding William H. Taft sat as one of the arbitrators. Although Mr. Taft dissented from the decision supporting the views urged by Mr. Butler, their association led to a warm friendship. The acquaintance with his powers and fairness gained in the course of that association doubtless was a factor in Chief Justice Taft's later recommendation of Mr. Butler for appointment to the Supreme Court when a vacancy was caused by the retirement of Mr. Justice Day. It was on November 23, 1922, while he was serving as counsel in the Toronto Railway Arbitration, that he, a Democrat, was nominated by President Harding to be an Associate Justice of the Supreme Court of the United States. The nomination not having been acted upon at that session of Congress, the President re-nominated him on December 5, 1922. He was confirmed by the Senate on December 21, 1922, and on the 2nd of January, 1923, the judicial oath was administered and he took his seat upon the Bench.

During his seventeen years of service on the Court he saw his country pass through an era of unstable prosperity and into a period of resulting depression. Under such circumstances it was not surprising that many should lose faith in the soundness of the American tradition; but with such a life story behind him, it was inevitable that the faith of Mr. Justice Butler should never

waver. He had, indeed, that capacity for deep emotion which was his by inheritance, but his experience had taught him to think realistically.

Fearful of the rule of men in place of the rule of law, he appealed to the accumulated body of the law as a continuous social expression and not as what might appear at a particular time to be enlightened social self-interest. He did not believe that the law is merely what the judges may from time to time say it is. He believed that there is a law that is greater than the judges and he was zealous to avoid its misapplication merely because the end in view appeared at the moment to be desirable.

He had faith in the power of objective reasoning and in the intellectual integrity of man, with correlative responsibility of the individual to develop himself and pursue the course that to him seemed right. This faith in the individual man was expressed by resistance to any attempted infringement of the bill of rights, and, in the absence of constitutional amendment, to centralization of government and to extension of its powers over the individual. He felt that greater material welfare under a paternal government—if possible of achievement—rather than ennobling the citizen would debase him by destroying his integrity and denying his will to exercise his moral and intellectual forces. He refused to concede that the individual is a helpless creature of an environment built by others, and opposed the kind of humanitarianism that would relegate him to that position.

It would be out of place in this Minute to attempt an analysis of his judicial opinions. That will follow in due course. Suffice it to say here that during all the years of his service he contributed to the Court not merely sound learning and ripe experience but calm judgment and the stabilizing influence of tested character.

While Mr. Justice Butler was a man of deep conviction, he could differ from other men without losing their good will. He was far from being a bitter partisan. Rather he was a man of generous sympathy and broad comprehension. His friends included old and young alike. Institutions of learning conferred honorary degrees upon him. The law students of Georgetown University named a law club in his honor. An American in the best sense of the word, he retained throughout his life an affectionate regard for the land of his ancestors. A visit to Ireland in 1934 was esteemed by him to be one of the happiest episodes in life. He was a lover of outdoor life and on his farm in Maryland sought refreshment of spirit—whenever the rigorous round of judicial duties permitted.

The land and people of Minnesota remained close to him, and he carried with him great and irreplaceable knowledge of the history of the Northwest, gathered from his own youthful experiences, from delighted reading of earlier days, and from wide personal knowledge of most of its later leaders and characters. The mention of a name would start a flow of reminiscence and anecdote reaching back into the development of that country, all full of the color of its personalities.

The domestic life of such a man was certain to approximate the ideal. Happily married and deeply devoted to wife and children, his was a Christian household characterized by plain living and high thinking. He was a devoted member of the Roman Catholic Church. The reality of his religion brought him comfort at times of domestic affliction. The high pressure of judicial work and disease common to advanced years overcame the powerful physique which was his by inheritance and conservation. After a brief illness he died in Washington on November 16, 1939. At his funeral in St. Matthew's Cathedral all sorts and conditions of men attended in silent tribute to his memory. Today representative members of the Bar of the Supreme Court of the United States are in their turn witnessing to their admiration and affectionate regard for one whose simple godliness and faithful public service endeared him to all who came within the circle of his influence.

Resolved, that the foregoing Minute be adopted; that a copy of it be transmitted to the Attorney General of the United States for presentation to the Court and that the Chairman of this meeting be directed to forward a copy of it to the family of Mr. Justice Butler.

Men eminent in the legal profession, former associates in the practice of the law, and public leaders have paid him eloquent and affectionate tribute. All of these tributes I offer for your records.

I should not presume to add words of my own, except that the proceedings are lacking in one viewpoint which I should be qualified to supply.

I knew Pierce Butler only as a Justice of this Court. He had reached the full maturity of his great intellectual powers. He was too earnest and forthright to wish me even on such an occasion to deny or minimize the conflict which your reports witness between the general philosophy I have advocated here and much of that to which he was so consistently devoted. But across that gulf, which always exists between two men who regard each other as representing ominous trends, I felt the strength, the warmth, and the sincerity of a great character—one of the most firm and steady men I have known.

His character was shaped by a hard way of life that left lasting convictions and attitudes in men who experienced it. Existence in a pioneer country, where nature is often hard and hostile and the competition of the elements is relentless, presents the choice between courage and self-discipline—or extinction. It offers a simple and rugged society in which place is won and held only by will and work and worth. It develops intense love of liberty and hatred of restraint and a self-reliance that does not know how to dodge, and never fears to stand firmly and, if need be, alone. These were the primary characteristics of Mr. Justice Butler.

To them he added an accumulation of learning and experience and legal abilities which won for him the respect of all shades of opinion at the Bar. In many cases here I feared his interrogations more than the argument of my adversary. He knew his way among the intricate procedures of the law. He knew from long experience the arts of advocacy. He could sense the point in an argument where the most candid advocate is tempted to stop a little short of a complete revelation, and he knew where there was an urge to over-emphasis. His questions from the bench cut to the heart of our cases. He could use his ready wit, his humor, his sarcasm, or his learning with equal ease and skill. He was relentless in bringing the lawyer face to face with the issues as he saw them. I think I never knew a man who could more quickly orient a statement of facts with his own philosophy. When the facts were stated the argument was about over with him—he could relate the case to his conceptions of legal principles without aid of counsel.

Even if it were otherwise appropriate, I have neither the perspective nor the detachment necessary to appraise the place that his work as a Justice will take in the annals of this Court. Time only will write the verdict on its permanence and its significance. He has left a body of deliberate comment and seasoned judgment on the problems that have vexed this Court, as well as government and society, during his judicial life. The future will have no difficulty learning what he meant and what he stood for. A man of no subtlety or sham, he pronounced his judgments without finesse, indirection, or obscurity. He has recorded the measure of his disagreement with the currents, and his deep anxiety about the drifts of our time.

If only time can judge the verity of his work it is equally true that only contemporaries can appraise the verity of his character. While the future will find that his work will speak for itself, it will turn to the testimony of contemporaries to learn the elusive qualities of the man.

For those who shall ask "What of the man?" we may record that in the memory of those who sought to win him in argument he

will stand out as an impressive and formidable figure even among associates in whom those qualities were by no means rare. His judicial attitude was not one of frosty neutrality, but one of intensity and certitude of conviction on basic philosophies of life and society and law and government. He had no merely negative standard of goodness; experience and conviction committed him to profound affirmations, and he exemplified them unceasingly and with power. Among the public men of my time, I have known no one of more affirmative and immovable and masterful character than Mr. Justice Butler.

The Chief Justice said:

Mr. Attorney General: The resolutions you have presented on behalf of the Bar fittingly epitomize the traits of character and outstanding achievements of an eminent advocate and judge—who would have considered this tribute by his professional brethren as the best possible reward for his long and arduous service.

The early environment of Pierce Butler suited his ambition and talent. It was not ill fortune that in his childhood and youth he had to meet the rigorous demands of pioneer life in the northwest; that he had to win by self-denial and strenuous exertion the educational advantages which seem slender indeed as compared with the abundance of a later day. For he was in the midst of the opportunities of a fast developing community, where the very air quickened endeavor and the abilities and eager efforts of those endowed with physical and mental vigor received almost instant recognition. It was not ill fortune that he began the practice of the law in Saint Paul at a time when great enterprises were in the making, when legal talent held the key to a career of distinction and the standards of Bench and Bar were as high as in the older eastern States.

The opportunities for practice had a most desirable variety, but, in accord with the traditions of the Bar, the highest prizes were to be won in the field of advocacy. Pierce Butler by temperament and aptitude was especially fitted for the contests of the forum. He had the fighting instinct, and his training developed rare skill in the use of the advocate's weapons. He soon had opportunity for public service as prosecuting attorney, and thus early secured wide recognition of his unusual talents. Favored by nature with a powerful physique, and with a distinguished mien aided by a deliberate and impressive manner of speech, he became a respected but dreaded antagonist. He was not content with showy and superficial successes with juries. He aimed at a thorough knowledge of the law and a complete mastery of facts, which especially commended him to the higher courts. He had a passion for exactness. He was not addicted to subtlety and he

hated pretence. He recognized just authority. He was faithful to every trust. He was rigorous in his self-discipline and spared no effort to realize his ideal of the careful and exact adviser, the zealous but accurate advocate, the intrepid vindicator of what he conceived to be the legal rights of those whose causes he espoused.

It is not extraordinary that with the natural advantages of a noble bearing, with his indomitable will and courage both in attack and defense, with his unflagging industry and devotion to what he believed to be justice according to law, he rapidly rose to eminence, and his expert advice and assistance were sought in matters of the gravest importance of both private and public concern. There are not wanting those who disparage the training and experience of the successful advocate, ignoring the fact that among the varied activities of our democratic society there exists no harder school of discipline, no wider opportunity for the study of human relations or for the detection of faults and abuses, no more insistent demand for a sound practical judgment and for rectitude and fair dealing, than are found in the exacting daily work of the legal practitioner who tries to live up to the ethical standards of the best traditions of the Bar and thus to win the highest professional esteem which is denied to the trickster and shallow pretender however otherwise apparently successful.

It was with these qualities, and with that reputation, that Pierce Butler came to this Court at the height of his powers. He had already shown at this bar his exceptional skill and thoroughness in the presentation of cases. In the *Minnesota Rate Cases* (230 U. S. 352) he presented one of the ablest, most comprehensive and most careful briefs ever submitted to this Court. On the bench, he at once demonstrated an extraordinary capacity for the sustained judicial labor which our work demands, and to the last he was faithful in every task, indefatigable, fearless, conscientious. At the conference table, he was ever ready to present and defend his views with keenness, always with earnestness, and not infrequently with the thrusts of wit and eloquence which brought vivid reminders of forensic battles. He was always thoroughly prepared by close study of records and, endowed with an extraordinary memory, he justly took pride in his ability to marshal facts and precedents in the most impressive manner.

It was natural that with his success in winning his way to distinction in an expanding community, with his appreciation of liberty and law, he should have been eager to conserve both the essential authority of government and the freedom of enterprise. The former was necessary in order to insure the latter. His conservatism was rooted in profound religious convictions. It was always manifest that he had definite principles and he had no sympathy for those whose

only principle was to be without principle. Cherishing the ideals of authority and certainty, he demanded adherence to precedent and deplored what he considered to be an undue flexibility in constitutional interpretation. As he put it, "Generally speaking, at least, our decisions of yesterday ought to be the law of today." He was a strong defender of the conception of property rights which he believed to be secure by the accepted construction of the due-process clause. He believed in that conception as an essential stimulus to effort and as holding a better promise of social progress than governmental plans involving restriction of individual initiative. He believed in the right to choose one's calling, to pursue it unfettered, so far as consistent with good order and the equal rights of others, and to maintain and hold the material rewards of honest endeavor. In short, he sought to keep open the traditional path to individual achievement which he himself had trod.

While solicitous for the public order and the authority of law, he was equally a stickler for the rights of those accused of crime to be protected against the abuses of authority. He was zealous for the maintenance of just government but vehemently opposed to any action under any guise which he deemed to be arbitrary and capricious. He expressed his thought in the words of one of his opinions, which was quoted in one of the addresses at the meeting of the Bar: "Abhorrence, however great, of persistent and menacing crime will not excuse transgression in the courts of the legal rights of the worst offenders." (*United States v. Motlow*, 10 F. (2d) 657, 662). And in his dissent in the first wire-tapping case, he thus voiced his conception of the appropriate interpretation of the great clauses of the Constitution for the safeguarding of personal liberty: "This Court has always construed the Constitution in the light of the principles upon which it was founded. The direct operation or literal meaning of the words used do not measure the purpose or scope of its provisions. Under the principles established and applied by this Court, the Fourth Amendment safeguards against all evils that are like and equivalent to those embraced within the ordinary meaning of its words. That construction is consonant with sound reason and in full accord with the course of decisions since *McCulloch v. Maryland*." (*Olmstead v. United States*, 277 U. S. 438, 487, 488.)

And with these views which I have endeavored briefly to interpret,—as I think he would wish them expressed—he wrought to the end,—a man of deep-seated convictions, religious and political, with unflinching loyalty to basic principles as he conceived them,—a personality of rare force and determination, and yet with the kindest disposition, the most generous sympathy, the warmest heart.

It is not for us to speak of the sorrows that afflicted him, of his fortitude in severe trials, of the depth of his affection for those united to him by the strongest human ties. In the midst of judicial responsibilities which he was fully sharing with us, we were keenly aware of the private burdens which pressed upon him and were so bravely borne.

We mourn the loss of a great co-laborer. As the scenes of particular controversies swiftly shift, there abides the treasured memory of strength, of trained talent industriously applied, of unswerving integrity and fidelity,—the virtues of the just judge, always an exemplar and an inspiration,—the virtues which make secure the foundations of the temple of justice.

No. 682. J. Steve Anderson, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue; and

No. 683. L. H. Prichard, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. 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 Murphy.

No. 613. The United States of America, petitioner, *v.* George S. Bush & Co., Inc. On writ of certiorari to the United States Court of Customs and Patent Appeals. Judgment reversed and cause remanded to the Court of Customs and Patent Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting: Mr. Justice McReynolds.

No. 804. The Sunshine Anthracite Coal Company, appellant *v.* Homer M. Adkins, as Collector of Internal Revenue for the District of Arkansas. Appeal from the District Court of the United States for the Eastern District of Arkansas. Decree affirmed with costs. Opinion by Mr. Justice Douglas. Dissenting: Mr. Justice McReynolds.

No. 789. The Nashville, Chattanooga & St. Louis Railway, petitioner, *v.* Gordon Browning et al., Constituting the State Board of Equalization of Tennessee. On writ of certiorari to the Supreme Court of the State of Tennessee. Judgment affirmed with costs. Opinion by Mr. Justice Frankfurter.

No. —, original. Ex parte Wallace S. Bransford, as County Treasurer of Pima County, Arizona, and ex-officio Tax Collector, petitioner. Motion for leave to file petition for writ of mandamus denied. Opinion by Mr. Justice Reed.

No. 588. National Labor Relations Board, petitioner, *v.* Bradford Dyeing Association (U. S. A.) et al. On writ of certiorari to the

United States Circuit Court of Appeals for the First 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 Black. Mr. Justice McReynolds took no part in the consideration or decision of this case.

No. 724. The United States of America and Interstate Commerce Commission, appellants, *v.* Chicago Heights Trucking Co. et al. Appeal from the District Court of the United States for the Northern District of Illinois. Decree reversed and cause remanded to said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black.

No. 632. Jesse Cantwell, Newton Cantwell, and Russell Cantwell, appellants; Jesse Cantwell, petitioner, *v.* The State of Connecticut. Appeal from and on writ of certiorari to the Supreme Court of Errors of the State of Connecticut. Judgment affirming the convictions on the third and fifth counts reversed with costs and cause remanded to the said Supreme Court of Errors for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Roberts.

No. 752. Franz J. Borchard and Frieda W. Borchard, petitioners, *v.* California Bank and California Trust Company. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Southern District of California for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts.

No. 671. Sontag Chain Stores Co., Ltd., petitioner, *v.* National Nut Company of California. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Decree reversed with costs and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice McReynolds.

No. 662. Dampskibsselskabet Dannebrog, Claimant of the Motorship "Stjerneborg," et al., petitioners, *v.* Signal Oil and Gas Company 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 Western District of Washington. Opinion by Mr. Chief Justice Hughes.

The Chief Justice announced the following order of the Court:

No. 943. The Eavey Company, The Harris Produce Co., and Charles O. Sutton, appellants, *v.* Department of Treasury of the State

of Indiana et al. Appeal from the Supreme Court of the State of Indiana. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Hendrick v. Maryland*, 235 U. S. 610; *Hicklin v. Coney*, 290 U. S. 169, 173; *Carley & Hamilton v. Snook*, 281 U. S. 66, 72-73; *Arthur v. Indiana*, No. 742, decided March 11, 1940.

The Chief Justice said:

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

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

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

No. 813. *Montgomery Ward and Company*, petitioner, *v. Luther M. Duncan*. The motion of the respondents to dismiss the writ of certiorari is denied.

No. 1003. *Rebecca Shelley*, petitioner, *v. The United States*. Application denied.

No. 901. *James M. Wright*, petitioner, *v. The Union Central Life Insurance Company 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 Seventh Circuit is granted.

No. 727. *John H. Morse*, petitioner, *v. Lalla T. Bragg*. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 951. *Grantham I. Taggart*, petitioner, *v. Edmund H. Abraham et al.* On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit;

No. 970. *Isaiah Cook and Hendrietta Harold et al.*, petitioners, *v. Armour and Company et al.* On petition for writ of certiorari to the Supreme Court of the State of Kansas;

No. 896. *Amos G. McCampbell, Jr.*, petitioner, *v. The Warrich Corporation and Robert Eiger*, doing business under the name of *Eiger Realty Company*. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit;

No. 911. *Claud E. Spivey*, petitioner, *v. The United States of America*. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit; and

No. 952. *Harry B. Malpuss*, petitioner, *v. Joseph W. Sanford*, Warden, United States Penitentiary, Atlanta, Georgia. 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.

No. 417. New World Life Insurance Company, petitioner, *v.* The United States. The petition for rehearing is granted, and the order denying certiorari entered November 22, 1939, is vacated. The petition for writ of certiorari to the Court of Claims is granted, limited to the second question presented thereby.

No. 707. Republic Steel Corporation, petitioner, *v.* National Labor Relations Board et al. The motion for leave to file a petition for rehearing is granted, and the petition for rehearing is also granted. The order denying certiorari, dated April 8, 1940, is vacated. The petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted, limited to the fourth question therein presented, which relates to the work relief provisions of the decree below: provided that this order shall not operate to suspend the remaining provisions of the decree.

No. 892. State of Wisconsin and Elmer E. Barlow, as Commissioner of Taxation of the State of Wisconsin, petitioners, *v.* J. C. Penney Company. Petition for writ of certiorari to the Supreme Court of the State of Wisconsin granted.

No. 893. State of Wisconsin and Elmer E. Barlow, as Commissioner of Taxation of the State of Wisconsin, petitioners, *v.* F. W. Woolworth Company. Petition for writ of certiorari to the Supreme Court of the State of Wisconsin granted.

No. 894. State of Wisconsin and Elmer E. Barlow, as Commissioner of Taxation of the State of Wisconsin, petitioners, *v.* Minnesota Mining and Manufacturing Company. Petition for writ of certiorari to the Supreme Court of the State of Wisconsin granted.

No. 895. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Godfrey Hammel and Pearl Hammel. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 897. J. E. Riley Investment Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 868. The United States of America, petitioner, *v.* Salvatore Falcone, Joseph Falcone, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 914. Donald S. McClain, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States

Circuit Court of Appeals for the Fifth Circuit granted and the case assigned for argument immediately following No. 895.

No. 929. American Federation of Labor, John Fitzpatrick, et al., petitioners, *v.* Ross W. Swing, Irene Boivin, et al. The motion to use the certified record filed in No. 615 as a part of the record in this case is granted. Petition for writ of certiorari to the Supreme Court of the State of Illinois granted.

No. 946. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* S. C. Thomson. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted, and case assigned for argument immediately following No. 914.

No. 944. District of Columbia, petitioner, *v.* James J. Sweeney. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied in view of the fact that the tax is laid under a statute which has been repealed and the question is therefore not of public importance.

No. 908. International Art Company et al., petitioners, *v.* Federal Trade Commission. The motion to use the record printed for the Circuit Court of Appeals is granted. The petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is denied.

No. 833. Brownstein-Louis Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 835. Harris Trust and Savings Bank et al., petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 853. North Whittier Heights Citrus Association, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 863. The New York Trust Company, as Substituted Trustee, etc., et al., petitioners, *v.* The New York, Susquehanna and Western Railroad Company et al.; and

No. 872. Robert E. Woodruff and John A. Hadden, Trustees, etc., petitioners, *v.* New York, Susquehanna and Western Railroad Company, Debtor, et al. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 877. The American Insurance Company, petitioner, *v.* Gentile Bros. Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 886. J. C. Maxwell and D. J. Porter, et al., petitioners, *v.* Tarrant County Water Control & Improvement District Number One.

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

No. 887. The Shaler Company, petitioner, *v.* Rite-Way Products, Inc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 890. Benedum-Trees Oil Company, petitioner, *v.* Gran Davis, John W. Hall, and Ross H. Williams; and

No. 891. Benedum-Trees Oil Company, petitioner, *v.* E. W. Sedman and Ross H. Williams. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 898. Maryland Casualty Company, petitioner, *v.* Town of River Junction et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 899. Irving Lewis, petitioner, *v.* The United States of America; and

No. 900. Rose Lewis, petitioner, *v.* The United States of America. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 902. Luis G. Morphy, Receiver, etc., et al., petitioners, *v.* Grand International Brotherhood of Locomotive Engineers et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 903. Luis G. Morphy, Receiver, etc., et al., petitioners, *v.* W. F. Burke. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 909. Sam R. Beard, petitioner, *v.* Joseph W. Sanford, Warden, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 933. Jefferson Standard Life Insurance Company, petitioner, *v.* Pauline Jordan DeLong. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 920. The Volunteer State Life Insurance 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. 910. Erma Prentiss, petitioner, *v.* Mutual Benefit Health and Accident Association. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 912. Fred W. Carl, petitioner, *v.* Nancy G. Ferrell. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 913. Fred W. Carl, petitioner, *v.* Grace Norris. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 918. Sam Cook, 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. 919. Fairleigh S. Dickinson and Becton, Dickinson & Co., petitioners, *v.* Matthew Payne. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 923. E. T. Weir, 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. 924. Allan S. Lehman, Cecile S. Lehman, 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. 925. Max Shoolman, 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. 927. The Webb-Crawford Company et al., petitioners, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 928. Paul Bakewell, Jr., 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. 931. Wayne Jeffers, 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. 10, Original, October Term, 1935. State of Wyoming, complainant, *v.* State of Colorado;

No. 542. The City of Yonkers, petitioner, *v.* Walter F. Downey, Receiver, etc.;

No. 543. John J. Condon, Mayor, et al., petitioners, *v.* Walter F. Downey, Receiver, etc.;

No. 544. John J. Condon, Mayor, et al., petitioners, *v.* Walter F. Downey, Receiver, etc.;

No. 579. Union Joint Stock Land Bank of Detroit, petitioner, *v.* Carl Byerly;

No. 587. The United States of America, petitioner, *v.* City and County of San Francisco, a Municipal Corporation;

No. 667. John Carlson, appellant, *v.* The People of the State of California;

No. 729. H. Ely Goldsmith, petitioner, *v.* The United States of America;

No. 793. Orion N. Steelman and Marshall E. Birkins, petitioners, *v.* The Wichita Falls and Southern Railway Company;

No. 844. State of Florida, ex rel. M. E. Garland, appellant, *v.* City of West Palm Beach;

No. 845. State of Florida, ex rel. F. C. Yoeman, appellant, *v.* City of Sarasota; and

No. 846. State of Florida, ex rel. M. E. Garland, appellant, *v.* City of Sarasota. The petitions for rehearing in these cases are denied.

No. 614. October Term 1938. The Farmers' Loan and Trust Company (a corporation), as Trustee, etc., petitioner, *v.* Frank Collis Bowers, as Executor, etc.; and

No. 615. October Term 1938. The Farmers' Loan and Trust Company (a corporation), as Trustee, etc., petitioner, *v.* Frank Collis Bowers, as Executor, etc. Motion for leave to file a second petition for rehearing submitted by Mr. John S. Flannery for the petitioner.

No. —, original. State of Kansas, complainant, *v.* State of Missouri. Motion for leave to file bill of complaint presented.

No. —, original. Ex parte Norman Baker, petitioner. Motion for leave to file petition for writ of habeas corpus and motion for leave to apply for writ of certiorari presented.

No. 822. The State of Washington on the relation of Columbia Broadcasting Company, petitioner, *v.* The Superior Court of the State of Washington for King County et al. Motion to reverse submitted by Mr. Godfrey Goldmark and Mr. Cassius E. Gates for the petitioner.

No. 839. Trinity Universal Insurance Company, petitioner, *v.* Mrs. Martha E. Cunningham, Executrix, etc., et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Dismissed on motion of counsel for the petitioner.

No. 87. Bob White, petitioner, *v.* The State of Texas. Argued on the petition for rehearing filed by the State of Texas by Mr. F. S. K. Whittaker for the petitioner and by Mr. Lloyd W. Davidson and Mr. William J. Fanning for the respondent.

Adjourned until Monday, May 27, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

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

Fred B. Mellmann, of Oakland, Calif.; David Rabinovitz, of Sheboygan, Wis.; Jerry Housel, of Laramie, Wyo.; Gladys T. Medlock, of Atlanta, Ga.; H. Bascom Thomas, Jr., of Dallas, Tex.; Maynard F. Robinson, of Cleburne, Tex.; John B. Miller, of Fairbanks, Alaska; Albert F. Strasburger, of New York City; Beverly Cameron Cobb, of New York City; David Michelshon, of New York City; Philip Pearlman, of New York City; James C. Ingebretsen, of Los Angeles, Calif.; Roscoe B. Greenway, of Richmond, Va.; Robert Harris Gamble, of Garrett Park, Md.; Edwin M. Martin, of New York City; Richard Paul Schulze, of Washington, D. C.; Blanche Lucile DeWolf, of Belvidere, Ill.; Orville C. Sanborn, of New York City; Jeff. Davis, of El Dorado, Ark.; J. A. O'Connor, Jr., of El Dorado, Ark.; Alfred B. Carb, of New York City; Leo A. Freedman, of Akron, Ohio; James H. McHale, of Philadelphia, Pa.; Blanche Funk Miller, of Tacoma, Wash.; Emmett Leo Sheehan, of Washington, D. C.; George Raymond Jones, of Washington, D. C.; Charles A. Willmuth, of Washington, D. C.; Patrick M. Kildea, of Spokane, Wash.; William Joseph Williamson, of Houston, Tex.; Harry J. Ahlheim, of New York City; Oliver Elwood Pagan II, of Washington, D. C.; Gail Johnson Burck, of Los Angeles, Calif.; James J. Cox, of Boston, Mass.; George Hamelin Shafer, of Saint Paul, Minn.; Meyer A. Cook, of Cleveland, Ohio; John M. Cleary, Jr., of Kansas City, Mo.; John H. Pratt, of Washington, D. C.; Forrest S. Smith, of Jersey City, N. J.; Charles M. James, of Jersey City, N. J.; Joe H. Taylor, of Louisville, Ky.; Gordon C. Arey, of Fort Thomas, Ky.; Frederick W. Whiteside, Jr., of Ithaca, N. Y.; Travis Taylor Brown, of Charlotte, N. C.; David Moffatt McConnell, of Chester, S. C.; Leon L. Rice, Jr., of Anderson, S. C.; and Randolph William Thrower, of Atlanta, Ga.; were admitted to practice.

No. 705. The United States, petitioner, *v.* Emmett F. Dickerson. 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. Dissenting: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Stone, and Mr. Justice Roberts.

No. 713. The United States of America, Interstate Commerce Commission, et al., appellants, *v.* The American Trucking Associations, Inc., et al. Appeal from the District Court of the United States for the District of Columbia. Decree reversed and cause remanded to the said District Court with directions to dismiss the complaint of the appellees. Opinion by Mr. Justice Reed. Dissenting: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Stone, and Mr. Justice Roberts.

No. 87. Bob White, petitioner, *v.* The State of Texas. On writ of certiorari to the Court of Criminal Appeals of the State of Texas. Petition of the State of Texas for a rehearing denied. Opinion by Mr. Justice Black.

No. 563. Delaware River Joint Toll Bridge Commission, Pennsylvania-New Jersey, petitioner, *v.* John D. Colburn and Bessie Colburn. On writ of certiorari to the Court of Errors and Appeals of the State of New Jersey. Judgment reversed with costs and cause remanded to the said Court of Errors and Appeals for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Stone.

No. 796. Securities and Exchange Commission, petitioner, *v.* United States Realty and Improvement Company. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment reversed and cause remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone. Mr. Justice Douglas did not participate in the decision of this case. Dissenting opinion by Mr. Justice Roberts in which the Chief Justice and Mr. Justice McReynolds join.

No. 638. Apex Hosiery Company, petitioner, *v.* William Leader and American Federation of Full Fashioned Hosiery Workers, Philadelphia Branch No. 1, Local No. 706. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Eastern District of Pennsylvania. Opinion by Mr. Justice Stone. Dissenting opinion by Mr. Chief Justice Hughes in which Mr. Justice McReynolds and Mr. Justice Roberts join.

No. 715. The United States of America, petitioner, *v.* Arlene Summerlin, as Ancillary Administratrix of the Estate of J. F. Andrew, deceased. On writ of certiorari to the Supreme Court of

the State of Florida. Judgment reversed so far as it goes beyond the question of the jurisdiction of the probate court and purports to adjudge that the claim of the United States is void as a claim against the estate of the decedent because of failure to comply with the statute, and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Hughes.

The Chief Justice announced the following orders of the Court:

No. 13, original. Commonwealth of Pennsylvania, complainant, *v.* State of New Jersey. *Per curiam*: As the questions sought to be presented in this suit by the Commonwealth of Pennsylvania have been determined by the judgment of this Court in Delaware River Joint Toll Bridge Commission *v.* Colburn, No. 563, this day decided, the complaint herein is dismissed without costs to either party.

No. 459. The H. Rouw Company, petitioner, *v.* Frank J. Crivella. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. *Per curiam*: In the light of Public, No. 515, 76th Congress, Third Session, approved May 14, 1940, and, it appearing that it was the intention of the Congress to make that Act applicable to the present case, and to other cases similarly situated, the judgment of the Court of Appeals is reversed and the cause is remanded to the District Court with directions to hear the appeal from the award of the Secretary of Agriculture.

No. 822. The State of Washington on the relation of Columbia Broadcasting Company, petitioner, *v.* The Superior Court of the State of Washington for King County et al. On writ of certiorari to the Supreme Court of the State of Washington. *Per curiam*: It appearing that the cause has become moot, the judgment of the Supreme Court of Washington is vacated and the cause is remanded for such proceedings as by that court may be deemed appropriate, without costs to either party in this Court. *Florida v. Knott*, No. 22, this Term, decided October 9, 1939.

No. 998. Saenger Realty Corporation, appellant, *v.* Alice Lee Grosjean, Collector of Revenue. Appeal from the Supreme Court of the State of Louisiana. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for the want of a properly presented substantial federal question. (1) *Godchaux Co. v. Estopinal*, 251 U. S. 179; *Rooker v. Fidelity Trust Co.*, 261 U. S. 114, 117; *Herndon v. Georgia*, 295 U. S. 441, 443. (2) *Knights of Pythias v. Meyer*, 265 U. S. 30, 32; *Leffingwell v. Warren*, 2 Black 599, 603; *Great Northern Ry. Co. v. Sunburst Oil & Refining Co.*, 287 U. S. 358, 362.

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* Roy Hullig, petitioner;

No. —, original. *Ex parte* Arthur R. McCleary, petitioner;

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

No. —, original. *Ex parte* Norman Baker, petitioner. The motion for leave to file petition for writ of habeas corpus is denied. The motion for leave to apply for a writ of certiorari is also denied.

No. —, original. United States *ex rel.* Samuel L. Geiselman, petitioner, *v.* William Hunt, Warden, etc. The motion for leave to proceed *in forma pauperis* is denied. The motion for leave to file a petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is also denied.

No. —. Agnes E. Lewis, Executrix, etc., et al., petitioners, *v.* R. W. Fontento, Collector, etc. Application denied.

No. 15, original. State of Kansas, complainant, *v.* State of Missouri. The motion for leave to file a bill of complaint is granted and process is ordered to issue returnable September 1, next.

No. 934. Robert G. Errington, petitioner, *v.* Robert H. Hudspeth, Warden, etc. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied.

No. 548. Harry H. Neuberger, petitioner, *v.* Commissioner of Internal Revenue. The petition for rehearing is granted and the order denying certiorari entered January 2, 1940, is vacated. The petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, limited to the second and third questions thereby presented.

No. 614, October Term 1938. The Farmers' Loan and Trust Company, as Trustee, etc., et al., petitioners, *v.* Frank Collis Bowers, as Executor, etc.; and

No. 615, October Term 1938. The Farmers' Loan and Trust Company as Trustee, etc., et al., petitioners, *v.* Frank Collis Bowers, as Executor, etc. The motion for leave to file a second petition for rehearing is denied. Mr. Justice Reed took no part in the consideration or decision of this application.

No. 381. Edward E. Rieck, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. The motion for leave to file a petition for rehearing is denied.

No. 935. Ben Williamson, Jr., Trustee of Inland Gas Corporation, petitioner, *v.* Columbia Gas & Electric Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied. Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 861. R. Hoe & Co., Inc., and Neo Gravure Printing Co., Inc., petitioners, *v.* Adolph Weiss and Speedry Gravure Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 874. A. S. Genecov, petitioner, *v.* Chas. C. Wine, Receiver, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 875. Isadore Roosth, petitioner, *v.* Charles C. Wine, Receiver; and

No. 876. Isadore Roosth, petitioner, *v.* Charles C. Wine, Receiver. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 883. The Seminole Nation, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 904. Duncan Morgan et al., petitioners, *v.* Sun Oil Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 922. The Equitable Life Assurance Society of the United States, petitioner, *v.* George Zolintakis and Christ Orfanos, as Administrator, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 932. William Pitcher, petitioner, *v.* Metropolitan Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 936. Sam Italiano and Joe Italiano, petitioners, *v.* State of Florida. Petition for writ of certiorari to the Supreme Court of the State of Florida denied.

No. 938. Annie Bunton Parsons, Loula Bunton Shely, et al., petitioners, *v.* David B. Childs and Herbert V. Jones, Trustees, etc. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 942. Universal Dealers Company, petitioner, *v.* Paul B. Cromelin, Trustee, etc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 945. Eagle Transport Company (Limited) et al., petitioners, *v.* The United States of America, as Owner of the Steamship "Pocahontas." Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 947. Rafael Sancho Bonet, Treasurer, petitioner, *v.* Humacao Shipping Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 948. Paul M. Hewitt, 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. 949. Anthony A. Magnani, petitioner, *v.* Charles A. Harnett, as Commissioner of Motor Vehicles of the State of New York et al. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 955. Mrs. Glekeria Asprodites, as Administratrix, etc., petitioner, *v.* Standard Fruit and Steamship Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 982. Edward W. Westrup, 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. 854. John M. Moon, petitioner, *v.* The Union Central Life Insurance Company et al.; and

No. 915. Southern Service Company, Ltd., appellant, *v.* County of Los Angeles and City of Los Angeles. Petitions for rehearing denied.

No. 457. Gans Steamship Line, a corporation, petitioner, *v.* The United States of America. Motion for leave to file petition for rehearing submitted by Mr. Philip F. Biggins on behalf of counsel for the petitioner.

No. 929, October Term 1938. First National Bank of Chicago, Administrator, etc., petitioner, *v.* The United States of America. Motion to vacate order denying petition for rehearing submitted by Mr. Philip F. Biggins on behalf of counsel for the petitioner.

No. 179. Robert T. Jones, Jr., petitioner, *v.* W. E. Page, Jr., et al. Motion for leave to file petition for rehearing submitted by Mr. Randolph W. Thrower on behalf of counsel for the petitioner.

No. 15, original. State of Kansas, complainant, *v.* State of Missouri. Motion of E. A. Cole for leave to file bill of intervention presented.

Adjourned until Monday, June 3, next, at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

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

Harold Weill, of New York City; Donald L. Brown, of New York City; Robert T. Wright, of Chicago, Ill.; Margaret A. Shea, of Washington, D. C.; Sigmund Timberg, of New York City; Alex Edgar Gordon, of Indianapolis, Ind.; Edward R. Hicks, of Little Rock, Ark.; Virgil T. Seaberry, of Eastland, Tex.; Edward I. Aronow, of New York City; Rollin C. Alderson, of Austin, Minn.; Robert A. Grant, of South Bend, Ind.; Harry A. Feder, of Denver, Colo.; John D. Hill, of Birmingham, Ala.; Wilbur Charles Stone, of St. Petersburg, Fla.; Floyd Francis Shields, of Topeka, Kans.; Benjamin Franklin Cameron, of Meridian, Miss.; J. Francis Harter, of Eggertsville, N. Y.; Clarence M. Wilchar, of El Paso, Tex.; Mae Carvell, of Los Angeles, Calif.; Stanley E. Disney, of Muskogee, Okla.; Robert J. White, of Russellville, Ark.; Clore Warne, of Los Angeles, Calif.; Lycurgus L. Marshall, of Cleveland, Ohio; Edmund Nelson, of Los Angeles, Calif.; Charles Samenow, of New Haven, Conn.; Raymond M. Myers, of Dallas, Tex.; Robert V. Shirley, of Houston, Tex.; James O. Marberry, Jr., of Austin, Tex.; Frank H. Cole, Jr., of Cincinnati, Ohio; Robert H. Duff, of Washington, D. C.; Charles H. Weidner, of Reading, Pa.; Samuel S. Isseks, of New York City; Fowler Hamilton, of Kansas City, Mo.; Monroe Karasik, of New York City; Allison E. Schofield, of San Francisco, Calif.; Rose Marie Hand, of Washington, D. C.; Courtney C. Hamilton, of Lebanon, Tenn.; Horace G. Hitchcock, of New York City; Gerald B. Brophy, of New York City; Harold U. Daniels, of Painesville, Ohio; Stanley D. Foster, of Boston, Mass.; John Paul Jennings, of San Francisco, Calif.; H. W. Vincent, of Bowling Green, Ky.; Osborne Shannon P. Koerner, of Grove City, Pa.; Marguerite E. Fulton, of St. Louis, Mo.; Lawrence S. Poston, of Louisville, Ky.; Nathan Rosenberg, of New York City; Stuart S. Ball, of Chicago, Ill.; Joseph Walter Jarrett, of Los Angeles, Calif.; James Carey O'Brien, of Washington, D. C.; Philip Paul Marenberg, of Brooklyn, N. Y.; Frank S. Normann, of New Orleans, La.;

Clayton B. Pierce, of Oklahoma City, Okla.; William Taft Lesh, of Muncie, Ind.; Ralph Archibald Smith, of Kansas City, Mo.; Scott D. Kellogg, of Washington, D. C.; Loton Wells, of Los Angeles, Calif.; Thomas J. Kehoe, of Cleveland, Ohio; Louis A. Pagnucco, of New York City; James Farragher, of San Francisco, Calif.; Karl F. Steinmann, of Baltimore, Md.; John W. Cable III, of Baltimore, Md.; Harold H. Hart, of Salt Lake City, Utah; John W. Ahern, of Texarkana, Ark.; Harry C. Richter, of Dayton, Ohio; and Frank Zugelter, of Cincinnati, Ohio, were admitted to practice.

No. 681. Railroad Commission of Texas et al., petitioners, *v.* Rowan & Nichols Oil Company. 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 by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Roberts in which the Chief Justice and Mr. Justice McReynolds join.

No. 690. Minersville School District, Board of Education of Minersville School District et al., petitioners, *v.* Walter Gobitis, Individually, and Lillian Gobitis et al. 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. Mr. Justice McReynolds concurs in the result. Dissenting opinion by Mr. Justice Stone.

No. 9, original. The State of Arkansas, complainant, *v.* The State of Tennessee. Exceptions of the State of Arkansas to the report of the Special Master overruled and the report in all respects confirmed. Decree to be settled on notice. Opinion by Mr. Chief Justice Hughes.

The Chief Justice announced the following orders of the Court:

No. 1001. Mary C. Doyle, appellant, *v.* City of St. Paul, Mark H. Gehan, Mayor, et al., etc. Appeal from the Supreme Court of the State of Minnesota. *Per curiam*: The judgment is affirmed. *Violet Trapping Co. v. Grace*, 297 U. S. 119, 120; *Ingraham v. Hanson*, 297 U. S. 378, 381; *Schenebeck v. McCrary*, 298 U. S. 36, 37.

No. 476. The United States of America, appellant, *v.* Northern Pacific Railway Company et al. This cause is set for reargument October 14, 1940. The Court desires to hear argument limited to the

purpose, scope, and effect of the Act of June 25, 1929, the relief thereby afforded the parties, and the defenses made available to them; and to appellant's assignments of errors 1-12 inc., 13 (insofar as it relates to failure to construct a line from Wallula, Washington, to Portland, Oregon), 19-27 inc., 29, 30, 32, 33, 36-40 inc., 42, 43, 52-54 inc.—particularly with reference to the bearing of the matters comprehended in these assignments upon the nature and extent of the relief accorded, and the defenses made available, to the parties respectively, by secs. 1, 2, 5, and 6 of said Act.

The Chief Justice said:

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

ORDER

It is ordered that paragraph (2) of Order 53 of the General Orders in Bankruptcy heretofore promulgated by this Court be and it hereby is amended to read as follows:

“(2) The condition of bonds hereafter given shall be substantially to the effect that the banking institution, so designated, shall well and truly account for and pay over all moneys deposited with it as such depository, and shall pay out such moneys only as provided by the bankruptcy law and applicable general orders and court rules, and shall abide by all orders of the court in respect of such moneys, and shall otherwise faithfully perform all duties pertaining to it as such depository; provided, that no security in the form of a bond or otherwise shall be required in the case of such part of the deposits as are insured under section 12 B of the Federal Reserve Act, as amended.”

It is further ordered that this amendment shall take effect immediately.

No. —, original. Ex parte Edmond C. Fletcher, petitioner. The motion for leave to file petition for writ of prohibition is denied.

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

No. —, original, Ex parte Albert Smith, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No. 9, original. State of Arkansas, complainant, v. State of Tennessee. An order is entered fixing the compensation and allowing the expenses of the Special Master herein.

No. 15, original. State of Kansas, complainant, *v.* State of Missouri. The motion of E. A. Cole for leave to file a Bill of Intervention is denied.

No. 353. Milk Wagon Drivers Union of Chicago, Local 753, a Voluntary Unincorporated Association, et al., petitioners, *v.* Meadowmoor Dairies, Inc. The motion for leave to file a second petition for rehearing is granted. The motion papers are treated as a petition for rehearing, and rehearing is granted. The order of October 23, 1939, denying certiorari is vacated. The petition for certiorari to the Supreme Court of the State of Illinois is granted, and the case is assigned for argument immediately following No. 929.

No. 1003. Rebecca Shelley, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Court of Appeals of the District of Columbia;

No. 926. William McAfee, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 958. Robert Henry Williams, 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. 1028. Dr. J. D. Bradley, petitioner, *v.* Hon. Frank Simpson, Solicitor General ex rel. of Piedmont Circuit, Georgia. On petition for writ of certiorari to the Court of Appeals of the State of Georgia; and

No. 1045. Otis B. Moore, petitioner, *v.* Robert H. Hudspeth, Warden, etc. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. The motions for leave to proceed further herein *in forma pauperis* are denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which writs of certiorari should be issued. The petitions for writs of certiorari are therefore also denied.

No. 1016. Arthur Curtis Wagner, alias J. Sikorsky, alias Jan Sikorsky, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied. Mr. Justice Douglas took no part in the consideration and decision of these applications.

No. 179. Robert T. Jones, Jr., petitioner, *v.* W. E. Page, Jr., et al.;

No. 188. Jerome A. Jacobs, petitioner, *v.* The State of New York; and

No. 457. Gans Steamship Line, a corporation, petitioner, *v.* The United States of America. The motions for leave to file petitions for rehearing in these cases are denied.

No. 929, October term, 1938. First National Bank of Chicago, petitioner, *v.* The United States of America;

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

No. 785. Elmer Ray Lowman, petitioner, *v.* The Federal Land Bank of Louisville, Kentucky, et al. The motion for leave to file second petition for rehearing in this case is granted.

No. 961. Best & Company, Inc., appellant, *v.* A. J. Maxwell, Commissioner of Revenue for the State of North Carolina.

No. 1023. Carol Harriman Stewart, appellant, *v.* Commonwealth of Pennsylvania; and

No. 1017. The United States of America, appellant, *v.* F. W. Darby Lumber Company and Fred W. Darby. In these cases probable jurisdiction is noted.

No. 930. Railroad Commission of Texas and Lon A. Smith et al., appellants, *v.* Humble Oil and Refining Company. In this case probable jurisdiction is noted. The motion to advance is denied. The motion for stay is granted and the enforcement of the decree of the District Court is stayed pending the determination of the case by this Court.

No. 953. Lamont William Bowman, petitioner, *v.* Martin Loporena et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 967. Harry Ryan, petitioner, *v.* The Employers' Liability Assurance Corporation, Limited. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 977. Frank L. Kloeb, Judge, etc., petitioner, *v.* Armour & Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 996. H. J. Heinz Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 1005. Robert H. Jackson, Attorney General of the United States, on behalf of the United States and as Successor to the Alien Property Custodian, petitioner, *v.* Irving Trust Company, as Executor, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 1024. Mikhail Nicholas Gorin, petitioner, *v.* The United States of America; and

No. 1025. Hafis Salich, petitioner, *v.* The United States of America. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 978. William B. Milliken, Margaret M. Milliken, et al., petitioners, *v.* Violet L. Meyer, both individually and as administratrix, etc. Petition for writ of certiorari to the Supreme Court of the State of Colorado granted.

No. 962. Electro-Chemical Engraving Co., Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted and case assigned for argument immediately following No. 895.

No. 992. Reconstruction Finance Corporation et al., petitioners, *v.* Prudence Securities Advisory Group et al. The motion to dispense with the further printing of the record is granted, and the petition is deemed properly filed in accordance with Rule 38. The petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

No. 972. The Times-Mirror Company and L. D. Hotchkiss, petitioners, *v.* The Superior Court of the State of California, etc. Petition for writ of certiorari to the Supreme Court of the State of California granted and case assigned for argument immediately following No. 759.

No. 993. Grand Trunk Western Railroad Company, petitioner, *v.* Hazel E. Stephenson, as Administratrix etc.; and

No. 994. Grand Trunk Western Railroad Company, petitioner, *v.* Hazel E. Stephenson, as Administratrix etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted, limited to the question whether the District Court properly disposed of the causes in view of Illinois Revised Statutes 1937, Chapter 70, Section 2.

No. 959. American Medical Association et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied. Mr. Justice Murphy took no part in the consideration and decision of this application.

No. 963. Wichita Royalty Company et al., petitioners, *v.* City National Bank of Wichita Falls et al. The motion to dispense with reprinting Volumes 1, 2, and 3 of the record is granted. The petition for writ of certiorari is denied.

No. 1015. Donahoe's Incorporated Preferred and Class A Stockholders' Protective Association et al., petitioners, *v.* Donahoe's Incorporated et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied. Mr. Jus-

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

No. 873. Arabi Packing Co., 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. 917. Elmer Rundin, petitioner, *v.* C. J. Sells. Petition for writ of certiorari to the Supreme Court of the State of Washington denied.

No. 939. The United States of America, *ex rel.* Michael Tsevdos, petitioner, *v.* Rudolph Reimer, Commissioner of Immigration. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 940. Sentinel Oil Co., 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. 941. Charles S. Ladinsky and Moe Kanner, petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 950. Arrow Distilleries, Inc., petitioner, *v.* Wilford S. Alexander, Administrator *etc.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 954. Andre de Coppet and Muriel de Coppet, 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. 956. W. Ballard, petitioner, *v.* The Atchison, Topeka and Santa Fe Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 960. W. G. Arn *et al.*, petitioners, *v.* Bradshaw Oil & Gas Company *et al.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 965. John F. Hughes, as Trustee, *etc.*, petitioner, *v.* Lawyers Trust Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 966. A. W. Richter, petitioner, *v.* James E. Pritchard, Trustee. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 968. The Union Joint Stock Land Bank of Detroit, petitioner, *v.* L. D. Eaton, Receiver, *etc.* Petition for writ of certiorari to the Supreme Court of the State of Ohio denied.

No. 969. Gay Union Corporation, Inc., et al., petitioners, *v.* Henry A. Wallace, Secretary of Agriculture. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 971. Grain Belt Supply Company, 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. 974. The United States of America, ex rel. Grover Cleveland Bergdoll, petitioner, *v.* Lieutenant General Hugh A. Drum, Commanding Officer, United States Army, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 983. George R. Pietch, 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. 985. George C. Beidler, petitioner, *v.* Photostat Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 988. Hartford Accident & Indemnity Company, petitioner, *v.* Frank A. Cardillo, Deputy Commissioner, etc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 989. Neumann-Endler, Inc., petitioner, *v.* The United States (Majestic Forwarding & Shipping Co., appearing as parties in interest). Petition for writ of certiorari to the United States Court of Customs & Patent Appeals denied.

No. 997. Fidelity-Bankers Trust Company, Trustee, etc., et al., petitioners, *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. 973. Tennessee Consolidated Coal Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 976. Bertha B. Channell, Executrix, petitioner, *v.* Albert E. Sampson. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 980. Samuel E. Diescher and Mrs. Samuel E. Diescher, petitioners, *v.* Commissioner of Internal Revenue; and

No. 981. August P. Diescher and Mrs. August P. Diescher, petitioners, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 986. Portland Oil Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 1002. David Pender and Mellie W. Pender, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 1004. Margaret W. Meyer, as Executrix, etc., 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. 1006. Mattie Pandolfi, Stephen LoPiccolo, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1008. The Brown Paper Mill Company, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1022. Edward Coupe and Henry Lynch, petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 1038. John Touchton, petitioner, *v.* City of Fort Pierce, Florida, Debtor. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1046. Joseph Bayer, 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. 975. International Trading Corporation, petitioner, *v.* Charles Edison, Individually, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 984. Alex T. Denton, petitioner, *v.* Frank O. Lowden et al., as Trustees, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 990. Cummer Sons Cypress Company, petitioner, *v.* Atlantic Coast Line Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 991. Wilson Cypress Company, petitioner, *v.* Atlantic Coast Line Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 999. Jane Holding Corporation, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of cer-

tiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 1012. Zinsmaster Baking Company, 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. 1019. Mercantile-Commerce Bank & Trust Company et al., petitioners, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 1057. Max Ziskin, 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. 346. The United States of America, petitioner, *v.* Socony-Vacuum Oil Company, Inc. et al.; and

No. 347. Socony-Vacuum Oil Company, Inc., et al., petitioners, *v.* The United States of America. The petitions for rehearing in these cases are denied. The Chief Justice and Mr. Justice Murphy took no part in the consideration and decision of these applications.

No. 329. Henry Russell, Lawrence Miller, et al., petitioners, *v.* James S. Todd, Joseph R. Work, et al.;

No. 635. Herbert Tigner, appellant, *v.* The State of Texas;

No. 714. The Cuban-American Sugar Company, petitioner, *v.* The United States;

No. 808. Irving Knott Baxter, petitioner, *v.* Emory University et al.;

No. 821. James M. Wright, petitioner, *v.* First Joint Stock Land Bank of Fort Wayne, Indiana, et al.;

No. 881. State of Ohio, ex rel. Frank Jonak, appellant, *v.* James A. White et al.; and

No. 921. B. J. Wynne, A. M. Lockett & Company, Ltd., et al., appellants, *v.* The State of Texas. The petitions for rehearing in these cases are 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.