

OCTOBER TERM, 1937

STATISTICS

	Original	Appellate	Total
Number of cases on docket.....	22	1, 069	1, 091
Cases disposed of.....	9	1, 004	1, 013
Remaining on docket.....	13	65	78

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By written opinions.....	180
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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Cardozo, and Mr. Justice Black.

Maurice Rose, of New York City; Max Spelke, of Stamford, Conn.; John C. Gall, of Washington, D. C.; Rose S. Phillips, of Los Angeles, Calif.; Gordon Lawson, of Los Angeles, Calif.; John R. Todd, Jr., of Kingsport, Tenn.; Bernard H. Fitzpatrick, of New York City; James A. Hanley, of Franklin, N. H.; Edwin R. Boyd, of Washington, D. C.; Macey E. Klein, of Harrisburg, Pa.; Solomon Hurwitz, of Harrisburg, Pa.; Blanchard S. Tual, of Rogers, Ark.; John R. Stivers, of Knoxville, Tenn.; Thomas F. Ryan, of Reno, Nev.; Joseph V. Heffernan, of Washington, D. C.; John W. Bonner, of Helena, Mont.; Josiah Marvel, Jr., of Wilmington, Del.; John N. Cramer, of Los Angeles, Calif.; David F. Anderson, of Wilmington, Del.; Louis N. Goessy, of Kansas City, Mo.; David Goldstein, of Asbury Park, N. J.; Israel T. Deyo, of Binghamton, N. Y.; Martin W. Deyo, of Binghamton, N. Y.; George T. Altman, of Los Angeles, Calif.; Clifford A. Sheldon, of Lake Mills, Iowa; Henry J. Camby, of East Orange, N. J.; Wheeler Grey, of Washington, D. C.; Joseph E. McElvain, of Washington, D. C.; Robert P. McArdle, of Chicago, Ill.; Edward J. McArdle, Jr., of Chicago, Ill.; H. Hamlin Hodges, of Bethesda, Md.; Frederic A. Millerd, of Long Beach, Calif.; John McLean Clifford, of Long Beach, Calif.; John F. McCarthy, of Long Beach, Calif.; John E. McAniff, of New York City; J. Flipper Derricotte, of Washington, D. C.; Jay D. Bradley, of Atlanta, Ga.; Bernard James Weafer, of Atlanta, Ga.; Boyd Lee Spahr, of Philadelphia, Pa.; Francis J. Duffy, of Yonkers, N. Y.; Carlton M. Robson, of Kalamazoo, Mich.; and Clyde A. McCoy, of Ft. Wayne, Ind., were admitted to practice.

The Chief Justice said:

"Mr. Hugo L. Black of Alabama, former member of the Senate of the United States, has been nominated by the President for the office of Associate Justice of this Court and his nomination has been con-

firmed by the Senate. He has presented his commission which will be filed together with his oath which he has heretofore taken in the form prescribed by law."

No. —. *Ex parte* Patrick Henry Kelly. Mr. Patrick Henry Kelly submitted a motion requesting a hearing on the title of Mr. Justice Black as a member of this Court.

No. —, original. *Ex parte* Albert Lévitte, petitioner. Mr. Albert Lévitte submitted a motion for leave to file a petition for an order requiring Mr. Justice Black to show cause why he should be permitted to serve as an Associate Justice of this Court.

No. 256. State of Indiana, *ex rel.* Dorothy Anderson, petitioner, *v.* Harry Brand, Trustee, etc. Leave granted to file brief of respondent in opposition to petition for writ of certiorari on motion of Mr. George C. Gertman for the respondent.

No. 32. Iron Ross, as Receiver of the First National Bank of Perry, etc., petitioner, *v.* W. V. Knott, as Treasurer of the State of Florida, et al. M. G. McNair, present Receiver of the First National Bank of Perry, substituted as the party petitioner in place of Iron Ross, former Receiver, on motion of Mr. George P. Barse for the petitioner.

No. 411. Royal Indemnity Company et al., petitioners, *v.* Robert J. Hoage, Deputy Commissioner, etc., et al. Frank A. Cardillo, present Deputy Commissioner for the District of Columbia, United States Employees' Compensation Commission, substituted as a party respondent in place of Robert J. Hoage, former Deputy Commissioner, on motion of Mr. Frank H. Myers for the petitioners.

No. —, original. *Ex parte* L. H. Heymann et al., petitioners. Motion for leave to file petition for writ of certiorari submitted by Mr. John M. Lee and Mr. Walter E. Wiles for the petitioners.

No. 3, original. State of Wisconsin et al., complainants, *v.* State of Illinois et al.;

No. 4, original. State of Michigan et al., complainants, *v.* State of Illinois et al.; and

No. 5, original. State of New York et al., complainants, *v.* State of Illinois et al. Semi-annual report of defendant Sanitary District of Chicago dated July 1, 1937, presented.

No. 7, original. Commonwealth of Kentucky, complainant, *v.* State of Indiana. Report No. 15 of the defendant, State of Indiana, presented.

No. 86. Iowa City Light and Power Company, petitioner, *v.* Harold L. Ickes, as Federal Emergency Administrator of Public Works, et al. On writ of certiorari to the United States Court of Appeals

for the District of Columbia. Pursuant to a stipulation of counsel the decree of the Court of Appeals is reversed and the cause is remanded to the District Court of the United States for the District of Columbia with directions to vacate its decree and to dismiss the proceeding upon the ground that the cause is moot.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 11, will be as follows: Nos. 1, 2, 3, 7, 8, 68, 4, 5, 6, and 11.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Cardozo, and Mr. Justice Black.

Henry A. Julicher, of New York City; Chas. Rosenbaum, of New York City; Lorin W. Willis, of Bridgeport, Conn.; Frank M. Headley, of Omaha, Nebr.; John Ambler, of Seattle, Wash.; Ray L. Strother, of Clarksburg, W. Va.; Ruth L. Waltner, of Jefferson City, Mo.; Harry G. Waltner, Jr., of Jefferson City, Mo.; Joseph Edward Hartman, of Indianapolis, Ind.; John W. Van Gordon, of New York City; Aaron U. Homnick, of New York City; H. P. Robinson, of St. Louis, Mo.; Harold R. Lair, of Syracuse, N. Y.; and Gerald R. Redding, of Indianapolis, Ind., were admitted to practice.

The Chief Justice announced the following orders of the Court:

No. —, original. *Ex parte* Albert Lévitte, petitioner. Motion for leave to file a petition for an order requiring Mr. Justice Black to show cause why he should be permitted to serve as an Associate Justice of this Court. *Per curiam*: The grounds of this motion are that the appointment of Mr. Justice Black by the President and the confirmation thereof by the Senate of the United States were null and void by reason of his ineligibility under Article I, Section 6, Clause 2, of the Constitution of the United States, and because there was no vacancy for which the appointment could lawfully be made. The motion papers disclose no interest upon the part of the petitioner other than that of a citizen and a member of the bar of this Court. That is insufficient. It is an established principle that to entitle a private individual to invoke the judicial power to determine the validity of executive or legislative action he must show that he has sustained or is immediately in danger of sustaining a direct injury as the result of that action and it is not sufficient that he has merely a general interest common to all members of the public. *Tyler v. Judges*, 179 U. S. 405, 406; *Southern Railway Company v. King*, 217 U. S. 524, 534; *Newman v. Frizzell*, 238 U. S. 537, 549, 550; *Fairchild v. Hughes*, 258 U. S. 126, 129; *Massachusetts v. Mellon*, 262 U. S. 447, 488. The motion is denied.

No. —, original. *Ex parte* Patrick Henry Kelley, petitioner. Motion for hearing on the title of Mr. Justice Black as a member of this Court. *Per Curiam*: The motion is denied. *Ex parte* Albert Lévit, decided this day.

No. 99. Eureka Productions, Inc., appellant, *v.* Herbert H. Lehman, as Governor of the State of New York, et al. Appeal from the District Court of the United States for the Southern District of New York. *Per curiam*: The motion of the appellees to affirm is granted and the order denying an interlocutory injunction is affirmed. (1) *Alabama v. United States*, 279 U. S. 229, 231; *United Gas Co. v. Public Service Commission*, 278 U. S. 322, 326; *National Accounting Co. v. Dorman*, 295 U. S. 718. (2) *Mutual Film Corp. v. Ohio Industrial Comm.*, 236 U. S. 230, 240, 241; *Mutual Film Corp. v. Kansas*, 236 U. S. 248, 258.

No. 100. The Pure Oil Company, appellant, *v.* Oklahoma Tax Commission. Appeal from the Supreme Court of the State of Oklahoma. *Per curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Continental Baking Co. v. Woodring*, 286 U. S. 352, 372, 373; *Hicklin v. Coney*, 290 U. S. 169, 174-177; *Aero Transit Co. v. Georgia Commission*, 295 U. S. 285, 290, 291; *Evans Terry Co. v. Mississippi* 296 U. S. 538. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 120. Tommie Walls, appellant, *v.* State of North Carolina. Appeal from the Supreme Court of the State of North Carolina;

No. 376. Anthony Dallao, appellant, *v.* State of Louisiana; and

No. 377. Joseph Ugarte, appellant, *v.* State of Louisiana. Appeals from the Supreme Court of the State of Louisiana. *Per curiam*: The appeals herein are dismissed for the want of jurisdiction. Section 237 (a), Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeals were allowed as petitions for writs of certiorari, as required by section 237 (c), Judicial Code, as amended (43 Stat. 936, 938), certiorari is denied. The motions for leave to proceed further herein in forma pauperis are denied.

No. 150. Anna Witzelberg, appellant, *v.* The City of Cincinnati, William F. Hess, Auditor, etc., et al. Appeal from the Supreme Court of the State of Ohio. *Per curiam*: The motion of the appellees to dismiss the appeal is granted and the appeal is dismissed (1) for the want of a properly presented federal question, *Clarke v. McDade*, 165 U. S. 168, 172; *Chesapeake & Ohio Ry. Co. v. McDonald*, 214 U. S. 191, 193; *Hiawassee Power Co. v. Carolina-Tenn. Co.*, 252 U. S. 341, 343; (2) for the want of a substantial federal question, *Ballard v. Hunter*, 204 U. S. 241, 262; *North Laramie Land Co. v. Hoffman*, 268 U. S. 276, 283.

No. 159. Spencer Coleman, appellant, *v.* City of Griffin. Appeal from the Court of Appeals of the State of Georgia. *Per curiam:* The appeal herein is dismissed (1) for the want of a substantial federal question, *Reynolds v. United States*, 98 U. S. 145, 166, 167; *Davis v. Beason*, 133 U. S. 333, 342, 343; (2) for the want of a properly presented federal question, *Erie Railroad Co. v. Purdy*, 185 U. S. 148, 154; *Herndon v. Georgia*, 295 U. S. 441, 443.

No. 205. Elizabeth Myers, Administratrix of the estate of Robert W. Myers, deceased, appellant, *v.* The Atchison, Topeka and Santa Fe Railway Company. Appeal from the Supreme Court of the State of Oklahoma; and

No. 341. Owen Couche, appellant, *v.* State of Louisiana. Appeal from the Supreme Court of the State of Louisiana. *Per curiam:* The appeals herein are dismissed for the want of jurisdiction. Section 237 (a), Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeals were allowed as petitions for writs of certiorari, as required by section 237 (c), Judicial Code, as amended (43 Stat. 936, 938), certiorari is denied.

No. 210. John Noorman, appellant, *v.* The Department of Public Works and Buildings of the State of Illinois, etc., et al. Appeal from the Supreme Court of the State of Illinois. *Per curiam:* The appeal herein is dismissed for the want of a substantial federal question. *Iowa Central Railroad Co. v. Iowa*, 160 U. S. 389, 393; *Gasquet v. Lapeyre*, 242 U. S. 367, 369, 370; *Kammerer v. Kroeger*, 299 U. S. 302, 304.

No. 254. The Diocese of Olympia, Inc., appellant, *v.* William H. Pemberton, Supervisor of Inheritance Tax and Escheat Division of the State of Washington, et al. Appeal from the Supreme Court of the State of Washington. *Per curiam:* The motion for leave to file a supplemental statement as to jurisdiction is granted. The appeal herein is dismissed for the want of a substantial federal question. *Stebbins v. Riley*, 268 U. S. 137, 144, 145.

No. 267. Bert Vilas, appellant, *v.* Iowa State Board of Assessment and Review et al. Appeal from the Supreme Court of the State of Iowa. *Per curiam:* The appeal herein is dismissed for the want of a substantial federal question. *Lawrence v. State Tax Comm.*, 286 U. S. 276, 283, 284; *Zucht v. King*, 260 U. S. 174, 176; *Roe v. Kansas*, 278 U. S. 191, 192; *Texas & Pacific Ry. Co. v. Texas*, 296 U. S. 552.

No. 276. Katheryn Marie Louise Ashley Felton Elkins, a Minor, by her next friend, George B. Clothier et al., appellants, *v.* Land Title Bank and Trust Company et al.; and

No. 277. Charles Joseph Christian de Guigne, 3d, and George B. Clothier, Trustee, etc., appellants, *v.* Land Title Bank and Trust

Company et al. Appeals from the Supreme Court of the Commonwealth of Pennsylvania. *Per curiam*: The motion of the appellees to dismiss the appeals is granted and the appeals are dismissed (1) 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; *Mississippi Central R. Co. v. Aultman* 296 U. S. 537; and (2) for the reason that the judgments sought herein to be reviewed are based upon a non-federal ground adequate to support them, *Henderson Bridge Co. v. Henderson City*, 141 U. S. 679, 688; *McCoy v. Shaw*, 277 U. S. 302, 303; *Southern Nebraska Power Co. v. Nebraska*, 299 U. S. 520.

No. 296. Grace Lela Potter, Administratrix of the Estate of Charles E. Potter, deceased, appellant, *v. Mildred Young, Mrs. Dorothy Lee et al.* Appeal from the Supreme Court of the State of Arkansas. *Per curiam*: The appeal herein 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; *Mississippi Central R. Co. v. Aultman*, 296 U. S. 537.

No. 321. Charles G. Johnson, as Treasurer of the State of California, et al., appellants, *v. M. G. West Company.* Appeal from the District Court of Appeal, 3d Appellate District, State of California. *Per curiam*: The motion of the appellee to dismiss the appeal is granted and the appeal is dismissed for the want of jurisdiction. Section 237 (a), Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 937). The petition for certiorari is denied.

No. 373. Lawrence E. Carlson, Administrator of the Estate of William E. Koch, deceased, appellant, *v. Lloyd Kesler, Harry Kesler, Also known as Harry E. Kesler, Partners, etc., et al.* Appeal from the Supreme Court of the State of Indiana. *Per curiam*: The motion of the appellees to dismiss the appeal is granted and the appeal is dismissed for the want of jurisdiction. Section 237 (a), Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeal was allowed as a petition for a writ of certiorari, as required by section 237 (c), Judicial Code, as amended (43 Stat. 936, 938), certiorari is denied.

The Chief Justice said:

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

No. 202, October Term 1935. Robert G. Stone and Carrie M. Stone, Trustees, etc., petitioners, *v. Thomas W. White, Former Collector of Internal Revenue at Boston, Massachusetts.* It is ordered that the

first complete sentence on page 2 of the opinion handed down May 24, 1937, be recast to read as follows:

"A deficiency against the trustees was assessed by the Commissioner before, and was paid by them, under protest, from income of the trust, after collection from the beneficiary had been barred by the statute of limitations."

It is further ordered that the following words be inserted between the word "But" and the word "it" in the eleventh line from the bottom of page 5 of the opinion:

"the demand made upon the trustees was not barred by limitation and".

The petition for rehearing is denied.

No. —, original. Ex parte Henry A. Ilse, petitioner;

No. —, original. Ex parte John Worster, Jr., petitioner;

No. —, original. Ex parte Atwell Curtis. The motions for leave to file petitions for writs of habeas corpus are denied.

No. —, original. Ex parte Victor J. Evans, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No. —, original. Ex parte L. H. Heymann, petitioner. The motion for leave to file petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted. The petition for writ of certiorari is also granted.

No. 3, original. The State of Wisconsin et al., complainants, *v.* The State of Illinois et al.;

No. 4, original. The State of Michigan et al., complainants, *v.* The State of Illinois et al.; and

No. 5, original. The State of New York et al., complainants, *v.* The State of Illinois et al. The semi-annual report of defendant, Sanitary District of Chicago, dated July 1, 1937, is received and ordered filed.

No. 7, original. The Commonwealth of Kentucky, complainant, *v.* The State of Indiana et al. Upon consideration of the Report of the State of Indiana, submitted September 1, 1937, in accordance with clause 5 of the decree entered herein on May 19, 1930, which is received and ordered filed, wherein it is stated that the State of Indiana, through its Highway Commission, has complied with said decree and application is made to be relieved of the duty of filing further reports, and the Commonwealth of Kentucky, by its Attorney General, having consented to the entry of an order granting that application,

It is ordered that the application of the State of Indiana be, and the same is hereby, granted, and that the State of Indiana and its Highway Commission be, and they are hereby, relieved from the requirement of making any further reports herein under clause 5 of said decree.

It is further ordered that this cause be continued and that either party hereto may apply to this Court for any further relief or order consistent with the issues herein.

No. 34. Worcester County Trust Company, Executor, petitioner, *v. Ray L. Riley*, Controller of the State of California, et al. Further consideration of the motion to substitute is postponed to the hearing of the case on the merits.

No. 422. J. M. Hebert et al., petitioners, *v. Rio Bravo Oil Company* et al. Upon consideration of the motion by the petitioners for an order designating specified portions of the record to be printed, and of the respondents' reply thereto, it is ordered that the entire transcript of the record be printed, without prejudice to the authority of the Court to make such order as to costs as it may deem proper, if it appears that the respondents have caused unnecessary parts of the record to be printed. Rule 13, par. 9.

No. 378. Susie Maty, Administratrix of the estate of George Maty, also known as George Matey, petitioner, *v. Grasselli Chemical Company*. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. The motion for consideration of the petition for writ of certiorari on typewritten petition and record is granted. The petition for writ of certiorari is granted. The Clerk is directed to print the record and petition for writ of certiorari.

No. 60. William McDonald, William Long, and E. M. Daugherty, petitioners, *v. Steamship "Floridian"*, her engines etc., et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit; and

No. 360. Frank DiStasio, petitioner, *v. Commonwealth of Massachusetts*. On petition for writ of certiorari to the Superior Court in and for the County of Middlesex, Commonwealth of Massachusetts. The motions for leave to proceed on typewritten petitions and records are denied for the reason that the Court, upon examination of the papers herein submitted finds no grounds upon which writs of certiorari should be issued. The petitions for writs of certiorari are therefore also denied.

No. 121. Pierce Lonergan, petitioner, *v. The United States of America*. The motion 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 also granted.

No. 212. Alfred Demarois, petitioner, *v. John Farrel*, United States Marshal, etc., et al. 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 that the application for a writ of certiorari was not made within the time provided by law. Act of February 13, 1925, Section 8 (a) (43 Stat. 936, 940).

No. 110. Birney F. Combs, Heir and Contributor to the assets and as Administrator, etc., petitioner, *v.* The Richford Savings Bank and Trust Co. et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit;

No. 112. Phares P. Mauk, 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. 149. John Porobilo, Curator of Claimant, et al., petitioners, *v.* Leopold Taliancich et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit;

No. 158. A. J. Ihle, Vice Girod, Deceased, Trustee, etc., petitioner, *v.* Paul J. Barbe. On petition for writ of certiorari to the First Circuit Court of Appeals of the State of Louisiana;

No. 169. Pascal Dorn, petitioner, *v.* Industrial Accident Commission of the State of California. On petition for writ of certiorari to the District Court of Appeal, 4th Appellate District, State of California;

No. 179. Bernie Ray Stewart, Mrs. Glenna Stewart Cranford, et al., petitioners, *v.* Lindsay S. Wall, Administrator, etc., et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit;

No. 229. Jesse C. Duke, 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;

No. 237. Henry J. Bernhardt, as Administrator, etc., petitioner, *v.* Chicago, Burlington & Quincy Railroad Company. On petition for writ of certiorari to the Supreme Court of the State of Nebraska;

No. 239. Thomas C. Barton, petitioner, *v.* John M. Gehman. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit;

No. 240. H. L. Lynch, petitioner, *v.* Helen Kemp (now Helen Durfey). On petition for writ of certiorari to the Supreme Court of the State of California;

No. 244. Amon S. Longenecker and Grace Longenecker, his wife, petitioners, *v.* Pennsylvania Joint Stock Land Bank. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit;

No. 245. Leroy S. Coble and Grace O. Coble, his wife, petitioners, *v.* Federal Land Bank of Baltimore. On petition for writ of cer-

tiorari to the United States Circuit Court of Appeals for the Third Circuit;

No. 246. Mae W. Beamesderfer, petitioner, *v.* First National Bank and Trust Company of Mount Joy. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit;

No. 247. Jacob Hossler and Margaret Hossler, his wife, petitioners, *v.* Pennsylvania Joint Stock Land Bank of Philadelphia. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit;

No. 248. Clayton R. Shreiner and Mabel Shreiner, petitioners, *v.* Farmers' Trust Company of Lancaster. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit;

No. 338. Percy Lang, petitioner, *v.* Arthur D. Wood, Charles A. Whalen, et al. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 345. Charles Anderson, petitioner, *v.* Eva Odisho. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit;

No. 385. Georgia M. Spruill, petitioner, *v.* Harriet T. Serven. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia; and

No. 393. Dewey Savarese, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the Supreme Court of the State of New York. The motions for leave to proceed further herein *in forma pauperis* are denied for the reason that the Court, upon examination of the papers herein submitted finds no grounds upon which writs of certiorari should be issued. The petitions for writs of certiorari are therefore also denied.

No. 97. The United States of America, appellant, *v.* Ben Kapp et al.;

No. 135. Frank Palko, appellant, *v.* State of Connecticut;

No. 161. South Carolina State Highway Department et al., appellants, *v.* Barnwell Brothers, Inc., et al.;

No. 313. Lone Star Gas Company, appellant, *v.* State of Texas et al.;

No. 316. Connecticut General Life Insurance Company, appellant, *v.* Charles G. Johnson, as Treasurer, etc.;

No. 334. Rainier National Park Company, appellant, *v.* Clarence D. Martin, as Governor of the State of Washington, et al.;

No. 391. Alma Lovell, appellant, *v.* The City of Griffin. In these cases probable jurisdiction is noted.

No. 230. Natural Gas Pipeline Company of America, appellant, *v.* James M. Slattery et al. In this case probable jurisdiction is noted. Further consideration of the motion to dismiss is postponed to the hearing of the case on the merits. The motion to advance is granted and the case is assigned for hearing on Monday, November 8th next.

No. 243. H. H. Henneford, T. S. Hedges, et al., appellants, *v.* Northern Pacific Railway Company. In this case probable jurisdiction is noted. The attention of counsel is directed to the questions as to (1) the existence of the required jurisdictional amount and (2) the adequacy of the remedy at law.

No. 281. Aluminum Company of America, appellant, *v.* The United States of America. In this case probable jurisdiction is noted. The motion to advance is granted and the case is assigned for hearing on Monday, November 8, next. The Chief Justice and Mr. Justice Stone took no part in the consideration and decision of these questions.

No. 303. Guy F. Atkinson and Geo. H. Atkinson, Co-partners, etc., appellants, *v.* State Tax Commission of Oregon et al. In this case probable jurisdiction is noted. The Clerk is directed to give notice to the Attorney General of the United States who is requested to present the views of the Government upon the questions (1) as to jurisdiction over the area in which the work of the contractors was performed and (2) whether the state tax imposes a burden upon the Government. Brief may be filed by the Government on or before December 1, 1937 with leave to the respective parties to file briefs in reply on or before December 31, 1937.

No. 322. Western Live Stock, a partnership, etc., appellant. *v.* Bureau of Revenue and John A. Bingaman, Commissioner of Revenue; and

No. 366. The Kansas Farmers Union Royalty Company et al., appellants, *v.* Ira Shaffer, Executor, etc. Further consideration of the question of the jurisdiction of this Court in these cases is postponed to the hearing of the cases on the merits.

No. 41. Standard Accident Insurance Company, petitioner, *v.* The United States of America, for the use and benefit of L. R. Powell, Jr., et al., etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 48. The United States, petitioner, *v.* Mabel S. Andrews, Executrix, etc. Petition for writ of certiorari to the Court of Claims granted.

No. 55. Mary Duke Biddle, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 57. Lanasa Fruit Steamship and Importing Company, Inc., petitioner, *v.* Universal Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted.

No. 72. Crown Cork & Seal Company, Inc., petitioner, *v.* Ferdinand Gutmann Co., Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 90. Perry McCart, Samuel L. Trabue, et al., etc., petitioners, *v.* Indianapolis Water Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 106. Minnesota Tea 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 Eighth Circuit granted.

No. 123. Harvey S. Adams, Receiver, et al., petitioners, *v.* Geneva M. Nagle, Ralph S. Hill, et al.; and

No. 124. Harvey S. Adams, Receiver, petitioner, *v.* J. Edwin Tobias, Ralph S. Hill, et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 128. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* John H. Therrell, also known as J. H. Therrell. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 129. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* William H. Tunnicliffe. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 138. The United States of America, petitioner, *v.* Pete McGowan, Claimant of One Chevrolet Coupe, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 140. The Creek Nation, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims granted.

No. 143. The United States of America, petitioner, *v.* Helen J. Stevens, Administratrix, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 146. The United States of America, petitioner, *v.* Ralph Raynor; and

No. 147. The United States of America, petitioner, *v.* Chett Fowler. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 167. Charles F. Blackton, petitioner, *v.* Aaron Gordon. Petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey granted.

No. 181. A. Howard Myers, Individually, etc., et al., petitioners, *v.* Bethlehem Shipbuilding Corporation, Ltd.; and

No. 182. A. Howard Myers, Edmund J. Blake, et al., etc., petitioners, *v.* Charles MacKenzie, Individually, etc., et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 189. Benjamin B. Foster and Robert R. Todd, Executors, etc., petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims granted.

No. 190. Frank Carmine Nardone, Austin L. Callahan, 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.

No. 197. Estaban Adam, petitioner, *v.* William Saenger, et al. Petition for writ of certiorari to the Court of Civil Appeals, 9th Supreme Judicial District, State of Texas granted.

No. 215. The Tax Commissioner of Ohio, petitioner, *v.* Rollin A. Wilbur and the National City Bank of Cleveland, Ohio, Co-Trustees, etc. Petition for writ of certiorari to the Court of Appeals of Cuyahoga County, State of Ohio granted.

No. 218. Leon N. Munro, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 231. The United States, petitioner, *v.* Robert Esnault-Pelterie. Petition for writ of certiorari to the Court of Claims granted.

No. 242. Compania Espanola de Navegacion Maritima, S. A., Owner, etc., petitioner, *v.* Spanish Steamship "Navemar", her engines, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 274. Saint Paul Mercury Indemnity Company, petitioner, *v.* Red Cab Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 293. Edward Lauf and Amalgamated Meat Cutters and Butcher Workman of North America, Local No. 73, petitioners, *v.* E. G. Shinner & Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 300. The St. Louis, Brownsville and Mexico Railway Company et al., petitioners, *v.* Brownsville Navigation District of Cameron

County, Texas, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 301. Guaranty Trust Company of New York, Executor, etc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 324. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Charles E. Mitchell. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 323. 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 granted.

No. 342. C. C. McCollum, Trustee in Bankruptcy of Lookout Planning Mills, petitioner, *v.* Hamilton National Bank of Chattanooga. Petition for writ of certiorari to the Supreme Court of the State of Tennessee granted.

No. 346. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Nellie B. Bowers, Administratrix, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 349. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Sellar Bullard, as Executor, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 352. The United States of America, petitioner, *v.* Illinois Central Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 367. Erie Railroad Company, petitioner, *v.* Harry J. Tompkins. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 262. The United States of America, petitioner, *v.* Garbutt Oil Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted and case assigned for hearing immediately following No. 48.

No. 108. Andrew J. Christopher, Third National Bank & Trust Co., as Executor, etc., et al., petitioners, *v.* W. E. Brusselback et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted. Mr. Justice Brandeis took no part in the consideration and decision of this application.

No. 287. Edward McLoughlin, 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 hearing immediately following No. 129.

No. 144. D. B. Heiner, Individually and as Former Collector of Internal Revenue, etc., petitioner, *v.* A. W. Mellon; and

No. 145. D. B. Heiner, Individually and as Former Collector of Internal Revenue, etc., petitioner, *v.* Jennie King Mellon et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted. The Chief Justice and Mr. Justice Stone took no part in the consideration and decision of this application.

No. 198. The United States of America, petitioner, *v.* Arthur W. Machen. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted and case assigned for hearing immediately following No. 43.

No. 305. Newport News Shipbuilding and Dry Dock Company, petitioner, *v.* Bennett F. Schauffler, Individually, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted and case assigned for hearing immediately following Nos. 181 and 182.

No. 199. The United States of America, petitioner, *v.* Ben B. Jackson, by his guardian ad litem, Alphene W. Dowell. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted, limited to the first question presented by the petition.

No. 208. Leitch Manufacturing Company, Inc., petitioner, *v.* The Barber Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted and case assigned for hearing immediately following Nos. 72 and 357.

No. 202. Harry Fleisher, petitioner, *v.* The United States of America;

No. 203. Sam Fleisher, petitioner, *v.* The United States of America; and

No. 204. Joseph Stein, petitioner, *v.* The United States of America. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted, limited to the question whether the first count of the indictment states an offense under federal law.

No. 357. General Talking Pictures Corporation, petitioner, *v.* Western Electric Company, Inc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted and case assigned for hearing immediately following No. 72. Mr. Justice Roberts took no part in the consideration and decision of this application.

No. 74. Fannie Shaffer, as a member and Trustee, etc., petitioner, *v.* Superior Court of Los Angeles County et al. The motion to strike the brief of respondent is denied. The petition for writ of certiorari to the Supreme Court of the State of California is denied.

No. 111. Home Owners' Loan Corporation, petitioner, *v.* Central Market, Inc. Petition for writ of certiorari to the Supreme Court of Nebraska denied as it does not appear from the record that there is a final judgment.

No. 398. John G. Saxe, petitioner, *v.* Charles W. Anderson, Collector of Internal Revenue, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied on the ground that the application has been made prior to judgment of the Circuit Court of Appeals.

No. 163. Thomas J. Brady, petitioner, *v.* Terminal Railroad Association of St. Louis. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied as it does not appear from the record that there is a final judgment.

No. 226. Arthur Lavigne, petitioner, *v.* Chicago, Milwaukee, St. Paul and Pacific Railroad Company. Petition for writ of certiorari to the Appellate Court, 1st District, State of Illinois denied. Mr. Justice Brandeis took no part in the consideration and decision of this application.

No. 285. Walter G. Roland to the use of Robert P. Shick, Robert P. Shick, petitioners, *v.* Harry M. Albright, William A. Goodman, et al. The motion to strike the brief of respondent in this case is denied. Petition for writ of certiorari to the Supreme Court of the State of Pennsylvania denied.

No. 289. Charles E. Hendrickson, Trustee of Archibald M. Henry, Bankrupt, petitioner, *v.* The Chase National Bank of the City of New York. The motion to substitute Emanuel Weitz, present trustee of Archibald M. Henry, Bankrupt, as the party petitioner herein in place of Charles E. Hendrickson, deceased, is granted. 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. 44. George H. Gillons, Edward P. Shaw, et al., petitioners, *v.* The Shell Company of California. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 46. Winfred E. Ramsey, petitioner, *v.* The State of California. Petition for writ of certiorari to the Supreme Court of the State of California denied.

No. 47. Arthur J. Eide, by Bertha K. Eide, his guardian ad litem, 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. 49. The United States, petitioner, *v.* Briggs & Turivas. Petition for writ of certiorari to the Court of Claims denied.

No. 50. Frank J. Link and John T. Miller, petitioners. *v.* The People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 51. Dorothy Dole Maddock and Katherine Dole Rudolph, petitioners, *v.* Frank Haines, Individually, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 52. Frank T. Heffelfinger, 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. 53. The Reading Company, petitioner, *v.* Thorne Neale & Co., Inc.; and

No. 54. The Reading Company, petitioner, *v.* The Bouchard Transportation Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 56. The Reeke-Nash Motors Company, petitioner, *v.* The Swan Carburetor Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 350. General Motors Corporation, petitioner, *v.* The Swan Carburetor Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 58. Star Stationery Company, petitioner, *v.* Chester P. Rogers, Receiver of New Jersey National Bank and Trust Company of Newark. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 64. The Highlands Evanston-Lincolnwood Subdivision, etc., et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 194. Gabriel Roberts Solomon 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 Fifth Circuit denied.

No. 65. Fred Elliott, George E. West, et al., petitioners, *v.* University of Illinois, Louis L. Ashman, et al. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 66. Ralph M. Walker, 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. 67. Potomac Electric Power Company, petitioner, *v.* Melvin C. Hazen, George E. Allen, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 69. Georgia Power Company, petitioner, *v.* Tennessee Valley Authority; and

No. 70. Georgia Power Company, petitioner, *v.* Honorable E. Marvin Underwood, United States District Judge, etc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 71. Goldie Goldberg, petitioner, *v.* Minnie Libby Goldberg et al. Petition for writ of certiorari to the Appellate Court, 2nd District, State of Illinois, denied.

No. 73. Bennell Realty Company, petitioner, *v.* E. G. Shinner & Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 75. C. S. Dudley & Company, Inc., petitioner, *v.* State of Missouri, upon the information of Roy McKittrick, Attorney General of the State of Missouri, denied.

No. 76. G. B. Wilkinson Estate, Inc., et al., petitioners, *v.* Yount-Lee Oil Company; and

No. 77. C. H. Wilkinson, petitioner, *v.* Yount-Lee Oil Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 78. J. Dallas Grady, petitioner, *v.* Carrie M. Garland, Randolph M. Garland, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 79. Reinharts, Incorporated, petitioner, *v.* Caterpillar Tractor Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 80. Citizens Water 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. 81. Paul J. Bonwit, 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. 82. Wm. H. Moore, Jr., as Trustee in Bankruptcy, etc., petitioner, *v.* W. H. Jahns and Margaret J. Jahns. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 83. Gail W. Courtright and Evelyn K. Koon, Administratrices etc., petitioners, *v.* Legislative Statutory Commission, as State Board or Commission, etc., et al. Petition for writ of certiorari to the Supreme Court of the State of Colorado denied.

No. 88. Burdine C. Anderson, James E. Anderson, et al., petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 89. Mrs. P. L. Garrow, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 91. John J. Kuptz, The Employer's Liability Assurance Corporation, Ltd., petitioners, *v.* Ralph Sollitt & Sons Construction Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 92. The Thomas J. Emery Memorial, petitioner, *v.* The Cincinnati Underwriters Agency Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 93. Tinius Olsen Testing Machine Company and Thorsten Y. Olsen, petitioners, *v.* Baldwin-Southwark Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 94. Triest & Earle, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 96. The Baltimore & Ohio Railroad Company, petitioner, *v.* Mary Anderson, Executrix, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 98. R. D. Baker Company, petitioner, *v.* William Rarden and John Rarden. Petition for writ of certiorari to the Supreme Court of the State of Michigan denied.

No. 101. Garrow MacClain & Garrow, Inc., petitioner, *v.* James W. Bass, Collector of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 102. The City of Wheeling et al., petitioners, *v.* John F. Casey Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 103. William Wingert, Lewis P. Wingert, et al., petitioners, *v.* E. J. Smead, J. Wm. Ernst, et al.;

No. 104. William Wingert, Lewis P. Wingert, et al., petitioners, *v.* E. J. Smead, J. Wm. Ernst, et al.; and

No. 105. William Wingert, Lewis P. Wingert, et al., petitioners, *v.* E. J. Smead, J. Wm. Ernst, et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 107. Great Southern Life Insurance 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. 109. Consumers Power Company, petitioner, *v.* Ernest L. Krause, Arthur Parent, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 113. E. R. Bradley et al., petitioners, *v.* Adams Express Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 114. The Western Express Company, petitioner, *v.* Wayne Smeltzer, a Minor, by Ohlan Smeltzer, his legal guardian;

No. 115. The Western Express Company, petitioner, *v.* Robert L. Lechlightner, a Minor, by Nelson Lechlightner, his legal guardian; and

No. 116. The Western Express Company, petitioner, *v.* Aaron Berkey, Administrator of the Estate of Walter N. Berkey, deceased. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 117. The France Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 118. Chateaugay Ore & Iron Company, petitioner, *v.* Eastern Transportation Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 119. The Byrne Manufacturing Company, petitioner, *v.* American Flange & Manufacturing Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 122. Corona Brewing Corporation, 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 denied.

No. 125. C. E. Simmons, 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. 126. The Citizens Banking Company and Frank E. Hulett, Intervening Bondholders, petitioners, *v.* The Sturgeon Bay Company, debtor. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 127. Miami Corporation, petitioner, *v.* State of Louisiana. Petition for writ of certiorari to the Supreme Court of the State of Louisiana denied.

No. 130. Pacific Alaska Airway, petitioner, *v.* W. G. Mahan, as Administrator etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 131. Pacific Alaska Airways, Inc., petitioner, *v.* M. Clifford Smith, as Administrator, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 132. Elton Cruse, Administrator, et al., petitioners, *v.* Sabine Transportation Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 133. City of Fort Worth, petitioner, *v.* Activated Sludge, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 134. E. C. Breedlove, Administrator de bonis non, etc., petitioner, *v.* Ben Freudenstein, Receiver, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 136. Robert P. Morsman, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 137. Jonathan C. Stimson and American Gas Accumulator Company, petitioners, *v.* United Advertising Corporation of Texas. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 141. Peter D. Pinkussohn, 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. 142. Citizens Bank & Trust Company, petitioner, *v.* Mellon National Bank. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 148. John Ogden, Executor, etc., petitioner, *v.* Henry Morgenthau, Jr., Secretary of the Treasury of the United States of America, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 151. MacPherson Crichton, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 152. Sanitary Grocery Co., Inc., operating Piggly-Wiggly Stores, petitioner, *v.* Margaret Snead. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 153. Norris Grain Company, petitioner, *v.* Texas and New Orleans Railroad Company; and

No. 154. N. E. Carpenter and I. V. Sanford, as Trustees, etc., et al., petitioners, *v.* Texas and New Orleans Railroad Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 155. New York Life Insurance Company, petitioner, *v.* Alice Stanley Lydon et al., Executors, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 156. Bankers Indemnity Insurance Company, petitioner, *v.* Dagmar Lundgren. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 157. Bankers Indemnity Insurance Company, petitioner, *v.* Grace F. Pinkerton. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 160. Arthur O. Borland, Ray A. Borland, et al., petitioners, *v.* George H. Johnson, Deputy District Attorney, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 162. The Federal Farm Mortgage Corporation, petitioner, *v.* Martin Falk, Jr., and Florentena Falk, Jr., his wife, et al. Petition for writ of certiorari to the Supreme Court of the State of North Dakota denied.

No. 164. L. W. Baldwin and Guy A. Thompson, Trustees, etc., petitioners, *v.* Fred B. Fluitt. Petition for writ of certiorari to the Supreme Court of the State of Louisiana denied.

No. 165. Mrs. C. B. Meadows et al., petitioners, *v.* Continental Assurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 166. Grover C. Buchen and Felicia J. Buchen, petitioners, *v.* The Bank of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 168. H. Foster Hartman, Administrator of the estate of Remus H. Clark, deceased, et al., etc., petitioners, *v.* The Baltimore and Ohio Railroad Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 170. William L. Jarvis et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 171. The Chesapeake and Ohio Railway Company, petitioner, *v.* Florence Vigor, as Administratrix etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 172. Reading Company, petitioner, *v.* Ellen May Mease and Charles Roy Mease. Petition for writ of certiorari to the Supreme Court of the State of Pennsylvania denied.

No. 173. James McWilliams Blue Line, Inc., petitioner, *v.* Koppers Connecticut Coke Co. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 174. R. J. Nitkey, petitioner, *v.* Joseph A. Ward. The Guardian Trust Company et al. Petition for writ of certiorari to the Supreme Court of the State of Minnesota denied.

No. 175. The Texas Pipe Line Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 176. Great Lakes Transit Corporation, petitioner, *v.* Interlake Steamship Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 177. William F. Hess, Trustee, etc., petitioner, *v.* Dr. C. S. Amidon. Petition for writ of certiorari to the Court of Appeals, 1st Appellate Judicial District, State of Ohio, denied.

No. 178. Globe Indemnity Company and Fidelity and Deposit Company of Maryland, petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 180. Certain-Teed Products Corporation, petitioner, *v.* G. J. Wallinger, Trustee in Bankruptcy, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 183. Oakwood Realty Company (Robert L. Warren et al.), petitioners, *v.* Gulf Production Company et al. Petition for writ of certiorari to the Court of Civil Appeals, 9th Supreme Judicial District, State of Texas, denied.

No. 184. Isabelle Hammond-Knowlton, as Administratrix, etc., petitioner, *v.* The Hartford Connecticut Trust Company of Hartford, Connecticut, Executor, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 188. Sol Wiener Ginsburg, petitioner, *v.* The Pacific Mutual Life Insurance Company of California. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 191. The United States of America, petitioner, *v.* B. C. Getzleman et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 192. The United States, petitioner, *v.* Ordnance Engineering Corporation; and

No. 193. Ordnance Engineering Corporation, petitioner, *v.* The United States. Petitions for writs of certiorari to the Court of Claims denied.

No. 195. Mrs. Ethel R. Jefferies, as Executrix, etc., et al., petitioners, *v.* The Federal Land Bank of Columbia. Petition for writ of certiorari to the Supreme Court of the State of South Carolina denied.

No. 196. Ray H. Thompson, petitioner, *v.* Falstaff Brewing Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 200. Glass & Lynch and William J. Brunning, as Agent of Bondholders, petitioners, *v.* Nine North Church Street, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 201. Irene O. Kitselman, Executrix, etc., petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 206. Merced Irrigation District, petitioner, *v.* Reed J. Bekins and Milo W. Bekins, as Executors, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 207. The Cincinnati, Newport & Covington Railway Company, petitioner, *v.* The City of Cincinnati, Ohio, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 209. William S. Moore, petitioner, *v.* Chicago Mercantile Exchange, Michael E. Fox, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 235. James E. Bennett, Frank A. Miller, et al., petitioners, *v.* Board of Trade of the City of Chicago et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 282. The Board of Trade of Kansas City, Missouri, W. B. Lathrop, et al., petitioners, *v.* Maurice M. Milligan, United States Attorney, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 211. Beatrice K. Sasnett, petitioner, *v.* Iowa State Traveling Men's Association. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 213. Dominic Gestauts, petitioner, *v.* American Manganese Steel Company, W. G. Nichols, and Frank Grace. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 214. James H. Lockhart, 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. 216. The Portgage Silica Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 217. A. J. Broderick and George Calvert, petitioners, *v.* Sabine Lumber Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 219. W. B. Livermore, petitioner, *v.* Carl H. Beal, Milham Exploration Co., et al. Petition for writ of certiorari to the District Court of Appeal, 3d Appellate District, State of California, denied.

No. 220. Mary P. Boyd, as Administratrix, etc., petitioner, *v.* Amos W. Elliott, Marland Oil Company, et al. Petition for writ of certiorari to the District Court of Appeal, 3d Appellate District, State of California, denied.

No. 221. Albert Louis Kreiss, petitioner, *v.* Amos W. Elliott, Marland Oil Company, et al. Petition for writ of certiorari to the District Court of Appeal, 3d Appellate District, State of California, denied.

No. 222. J. W. Livermore, petitioner, *v.* Carl H. Beal, Milham Exploration Co., et al. Petition for writ of certiorari to the District Court of Appeal, 3d Appellate District, State of California, denied.

No. 223. Miguel Jose Ossorio, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 224. Douglas L. Edmonds, Administrator, etc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 225. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Cecil B. DeMille Productions, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 227. Concentrate Manufacturing Corporation, petitioner, *v.* Joseph T. Higgins, Collector of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 228. Merhengood Corporation (Del.), petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 232. The United States of America, petitioner, *v.* Chicago, Burlington & Quincy Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 233. F. W. Myers & Co., Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 234. Curtis C. Colyear and Florence E. Colyear, his wife, petitioners, *v.* Fannie Hales. Petition for writ of certiorari to the District Court of Appeal, 2d Appellate District, State of California, denied.

No. 238. Shell Eastern Petroleum Products, Incorporated, petitioner, *v.* Allen J. Maxwell, Commissioner of Revenue of the State of North Carolina. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 241. Almer F. Knowles, petitioner, *v.* American South African Lines. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 249. Continental Land Company, Julius C. Johnson, 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.

No. 250. The Preferred Accident Insurance Company, petitioner, *v.* Mabel E. Marsh. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 251. New York Life Insurance Company, petitioner, *v.* Mabel E. Marsh. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 252. Helen DeWolfe Morgan and John W. Morgan, as Executors, etc., petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 253. Joseph Klingenstein, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 255. Verner A. Robinson and Evelyn D. Robinson, petitioners, *v.* Harris Trust and Savings Bank, Trustee. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 257. The State of Missouri, as Commonwealth, by and through its Superintendent of the Insurance Department, R. Emmet O'Malley, petitioner, *v.* The Homesteaders Life Association. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 263. Bankers Trust Company and R. Gregory Page, Trustee, etc., petitioners, *v.* Raymond Wise and A. H. Taylor. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 264. The Sioux Tribe of Indians, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 265. John C. Schumacher, Sheriff of Butler County, Ohio, petitioner, *v.* Ralph K. Beeler, Trustee in Bankruptcy etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 266. A. Hunter Willis, petitioner in Review on certificate of William Jerome Kuertz, Referee in Bankruptcy, petitioner, *v.* Ralph K. Beeler, Trustee in Bankruptcy etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 270. The Philadelphia & Reading Coal & Iron Company et al., petitioners, *v.* Charles Spruks. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 271. Pierce St. John, Jr., Minor, unallocated full blood Osage Indian, etc., petitioner, *v.* Floyd Thompson, Adult, and Pitts Beaty, his legal guardian. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma denied.

No. 369. Floyd Soderstrom, Administrator, etc., et al., petitioners, *v.* Freeman L. Bonner. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma denied.

No. 273. Isedore Goldsmith and Manhattan Coffee & Sugar Co., Inc., 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. 278. Brecht Corporation, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Customs & Patent Appeals denied.

No. 279. Day-Gormley Leather Company, petitioner, *v.* The National City Bank of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 280. Alex Mohr, petitioner, *v.* Great Lakes Transit Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 283. W. M. Angle, petitioner, *v.* H. B. Shinholt and T. G. Jackson. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 284. The United States, petitioner, *v.* Henry Stanley Wood. Petition for writ of certiorari to the Court of Claims denied.

No. 383. The United States, petitioner, *v.* Clifton Manufacturing Company. Petition for writ of certiorari to the Court of Claims denied.

No. 286. Louise Earwood, as Guardian of Thomas Caleb Earwood, 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. 288. Compagnie Generale Transatlantique, petitioner, *v.* Governor of the Panama Canal and The Panama Canal. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 290. The White Tower System, Inc., petitioner, *v.* The White Castle System of Eating House Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 291. W. E. James and Agnes James, petitioners, *v.* O. A. Nelson, as an individual and O. A. Nelson, as a Trustee, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 292. The Northwestern Mutual Life Insurance Company of Milwaukee, Wisconsin, petitioner, *v.* Central Hanover Bank and Trust Company, as Executors, etc., et al. Petition for writ of certiorari to the Surrogate Court of New York County, State of New York denied.

No. 295. H. L. Durell, petitioner, *v.* C. O. Carpenter, Receiver of Holston-Union National Bank of Knoxville, Tennessee. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 297. Lawrence Stern and Company and A. G. Becker & Co., 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. 298. United States, *ex relatione* Societe de Condensation et D'Applications Mechaniques, petitioner, *v.* Conway P. Coe, Commissioner of Patents. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 299. F. H. Von Damm, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 302. Houston Natural Gas Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 304. Elmer W. Kelley and The General Street Signal Corporation, petitioners, *v.* The City of Atlantic City and Harry Bacharach. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 306. Karl A. Glover, Receiver of the First National Bank of Lawrenceville, Illinois, etc., petitioner, *v.* The State of Illinois. Petition for writ of certiorari to the Court of Claims of the State of Illinois denied.

No. 307. Charles E. Mitchell, 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. 308. Fidelity & Columbia Trust Company, Trustee, etc., petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue;

No. 309. Robert E. McGrath, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue;

No. 310. Louisville Trust Co. and James E. Fahey, Trustee, etc., petitioners, *v.* Guy T. Helvering, Commissioner of Internal Revenue; and

No. 311. Fidelity & Columbia Trust Company, Trustee, etc., petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 312. William H. Walker, Elizabeth G. Hailer, et al., petitioners, *v.* Melvin C. Hazen, George E. Allen, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 314. Winget Kickernick Company and Mary D. Neilson, petitioners, *v.* Sil-O-Ette Underwear Corporation (formerly Universal Rayon Underwear Corporation). Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 315. Penn Mutual Life Insurance Company, petitioner, *v.* State of Minnesota. Petition for writ of certiorari to the Supreme Court of the State of Minnesota denied.

No. 317. Rose T. Jonas, petitioner, *v.* Bellerive Investment Company, Debtor, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 318. The Board of County Commissioners of Creek County, Oklahoma, et al., petitioners, *v.* I. D. Mays, Administrator etc. et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 320. The Texas Pipe Line Company, petitioner, *v.* R. B. Anderson et al. Petition for writ of certiorari to the Court of Civil Appeals, 3d Supreme Judicial District, State of Texas denied.

No. 325. Irving Ben Cooper, 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. 326. The United States, petitioner, *v.* Carl G. Allgrunn; and

No. 327. Carl G. Allgrunn, petitioner, *v.* The United States. Petitions for writs of certiorari to the Court of Claims denied.

No. 328. Herman S. Strauss, as Trustee, petitioner, *v.* Pine Block Building Corporation et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 329. Lois Hamm and Nathan Hamm, Individually, etc., petitioners, *v.* Railway Express Agency, Inc. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 330. The Aetna Casualty and Surety Company, petitioner, *v.* Herbert Hall, as Receiver, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 331. John Cappola, petitioner, *v.* Edward A. Platt, Sheriff. Petition for writ of certiorari to the Supreme Court of Errors of the State of Connecticut denied.

No. 332. J. R. Phillips, Jr., and Herbert C. Fooks, Executors, etc., petitioners, *v.* John J. Ghingher, Receiver, etc. Petition for writ of certiorari to the Court of Appeals of the State of Maryland denied.

No. 333. William W. Cohen, petitioner, *v.* Superior Oil Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 335. Charles Martin, petitioner, *v.* Harry E. Hull and Marion Butler. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 336. Thomas R. Purman, petitioner, *v.* Alice A. Smith. Petition for writ of certiorari to the Superior Court of the Commonwealth of Pennsylvania denied.

No. 337. Wallace I. Kargman and Herman E. Klein, petitioners, *v.* Grocery Center, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 339. W. L. Taylor and F. L. Bateman, 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. 340. Charles A. Otis, William A. Otis, et al., etc., petitioners, *v.* Martha W. Bennett, Administratrix, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 344. Consolidated Automatic Merchandising 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. 347. Frank J. Murnighan, petitioner, *v.* Glen Sheridan Realty Trust, Debtor. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 351. Albert Goodman, petitioner, *v.* The People of the State of Illinois, ex rel. The Chicago Bar Association. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 358. Clarence Faye, as Ancillary Administrator, etc., 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. 804, October Term 1936. Railroad Commission of the State of California et al., appellants, *v.* Pacific Gas and Electric Company. The petition for rehearing in this case is granted and the case is restored to the docket and assigned for reargument.

No. 849, October Term 1936. The State of Ohio, *ex rel.* Carl Green, petitioner, *v.* Charles E. King, Clerk, etc., et al. The motion for leave to file a third petition for rehearing is denied.

No. 1003, October Term 1936. T. L. Talley et al., petitioners, *v.* Fox Film Corporation et al. The petition for rehearing in this case is denied. The Chief Justice took no part in the decision of this application.

No. 228, October Term 1936. The Chippewa Indians of Minnesota, appellants, *v.* The United States et al.;

No. 652, October Term 1936. The Great Atlantic & Pacific Tea Company et al., appellants, *v.* Alice Grosjean, Supervisor, etc., et al.;

No. 667, October Term 1936. Anniston Manufacturing Company, petitioner, *v.* Harwell G. Davis, Collector of Internal Revenue;

No. 734, October Term 1936. The United States of America and Interstate Commerce Commission, appellants, *v.* American Sheet & Tin Plate Company et al.;

No. 855, October Term 1936. Goodman Lumber Company, appellant, *v.* The United States of America et al.;

No. 856, October Term 1936. A. O. Smith Corporation, appellant, *v.* The United States of America et al.;

No. 867, October Term 1936. Robert W. Halliday and Mabel F. Halliday, petitioners, *v.* State of Ohio, *ex rel.* I. J. Fulton, Superintendent, etc.;

No. 868, October Term 1936. Robert W. Halliday and Mabel F. Halliday, petitioners, *v.* State of Ohio, *ex rel.* I. J. Fulton, Superintendent, etc.;

No. 869, October Term 1936. Robert W. Halliday and Mabel F. Halliday, petitioners, *v.* State of Ohio, *ex rel.* I. J. Fulton, Superintendent, etc.;

No. 897, October Term 1936. Cassius McDonald, petitioner, *v.* The United States of America;

No. 899, October Term 1936. R. J. Nitkey et al., petitioners, *v.* S. T. McKnight Company et al.;

No. 904, October Term 1936. The Indiana Farmer's Guide Publishing Company, petitioner, *v.* The Prairie Farmer Publishing Company et al.;

No. 914, October Term 1936. John F. Millhauht, petitioner, *v.* The State of Kansas;

No. 918, October Term 1936. Samuel H. Davis, petitioner, *v.* The United States of America;

No. 931, October Term 1936. J. R. McLeod, as Sheriff, etc., petitioner, *v.* Frank E. Cooper, as Trustee, etc.;

No. 932, October Term 1936. John W. Irvin, petitioner, *v.* Buick Motor Company et al.;

No. 938, October Term 1936. Kenyon V. Painter, appellant, *v.* The State of Ohio;

No. 940, October Term 1936. General Electric Company, petitioner, *v.* Electric Machinery Manufacturing Company;

No. 944, October Term 1936. Catherine Fearon, appellant, *v.* Charles Treanor;

No. 947, October Term 1936. W. French Grubb, appellant, *v.* E. H. Lawman, Receiver, etc.;

No. 974, October Term 1936. Leander T. Reilly et al., petitioners, *v.* Mike and Anna Stedronsky et al.; and

No. 978, October Term 1936. L. C. Turman, petitioner, *v.* Beryl Turman. The petitions for rehearing in these cases are denied.

Mr. Justice Black took no part in the consideration or decision of the cases in which decisions or orders are this day announced.

No. 1. The Atlantic Refining Company, appellant, *v.* Commonwealth of Virginia. Reargued by Mr. T. Justin Moore for the appellant and by Mr. Abram P. Staples for the appellee.

No. 2. E. Pat Kelly, as Director of the Department of Labor and Industries of the State of Washington, et al., petitioners, *v.* State of Washington, on the relation of Foss Company, Inc., et al. Reargument commenced by Mr. E. P. Donnelly for the petitioners; and continued by Mr. Glenn J. Fairbrook for the respondents; and by Mr. Assistant Solicitor General Bell for the United States as *amicus curiae*, by special leave of Court.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, October 12, will be as follows: Nos. 2, 3, 7, 8, 68, 4, 5, 6, 11, and 12.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Cardozo, and Mr. Justice Black.

Forest H. Munger, of West Palm Beach, Fla.; Angel T. Correa, of Washington, D. C.; Harry T. Ice, of Indianapolis, Ind.; Waldo P. Johnson, of Kansas City, Mo.; Rob Roy Cerney, of Mason City, Iowa; and John C. Herberg, of St. Paul, Minn., were admitted to practice.

No. 229. Jesse C. Duke, petitioner, *v.* The United States of America. Motion to withhold order denying petition for writ of certiorari submitted by Mr. Jesse C. Duke *pro se*.

No. 2. E. Pat. Kelly, as Director of the Department of Labor and Industries of the State of Washington, et al., petitioners, *v.* State of Washington, on the relation of Foss Company, Inc., et al. Reargument concluded by Mr. E. P. Donnelly for the petitioners.

No. 3. Ernest K. James, Individually and as State Tax Commissioner of the State of West Virginia, appellant, *v.* The Dravo Contracting Company. Reargued by Mr. Clarence W. Meadows for the appellant; by Mr. William S. Moorhead for the appellee; and by Mr. Solicitor General Reed for the United States as *amicus curiae*, by special leave of Court.

No. 7. Silas Mason Company, Inc., et al., appellants, *v.* Tax Commission of the State of Washington et al. Reargument commenced by Mr. B. H. Kizer for the appellants and continued by Mr. E. P. Donnelly for the appellees.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, October 13, will be as follows: Nos. 7, 8, 68, 4, 5, 6, 11, 12, 13, and 14.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Cardozo, and Mr. Justice Black.

Walter Andrew Shelley, of Daytona Beach, Fla.; Wm. L. Hassett, of Des Moines, Iowa; Alan Loth, of Ft. Dodge, Iowa; Edward A. Dodd, of Louisville, Ky.; Henry E. McElwain, Jr., of Louisville, Ky.; Frank C. Wade, of Terre Haute, Ind.; and Arthur Peter, of Louisville Ky., were admitted to practice.

No. 804, October Term 1936. Railroad Commission of the State of California et al., appellants, *v.* Pacific Gas and Electric Company;

No. 13, original. Ex parte L. H. Heymann, petitioner;

No. 97. The United States of America, appellant, *v.* Ben Kapp et al.;

No. 121. Pierce Lonergan, petitioner, *v.* The United States of America;

No. 135. Frank Palko, appellant, *v.* State of Connecticut;

No. 138. The United States of America, petitioner, *v.* Pete McGowan, Claimant, etc., et al.;

No. 146. The United States of America, petitioner, *v.* Ralph Raynor;

No. 147. The United States of America, petitioner, *v.* Chett Fowler;

No. 190. Frank Carmine Nardone et al., petitioners, *v.* The United States of America;

No. 202. Harry Fleisher, petitioner, *v.* The United States of America;

No. 203. Sam Fleisher, petitioner, *v.* The United States of America;

No. 204. Joseph Stein, petitioner, *v.* The United States of America; and

No. 459. Nicholas J. Forte *v.* The United States of America. Ordered that these cases be advanced and assigned for argument on Thursday, November 11, next.

No. 7. Silas Mason Company, Inc., et al., appellants, *v.* Tax Commission of the State of Washington et al. Reargument concluded by Mr. E. P. Donnelly for the appellees.

No. 8. David H. Ryan, appellant, *v.* The State of Washington et al. Reargued by Mr. John W. Davis for the appellant; by Mr. Solicitor General Reed for the United States as *amicus curiae*, by special leave of Court; and by Mr. E. W. Schwellenbach and Mr. E. P. Donnelly for the appellees.

No. 68. Puget Sound Stevedoring Company, appellant, *v.* The Tax Commission of the State of Washington et al., etc. Argument commenced by Mr. John Ambler for the appellant, and continued by Mr. E. P. Donnelly for the appellees.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, October 14, will be as follows: Nos. 68, 4, 5, 6, 11, 12, 13, 14, 15, and 16.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Cardozo, and Mr. Justice Black.

Thomas A. Barker, of Louisville, Ky.; Henry J. Tilford, of Louisville, Ky.; Nelson Helm, of Louisville, Ky.; Cassius M. Doty, of Chicago, Ill.; William Koontz Teepe, of Washington, D. C.; Alan L. Bird, of Rockland, Maine; and Chauncey P. Carter, of Washington, D. C., were admitted to practice.

No. 68. Puget Sound Stevedoring Company, appellant, *v.* The Tax Commission of the State of Washington et al., etc. Argument concluded by Mr. E. P. Donnelly for the appellees.

No. 4. Phillips Pipe Line Company, appellant, *v.* The State of Missouri. Argument commenced by Mr. H. P. Robinson for the appellant. The Court declined to hear further argument.

No. 5. Chester C. Dodge, Catherine L. Baird, et al., appellants, *v.* Board of Education of the City of Chicago et al. Reargued by Mr. Allan J. Carter for the appellants and by Mr. Frank S. Righeimer and Mr. Richard S. Folsom for the appellees.

No. 6. D. W. McEachern, Administrator, etc., petitioner, *v.* J. T. Rose, Former Collector of Internal Revenue, etc. Argument commenced by Mr. W. A. Sutherland for the petitioner and continued by Mr. Guy Patten for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, October 15, will be as follows: Nos. 6, 11, 12, 13, 14, 15, 16, 17, 19 (and 59), and 22.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Cardozo, and Mr. Justice Black.

Lillian S. Robertson, of Charleston, W. Va.; W. Harvey Wise, Jr., of Washington, D. C.; Fred H. Miller, of Los Angeles, Calif.; Joseph E. Clayton, Jr., of Chicago, Ill.; Lorianne Morrow Conlee, of Portland, Oreg.; and J. F. Resleure, of San Francisco, Calif., were admitted to practice.

No. 456. Ocean Accident and Guarantee Corporation, Limited, petitioner, *v.* Rebecca Torres. Motion for leave to file brief of Roy A. Bronson as *amicus curiae*, submitted by Mr. L. M. Denit in that behalf and the motion denied.

No. 6. D. W. McEachern, Administrator, etc., petitioner, *v.* J. T. Rose, Former Collector of Internal Revenue, etc. Argument continued by Mr. Guy Patten for the respondent and concluded by Mr. William A. Sutherland for the petitioner.

No. 11. The United States of America, petitioner, *v.* Angie Crook Williams. Argued by Mr. Julius C. Martin for the petitioner and by Mr. Frank C. Wade for the respondent.

No. 12. A. M. Anderson, Receiver, etc., petitioner, *v.* Peter L. Atherton, Administrator, etc., et al. Argued by Mr. George P. Barse and Mr. Eugene P. Locke for the petitioner and by Mr. John C. Doolan for the respondents.

No. 13. United Gas Public Service Company, appellant, *v.* State of Texas et al. Argument commenced by Mr. F. G. Coates for the appellant and continued by Mr. Alfred M. Scott for the appellees.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 18, will be as follows: Nos. 13, 14, 15, 16, 19 (and 59), 22, 17, 20, 21, and 33.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Cardozo, and Mr. Justice Black.

Edwin B. Wolchok, of New York City; Paul R. Shafer, of Terre Haute, Ind.; George G. Tyler, of New York City; Chas. W. Matten, of Reading, Pa.; Horace J. Donnelly, Jr., of Washington, D. C.; Milnor E. Gleaves, of Denver, Colo.; Randolph L. Carter, of San Antonio, Tex.; Philip J. Aronson, of Boston, Mass.; Israel Gorovitz, of Boston, Mass.; Joseph A. Carey, of Washington, D. C.; Ralph H. Campbell, of Salem, Oreg.; Lawrence W. Hobbs, of Portland, Oreg.; Frank B. Ingersoll, of Pittsburgh, Pa.; William J. Kyle, Jr., of Pittsburgh, Pa.; Jeanne S. B. Brody, of Boston, Mass.; Frederick S. Jacobsen, of Helena, Mont.; and Edmund Dillon Mulville, of Washington, D. C., were admitted to practice.

The Chief Justice announced the following orders of the Court :

No. 423. Lawrence Hanfgarn, appellant, *v.* George Mark. Appeal from the Supreme Court of the State of New York. *Per curiam:* The appeal herein is dismissed for the want of a substantial federal question. Second Employers' Liability Cases, 223 U. S. 1, 50; New York Central R. R. Co. *v.* White, 243 U. S. 188, 198; Silver *v.* Silver, 280 U. S. 117, 122; Fearon *v.* Treanor, 300 U. S. — (decided May 24, 1937).

No. 426. J. Bacon & Sons, appellant, *v.* James W. Martin, Individually and as Commissioner of Revenue of The Commonwealth of Kentucky. Appeal from the Court of Appeals of the Commonwealth of Kentucky. *Per curiam:* The appeal herein is dismissed as it does not appear from the record that there is a final judgment. Haseltine *v.* Central Bank of Springfield (No. 1), 183 U. S. 130, 131; McComb, Executor, *v.* Commissioners, 91 U. S. 1; Moore *v.* Robbins, 18 Wall. 588; McGourkey *v.* Toledo & Ohio Railway, 146 U. S. 536, 545; Union Mutual Life Ins. Co. *v.* Kirchoff, 160 U. S. 374, 378; Great Western Telegraph Co. *v.* Burnham, 162 U. S. 339, 345, 346; American Bakeries Co. *v.* Huntsville, 299 U. S. 514.

No. 440. Samuel J. Morris, appellant, *v.* The State of Alabama. Appeal from the Supreme Court of the State of Alabama. *Per curiam*: The appeal herein is dismissed (1) for the want of a substantial federal question, *Missouri v. Lewis*, 101 U. S. 22, 30, 31; *Gardner v. Michigan*, 199 U. S. 325, 333, 334; *Ft. Smith Light Co. v. Paving Dist.*, 274 U. S. 387, 391; *Ohio v. Akron Park District*, 281 U. S. 74, 81; (2) for the want of a properly presented federal question, *Citizens' Savings Bank v. Owensboro*, 173 U. S. 636, 643; *New York v. Kleinert*, 268 U. S. 646, 650; *White River Co. v. Arkansas*, 279 U. S. 692, 700. The motion for leave to proceed further herein *in forma pauperis* is denied.

No. 4. Phillips Pipe Line Company, appellant, *v.* The State of Missouri. Appeal from the Supreme Court of the State of Missouri. *Per curiam*: The judgment is affirmed. *East Ohio Gas Co. v. Tax Commissioner*, 283 U. S. 465, 470, 471; *Southern Gas Corp. v. Alabama*, 301 U. S. 148, 154. Mr. Justice Roberts took no part in the consideration and decision of this case.

No. 12. A. M. Anderson, Receiver of the National Bank of Kentucky of Louisville, petitioner, *v.* Peter L. Atherton, Administrator, etc. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. *Per curiam*: The Court is of the opinion that the Circuit Court of Appeals was in error in ruling that, in the absence of a cross appeal, the question whether common law liability for negligence would support the decree was not before the court for review. *United States v. American Express Co.*, 265 U. S. 425, 435, 436; *Langnes v. Green*, 282 U. S. 531, 538, 539; *Public Service Commission v. Havemeyer*, 296 U. S. 506, 509; *United States v. Curtiss-Wright Corporation*, 299 U. S. 304, 330; *Morley Construction Co. v. Maryland Casualty Co.*, 300 U. S. 185, 191. The decree of the Circuit Court of Appeals is reversed and the cause is remanded to that court for the determination of that question.

The Chief Justice said:

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

No. —. *Ex parte* Clarence M. Brummett, petitioner. The application herein is denied.

No. —. *Ex parte* Sophy Callahan, petitioner. The application herein is denied.

No. 229. Jesse C. Duke, petitioner, *v.* The United States of America. The motion to stay the order denying petition for writ of certiorari pending the filing and action on a petition for rehearing is granted.

No. 385. Georgia M. Spruill, petitioner, *v.* Harriet T. Serven. The motion to withhold the order denying petition for writ of certiorari is denied.

No. 451. John Francis Hunter, petitioner, *v.* Commonwealth of Virginia. On petition for writ of certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia;

No. 462. David Paris, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit; and

No. 465. Thurman A. Brown, petitioner, *v.* James A. Johnston, Warden, United States Penitentiary, Alcatraz Island, California. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. 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. The people of the State of New York, *ex rel.* Consolidated Water Company of Utica, New York, appellant, *v.* Milo R. Maltbie et al., etc. In this case probable jurisdiction is noted. Further consideration of the motion to dismiss or affirm is postponed to the hearing of the case on the merits.

No. 415. Escanaba and Lake Superior Railroad Company, appellant, *v.* The United States of America et al. In this case probable jurisdiction is noted.

No. 319. Robert K. Mookini and Lee Sau Chong, petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 362. The Century Indemnity Company, petitioner, *v.* G. Nelson. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 365. Noah Adair, petitioner, *v.* Bank of America National Trust and Savings Association. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 375. Thomas B. Hassett, Individually, etc., petitioner, *v.* E. Sohler Welch et al., Executors. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 374. Ticonic National Bank et al., petitioners, *v.* Lottie F. Sprague et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted, limited to the question as to the allowance of interest.

No. 343. Lever Brothers Company, petitioner, *v.* Colgate-Palmolive-Peet Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied. Mr. Justice Stone took no part in the consideration and decision of this application.

No. 348. Pacific Coast Biscuit Co., a New Jersey Corporation, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 353. Frank J. Ryan and Ryan Florida Corporation, petitioners, *v.* M. U. Newfield, Individually, etc.;

No. 354. Frank J. Ryan and Ryan Florida Corporation, petitioners, *v.* M. U. Newfield, Individually, etc.; and

No. 355. Florida Tex Oil Company, a corporation, etc., et al., petitioners, *v.* Robert L. Ballentine, Individually, etc. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 356. S. P. Kelly, Trustee, etc., petitioner, *v.* The United States of America et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 359. Lela Mae Bethke et al., petitioners, *v.* Grayburg Oil Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 361. The Chase National Bank of the City of New York et al., petitioners, *v.* James B. Malone, as Receiver, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 363. Charles O. Long, 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. 364. William L. Bacon, petitioner, *v.* Northern Pacific Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 368. The Jeffery-De Witt Insulator Company, petitioner, *v.* The National Labor Relations Board. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 371. Pacific Hotel Apartment Company, petitioner, *v.* Arcady-Wilshire Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 372. Mark Graves, John J. Merrill et al., etc., petitioners, *v.* Marion Brown Elliott et al., etc. Petition for writ of certiorari to the Surrogates' Court of New York County, State of New York, denied.

No. 379. Briarcliff Investment 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. 381. William B. Haffner and Madeleine B. Haffner, 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. 382. General Baking Company, petitioner, *v.* Goldblatt Bros., Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 386. Plapao Laboratories, Inc., et al., petitioners, *v.* James A. Farley, Postmaster General of the United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 400. Lyon Incorporated and Lyon Cover Company, petitioners, *v.* Clayton & Lambert Manufacturing Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 935. October Term 1936. Thomas P. Ratigan, Jr., petitioner, *v.* The United States of America. Petition for rehearing denied.

ORDER

The Court will take a recess from Monday, October 25, to Monday, November 8, next.

No. 144. D. B. Heiner, Individually and as Former Collector of Internal Revenue, etc., petitioner, *v.* A. W. Mellon. Paul Mellon, David K. E. Bruce, and Donald D. Shepard, Executors of the Estate of A. W. Mellon, substituted as parties respondent in place of A. W. Mellon, deceased, on motion of Mr. William Wallace Booth for the respondents.

No. 298. United States, *ex relatione* Societe De Condensation et D'Applications Mecaniques, petitioner, *v.* Conway P. Coe, Commissioner of Patents. Motion to withhold order denying petition for writ of certiorari submitted by Mr. Reeve Lewis for the petitioner.

No. 409. The New York Central Railroad Company, petitioner, *v.* The Cincinnati Union Stock Yard Company. On petition for writ of certiorari to the Supreme Court of the State of Ohio; and

No. 410. The New York Central Railroad Company, petitioner, *v.* The Cincinnati Union Stock Yard Company. On petition for writ

of certiorari to the Court of Appeals of Hamilton County, State of Ohio. Petitions for writs of certiorari dismissed on motion of counsel for the petitioner.

No. 13. United Gas Public Service Company, appellant, *v.* State of Texas et al. Argument continued by Mr. Alfred M. Scott and by Mr. Edward H. Lange for the appellees and concluded by Mr. F. G. Coates for the appellant.

No. 14. Federal Trade Commission, petitioner, *v.* Standard Education Society et al. Argued by Mr. Assistant Attorney General Jackson for the petitioner and by Mr. Henry Ward Beer for the respondents.

No. 15. Arthur G. Bogardus, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. William D. Whitney for the petitioner and by Mr. A. F. Prescott for the respondent.

No. 16. Henry O. Hale and Elizabeth C. Hale, appellants, *v.* The Iowa State Board of Assessment and Review. Argument commenced by Mr. Alan Loth for the appellants.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, October 19, will be as follows: Nos. 16, 19 (and 59), 22, 17, 20, 21, 33, 23 (and 24), 25, and 27.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Cardozo, and Mr. Justice Black.

Freeman J. Daniels, of New York City; Sophie G. Friedman, of Memphis, Tenn.; and Peter P. Gilbert, of Detroit, Mich., were admitted to practice.

No. 16. Henry O. Hale and Elizabeth C. Hale, appellants, *v.* The Iowa State Board of Assessment and Review. Argument continued by Mr. Alan Loth for the appellants; by Mr. Clair E. Hamilton for the appellee; and concluded by Mr. William L. Hassett for the appellants.

No. 19. Bradley W. Palmer, petitioner, *v.* Commissioner of Internal Revenue; and

No. 59. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Bradley W. Palmer. Argued by Mr. Robert G. Dodge for Palmer and by Mr. Assistant Attorney General Morris for Helvering, Commissioner.

No. 22. Oscar F. Mayer, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. Llewellyn A. Luce for the petitioner and by Mr. Assistant Attorney General Morris for the respondent.

No. 17. Texas & New Orleans Railroad Company et al., petitioners, *v.* Emma E. Neill et al. Argument commenced by Mr. Harper Macfarlane for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, October 20, will be as follows: Nos. 17, 20, 21, 33, 23 (and 24), 25, 27, 29, 30, and 35.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Cardozo, and Mr. Justice Black.

Benjamin L. Cash, of Chattanooga, Tenn.; Edward M. Colbach, of Chicago, Ill.; Jonas Robert Cohler, of Chicago, Ill.; George William Ott, of Chicago, Ill.; John M. Haverty, of Pittsburgh, Pa.; John M. Haverty, Jr., of Pittsburgh, Pa.; William E. Walsh, II, of Marshfield, Oreg.; and Bernard T. Foley, of Erie, Pa., were admitted to practice.

No. 17. Texas & New Orleans Railroad Company et al., petitioners, *v.* Emma E. Neill et al. Argument continued by Mr. Harper Macfarlane for the petitioners; by Mr. H. C. Carter for the respondents; and concluded by Mr. W. L. Matthews for the petitioners.

No. 20. Thomas W. White, Individually and as Former Collector of Internal Revenue, petitioner, *v.* Philip J. Aronson, Trustee. Leave granted Paul A. Freund, Esq., to appear and present oral argument for the petitioner, *pro hac vice*, on motion of Mr. Solicitor General Reed.

No. 20. Thomas W. White, Individually and as Former Collector of Internal Revenue, petitioner, *v.* Philip J. Aronson, Trustee. Argued by Mr. Paul A. Freund for the petitioner, *pro hac vice*, by special leave of Court, and by Mr. Israel Gorovitz and Mr. Samuel Gottlieb for the respondent.

No. 21. Herman C. Groman, petitioner, *v.* Commissioner of Internal Revenue. Argument commenced by Mr. Egbert Robertson for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, October 21, will be as follows: Nos. 21, 33, 23 (and 24), 25, 27 (and 29), 30, 28, 35, and 37.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Cardozo, and Mr. Justice Black.

Richard P. Robbins, of West Palm Beach, Fla.; Adolph Moses II, of Chicago, Ill.; Burton R. Laub, of Erie, Pa.; William F. Illig, of Erie, Pa.; Charles C. Gammons, of Wilmington, Del.; Robert Ogden, of Dallas, Tex.; Matthew C. Cary, of Washington, D. C.; Ernest R. Feidler, of Superior, Wisc.; Hamilton K. Beebe, of Chicago, Ill.; Fred L. Wham, Jr., of Chicago, Ill.; Irving J. A. Renno, of Miami, Fla.; and Mortimer E. Graham, of Erie, Pa., were admitted to practice.

No. 21. Herman C. Groman, petitioner, *v.* Commissioner of Internal Revenue. Argument continued by Mr. Egbert Robertson for the petitioner; by Mr. J. Louis Monarch for the respondent; and concluded by Mr. Egbert Robertson for the petitioner.

No. 33. Guy T. Helvering, Commissioner of Internal Revenues, petitioner, *v.* Raymond I. Bashford. Argued by Mr. J. Louis Monarch for the petitioner and by Mr. Walter G. Moyle for the respondent.

No. 23. Chicago Title and Trust Company, as Successor Trustee, etc., petitioner, *v.* Forty-one Thirty-six Wilcox Building Corporation; and

No. 24. Chicago Title and Trust Company, as Successor Trustee, etc., petitioner, *v.* Forty-one Thirty-six Wilcox Building Corporation. Argued by Mr. Frank H. Towner for the petitioner and by Mr. George I. Haight for the respondent.

No. 25. Commonwealth of Pennsylvania, *ex rel.* Elmer Sullivan, petitioner, *v.* Stanley Ashe, Warden, etc. Argument commenced by Mr. William J. Hughes, Jr., for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, October 22, will be as follows: Nos. 25, 27 (and 29), 30, and 28.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Cardozo, and Mr. Justice Black.

Lewis Allen Sigler, of Springfield, Mo.; Roe Mitchell Barrett, of Santa Rosa, Calif.; Clark M. Robertson, of Milwaukee, Wis.; Solomon S. Goldsmith, of New York City; R. Alvin Purcell, of Grand Forks, N. Dak.; J. K. Murray, of Mott, N. Dak.; William J. Oven, Jr., of Tallahassee, Fla.; Dana E. Brinck, of Spokane, Wash.; Douglas F. Smith, of Chicago, Ill.; Sam A. Billingsley, of Ft. Worth, Tex.; Charles N. Orr, of St. Paul, Minn.; Frederick J. Miller, of Little Falls, Minn.; Milton Gordon, of Boston, Mass.; and William J. MacKenzie, of Chicago, Ill., were admitted to practice.

No. 28. State of Texas and J. C. Clopton et al., etc., petitioners, *v.* David Donoghue, Trustee, etc. Submitted by Mr. Wm. McCraw, Mr. Wm. C. Davis, Mr. W. J. Holt, Mr. Earl Street, Mr. Charles M. Kennedy, and Mr. Wm. Madden Hill for the petitioners, and by Mr. W. B. Harrell for the respondent.

No. 28. State of Texas and J. C. Clopton et al., etc., petitioners, *v.* David Donoghue, Trustee, etc. The Court directs that oral argument be presented by the petitioners and respondent and the case is set for oral argument on Wednesday, November 10, next.

No. 25. Commonwealth of Pennsylvania, *ex rel.* Elmer Sullivan, petitioner, *v.* Stanley Ashe, Warden, etc. Argument continued by Mr. Wm. J. Hughes, Jr., for the petitioner; by Mr. Adrian Bonnelly and Mr. Burton R. Laub for the respondent; and concluded by Mr. Bernard T. Foley for the petitioner.

No. 27. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* H. C. Gowran; and

No. 29. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Annie M. Pfeiffer. Argued by Mr. Assistant Attorney General Jackson for the petitioner and by Mr. John C. Altman and Mr. A. L. Nash for the respondents.

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

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Cardozo, and Mr. Justice Black.

Victor C. Swearingen, of Lansing, Mich.; Ralph W. Wilkins, of Columbus, Ohio; William Meyer, of Butte, Mont.; Donald M. Gibbs, of Urbana, Ohio; Edward J. Ennis, of New York City; Henderson Mathews, of New York City; Maurice W. Acers, of Dallas, Tex.; Daniel E. Crowley, of Biddeford, Maine; Robert R. Rissman, of Chicago, Ill.; William E. Treadway, of Spencer, Ind.; D. L. Morrow, of Des Moines, Iowa; Rex H. Fowler, of Des Moines, Iowa; Lewis E. Roddewig, of Davenport, Iowa; Bart F. Wade, of Los Angeles, Calif.; Herbert R. Carter, of Chicago, Ill.; George A. Saden, of Bridgeport, Conn.; and A. V. Cherbonnier, 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. 434. Municipal City of South Bend, Indiana, appellant, *v.* John F. DeHaven, Treasurer of St. Joseph County, Indiana, et al. Appeal from the Supreme Court of the State of Indiana. *Per curiam*: The motion of the appellees to dismiss the appeal is granted and the appeal is dismissed for the want of a properly presented substantial federal question. (1) *Citizens' Savings Bank v. Owensboro*, 173 U. S. 636, 643; *Cleveland & Pittsburgh R. R. v. Cleveland*, 235 U. S. 50, 53; *White River Co. v. Arkansas*, 279 U. S. 692, 700; *Collins v. Streitz*, 298 U. S. 640. (2) *Pawhuska v. Pawhuska Oil & Gas Co.*, 250 U. S. 394; *Trenton v. New Jersey*, 262 U. S. 182; *City of Holton v. Kansas State Bank*, 300 U. S. 641.

No. 475. Mississippi Power & Light Company et al., appellants, *v.* Julius Lowe et al. Appeal from the Supreme Court of the State of Mississippi. *Per curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Cincinnati Street Railway Co. v. Snell*, 193 U. S. 30, 36, 37; *Bain Peanut Co. v. Pinson*, 282 U. S. 499, 501; *Wisconsin v. Zimmerman*, 299 U. S. 504.

No. 477. Phillips Petroleum Company, appellant, *v.* State of Iowa and Leo J. Wegman, Treasurer of the State of Iowa. Appeal from the Supreme Court of the State of Iowa. *Per curiam*: The motion of the appellees to dismiss the appeal is granted and the appeal is dismissed for the want of a substantial federal question. *Monamotor Oil Co. v. Johnson*, 292 U. S. 86, 93, 94; *Wiloil Corp. v. Pennsylvania*, 294 U. S. 169, 175; *Henneford v. Silas Mason Co.*, 300 U. S. 577, 582, 583; Mr. Justice Roberts took no part in the consideration or decision of this case.

No. 17. Texas & New Orleans Railroad Company et al., petitioners. *v.* Emma E. Neill et al. On writ of certiorari to the Court of Civil Appeals, 4th Supreme Judicial District, State of Texas. *Per curiam*: At it appears, upon hearing argument, that the only substantial question involved is one of practice under the laws of the State, the writ of certiorari is dismissed.

No. 298. United States, *ex relatione* Societe De Condensation et D'Applications Mecaniques, petitioner, *v.* Conway P. Coe, Commissioner of Patents. The motion to stay the order denying petition for writ of certiorari is denied.

No. 495. David F. Mitchell, Edith C. Worley et al., petitioners, *v.* The Supreme Court of the State of Florida et al. On petition for writ of certiorari to the Supreme Court of the State of Florida; and

No. 275. David B. Hawkins, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. The motions for leave to proceed further herein *in forma pauperis* are denied for the reason that the Court upon examination of the papers herein submitted finds no ground upon which writs of certiorari should be issued. The petitions for writs of certiorari are therefore also denied.

No. 458. Milton Coverdale, Sheriff etc., appellant, *v.* Arkansas-Louisiana Pipe Line Company. In this case probable jurisdiction is noted.

No. 435. New York Rapid Transit Corporation, appellant, *v.* The City of New York; and

No. 436. Brooklyn and Queens Transit Corporation, appellant, *v.* The City of New York. In these cases probable jurisdiction is noted. The Chief Justice took no part in the consideration and decision of this question.

No. 439. The United States of America, appellant, *v.* Philip Klein, Escheator of the Commonwealth of Pennsylvania. In this case probable jurisdiction is noted. Further consideration of the question of the motion to dismiss or affirm is postponed to the hearing of the case on the merits.

No. 447. Schuylkill Trust Company, appellant, *v.* The Commonwealth of Pennsylvania. In this case probable jurisdiction is noted. The motion to advance is granted and the case is assigned for argument on Monday, December 6, next.

No. 427. Eugene Szold, appellant, *v.* Outlet Embroidery Supply Co., Inc. 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. 437. M. C. Hinderlider, as State Engineer, etc., et al., appellants, *v.* The LaPlata River and Cherry Creek Ditch Company. Further consideration of the question of the jurisdiction of this Court and of the motion to dismiss is postponed to the hearing of the case on the merits. The Court directs the attention of the Attorney General of the United States to this case, in which the validity of a compact between the States of Colorado and New Mexico of November 27, 1922, approved by Congress on January 29, 1925, is attacked upon the ground that the compact constitutes an unconstitutional interference with the alleged rights of the plaintiff; and the Court invites the Attorney General to submit his views upon the question whether the Act of August 24, 1937, 75th Congress, 1st Session, Chapter 754, is applicable.

No. 387. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Bankline Oil Company; and

No. 388. Bankline Oil Company, petitioner, *v.* Commissioner of Internal Revenue. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 397. Duke Power Company and Southern Public Utilities Company, petitioners, *v.* Greenwood County et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted and case set for hearing immediately following Nos. 84 and 85. The cases are assigned for argument on Monday, December 6, next.

No. 406. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Thomas A. O'Donnell. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted and case assigned for argument immediately following Nos. 387 and 388.

No. 396. Kellogg Company, petitioner, *v.* National Biscuit Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied. Mr. Justice Stone and Mr. Justice Roberts took no part in the consideration and decision of this application.

No. 403. Haywood Patterson, petitioner, *v.* State of Alabama. Petition for writ of certiorari to the Supreme Court of the State of

Alabama denied. Mr. Justice Black took no part in the consideration and decision of this application.

No. 294. General Electric Company, petitioner, *v.* Amperex Electronic Products, Inc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 389. John Zahariadis, petitioner, *v.* Frank Hays, Jr., Divisional Director of Immigration and Naturalization. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 390. Indianapolis Amusement Company, petitioner, *v.* Metro-Goldwyn-Mayer Distributing Corporation et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 394. The Murine Company, Incorporated, 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. 395. Snell Isle, Incorporated, 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. 399. Santly Bros., Inc., and Bernice Petkere, petitioners, *v.* W. A. Wilkie, Sometimes known as Bud Wilkie. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 401. Eastland Company, petitioner, *v.* Federal Communications Commission et al.; and

No. 402. Congress Square Hotel Company, petitioner, *v.* Federal Communications Commission et al. Petition for writs of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 404. Elisabeth R. Crossett, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 405. Guaranty Trust Company of New York, as Trustee, et al., petitioners, *v.* Guy A. Thompson, as Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 407. The Sanitary District of Chicago, petitioner, *v.* Activated Sludge, Inc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 411. Royal Indemnity Company, a corporation, et al., petitioners, *v.* Frank A. Cardillo, Deputy Commissioner, United States

Employees' Compensation Commission and James S. Rennie. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. —. *Ex Parte Sophy Callahan*, petitioner; and

No. 235. James E. Bennett, Frank A. Miller, et al., petitioners, *v.* Board of Trade of the City of Chicago et al. Petitions for rehearing denied.

No. 479. Edna Victoria Jackson, petitioner, *v.* The First National Bank in Ada, Oklahoma. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma dismissed on motion of counsel for the petitioner.

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

The day call for Monday, November 8, will be as follows: Nos. 230, 281, 18, 26, 87, 30, 32, 34, 35, and 37.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Cardozo, and Mr. Justice Black.

Joe D. Hughes, of Washington, D. C.; Fred E. Strine, of Washington, D. C.; Eugene Black, of Washington, D. C.; Oldham Clarke, of Louisville, Ky.; Oliver Lander Bright, of Washington, D. C.; Eugene O'Dunne, Jr., of Baltimore, Md.; Henry C. Coke, Jr., of Dallas, Texas; Arthur B. Bakalar, of San Francisco, Calif.; Oswald H. Milmore, of Berkeley, Calif.; Arthur Worischek, of Washington, D. C.; Malcolm E. Spencer, of Springfield, Ohio; Ben J. Goldman, of Springfield, Ohio; William R. Scott, of Pittsburgh, Pa.; Arthur D. Condon, of Washington, D. C.; Frederick J. Heid, Jr., of Tulare, Calif.; Dan R. Schwartz, of Jacksonville, Fla.; William Davis Butts, of Newport News, Va.; Abraham Chaifetz, of Washington, D. C.; Oscar B. Frazer, of New York City; Harold L. Warner, of Brooklyn, N. Y.; George D. Yeomans, of New York City; Samuel J. Rose, of Johnson City, Tenn.; William H. Hotchkiss, of New York City; Percy H. Russell, Jr., of Washington, D. C.; Jacob J. Shapiro, of Springfield, Mass.; John J. George, of Springfield, Mass.; R. G. Kelly of Charleston, W. Va.; Edward Clark Lukens, of Philadelphia, Pa.; James F. Gray, of Dallas, Tex.; Lucien W. Shaw, of Washington, D. C.; Roger John Traynor, of Berkeley, Calif.; Harry R. Booth, of Chicago, Ill.; and William Robert Ming, Jr., of Chicago, Ill., were admitted to practice.

No. 14. Federal Trade Commission, petitioner, *v.* Standard Education Society et al. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree of the Circuit Court of Appeals reversed except as to modification of clause ten of the Federal Trade Commission's order, and cause remanded to the Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black.

No. 68. Puget Sound Stevedoring Company, appellant, *v.* The Tax Commission of the State of Washington et al., etc. Appeal from the Supreme Court of the State of Washington. Decree modified as indicated in the opinion and cause remanded to said Supreme Court

for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Cardozo.

No. 16. Henry O. Hale and Elizabeth C. Hale, appellants, *v.* The Iowa State Board of Assessment and Review. Appeal from the Supreme Court of the State of Iowa. Judgment affirmed with costs. Opinion by Mr. Justice Cardozo. Dissenting opinion by Mr. Justice Sutherland in which Mr. Justice McReynolds and Mr. Justice Butler join.

No. 5. Chester C. Dodge, Catherine L. Baird, et al., appellants, *v.* Board of Education of the City of Chicago et al. Appeal from the Supreme Court of the State of Illinois. Judgment affirmed with costs. Opinion by Mr. Justice Roberts.

No. 21. Herman C. Groman, 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 United States Circuit Court of Appeals for the Seventh Circuit. Opinion by Mr. Justice Roberts. Mr. Justice Black took no part in the consideration or decision of this case.

No. 6. D. W. McEachern, Administrator of the estate of S. C. McEachern, deceased, petitioner, *v.* T. J. Rose, Former Collector of Internal Revenue for the District of Georgia. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Northern District of Georgia for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone.

No. 19. Bradley W. Palmer, petitioner, *v.* Commissioner of Internal Revenue; and

No. 59. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Bradley W. Palmer. On writs of certiorari to the United States Circuit Court of Appeals for the First Circuit. In No. 59 writ of certiorari dismissed. In No. 19 judgment reversed and cause remanded to the United States Circuit Court of Appeals for the First Circuit for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone.

No. 11. The United States of America, petitioner, *v.* Angie Crook Williams. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment reversed and cause remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Butler.

No. 25. Commonwealth of Pennsylvania, ex rel. Elmer Sullivan, petitioner, *v.* Stanley Ashe, Warden, State Penitentiary, Western District of Pennsylvania. On writ of certiorari to the Supreme

Court of the Commonwealth of Pennsylvania. Judgment affirmed with costs. Opinion by Mr. Justice Butler.

No. 15. Arthur G. Bogardus, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment reversed and cause remanded to the United States Circuit Court of Appeals for the Second Circuit for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Sutherland. Dissenting: Mr. Justice Brandeis, Mr. Justice Stone, Mr. Justice Cardozo, and Mr. Justice Black.

No. 1. The Atlantic Refining Company, appellant, *v.* Commonwealth of Virginia. Appeal from the Supreme Court of Appeals of the State of Virginia. Judgment affirmed with costs. Opinion by Mr. Justice Brandeis. The Chief Justice took no part in the consideration or decision of this case.

No. 20. Thomas W. White, Individually and as Former Collector of Internal Revenue, petitioner, *v.* Philip J. Aronson, Trustee. On writ of certiorari to the United States Court of Appeals for the First Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the District of Massachusetts. Opinion by Mr. Justice McReynolds. Mr. Justice Stone and Mr. Justice Cardozo concur in the result.

No. 2. E. Pat Kelly, as Director of the Department of Labor and Industries of the State of Washington, et al., petitioners, *v.* State of Washington on the relation of Foss Company, Inc., et al. On writ of certiorari to the Supreme Court of the State of Washington. Judgment reversed with costs and cause remanded to said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Hughes.

The Chief Justice announced the following orders of the Court:

No. 491. Reynolds Metals Company, Louisville Industrial Foundation and A. G. Grayburn, appellants, *v.* James W. Martin, Individually, etc., et al. Appeal from the Court of Appeals of the Commonwealth of Kentucky. *Per curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Southwestern Oil Co. v. Texas*, 217 U. S. 114, 122, 123; *Louisville Gas Co. v. Coleman*, 277 U. S. 32, 40; *Tax Commissioners v. Jackson*, 283 U. S. 527, 537; *Union Building Corp. v. Conway*, 299 U. S. 515.

No. 509. Jesse E. Eubank, appellant, *v.* The State of Ohio. Appeal from the Supreme Court of the State of Ohio. *Per curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Smith v. Alabama*, 124 U. S. 465, 480, 482; *Dent v. West Virginia*, 129 U. S. 114, 121, 122; *Smith v. Texas*, 233 U. S. 630, 636, 637; *Graves v. Minnesota*, 272 U. S. 425, 427.

No. 510. O. A. Keach and O. A. Keach, as Executor, etc., appellants, *v.* Ray McDonald and Cecil McDonald. Appeal from the Supreme Court of the State of Kansas. *Per curiam*: The motion of the appellees to dismiss the appeal is granted and the appeal is dismissed for the want of a properly presented substantial federal question. (1) *Citizens' Savings Bank v. Owensboro*, 173 U. S. 636, 643; *Cleveland & Pittsburgh R. R. v. Cleveland*, 235 U. S. 50, 53; *White River Co. v. Arkansas*, 279 U. S. 692, 700; *Collins v. Streitz*, 298 U. S. 640; (2) *Iowa Central Railway Company v. Iowa*, 160 U. S. 389, 393; *French v. Taylor*, 199 U. S. 274, 277, 278; *Hebert v. Louisiana*, 272 U. S. 312, 316.

No. 22. Oscar F. Mayer, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. *Per curiam*: The judgment is reversed on the authority of *Palmer v. Helvering*, No. 19 of this Term, decided this day.

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, Louis D. Brandeis, 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, Benjamin N. Cardozo, Associate Justice.

For the Eighth Circuit, Pierce Butler, Associate Justice.

For the Ninth Circuit, George Sutherland, Associate Justice.

For the Tenth Circuit, Pierce Butler, Associate Justice.

No. 13. United Gas Public Service Company, appellant, *v.* State of Texas et al. Reargument is ordered and the case is set for hearing on Monday, December 13, 1937. Without restricting argument in other respects, the Court especially desires to hear the parties on the state of the evidence as to the effect of the application of the Commission's rate to the years 1932 and 1933, that is, as to the revenues and expenses for those years on that basis, and as to the

effect upon the rights of the appellant, with respect to those years, of the bond given on its appeal to the Commission.

No. 33. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Raymond I. Bashford. It is ordered that this case be restored to the docket and assigned for reargument on Monday, December 13, next.

No. —, original. *Ex parte* Charles Elmer Phillips, petitioner. The motion for leave to file petition for writ of habeas corpus and the application for bail are denied.

No. —, original. *Ex parte* Charles W. Atkins, petitioner;

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

No. —, original. *Ex parte* Ralph Mark, petitioner;

No. —, original. *Ex parte* Samuel Lesser, petitioner; and

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

No. —, original. *Ex parte* Joseph E. Jones, petitioner. The motion for leave to file a petition for writ of mandamus is denied.

No. 9. Nolen R. Breedlove, appellant, *v.* T. Earl Suttles, as Tax Collector. Further consideration of the motion to dismiss is postponed to the hearing of the case on the merits.

No. 502. John N. Shannahan and Claude J. Jackson, as Trustees, etc., et al., appellants, *v.* The United States of America et al. In this case probable jurisdiction is noted.

No. 413. National Labor Relations Board, petitioner, *v.* Pennsylvania Greyhound Lines, Inc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 445. The United States of America, petitioner, *v.* Stanley J. Patryas. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 453. General Electric Company, petitioner, *v.* Wabash Appliance Corporation et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 455. Frederick S. Deitrick, Receiver of the Boston-Continental National Bank, et al., petitioners, *v.* Standard Surety & Casualty Co. of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 487. The United States of America, petitioner, *v.* James E. O'Donnell et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 446. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Elbe Oil Land Development Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted and the case assigned for hearing immediately following No. 406.

No. 484. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Charles H. Marshall, Administrator, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted and the case assigned for hearing immediately following Nos. 349 and 375.

No. 505. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* George W. Elkins. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted and the case assigned for hearing immediately following No. 55.

No. 414. William Leader, President of the American Federation of Full Fashioned Hosiery Workers, etc., et al., petitioners, *v.* Apex Hosiery Company. A rule is ordered to issue, returnable on December 6, 1937, requiring the petitioners to show cause why the cause should not be dismissed upon the ground that the cause is moot.

No. 416. United States of America, ex rel. Nathan Handler, petitioner, *v.* Henry C. Hill, Warden, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied for the reason that the application for writ of certiorari was not made within the time provided by law. Section 8 (a), Act of February 13, 1925 (43 Stat. 936, 940).

No. 450. 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 as it does not appear from the record that there is a final judgment.

No. 370. American Paper Goods Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 408. The Trustees of Somerset Academy et al., petitioners, *v.* Arthur G. Picher, Receiver, Ticonic National Bank. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 412. Wabash Railway Company, petitioner, *v.* James Jenkins, Administrator, etc. Petition for writ of certiorari to the Kansas City Court of Appeals, State of Missouri denied.

No. 417. David Buttrick Company 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 First Circuit denied.

No. 418. William L. Berger, Trustee in Bankruptcy, etc., petitioner, *v.* Kingsport Press, Inc.; and

No. 419. William L. Berger, Trustee in Bankruptcy, etc., petitioner, *v.* Kingsport Press, Inc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 420. C. D. Walker, as Trustee, etc., petitioner, *v.* Florida Fruit Cannery, Inc., etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 421. Davison Gulfport Fertilizer Company, petitioner, *v.* Gulf and Ship Island Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 424. Atlanta Trust Company, petitioner, *v.* Federal Reserve Bank of Atlanta, for use of American Surety Company of New York et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 425. National Labor Relations Board, petitioner, *v.* Delaware-New Jersey Ferry Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 428. Ella D. Rogers, Ella Rogers Deschamps, Individually, etc., petitioners, *v.* T. E. Marchant, as Receiver, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 429. Charles W. Cramer, Administrator, etc., petitioner, *v.* Phoenix Mutual Life Insurance Company of Hartford, Connecticut, et al.;

No. 430. James S. Coburn, Grace K. Hugh, et al., petitioners, *v.* Phoenix Mutual Life Insurance Company of Hartford, Connecticut, et al.;

No. 431. Charles W. Cramer, Administrator, etc., petitioner, *v.* Aetna Life Insurance Company et al.; and

No. 432. James S. Coburn, Grace K. Hugh, et al., petitioners, *v.* Aetna Life Insurance Company et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 438. National Quarries Company, petitioner, *v.* Detroit, Toledo & Ironton Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 441. Matson Navigation Company, petitioner, *v.* Industrial Accident Commission of the State of California et al. Petition

for writ of certiorari to the District Court of Appeals, 1st Appellate District, State of California denied.

No. 442. Eva Morgan and Morgan Drew, petitioners, *v.* Leonard Bronner, Receiver, etc.; and

No. 443. Katherine M. Drew and Morgan Drew, petitioners, *v.* Leonard Bronner, Receiver, etc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 444. John F. Moran, Receiver, etc., petitioner, *v.* Sydney B. Harrison. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 384. The Sioux Tribe of Indians, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 448. Ernest Cockrell, petitioner, *v.* Board of Commissioners of the Buras Levee District and the Parish of Plaquemines. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 449. Marvin Farrington and Parrish, Cohen, Guthrie, and Watters, petitioners, *v.* Louis H. Pink, Superintendent of Insurance for the State of New York, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 452. Griffin Manufacturing Company, petitioner, *v.* The Boom Boiler and Welding Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 454. Standard Oil Company of California, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 456. Ocean Accident and Guarantee Corporation, Limited, petitioner, *v.* Rebecca Torres. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 457. The Stuyvesant Insurance Company, petitioner, *v.* Sussex Fire Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 460. Associated Investing Corporation, petitioner, *v.* Utilities Power & Light Corporation, Debtor, et al.; and

No. 461. Associated Investing Corporation, petitioner, *v.* Utilities Power & Light Corporation, Debtor, et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 463. Floyd H. Parker, petitioner, *v.* Mississippi State Tax Commission. Petition for writ of certiorari to the Supreme Court of the State of Mississippi denied.

No. 464. Lawrence C. Phipps, 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. 466. Reading Hotel Corporation, petitioner, *v.* Protective Committee for First Mortgage Bondholders of Reading Hotel Corporation et al.;

No. 467. William F. Price and William Mayer, petitioners, *v.* Reading Hotel Corporation, Debtor, et al.; and

No. 468. Robert R. Meyer, as a Stockholder of Debtor Corporation, petitioner, *v.* Reading Hotel Corporation, Debtor, et al. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 470. D. A. Schulte, Inc., petitioner, *v.* Central Manhattan Properties, Inc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 471. D. A. Schulte, Inc., petitioner, *v.* Harold K. Guinzburg et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 472. D. A. Schulte, Inc., petitioner, *v.* Lee T. Smith and Bernard P. Day, as Trustees, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 473. D. A. Schulte, Inc., petitioner, *v.* William T. McCance, Frank K. McCance, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 474. Navigazione Libera Triestina, S. A., petitioner, *v.* Moran Towing & Transportation Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 480. George W. Green, petitioner, *v.* The City of Stuart. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 482. Hiram M. Deem, petitioner, *v.* Equitable Life Assurance Society of the United States. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 488. Western Maryland Railway Company et al., petitioners, *v.* Penn Veneer Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 163. Thomas J. Brady, petitioner, *v.* Terminal Railroad Association of St. Louis. It appearing that the judgment of the Supreme Court of Missouri is a final judgment under the decisions of that

Court cited by petitioner in his petition for rehearing, the petition is granted, the order denying a writ of certiorari is vacated and the writ of certiorari is granted.

No. 849, October Term, 1936. The State of Ohio, ex rel. Carl Green, petitioner, *v.* Charles E. King, Clerk of the Court of Common Pleas, etc., et al. The motion for leave to file a fourth petition for rehearing is denied.

No. 564, October Term, 1936. L. Gordon Hamersley, petitioner, *v.* The United States;

No. 65. Fred Elliott et al., petitioners, *v.* University of Illinois et al.;

No. 88. Burdine C. Anderson et al., petitioners, *v.* The United States;

No. 119. The Byrne Manufacturing Company, petitioner, *v.* American Flange & Manufacturing Company, Inc.;

No. 132. Elton Cruse, Administrator, et al., petitioners, *v.* Sabine Transportation Company, Inc.;

No. 166. Grover C. Buchen et al., petitioners, *v.* The Bank of America;

No. 174. R. J. Nitkey, petitioner, *v.* Joseph A. Ward et al.;

No. 179. Bernie Ray Stewart et al., petitioners, *v.* Lindsay S. Wall, Administrator, etc., et al.;

No. 207. The Cincinnati, Newport & Covington Railway Company, petitioner, *v.* The City of Cincinnati, Ohio, et al.;

No. 212. Alfred Demarois, petitioner, *v.* John Farrel, United States Marshal, etc., et al.;

No. 229. Jesse C. Duke, petitioner, *v.* The United States of America;

No. 240. H. L. Lynch, petitioner, *v.* Helen Kemp;

No. 254. The Diocese of Olympia, Inc., appellant, *v.* William H. Pemberton, Supervisor, etc., et al.;

No. 267. Bert Vilas, appellant *v.* Iowa State Board of Assessment and Review et al.;

No. 285. Walter G. Roland to the use of Robert P. Shick et al., petitioners, *v.* Harry M. Albright et al.;

No. 298. United States, ex relatione Societe de Condensation et d'applications Mecaniques, petitioner, *v.* Conway P. Coe, Commissioner of Patents;

No. 308. Fidelity & Columbia Trust Company, Trustee, etc., petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue;

No. 309. Robert E. McGrath, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue;

No. 310. Louisville Trust Co. et al., petitioners, *v.* Guy T. Helvering, Commissioner of Internal Revenue;

No. 311. Fidelity & Columbia Trust Company, Trustee, etc., Petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue;

No. 336. Thomas R. Purman, petitioner, *v.* Alice A. Smith;

No. 341. Owen Couche, appellant, *v.* The State of Louisiana;

No. 345. Charles Anderson, petitioner, *v.* Eva Odisho;

No. 350. General Motors Corporation, petitioner, *v.* The Swan Carburetor Company;

No. 351. Albert Goodman, petitioner, *v.* The People of the State of Illinois, *ex rel.* The Chicago Bar Association;

No. 353. Frank J. Ryan et al., petitioners, *v.* M. U. Newfield, Individually, etc.;

No. 354. Frank J. Ryan et al., petitioners, *v.* M. U. Newfield, Individually, etc.;

No. 355. Florida Tex Oil Company, a Corporation, etc., et al., petitioners, *v.* Robert L. Ballentine, Individually, etc.;

No. 376. Anthony Dallao, appellant, *v.* The State of Louisiana;

No. 377. Joseph Ugarte, appellant, *v.* The State of Louisiana;

No. 385. Georgia M. Spruill, petitioner, *v.* Harriet T. Serven; and

No. 396. Kellogg Company, petitioner, *v.* National Biscuit Company. Petitions for rehearing denied.

No. 804. October Term, 1936. Railroad Commission of the State of California et al., appellants, *v.* Pacific Gas and Electric Company. Leave granted Mr. Solicitor General Reed to appear and present oral argument on behalf of the Federal Power Commission, as *amicus curiae*, on motion of Mr. Solicitor General Reed.

No. —. In re Disbarment of Jesse C. Duke. Motion to vacate order of disbarment submitted by Mr. Jesse C. Duke *pro se*.

No. 229. Jesse C. Duke, petitioner, *v.* The United States of America. Motion as to bias and prejudice submitted by Mr. Jesse C. Duke *pro se*.

No. —, original. Ex parte Jesse C. Duke, petitioner. Motion for leave to file petition for writ of mandamus submitted by Mr. Jesse C. Duke *pro se*.

No. 202. October Term, 1935. Robert G. Stone and Carrie M. Stone, Trustees, etc., petitioners, *v.* Thomas W. White, Former Collector, etc. Motion for leave to file petition for rehearing submitted by Mr. Frederick A. Ballard in behalf of counsel for the petitioners.

No. —, original. Ex parte Robert G. Taylor et al., petitioners. Motion for leave to file a brief as to the legality of the oath taken by Mr. Justice Black submitted by Mr. Robert G. Taylor *pro se*.

No. —, original. *Ex parte* E. D. Fryer and Terminal Warehouse, Inc., petitioners. Motion for leave to file petition for writ of certiorari submitted by Mr. B. F. Saltzstein and Mr. Irving A. Puchner for the petitioners.

ORDER

No. 229. Jesse C. Duke, petitioner, *v.* The United States of America. On consideration of the motion of petitioner to stay the order denying petition for writ of certiorari and the order denying petition for rehearing thereof, the motion is denied.

No. 230. Natural Gas Pipeline Company of America, appellant, *v.* James M. Slattery et al. Argued by Mr. Douglas F. Smith for the appellant and by Mr. Harry R. Booth for the appellees.

No. 281. Aluminum Company of America, appellant, *v.* The United States of America. Argument commenced by Mr. William Watson Smith for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, November 9, will be as follows: Nos. 281, 18, 26, 87, 30, 32, 34, 35, 37, and 9.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Cardozo, and Mr. Justice Black.

E. Louise Chandler, of Washington, D. C.; William E. Carey, Jr., of Washington, D. C.; Robert P. Goldman, of Cincinnati, Ohio; Arthur C. Huston, Jr., of Woodland, Calif.; George B. McKibbin, of Chicago, Ill.; and Harris Jay Griston, of New York City, were admitted to practice.

No. 229. Jesse C. Duke, petitioner, *v.* The United States of America. Motions to recall order denying petition for writ of certiorari and to reconsider petition for rehearing submitted by Mr. Jesse C. Duke *pro se*.

No. 353. Frank J. Ryan et al., petitioners, *v.* M. U. Newfield, Individually, etc.;

No. 354. Frank J. Ryan et al., petitioners, *v.* M. U. Newfield, Individually, etc.; and

No. 355. Florida Tex Oil Company et al., petitioners, *v.* Robert L. Ballentine, Individually, etc. Motion for leave to file a second petition for rehearing and suggestion of disqualification submitted by Mr. Wm. C. Pierce for the petitioners.

No. 281. Aluminum Company of America, appellant, *v.* The United States of America. Argument continued by Mr. William Watson Smith for the appellant; by Mr. Assistant Attorney General Jackson for the appellee; and concluded by Mr. William Watson Smith for the appellant.

No. 18. The People of Puerto Rico, petitioner, *v.* The Shell Co., (P. R.) Limited, et al. Argued by Mr. Wm. Catron Rigby for the petitioner and by Mr. William D. Whitney and Mr. James R. Beverley for the respondents.

No. 26. Abraham C. Berman, petitioner, *v.* The United States of America. Argued by Mr. Samuel H. Kaufman for the petitioner and by Mr. William W. Barron for the respondent.

No. 87. William D. Frad, petitioner, *v.* John J. Kelly, United States Marshal for the Southern District of New York, etc. Argument commenced by Mr. Harris Jay Griston for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, November 10, will be as follows: Nos. 87, 30, 28, 32, 34, 35, 37, 9, 31, and 36.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Cardozo, and Mr. Justice Black.

Frank Weinstein, of Brooklyn, N. Y., and George E. Cooper, of San Antonio, Tex., were admitted to practice.

No. 87. William D. Frad, petitioner, *v.* John J. Kelly, United States Marshal for the Southern District of New York, etc. Argument continued by Mr. Harris Jay Griston for the petitioner. The Court declined to hear further argument.

No. 30. The United States of America, on relation of Chester A. Willoughby, as Trustee, etc., et al., petitioners, *v.* Sam Howard et al. Argued by Mr. Walter E. Beebe for the petitioners and by Mr. Lloyd Heth and Mr. Julius Moses for the respondents.

No. 28. State of Texas et al., etc., petitioners, *v.* David Donoghue, Trustee of Trinity Refining Company, Debtor. David Donoghue, Trustee, under an order to liquidate, substituted as the party respondent on motion of Mr. Robert W. Kellough in that behalf. Argument commenced by Mr. William C. Davis for the petitioners; continued by Mr. William B. Harrell and Mr. Robert W. Kellough for the respondent; and concluded by Mr. W. J. Holt for the petitioners.

No. 32. M. G. McNair, as Receiver of the First National Bank of Perry, etc., petitioner, *v.* W. V. Knott, as Treasurer of the State of Florida, et al. Argument commenced by Mr. J. Turner Butler for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, November 11, will be as follows: Nos. 32, 804 October Term, 1936, 13 original, 97, 135, 146 (and 147), 190, 202 (203 and 204), 459, and 34.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Cardozo, and Mr. Justice Black.

John H. Cantrell, of Oklahoma City, Okla.; Hugh Slater Wertz, of Washington, D. C.; Patrick J. Roche, of New York City; Edmund J. Fanning, of New York City; Carl M. Loos, of Chicago, Ill.; James Anthony Dougherty, of Greenwich, Conn.; Irving H. Flamm, of Chicago, Ill.; and George R. Jeffrey, of Indianapolis, Ind.; were admitted to practice.

No. 804, October Term, 1936. Railroad Commission of the State of California et al., appellants, *v.* Pacific Gas and Electric Company. Leave granted the Public Utility Commission of the Commonwealth of Pennsylvania to file a brief as *amicus curiae* by November 19 next, on motion of Mr. John C. Kelley in that behalf.

No. 32. M. G. McNair, as Receiver of the First National Bank of Perry, etc., petitioner, *v.* W. V. Knott, as Treasurer of the State of Florida, et al. Argument continued by Mr. J. Turner Butler for the petitioner; by Mr. J. Compton French for the respondents; and concluded by Mr. George P. Barse for the petitioner with leave to respondent to file an additional brief within five days.

No. 804, October Term, 1936. Railroad Commission of the State of California et al., appellants, *v.* Pacific Gas and Electric Company. Argued by Mr. Ira H. Rowell for the appellants; by Mr. Oswald Ryan for the Federal Power Commission, as *amicus curiae*, by special leave of Court; and by Mr. Warren Olney, Jr., for the appellee with leave to appellee to file an additional brief by November 26 next.

No. 13, original. Ex parte L. H. Heymann et al., petitioners. Argument commenced by Mr. Walter E. Wiles for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, November 12, will be as follows: Nos. 13, original, 97, 135, 146 (and 147), 190, 202 (203 and 204), 459, 34, 35, and 37.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Cardozo, and Mr. Justice Black.

Sylvester Earl Hevers, of Albany, N. Y.; John T. Cahill, of New York City; Vernon W. Foster, of Chicago, Ill.; Thomas O'Rourke Gallagher, of Brooklyn, N. Y.; Alfred A. May, of Detroit, Mich.; and Arthur H. Ratner, of Detroit, Mich., were admitted to practice.

No. 429. Charles W. Cramer, Administrator, etc., petitioner, *v.* Phoenix Mutual Life Insurance Company of Hartford, Connecticut, et al.;

No. 430. James S. Coburn et al., petitioners, *v.* Phoenix Mutual Life Insurance Company of Hartford, Connecticut, et al.;

No. 431. Charles W. Cramer, Administrator, etc., petitioner, *v.* Aetna Life Insurance Company et al.; and

No. 432. James S. Coburn et al., petitioners, *v.* Aetna Life Insurance Company et al. Orders denying petition for writs of certiorari withheld on motion of Mr. Richard S. Doyle in behalf of counsel for the petitioners.

No. 13, original. Ex parte L. H. Heymann et al., petitioners. Argument continued by Mr. Walter E. Wiles for the petitioners; continued by Mr. Irving H. Flamm for the respondents; and concluded by Mr. Walter E. Wiles for the petitioners.

No. 97. The United States of America, appellant, *v.* Ben Kapp et al. Argued by Mr. Assistant Attorney General McMahon for the appellant and by Mr. Wm. J. Hughes, Jr., for the appellees.

No. 135. Frank Palko, appellant, *v.* State of Connecticut. Argument commenced by Mr. David Goldstein for the appellant; continued by Mr. Wm. H. Comley for the appellee; and concluded by Mr. George A. Saden for the appellant.

No. 146. The United States of America, petitioner, *v.* Ralph Raynor; and

No. 147. The United States of America, petitioner, *v.* Chett Fowler. Argument commenced by Mr. Assistant Attorney General McMahon for the petitioner.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 15, will be as follows: Nos. 146 (and 147), 190, 202 (203 and 204), 459, 34, 35, 37, 9, 31, and 36.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Cardozo, and Mr. Justice Black.

Robert William McKissick, of Sweetwater, Tex.; Arthur J. Goldberg, of Chicago, Ill.; Leon L. Silbert, of Nahant, Mass.; Matthew F. McGuire, of Somerville, Mass.; Lemuel B. Schofield, of Philadelphia, Pa.; J. Albert Woll, of Chicago, Ill.; Jno. N. Duncan, of Raleigh, N. C.; Horatio Tocco, of Chicago, Ill.; George L. Quilici, of Chicago, Ill.; William C. Koplovitz, of Washington, D. C.; Morris Miller, of Washington, D. C.; W. S. Northcutt, of Atlanta, Ga.; E. Harold Sheats, of Atlanta, Ga.; Morton B. Icove, of Cleveland, Ohio; W. Harvard Perkins, of St. Louis, Mo.; William G. Wall, of Jersey City, N. J.; Timothy F. Ryan, of Pittsburgh, Pa.; Francis Albert Wolf, of Pittsburgh, Pa.; Oscar G. Meyer, of Pittsburgh, Pa.; Claude C. Smith, of Philadelphia, Pa.; and Sanford D. Beecher, of Philadelphia, Pa., were admitted to practice.

No. 23. Chicago Title and Trust Company, as Successor Trustee under the Trust Deed recorded as Document No. 10325493, petitioner, *v.* Forty-One Thirty-Six Wilcox Building Corporation; and

No. 24. Chicago Title and Trust Company, as Successor Trustee under the Trust Deed recorded as Document No. 10325493, petitioner, *v.* Forty-One Thirty-Six Wilcox Building Corporation. On writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Decrees reversed with costs and cause remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Sutherland. Dissenting opinion by Mr. Justice Cardozo in which Mr. Justice Stone and Mr. Justice Black join.

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 Robert G. Taylor et al., petitioners. The motion for leave to file brief is denied.

No. —. In Re Disbarment of Jesse C. Duke. The motion to vacate the order of disbarment is denied.

No. —, Original. Ex parte Jesse C. Duke, petitioner. The motion for leave to file a petition for writ of mandamus is denied.

No. 229. Jesse C. Duke, petitioner, *v.* The United States of America. Motion for leave to file affidavit as to bias and prejudice. *Per curiam*: Upon consideration of the affidavit attached to the motion, the motion is denied.

No. 229. Jesse C. Duke, petitioner, *v.* The United States of America. The petition to set aside the orders of the Court denying petition for writ of certiorari and petition for rehearing is denied. The motion for reconsideration of the motion to stay the order denying petition for writ of certiorari and the order denying petition for rehearing is denied.

No. 14, original. Ex parte E. D. Fryer et al., petitioners. The motion for leave to file petition for writ of certiorari is granted, and the petition is denied.

No. 392. Robert Lee, 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. 516. Charles W. Coller, petitioner, *v.* Charles H. Pearce, Trustee, etc. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit;

No. 520. Gabriele Giordano, petitioner, *v.* The City of Asbury Park, Peter Masco et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit; and

No. 527. Ruth Stevens, Administratrix of the estate of Herbert Stevens, deceased, petitioner, *v.* Charles P. Megan, Trustee, etc. 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. 514. The United States of America et al., appellants, *v.* Pan American Petroleum Corporation et al.; and

No. 530. The United States of America et al., appellants, *v.* Humble Oil & Refining Company et al. In these cases probable jurisdiction is noted.

No. 499. The United States of America, petitioner, *v.* Robert K. Wurts. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 256. State of Indiana, ex rel. Dorothy Anderson, petitioner, *v.* Harry Brand, Trustee, etc. Petition for writ of certiorari to the Supreme Court of the State of Indiana granted.

No. 469. Laura G. Foster, as Executrix, etc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted limited to the question whether the total value of the property held by the decedent and petitioner as joint tenants, as decided by the Circuit Court of Appeals, or only one half thereof, should be included in the gross estate of the decedent for the purpose of the federal estate tax. The case is assigned for hearing immediately following No. 346.

No. 478. Louisiana & Arkansas Railway Company, petitioner, *v.* Mrs. Esther Francis. Petition for writ of certiorari to the Supreme Court of the State of Louisiana denied.

No. 483. Woodrow Ollie Wilson et al., Minors by guardian, etc., petitioners, *v.* Ed Fisher et al. Petition for writ of certiorari to the Court of Civil Appeals, 3d Supreme Judicial District, State of Texas, denied.

No. 489. John Ii Estate, Limited, 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. 490. Robert W. Shingle, Albert N. Campbell, 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.

No. 492. Belmont Iron Works, petitioner, *v.* Pacific Coast Direct Line, Inc. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 493. W. C. Tyrrell, Helen R. McGill, et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 494. Atlantic Pipe Line Company, petitioner, *v.* Brown County (Texas) et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 496. The State of Texas, petitioner, *v.* Anderson, Clayton & Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 497. Fort Worth Properties Corporation, petitioner, *v.* Irving Trust Company, as Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 498. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* The Christian Ganahl Company. Petition for writ of

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

No. 500. Irving Trust Company, as Trustee, etc., petitioner, *v.* The Hippodrome Building Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 501. Morley Construction Company et al., petitioners, *v.* Maryland Casualty Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 503. Electro Therman Company, petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 506. Paramount Productions, Inc., petitioner, *v.* Walton Hall Smith. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 507. United States Pipe and Foundry Company, petitioner, *v.* City of Waco et al. Petition for writ of certiorari to the Supreme Court of the State of Texas denied.

No. 513. The Globe and Rutgers Fire Insurance Company, petitioner, *v.* William Rose. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 541. John L. Clarkson, petitioner, *v.* Indiana and Illinois Coal Corporation et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 202. October Term, 1935. Robert G. Stone et al., petitioners, *v.* Thomas W. White, Former Collector of Internal Revenue, etc. The motion for leave to file petition for rehearing is granted and the petition is denied.

No. 353. Frank J. Ryan et al., petitioners, *v.* M. U. Newfield, Individually, etc.;

No. 354. Frank J. Ryan et al., petitioners, *v.* M. U. Newfield, Individually, etc.; and

No. 355. Florida Tex Oil Company et al., petitioners, *v.* Robert L. Ballentine, Individually, etc. The motion for leave to file a second petition for rehearing and suggestion of disqualification is denied.

No. 219. W. B. Livermore, petitioner, *v.* Carl H. Beal et al.;

No. 220. Mary P. Boyd, as Administratrix, etc., petitioner, *v.* Amos W. Elliott et al.;

No. 221. Albert Louis Kreiss, petitioner, *v.* Amos W. Elliott et al.;

No. 222. J. W. Livermore, petitioner, *v.* Carl H. Beal et al.;

No. 382. General Baking Company, petitioner, *v.* Goldblatt Bros., Inc.;

No. 429. Charles W. Cramer, Administrator, etc., petitioner, *v.* Phoenix Mutual Life Insurance Company et al.;

No. 430. James S. Coburn et al., petitioners, *v.* Phoenix Mutual Life Insurance Company et al.;

No. 431. Charles W. Cramer, Administrator, etc., petitioner, *v.* Aetna Life Insurance Company et al.;

No. 432. James S. Corburn et al., petitioners, *v.* Aetna Life Insurance Company et al.; and

No. 440. Samuel J. Morris, appellant, *v.* The State of Alabama. Petitions for rehearing denied.

ORDER

The Court will take a recess from Monday, November 22, until Monday, December 6, next.

No. 268. Emery Bird Thayer Dry Goods Company et al., *v.* Moses Williams et al.; and

No. 269. Moses Williams et al. *v.* Emery Bird Thayer Dry Goods Company et al. Motion to bring up the entire record and cause submitted by Mr. Richard H. Wilmer in behalf of counsel for Emery Bird Thayer Dry Goods Company et al., in support of the motion and by Mr. Henry M. Channing and Mr. Barton Corneau for Williams et al., in opposition thereto.

No. 146. The United States of America, petitioner, *v.* Ralph Raynor; and

No. 147. The United States of America, petitioner, *v.* Chett Fowler. Argument continued by Mr. Assistant Attorney General McMahon for the petitioner; by Mr. John Elliott Byrne for the respondents; and concluded by Mr. Assistant Attorney General McMahon for the petitioner.

No. 190. Frank Carmine Nardone et al., petitioners, *v.* The United States of America. Argument commenced by Mr. Louis Halle for the petitioners; continued by Mr. Thomas O'Rourke Gallagher for the petitioners; by Mr. William W. Barron for the respondent; and concluded by Mr. Louis Halle for the petitioners.

No. 202. Harry Fleisher, petitioner, *v.* The United States of America;

No. 203. Sam Fleisher, petitioner, *v.* The United States of America; and

No. 204. Joseph Stein, petitioner, *v.* The United States of America. Argued by Mr. Edgar Booth for the respondent and cases submitted by Mr. Isidore G. Stone, Mr. Alfred A. May, and Mr. Arthur H. Ratner for the petitioners.

No. 459. Nicholas J. Forte *v.* The United States of America. Argued by Mr. Henry A. Schweinhaut for the United States. No brief filed for Forte.

No. 34. Worcester County Trust Company, Executor, petitioner, *v.* Ray L. Riley, Controller of the State of California et al. Argument commenced by Mr. Merrill S. June for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, November 16, will be as follows: Nos. 34, 35, 37, 9, 31, 36, 38, 39, 61, and 40.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Cardozo, and Mr. Justice Black.

John L. Johannes, of Dallas, Tex.; Clarence L. Gere, of Seattle, Wash.; Carson Hoy, of Cincinnati, Ohio; Simon L. Leis, of Cincinnati, Ohio; Otto B. Schmidt, of New York City; and Alfred H. Phillips, of New York City, were admitted to practice.

ORDER

It is ordered that paragraph 4 of Rule XVIII of the General Orders in Bankruptcy be, and the same hereby is, amended, effective immediately, to read as follows:

XVIII

4. This general order shall not apply to reorganization proceedings under section 77 of the Act.

It is further ordered that Rule LII of the General Orders in Bankruptcy be, and the same hereby is, amended, effective immediately, by inserting a new paragraph therein to read as follows:

LII

4. Not less than ten days' notice of hearing upon any application for the sale or lease of property of the debtor pursuant to section 77B c (3½), except sales of perishable property, shall be given by mail to all creditors and stockholders of the debtor, addressed to them at their last known addresses appearing upon the records of the debtor or of the trustee, or to their attorneys of record. Paragraphs 1, 2, and 3 of General Order XVIII shall be applicable to such sales.

No. 34. Worcester County Trust Company, executor, petitioner, *v.* Ray L. Riley, Controller of the State of California, et al. Argument continued by Mr. Merrill S. June for the petitioner; by Mr.

James J. Ronan for Henry F. Long, Commissioner of Corporations and Taxation of the Commonwealth of Massachusetts, Intervener, by special leave of Court; and concluded by Mr. George S. Fuller for the respondent.

No. 35. The National City Bank of New York, petitioner, *v.* The People of the Philippine Islands. Argued by Mr. Carl A. Mead for the petitioner and by Mr. Raymond A. Walsh for the respondent.

No. 37. David A. Wright, petitioner, *v.* The United States. Argued by Mr. Ashby Williams for the petitioner and by Mr. Assistant Attorney General Whitaker for the respondent.

No. 9. Nolen R. Breedlove, appellant, *v.* T. Earl Suttles, as Tax Collector. Argument on the motion to dismiss commenced by Mr. W. S. Northcutt for the appellee in support of the motion and continued by Mr. J. Ira Harrelson for the appellant in opposition thereto.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, November 17, will be as follows: Nos. 9, 31, 36, 38, 39, 61, 40, 42 (43 and 198), 45, and 62.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Cardozo, and Mr. Justice Black.

Frank R. Serri, of Brooklyn, N. Y.; Harry L. Ponder, Jr., of Walnut Ridge, Ark.; William H. Snyder, of Denver, Colo.; Dorr W. Frisbee, of Detroit, Mich.; Bernard P. Holland, Jr., of Norfolk, Va.; Toy R. Gregory, of Lancaster, S. C.; George Thomas Davis, of San Francisco, Calif.; C. Russell Phillips, of Philadelphia, Pa.; and Chas. R. Sutherland, of Chicago, Ill., were admitted to practice.

No. —, original. Ex parte Robert Gray Taylor et al., petitioners. Motion for leave to file brief submitted by Mr. Robert Gray Taylor.

No. 39. Harry H. Woodring, Secretary of War of the United States of America, et al., petitioners, *v.* Clarksburg-Columbus Short Route Bridge Company. Passed until December 13 next on motion of Mr. James S. McCluer for the respondent.

No. 521. John Jensen and Mortimer Bye, petitioners, *v.* Anthony J. Lorenz and Mark H. Wodlinger; and

No. 522. John Jensen and Mortimer Bye, petitioners, *v.* Anthony J. Lorenz and Mark H. Wodlinger. Motion for leave to file brief as *amicus curiae* submitted by Mr. E. F. Wenderoth and the motion denied.

No. 9. Nolen R. Breedlove, appellant, *v.* T. Earl Suttles, as Tax Collector. Argument on the motion to dismiss concluded by Mr. J. Ira Harrelson for the appellant. Argument on the merits commenced by Mr. J. Ira Harrelson for the appellant; continued by Mr. Henry G. Van Veen for the appellant; by Mr. W. S. Northcutt and Mr. E. Harold Sheats for the appellee; and concluded by Mr. Henry G. Van Veen for the appellant.

No. 31. Louis Vogt, Sheriff of Kenton County, Kentucky, petitioner, *v.* John T. Murphy. Ennis J. Kenney, present Sheriff of Kenton County, substituted as the party petitioner in place of Louis Vogt, resigned, on motion of Mr. D. M. Outcalt for the petitioner.

No. 31. Ennis J. Kenney, Sheriff of Kenton County, Kentucky, petitioner, *v.* John T. Murphy. Motion to dismiss submitted by Mr. Chas. I. Dawson for the respondent. Argued on the motion to dismiss by Mr. Chas. I. Dawson for the respondent in support thereof, and by Mr. D. M. Outcalt for the petitioner in opposition thereto.

No. 36. Joseph K. Willing, Receiver of Commercial National Bank, Philadelphia, Pennsylvania, petitioner, *v.* Israel Binstock, Individually, etc., et al. Argument commenced by Mr. James M. Kane for the petitioner; continued by Mr. Robert T. McCracken for the respondent; and concluded by Mr. George P. Barse for the petitioner.

No. 38. Fidelity & Deposit Company of Maryland, petitioner, *v.* Louis H. Pink, Superintendent of Insurance of the State of New York, etc. Argument commenced by Mr. Harold L. Smith for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, November 18, will be as follows: Nos. 38, 40, 42 (43 and 198), 45, 62, and 63.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Cardozo, and Mr. Justice Black.

Carroll R. Taber, of Lansing, Mich.; Edwin A. Hendricks, of Minneapolis, Minn.; J. Leon Katz, of Detroit, Mich.; Theodore T. Daniels, of San Rafael, Calif.; Herbert J. Deany, of Chicago, Ill.; Geo. M. Stevens, Jr., of Chicago, Ill.; Robert E. May, of Washington, D. C.; and George J. Harding, of Philadelphia, Pa., were admitted to practice.

No. 38. Fidelity & Deposit Company of Maryland, petitioner, *v.* Louis H. Pink, Superintendent of Insurance of the State of New York, etc. Argument continued by Mr. Harold L. Smith for the petitioner; and concluded by Mr. Irvin Waldman for the respondent.

No. 40. Aetna Insurance Company, petitioner, *v.* Illinois Railroad Company. Argument commenced by Mr. Melvin L. Griffith for the petitioner. The Court declined to hear further argument.

No. 42. James D. Smyth, Executor, etc., petitioner, *v.* The United States;

No. 43. The Dixie Terminal Company, petitioner, *v.* The United States; and

No. 198. The United States of America, petitioner, *v.* Arthur W. Machen. Argument commenced by Mr. Robert A. Taft for the petitioners in Nos. 42 and 43; and continued by Mr. Solicitor General Reed for the United States; and by Mr. H. Vernon Eney for the respondent in No. 198.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, November 19, will be as follows: Nos. 42 (43 and 198), 45, 62, and 63.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Cardozo, and Mr. Justice Black.

Edward Thomas Taylor, Jr., of Modesto, Calif.; Milton J. Leavitt, of New York City; Windsor F. Cousins, of Philadelphia, Pa.; Anthony J. Travia, of New York City; Charles H. Howson, of Philadelphia, Pa.; Dexter N. Shaw, of Philadelphia, Pa.; Franklyn George, of New Castle, Ind.; and John R. Bullock, of Cincinnati, Ohio, were admitted to practice.

No. 15. Arthur G. Bogardus, petitioner, *v.* Commissioner of Internal Revenue. Mandate ordered to issue forthwith on motion of Mr. Douglas Hatch on behalf of counsel for the petitioner.

No. 42. James D. Smyth, Executor, etc., petitioner, *v.* The United States;

No. 43. The Dixie Terminal Company, petitioner, *v.* The United States; and

No. 198. The United States of America, petitioner, *v.* Arthur W. Machen. Argument continued by Mr. H. Vernon Eney for the respondent in No. 198; by Mr. Robert A. Taft for the petitioners in Nos. 42 and 43; and concluded by Mr. Solicitor General Reed for the United States.

No. 45. Phillips-Jones Corporation, Individually, et al., petitioners, *v.* C. S. Parmley et al. Lottie E. Parmley, Executrix of the Estate of C. S. Parmley, substituted as a party respondent in place of C. S. Parmley, deceased, on motion of Mr. Robert T. McCracken for the petitioners.

No. 45. Phillips-Jones Corporation, Individually, et al., petitioners, *v.* Lottie E. Parmley, Executrix etc., et al. Argued by Mr. Robert T. McCracken for the petitioners and case submitted by respondent, Margaret Wilkinson, *pro se.*

No. 62. Textile Machine Works, petitioner, *v.* Louis Hirsch Textile Machines, Inc. Argued by Mr. Charles H. Howson for the petitioner and by Mr. Samuel E. Darby, Jr., for the respondent.

No. 63. The United States of America et al., appellants, *v.* W. V. Griffin and H. W. Purvis, Receivers etc. Argued by Mr. Edward M. Reidy for the appellants and by Mr. Moultrie Hitt for the appellees.

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

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Cardozo, and Mr. Justice Black.

A. James Casner, of Champaign, Ill.; Claude A. Williams, of Longview, Tex.; Morton Nesmith, of Birmingham, Ala.; Sidney Morwitz, Jr., of Denver, Colo.; Oliver Burkert Lerch, of Washington, D. C.; Lionel H. Legare, of Lewiston, Me.; Erland B. Cook, of Boston, Mass.; Irving D. Gibson, of San Francisco, Calif.; and Roland Maxwell, of Pasadena, Calif., were admitted to practice.

The Chief Justice announced the following orders of the Court:

No. 35. The National City Bank of New York, petitioner, *v.* The People of the Philippine Islands. On writ of certiorari to the Supreme Court of the Commonwealth of the Philippines. *Per curiam*: The judgment of the Supreme Court of the Commonwealth of the Philippines is reversed and the judgment of the Court of First Instance of Manila, dated the 24th day of July 1934 is affirmed upon the authority of *First National Bank of San Jose v. State of California*, 262 U. S. 366; *Domenech v. National City Bank*, 294 U. S. 199, 204, 205; and *Posadas v. National City Bank*, 296 U. S. 497, 499, 500.

No. 565. Catherine Toole, appellant, *v.* Miners Savings Bank of Pittston. Appeal from the Supreme Court of the Commonwealth of Pennsylvania. *Per curiam*: The appeal herein is dismissed for the want of a properly presented federal question. *Citizens' Savings Bank v. Owensboro*, 173 U. S. 636, 643; *Cleveland & Pittsburgh R. R. v. Cleveland*, 235 U. S. 50, 53; *White River Co. v. Arkansas*, 279 U. S. 692, 700; *Collins v. Streitz*, 298 U. S. 640.

No. 268. Emery Bird Thayer Dry Goods Company and The Emery Bird Thayer Realty Company *v.* Moses Williams et al.; and

No. 269. Moses Williams et al. *v.* Emery Bird Thayer Dry Goods Company and The Emery Bird Thayer Realty Company. On certificate from the United States Circuit Court of Appeals for the Eight Circuit. *Per curiam*: The motion to bring up the entire record and cause is denied. Upon examination of the certificate, the certificate is dismissed. *Jewell v. Knight*, 123 U. S. 426, 433; *B. & O. R.*

Co. *v.* Interstate Commerce Commission, 215 U. S. 216, 221; Biddle *v.* Luvisch, 266 U. S. 173; Smith, Collector, *v.* Ajax Pipe Line Co., 298 U. S. 641; Dixie Terminal Co. *v.* United States, 298 U. S. 645.

No. 31. Ennis J. Kenney, Sheriff of Kenton County, Kentucky, petitioner, *v.* John T. Murphy. On writ of certiorari to the Circuit Court of Kenton County, Commonwealth of Kentucky. *Per curiam*: After hearing argument the Court is of the opinion that the motion of the respondent to dismiss the writ of certiorari should be granted, and the writ is accordingly dismissed for the want of jurisdiction. McKnight *v.* James, 155 U. S. 685; Lambert *v.* Barrett, 157 U. S. 697, 699, 700; Weldington *v.* Sloan, 54 Ky. 147; Broadwell *v.* Commonwealth, 98 Ky. 15; Proffer *v.* Stewart, 259 Ky. 445.

No. 40. Aetna Insurance Company, petitioner, *v.* Illinois Central Railroad Company. On writ of certiorari to the Supreme Court of the State of Illinois. *Per curiam*: After hearing argument the Court is of the opinion that the decision of the State court rests upon a non-federal ground adequate to support it. Henderson Bridge Co. *v.* Henderson City, 141 U. S. 679, 688; Enterprise Irrig. District *v.* Canal Co., 243 U. S. 157, 164; McCoy *v.* Shaw, 277 U. S. 302, 303; Fox Film Corp. *v.* Muller, 296 U. S. 207, 210. The writ of certiorari is dismissed.

The Chief Justice said:

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

No. 13. Original. *Ex parte* L. H. Heymann et al., petitioners. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. *Per curiam*: After hearing argument the Court is of the opinion that it does not appear from the record that the Circuit Court of Appeals abused its discretion in refusing leave to appeal. The writ of certiorari is accordingly dismissed.

No. —. *Ex parte* Paysoff Tinkoff, petitioner. Petition to extend time to file petition for certiorari. *Per curiam*: The petition is denied. Finn *v.* Railroad Commission, 286 U. S. 559.

No. —. In *Re* Disbarment of George B. Hayes. It having been reported to the Court that the name of George B. Hayes, of New York, N. Y., a member of the bar of this Court, has been stricken from the roll of attorneys and counselors at law in the State of New York by order of the Appellate Division of the Supreme Court of the State of New York for the First Judicial Department, upon the consent of George B. Hayes, after the institution of a proceeding against him charging him with professional misconduct;

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

No. —, original. Ex parte Floyd Scrum, petitioner. The motion for leave to file a petition for writ of habeas corpus is denied, without prejudice to appropriate application to the United States District Court for the Northern District of Georgia.

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

No. —, original. Ex parte Robert Gray Taylor et al., petitioners. The motion for leave to file brief is denied.

No. 534. People of the State of New York, *ex rel.* George Moody, petitioner, *v.* William Hunt, Warden of Attica Prison, Attica, New York. On petition for writ of certiorari to the Supreme Court 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. 511. The New Negro Alliance et al., petitioners, *v.* Sanitary Grocery Co., Inc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted.

No. 504. National Labor Relations Board, petitioner, *v.* Pacific Greyhound Lines, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted and the case assigned for argument immediately following No. 413.

No. 485. The United States, petitioner, *v.* Hazen C. Pratt. The motion to remand is denied. The petition for writ of certiorari to the Court of Claims is also denied.

No. 486. The United States, petitioner, *v.* Northern Pacific Railway Company. The motion to remand is denied. The petition for writ of certiorari to the Court of Claims is also denied.

No. 543. Board of Directors St. Francis Levee District et al., petitioners, *v.* J. M. Kurn and John G. Lonsdale, Trustees, St. Louis-San Francisco Railway Company. The motion to strike is denied. The petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is denied.

No. 508. Harald Peters, petitioner, *v.* J. Lauritzen. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 512. Harry B. Amey, petitioner, *v.* Colebrook Guaranty Savings Bank et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 515. Spencer Kellogg & Sons, Inc., petitioner, *v.* Navigazione Generale Italiana. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 517. Westchester Fire Insurance Company of New York, petitioner, *v.* John Conlon Coal Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 521. John Jensen and Mortimer Bye, petitioners, *v.* Anthony J. Lorenz and Mark H. Wodlinger; and

No. 522. John Jensen and Mortimer Bye, petitioners, *v.* Anthony J. Lorenz and Mark H. Wodlinger. Petition for writs of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 524. Corrado Societa Anonima Di Navigazione, petitioner, *v.* L. Mundet & Son, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 531. The United States of America, petitioner, *v.* John Joseph Hunt. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 540. Francisco de la Torre, petitioner, *v.* The National City Bank of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 17. Texas & New Orleans Railroad Company et al., petitioners, *v.* Emma E. Neill et al;

No. 411. Royal Indemnity Company et al., petitioners, *v.* Frank A. Cardillo, Deputy Commissioner, etc., et al.; and

No. 495. David F. Mitchell et al., petitioners, *v.* The Supreme Court of the State of Florida et al. Petitions for rehearing denied.

No. —, original. Ex parte James H. Avery, petitioner. Motion for leave to file petition for writ of certiorari submitted by Mr. James H. Avery, *pro se*.

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

The day call for Monday, December 6, will be as follows: Nos. 447, 84 (and 85), 397, 10, 41, 48, 262, 55, 505, and 57.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Cardozo, and Mr. Justice Black.

Charles H. Carr, of Los Angeles, Calif.; Ralph D. Quinter, of Washington, D. C.; Daniel Partridge III, of Washington, D. C.; Barry Brannen, of Los Angeles, Calif.; Joseph B. Abrams, of Boston, Mass.; John J. Murray, of Milton, Mass.; John C. Corcoran, Jr., of Jersey City, N. J.; Stuart B. Warren, of St. Petersburg, Fla.; Jno. Bell, of Tampa, Fla.; and Vincent C. Giblin, of Miami, Fla., were admitted to practice.

No. 135. Frank Palko, appellant, *v.* State of Connecticut. Appeal from the Supreme Court of Errors of the State of Connecticut. Judgment affirmed with costs. Opinion by Mr. Justice Cardozo. Dissenting: Mr. Justice Butler.

No. 87. William D. Frad, petitioner, *v.* John J. Kelly, United States Marshal for the Southern District of New York, etc. On writ of certiorari to the United States Circuit of Appeals for the Second Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Roberts.

No. 34. Worcester County Trust Company, Executor, petitioner, *v.* Ray L. Riley, Comptroller of the State of California et al. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Decree affirmed with costs and cause remanded to the District Court of the United States for the District of Massachusetts. Opinion by Mr. Justice Stone. The motion to substitute is denied.

No. 230. Natural Gas Pipeline Company of America, appellant, *v.* James M. Slattery, Andrew Olson, et al., etc. Appeal from the District Court of the United States for the Northern District of Illinois. Decree affirmed with costs. Opinion by Mr. Justice Stone.

No. 9. Nolen R. Breedlove, appellant, *v.* T. Earl Suttles, as Tax Collector. Appeal from the Supreme Court of the State of Georgia. Judgment affirmed with costs. Opinion by Mr. Justice Butler.

No. 28. State of Texas and J. C. Clopton and Bullock Hyder, Receivers, etc., petitioners, *v.* David Donoghue, Trustee of Trinity Re-

fining Company, debtor. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Decree of the Circuit Court of Appeals reversed with costs to the extent that it sustains the ruling of the bankruptcy court in denying the State's application for permission to bring suit in a state court to obtain judgment of confiscation against the oil in question, and cause remanded to the District Court of the United States for the Northern District of Texas for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Butler. Dissenting opinion by Mr. Justice Cardozo in which Mr. Justice Stone joins.

No. 18. The People of Puerto Rico, petitioner, *v.* The Shell Co. (P. R.), Limited, et al. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Judgment reversed with costs and cause remanded to the District Court for the District of San Juan, Puerto Rico, for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Sutherland.

No. 36. Joseph K. Willing, Receiver of Commercial National Bank, Philadelphia, Pennsylvania, petitioner, *v.* Israel Binestock, Individually, etc., et al. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. That part of the decree of the Circuit Court of Appeals which requires the surrender of the Cammarota note for \$300 is reversed. With this exception the decree below is affirmed 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 Sutherland.

No. 45. Phillips-Jones Corporation, Individually, and Annie G. Phillips et al., petitioners, *v.* Lottie E. Parmley, Executrix of the estate of C. S. Parmley 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 Brandeis.

No. 27. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* H. C. Gowran. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment reversed and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brandeis.

No. 29. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Annie M. Pfeiffer. 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 Brandeis. Dissenting: Mr. Justice Stone and Mr. Justice Cardozo.

No. 38. Fidelity & Deposit Company of Maryland, petitioner, *v.* Louis H. Pink, Superintendent of Insurance of the State of New York, etc. 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 McReynolds. The Chief Justice took no part in the consideration and decision of this case.

No. 281. Aluminum Company of America, appellant, *v.* The United States of America. Appeal from the District Court of the United States for the Western District of Pennsylvania. Decree affirmed. Opinion by Mr. Justice McReynolds. The Chief Justice and Mr. Justice Stone took no part in the consideration and decision of this case.

No. 3. Ernest K. James, Individually and as State Tax Commissioner of the State of West Virginia, appellant, *v.* The Dravo Contracting Company. Appeal from the District Court of the United States for the Southern District of West Virginia. 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. Chief Justice Hughes. Dissenting opinion by Mr. Justice Roberts in which Mr. Justice McReynolds, Mr. Justice Sutherland, and Mr. Justice Butler join.

No. 7. Silas Mason Company, Inc., Walsh Construction Company, et al., appellants, *v.* Tax Commission of the State of Washington et al.; and

No. 8. David H. Ryan, appellant, *v.* The State of Washington et al. Appeals from the Supreme Court of the State of Washington. Judgments affirmed with costs. Opinion by Mr. Chief Justice Hughes. Dissenting: Mr. Justice McReynolds, Mr. Justice Sutherland, Mr. Justice Butler, and Mr. Justice Roberts.

No. 26. Abraham C. Berman, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment of the Circuit Court of Appeals reversed so far as it dismissed the first appeal and affirmed the later judgment imposing the fine, and cause remanded to the Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Hughes.

No. 97. The United States of America, appellant, *v.* Ben Kapp, Bert Cox et al. Appeal from the District Court of the United States

for the Western District of Oklahoma. Judgment reversed and cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Hughes.

No. 202. Harry Fleisher, petitioner, *v.* The United States of America;

No. 203. Sam Fleisher, petitioner, *v.* The United States of America; and

No. 204. Joseph Stein, petitioner, *v.* The United States of America. Judgments on count one reversed and cases remanded to the District Court of the United States for the Eastern District of Michigan for further proceedings in conformity with the opinion of this Court. Opinion, *per curiam*, announced by Mr. Chief Justice Hughes.

No. 459. Nicholas J. Forte, *v.* The United States of America. On certificate from the United States Court of Appeals for the District of Columbia. Questions Nos. 1 and 2 are answered "No." Question No. 3 is not answered. Opinion, *per curiam*, announced by Mr. Chief Justice Hughes.

The Chief Justice said:

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

No. —. Original. *Ex parte* Victor J. Evans, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. —. Commercial Telegraphers' Union, petitioner, *v.* J. Warren Madden et al. The application for stay pending determination of petition for writ of certiorari is denied.

No. 396. Kellogg Company, petitioner, *v.* National Biscuit Company. The petition to stay injunction is denied.

No. 21. Herman C. Groman, petitioner, *v.* Commissioner of Internal Revenue. The opinion filed November 8, 1937, is amended by striking from the second paragraph on page 5 thereof the sentence "Glidden transferred nothing to them.", and by striking from the next sentence but one the words "and prior preference stock,". The petition for rehearing is denied.

No. 560. Southwestern Bell Telephone Company, appellant, *v.* State of Oklahoma et al. The motion to dismiss in this case is assigned for argument on January 3, 1938.

No. 581. Fred O. Morgan, doing business, etc., et al., appellants, *v.* The United States of America et al. In this case probable jurisdiction is noted.

No. 519. State Farm Mutual Automobile Insurance Company, petitioner, *v.* James D. Coughran. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 528. Pacific National Company, petitioner, *v.* Galen H. Welch, Former Collector of Internal Revenue, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 563. The United States of America, petitioner, *v.* L. Manuel Hendler, as Transferee of Creameries, Inc., etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted.

No. 536. Santa Cruz Fruit Packing Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 597. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Clarence M. Freedman. 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 No. 287.

No. 525. City of Ocean City, petitioner, *v.* Federal Reserve Bank of Philadelphia. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied, without prejudice to the right to apply for a reinstatement of the petition at any time before the end of this term in case a new trial shall not be awarded.

No. 546. Oberlin M. Carter, petitioner, *v.* Harry H. Woodring, Secretary of War of the United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied. Mr. Justice Black took no part in the consideration and decision of this application.

No. 518. James R. Duncan et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 523. Frederick A. Mann, petitioner, *v.* Arthur J. Whaley, Individually, etc. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 526. Chicago Silk Company, petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 529. William L. Bradley and Albert B. Baker, co-partners, etc., et al., petitioners, *v.* S. S. "Niel Maersk," her engines, etc., et al.

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

No. 532. Vincent G. Rinn, as Administrator, 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. 533. Vincent G. Rinn, as Administrator, etc., petitioner, *v.* The Mutual Life Insurance Company of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 537. Irving Trust Company, as Trustee of the estate of Radio-Keith-Orpheum Corporation, petitioner, *v.* W. Gordon Burnett. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 539. The Kay & Ess Company, petitioner, *v.* Conway P. Coe, Commissioner of Patents. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 547. State of Delaware, petitioner, *v.* Irving Trust Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 481. Meurer Steel Barrel Company, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 535. George M. Follett and William Ryder, petitioners, *v.* The State of California. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 538. The Fidelity and Casualty Company of New York, 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. 545. W. L. Stumbo, Arthur C. Carter, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 548. Columbian National Life Insurance Company, petitioner, *v.* Jacob L. Wallerstein. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 549. Loretta A. Hines, 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. 550. Henry H. Taylor, as Receiver of the City Trust Company, petitioner, *v.* C. H. Bancroft, as Receiver of City National Bank of Miami. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 551. The Delaware and Hudson Railroad Corporation et al., petitioners, *v.* Penn Anthracite Mining Company; and

No. 552. The Delaware and Hudson Railroad Corporation and the Central Railroad Company of New Jersey, petitioners, *v.* Christian Feigenspan, a corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 556. James J. Hoey, Collector of Internal Revenue, etc., petitioner, *v.* Edgar J. Hesslein. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 557. Benjamin F. J. Odell, petitioner, *v.* Bausch & Lomb Optical Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 559. The First National Bank of Chicago (Formerly First Union Trust and Savings Bank), as Trustee, etc., petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 562. John Murphy, Frances Bongart, and Stanley Soffe, petitioners, *v.* Edward I. Bloom, John E. Bloom et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 593. Gillette Rubber Company, petitioner, *v.* Adolph L. Martin et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. —. Original. Ex parte Samuel Lesser, petitioner;

No. 416. United States of America, ex rel. Nathan Handler, petitioner, *v.* Henry C. Hill, Warden etc.; and

No. 480. George W. Green, petitioner, *v.* City of Stuart. Petitions for rehearing denied.

No. —, Original. State of Missouri, complainant, *v.* State of Iowa. Motion for leave to file bill of complaint submitted by Mr. Edwin A. Krauthoff in behalf of counsel for the complainant.

No. 414. William Leader, President of the American Federation of Full Fashioned Hosiery Workers, etc., et al., petitioners, *v.* Apex Hosiery Company. Return to rule to show cause presented.

No. 554. West Virginia Power Company, 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. Dismissed on motion of counsel for the petitioner.

No. 447. Schuylkill Trust Company, appellant, *v.* The Commonwealth of Pennsylvania. Argued by Mr. John Robert Jones for the appellant and by Mr. Manuel Kraus for the appellee.

No. 84. Alabama Power Company, petitioner, *v.* Harold L. Ickes, as Federal Emergency Administrator, etc., et al., and

No. 85. Alabama Power Company, petitioner, *v.* Harold L. Ickes, as Federal Emergency Administrator, etc., et al. Argument commenced by Mr. William H. Thompson for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, December 7, will be as follows: Nos. 84 (and 85), 397, 10, 41, 48, 262, 55, 505, 57, and 61.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Cardozo, and Mr. Justice Black.

Thomas F. McAllister, of Grand Rapids, Mich.; Joseph Raymond Wine, of Helena, Mont.; Bruce A. Low, of Washington, D. C.; John E. Corette, Jr., of Butte, Mont.; Frank A. Reid, of New York City; A. J. Gustin Priest, of New York City; Alice Robinson, of Columbia, S. C.; James F. Dreher, of Columbia, S. C.; T. J. Blackwell, of Miami, Fla.; Jess H. Rosenberg, of New York City; Joe. T. Robinson, Jr., of Lonoke, Ark.; and Charles H. Davis, of Minneapolis, Minn., were admitted to practice.

ORDER

It is ordered that paragraph 4 of Rule LII of the General Orders in Bankruptcy be, and the same hereby is, amended, effective immediately, to read as follows:

LII

4. Not less than ten days' notice of hearing upon any application for the sale or lease of property of the debtor pursuant to section 77B c (3½), except sales of perishable property, shall be given by mail to all creditors and stockholders of the debtor, addressed to them at their last known addresses appearing upon the records of the debtor or of the trustee or to their attorneys of record, or, for good cause shown, by advertisement in the manner and for the time directed by the District Court. Paragraphs 1, 2, and 3 of General Order XVIII shall be applicable to such sales.

No. 84. Alabama Power Company, petitioner, *v.* Harold L. Ickes, as Federal Emergency Administrator etc., et al.; and

No. 85. Alabama Power Company, petitioner, *v.* Harold L. Ickes, as Federal Emergency Administrator etc., et al. Argument continued by Mr. William H. Thompson for the petitioner; by Mr. Jerome N. Frank and Mr. Solicitor General Reed for the respondent.

ents; and concluded by Mr. William H. Thompson for the petitioner.

No. 397. Duke Power Company and Southern Public Utilities Company, petitioners, *v.* Greenwood County and E. L. Brooks et al. Argument commenced by Mr. W. S. O'B. Robinson, Jr., for the petitioners, and continued by Mr. H. W. Nicholson for the respondent, Greenwood County.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, December 8, will be as follows: Nos. 397, 10, 41, 48, 262, 55, 505, 57, 61, and 72.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Cardozo, and Mr. Justice Black.

Eustace F. Brennan, of Milwaukee, Wis.; Ray C. Wakefield, of Fresno, Calif.; and Robert B. Anderson, of Vernon, Tex., were admitted to practice.

No. 397. Duke Power Company et al., petitioners, *v.* Greenwood County and E. L. Brooks et al. Argument continued by Mr. D. W. Robinson, Jr., for the respondent, Greenwood County; by Mr. Jerome N. Frank for respondents, Ickes et al., and concluded by Mr. W. S. O'B. Robinson, Jr., for the petitioners.

No. 10. Ocean Beach Heights, Inc., Normandy Beach Development Company et al., petitioners, *v.* The Brown-Crummer Investment Company et al. Argument commenced by Mr. Henry K. Gibson for the petitioners; continued by Mr. Giles J. Patterson and Mr. T. J. Blackwell for the respondents; and concluded by Mr. J. Julien Southerland for the petitioners.

No. 41. Standard Accident Insurance Company, petitioner, *v.* The United States of America, for the use and benefit of L. R. Powell, et al., etc. Argued by Mr. Stuart B. Warren for the petitioner, and by Mr. John Bell for the respondents.

No. 48. The United States, petitioner, *v.* Mabel S. Andrews, Executrix of the estate of Matthew Andrews, deceased. Argument commenced by Mr. Norman D. Keller for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, December 9, will be as follows: Nos. 48, 262, 55 (and 505), 57, 61, 72, 357, 208, 90, and 106.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Cardozo, and Mr. Justice Black.

Frank B. Warren, of Carson City, Nev.; Rollo E. Kidwell, of Dallas, Tex.; Martin Detels of New York City; Henry L. Wortche, of Baltimore, Md.; Abraham J. Rosenblum of New York City; Arthur W. Sprague, of Chicago, Ill.; William F. Davis, Jr., of Boston, Mass.; Louis Charles Smith, of Washington, D. C.; and Lafon Allen, of Louisville, Ky., were admitted to practice.

No. 48. The United States, petitioner, *v.* Mabel S. Andrews, Executrix of the estate of Matthew Andrews, deceased. Argument continued by Mr. Norman D. Keller for the petitioner and concluded by Mr. Fred R. Seibert for the respondent.

No. 262. The United States of America, petitioner, *v.* Garbutt Oil Company. Argued by Mr. Norman D. Keller for the petitioner and by Mr. L. A. Luce for the respondent.

No. 55. Mary Duke Biddle, petitioner, *v.* Commissioner of Internal Revenue; and

No. 505. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* George W. Elkins. Argument commenced by Mr. Frank J. Wideman for the petitioner in No. 55, and continued by Mr. J. Louis Monarch for the Commissioner of Internal Revenue.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, December 10, will be as follows: Nos. 55 (and 505), 57, 61, 72, 357, 208, 90, 106, 108, and 123 (and 124).

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Cardozo, and Mr. Justice Black.

Fannie Gray Clegg, of Trinity, Tex.; Rainey T. Wells, of Omaha, Nebr.; Walter G. Ramseur, of St. Petersburg, Fla.; and John J. Moreschi, of Chicago, Ill., were admitted to practice.

No. 55. Mary Duke Biddle, petitioner, *v.* Commissioner of Internal Revenue; and

No. 505. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* George W. Elkins. Argument continued by Mr. J. Louis Monarch for the Commissioner of Internal Revenue and concluded by Mr. William R. Spofford for the respondent in No. 505.

No. 57. Lanasa Fruit Steamship and Importing Company, Inc., petitioner, *v.* Universal Insurance Company. Argument commenced by Mr. George Forbes for the petitioner; continued by Mr. D. Roger Englar for the respondent; and concluded by Mr. Henry L. Wortche for the petitioner.

No. 61. Gertrude Kay, *alias* Gertrude Klein, petitioner, *v.* The United States of America. Argument commenced by Mr. Frank R. Serri for the petitioner; and continued by Mr. William S. Culbertson for the petitioner; and by Mr. Assistant Solicitor General Bell for the respondent.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 13, will be as follows: Nos. 61, 72, 357, 208, 13, 33, 39, 90, 106, and 108.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Black.

George P. Kirkpatrick, of Jasper, Tex.; Ephraim Berliner, of New York City; Dorothy Winslow Crannell, of Boston, Mass.; Howell M. Hampton of Ocala, Fla.; Albert W. Jacobson, of Washington, D. C.; Randell S. Cobb, of Oklahoma City, Okla.; Ervin S. Fulop, of Newark, N. J.; George T. Bean, of New York City; Herman J. Seman, of Philadelphia, Pa.; and Jerome L. Markovitz, of Philadelphia, Pa., were admitted to practice.

No. 32. M. G. McNair, as Receiver of the First National Bank of Perry, etc., petitioner, *v.* W. V. Knott, as Treasurer of the State of Florida, 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 Northern District of Florida. Opinion by Mr. Justice Black. Concurring opinion by Mr. Justice McReynolds.

No. 42. James D. Smyth, Executor of the Estate of James J. Ransom, deceased, petitioner, *v.* The United States;

No. 43. The Dixie Terminal Company, petitioner, *v.* The United States. On writs of certiorari to the Court of Claims; and

No. 198. The United States of America, petitioner, *v.* Arthur W. Machen. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgments in Nos. 42 and 43 affirmed. Judgment in No. 198 reversed and cause remanded to the District Court of the United States for the District of Maryland for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Cardozo announced by the Chief Justice. Opinion by Mr. Justice Stone concurring in the result. Concurring opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice McReynolds in which Mr. Justice Sutherland and Mr. Justice Butler join.

The Chief Justice announced the following orders of the Court:

No. 544. Henry Hornblower et al., appellants, *v.* Harvey D. McGray. Appeal from the Superior Court of the Commonwealth

of Massachusetts. *Per curiam*: The motion of the appellee to dismiss the appeal is granted, and the appeal is dismissed for the want of a substantial federal question. *First National Bank v. Missouri*, 263 U. S. 640, 656; *Lewis v. Fidelity Co.*, 292 U. S. 559, 566; *Jennings v. U. S. F. & G. Co.*, 292 U. S. 216, 219.

No. 569. W. J. Barnett, appellant, *v. Stanley Rogers*, Sheriff of Oklahoma County, Oklahoma. Appeal from the Supreme Court of the State of Oklahoma. *Per curiam*: The appeal herein is dismissed for the reason that the judgment sought here to be reviewed is based upon a non-federal ground adequate to support it. *Brooks v. Missouri*, 124 U. S. 394, 400; *John v. Paullin*, 231 U. S. 583, 585; *Nevada-California-Oregon Ry. v. Bures*, 244 U. S. 103, 105; *Central Union Co. v. Edwardsville*, 269 U. S. 190, 195; *Kammerer v. Kroeger*, 299 U. S. 302.

No. 590. William A. Ehlers, appellant, *v. State of Nebraska*. Appeal from the Supreme Court of the State of Nebraska. *Per curiam*: The appeal herein is dismissed for the want of jurisdiction. Section 237 (a), Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeal was allowed as a petition for a writ of certiorari, as required by Section 237 (c), Judicial Code, as amended (43 Stat. 936, 938), certiorari is denied.

No. 610. Dorothy Leoles, through her father, George Leoles, as next friend, appellant, *v. J. H. Landers*, Louis Gefeen, et al., etc. Appeal from the Supreme Court of the State of Georgia. *Per curiam*: The motion of the appellees to dismiss the appeal is granted, and the appeal is dismissed for the want of a substantial federal question. *Coale v. Pearson*, 290 U. S. 597; *Hamilton v. Regents*, 293 U. S. 245, 261, 262.

No. 620. Charles Dutton, appellant, *v. People of the State of California*. Appeal from the Supreme Court of the State of California. *Per curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Carlesi v. New York*, 233 U. S. 51; *Moore v. Missouri*, 159 U. S. 673, 678; *McDonald v. Massachusetts*, 180 U. S. 311, 312, 313; *Graham v. West Virginia*, 224 U. S. 616, 623. The motion for leave to proceed further herein *in forma pauperis* is denied.

No. 414. William Leader, President of the American Federation of Full Fashioned Hosiery Workers, etc., et al., petitioners, *v. Apex Hosiery Company*. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. *Per curiam*: Upon consideration of the return of the petitioners to the rule to show cause, the petition for writ of certiorari is granted, the decree of the Circuit Court of Appeals reversed, and the cause is remanded to the District Court with directions to vacate its decree and to dismiss the

bill of complaint upon the ground that the cause is moot. *Brownlow v. Schwartz*, 261 U. S. 216, 217, 218; *Alejandro v. Quezon*, 271 U. S. 528, 535, 536; *Bracken v. Securities & Exchange Comm'n*, 299 U. S. 504.

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. William Caine Davidson, complainant, *v.* The State of California. The motion for leave to file the Bill of Complaint herein is denied. The motion for leave to proceed *in forma pauperis* is denied.

No. —, Original. State of Missouri, complainant, *v.* State of Iowa. The motion for leave to file the Bill of Complaint herein is granted and process is ordered to issue returnable on Monday, February 14, 1938.

No. —, Original. *Ex parte* Lloyd Rubin, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. 15, Original. *Ex parte* James H. Avery, petitioner. The motion for leave to file petition for writ of certiorari is granted. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied.

No. 660, October Term, 1936. Elbert B. Lindsey and E. R. Lindsey, petitioners, *v.* State of Washington. The motion to recall the mandate is denied, without prejudice to appropriate application to the proper state court.

No. 63. The United States of America and Interstate Commerce Commission, appellant, *v.* W. V. Griffin and H. W. Purvis, Receivers, etc. The Court is of the opinion that it has jurisdiction of the appeal. Reargument is ordered, and the cause is assigned for argument upon the merits on Monday, January 3, 1938.

No. 619. Sidney Charles Smith, petitioner, *v.* Fred G. Zerbst, 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 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. 558. Edith Huggard Sharp, Charles C. Norris, Jr., et al., etc., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 566. Guaranty Trust Company of New York, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 553. B. M. Hopper and Coalinga-Kettleman Oil Company, petitioners, *v.* Amos W. Elliott, Marland Oil Company, et al. Petition for writ of certiorari to the Supreme Court of the State of California denied.

No. 561. John J. Flanigan, petitioner, *v.* Ditto, Incorporated. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 570. Albert S. Readinger, Administrator, etc., petitioner, *v.* Horton C. Rorick, Albert V. Foster, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 580. Lawrence W. O'Connor et al., petitioners, *v.* Charles S. Ludlam, Homer A. Dunn, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 258. Frank E. Whitcombe, petitioner, *v.* The United States of America;

No. 259. T. Turnia, petitioner, *v.* The United States of America;

No. 260. Charles Giordano, petitioner, *v.* The United States of America; and

No. 261. Barney Marlo, 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. 11. The United States of America, petitioner, *v.* Angie Crook Williams;

No. 370. American Paper Goods Company, petitioner, *v.* The United States;

No. 478. Louisiana & Arkansas Railway Company, petitioner, *v.* Mrs. Esther Francis;

No. 501. Morley Construction Company et al., petitioners, *v.* Maryland Casualty Company; and

No. 520. Gabriele Giordano, petitioner, *v.* The City of Asbury Park et al. Petitions for rehearing denied.

ORDER

The Court will take a recess from Monday, December 20, until Monday, January 3, 1938.

No. 39. Harry H. Woodring, Secretary of War of the United States of America et al., petitioners, *v.* Clarksburg-Columbus Short Route Bridge Company. Motion to reverse and to remand with directions to dismiss the bill of complaint upon the ground that the cause is moot submitted by Mr. Solicitor General Reed for the petitioners.

No. 61. Gertrude Kay, alias Gertrude Klein, petitioner, *v.* The United States of America. Argument continued by Mr. Assistant Solicitor General Bell for the respondent and concluded by Mr. William S. Culbertson for the petitioner.

No. 72. Crown Cork & Seal Company, Inc., petitioner, *v.* Ferdinand Gutmann Co., Inc. Argued by Mr. John J. Darby for the petitioner and by Mr. William E. Warland for the respondent.

No. 357. General Talking Pictures Corporation, petitioner, *v.* Western Electric Company, Inc., et al. Argument commenced by Mr. Samuel E. Darby, Jr., for the petitioner and continued by Mr. Merrell E. Clark for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, December 14, will be as follows: Nos. 357, 208, 13, 33, 90, 106, 108, 123 (and 124), 138, and 128.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Black.

Roy C. Coffee, of Dallas, Tex.; Gay H. Brown, of Utica, N. Y.; Edward H. Knight, of Indianapolis, Ind.; James E. Deery, of Indianapolis, Ind.; Mayte Elizabeth Boylan, of New York City; Daniel F. Boone, of Winston-Salem, N. C.; Peter Van Dyke Voorhees, of New York City; Floyd J. Mattice, of Indianapolis, Ind.; Edgar G. Hamilton, of West Palm Beach, Fla.; and Nat Tipton, of Nashville, Tenn., were admitted to practice.

No. 615. James L. Taulbee, as Administrator, etc., petitioner, *v.* Great Northern Railway Company. Motion for an extension of time within which to file brief opposing petition for writ of certiorari submitted by Mr. R. E. L. Smith in behalf of counsel for the respondent.

No. 357. General Talking Pictures Corporation, petitioner, *v.* Western Electric Company, Inc., et al. Argument continued by Mr. Merrill E. Clark for the respondents, and concluded by Mr. Ephraim Berliner for the petitioner.

No. 208. Leitch Manufacturing Company, Inc., petitioner, *v.* The Barber Company, Inc. Argued by Mr. Samuel Ostrolenk for petitioner, and by Mr. George J. Harding for the respondent.

No. 13. United Gas Public Service Company, appellant, *v.* State of Texas et al. Reargument commenced by Mr. John P. Bullington for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, December 15, will be as follows: Nos. 13, 33, 90, 106, 108, 123 (and 124), 138, 128, 129, and 287.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, and Mr. Justice Black.

Ester Maree Calkin, of Tulsa, Okla.; and William E. Ringel, of New York City; were admitted to practice.

No. 13. United Gas Public Service Company, appellant, *v.* State of Texas et al. Reargument continued by Mr. Alfred M. Scott and Mr. Edward H. Lange for the appellees, and concluded by Mr. F. G. Coates for the appellant.

No. 33. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Raymond I. Bashford. Reargued by Mr. J. Louis Monarch for the petitioner and by Mr. Walter G. Moyle for the respondent.

No. 90. Perry McCart, Samuel L. Trabue, et al., petitioners, *v.* Indianapolis Water Company. Argument commenced by Mr. Urban C. Stover for the petitioners. The Court declined to hear further argument.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, December 16, will be as follows: Nos. 106, 108, 123 (and 124), 138, 128, 129, 287, 597, 140, and 189.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Black.

Robert Dechert, of Philadelphia, Pa.; Gilbert J. Kraus, of Philadelphia, Pa.; W. Bradley Ward, of Paoli, Pa.; Herman E. Kleinecke, Jr., of Galveston, Tex.; James Connelly Edwards, of Nashville, Tenn.; and Foster H. Fansen, of Baltimore, Md., were admitted to practice.

No. 11, original. The State of Texas, complainant, *v.* The State of New Mexico et al. Motion of the complainant that further hearings before the Special Master be deferred until after April 1, 1938, presented by Mr. Charles Warren, Special Master.

No. 106. Minnesota Tea Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Argued by Mr. James G. Nye for the petitioner and by Mr. J. Lewis Monarch for the respondent.

No. 108. Andrew J. Christopher, Third National Bank & Trust Co., as Executor, etc., et al., petitioners, *v.* W. E. Brusselback and W. L. Bell et al., etc. Argued by Mr. Wellmore B. Turner for the petitioners and by Mr. J. Arthur Miller for the respondents.

No. 123. Harvey S. Adams, Receiver, etc., petitioner, *v.* Geneva M. Nagle, Ralph S. Hill, et al.; and

No. 124. Harvey S. Adams, Receiver, etc., petitioner, *v.* J. Edwin Tobias, Ralph S. Hill, et al. Argument commenced by Mr. Charles E. Wainwright for the petitioner and continued by Mr. Lemuel B. Schofield for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, December 17, will be as follows: Nos. 123 (and 124), 128 (129, 287, and 597), 138, and 140.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Black.

Jacob Weiss, of Indianapolis, Ind.; George D. Locke, of Glendale, Ariz.; Francis P. Keiper, of Washington, D. C.; Elizabeth F. Reed, of Washington, D. C.; Lawrence Hunt, of Boston, Mass.; Rees B. Gillespie, of Gallatin, Mo.; and Lambert S. O'Malley, of Kansas City, Mo., were admitted to practice.

No. 594. Calmar Steamship Corporation, petitioner, *v.* Charles W. Taylor. Motion for leave to file brief as *amicus curiae* submitted by Mr. John C. Crawley.

No. 123. Harvey S. Adams, Receiver, etc., petitioner, *v.* Geneva M. Nagle, Ralph S. Hill, et al.; and

No. 124. Harvey S. Adams, Receiver, etc., petitioner, *v.* J. Edwin Tobias, Ralph S. Hill, et al. Argument continued by Mr. Lemuel B. Schofield for the respondents and concluded by Mr. George P. Barse for the petitioner.

No. 128. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* John H. Therrell;

No. 129. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* William H. Tunncliffe;

No. 287. Edward McLoughlin, petitioner, *v.* Commissioner of Internal Revenue; and

No. 597. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Clarence M. Freedman. Argued by Mr. Solicitor General Reed for the Commissioner of Internal Revenue; by Mr. Harry M. Voorhis for the respondents in Nos. 128 and 129; by Mr. Bernhard Knollenberg for the petitioner in No. 287; and by Mr. John W. Townsend for the respondent in No. 597.

No. 138. The United States of America, petitioner, *v.* Pete McGowan, Claimant of One Chevrolet Coupe, etc., et al. Argued by Mr. William H. Ramsey for the petitioner. No appearance for the respondent.

Adjourned until Monday, December 20 next, at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Black.

Lewis Deschler, of Washington, D. C.; Herman S. Shapiro, of Los Angeles, Calif.; Mortimer M. Kassell, of Albany, N. Y.; Isador Becker, of Chicago, Ill.; and James J. McGinnis, of Philadelphia, Pa., were admitted to practice.

No. 190. Frank Carmine Nardone, Austin L. Callahan, Hugh Brown 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 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. Dissenting opinion by Mr. Justice Sutherland in which Mr. Justice McReynolds joins.

No. 583. Marian S. Honeyman, appellant, *v.* Herbert G. Hanan, as Executor of the last will and testament of Herbert W. Hanan, deceased. Appeal from the Supreme Court of the State of New York. 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. 616. West Brothers Brick Company, appellant, *v.* City of Alexandria. Appeal from the Supreme Court of Appeals of the Commonwealth of Virginia. *Per curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Euclid v. Ambler Co.*, 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.

No. 39. Harry H. Woodring, Secretary of War of the United States of America, et al., petitioners, *v.* Clarksburg-Columbus Short Route Bridge Company. On writ of certiorari to the United States Court of Appeals for the District of Columbia. *Per curiam*: The

motion of the petitioners to reverse the judgment and remand the cause to the United States District Court for the District of Columbia, with instructions to dismiss the bill, is granted, and the judgment of the Court of Appeals is reversed, and the cause remanded to the District Court with instructions to dismiss the bill of complaint upon the ground that the cause is moot. *Brownlow v. Schwartz*, 261 U. S. 216, 217, 218; *Alejandrino v. Quezon*, 271 U. S. 528, 535, 536; *Bracken v. Securities & Exchange Comm'n.*, 299 U. S. 504.

The Chief Justice said:

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

No. —. *Ex parte Basil H. Pollitt*, petitioner. Applications denied.

No. 11, original. *State of Texas*, complainant, *v. State of New Mexico et al.* Upon consideration of the motion of the complainant State, presented by Charles Warren, Special Master herein, to defer hearings before the Special Master, and of the communication of the Special Assistant Attorney General of the State of New Mexico stating that the State of New Mexico and the attorneys for the Middle Rio Grande Conservancy District agree to a continuance, it is ordered that further hearings before the Special Master be deferred until April 1, 1938, or such date thereafter as the Special Master shall determine.

No. 560. *Southwestern Bell Telephone Company*, appellant, *v. State of Oklahoma et al.* The motion of the appellees to reassign argument of the motion to dismiss is granted and the motion to dismiss is reassigned for argument on February 7, 1938.

No. 615. *James L. Taulbee*, as Administrator, etc., petitioner, *v. Great Northern Railway Company*. The motion of the respondent to extend the time for filing brief in opposition to the petition for writ of certiorari is granted, and the time is extended to January 22, 1938.

No. 623. *Jack Shearer*, petitioner, *v. F. G. Zerbst*, Warden, United States Penitentiary, Atlanta, Georgia. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit;

No. 628. *Anthony DiStasio*, petitioner, *v. Commonwealth of Massachusetts*. On petition for writ of certiorari to the Superior Court of the Commonwealth of Massachusetts; and

No. 629. *James Jackson*, petitioner, *v. Commonwealth of Virginia*. On petition for writ of certiorari to the Circuit Court for Elizabeth City County, Commonwealth of Virginia. 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. 422. J. M. Hebert et al., petitioners, *v.* Rio Bravo Oil Company et al. Petition for writ of certiorari to the Supreme Court of the State of Texas denied.

No. 542. J. B. Clevinger, petitioner, *v.* St. Louis-San Francisco Railway Company. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 564. Alfred M. LaForest, petitioner, *v.* Board of Commissioners of the District of Columbia. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 567. John R. Foote, Edward B. Woodruff, et al., petitioners, *v.* The People of the State of New York. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 571. L. W. Sheckles, petitioner, *v.* Commissioner of Internal Revenue;

No. 572. Woodring-Meyer Lumber Company, petitioner, *v.* Commissioner of Internal Revenue;

No. 573. W. A. Carnes, petitioner, *v.* Commissioner of Internal Revenue;

No. 574. H. S. Paulus, petitioner, *v.* Commissioner of Internal Revenue;

No. 575. Peck Welhausen, petitioner, *v.* Commissioner of Internal Revenue;

No. 576. S. A. Carnes, petitioner, *v.* Commissioner of Internal Revenue;

No. 577. Celia Fetterly, petitioner, *v.* Commissioner of Internal Revenue;

No. 578. C. C. Welhausen, petitioner, *v.* Commissioner of Internal Revenue; and

No. 579. M. A. Meyer, Executor, etc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 582. Thomas A. Banks, Trustee, etc., petitioner, *v.* Southern Dairies, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 584. Roland H. Weir, petitioner, *v.* The United States of America;

No. 585. Roland H. Weir, petitioner, *v.* The United States of America;

No. 586. Roland H. Weir, petitioner, *v.* The United States of America;

No. 587. Raymond E. Korte, petitioner, *v.* The United States of America;

No. 588. Raymond E. Korte, petitioner, *v.* The United States of America; and

No. 589. Raymond E. Korte, 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. 591. General Baking Company, petitioner, *v.* Luther A. Harr (Successor to William D. Gordon), Secretary of Banking for the Commonwealth of Pennsylvania, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 592. Diamond P Transportation Company, petitioner, *v.* Eastern State Farmer's Exchange. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

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

No. 14. Federal Trade Commission, petitioner, *v.* Standard Education Society et al.;

No. 496. The State of Texas, petitioner, *v.* Anderson, Clayton & Company et al.;

No. 521. John Jensen and Mortimer Bye, petitioners, *v.* Anthony J. Lorenz and Mark H. Wodlinger; and

No. 522. John Jensen and Mortimer Bye, petitioners, *v.* Anthony J. Lorenz and Mark H. Wodlinger. Petitions for rehearing denied.

ORDER

It is ordered that Rules of Procedure for the District Courts of the United States be adopted pursuant to Section 2 of the Act of June 19, 1934, Chapter 651 (48 Stat. 1064), and the Chief Justice is authorized and directed to transmit the Rules as adopted to the Attorney General and to request him, as provided in that section, to report these Rules to the Congress at the beginning of the regular session in January next. Mr. Justice Brandeis states that he does not approve of the adoption of the Rules.

No. —, original. Ex parte Florence F. Greaves Stone et al., petitioners. Motion for leave to file petition for writ of mandamus submitted by Mr. James J. McGinnis for the petitioners.

No. 618. Motor Wheel Corporation, petitioner, *v.* Rubsam Corporation. On petition for writ of certiorari to the United States

Circuit Court of Appeals for the Sixth Circuit. Dismissed on motion of counsel for the petitioner.

Adjourned until Monday, January 3, 1938.

The day call for Monday, January 3, 1938, will be as follows: Nos. **63, 140, 143, 161, 163, 167, 181 (and 182), 305, 197, and 199.**

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Black.

Marcus Muskat, of Los Angeles, Calif.; Roswell B. O'Harra, of Macomb, Ill.; Harry Thom, of Chicago, Ill.; Frederic D. Metzger, of Tacoma, Wash.; Leo Aubrey Newman, of Roanoke, Va.; J. B. Garcia Mendez, of Aguadilla, P. R.; James E. Carroll, of Boston, Mass.; E. Martinez Rivera, of San Juan, P. R.; Frank G. Coleman, of Washington, D. C.; and E. Herman Fuiman, of Philadelphia, Pa., were admitted to practice.

No. 138. The United States of America, petitioner, *v.* Pete McGowan, Claimant of One Chevrolet Coupe, etc., et al. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed and cause remanded to the District Court of the United States for the District of Nevada for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Mr. Justice Cardozo took no part in the consideration or decision of this case.

No. 146. The United States of America, petitioner, *v.* Ralph Raynor; and

No. 147. The United States of America, petitioner, *v.* Chett Fowler. On writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgments reversed and cases remanded to the District Court of the United States for the Southern District of Indiana for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Sutherland, in which Mr. Justice McReynolds and Mr. Justice Butler join.

No. 447. Schuylkill Trust Company, appellant, *v.* The Commonwealth of Pennsylvania. Appeal from the Supreme Court of the State of Pennsylvania. Judgment affirmed with costs. Opinion by Mr. Justice Roberts.

No. 48. The United States, petitioner, *v.* Mabel S. Andrews, Executrix of the estate of Matthew Andrews, deceased. On writ of certiorari to the Court of Claims. Judgment reversed and cause remanded to Court of Claims for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts.

No. 262. The United States of America, petitioner, *v.* Garbutt Oil Company. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed and cause remanded to the District Court of the United States for the Southern District of California for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts.

No. 62. Textile Machine Works, petitioner, *v.* Louis Hirsch Textile Machines, Inc. 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.

No. 108. Andrew J. Christopher, Third National Bank & Trust Co., as Executor, etc., et al., petitioners, *v.* W. E. Brusselback and W. I. Bell et al., etc. 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 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 Stone. Mr. Justice Brandeis and Mr. Justice Cardozo took no part in the consideration or decision of this case.

No. 84. Alabama Power Company, petitioner, *v.* Harold L. Ickes, as Federal Emergency Administrator of Public Works et al.; and

No. 85. Alabama Power Company, petitioner, *v.* Harold L. Ickes, as Federal Emergency Administrator of Public Works et al. On writs of certiorari to the United States Court of Appeals for the District of Columbia. Decrees affirmed and cases remanded to the District Court of the United States for the District of Columbia. Opinion by Mr. Justice Sutherland. Mr. Justice Black concurs in the result.

No. 397. Duke Power Company and Southern Public Utilities Company, petitioners, *v.* Greenwood County and E. L. Brooks, S. A. Agnew, and E. I. Davis, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Decree affirmed and cause remanded to the District Court of the United States for the Western District of South Carolina. Opinion by Mr. Justice Sutherland. Mr. Justice Black concurs in the result.

No. 30. The United States of America on relation of Chester A. Willoughby, as Trustee in Bankruptcy of National Mechanical Service Company, et al., petitioners, *v.* Sam Howard and Continental Casualty Company. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment reversed with costs and cause remanded to the said Circuit Court of Appeals

for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brandeis.

No. 33. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Raymond I. Bashford. 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 Brandeis. Mr. Justice Roberts took no part in the consideration or decision of this case. Dissenting: Mr. Justice McReynolds, Mr. Justice Sutherland, and Mr. Justice Butler.

No. 208. Leitch Manufacturing Company, Inc., petitioner, *v.* The Barber Company, Inc. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Decree reversed with costs and cause remanded to the District Court of the United States for the District of New Jersey for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brandeis. Mr. Justice Cardozo took no part in the consideration or decision of this case.

No. 41. Standard Accident Insurance Company, petitioner, *v.* The United States of America for the use and benefit of L. R. Powell, Jr., and Henry W. Anderson, as Receivers, etc. 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 Southern District of Florida. Opinion by Mr. Justice McReynolds.

No. 804. October Term, 1936. Railroad Commission of the State of California et al., appellants, *v.* Pacific Gas and Electric Company. Appeal from the District Court of the United States for the Northern District of California. 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. Chief Justice Hughes. Mr. Justice Black concurs in the reversal of the decree. Mr. Justice Sutherland took no part in the consideration or decision of this case. Dissenting opinion by Mr. Justice Butler in which Mr. Justice McReynolds joins.

No. 90. Perry McCart, Samuel L. Trabue, and Moie Cook, Members of and Constituting the Public Service Commission et al., petitioners, *v.* Indianapolis Water Company. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Decree modified as indicated in the opinion of this Court and, as thus modified, affirmed with costs and cause remanded to the District Court of the United States for the Southern District of Indiana for further proceedings in conformity with the opinion of this Court. Opinion, *per curiam*, announced by Mr. Chief Justice Hughes. Mr.

Justice Cardozo took no part in the consideration or decision of this case. Dissenting opinion by Mr. Justice Black.

The Chief Justice announced the following order of the Court :

No. 622. Alvin F. Speece, appellant, *v.* People of the State of Illinois. Appeal from the Supreme Court of the State of Illinois. *Per curiam*: The motion of the appellee to dismiss the appeal is granted, and the appeal is dismissed for the want of jurisdiction. Section 237 (a), Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari, as required by section 237 (c), Judicial Code, as amended (43 Stat. 936, 938), certiorari is denied.

The Chief Justice said :

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

No. —, original. *Ex parte* Florence F. Greaves Stone et al., petitioners. The motion for leave to file petition for writ of mandamus is denied.

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

No. —. In the matter of Paysoff Tinkoff, petitioner. The motion to reconsider and vacate order denying extension of time to file petition for writ of certiorari is denied.

No. 594. Calmar Steamship Corporation, petitioner, *v.* Charles W. Taylor. The motion for leave to file brief of John C. Crawley, as *amicus curiae*, is denied.

No. 514. The United States of America et al., appellants, *v.* Pan American Petroleum Corporation et al.; and

No. 530. The United States of America et al., appellants, *v.* Humble Oil & Refining Company et al. The motion of the appellants to reverse is denied.

No. 643. Scott Hicks, petitioner, *v.* F. G. Zerbst, 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 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. 199. The United States of America, petitioner, *v.* Ben B. Jackson, by his Guardian, etc. The motion of the respondent for leave to proceed *in forma pauperis* is granted.

No. 640. The United States of America, appellant, *v.* Carolene Products Company. In this case probable jurisdiction is noted.

No. 594. Calmar Steamship Corporation, petitioner, *v.* Charles W. Taylor. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 596. John C. 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 granted.

No. 636. Electric Bond and Share Company et al., petitioners, *v.* Securities and Exchange Commission et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 600. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Mountain Producers Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit granted and case assigned for argument immediately following No. 446.

No. 608. Lincoln Engineering Company of Illinois, petitioner, *v.* Stewart-Warner Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted. The Chief Justice took no part in the consideration or decision of this application.

No. 595. W. E. Hedger Transportation Corporation, petitioner, *v.* William H. Lloyd. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 555. Charles W. Hofferd, as Administrator, etc., petitioner, *v.* James F. Coyle, as Executor, etc., et al. Petition for writ of certiorari to the Supreme Court of the State of Indiana denied.

No. 598. Angus Spear and Thomas D. Humphrey, petitioners, *v.* Ernest O. Thompson, C. V. Terrell, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 601. Agricultural Bond and Credit corporation, petitioner, *v.* L. H. Norton, Individually, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 602. Stanolind Oil and Gas Company, Simms Oil Company, et al., petitioners, *v.* Walter Logan, Trustee in Bankruptcy, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 603. Harry T. Rollins, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue;

No. 604. Glendora M. Rollins, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue;

No. 605. Margaret C. Rollins, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue;

No. 606. Harry T. Rollins et al., Executors, etc., petitioners, *v.* Guy T. Helvering, Commissioner of Internal Revenue; and

No. 607. Ralph E. Rollins, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 612. International Salt Company, Inc., petitioner, *v.* Diamond P Transportation Company, Inc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 617. Antonio Gullo, 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. 624. Edward C. Ostrow, Herbert Glassman, et al., petitioners, *v.* Olive McNeal; and

No. 625. Edward C. Ostrow, Herbert Glassman, et al., petitioners, *v.* Thomas R. Fisher. Petition for writs of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. —, original. *Ex parte* Joseph E. Jones, petitioner;

No. 28. State of Texas and J. C. Clopton et al., etc., petitioners, *v.* David Donoghue, Trustee, etc.;

No. 38. Fidelity & Deposit Company of Maryland, petitioner, *v.* Louis H. Pink, Superintendent of Insurance, etc.;

No. 544. Henry Hornblower et al., appellants, *v.* Harvey D. McGray; and

No. 557. Benjamin F. J. Odell, petitioner, *v.* Bausch & Lomb Optical Company et al. Petitions for rehearing denied.

No. 1, original. The State of Georgia, complainant, *v.* The Tennessee Copper Company et al. Joint motion to dismiss Bill of Complaint presented.

No. 3, Original. The State of Wisconsin et al., complainants, *v.* The State of Illinois et al.;

No. 4, original. The State of Michigan et al., complainants, *v.* The State of Illinois et al.; and

No. 5, original. The State of New York et al., complainants, *v.* The State of Illinois et al. Semiannual report of defendant, Sanitary District of Chicago, dated January 1, 1938, presented.

No. 14. Federal Trade Commission, petitioner, *v.* Standard Education Society et al. Motion to amend opinion and to recall and amend mandate submitted by Mr. Henry Ward Beer for the respondents.

No. 63. The United States of America et al., appellants, *v.* W. V. Griffin and H. W. Purvis, Receivers, etc. Reargued by Mr. Edward M. Reidy for the appellants and by Mr. Moultrie Hitt for the appellees.

No. 140. The Creek Nation, petitioner, *v.* The United States. Argued by Mr. W. W. Spalding for the petitioner and by Mr. N. A. Townsend for the respondent.

No. 143. The United States of America, petitioner, *v.* Helen J. Stevens, Administratrix, et al. Argument commenced by Mr. Paul Campbell for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, January 4, will be as follows: Nos. 143, 161, 163, 167, 181 (and 182), 305, 197, 199, 215, and 218.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Black.

Chas. W. Hagen, of New York City; Fred H. Skinner, of Newport News, Va.; Clarence G. Myers, of Chicago, Ill.; Victor Edward Phelps, of Wilmington, N. C.; Donald F. Elliott, of Kokomo, Ind.; Aaron Gordon, of Jersey City, N. J.; Edward A. Markley, of Jersey City, N. J.; William E. Corkum, of Boston, Mass.; Benedict Deinard, of Minneapolis, Minn.; Thomas E. Linehan, of Boston, Mass.; Walter N. Davis, of St. Louis, Mo.; and Robert P. Elam, of St. Louis, Mo., were admitted to practice.

No. 636. Electric Bond and Share Company, American Gas and Electric Company, et al., petitioners, *v.* Securities and Exchange Commission et al. Motion to advance submitted by Mr. Paul Campbell for the respondents.

No. 143. The United States of America, petitioner, *v.* Helen J. Stevens, Administratrix, et al. Argument concluded by Mr. James E. Carroll for the respondents.

No. 161. South Carolina State Highway Department et al., appellants, *v.* Barnwell Brothers, Inc., et al. Three hours allowed for oral argument. Argument commenced by Mr. Steve C. Griffith for the appellants; continued by Mr. S. King Funkhouser and Mr. Frank Coleman for the appellees; and concluded by Mr. Thomas W. Davis for the appellants.

No. 163. Thomas J. Brady, petitioner, *v.* Terminal Railroad Association of St. Louis. Argument commenced by Mr. Mark D. Eagleton for the petitioner and continued by Mr. Walter N. Davis for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, January 5, will be as follows: Nos. 163, 167, 181 (and 182), 305, 197, 199, 215, 218, 231, and 242.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Black.

James E. Murray, of Butte, Mont.; Lincoln D. Brayton, of Fall River, Mass.; Frank Feigenbaum, of New York City; Samuel B. Burk, of New York City; George N. Edson, of Jackson Heights, N. Y.; Bartholomew A. Brickley, of Boston, Mass.; Oliver R. Waite, of Boston, Mass.; Howard L. Barkdull, of Cleveland, Ohio; Henry H. Roberts, of Detroit, Mich.; Robert King Wise, of Columbia, S. C.; Edwin H. Chaney, of Cleveland, Ohio; and Wilder Howard Middleton, of Waverly, Ohio, were admitted to practice.

No. 163. Thomas J. Brady, petitioner, *v.* Terminal Railroad Association of St. Louis. Argument continued by Mr. Walter N. Davis for the respondent and concluded by Mr. Mark D. Eagleton for the petitioner.

No. 167. Charles F. Blackton, petitioner, *v.* Aaron Gordon. Argued by Mr. Aaron Gordon for the respondent and case submitted by Mr. Clement K. Corbin and Mr. E. A. Markley for the petitioner.

No. 181. A. Howard Myers, Individually, etc., et al., petitioners, *v.* Bethlehem Shipbuilding Corporation, Ltd.; and

No. 182. A. Howard Myers, Edmund J. Blake, et al., etc., petitioners, *v.* Charles MacKenzie, Individually etc., et al. Argued by Mr. Robert B. Watts for the petitioners; by Mr. Claude R. Branch for the respondent in No. 181 and by Mr. B. A. Brickley for the respondent in No. 182.

No. 305. Newport News Shipbuilding and Dry Dock Company, petitioner, *v.* Bennett F. Schaffler Individually etc., et al. Argument commenced by Mr. H. H. Rumble for the petitioner; continued by Mr. Robert B. Watts for the respondents; and concluded by Mr. Fred H. Skinner for the petitioner.

No. 199. The United States of America, petitioner, *v.* Ben B. Jackson, by his guardian etc. Argument commenced by Mr. Fendall Marbury for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, January 6, will be as follows: Nos. 199, 197, 215, 218, 231, 242, 256, 243, 334, and 189.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Brandeis, Mr. Justice McReynolds, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Black.

Alger A. Williams, of Buffalo, N. Y.; Charles H. Kendall, of Buffalo, N. Y.; Donald Gilbert Eggerman, of Seattle, Wash.; and William P. Stephenson, of Columbus, Ohio, were admitted to practice.

No. 199. The United States of America, petitioner, *v.* Ben B. Jackson, by his guardian, etc. Argument continued by Mr. Fendall Marbury for the petitioner; by Mr. R. K. Wise and Mr. Warren E. Miller for the respondent; and concluded by Mr. Fendall Marbury for the petitioner.

No. 197. Estaban Adam, petitioner, *v.* William Saenger et al. Argued by Mr. M. G. Adams for the petitioner and case submitted by Mr. Oliver J. Todd for the respondents.

No. 215. The Tax Commission of Ohio, petitioner, *v.* Rollin A. Wilbur et al. Argument commenced by Mr. A. T. O'Neil for the petitioner; continued by Mr. Edwin H. Chaney for the respondents; and concluded by Mr. William P. Stephenson for the petitioner.

No. 218. Leo N. Munro, petitioner, *v.* The United States of America. Argument commenced by Mr. Alger A. Williams for the petitioner and continued by Mr. Charles H. Kendall for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, January 7, will be as follows: Nos. 218, 231, 242, 256, 189, 243, 334, 274, 293, and 301.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Black.

Raymond Brooks, of North Manchester, Ind.; Richard R. Davis, of Milwaukee, Wis.; Denver C. Harlan, of Richmond, Ind.; and Trevor V. Roberts, of Philadelphia, Pa., were admitted to practice.

ORDER

IT IS ORDERED BY THE COURT that the accompanying correspondence between members of the Court and Mr. Justice Sutherland be this day spread upon the minutes and that it also be printed in the reports of the Court.

SUPREME COURT OF THE UNITED STATES

WASHINGTON, D. C.

JANUARY 6, 1938.

My dear Justice SUTHERLAND:

Upon your retirement from regular active service on the bench, we wish to give you renewed assurance of our warm affection and of our high appreciation of the distinguished ability and unremitting devotion which have characterized your long participation in the work of the Court. Not only have you brought to our deliberations learning and dialectical skill, a wide knowledge of affairs enriched by varied and eminent public service, and a habit of thoroughness and precision, but you have matched tenacity of purpose with an unvarying kindness and have mellowed our deliberations with unfailing humor. We keenly regret the loss of this companionship which will ever remain a delightful memory. We trust that in your retirement from the constant labor of active service you will find fresh vigor and the

abiding satisfaction which comes from the consciousness of arduous duties performed with complete fidelity.

Faithfully yours,

CHARLES E. HUGHES.
J. C. McREYNOLDS.
LOUIS D. BRANDEIS.
PIERCE BUTLER.
HARLAN F. STONE.
OWEN J. ROBERTS.
BENJAMIN N. CARDOZO.
HUGO L. BLACK.

Mr. Justice SUTHERLAND.

SUPREME COURT OF THE UNITED STATES

WASHINGTON, D. C.

JANUARY 7, 1938.

My dear BRETHREN :

I have read your letter, and make my reply to it with mingled emotions of gratitude for the more than generous things you say, and sorrow that these amenities end the completeness of that close and affectionate comradeship which reaches back so many years. It is very hard for me to step out of this circle, where I have taken comfort for so long. I leave the Court with keen regret. I have loved the work in which we have been engaged together; and only a definite conviction that the time has come reconciles me to the unwelcome thought of laying it down. The memory of our association will remain; but this, although very dear, will not compensate me for the loss of the reality. May health and happiness attend you all throughout the coming years.

Very sincerely yours,

GEO. SUTHERLAND.

The CHIEF JUSTICE.
Mr. Justice McREYNOLDS.
Mr. Justice BRANDEIS.
Mr. Justice BUTLER.
Mr. Justice STONE.
Mr. Justice ROBERTS.
Mr. Justice CARDOZO.
Mr. Justice BLACK.

No. 397. Duke Power Company and Southern Public Utilities Company, petitioner, v. Greenwood County et al. Mandate ordered

to issue forthwith on motion of Mr. Solicitor General Reed for the respondents.

No. 218. Leo N. Munro, petitioner, *v.* The United States of America. Argument continued by Mr. Charles H. Kendall for the petitioner; by Mr. Julius C. Martin for the respondent; and concluded by Mr. Charles H. Kendall for the petitioner.

No. 231. The United States, petitioner, *v.* Robert Esnault-Pelterie. Argued by Mr. Drury W. Cooper for the petitioner and by Mr. George T. Bean and Mr. Eugene V. Myers for the respondent.

No. 242. Compania Espanola de Navegacion Maritima, S. A., owner etc., petitioner, *v.* Spanish Steamship "Navemar" her engines, etc., et al. Argument commenced by Mr. T. Catesby Jones for the petitioner and continued by Mr. Charles W. Hagen for the respondent.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 10, will be as follows: Nos. 242, 256, 121, 189, 243, 334, 274, 293, 301, and 303.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Black.

Peter P. Zion, of Philadelphia, Pa.; Daniel J. C. O'Donnell, of Phoenixville, Pa.; Ewell Strong, of Beaumont, Tex.; John B. King, of New York City; Morris Ehrlich, of New York City; George S. Leisure, of New York City; William P. McCool, of New York City; and Carl E. Davidson, of Portland, Ore., were admitted to practice.

No. 55. Mary Duke Biddle, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit; and

No. 505. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* George W. Elkins. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment in No. 55 affirmed and cause remanded to the United States Circuit Court of Appeals for the Second Circuit. Judgment in No. 505 reversed and cause remanded to the United States Circuit Court of Appeals for the Third Circuit for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone. Dissenting: Mr. Justice McReynolds, Mr. Justice Sutherland, and Mr. Justice Butler.

No. 57. Lanasa Fruit Steamship and Importing Company, Inc., petitioner, *v.* Universal Insurance Company. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the District of Maryland for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Hughes. Dissenting: Mr. Justice McReynolds and Mr. Justice Sutherland.

The Chief Justice announced the following order of the Court:

No. 621. Chase Securities Corporation (now Amerex Holding Corporation), appellant, *v.* William P. Husband, Jr., Succeeding

Arthur Guy, as Commissioner of Banks et al. Appeal from the Superior Court of the Commonwealth of Massachusetts. *Per curiam*: The motion for leave to file brief in opposition to the motion to dismiss or affirm is granted. The motion of the appellees to dismiss the appeal is granted, and the appeal is dismissed for the want of a substantial federal question. (1) *First National Bank v. Missouri*, 263 U. S. 640, 656; *Lewis v. Fidelity Co.*, 292 U. S. 559, 566; *Jennings v. U. S. F. & G. Co.*, 294 U. S. 216, 219; *Hornblower v. McGray*, 302 U. S. — (decided December 13, 1937). (2) *Hudson Water Co. v. McCarter*, 209 U. S. 349, 357; *Rast v. Van Deman & Lewis*, 240 U. S. 342, 363; *Union Dry Goods Co. v. Georgia P. S. Corp.*, 248 U. S. 372, 375, 376; *Home Bldg. & L. Ass'n v. Blaisdell*, 290 U. S. 398, 437, 438.

The Chief Justice said:

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

ORDER

It is ordered that the Rules of this Court be amended by adding thereto Rule 46½, to read as follows:

"46½

"APPEALS UNDER THE ACT OF AUGUST 24, 1937

"Appeals to this court under the Act of August 24, 1937, shall be governed, as far as may be, by the rules of this court regulating the procedure on appeal in other cases from courts of the United States; provided, however, that when an appeal is taken under Section 2 of the Act the service required by paragraph 2 of Rule 12 shall be made on all parties to the suit other than the party or parties taking the appeal. The record shall be made up and the case docketed in this court within sixty days from the time the appeal is allowed."

No. —. In *Re Disbarment of George B. Hayes*. It having been reported to the Court that the name of George B. Hayes, of New York, N. Y., a member of the bar of this Court, has been stricken from the roll of attorneys and counselors at law in the State of New York by order of the Appellate Division of the Supreme Court of the State of New York for the First Judicial Department, upon the consent of the said George B. Hayes, after the institution of a proceeding against him charging him with professional misconduct;

And it appearing that by order of November 22, 1937, this Court suspended the said George B. Hayes from the practice of the law in this Court and directed that a rule issue requiring him to show

cause why he should not be disbarred from the practice of the law in this Court;

And it appearing that said rule was duly issued and served upon the respondent, and the return day of the rule having passed and no return or answer to the rule having been filed by or in behalf of the respondent;

It is now here ordered that George B. Hayes be, and he is hereby, disbarred, and that his name be stricken from the roll of attorneys admitted to practice in this Court.

No. —, original. *Ex parte* Mauro Piergiovanni, petitioner; and

No. —, original. *Ex parte* Elmer O'Neill, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied.

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

No. 1, original. State of Georgia, complainant, *v.* Tennessee Copper Company et al. The joint motion to dismiss the Bill of Complaint is granted. Decree to be settled on notice.

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

No. 4, original. State of Michigan et al., complaint, *v.* The State of Illinois et al.; and

No. 5, original. State of New York et al., complainants, *v.* State of Illinois et al. The semi-annual report of the defendant, Sanitary District of Chicago, dated January 1, 1938, is received and ordered filed.

No. 437. M. C. Hinderlider, as State Engineer of the State of Colorado, et al., etc., appellants, *v.* The LaPlata River and Cherry Creek Ditch Company. Upon consideration of the memorandum of the Attorney General of the United States, filed at the request of the Court embodied in the order of October 25, 1937, and in view of the Act of August 24, 1937, 75th Congress, 1st Session, Chapter 754, the Court hereby certifies to the Attorney General of the United States that the constitutionality of a compact, affecting the public interest, between the States of Colorado and New Mexico of November 27, 1922, approved by Congress on January 29, 1925, is drawn in question in this cause.

No. 14. Federal Trade Commission, petitioner, *v.* Standard Education Society et al. The motion of the respondents to amend the opinion is denied.

No. 636. Electric Bond and Share Company et al., petitioners, *v.* Securities and Exchange Commission et al. The motion of the respondents to advance is granted and the case is advanced and assigned for argument on Monday, February 7, next.

No. 651. Georgia M. Spruill, petitioner, *v.* Harriet T. Serven; and

No. 652. Georgia M. Spruill, petitioner, *v.* William T. Ballard et al. On petitions for writs of certiorari to the United States Circuit 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. 641. J. D. Adams Manufacturing Company, appellant, *v.* William Storen, as Chief Administrative Officer, etc.; and

No. 645. Arkansas Louisiana Gas Company, appellant, *v.* Department of Public Utilities et al. In these cases probable jurisdiction is noted.

No. 609. R. E. Blevins, petitioner, *v.* Bank of America National Trust and Savings Association. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 611. City of Portland, Joseph K. Carson, Jr., et al., petitioners, *v.* Bank of California et al. Petition for writ of certiorari to the Supreme Court of the State of Oregon denied.

No. 613. Almours Securities, 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. 614. Gold Creek Mining Company, petitioner, *v.* Seymour Standish. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 627. Samuel Davis Robins et al., petitioners, *v.* William L. Wettlaufer et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 631. Minnie Kaplan, petitioner, *v.* Joseph Loev; and

No. 632. Charles Kaplan, petitioner, *v.* Joseph Loev. Petition for writs of certiorari to the Supreme Court of the State of Pennsylvania denied.

No. 615. James L. Taulbee, as Administrator, etc., petitioner, *v.* Great Northern Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 921. October Term 1936. New York Trust Company, Executor, etc. petitioner *v.* The United States of America;

No. 422. J. M. Hebert et al., petitioners, *v.* Rio Bravo Oil Company et al.;

No. 550. Henry H. Taylor, as Receiver, etc., petitioner, *v.* C. H. Bancroft, as Receiver, etc.; and

No. 569. W. J. Barnett, appellant, *v.* Stanley Rogers, Sheriff of Oklahoma County, Oklahoma. Petitions for rehearing denied.

No. 525. City of Ocean City, petitioner, *v.* Federal Reserve Bank of Philadelphia. The motion to reinstate the petition for writ of certiorari is denied. The petition for rehearing is also denied.

ORDER

The Court will take a recess from Monday, January 17, until Monday, January 31, next.

No. 84. Alabama Power Company, petitioner, *v.* Harold L. Ickes, as Federal Emergency Administrator of Public Works, et al.; and

No. 85. Alabama Power Company, petitioner, *v.* Harold L. Ickes, as Federal Emergency Administrator of Public Works, et al. Mandates ordered to issue forthwith on motion of Mr. Assistant Solicitor General Bell for the respondents.

No. 382. General Baking Company, petitioner, *v.* Goldblatt Bros., Inc. Motion for leave to file second petition for rehearing submitted by Mr. Frederic P. Warfield for the petitioner.

No. 274. Saint Paul Mercury Indemnity Company, petitioner, *v.* Red Cab Company. Submitted by Mr. Burke G. Slaymaker for the petitioner and by Mr. William E. Reiley for the respondent.

No. 242. Compania Espanola de Navegacion Maritima, S. A., Owner, etc., petitioner, *v.* Spanish Steamship "Navemar" her engines, etc., et al. Argument continued by Mr. Charles W. Hagen for the respondents and concluded by Mr. T. Catesby Jones for the petitioner.

No. 256. State of Indiana, ex rel. Dorothy Anderson, petitioner, *v.* Harry Brand, Trustee, etc. Argument commenced by Mr. Paul R. Shafer for the petitioner; continued by Mr. Raymond Brooks and Mr. Asa J. Smith for the respondent; and concluded by Mr. Thomas F. O'Mara for the petitioner.

No. 121. Pierce Lonergan, petitioner, *v.* The United States of America. Argued by Mr. Pierce Lonergan for the petitioner and by Mr. J. Albert Woll for the respondent.

No. 189. Benjamin B. Foster and Robert R. Todd, Executors, etc.; petitioners, *v.* The United States. Argument commenced by Mr. William P. McCool for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, January 11, will be as follows: Nos. 189, 243, 334, 293, 301, 303, 323, 324, 316, and 352.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Black.

Ansel M. Kahn, of Houston, Tex.; Benjamin Harrison, of Los Angeles, Calif.; J. Hart Clinton, of San Francisco, Calif.; A. W. Richter, of Milwaukee, Wis.; Orville Smith, of Cleveland, Ohio; Paul J. Kehoe, of Manchester, Iowa; L. Harold Sothoron, of Brentwood, Md.; Charles R. Leonard, of Butte, Mont.; and James A. Poore, Butte, Mont., were admitted to practice.

No. 293. Edward Lauf et al., petitioners, *v.* E. G. Shinner & Company, Inc. Motion for leave to file brief of American Civil Liberties Union, Inc., and International Juridical Association, as *amici curiae* submitted by Mr. Frederick A. Ballard in that behalf.

No. 189. Benjamin B. Foster and Robert R. Todd, Executors, etc., petitioners, *v.* The United States. Argument continued by Mr. William P. McCool for the petitioner; continued by Mr. Arnold Raum for the respondent; and concluded by Mr. William P. McCool for the petitioner.

No. 243. H. H. Henneford, T. S. Heges, and T. M. Jenner, appellants, *v.* Northern Pacific Railway Company. Argued by Mr. R. G. Sharpe for the appellants and by Mr. M. L. Countryman, Jr., for the appellee.

No. 334. Rainier National Park Company, appellant, *v.* Clarence D. Martin, as Governor of the State of Washington, et al. Argument commenced by Mr. F. D. Metzger for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, January 12, will be as follows: Nos. 334, 293, 301, 303, 323, 324, 316, 352, 367, and 380.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Black.

Neil Cunningham, of San Francisco, Calif.; Leonard P. Moore, of New York City; Herbert J. Jacobi, of New York City; Leslie T. Jones, of Detroit, Mich.; and Theodore Epstein, of Denver, Colo., were admitted to practice.

No. 334. Rainier National Park Company, appellant, *v.* Clarence D. Martin, as Governor of the State of Washington, et al. Argument concluded by Mr. R. G. Sharpe for the appellees.

No. 293. Edward Lauf et al., petitioners, *v.* E. G. Shinner & Company, Inc. Argued by Mr. A. W. Richter for the petitioners and by Mr. Walter L. Gold for the respondent.

No. 301. Guaranty Trust Company of New York, Executor, etc., petitioner, *v.* Commissioner of Internal Revenue. Argument commenced by Mr. Montgomery B. Angell for the petitioner and continued by Mr. Edward J. Ennis for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, January 13, will be as follows: Nos. 301, 303, 323, 324, 316, 352, 367, and 380.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Black.

Walter H. E. Jaeger, of Washington, D. C.; Leo Erskine Wyman, of Hutchinson, Kans.; Thomas W. Palmer, of New York City; James V. Hayes, of New York City; Selim Barnett Lemle, of New Orleans, La.; and May C. Sickmon, of Buffalo, N. Y., were admitted to practice.

No. 301. Guaranty Trust Company of New York, Executor, etc., petitioner, *v.* Commissioner of Internal Revenue. Argument continued by Mr. Edward J. Ennis for the respondent and concluded by Mr. Montgomery B. Angell for the petitioner.

No. 303. Guy F. Atkinson and Geo. H. Atkinson, co-partners, etc., appellants, *v.* State Tax Commission of Oregon et al. Argued by Mr. Howard P. Arnest for the appellants and by Mr. Carl E. Davidson for the appellees.

No. 323. New York Life Insurance Company, petitioner, *v.* Stella Jane Gamer, as Executrix, etc. Argued by Mr. J. A. Poore for the petitioner and by Mr. William Meyer for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, January 14, will be as follows: Nos. 324, 316, and 352.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Black.

Solomon Alpher, of Washington, D. C.; Curtiss K. Thompson, of New Haven, Conn.; Hereford T. Fitch, of Seattle, Wash.; C. Harold Baldwin, of Boston, Mass.; Henry C. Clausen, of San Francisco, Calif.; and William R. Engelhardt, of Chicago, Ill.; were admitted to practice.

No. 324. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Charles E. Mitchell. Argued by Mr. Edward S. Greenbaum for the petitioner and by Mr. William Wallace for the respondent.

No. 316. Connecticut General Life Insurance Company, appellant, *v.* Charles G. Johnson, as Treasurer of the State of California. Argument commenced by Mr. William Marshall Bullitt for the appellant; continued by Mr. Neil Cunningham for the appellee; and concluded by Mr. B. M. Anderson for the appellant.

No. 352. The United States of America, petitioner, *v.* Illinois Central Railroad Company, a corporation. Argument commenced by Mr. Gordon Dean for the petitioner.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 17, will be as follows: No. 352.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Black.

S. Charles Bubacz, of Chicago, Ill.; Nathan W. Math, of New York City; Raymond W. Starr, of Grand Rapids, Mich.; Clare E. Hoffman, of Allegan, Mich.; Raymond H. Dresser, of Sturgis, Mich.; John Jones Sharon, of Glenview, Ill.; Paul P. Glaser, of Gary, Ind.; Warren G. Magnuson, of Seattle, Wash.; Harold R. Schradzke, of Chicago, Ill.; Jacob A. Freedman, of Brooklyn, N. Y.; Ralph W. Crolley, of Brooklyn, N. Y.; Verne E. Robinson, of Los Angeles, Calif.; and Austin M. Zimmerman, of Chicago, Ill., were admitted to practice.

No. 143. The United States of America, petitioner, *v.* Helen J. Stevens, Administratrix, 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 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 Black. Mr. Justice Cardozo took no part in the consideration or decision of this case.

No. 199. The United States of America, petitioner, *v.* Ben B. Jackson, by his guardian ad litem, Alphone W. Dowell. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the Eastern District of South Carolina. Opinion by Mr. Justice Black. Mr. Justice Cardozo took no part in the consideration or decision of this case.

No. 140. The Creek Nation, petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment reversed and cause remanded to the Court of Claims for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts.

No. 10. Ocean Beach Heights, Inc., Normandy Beach Development Company et. al., petitioners, *v.* The Brown-Crummer Investment Company, Town of North Miami, 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 District Court of the United States for the Southern District of Florida with directions to dismiss the bill. Opinion by Mr. Justice Butler.

No. 106. Minnesota Tea Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Sutherland. Mr. Justice Cardozo took no part in the consideration or decision of this case.

No. 37. David A. Wright, petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment affirmed. Opinion by Mr. Chief Justice Hughes. Mr. Justice Cardozo took no part in the decision of this case. Separate opinion by Mr. Justice Stone in which Mr. Justice Brandeis concurs.

The Chief Justice announced the following order of the Court.

No. 334. Rainier National Park Company, appellant, *v.* Clarence D. Martin, as Governor of the State of Washington. Appeal from the District Court of the United States for the Western District of Washington. *Per curiam*: Judgment affirmed. *Mid-Northern Co. v. Montana*, 268 U. S. 45.

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* Charles Lefkowitz, 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. 12, original. State of Texas, complainant, *v.* State of Florida et al. Upon consideration of the motion of Mabel Harlow Green that the bill of complaint in this cause be dismissed as to her, and of the stipulation of the parties to the cause, attached thereto, consenting to the granting of such relief, the motion is granted and the bill of complaint is dismissed as to the said Mabel Harlow Green, without costs as to her.

No. 670. Biggio Matarini, petitioner, *v.* Reading Company. On petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey;

No. 671. Catherine Schultz, petitioner, *v.* Live Stock National Bank of Chicago, Administrator, etc. On petition for writ of certiorari to the Appellate Court of the State of Illinois, First District;

No. 673. Julian K. Saylor, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. The motions for leave to proceed further herein *in forma pauperis* are denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which writs of certiorari should be issued. The petitions for writs of certiorari are therefore also denied.

No. 678. People of the State of New York *ex rel.*, Paul Kurzynski, petitioner, *v.* William Hunt, as Warden, *etc.* On petition for writ of certiorari to the Supreme Court of the State of New York. The motion for leave to proceed *in forma pauperis* is granted.

No. 638. Baltimore & Ohio Railroad Company *et al.*, appellants, *v.* The United States of America *et al.* The motion for leave to file statement as to jurisdiction is granted and probable jurisdiction is noted.

No. 633. Millar Brainard, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted and case assigned for hearing immediately following No. 558.

No. 626. Edward H. Alsop, 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. 630. Di Giorgio Fruit Corporation *et al.*, petitioners, *v.* Augustus P. Norton, Deputy Commissioner, *etc.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 639. Nettie Meyer, Anna Jacobson, *et al.*, petitioners, *v.* Kenmore Granville Hotel Company *et al.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 646. Aerovox Corporation, petitioner, *v.* Micamold Radio Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 659. New York Life Insurance Company, petitioner, *v.* Ruth Graham. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 185. United Shoe Machinery Corporation, petitioner, *v.* Thomas W. White, Collector of Internal Revenue;

No. 186. United Shoe Machinery Corporation, petitioner, *v.* Thomas W. White, Collector of Internal Revenue;

No. 187. United Shoe Machinery Corporation, petitioner, *v.* Malcolm E. Nichols, formerly Collector of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 568. F. W. Woolworth Co., petitioner, *v.* The United States of America; and

No. 653. The United States of America, petitioner, *v.* F. W. Woolworth Co. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 476. Fred J. Reardanz, petitioner, *v.* The Connecticut Mutual Life Insurance Company of Hartford, Connecticut, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit dismissed for failure to comply with the rules.

No. 382. General Baking Company, petitioner, *v.* Goldblatt Bros. Inc. The motion for leave to file a second petition for rehearing is granted. The petition for rehearing is denied.

No. 27. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* H. C. Gowran;

No. 584. Roland H. Weir, petitioner, *v.* The United States of America;

No. 585. Roland H. Weir, petitioner, *v.* The United States of America;

No. 586. Roland H. Weir, petitioner, *v.* The United States of America;

No. 587. Raymond E. Korte, petitioner, *v.* The United States of America;

No. 588. Raymond E. Korte, petitioner, *v.* The United States of America; and

No. 589. Raymond E. Korte, petitioner, *v.* The United States of America;

No. 591. General Baking Company, petitioner, *v.* Luther A. Harr, (Successor to William D. Gordon), Secretary of Banking, etc., et al.; and

No. 616. West Brothers Brick Company, appellant, *v.* City of Alexandria. Petitions for rehearing denied.

ORDER

By its order of June 3, 1935, the Court appointed an Advisory Committee to assist the Court in the preparation of a unified system of general rules of procedure in the District Courts of the United States, in accordance with Section 2 of the Act of June 19, 1934, c. 651 (48 Stat. 1064). The members of the Committee were:

William D. Mitchell, of New York City, Chairman.

Scott M. Loftin, of Jacksonville, Florida, President of the American Bar Association.

George W. Wickersham, of New York City, President of the American Law Institute.

Wilbur H. Cherry, of Minneapolis, Minnesota, Professor of Law at the University of Minnesota.

Charles E. Clark, of New Haven, Connecticut, Dean of the Law School of Yale University.

Armistead M. Dobie, of University, Virginia, Dean of the Law School of the University of Virginia.

Robert G. Dodge, of Boston, Massachusetts.

George Donworth, of Seattle, Washington.

Joseph G. Gamble, of Des Moines, Iowa.

Monte M. Lemann, of New Orleans, Louisiana.

Edmund M. Morgan, of Cambridge, Massachusetts, Professor of Law at Harvard University.

Warren Olney, Jr., of San Francisco, California.

Edson R. Sunderland, of Ann Arbor, Michigan, Professor of Law at the University of Michigan.

Edgar B. Tolman, of Chicago, Illinois.

Charles E. Clark, of New Haven, Connecticut, was appointed Reporter to the Advisory Committee.

Following the death of George W. Wickersham, the Court, on February 17, 1936, appointed George Wharton Pepper, of Philadelphia, Pennsylvania, in his stead, and Mr. Pepper succeeded Mr. Wickersham as Vice Chairman of the Committee.

The Committee at once organized and for about two years and a half its members devoted themselves to the task assigned them. Apart from the work of the reporter of the committee, and of those who gave special assistance in drafting, the members served without compensation. They held frequent and protracted meetings and prepared tentative drafts which were submitted to Federal Judges, to committees of lawyers appointed in various Judicial Districts, and to associations of the Bar. These drafts had a wide circulation and a large number of lawyers and judges availed themselves of the opportunity to offer criticisms and suggestions.

The Committee submitted its final draft to this Court in November last, and the Court after considering the draft and making such changes as were deemed advisable transmitted the rules to the Attorney General of the United States for submission to Congress as provided in the statute. The Court is informed that the Attorney General submitted the rules accordingly at the opening of the present session of Congress.

The Court expresses its high appreciation of the services of the members of the Advisory Committee who at great personal sacrifice have performed a most important public duty and by their expert knowledge and painstaking collaboration have aided the Court in the formulation of a system of rules designed to promote the simplification of procedure in the Federal Courts and thus to increase the efficiency of the administration of justice.

The Court directs that this expression be spread upon the Journal of the Court and that a copy be sent to each member of the Committee.

No. 352. The United States of America, petitioner, *v.* Illinois Central Railroad Company, a corporation. Argument continued by Mr. Gordon Dean for the petitioner, and concluded by Mr. Selim B. Lemle for the respondent.

Adjourned until Monday, January 31, at 12 o'clock.

The day call for Monday, January 31, will be as follows: Nos. 144 (and 145), 319, 322, 342, 349, 375, 484, 346, 469, and 362.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, and Mr. Justice Reed.

J. Alton Hosch, of Athens, Ga.; Donald J. Lynn, of Youngstown, Ohio; Fred H. Rees, of New York City; Emmett Thurmon, of Denver, Colo.; William R. Semans, of Baltimore, Md.; C. W. K. Meacham, of Chattanooga, Tenn.; Richard E. Manson, of Santa Fe, N. Mex.; D. A. Macpherson, Jr., of Albuquerque, N. Mex.; Ran G. Whittle, of Roanoke, Va.; Albert Burton Boutwell, of Birmingham, Ala.; Lorentz B. Knouff, of Chicago, Ill.; Robert H. Allison, of Pekin, Ill.; Charles J. W. Meisel, of New York City; Nicholas Martini, of Passaic, N. J.; Max H. Braunstein, of Youngstown, Ohio; Edwin Walker Semans, of Philadelphia, Pa.; Hugo A. Steinmeyer, of Los Angeles, Calif.; Samuel Cohen, of Wilmette, Ill.; Joseph B. Roberts, of Chattanooga, Tenn.; Louis E. Clevenger, of Salina, Kans.; Oscar Ostrum, of Russell, Kans.; Jacob E. Max, of Jersey City, N. J.; Daniel H. Rosen, of Union City, N. J.; James Rosen, of Union City, N. J.; and Harold Sacher, of New York City, were admitted to practice.

The Chief Justice said:

“Mr. Stanley Reed, of Kentucky, has been nominated by the President for the office of Associate Justice and his nomination has been confirmed by the Senate. Mr. Reed is present. The Clerk will read his commission. Mr. Reed will then take the oath of office prescribed by the statute and he will be escorted by the Marshal to his seat on 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 Stanley Reed, of Kentucky, I have nominated, and, by and with the advice and consent of the

Senate, do appoint him an Associate Justice of the Supreme Court of the United States and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the said United States, and to Have and to Hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining, unto Him, the said Stanley Reed, during his good behavior.

“In testimony whereof, I have caused these Letters to be made patent and the seal of the Department of Justice to be hereunto affixed.

“Done at the City of Washington this twenty-seventh day of January, in the year of our Lord one thousand nine hundred and thirty-eight, and of the Independence of the United States of America the one hundred and sixty-second.

“FRANKLIN D. ROOSEVELT.

“By the President:

“HOMER CUMMINGS,

“*Attorney General.*”

The oath of office was then administered by the Clerk, and Mr. Justice Reed was escorted by the Marshal to his seat on the bench.

No. 189. Benjamin B. Foster and Robert R. Todd, Executors of the estate of Anna Foster Ford, deceased, petitioners, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Black. Mr. Justice Cardozo took no part in the consideration or decision of this case.

No. 167. Charles F. Blackton, petitioner, *v.* Aaron Gordon. On writ of certiorari to the Court of Errors and Appeals of the State of New Jersey. Judgment affirmed with costs. Opinion by Mr. Justice Roberts. Mr. Justice Cardozo took no part in the consideration or decision of this case.

No. 256. State of Indiana *ex rel.* Dorothy Anderson, petitioner, *v.* Harry Brand, Trustee of Chester School Township of Wabash County, Indiana. On writ of certiorari to the Supreme Court of the State of Indiana. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Roberts. Dissenting opinion by Mr. Justice Black. Mr. Justice Cardozo took no part in the consideration or decision of this case.

No. 197. Estaban Adam, petitioner, *v.* William Saenger et al. On writ of certiorari to the Court of Civil Appeals for the Ninth Supreme Judicial District of the State of Texas. Judgment reversed with costs and cause remanded to the said Court of Civil Appeals for further proceedings not inconsistent with the opinion of this Court.

Opinion by Mr. Justice Stone. Mr. Justice Black concurs in the result. Mr. Justice Cardozo took no part in the consideration or decision of this case.

No. 242. *Compania Espanola de Navegacion Maritima, S. A.,* Owner of the Spanish Steamship "Navemar," petitioner, *v. Spanish Steamship "Navemar,"* her engines, etc., et al. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Eastern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone. Mr. Justice Cardozo took no part in the consideration or decision of this case.

No. 316. *Connecticut General Life Insurance Company,* appellant, *v. Charles G. Johnson,* as Treasurer of the State of California. Appeal from the Supreme Court of the State of California. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Stone. Mr. Justice Cardozo took no part in the consideration or decision of this case. Dissenting opinion by Mr. Justice Black.

No. 181. *A. Howard Myers,* Individually and as Acting Regional Director for the First Region, National Labor Relations Board, et al., petitioners, *v. Bethlehem Shipbuilding Corporation, Ltd.;* and

No. 182. *A. Howard Myers, Edmund J. Blake, and Daniel M. Lyons,* Individually and as the National Labor Relations Board, petitioners, *v. Charles MacKenzie,* Individually and as Chairman, *James E. Manning, etc.,* et al. On writs of certiorari to the United States Circuit Court of Appeals for the First Circuit. Decrees for preliminary injunction reversed and cases remanded to the District Court of the United States for the District of Massachusetts with direction to dismiss the bills. Opinion by Mr. Justice Brandeis. Mr. Justice Cardozo took no part in the consideration or decision of this case.

No. 305. *Newport News Shipbuilding and Dry Dock Company,* petitioner, *v. Bennett F. Schauffler,* Individually and as Regional Director for the 5th Region, National Labor Relations Board, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Decree affirmed and cause remanded to the District Court of the United States for the Eastern District of Virginia. Opinion by Mr. Justice Brandeis. Mr. Justice Cardozo took no part in the consideration or decision of this case.

No. 121. *Pierce Lonergan,* petitioner, *v. The United States of America.* On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed and cause re-

manded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice McReynolds. Mr. Justice Cardozo took no part in the consideration or decision of this case.

No. 218. Leo N. Munro, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the Western District of New York. Opinion by Mr. Justice McReynolds. Mr. Justice Cardozo took no part in the consideration or decision of this case.

No. 61. Gertrude Kay, alias Gertrude Klein, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment of the Circuit Court of Appeals vacated and cause remanded to that Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Hughes. Mr. Justice Cardozo took no part in the consideration and decision of this case.

No. 163. Thomas J. Brady, petitioner, *v.* Terminal Railroad Association of St. Louis. On writ of certiorari to the Supreme Court of the State of Missouri. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Hughes. Mr. Justice Cardozo took no part in the consideration or decision of this case.

No. 243. H. H. Henneford T. S. Hedges, and T. M. Jenner, appellants, *v.* Northern Pacific Railway Company. Appeal from the District Court of the United States for the Eastern District of Washington. Motion of appellee for leave to file an affidavit to supplement the record denied. Decree reversed with costs and cause remanded to the District Court with directions to dismiss the bill for want of jurisdiction. Opinion, *per curiam*, announced by Mr. Chief Justice Hughes. Mr. Justice Cardozo took no part in the consideration and decision of this case.

No. 303. Guy F. Atkinson and Geo. H. Atkinson, co-partners doing business as Guy F. Atkinson Company, appellants, *v.* State Tax Commission of Oregon et al. Appeal from the Supreme Court of the State of Oregon. Judgment affirmed with costs. Opinion, *per curiam*, announced by Mr. Chief Justice Hughes. Mr. Justice Cardozo took no part in the consideration or decision of this case.

No. 231. The United States, petitioner, *v.* Robert Esnault-Pelterie. On writ of certiorari to the Court of Claims. Judgment affirmed.

Opinion, *per curiam*, announced by Mr. Chief Justice Hughes. Dissenting: Mr. Justice Black. Mr. Justice Cardozo took no part in the consideration and decision of this case.

The Chief Justice said:

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

No. —, original. Ex parte E. R. Lindsey, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No. —, original. Ex parte Albert B. Bleeker, petitioner; and

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

No. 684. Basil H. Pollitt, petitioner, *v.* Joseph W. Cox; and

No. 736. Basil H. Pollitt, petitioner, *v.* Alfred A. Wheat. On petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia;

No. 711. Robert L. Hill, petitioner, *v.* The Railroad Industrial Finance Company et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit; and

No. 725. James Bostic, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia. The motions for leave to proceed further herein *in forma pauperis* are denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which writs of certiorari should be issued. The petitions for writs of certiorari are therefore also denied.

No. 709. Interstate Circuit, Inc., et al., appellants, *v.* The United of America; and

No. 710. Paramount Pictures, Distributing Company, Inc., et al., appellants, *v.* The United States of America. In these cases probable jurisdiction is noted.

No. 647. Bates Manufacturing Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 680. Joe Hale, petitioner, *v.* Commonwealth of Kentucky. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Court of Appeals of the Commonwealth of Kentucky is also granted. The case is assigned for argument on Monday, February 28th next.

No. 649. Colescott P. Harding, petitioner, *v.* Kentucky Title Trust Company. The motion for supersedeas is denied. The petition for

writ of certiorari to the Court of Appeals of the Commonwealth of Kentucky is also denied.

No. 634. Harold Van Riper, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 635. Henry T. Clarke, Trustee, petitioner, *v.* Chicago, Burlington & Quincy Railroad Co. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 637. President of the United States of America, on the relation of Gennaro Caputo, petitioner, *v.* John J. Kelly, United States Marshal, et al., etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 642. Fidelity-Phenix Fire Insurance Company of New York et al., petitioners, *v.* Cortez Cigar Company; and

No. 650. Cortez Cigar Company, petitioner, *v.* Fidelity-Phenix Fire Insurance Company of New York et al. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 644. George Isackson, petitioner, *v.* School District No. 37, Clark County, Washington. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 648. Max Goldberg, petitioner, *v.* J. M. McCauley, as Warden, etc. Petition for writ of certiorari to the Supreme Court of the State of Washington denied.

No. 656. Walter Logan, Trustee in Bankruptcy, etc., petitioner, *v.* Stanolind Oil and Gas Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 661. Witt K. Cochrane, petitioner, *v.* The United States of America; and

No. 662. William K. Fellows, 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. 665. J. A. Livingston, Inc., petitioner, *v.* Pocono Rubber Cloth Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 669. J. C. Hipp, Trustee in Bankruptcy, 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. 146. The United States of America, petitioner, *v.* Ralph Raynor;

No. 147. The United States of America, petitioner, *v.* Chett Fowler;

No. 304. Elmer W. Kelley et al., petitioners, *v.* The City of Atlantic City and Harry Bacharach; and

No. 626. Edward H. Alsop, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petitions for rehearing denied.

No. 636. Electric Bond and Share Company et al., petitioners, *v.* Securities and Exchange Commission et al. Jerome N. Frank and John W. Hanes, members of the Securities and Exchange Commission, substituted as parties respondent in the place of James M. Landis and James D. Ross, resigned, on motion of Mr. Assistant Solicitor General Bell in that behalf.

No. 375. Thomas B. Hassett, Individually and as Former Acting Collector, petitioner, *v.* E. Sohler Welch et al., executors. Motion for leave to file brief of Garret W. McEnerney and Paul Armitage, as *amici curiae*, submitted by Mr. Harry Friedman in that behalf and the motion denied.

No. 738. Thomas J. Mooney, petitioner, *v.* Court Smith, Warden of San Quentin Penitentiary, State of California. Motion as to printing the record submitted by Mr. John F. Finerty for the petitioner.

No. —, original. Ex parte Bryant McQuillen et al., petitioners. Motion for leave to file petition for writs of mandamus and prohibition submitted by Mr. Samuel Gottlieb for the petitioners.

No. 367. Erie Railroad Company, petitioner, *v.* Harry J. Tompkins. Argued by Mr. Theodore Kiendl for the petitioner and by Mr. Fred H. Rees for the respondent.

No. 322. Western Live Stock, a partnership composed of Frazier Biggs and D. F. Biggs, appellant, *v.* Bureau of Revenue and John A. Bingham, Commissioner of Revenue. Argued by Mr. D. A. Macpherson, Jr., for the appellant and by Mr. Frank H. Patton for the appellees.

No. 342. C. C. McCollum, Trustee in Bankruptcy of Lookout Planing Mills, petitioner, *v.* Hamilton National Bank of Chattanooga. Argument commenced by Mr. Joseph W. Thompson for the petitioner; continued by Mr. C. W. K. Meacham for the respondent; and concluded by Mr. Joseph B. Roberts for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, February 1, will be as follows: Nos. 349 (375 and 484), 346, 469, 362, 365, 366, 319, 374, 378, and 380.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, and Mr. Justice Reed.

Edward C. Thayer, of Boston, Mass.; Henry Hixon Meyer, of Boston, Mass.; George E. Brown, of Boston, Mass.; Jay W. Dickey, of Pine Bluff, Ark.; Alexander Hendrix Rowell, Jr., of Pine Bluff, Ark.; Mortimer Riemer, of New York City; Jewel Alexander, of San Francisco, Calif.; Robert S. Hill, Jr., of Montgomery, Ala.; Frederick E. Baukhages, III, of Mathews, Va.; W. Frank Taylor, of Goldsboro, N. C.; Harry Graham Balter, of Los Angeles, Calif.; and Jay E. Darlington, of Hammond, Ind., were admitted to practice.

No. 321. Charles G. Johnson, as Treasurer of the State of California, et al., appellants, *v.* M. G. West Company. Motion for leave to file petition for rehearing submitted by Mr. Roger J. Traynor for the appellants.

No. 349. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Sellar Bullard, as Executor, etc.;

No. 375. Thomas B. Hassett, Individually and as Former Acting Collector, petitioner, *v.* E. Sohler Welch et al., executors; and

No. 484. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Charles H. Marshall, Administrator, etc. Argument commenced by Mr. Assistant Attorney General Morris for the petitioners; continued by Mr. Samuel S. Holmes for the respondent in No. 349; by Mr. William D. Mitchell for the respondent in No. 484; by Mr. John L. Hall and Mr. Claude R. Branch for the respondents in No. 375; and concluded by Mr. Assistant Attorney General Morris for the petitioners.

No. 346. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Nellie B. Bowers, Administratrix of the estate of John

O. Bowers, deceased. Argument commenced by Mr. Andrew D. Sharpe for the petitioner and continued by Mr. Jay E. Darlington for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, February 2, will be as follows: Nos. 346, 469, 362, 365, 366, 319, 374, 378, 380, and 391.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, and Mr. Justice Reed.

Dorothy Kenyon, of New York City; Catherine E. Myers, of Washington, D. C.; Inzer B. Wyatt, Jr., of New York City; Arthur B. Smith, of Somerville, N. J.; Thomas F. Gain, of Philadelphia, Pa.; John R. Dethmers, of Holland, Mich.; Bradley D. Kimbrough, of McAllen, Texas; William V. Holohan, of New York City; J. Richard Townsend, of San Francisco, Calif.; Nathan Shefner, of Chicago, Ill.; and Carl E. Geuther, of Philadelphia, Pa., were admitted to practice.

No. 346. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Nellie B. Bowers, Administratrix, etc. Argument continued by Mr. Jay E. Darlington for the respondent and concluded by Mr. Andrew D. Sharpe for the petitioner.

No. 469. Laura G. Foster, as Executrix, etc., petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. Philip G. Sheehy for the petitioner and by Mr. Andrew D. Sharpe for the respondent.

No. 362. The Century Indemnity Company, petitioner, *v.* G. Nelson. Argued by Mr. Jewel Alexander for the petitioner and case submitted by Mr. Joe G. Sweet for the respondent.

No. 365. Noah Adair, petitioner, *v.* Bank of American National Trust and Savings Association. Argued by Mr. William Lemke for the petitioner and by Mr. Hugo A. Steinmeyer for the respondent.

No. 366. The Kansas Farmers Union Royalty Company et al., appellants, *v.* Ira Shaffer, Executor, etc. Argument commenced by Mr. L. E. Clevenger for the appellants. The Court declined to hear further argument.

No. 319. Robert K. Mookini et al., petitioners, *v.* The United States of America. Argued by Mr. Bates Booth for the respondent and case submitted by Mr. O. P. Soares for the petitioners.

No. 374. Ticonic National Bank et al., petitioners, *v.* Lottie F. Sprague et al. Argument commenced by Mr. George P. Barse for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, February 3, will be as follows: Nos. 374, 378, 380, 391, 413, 504, 415, 435 (and 436), 387 (and 388), and 406.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, and Mr. Justice Reed.

James H. Pipkin, of Houston, Tex.; Jeremiah T. Mahoney, of New York City; and A. Raymond Rogers, of Waterville, Me., were admitted to practice.

No. 374. Ticonic National Bank et al., petitioners, *v.* Lottie F. Sprague and Margaret Davis Sprague. Argument continued by Mr. George P. Barse for the petitioners; by Mr. Harvey D. Eaton for the respondents; and concluded by Mr. George P. Barse for the petitioners.

No. 378. Susie Maty, Administratrix of the Estate of George Maty, also known as George Matey, petitioner, *v.* Grasselli Chemical Company. Argued by Mr. Thomas F. Gain for the petitioner and by Mr. Louis Rudner for the respondent. Leave granted petitioner to file additional brief within five days.

No. 380. The People of the State of New York, *ex rel.* Consolidated Water Company of Utica, New York, appellant, *v.* Milo R. Maltbie et al. Three hours allowed for oral argument. Argument commenced by Mr. Thayer Burgess for the appellant and continued by Mr. Gay H. Brown for the appellees.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, February 4, will be as follows: Nos. 380, 391, 413, 504, 415, 435 (and 436), 387 (and 388), 406, 446, and 600.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, and Mr. Justice Reed.

Paul Van Anda, of New York City; Francis W. Murphy, of San Francisco, Calif.; Averill Rosenberg, of Boston, Mass.; and Harry C. Barney, of Anacortes, Wash., were admitted to practice.

No. 435. New York Rapid Transit Corporation, appellant, *v.* The City of New York; and

No. 436. Brooklyn and Queens Transit Corporation, appellant, *v.* The City of New York. Leave granted to withdraw appearance of Paul Windels, as counsel for the appellee, on motion of Mr. Paxton Blair in that behalf.

No. 366. The Kansas Farmers Union Royalty Company et al., appellants, *v.* Ira Shaffer, Executor et al. Motion to defer consideration submitted by Mr. L. E. Clevenger for the appellants.

No. 380. The People of the State of New York, *ex rel.* Consolidated Water Company of Utica, New York, appellant, *v.* Milo R. Maltbie et al. Argument continued by Mr. Gay H. Brown for the appellees and concluded by Mr. Thayer Burgess for the appellant.

No. 391. Alma Lovell, appellant, *v.* The City of Griffin. Argued by Mr. O. R. Moyle for the appellant and case submitted by Mr. Hughes Spalding and Mr. Sumter M. Kelley for the appellee.

No. 413. National Labor Relations Board, petitioner, *v.* Pennsylvania Greyhound Lines, Inc. et al.; and

No. 504. National Labor Relations Board, petitioner, *v.* Pacific Greyhound Lines, Inc. Argued by Mr. Charles Fahy for the petitioner and Mr. Ivan Bowen for the respondents.

No. 415. Escanaba and Lake Superior Railroad Company, appellant, *v.* The United States of America et al. Argument commenced by Mr. John S. Burchmore for the appellant and continued by Mr. J. Stanley Payne for the appellees.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, February 7, will be as follows: Nos. 415, 435 (and 436), 636, 387 (and 388), 406, 446, 600, 437, 439, and 445.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, and Mr. Justice Reed.

Robert Wilson Smith, Jr., of Gainesville, Ga.; Robert B. Wickes, of Washington, D. C.; Saul J. Gordon, of Oklahoma City, Okla.; Helene Gladys Daily, of Houston, Tex.; Marvin M. Trevathan, of Lufkin, Tex.; George C. Darmstatter, of Belleville, Ill.; and Joseph Rodney Rhoades, of McPherson, Kans., 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. 730. Nathan Cosman, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. *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. *Frad v. Kelly*, — U. S. — (decided December 6, 1937).

No. 346. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Nellie B. Bowers, Administratrix, etc. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. *Per curiam*: The judgment is reversed upon the authority of *Tyler v. United States*, 281 U. S. 497. Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

No. 469. Laura G. Foster, as Executrix of the estate of Chapman Foster, Deceased, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. *Per curiam*: The judgment is affirmed. *Tyler v. United States*, 281 U. S. 497; *Gwinn v. Commissioner*, 287 U. S. 224. Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

ORDER

IT IS ORDERED that Rule LIII of the General Orders in Bankruptcy be, and the same hereby is, amended, effective immediately, to read as follows:

LIII

BOND OF DESIGNATED DEPOSITORY UNDER SEC. 61

1. The bond required of a banking institution designated as a depository shall be given with an authorized fidelity or bonding company as surety, or with approved individual sureties who are residents of that judicial district and two of whom are neither officers nor directors of the institution designated as a depository.

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 monies deposited with it as such depository, and shall pay out such monies only as provided by the bankruptcy law and applicable general orders and court rules, and shall abide by all orders of the bankruptcy court in respect of such monies, and shall otherwise faithfully perform all duties pertaining to it as such depository.

3. As one means of bringing before the bankruptcy court information respecting possible occasions for requiring a depository to give a new bond with different sureties, it shall be the duty of each depository to file with the bankruptcy court during the month of January in each year a sworn statement in writing disclosing

(a) Whether any of the individual sureties on its bond has ceased to be a resident of that judicial district, or has died; and

(b) Whether the financial worth of any of its individual sureties has become materially impaired.

4. As one means of bringing before the bankruptcy court information respecting occasions for requiring a depository to give a new bond in an increased amount, it shall be the duty of any depository, when its total of bankruptcy deposits equals ninety-five per centum of the amount of its current depository bond, forthwith to file a written statement with the bankruptcy court, setting forth the total amount of such deposits and the amount of its current bond.

5. No trustee or receiver shall deposit with any one depository funds committed to his custody as such receiver or trustee in excess of the amount of the bond of such depository then in force.

6. It shall be the duty of the bankruptcy court to require a depository to give a new bond whenever it appears that the prior bond is not sufficient in amount, in view of present and prospective deposits, or that a surety has died or ceased to be a resident of that judicial district, or whenever there is otherwise occasion to believe that the prior bond does not constitute adequate security.

7. It shall be the duty of the bankruptcy court to require each depository in its district to give a new bond within five years after the giving of its last prior bond.

8. A surety, or the personal representative of a deceased surety, on the bond of a depository may, by a petition setting forth the grounds therefor, request the bankruptcy court to require the depository to give a new bond and thereby to relieve such surety, or his estate, from responsibility and liability as respects any future default of the depository, and, if upon a hearing had after reasonable notice to the depository, to other sureties on the bond, and to the trustees or other representatives of bankrupt estates having deposits in such depository, it appears to the court that the petition can be granted without injury to any party in interest, the court shall require the depository to give a new bond.

9. A new bond given under any subdivision of this general order shall, from the time of its approval by the bankruptcy court, be regarded as taking the place of the preceding bond as respects any subsequent default of the depository; and, upon approving the new bond, the court shall enter an order relieving the sureties on the prior bond, and the estate of any deceased surety, from responsibility and liability thereon as respects any default of the depository occurring thereafter.

10. If any depository, when required to give a new bond, fails to comply with that requirement within the time fixed therefor by this general order or by the bankruptcy court, it shall be the duty of that court to order such depository to pay over all monies on deposit with it as such depository, and to revoke its designation as depository.

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, Louis D. Brandeis, 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, Benjamin N. Cardozo, Associate Justice.

For the Eighth Circuit, Pierce Butler, Associate Justice.

For the Ninth Circuit, Stanley Reed, Associate Justice.

For the Tenth Circuit, Pierce Butler, Associate Justice.

No. —. In the matter of the disbarment of J. William Tomlinson. It having been reported to the Court that J. William Tomlinson, of

Washington, D. C., a member of the Bar of this Court, has been disbarred from the practice of the law in the District Court of the United States for the District of Columbia;

It is ordered that the said J. William Tomlinson be, and he is hereby, suspended from the practice of the law in this Court, and that a rule issue returnable within forty (40) days requiring the said J. William Tomlinson 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 C. L. Kagey.

A rule is ordered to issue returnable on Monday, February 28, 1938, requiring C. L. Kagey, of Wichita, Kansas, a member of the Bar of this Court, to show cause why he should not be disbarred for conduct unbecoming a member of the Bar of this Court.

No. —, original. Ex parte Bryant McQuillen and Samuel Gottlieb, petitioners. The motions for leave to file petitions for writs of mandamus and prohibition are denied. The Chief Justice and Mr. Justice Stone took no part in the consideration or decision of these applications.

No. —, original. Ex parte Charles E. Phillips, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. —, original. Ex parte Andrew B. Young, petitioner. The motion for leave to file petition for declaratory judgment is denied.

No. 705. Petroleum Exploration, Inc., appellant, *v.* Public Service Commission of Kentucky et al. In this case probable jurisdiction is noted. The motion for stay is denied.

No. 707. The United States, appellant, *v.* The Klamath and Moadoc Tribes and Yahooskin Band of Snake Indians. In this case probable jurisdiction is noted. Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this question.

No. 722. John Keller, petitioner, *v.* Fred G. Zerbst, Warden, U. S. Penitentiary, Atlanta, Georgia. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied.

No. 654. Bryant McQuillen and Samuel Gottlieb, petitioners, *v.* Honorable William C. Coleman, Judge of the District Court for the District of Maryland. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied. The Chief Justice and Mr. Justice Stone took no part in the consideration or decision of this application.

No. 681. Moulding-Brownell Corporation, petitioner, *v.* Honorable Philip L. Sullivan et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. The petition for writ of certiorari is denied. *Employers Corporation v. Bryant*, 299 U. S. 374.

No. 657. Security-First National Bank of Los Angeles, Trustee, etc., petitioner, *v.* Galen H. Welch, Former Collector of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 666. Lottie A. Abbott, The Legal Representative and Administratrix of the estate of James D. Felley, deceased, etc., petitioner, *v.* Henry Morgenthau, Jr., as Secretary of the Treasury etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 677. Edward Lee Dip, 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. 686. Cudahy Packing Company, petitioner, *v.* Andrew L. McBride. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 321. Charles G. Johnson, as Treasurer of the State of California, et al., appellants, *v.* M. G. West Company. The motion for leave to file petition for rehearing is granted. The petition for rehearing is denied.

No. 30. The United States of America, on relation of Chester A. Willoughby, as Trustee, etc., et al., petitioners, *v.* Sam Howard and Continental Casualty Company;

No. 613. Almours Securities, Inc., petitioner, *v.* Commissioner of Internal Revenue;

No. 651. Georgia M. Spruill, petitioner, *v.* Harriet T. Serven; and

No. 652. Georgia M. Spruill, petitioner, *v.* William T. Ballard et al. Petitions for rehearing denied.

ORDER

The Court will take a recess from Monday, February 14, until Monday, February 28, next.

No. —, original. The State of Oklahoma, upon the relation of Howard C. Johnson, Bank Commissioner, plaintiff *v.* R. M. Cook.

Motion for leave to file bill of complaint submitted by Mr. Francis C. Brown for the plaintiff.

No. 415. Escanaba and Lake Superior Railroad Company, appellant, *v.* The United States of America, Interstate Commerce Commission, et al. Argument continued by Mr. J. Stanley Payne for the appellees, the United States and Interstate Commerce Commission; by Mr. C. R. Sutherland for the appellees, Henry A. Scandrett et al., Trustees of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company; and concluded by Mr. John S. Burchmore for the appellant.

No. 560. Southwestern Bell Telephone Company, appellant, *v.* State of Oklahoma et al. Argued on the motion to dismiss by Mr. Mac Q. Williamson for the appellees in support of the motion and by Mr. Erwin W. Clausen for the appellant in opposition thereto.

No. 435. New York Rapid Transit Corporation, appellant, *v.* The City of New York; and

No. 436. Brooklyn and Queens Transit Corporation, appellant, *v.* The City of New York. Argued by Mr. Harold L. Warner and Mr. Paul D. Miller for the appellants, and by Mr. Paxton Blair for the appellee.

No. 636. Electric Bond and Share Company et al., petitioners, *v.* Securities and Exchange Commission et al. Six hours allowed for oral argument. Argument commenced by Mr. Thomas D. Thacher for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, February 8, will be as follows: Nos. 636, 387 (and 388), 406, 446, 600, 437, 439, 445, 499, and 502.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, and Mr. Justice Reed.

Robert L. Bridges, of San Francisco, Calif.; William Richard Nowlin, of Nashville, Tenn.; Earl Dayton Farr, of Punta Gorda, Fla.; Maurice L. A. Gellis, of New York City; John J. Abt, of Chicago, Ill.; John B. Snowden, II, of Memphis, Tenn.; Allan Davis, of Memphis, Tenn.; H. Gus Muntzing, of Moorefield, W. Va.; Charles J. Beise, of Durango, Colo.; Nathaniel L. Meek, of New York City; and Percy R. Jacobson, of Chicago, Ill., were admitted to practice.

No. 636. Electric Bond and Share Company et al., petitioners, *v.* Securities and Exchange Commission et al. Argument continued by Mr. Thomas D. Thacher for the petitioner and by Mr. Assistant Attorney General Jackson and Mr. Benjamin V. Cohen for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, February 9, will be as follows: Nos. 636, 387 (and 388), 406, 446, 600, 437, 439, 445, 499, and 502.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, and Mr. Justice Reed.

Sol. L. Neuhaus, of New York City; Ernest Diebel, of Houston, Tex.; R. F. Camalier, of Washington, D. C.; John T. Barbrick, of Pueblo, Colo.; Martin J. Weil, of Los Angeles, Calif.; and William Drennan, of Kansas City, Kans., were admitted to practice.

No. 636. Electric Bond and Share Company et al., petitioners, *v.* Securities and Exchange Commission et al. Argument continued by Mr. Benjamin V. Cohen for the respondents and concluded by Mr. John F. MacLane for the petitioners.

No. 387. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Bankline Oil Company; and

No. 388. Bankline Oil Company, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. Assistant Solicitor General Bell for the Commissioner of Internal Revenue and by Mr. Martin J. Weil for the Bankline Oil Company.

No. 406. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Thomas A. O'Donnell. Argument commenced by Mr. Assistant Solicitor General Bell for the petitioner and continued by Mr. A. Calder Mackay for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, February 10, will be as follows: Nos. 406, 446, 600, 437, 439, 445, 499, 511, and 528.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, and Mr. Justice Reed.

John William Alexander, of Newark, Ark.; Stephen A. Cross, of Chicago, Ill.; Perry W. Loren, of Washington, D. C.; John P. Ohl, of New York City; Ralph S. Gayton, of Washington, D. C.; William R. Johnson, of Washington, D. C.; Edwin G. Martin, of Relay, Md.; Leon A. Ransom, of Washington, D. C.; Max Weitz, of New York City; John B. Robinson, Jr., of Chicago, Ill.; Bernard J. Daly, of New Orleans, La.; and Abraham J. Creskoff, of Philadelphia, Pa., were admitted to practice.

No. 406. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Thomas A. O'Donnell. Argument concluded by Mr. A. Calder Mackay for the respondent.

No. 446. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Elbe Oil Land Development Company. Argued by Mr. Assistant Solicitor General Bell for the petitioner and by Mr. George T. Altman for the respondent.

No. 600. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Mountain Producers Corporation. Argued by Mr. Assistant Solicitor General Bell for the petitioner and by Mr. Harold D. Roberts for the respondent.

No. 437. M. C. Hinderlider, as State Engineer of the State of Colorado, et al., etc., appellants, *v.* The LaPlata River and Cherry Creek Ditch Company. Argument commenced by Mr. Ralph L. Carr for the appellants. Argument suspended. Argument on motion to dismiss commenced by Mr. Charles J. Beise for the appellees, in support of the motion, and continued by Mr. Ralph L. Carr for the appellant, in opposition thereto.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, February 11, will be as follows: Nos. 437, 439, 445, and 511.

SUPREME COURT OF THE UNITED STATES

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

Donald S. Leonard, of Detroit, Mich.; Eugene J. Keogh, of Brooklyn, N. Y.; Frederick Secord, of Chicago, Ill.; Loy N. McIntosh, of Chicago, Ill.; Joseph H. Church, of Washington, D. C.; Lemuel A. Haslup, of Washington, D. C.; Boice Gross, of San Francisco, Calif.; Charles R. Culligan, of Washington, D. C.; Harold R. Kasson, of Washington, D. C.; Marion E. Pollock Thompson, of Crestwood, N. Y.; George O. Tiffany, of Chicago, Ill.; James E. Waddell, of Oakland, Calif.; and Asa S. Chapman, of Champaign, Ill., were admitted to practice.

The Chief Justice said:

“Mr. Justice Butler is absent today and we note with deep sorrow the cause of that absence in the tragic death of his son, Kevin Butler. We express to our brother Butler and to the members of his family our deepest sympathy in this sad bereavement.”

No. 437. M. C. Hinderlider, as State Engineer of the State of Colorado, et al., etc., appellants, *v.* The LaPlata River and Cherry Creek Ditch Company. Argument resumed by Mr. Ralph L. Carr for the appellants; continued by Mr. Charles J. Beise for the appellee; and concluded by Mr. Byron G. Rogers for the appellants.

No. 439. The United States of America, appellant, *v.* Philip Klein, Escheator of the Commonwealth of Pennsylvania. Argued by Mr. Assistant Attorney General Whitaker for the appellant and by Mr. A. Jere Creskoff for the appellee.

No. 445. The United States of America, petitioner, *v.* Stanley J. Patryas. Argued by Mr. Wilbur C. Pickett for the petitioner and by Mr. Warren E. Miller for the respondent.

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

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Black.

James R. Curtis, of Longview, Tex.; Clyde H. Brown, of Hot Springs, Ark.; Royal R. Irwin, of Denver, Colo.; Philips Charles Gorman, of Leesburg, Fla.; Eugene R. Hinds, of Maywood, Ill.; Dean Sherry, of San Diego, Calif.; Joseph William Burns, of New York City; Edward E. Cobbs, of Montgomery, Ala.; James C. Shelor, of Atlanta, Ga.; James Thomas Gurney, of Orlando, Fla.; and William A. Alfs, of Detroit, Mich., were admitted to practice.

No. 378. Susie Maty, Administratrix of the estate of George Maty, also known as George Matey, petitioner, *v.* Grasselli Chemical Company. 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 said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Mr. Justice Cardozo took no part in the consideration or decision of this case.

No. 161. South Carolina State Highway Department, South Carolina Public Service Commission, et al., appellants, *v.* Barnwell Brothers, Inc., et al. Appeal from the District Court of the United States for the Eastern District of South Carolina. 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 Stone. Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

No. 13. United Gas Public Service Company, appellant, *v.* State of Texas, Mrs. Miriam A. Ferguson, Former Governor of Texas, et al. Appeal from the Court of Civil Appeals for the Third Supreme Judicial District of the State of Texas. Judgment affirmed with costs. Opinion by Mr. Chief Justice Hughes. Mr. Justice Reed took no part in the consideration and decision of this case. Concurring opinion by Mr. Justice Black. Separate opinion by Mr. Justice McReynolds and Mr. Justice Butler.

No. 380. The People of the State of New York ex rel. Consolidated Water Company of Utica, New York, appellant, *v.* Milo R.

Maltbie, George R. Van Namee, et al., etc. Appeal from the Supreme Court of the State of New York. Appeal dismissed for the want of jurisdiction. Opinion, *per curiam*, announced by Mr. Chief Justice Hughes. Mr. Justice Cardozo took no part in the consideration and decision of this case.

No. 323. New York Life Insurance Company, petitioner, *v.* Stella Jane Gamer, as Executrix of the will of E. Walter Gamer, also known as Edward W. Gamer, deceased. 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 District of Montana for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Butler announced by the Chief Justice. Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case. Dissenting opinion by Mr. Justice Black.

The Chief Justice announced the following order of the Court:

No. 748. J. D. Poole, appellant, *v.* The State of Florida. Appeal from the Supreme Court of the State of Florida. *Per curiam*: The appeal herein is dismissed for the reason that the judgment sought to be reviewed is based upon a non-federal ground adequate to support it. *Quong Ham Wah Co. v. Industrial Commission*, 255 U. S. 445, 448, 449; *Hebert v. Louisiana*, 272 U. S. 312, 316, 317; *Susquehanna Co. v. Tax Commission (No. 2)* 283 U. S. 297, 299, 300; *Liggett & Myers Tobacco Co. v. South Carolina*, 291 U. S. 652. The motion for leave to proceed further herein *in forma pauperis* is denied.

The Chief Justice said:

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

No. —, original. The State of Oklahoma upon the relation of Howard C. Johnson, plaintiff, *v.* R. M. Cook. A rule is ordered to issue requiring the defendant to show cause on or before March 7, next, why leave to file the bill of complaint herein should not be granted.

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

No. 123. Harvey S. Adams, Receiver, etc., petitioner, *v.* Geneva M. Nagle et al.; and

No. 124. Harvey S. Adams, Receiver, etc., petitioner, *v.* J. Edwin Tobias et al. These cases are restored to the docket and assigned for reargument on Monday, March 7, next.

No. 738. Thomas J. Mooney, petitioner, *v.* Court Smith, Warden of San Quentin Penitentiary, State of California. The petitioner having withdrawn the motion for leave to proceed on a printed abstract of the record and having moved for time to present a brief in support of a petition for certiorari, the latter motion is granted, and it is ordered that petitioner have thirty days from this date in which to file with this Court and serve upon respondent a brief in support of the petition for certiorari, and that respondent have thirty days after such filing and service to file with the Court and serve upon petitioner an opposing brief. The parties may refer to the typewritten record in the respective briefs above mentioned. Questions in relation to the preparation and printing of the record or abstracts thereof will be reserved until the coming in of such briefs.

No. 745. People of the State of New York, *ex rel.* Samuel L. Geiselman, petitioner, *v.* William Hunt, as Warden of Attica Prison. On petition for writ of certiorari to the Wyoming County Court, 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. 699. John A. Johnson, petitioner, *v.* Fred G. Zerst, Warden, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 667. The United States, petitioner, *v.* Harry A. Kaplan. Petition for writ of certiorari to the Court of Claims granted and case assigned for argument immediately following No. 528. Mr. Justice Reed took no part in the consideration or decision of this application.

No. 668. The United States, petitioner, *v.* Shoshone Tribe of Indians of the Wind River Reservation in Wyoming. Petition for writ of certiorari to the Court of Claims granted and case assigned for argument immediately preceding No. 707. Further consideration of the motion to remand is postponed to the hearing of the case on the merits. Mr. Justice Stone and Mr. Justice Reed took no part in the consideration or decision of this application.

No. 672. William D. Levey, 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. 674. The Schriber-Schroth Company, petitioner, *v.* The Cleveland Trust Company, Chrysler Corporation;

No. 675. The Aberdeen Motor Supply Company, petitioner, *v.* The Cleveland Trust Company, Chrysler Corporation; and

No. 676. The F. E. Rowe Sales Company, petitioner, *v.* The Cleveland Trust Company, Chrysler Corporation. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 679. William C. Carter, petitioner, *v.* Marvel Carburetor Company. Petition for writ of certiorari to the Supreme Court of the State of Michigan denied.

No. 682. Dutchess Underwear Corporation, petitioner, *v.* Industrial Rayon Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 700. Pacific Gas and Electric Company, petitioner, *v.* Sacramento Municipal Utility District, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 704. Chicago, Burlington & Quincy Railroad Company, petitioner, *v.* Ruby R. Goodman, Administratrix, etc. Petition for writ of certiorari to the Appellate Court, 1st District, State of Illinois, denied.

No. 708. David Danish, as Trustee, etc., petitioner, *v.* Joseph Sofranski and David Bodner. Petitioner for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 712. Wabash Appliance Corporation et al., petitioners, *v.* General Electric Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 721. Peerless Equipment Company, petitioner, *v.* W. H. Miner, Inc. Petitioner for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 10. Ocean Beach Heights, Inc., et al., petitioners, *v.* The Brown-Crummer Investment Company et al.; and

No. 671. Catherine Schultz, petitioner, *v.* Live Stock National Bank of Chicago et al. Petitions for rehearing denied.

No. 16, original. State of Missouri, complainant, *v.* State of Iowa. Application of defendant for rule to particularize presented.

Adjourned until Monday, February 28, at 12 o'clock.

The day call for Monday, February 28, will be as follows: Nos. 680, 300, 427, 453, 458, 487, 499, 502, 511, and 519.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, and Mr. Justice Reed.

Harry S. Pollard, of Austin, Tex.; Wallace Shepard, of Sacramento, Calif.; Elmore Whitehurst, of Dallas, Tex.; Richard L. Withrow, of Dayton, Ohio; Allan Watkins, of Atlanta, Ga.; Joseph D. Calhoun, of Media, Pa.; Joseph P. McMahon, of Pleasant Ridge, Mich.; E. A. Coker, of Dallas, Tex.; Robert Winfield Baile, of Lansdowne, Pa.; Martin F. Hatch, of Upper Darby, Pa.; Clarence G. Myers, of Swarthmore, Pa.; Raymond R. Start, of Upper Darby, Pa.; Thomas E. Sands, Jr., of Minneapolis, Minn.; Abraham I. Mayer, of Newark, N. J.; Raymond E. Larson, of Media, Pa.; Nicholas J. Madgey, of Chicago, Ill.; Chas. M. Pollock, of Fargo, N. Dak.; Herman F. Chapman, of Sioux Falls, S. Dak.; and Edmund D. Buckley, of San Francisco, Calif., were admitted to practice.

No. 365. Noah Adair, petitioner, *v.* Bank of America National Trust and Savings Association. 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 Reed. Mr. Justice McReynolds concurs in the result. Mr. Justice Cardozo took no part in the consideration or decision of this case.

No. 445. The United States of America, petitioner, *v.* Stanley J. Patryas. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the Northern District of Illinois. Opinion by Mr. Justice Black. Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

No. 274. Saint Paul Mercury Indemnity Company, petitioner, *v.* Red Cab Company. On writ of certiorari to the United States

Circuit Court of Appeals for the Seventh Circuit. Judgment reversed with costs and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts. Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

No. 349. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Sellar Bullard, as Executor under the last will and testament of Clara R. Smith, deceased. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment reversed and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts. Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

No. 375. Thomas B. Hassett, Individually and as Former Acting Collector, petitioner, *v.* E. Sohler Welch et al., executors. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit; and

No. 484. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Charles H. Marshall, Administrator of the Estate of Josephine B. Marshall, deceased. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment in No. 375 affirmed with costs and cause remanded to the District Court of the United States for the District of Massachusetts. Judgment in No. 484 affirmed and cause remanded to the Circuit Court of Appeals for the Second Circuit. Opinion by Mr. Justice Roberts. Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of these cases.

No. 415. Escanaba and Lake Superior Railroad Company, appellant, *v.* The United States of America, Interstate Commerce Commission, et al. Appeal from the District Court of the United States for the Western District of Michigan. Decree affirmed. Opinion by Mr. Justice Roberts. Mr. Justice Cardozo took no part in the consideration or decision of this case.

No. 293. Edward Lauf and Amalgamated Meat Cutters and Butcher Workmen of North America, Local No. 73, petitioners, *v.* E. G. Shinner & Company, Inc. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Decree reversed with costs and cause remanded to the District Court of the United States for the Eastern District of Wisconsin for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts. Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case. Dissenting

opinion by Mr. Justice Butler in which Mr. Justice McReynolds concurs.

No. 322. Western Live Stock, a partnership Composed of Frazier Biggs and D. F. Biggs, appellant, *v.* Bureau of Revenue and John A. Bingaman, Commissioner of Revenue. Appeal from the Supreme Court of the State of New Mexico. Judgment affirmed with costs. Opinion by Mr. Justice Stone. Dissenting: Mr. Justice McReynolds and Mr. Justice Butler. Mr. Justice Cardozo took no part in the consideration or decision of this case.

No. 413. National Labor Relations Board, petitioner, *v.* Pennsylvania Greyhound Lines, Inc., and Greyhound Management Company. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment reversed and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone. Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

No. 504. National Labor Relations Board, petitioner, *v.* Pacific Greyhound Lines, 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 Stone. Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

No. 439. The United States of America, appellant, *v.* Philip Klein, Escheator of the Commonwealth of Pennsylvania. Appeal from the Supreme Court of the Commonwealth of Pennsylvania. Judgment affirmed. Opinion by Mr. Justice Stone. Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

No. 352. The United States of America, petitioner, *v.* Illinois Central Railroad Company, a corporation. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment reversed and cause remanded to the District Court of the United States for the Eastern District of Louisiana for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Butler. Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

No. 342. C. C. McCollum, Trustee in Bankruptcy of Lookout Planing Mills, petitioner, *v.* Hamilton National Bank of Chattanooga. On writ of certiorari to the Supreme Court of the State of Tennessee. Decree 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 Butler. Mr. Justice Cardozo took no part in the consideration or decision of this case.

No. 63. The United States of America and Interstate Commerce Commission, appellants, *v.* W. V. Griffin and H. W. Purvis, receivers for Georgia & Florida Railroad. Appeal from the District Court of the United States for the Southern District of Georgia. Decree reversed and cause remanded to the said District Court with direction to dismiss the bill without costs to either party. Opinion by Mr. Justice Brandeis. Mr. Justice Black agrees with the result and fully with all of the opinion except paragraph Fourth. Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

No. 362. The Century Indemnity Company, petitioner, *v.* G. Nelson. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed with costs and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice McReynolds. Mr. Justice Cardozo took no part in the consideration or decision of this case.

No. 128. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* John H. Therrell, also known as J. H. Therrell; and

No. 129. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* William H. Tunnicliffe. On writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit;

No. 287. Edward McLoughlin, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit; and

No. 597. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Clarence M. Freedman. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgments in Nos. 128, 129, and 597 reversed and cases Nos. 128 and 129 remanded to the Circuit Court of Appeals for the Fifth Circuit and case No. 597 remanded to the Circuit Court of Appeals for the Third Circuit for further proceedings in conformity with the opinion of this Court. Judgment in No. 287 affirmed and cause remanded to the Circuit Court of Appeals for the Second Circuit. Opinion by Mr. Justice McReynolds. Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of these cases.

No. 319. Robert K. Mookini and Lee Sau Chong, petitioners, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Opinion by Mr. Chief Justice Hughes. Mr. Justice Cardozo took no part in the consideration and decision of this case.

No. 560. Southwestern Bell Telephone Company, appellant, *v.* State of Oklahoma and The Corporation Commission of the State of Oklahoma. Appeal from the Supreme Court of the State of Oklahoma. Motion to dismiss granted and the appeal dismissed for want of jurisdiction. Opinion, *per curiam*, announced by Mr. Chief Justice Hughes. Mr. Justice Cardozo took no part in the consideration and decision of this case.

The Chief Justice announced the following orders of the Court:

No. 768. Arthur Rust, appellant, *v.* Martin T. Pratt, Sheriff of Multnomah County and James R. Bain, District Attorney;

No. 769. Paul Jennings, appellant, *v.* Martin T. Pratt, Sheriff of Multnomah County and James R. Bain, District Attorney;

No. 770. C. N. Abbott, appellant, *v.* Martin T. Pratt, Sheriff of Multnomah County and James R. Bain, District Attorney; and

No. 771. Karl Tigert, appellant, *v.* Martin T. Pratt, Sheriff of Multnomah County and James R. Bain, District Attorney. Appeals from the Supreme Court of the State of Oregon. *Per curiam*: The appeals herein are dismissed (1) for the reason that the judgments sought to be reviewed are based upon a non-federal ground adequate to support them, *Doyle v. Atwell*, 261 U. S. 590; *Cox v. Colorado*, 282 U. S. 807; *Woolsey v. Best*, 299 U. S. 1; (2) for the want of a substantial federal question, *Twining v. New Jersey*, 211 U. S. 78, 106, 111-114; *Snyder v. Massachusetts*, 291 U. S. 97, 105; *Brown v. Mississippi*, 297 U. S. 278, 285; *Palko v. Connecticut*, — U. S. — (decided December 6, 1937).

No. 792. Charles Williams, Elias W. Bless, and Joseph Cohen, et al., appellants, *v.* Michael J. Quill, as President of the Transport Workers Union of America, etc., et al. Appeal from the Supreme Court of the State of New York. *Per curiam*: The motion of the appellants for leave to file supplemental statement as to jurisdiction is granted. The motion of the appellees to dismiss the appeal is granted, and the appeal is dismissed for the want of a final judgment. *Verden v. Coleman*, 18 How. 86; *Reddall v. Bryan*, 24 How. 420, 422; *Brannan v. Harrison*, 284 U. S. 579.

The Chief Justice said:

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

No. —. In Re Disbarment of John L. Lotsch. It having been reported to the Court that John L. Lotsch, of New York, N. Y., has been disbarred from the practice of the law by the Appellate Division of the Supreme Court of the State of New York for the First Judicial Department;

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

No. —, original. Ex parte Albert R. House, petitioner. A rule is ordered to issue, returnable within fifteen days from this date, requiring the respondents to show cause why leave to file the petition for a writ of habeas corpus should not be granted.

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

No. —, original. Ex parte C. E. Phillips, petitioner. The motions for leave to file interrogatories are denied.

No. 897. October Term 1936. Cassius McDonald, petitioner, v. The United States of America. The petition for a writ of error coram nobis is denied. Mr. Justice Reed took no part in the consideration or decision of this application.

No. 16, original. State of Missouri, complainant, v. State of Iowa. The application of the defendant for a rule to particularize is denied and the defendant is required to answer within 30 days.

No. 293. Edward Lauf and Amalgamated Meat Cutters and Butcher Workmen of North America, Local No. 73, petitioners, v. E. G. Shinner & Company, Inc. The motion of American Civil Liberties Union, Inc., and International Juridical Association for leave to file a brief as *amici curiae* is denied.

No. 762. Carl F. Belk, petitioner, v. The Massman Construction Company. On petition for writ of certiorari to the Supreme Court of the State of Nebraska;

No. 777. Basil H. Pollitt, petitioner, v. Roscoe W. Hall, Acting Superintendent of St. Elizabeths Hospital. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 791. George T. Simpson and Lillian F. Simpson, petitioners, v. John A. Dyer, Thomas A. Griffin, et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit;

No. 719. Phillip John Pratt, 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. 799. Helen R. Brown, petitioner, *v.* Kenneth O. Brown. On petition for writ of certiorari to the Superior Court of the Commonwealth of Pennsylvania. The motions for leave to proceed further herein *in forma pauperis* are denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which writs of certiorari should be issued. The petitions for writs of certiorari are therefore also denied.

No. 760. Arkansas Fuel Oil Company, appellant, *v.* State of Louisiana, *ex rel.* Hyman Muslow; and

No. 761. William Mahoney, as Liquor Control Commissioner of the State of Minnesota, et al., appellants, *v.* Joseph Triner Corporation. In these cases probable jurisdiction is noted.

No. 757. The United States of America, appellant, *v.* Milo W. Bekins and Reed J. Bekins, as Trustees, etc.; and

No. 772. Lindsay-Strathmore Irrigation District, appellant, *v.* Milo W. Bekins and Reed J. Bekins, as Trustees, etc. In these cases probable jurisdiction is noted. The motions to dismiss or affirm are denied.

No. 715. James M. Wright, petitioner, *v.* Union Central Life Insurance Co.; and

No. 716. James M. Wright, petitioner, *v.* Union Central Life Insurance Co. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 706. National Labor Relations Board, petitioner, *v.* Mackay Radio & Telegraph Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted. Mr. Justice Reed took no part in the consideration or decision of this application.

No. 723. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* National Grocery Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted. Mr. Justice Reed took no part in the consideration or decision of this application.

No. 779. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Philip L. Gerhardt;

No. 780. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Billings Wilson; and

No. 781. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* John J. Mulcahy. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted. The Chief Justice took no part in the consideration or decision of this application.

No. 727. The United States of America, petitioner, *v.* Norman Baker and E. R. Rood. Petition for writ of certiorari to the United

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

No. 655. Louis H. Pink, Superintendent of Insurance of the State of New York, as Liquidator, etc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 660. August H. Moran, Receiver of Wardman Corporation, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 664. Theodore S. Wilkinson, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 683. The United States of America, *ex rel.* John James Pannone, petitioner, *v.* Laureat L. Martineau, United States Immigration Inspector in Charge. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 685. Charles W. Taylor, petitioner, *v.* Calmar Steamship Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 687. Edson M. Walker, petitioner, *v.* The United States of America ;

No. 688. John H. Drummond, petitioner, *v.* The United States of America ;

No. 689. John A. Luteran, petitioner, *v.* The United States of America ;

No. 690. Frank H. Adams, petitioner, *v.* The United States of America ;

No. 691. Lorne E. Wells, petitioner, *v.* The United States of America ;

No. 692. Joe R. Wells, Jr., petitioner, *v.* The United States of America ;

No. 693. Leo B. Roach, petitioner, *v.* The United States of America ;

No. 694. John T. Little, petitioner, *v.* The United States of America ;

No. 695. Gilbert Stevens, petitioner, *v.* The United States of America ;

No. 696. Forest C. Holman, petitioner, *v.* The United States of America ;

No. 697. George Neepor, petitioner, *v.* The United States of America ; and

No. 698. Frank Ditsch, petitioner, *v.* The United States of America. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 702. Associated Indemnity Corporation and Frank D. Jones, petitioners, *v.* George F. Getty Oil Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 717. Atlanta Beer Distributing Co., Inc., petitioner, *v.* W. S. Alexander, as Administrator, Federal Alcohol Administration. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 729. Richard T. Harriss, William L. Harriss, et al., etc., petitioners, *v.* Indemnity Insurance Company of North America et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 658. Middle States Petroleum Corporation, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 663. Don C. Bothwell and George N. Davis, as Receivers, etc., petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 701. Richard C. Hyland, doing business under the fictitious name and style of Hyland Bag Company, petitioner, *v.* Millers National Insurance Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 703. Ernest M. Bull, Sole Surviving Executor and Trustee of the estate of Archibald H. Bull, deceased, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 713. David Dubrin, William C. Toomey, and Joseph Winfield, petitioners, *v.* The United States of America; and

No. 714. David Weinstein, petitioner, *v.* The United States of America. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 718. J. Wm. Tomlinson, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 720. Chessborough James Henry Mackenzie-Kennedy, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 724. Ignatio Lupo, petitioner, *v.* Fred G. Zerbst, Warden, U. S. Penitentiary. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 728. Byrd-Frost, Inc., petitioner, *v.* Mrs. Trip Elder, Individually, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 731. The Yvette Company, otherwise known as Yvette Company, Inc., petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 732. Earl Corbett, petitioner, *v.* Equitable Life Insurance Society of the United States. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 733. William R. Willcox, as Trustee in Bankruptcy of the estate of J. A. M. A. Realty Corporation, bankrupt, petitioner, *v.* Frederick V. Goess, as Receiver, etc.;

No. 734. William R. Willcox, as Trustee in bankruptcy of the estate of J. A. M. A. Realty Corporation, Bankrupt, petitioner, *v.* Frederick V. Goess, as Receiver, etc.; and

No. 735. William R. Willcox, as Trustee in Bankruptcy of the estate of J. A. M. A. Realty Corporation, Bankrupt, petitioner, *v.* Frederick V. Goess, as Receiver, etc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 739. American Surety Company, petitioner, *v.* Town of Hamden. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 743. Thomas A. Maynard et al., petitioners, *v.* D. Carson Finney et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 749. The Baltimore and Ohio Railroad Company, petitioner, *v.* Mary V. Love, as Administratrix, etc. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 197. Estaban Adam, petitioner, *v.* William Saenger et al.;

No. 256. State of Indiana, *ex rel.* Dorothy Anderson, petitioner, *v.* Harry Brand, Trustee, etc.; and

No. 346. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Nellie B. Bowers, Administratrix, etc. Petitions for rehearing denied.

No. —. In the matter of the Disbarment of C. L. Kagey. Return to rule to show cause presented.

No. 427. Eugene Szold, appellant, *v.* Outlet Embroidery Supply Co., Inc. Argued by Mr. Henry Epstein for the appellee and case

submitted by Mr. Eugene L. Garey and Mr. Earl J. Garey for the appellant.

No. 458. Milton Coverdale, Sheriff and ex-officio Tax Collector, appellant, *v.* Arkansas-Louisiana Pipe Line Company. Argument commenced by Mr. E. L. Richardson for the appellant; continued by Mr. Leon O'Quin for the appellee; and concluded by Mr. F. A. Blanche for the appellant.

No. 499. The United States of America, petitioner, *v.* Robert K. Wurts. Argued by Mr. Arnold Raum for the petitioner and by Mr. Claude C. Smith for the respondent.

No. 502. John N. Shannahan and Claude J. Jackson, as Trustees of the property of Chicago, South Shore and South Bend Railroad et al., appellants, *v.* The United States of America et al. Argument commenced by Mr. John C. Lawyer for the appellants and continued by Mr. Leo F. Tierney for the appellees.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday March 1, will be as follows: Nos. 502, 487, 300, 511, 528, 667, 519, 453, 536, and 455.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, and Mr. Justice Reed.

John H. Bankhead, 2nd, of Jasper, Ala.; Harry Langsam, of Philadelphia, Pa.; Joseph A. Spray, of Los Angeles, Calif.; Thomas F. Patton, of Cleveland, Ohio; James E. Kelby, of Los Angeles, Calif.; Blatchford Downing, of Kansas City, Mo.; Thurman L. Dodson, of Washington, D. C.; Raymond G. Stanbury, of Los Angeles, Calif.; Gordon Johnson, of San Francisco, Calif.; Raymond J. Meurer, of Detroit, Mich.; Mary Dixon Willis, of Washington, D. C.; and R. F. (Dick) Voyer, Dallas, Tex., were admitted to practice.

No. 502. John N. Shannahan and Claude J. Jackson, as Trustees of the Property of Chicago, South Shore and South Bend Railroad, et al., appellants, *v.* The United States of America, et al. Argument continued by Mr. Leo. F. Tierney for the appellees and concluded by Mr. John C. Lawyer for the appellants.

No. 487. The United States of America, petitioner, *v.* James E. O'Donnell et al. Four hours allowed for oral argument. Argument commenced by Mr. Assistant Attorney General McFarland for the petitioner and continued by Mr. William Stanley for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, March 2, will be as follows: Nos. 487, 300, 511, 528, 667, 519, 453, 536, 455, and 558.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice. Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, and Mr. Justice Reed.

Wilma Estella Van Deman, of Washington, D. C.; A. Barbara Bartels, of Washington, D. C.; Julia L. Seider, of Bay Shore, N. Y.; and Paul R. Watkins, of Los Angeles, Calif., were admitted to practice.

No. 687. Edson M. Walker, petitioner, *v.* The United States of America;

No. 688. John H. Drummond, petitioner, *v.* The United States of America;

No. 689. John A. Luteran, petitioner, *v.* The United States of America;

No. 690. Frank H. Adams, petitioner, *v.* The United States of America;

No. 691. Lorne E. Wells, petitioner, *v.* The United States of America;

No. 692. Joe R. Wells, Jr., petitioner, *v.* The United States of America;

No. 693. Leo B. Roach, petitioner, *v.* The United States of America;

No. 694. John T. Little, petitioner, *v.* The United States of America;

No. 695. Gilbert Stevens, petitioner, *v.* The United States of America;

No. 696. Forest C. Holman, petitioner, *v.* The United States of America;

No. 697. George Neeper, petitioner, *v.* United States of America; and

No. 698. Frank Ditsch, petitioner, *v.* The United States of America. Motion to withhold orders denying petition for writs of certiorari submitted by Mr. Ralph F. Lozier for the petitioners.

No. 487. The United States of America, petitioner, *v.* James E. O'Donnell et al. Argument continued by Mr. William Stanley and by Mr. James E. Kelby for the respondent, and concluded by Mr. Assistant Attorney General McFarland for the petitioner.

No. 300. The St. Louis, Brownsville and Mexico Railway Company et al., petitioners, *v.* Brownsville Navigation District of Cameron County, Texas, et al. Argued by Mr. Robert H. Kelley for the petitioners and by Mr. Carl B. Callaway for the respondents. Leave granted to file supplemental briefs within ten days.

No. 511. The New Negro Alliance et al., petitioners, *v.* Sanitary Grocery Co., Inc. Argument commenced by Mr. Belford V. Lawson, Jr., for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, March 3, will be as follows: Nos. 511, 528, 667, 519, 453, 536, 455, 558, 633, and 563.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, and Mr. Justice Reed.

Henry G. Wood, of New York City; Stephen E. Rice, of New York City; Curtis E. Hill, of Dallas, Tex.; Jesse C. Moore, of Indianapolis, Ind.; Alexander C. Neave, of New York City; John H. Anderson, of Cleveland, Ohio; Frederic H. Chase, of Boston, Mass.; and Raymond P. Baldwin, of Boston, Mass., were admitted to practice.

No. 511. The Negro Alliance et al., petitioners, *v.* Sanitary Grocery Co., Inc. Argument continued by Mr. Belford V. Lawson, Jr., for the petitioners; by Mr. A. Coulter Wells for the respondent; and concluded by Mr. Thurman L. Dodson for the petitioners.

No. 528. Pacific National Company, petitioner, *v.* Galen H. Welch, Former Collector of Internal Revenue etc. Argued by Mr. Donald V. Hunter for the petitioner and by Mr. Edward J. Ennis for the respondent.

No. 667. The United States, petitioner, *v.* Harry A. Kaplan. Argument commenced by Mr. Edward J. Ennis for the petitioner and continued by Mr. Llewellyn A. Luce for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, March 4, will be as follows: Nos. 667, 519, 453, 536, 455, 558, 633, 563, 594, and 596.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, and Mr. Justice Reed.

Vincente L. Pastrana, of Manila, P. I.; Bernard Goodwin, of New York City; Richard M. Nichols, of Boston, Mass.; Harold C. Jesse, of New York City; J. W. Jones, of Lexington, Ky.; Leo Speer, of Centerburg, Ohio; Herbert G. Potthoff, of Galveston, Tex.; Timothy C. Mooney, of Washington, D. C.; William T. Speer, of Washington, D. C.; Edward B. Wagner, of Fort Plain, N. Y.; Walter G. Silcox, of Lowell, Mass.; Walter D. Perry, of Washington, D. C.; J. Oliver Timpe, of Washington, D. C.; Ira Willis Patterson, of Columbus, Ind.; Otto H. Marquer, of New York City; George E. Sutley, of Washington, D. C.; Abraham W. Lilienthal, New York City; Arthur E. Otto, of Washington, D. C.; Clyde Russell Maxwell, of Chicago, Ill.; Lloyd Gerion Haag, of Washington, D. C.; William Alexander Klutz, of Salisbury, N. C.; Paul Joseph Ashe, of Leominster, Mass.; Patrick F. Kerin, of Washington, D. C.; Jules Felix Addor, of Washington, D. C.; Wesley W. Coulliette, of Marianna, Fla.; William S. Donaldson, of Washington, D. C.; and Samuel Tilden Hazard, of Chevy Chase, Md., were admitted to practice.

No. 667. The United States, petitioner, *v.* Harry A. Kaplan. Argument continued by Mr. Llewellyn A. Luce for the respondent and concluded by Mr. Edward J. Ennis for the petitioner.

No. 519. State Farm Mutual Automobile Insurance Company, petitioner, *v.* James D. Coughran. Argued by Mr. Joseph A. Spray for the petitioner and by Mr. Raymond G. Stanbury for the respondent.

No. 453. General Electric Company, petitioner, *v.* Wabash Appliance Corporation et al. Argument commenced by Mr. Merrell S. Clark for the petitioner and continued by Mr. Samuel E. Darby, Jr., for the respondents.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 7, will be as follows: Nos. 453, 536, 455, 144 (and 145), 123 (and 124), 558, 633, 563, 594, and 596.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, and Mr. Justice Reed.

John H. Reddy, of Washington, D. C.; George Slaff, of New York City; Wm. G. Boatright, of Kansas City, Mo.; Helmer Hansen, of Chicago, Ill.; Harry George Fins, of Chicago, Ill.; Joseph First, of Philadelphia, Pa.; William H. K. Davey, of New York City; Albert W. Froehde, of Chicago, Ill.; John G. Clancy, of New York City; Samuel Lloyd, of New York City; William Barclay Lex, of Philadelphia, Pa.; May T. Peacock, of Philadelphia, Pa.; Mordecai Konowitz, of New York City; and Dona Benjamin Heil, of Spokane, Wash., were admitted to practice.

The Honorable Robert H. Jackson, of New York, Solicitor General of the United States, was presented by Mr. Assistant Attorney General Morris, and it was ordered that his commission be recorded.

No. 374. Ticonic National Bank, Peoples-Ticonic National Bank et al., petitioners, *v.* Lottie F. Sprague and Margaret Davis Sprague. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Decree affirmed with costs and cause remanded to the District Court of the United States for the District of Maine. Opinion by Mr. Justice Reed. Mr. Justice Cardozo took no part in the consideration or decision of this case.

No. 324. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Charles E. Mitchell. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment reversed and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brandeis. Dissenting: Mr. Justice McReynolds. Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

No. 387. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Bankline Oil Company; and

No. 388. Bankline Oil Company, petitioner, *v.* Commissioner of Internal Revenue. On writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. In No. 387 the judgment of the Circuit Court of Appeals is reversed and that of the Board of Tax Appeals affirmed and the cause is remanded to the Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. In No. 388 the judgment of the Circuit Court of Appeals is affirmed, and the cause is remanded to that court. Opinion by Mr. Chief Justice Hughes. Mr. Justice McReynolds and Mr. Justice Butler concur in the result. Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration and decision of these cases.

No. 406. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Thomas A. O'Donnell. 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. Chief Justice Hughes. Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration and decision of this case.

No. 446. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Elbe Oil Land Development Company. 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. Chief Justice Hughes. Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration and decision of this case.

No. 600. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Mountain Producers Corporation. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgment reversed and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Hughes. Dissenting opinion by Mr. Justice Butler, in which Mr. Justice McReynolds concurs. Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration and decision of this case.

The Chief Justice announced the following orders of the Court:
No. 753. John E. Groves and Mary E. Stanton, appellants, *v.* Board of Education of the City of Chicago. Appeal from the Supreme Court of the State of Illinois. *Per curiam*: The motion of the appellee to dismiss the appeal is granted and the appeal is dismissed

(1) for the want of a final judgment, *Bostwick v. Brinkerhoff*, 106 U. S. 3; *Cotton v. Hawaii*, 211 U. S. 162, 170; *Georgia Ry. Co. v. Decatur*, 262 U. S. 432, 437; (2) for the want of a substantial federal question, *Phelps v. Board of Education*, 300 U. S. 319; *Dodge v. Board of Education*, 302 U. S. 74.

No. 778. *Sidney S. Adler et al., appellants, v. The City of Cincinnati, Henry Urner, as Auditor, etc., et al.* Appeal from the Supreme Court of the State of Ohio. *Per curiam*: The motion of the appellees to dismiss the appeal is granted and the appeal is dismissed for the want of a substantial federal question. *Bellingham Bay, etc., Co. v. New Whatcom*, 172 U. S. 314, 320; *Ballard v. Hunter*, 204 U. S. 241, 262; *North Laramie Land Co. v. Hoffman*, 268 U. S. 276, 283; *Witzelberg v. City of Cincinnati*, 302 U. S. — (decided October 11, 1937).

No. 366. *The Kansas Farmers Union Royalty Company and the Flag Oil Company, appellants, v. Ira Shaffer, Executor, and Ira Shaffer and Ferrol Fairchild, Devisees, etc.* Appeal from the Supreme Court of the State of Kansas. *Per curiam*: As it appears, after hearing argument, that there is no properly presented federal question, the motion of the appellants to reinstate the case for further consideration is denied and the appeal is dismissed. *Clarke v. McDade*, 165 U. S. 168, 172; *Chesapeake & Ohio Ry. Co. v. McDonald*, 214 U. S. 191, 193; *Hiawasse Power Co. v. Carolina-Tenn. Co.*, 252 U. S. 341, 343; *Witzelberg v. City of Cincinnati*, 302 U. S. — (decided October 11, 1937).

No. 427. *Eugene Szold, appellant, v. Outlet Embroidery Supply Co., Inc.* Appeal from the Supreme Court of the State of New York. *Per curiam*: As it appears, after hearing argument, that no substantial federal question is involved, the appeal is dismissed. (1) *Dent v. West Virginia*, 129 U. S. 114, 122, 123; *Watson v. Maryland*, 218 U. S. 173, 176, 177; *Semler v. Dental Examiners*, 294 U. S. 608, 611, 612; (2) *Second Employers' Liability Cases*, 223 U. S. 1, 52; *New York Central R. R. Co. v. White*, 243 U. S. 188, 207; (3) *Liebermann v. Van De Carr*, 199 U. S. 552, 562; *Douglas v. Noble*, 261 U. S. 165, 168, 169; *Highland Farms Dairy v. Agnew*, 300 U. S. 608, 612.

The Chief Justice said:

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

No. —. In the matter of *C. L. Kagey*. Its appearing to the Court that *C. L. Kagey*, a member of the Bar of this Court, had failed to

answer or respond to five letters sent him by the Clerk of this Court under dates of October 15, 1937, November 23, 1937, December 3, 1937, December 18, 1937, and January 29, 1938, with respect to a deposit for the payment of costs in the case of *Keach v. McDonald*, No. 510, October Term, 1937; and a rule having issued February 7, 1938, directing him to show cause why he should not be disbarred from the practice of the law in this Court for conduct unbecoming a member of the Bar of this Court; and C. L. Kagey having made return to the rule, apologizing for his neglect,

It is ordered that the respondent, C. L. Kagey, be, and he is hereby, reprimanded for unjustified failure in a duty owed by him as a member of the Bar of this Court to respond to communications addressed to him by the Clerk of this Court pertaining to the business of this Court;

And it is further ordered that the rule to show cause aforesaid be, and it is hereby, discharged.

No. —, original. *Ex parte* Howard Lee, petitioner. The motion for leave to file a petition for writ of habeas corpus is denied without prejudice to appropriate application for review of the judgment of the Supreme Court of the State of California on writ of certiorari or appeal. *Urquhart v. Brown*, 205 U. S. 179, 182, 183.

No. 687. Edson M. Walker, petitioner, *v.* The United States of America;

No. 688. John H. Drummond, petitioner, *v.* The United States of America;

No. 689. John A. Luteran, petitioner, *v.* The United States of America;

No. 690. Frank H. Adams, petitioner, *v.* The United States of America;

No. 691. Lorne E. Wells, petitioner, *v.* The United States of America;

No. 692. Joe R. Wells, Jr., petitioner, *v.* The United States of America;

No. 693. Leo B. Roach, petitioner, *v.* The United States of America;

No. 694. John T. Little, petitioner, *v.* The United States of America;

No. 695. Gilbert Stevens, petitioner, *v.* The United States of America;

No. 696. Forest C. Holman, petitioner, *v.* The United States of America;

No. 697. George Neeper, petitioner, *v.* The United States of America; and

No. 698. Frank Ditsch, petitioner, *v.* The United States of America. The motion to withhold orders denying petition for writs of

certiorari pending the filing and decision of a petition for rehearing is granted.

No. 719. Phillip John Pratt, petitioner, *v.* The United States of America. The motion to withhold order denying petition for writ of certiorari is denied.

No. 798. The Denver Union Stock Yard Company, appellant, *v.* The United States of America and Secretary of Agriculture; and

No. 801. International Ladies' Garment Workers' Union, etc., et al., appellants, *v.* Donnelly Garment Company et al. In these cases probable jurisdiction is noted.

No. 746. Robert A. Taft, Executor, etc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 756. 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 granted. Mr. Justice Stone and Mr. Justice Reed took no part in the consideration or decision of this application.

No. 737. Harold D. Klipstein, Trustee of Dearborn Manufacturing Corp., bankrupt, petitioner, *v.* William Davidowicz, Elmer F. Andrews, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 741. Louis H. Pink, Superintendent of Insurance of the State of New York, petitioner, *v.* S. Wallace Dempsey; and

No. 767. S. Wallace Dempsey, petitioner, *v.* Louis H. Pink, Superintendent of Insurance of the State of New York. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 742. Union Stock Yards Company, Inc., petitioner, *v.* T. G. Inghram, doing business as T. G. Inghram & Son et al. Petition for writ of certiorari to the Supreme Court of the State of Nebraska denied.

No. 747. David Rabinovitz, petitioner, *v.* Charles T. Oughton, Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 750. Reginald E. Phillips, an insane person, by the Trust Company of Chicago, his conservator, 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. 751. The Nashville, Chattanooga & St. Louis Railway, petitioner, *v.* Railway Employees' Department of the American Federation of Labor, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 754. Leo Awotin, petitioner, *v.* Daniel M. Healy, Individually and as Liquidator of the Atlas Exchange National Bank of Chicago, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 755. Jean Annett, petitioner, *v.* The New York, New Haven and Hartford Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 433. Ned R. Harman, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

ORDER

The Court will take a recess from Monday, March 14, until Monday, March 28, next.

No. —, original. State of Oklahoma, upon the relation of Howard C. Johnson, plaintiff, *v.* R. M. Cook. Return to rule to show cause presented.

No. 453. General Electric Company, petitioner, *v.* Wabash Appliance Corporation et al. Argument continued by Mr. Samuel E. Darby, Jr., for the respondent and concluded by Mr. Merrell E. Clark for the petitioner.

No. 536. Santa Cruz Fruit Packing Company, petitioner, *v.* National Labor Relations Board. Argued by Mr. J. Paul St. Sure for the petitioner and by Mr. Charles Fahy for the respondent.

No. 455. Frederick S. Deitrick, Receiver, etc., et al., petitioners, *v.* Standard Surety & Casualty Co. of New York. Argument commenced by Mr. George P. Barse for the petitioner and continued by Mr. Frederic H. Chase and by Mr. Raymond P. Baldwin for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, March 8, will be as follows: Nos. 455, 144 (and 145), 123 (and 124), 558, 633, 563, 594, 596, 608, and 581.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, and Mr. Justice Reed.

William George Gardiner, of St. Petersburg, Fla.; Herman Oliphant, of New York City; Ira C. Rothgerber, of Denver, Colo.; Gessner T. McCorvey, of Mobile, Ala.; Philip Sheridan McNally, of New York City; Fenelon Boesche, of Tulsa, Okla.; Abraham E. Freedman, of Philadelphia, Pa.; Elmer E. Metz, of Lansing, Mich.; and George C. Brown, of Grand Rapids, Mich., were admitted to practice.

No. 455. Frederick S. Deitrick, Receiver, etc., et al., petitioners, *v.* Standard Surety & Casualty Co. of New York. Argument continued by Mr. Raymond P. Baldwin for the respondent and concluded by Mr. Robert S. Goodwin for the petitioners.

No. 144. D. B. Heiner, Individually and as Former Collector of Internal Revenue, etc., petitioner, *v.* Paul Mellon et al., Executors, etc.; and

No. 145. D. B. Heiner, Individually and as Former Collector of Internal Revenue, etc., petitioner, *v.* Jennie King Mellon et al., etc. Argued by Mr. Assistant Solicitor General Bell for the petitioner and by Mr. John G. Frazer for the respondents.

No. 123. Harvey S. Adams, Receiver, etc., petitioner, *v.* Geneva M. Nagle et al.; and

No. 124. Harvey S. Adams, Receiver, etc., petitioner, *v.* J. Edwin Tobias et al. Reargument commenced by Mr. Charles E. Wainright for the petitioner and continued by Mr. Lemuel B. Scofield for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, March 9, will be as follows: Nos. 123 (and 124), 558, 633, 563, 594, 596, 608, 581, 647, and 641.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, and Mr. Justice Reed.

Michael S. McPhillips, of New York City; Raymond R. Tanner, of Winchester, Ind.; Lloyd R. Koenig, of St. Louis, Mo.; Robert M. Fenton, of Washington, D. C.; John E. Evans, Sr., of Pittsburgh, Pa.; F. Mizell Wilson, of New York City; Carol Clement Johnson, of New York City; and Orlo R. Deahl, of South Bend, Ind.; were admitted to practice.

No. 123. Harvey S. Adams, Receiver, etc., petitioner, *v.* Geneva M. Nagle et al.; and

No. 124. Harvey S. Adams, Receiver, etc., petitioner, *v.* J. Edwin Tobias et al. Reargument continued by Mr. L. B. Schofield for the respondents and concluded by Mr. George P. Barse for the petitioner.

No. 558. Edith Huggard Sharp et al., petitioners, *v.* Commissioner of Internal Revenue. Argued by Mr. William Barclay Lex for the petitioners and by Mr. A. F. Prescott for the respondent.

No. 633. Millar Brainard, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. John E. Hughes for the petitioner and by Mr. A. F. Prescott for the respondent.

No. 563. The United States of America, petitioner, *v.* L. Manuel Hendler, as Transferee of Creameries, Inc., etc. Argued by Mr. J. Louis Monarch for the petitioner and by Mr. William R. Semans and Mr. Randolph Barton, Jr., for the respondent.

No. 594. Calmar Steamship Corporation, petitioner, *v.* Charles W. Taylor. Argued by Mr. Frank A. Bull for the petitioner and by Mr. Abraham E. Freedman for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, March 10, will be as follows: Nos. 596, 608, 581, and 647.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, and Mr. Justice Reed.

John G. Ross, of Boston, Mass.; and Peter C. Luginbuhl, of Bluffton, Ohio, were admitted to practice.

No. 633. Millar Brainard, petitioner, *v.* Commissioner of Internal Revenue. Motion to dismiss submitted by Mr. John E. Hughes for the petitioner in support of the motion, and by Mr. A. F. Prescott for the respondent in opposition thereto.

No. —, original. The State of Oklahoma, upon the relation of Howard C. Johnson, Bank Commissioner, plaintiff, *v.* R. M. Cook. Motion for leave to file reply to return to rule to show cause submitted by Mr. Francis C. Brown for the plaintiff.

No. 596. John G. Ruhlin et al., petitioners, *v.* New York Life Insurance Company. Argued by Mr. Charles H. Sachs for the petitioners and by Mr. William H. Eckert for the respondent.

No. 608. Lincoln Engineering Company of Illinois, petitioner, *v.* Stewart-Warner Corporation. Argued by Mr. Leonard L. Kalish for the petitioner and by Mr. Lynn A. Williams for the respondent.

No. 581. Fred O. Morgan, doing business as Fred O. Morgan Sheep Commission Company, et al., appellants, *v.* The United States of America. Argument commenced by Mr. Frederick H. Wood for the appellants.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, March 11, will be as follows: Nos. 581 and 647.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, and Mr. Justice Reed.

James Cicero Wilson, of Bethany, Mo.; Paul A. Mueller, of Lancaster, Pa.; Myron D. Alexander, of Chicago, Ill.; Walter Hanstein, of Atlantic City, N. J.; Harry Saidman, of Washington, D. C.; George D. Sullivan, of Washington, D. C.; J. Ninian Beall, of Washington, D. C.; and Wm. B. Woods, of Cleveland, Ohio, were admitted to practice.

No. 581. Fred O. Morgan, doing business as Fred O. Morgan Sheep Commission Company et al., appellants, *v.* The United States of America et al. Argument continued by Mr. Frederick H. Wood for the appellants; by Mr. Solicitor General Jackson and Mr. Wendell Berge for the appellees; and concluded by Mr. John B. Gage for the appellants.

No. 647. Bates Manufacturing Company, petitioner, *v.* The United States of America. Argued by Mr. Charles B. Rugg for the petitioner and by Mr. Norman D. Keller for the respondent.

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

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, and Mr. Justice Reed.

Shelby Fitze, of Houston, Tex.; James Theodore Moses, of North Tonawanda, N. Y.; Alan W. Davidson, of Oakland, Calif.; William L. Beers, of New Haven, Conn.; B. P. Harrison, of Winchester, Va.; and Chester Bordeau, of New York City, were admitted to practice.

No. 499. The United States of America, petitioner, *v.* Robert K. Wurts. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment reversed and cause remanded to the District Court of the United States for the Eastern District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

The Chief Justice announced the following orders of the Court:

No. 817. Kansas Gas and Electric Company, appellant, *v.* City of McPherson, Kansas, and E. C. Crary, Mayor, et al. Appeal from the Supreme Court of the State of Kansas. *Per curiam*: The motion of the appellees to dismiss the appeal is granted and the appeal is dismissed for the want of a substantial federal question. *Springfield Gas Co. v. Springfield*, 257 U. S. 66; *Puget Sound Co. v. Seattle*, 291 U. S. 619, 624, 625.

No. 822. John Hering and Ella Hering, Individually, etc., appellants, *v.* State Board of Education of the State of New Jersey. Appeal from the Court of Errors and Appeals of the State of New Jersey. *Per curiam*: The appeal is dismissed for the want of a substantial federal question. *Hamilton v. Regents*, 293 U. S. 245, 261, 262; *Coale v. Pearson*, 290 U. S. 597; *Leoles v. Landers*, — U. S. — (decided December 13, 1937).

No. 558. Edith Huggard Sharp, Charles C. Norris, Jr., et al., petitioners, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. *Per curiam*: The judgment is reversed. *Freuler v. Helvering*, 291 U. S. 35, 43, 45; *Blair v. Commissioner*, 300 U. S. 5, 9, 10.

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 Jesse C. Duke, petitioner;

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

No. —, original. State of Oklahoma, upon the relation of Howard C. Johnson, Bank Commissioner, plaintiff, v. R. M. Cook. Leave granted plaintiff to file a reply to the return to the rule to show cause on or before Friday, March 25, next.

No. 633. Millar Brainard, petitioner, v. Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Dismissed on motion of counsel for the petitioner.

No. 313. Lone Star Gas Company, appellant, v. State of Texas et al. The motion of the appellees to dismiss is denied.

No. 827. James Dowling, petitioner, v. The Western Union Telegraph Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied.

No. 773. Aetna Insurance Company, petitioner, v. United Fruit Company;

No. 774. Union Marine & General Insurance Company, Ltd., petitioner, v. United Fruit Company; and

No. 775. Boston Insurance Company, petitioner, v. United Fruit Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 726. John G. Murphy, petitioner, v. Fred G. Zerbst, Warden, United States Penitentiary. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 740. International Manufacturers Sales Company of America, Inc., A. S. Postnikoff, Trustee, petitioner, v. The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 744. State of Washington by William H. Pemberton, Supervisor, etc., petitioner, v. Anges A. McGrath, as the executrix of the estate of William A. McGrath, Deceased. Petition for writ of certiorari to the Supreme Court of the State of Washington denied.

No. 752. Atlantic Coast Line Railroad Company, petitioner, *v.* Thomas M. Batton. Petition for writ of certiorari to the Supreme Court of the State of North Carolina denied.

No. 758. Alphonse Capone, 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. 759. Leon Richard Smith, etc., et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 763. London & Provincial Marine & General Insurance Company, Ltd., petitioner, *v.* Kentucky Macaroni Company; and

No. 764. Royal Insurance Company, Ltd., petitioner, *v.* Kentucky Macaroni Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 765. Salt Lake County, petitioner, *v.* Utah Copper Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 766. Milton A. Stein, Trustee in Bankruptcy, etc., petitioner, *v.* Morris Leibowitt, Bankrupt and Prudential Insurance Company of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 776. Ella Pickett, petitioner, *v.* Louis G. Trixler, Receiver, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 793. Marshall County Bank, petitioner, *v.* Mary K. Crowther. Petition for writ of certiorari to the Supreme Court of Appeals of the State of West Virginia denied.

No. 794. St. Paul Fire & Marine Insurance Company, petitioner, *v.* Kaufman Compress Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 795. American Concrete Expansion Joint Company et al., petitioners, *v.* Highway Appliances Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 804. George P. Livermore, petitioner, *v.* Mandeville & Thompson, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 819. Robert Gage and William Elliott, as Receivers, etc., petitioners, *v.* Roy E. Leonard, as Receiver, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 13. United Gas Public Service Company, appellant, *v.* State of Texas, Mrs. Miriam A. Ferguson, Former Governor of Texas, et al. It is ordered that the opinion in this cause be amended by striking out the period after the words "and return" in line 3, on page 14, and inserting the words "for the period to which the evidence before the Court appropriately related and not simply for the years 1932 and 1933."

The petition for rehearing is denied.

No. 161. South Carolina State Highway Department et al., appellants, *v.* Barnwell Brothers, Inc., et al. It is ordered that the opinion in this cause be amended by substituting for the words "But as the district court held," in the last sentence of the last full paragraph on page 4 of the opinion, the following words: "But appellees do not challenge here the ruling of the district court that."

The petition for rehearing is denied.

No. 712. Wabash Appliance Corporation et al., petitioners, *v.* General Electric Company;

No. 469. Laura G. Foster, as Executrix, etc., petitioner, *v.* Commissioner of Internal Revenue;

No. 674. The Schriber-Schroth Company, petitioner, *v.* The Cleveland Trust Company, Chrysler Corporation;

No. 675. The Aberdeen Motor Supply Company, petitioner, *v.* The Cleveland Trust Company, Chrysler Corporation; and

No. 676. The F. E. Rowe Sales Company, petitioner, *v.* The Cleveland Trust Company, Chrysler Corporation. Petitions for rehearing denied.

ORDER

In view of pending legislation General Order No. LIII in Bankruptcy is hereby suspended until further order of the Court.

No. —, original. *Ex parte* Albert R. House, petitioner. Return to the rule to show cause presented.

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

The day call for Monday, March 28, will be as follows: Nos. 313, 566, 680, 514 (and 530), 638, 641, 645, 668, 707, and 699.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, and Mr. Justice Reed.

A. J. Stevenson, of Indianapolis, Ind.; Ralph M. Carson, of New York City; G. Campbell Becket, of Salisbury, Conn.; Fred S. Weitzner, of New York City; Henry Lichtig, of New York City; John Basil Preston, of Springfield, Tenn.; Wm. L. Holloway, of San Francisco, Calif.; John A. Sullivan, of New York City; Harold W. Conroy, of New York City; Guy Knupp, of Los Angeles, Calif.; Warner W. Gardner, of New York City; and Allen W. Dulles, of New York City, were admitted to practice.

No. 435. New York Rapid Transit Corporation, appellant, *v.* The City of New York; and

No. 436. Brooklyn and Queens Transit Corporation, appellant, *v.* The City of New York. Appeals from the Supreme Court of the State of New York. Judgments affirmed with costs. Opinion by Mr. Justice Reed. Mr. Justice Cardozo took no part in the consideration or decision of these cases.

No. 563. The United States of America, petitioner, *v.* L. Manuel Hendler, as Transferee of Creameries, Inc., etc. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment reversed and case remanded to the District Court of the United States for the District of Maryland for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

No. 647. Bates Manufacturing Company, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Judgment reversed 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 Black. Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

No. 123. Harvey S. Adams, Receiver, Penn National Bank and Trust Company of Reading, Pennsylvania, petitioner, *v.* Geneva M. Nagle, Ralph S. Hill, et al.; and

No. 124. Harvey S. Adams, Receiver, Reading National Bank and Trust Company of Reading, Pennsylvania, petitioner, *v.* J. Edwin Tobias, Ralph S. Hill, et al. On writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Decrees reversed with costs and cases remanded to the District Court of the United States for the Eastern District of Pennsylvania with instructions to dismiss the bills of complaint. Opinion by Mr. Justice Roberts. Mr. Justice Cardozo took no part in the consideration or decision of this case.

No. 608. Lincoln Engineering Company of Illinois, petitioner, *v.* Stewart-Warner Corporation. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Decree reversed with costs and cause remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts. The Chief Justice and Mr. Justice Cardozo took no part in the consideration or decision of this case.

No. 511. The New Negro Alliance et al., petitioners, *v.* Sanitary Grocery Co., Inc. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Decree reversed with costs and cause remanded to the District Court of the United States for the District of Columbia for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts. Mr. Justice Cardozo took no part in the consideration or decision of this case. Dissenting opinion by Mr. Justice McReynolds in which Mr. Justice Butler joins.

No. 301. Guaranty Trust Company of New York, Executor, Estate of Lamar L. Fleming, deceased, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Stone. Dissenting: Mr. Justice McReynolds and Mr. Justice Roberts. Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

No. 487. The United States of America, petitioner, *v.* James E. O'Donnell et al. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed and cause remanded to the District Court of the United States for the Northern District of California for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone. Mr.

Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

No. 594. Calmar Steamship Corporation, petitioner, *v.* Charles W. Taylor. 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, and without prejudice to any later suit by respondent to recover maintenance and cure to which he may then be entitled. Opinion by Mr. Justice Stone. Dissenting: Mr. Justice Black. Mr. Justice Cardozo took no part in the consideration or decision of this case.

No. 455. Frederick S. Deitrick, Receiver of the Boston-Continental National Bank, et al., petitioners, *v.* Standard Surety & Casualty Co. of New York. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the District of Massachusetts. Opinion by Mr. Justice McReynolds. Mr. Justice Cardozo took no part in the consideration or decision of this case. Dissenting opinion by Mr. Justice Black in which Mr. Justice Reed concurs.

No. 519. State Farm Mutual Automobile Insurance Company, petitioner, *v.* James D. Coughran. 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 with instructions to enter judgment for the Insurance Company. Opinion by Mr. Justice McReynolds. Mr. Justice Cardozo took no part in the consideration or decision of this case.

No. 636. Electric Bond and Share Company et al., petitioners, *v.* Securities and Exchange Commission et al. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree affirmed and cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Chief Justice Hughes. Dissenting Mr. Justice McReynolds. Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration and decision of this case.

No. 391. Alma Lovell, appellant, *v.* The City of Griffin. Appeal from the Court of Appeals of the State of Georgia. 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. Chief Justice Hughes. Mr. Justice Cardozo took no part in the consideration and decision of this case.

No. 536. Santa Cruz Fruit Packing Company, petitioner, *v.* National Labor Relations Board. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Chief Justice Hughes. Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration and decision of this case. Dissenting opinion by Mr. Justice Butler in which Mr. Justice McReynolds concurs.

The Chief Justice announced the following order of the Court:

No. 840. Edgar Brothers Company, appellant, *v.* State Revenue Commission of Georgia et al. Appeal from the Supreme Court of the State of Georgia. *Per curiam*: The motion of the appellees to dismiss the appeal is granted and the appeal is dismissed for the want of a final judgment. *California National Bank v. Stateler*, 171 U. S. 447, 449; *Haseltine v. Central Bank of Springfield* (No. 1), 183 U. S. 130, 131; *Bruce v. Tobin*, 245 U. S. 18; *Mississippi Central R. Co. v. Smith*, 295 U. S. 718.

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. 857. James Martin Kirkpatrick, petitioner, *v.* E. H. Hardt. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. *Per curiam*: The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds that the application for writ of certiorari was not made within the time provided by law. Act of February 13, 1925, sec. 8 (a) (43 Stat. 936, 940). *Finn v. Railroad Commission*, 286 U. S. 559; *Cresswell & c. v. Tillinghast*, 286 U. S. 560. The petition for writ of certiorari is therefore also denied.

No. —, original, State of Oklahoma upon the relation of Howard C. Johnson, Bank Commissioner, plaintiff, *v.* R. M. Cook. This case is set for argument on the rule to show cause why leave to file the complaint should not be granted and assigned for Monday, April 25, next.

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

No. —. The Silvershirt Legion of America, Inc., et al., petitioners, *v.* The Committee on Education and Labor of the United States

Senate et al. The application for preliminary injunction pending application for writ of certiorari is denied.

No. 847. Allen Pope, petitioner, *v.* The United States. The motion to remand to the Court of Claims for further findings is denied.

No. 847. Allen Pope, petitioner, *v.* The United States. On petition for writ of certiorari to the Court of Claims;

No. 853. E. R. Lindsey and Elbert B. Lindsey, petitioners, *v.* State of Washington. On petition for writ of certiorari to the Supreme Court of the State of Washington; and

No. 875. Thomas Jordon, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia. The motions for leave to proceed further herein *in forma pauperis* are denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which writs of certiorari should be issued. The petitions for writs of certiorari are therefore also denied.

No. 796. Rolla W. Coleman, W. A. Barron, et al., petitioners, *v.* Clarence W. Miller, as Secretary, etc., et al. Petition for writ of certiorari to the Supreme Court of the State of Kansas granted.

No. 802. Great Northern Railway Company and George Pappas, petitioners, *v.* George Leonidas. Petition for writ of certiorari to the Supreme Court of the State of Montana granted.

No. 811. Guaranty Trust Company of New York, Executor, etc., petitioner, *v.* Commonwealth of Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia granted.

No. 814. George E. Valli, Angelo Bacchi, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 782. Fred G. Zerbst, Warden, etc., petitioner, *v.* Sherman Kidwell;

No. 783. Fred G. Zerbst, Warden, etc., petitioner, *v.* Dewey Smith;

No. 784. Fred G. Zerbst, Warden, etc., petitioner, *v.* Allen Collins;

No. 785. Fred G. Zerbst, Warden, etc., petitioner, *v.* Walter Owens;

No. 786. Fred G. Zerbst, Warden, etc., petitioner, *v.* Frank Peel;

No. 787. Fred G. Zerbst, Warden, etc., petitioner, *v.* Bennie Jones;

No. 788. Fred G. Zerbst, Warden, etc., petitioner, *v.* Henry Stone;

No. 789. Fred G. Zerbst, Warden, etc., petitioner, *v.* Jeffie D. Sullivan; Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted. Mr. Justice Reed took no part in the consideration or decision of this application.

No. 678. People of the State of New York ex rel. Paul Kurzynski,

petitioner, *v.* William Hunt, as Warden, etc. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 797. Bankers Life Company, petitioner, *v.* City of Littlefield, Texas, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 800. Century Productions, Inc., Samuel Cummins, et al., petitioners, *v.* Frederick Beck Patterson. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 803. Mechanical Manufacturing Company, petitioner, *v.* Mac-Andrews & Forbes Company. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 807. Wellborn Clark Phillips, petitioner, *v.* Tarrier Company of Delaware. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 808. Missouri Broadcasting Corporation, petitioner, *v.* Federal Communications Commission et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 806. Royal Insurance Company, Ltd., petitioner, *v.* Robert A. Smith. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 809. Joseph D. McGoldrick, Comptroller of the City of New York, petitioner, *v.* The National Cash Register Company; and

No. 810. Joseph D. McGoldrick, Comptroller of the City of New York, petitioner, *v.* West Publishing Company. Petitions for writs of certiorari to the Supreme Court of the State of New York denied.

No. 812. Mercantile-Commerce Bank and Trust Company et al., petitioners, *v.* The Department of Financial Institutions of the State of Indiana et al.; and

No. 813. Mercantile-Commerce Bank and Trust Company et al., petitioners, *v.* The Department of Financial Institutions of the State of Indiana et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 816. Terminal Railroad Association of St. Louis, petitioner, *v.* Anthony Mrazek. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 830. Roger Touhy, petitioner, *v.* Joseph E. Ragen, Warden, Statesville Penitentiary. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 836. The East Ohio Gas Company, petitioner, *v.* City of Cleveland. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 790. Charles Paridy, petitioner, *v.* Caterpillar Tractor Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied. Mr. Justice Butler took no part in the consideration or decision of this application.

No. 599. Selden R. Glenn, Individually and as Collector, etc., petitioner, *v.* C. H. Smith. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied. Mr. Justice Reed took no part in the consideration or decision of this application.

No. 434. October Term, 1936. Mrs. Inez Abel and Louise Abel, petitioners, *v.* Ed Kennedy and Illinois Central Railroad Company;

No. 635. Henry T. Clarke, Trustee, petitioner, *v.* Chicago, Burlington & Quincy Railroad Co.;

No. 687. Edson M. Walker, petitioner, *v.* The United States of America;

No. 688. John H. Drummond, petitioner, *v.* The United States of America;

No. 689. John A. Luteran, petitioner, *v.* The United States of America;

No. 690. Frank H. Adams, petitioner, *v.* The United States of America;

No. 691. Lorne E. Wells, petitioner, *v.* The United States of America;

No. 692. Joe R. Wells, Jr., petitioner, *v.* The United States of America;

No. 693. Leo B. Roach, petitioner, *v.* The United States of America;

No. 694. John T. Little, petitioner, *v.* The United States of America;

No. 695. Gilbert Stevens, petitioner, *v.* The United States of America;

No. 696. Forest C. Holman, petitioner, *v.* The United States of America;

No. 697. George Neeper, petitioner, *v.* The United States of America;

No. 698. Frank Ditsch, petitioner, *v.* The United States of America;

No. 791. George T. Simpson et al., petitioners, *v.* John A. Dyer et al. Petitions for rehearing denied.

No. —, original. Ex parte Mike J. Lindway, petitioner. Motion for leave to file petition for writ of habeas corpus submitted by Mr. Morris H. Wolf for the petitioner.

No. 566. Guaranty Trust Company of New York, petitioner, *v.* The United States of America. Motion for leave to file brief of the Association of American Creditors of Russia as *amicus curiae* submitted by Mr. Allen W. Dulles in that behalf and the motion denied.

No. —, original. Ex parte Hiram Steelman, Trustee, etc., petitioner. Motion for leave to file petition for writ of mandamus submitted by Mr. Wm. Elmer Brown, Jr., for the petitioner.

No. —, original. Ex parte Arthur Dean Richmond, petitioner. Motion for leave to file petition for writ of certiorari submitted by Mr. Elmer McClain, Mr. William Lemke, and Mr. Samuel E. Cook for the petitioner.

No. 16, original. State of Missouri, complainant, *v.* State of Iowa Answer of the defendant presented.

No. 841. Elizabeth E. Massey, petitioner, *v.* Farmers & Merchants National Bank & Trust Company of Winchester, Virginia, et al.; and

No. 842. Elizabeth E. Massey, petitioner, *v.* Farmers & Merchants National Bank & Trust Company of Winchester, Virginia, et al. On petition for writs of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Dismissed on motion of counsel for the petitioner.

No. 313. Lone Star Gas Company, appellant, *v.* State of Texas, The Railroad Commission of Texas, et al. Three hours allowed for oral argument. Argument commenced by Mr. Charles L. Black for the appellant; continued by Mr. Alfred M. Scott and Mr. Edward H. Lange for the appellee; and concluded by Mr. Marshall Newcomb for the appellant. Leave granted appellees to file additional brief within five days.

No. 566. Guaranty Trust Company of New York, petitioner, *v.* The United States of America. Three hours allowed for oral argument. Argument commenced by Mr. John W. Davis for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, March 29, will be as follows: Nos. 566, 680, 514 (and 530), 638, 641, 645, 663, 707, 699, and 705.

SUPREME COURT OF THE UNITED STATES

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

Jas. H. Beall, Jr., of Sweetwater, Tex.; Robert W. Newlon, of Columbus, Ohio; Joseph J. Smith, Jr., of Meridian, Miss.; Harry L. Meyers, of Detroit, Mich.; Albert Stump, of Indianapolis, Ind.; J. Thos. Ward, of West College Corner, Ind.; Russell L. Snodgrass, of New York City; Arthur Klein, of New Haven, Conn.; Wm. G. Maupin, of Norfolk, Va.; Gilbert R. Johnson, of Cleveland, Ohio; William Edward Rhea, of St. Louis, Mo.; Norman A. Deveney, of Washington, D. C.; Jerome G. Kaufman, of Washington, D. C.; and Warrack Wallace, of Indianapolis, Ind., were admitted to practice.

No. 566. Guaranty Trust Company of New York, petitioner, *v.* The United States of America. Argument continued by Mr. John W. Davis for the petitioner; by Mr. Assistant Attorney General Whitaker for the respondent; and concluded by Mr. John W. Davis for the petitioner. Leave granted petitioner to file additional brief within five days.

No. 680. Joe Hale, petitioner, *v.* Commonwealth of Kentucky. Argued by Mr. Charles R. Houston and Mr. Leon A. Ransom for the petitioner and by Mr. A. E. Funk for the respondent.

No. 514. The United States of America and Interstate Commerce Commission, appellants, *v.* Pan American Petroleum Corporation et al.; and

No. 530. The United States of America and Interstate Commerce Commission, appellants, *v.* Humble Oil & Refining Company et al. Argument commenced by Mr. Daniel W. Knowlton for the appellants.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, March 30, will be as follows: Nos. 514 (and 530), 638, 641, 645, 668, 707, 699, 705, 709 (and 710), and 706.

SUPREME COURT OF THE UNITED STATES

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

Richard G. Radue, of Washington, D. C.; Truman R. Young, of San Francisco, Calif.; Allen Preweitt, of Frankfort, Ky.; and W. J. Brennan, of Sistersville, W. Va., were admitted to practice.

No. 514. The United States of America and Interstate Commerce Commission, appellants, *v.* Pan American Petroleum Corporation et al.; and

No. 530. The United States of America and Interstate Commerce Commission, appellants, *v.* Humble Oil & Refining Company et al. Argument continued by Mr. Daniel W. Knowlton for the appellants; by Mr. John S. Burchmore and Mr. Luther M. Walter for the appellees; and concluded by Mr. Daniel W. Knowlton for the appellants.

No. 638. Baltimore and Ohio Railroad Company et al., appellants, *v.* The United States of America et al. Argued by Mr. Leo P. Day for the appellants; by Mr. J. Stanley Payne for the appellees, United States and Interstate Commerce Commission; and by Mr. J. V. Norman for appellee, Alabama Iron and Steel Shippers Conference; and case submitted by Mr. William H. Swiggart, Mr. Charles Clark and Mr. Elmer A. Smith for appellees, Cincinnati, New Orleans & Texas Pacific Railway Co. et al.

No. 641. J. D. Adams Manufacturing Company, appellant, *v.* William Storen, as Chief Administrative Officer of the Department of Treasury for the State of Indiana. Argument commenced by Mr. Frederick E. Matson for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, March 31, will be as follows: Nos. 641, 645, 668, 707, 699, 705, 709 (and 710), 706, 640, 715 (and 716).

SUPREME COURT OF THE UNITED STATES

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

Roy A. Rogers, of San Francisco, Calif.; Leo W. Cunningham, of Washington, D. C.; Bertie E. Tubaugh, of Falls Church, Va.; Roy L. Burge, of Washington, D. C.; Louis W. Myers, of Los Angeles, Calif.; Homer I. Mitchell, of Los Angeles, Calif.; Ralph Pierce, of West Falls Church, Va.; Arthur K. McMahan, of Albany, Oreg.; Austin F. Flegel, Jr., of Portland, Oreg.; George G. Sadowski, of Detroit, Mich.; Arthur A. Koscinski, of Detroit, Mich.; Anthony A. McCarthy, of Dayton, Ohio; Roy Leslie Henry, of Ironton, Ohio; Frank S. Ginocchio, of Lexington, Ky.; and William Jacob Schoonover, of Pochontas, Ark., were admitted to practice.

No. 641. *J. D. Adams Manufacturing Company, appellant, v. William Storen, as Chief Administrative Officer of the Department of Treasury of the State of Indiana.* Argument continued by Mr. Frederick E. Matson and Mr. Harry T. Ice for the appellant; by Mr. A. J. Stevenson for the appellees; and concluded by Mr. Joseph P. McNamara for the appellees.

No. 645. *Arkansas Louisiana Gas Company, appellant, v. Department of Public Utilities, Thomas Fitzhugh, et al.* Argued by Mr. H. C. Walker, Jr., for the appellant and by Mr. Thomas Fitzhugh and Mr. John E. Benton for the appellees.

No. 668. *The United States, petitioner, v. Shoshone Tribe of Indians of the Wind River Reservation in Wyoming.* Four hours allowed for oral argument. Argument commenced by Mr. Assistant Attorney General McFarland for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, April 1, will be as follows: Nos. 668, 707, 699, 705, 709 (and 710), 706, 640, 715 (and 716), 723, and 757 (and 772).

SUPREME COURT OF THE UNITED STATES

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

William R. Lupton, of Lockport, N. Y.; W. Coburn Cook, of Markleeville, Calif.; John Wendell Beveridge, of Borger, Tex.; Abraham Chasanow, of Washington, D. C.; Robert Roberts, Jr., of Shreveport, La.; Albert E. Conradis, of Washington, D. C.; and John W. Cragun, of Washington, D. C., were admitted to practice.

No. 608. Lincoln Engineering Company of Illinois, petitioner, *v.* Stewart-Warner Corporation. Motion that the mandate issue forthwith and in the alternative to suspend the injunction or for leave to apply to the District Court to suspend the injunction submitted by Mr. Leonard L. Kalish for the petitioner.

No. 668. The United States, petitioner, *v.* Shoshone Tribe of Indians of the Wind River Reservation in Wyoming. Argument continued by Mr. Assistant Attorney General McFarland for the petitioner; by Mr. George M. Tunison for the respondent; and concluded by Mr. Albert W. Jefferis for the respondent.

No. 707. The United States, appellant, *v.* The Klamath and Moadoc Tribes and Yahooskin Band of Snake Indians. Argument commenced by Mr. Assistant Attorney General McFarland for the appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 4, will be Nos. 707, 699, 705, 709 (and 710), 706, 640, 715 (and 716), 723, 757 (and 772), and 760.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, and Mr. Justice Reed.

John Dale McNamar, of Newark, Ohio; Ransom L. Arnold, of Wichita, Kans.; Norman Hamilton, of Dallas, Tex.; Richard F. Bailey, of Los Angeles, Calif.; Luther C. Martin, of Omaha, Neb.; Cushman B. Bissell, of Chicago, Ill.; Elwin A. Andrus, of Milwaukee, Wis.; and Arthur S. Lytton, of Chicago, Ill., were admitted to practice.

No. 458. Milton Coverdale, Sheriff and Ex-officio Tax Collector, appellant, *v.* Arkansas-Louisiana Pipe Line Company. Appeal from the District Court of the United States for the Western District of Louisiana. 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 Reed. Dissenting: Mr. Justice McReynolds. Mr. Justice Cardozo took no part in the consideration or decision of this case.

No. 502. John N. Shannahan and Claude J. Jackson, as Trustees etc., et al., appellants, *v.* The United States of America and Interstate Commerce Commission. Appeal from the District Court of the United States for the North District of Indiana. Judgment affirmed. Opinion by Mr. Justice Brandeis. Mr. Justice Cardozo took no part in the consideration or decision of this case.

The Chief Justice announced the following orders of the Court:

No. 871. William Heller, appellant, *v.* The State of Connecticut. Appeal from the Supreme Court of Errors of the State of Connecticut. *Per curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Mugler v. Kansas*, 123 U. S. 623, 668-669; *Reduction Company v. Sanitary Works*, 199 U. S. 306, 324-325; *Hudson Water Co. v. McCarter*, 209 U. S. 349, 356; *Perley v. North Carolina*, 249 U. S. 510; *Euclid v. Ambler Realty Co.*, 272 U. S. 365, 388, 389; *West Brothers Brick Co. v. City of Alexandria*, — U. S. — (decided December 20, 1937).

No. 892. W. S. Allbritton et al., appellants, *v.* City of Winona, Mississippi. Appeal from the Supreme Court of the State of Mis-

Mississippi. *Per curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Jones v. Portland*, 245 U. S. 217; *Green v. Frazier*, 253 U. S. 233; *Milheim v. Moffat Tunnel Dist.*, 262 U. S. 710, 717; *Carmichael v. Southern Coal Co.*, 301 U. S. 495, 514, 515.

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* Mike J. Lindway, 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. 17, original. *Ex parte* Arthur Dean Richmond, petitioner. The motion for leave to file petition for writ of certiorari is granted. The petition for writ of certiorari is denied.

No. 16, original. State of Missouri, complainant, *v.* State of Iowa. The answer of the defendant is received and ordered filed.

No. 896. Howard Lee, petitioner, *v.* Clyde I. Plummer, Warden, etc. On petition for writ of certiorari to the Supreme Court of the State of California. 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 judgment sought to be reviewed is based upon a non-federal ground adequate to support it. The petition for writ of certiorari is therefore also denied.

No. 870. R. E. Collins, John C. Corbett, et al., appellants, *v.* Yosemite Park and Curry Co. In this case probable jurisdiction is noted.

No. 870. R. E. Collins, John C. Corbett, et al., appellants, *v.* Yosemite Park and Curry Co. Upon consideration of the appellants' statement as to jurisdiction and the record of this cause, and in view of the Act of August 24, 1937 (50 Stat. 751), the Court hereby certifies to the Attorney General of the United States that the constitutionality of Sec. 1 of the Act of Congress of June 11, 1906 (34 Stat. 831), and Sec. 1 of the Act of Congress of June 2, 1920 (41 Stat. 731), is drawn in question in this cause.

No. 888. Earle S. Welch, appellant, *v.* Robert K. Henry et al. In this case probable jurisdiction is noted. The motion to dismiss is denied.

No. 815. The United States of America, petitioner, *v.* One 1936 Model Ford, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit granted. Mr. Jus-

tice Butler and Mr. Justice Stone took no part in the consideration or decision of this application.

No. 838. The Atlantic Refining Company, petitioner, *v.* Florence Smith et al. 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 or decision of this application.

No. 818. John G. Doherty, 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. 820. Brooklyn Trust Company, petitioner, *v.* Sherman Square Apartments, Inc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 821. Isadore Walter Wolk, 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. 823. O. A. LaBudde, Collector of Internal Revenue, etc., petitioner, *v.* Cudahy Brothers Co. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 824. Ralph E. Williams, Trustee in Bankruptcy, etc., petitioner, *v.* The Corden Corporation et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 825. Fort Pitt Bridge Works, 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. 826. Michael Pavlovich Kosolapoff, petitioner, *v.* Petrogradsky Mejdunarodny Kommerchesky Bank. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 828. Golding Brothers Co., Inc., petitioner, *v.* Frederic G. Dumaine et al., Trustees. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 833. Boston Machine Works Company, petitioner, *v.* Prime Manufacturing Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 837. Geraldine S. Roberts et al., petitioners, *v.* Metropolitan Life Insurance Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 843. Harry Cohen, petitioner, *v.* State of Maryland. Petition for writ of certiorari to the Court of Appeals of the State of Maryland denied.

No. 844. Robert Jacob, Inc., petitioner, *v.* Emely Gunnarson, as Administratrix, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 845. The United States, petitioner, *v.* Wharton Green & Company, Inc. Petition for writ of certiorari to the Court of Claims denied.

No. 856. Quick Action Ignition Company, petitioner, *v.* Briggs & Stratton Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 873. Burke Grain Company, petitioner, *v.* Saint Paul Mercury-Indemnity Company of St. Paul. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 876. Smith Hood, Successor Receiver, etc., petitioner, *v.* Howard Hardesty, Receiver, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 406. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Thomas A. O'Donnell;

No. 446. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Elbe Oil Land Development Company; and

No. 753. John E. Groves and Mary E. Stanton, appellants, *v.* Board of Education of the City of Chicago. Petitions for rehearing denied.

ORDER

The Court will take a recess from Monday, April 11, until Monday, April 25, next.

No. 9, original. The State of Nebraska, complainant, *v.* The State of Wyoming and the State of Colorado. Motion of the United States for leave to intervene submitted by Mr. Solicitor General Jackson for the United States with leave to the parties to respond within three weeks.

No. —, original. State of California, complainant, *v.* Murray W. Latimer et al. Motion for leave to file Bill of Complaint submitted by Mr. Roger J. Traynor in behalf of counsel for the complainant.

No. 707. The United States, appellant, *v.* The Klamath and Moadoc Tribes and Yahooskin Band of Snake Indians. Argument continued by Mr. G. Carroll Todd for the respondents and con-

cluded by Mr. Assistant Attorney General McFarland for the appellant.

No. 699. John A. Johnson, petitioner, *v.* Fred G. Zerbst, Warden, etc. Argued by Mr. Elbert P. Tuttle for the petitioner and by Mr. Bates Booth for the respondent.

No. 705. Petroleum Exploration, Inc., appellant, *v.* Public Service Commission of Kentucky et al. Argument commenced by Mr. W. J. Brennan for the appellant and continued by Mr. J W Jones for the appellees.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, April 5, will be as follows: Nos. 705, 709 (and 710), 706, 640, 715 (and 716), 757 (and 772), 760, 779, (780 and 781), 723, and 746.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, and Mr. Justice Reed.

Walter L. Clements, of South Bend, Ind.; Kenneth W. Hill, of Mount Clemens, Mich.; Ernest C. Richards, of Springfield, Tenn.; Virgil D. Parish, of Cincinnati, Ohio; Keith R. Ferguson, of San Francisco, Calif.; Edward J. Metzford, of Chicago, Ill.; and Max Shoop, of New York City, were admitted to practice.

No. 856. Quick Action Ignition Company, petitioner, *v.* Briggs & Stratton Corporation. Motion to withhold order denying petition for certiorari submitted by Mr. N. S. Amstutz for the petitioner.

No. 705. Petroleum Exploration, Inc., appellant, *v.* Public Service Commission of Kentucky et al. Argument continued by Mr. J. W. Jones for the appellee and concluded by Mr. W. J. Brennan for the appellant.

No. 709. Interstate Circuit, Inc., et al., appellants, *v.* The United States of America; and

No. 710. Paramount Pictures Distributing Company, Inc., et al., appellants, *v.* The United States of America. Argument commenced by Mr. George S. Wright for the appellants; continued by Mr. Solicitor General Jackson for the appellee; and concluded by Mr. Thomas D. Thacher for the appellants in No. 710.

No. 706. National Labor Relations Board, petitioner, *v.* Mackay Radio & Telegraph Company. Argument commenced by Mr. Charles Fahy for the petitioner and continued by Mr. Louis W. Myers for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, April 6, will be as follows: Nos. 706, 640, 715 (and 716), 757 (and 772), 760, 779 (780 and 781), 723, and 746.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, and Mr. Justice Reed.

William L. Standard, of New York City; Charles O. Andrews, Jr., of Orlando, Fla.; Clarence R. Kramer, of Clearfield, Pa.; Edwin T. Bean, of Buffalo, N. Y.; Richard W. Treverton, of Buffalo, N. Y.; George W. Martin, of New York City; and Florian G. Miller, of Erie, Pa., were admitted to practice.

No. —, original. *Ex parte* Hiram Steelman, petitioner. Leave granted to withdraw motion for leave to file petition for writ of mandamus on motion of counsel for the petitioner.

No. **706**. National Labor Relations Board, petitioner, *v.* Mackay Radio & Telegraph Company. Argument continued by Mr. Louis W. Myers for the respondent and concluded by Mr. Charles Fahy for the petitioner.

No. **640**. The United States of America, appellant, *v.* Carolene Products Company. Argued by Mr. Assistant Attorney General McMahon for the appellant and by Mr. George N. Murdock for the appellee.

No. **715**. James M. Wright, petitioner, *v.* Union Central Life Insurance Co.; and

No. **716**. James M. Wright, petitioner, *v.* Union Central Life Insurance Co. Argument commenced by Mr. Samuel E. Cook for the petitioner; continued by Mr. Arthur S. Lytton for the respondent; and concluded by Mr. Wm. Lemke for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, April 7, will be as follows: Nos. **757** (and **772**), **760**, **779** (**780** and **781**), and **723**.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, and Mr. Justice Reed.

C. Arthur Anderson, of Lemay, Mo.; Harold Helper, of Detroit, Mich.; Herman Cooper, of Newark, N. J.; James M. Stuart, of Milford, Conn.; and Charles M. Lerer, of Maynard, Mass., were admitted to practice.

No. 843. Harry Cohen, petitioner, *v.* State of Maryland. Motion to withhold order denying petition for writ of certiorari submitted by Mr. Harry O. Levin for the petitioner.

No. 757. The United States of America, appellant, *v.* Milo W. Bekins and Reed J. Bekins, as Trustees, etc.; and

No. 772. Lindsay-Strathmore Irrigation District, appellant, *v.* Milo W. Bekins and Reed J. Bekins, as Trustees, etc. Four hours and twenty minutes allowed for oral argument. Argument commenced by Mr. Hatton W. Summers for the Committee on the Judiciary of the House of Representatives of the United States, as *amicus curiae*, by special leave of Court; continued by Mr. Solicitor General Jackson for the appellant in No. 757; by Mr. Guy Knupp for the appellant in No. 772; by Mr. W. Coburn Cook and Mr. Charles L. Childers for the appellees; and concluded by Mr. James R. McBride for the appellant in No. 772.

No. 760. Arkansas Fuel Oil Company, appellant, *v.* State of Louisiana, *ex rel.* Hyman Muslow. Motion to dismiss submitted by Mr. John B. Files for the appellee. Argued by Mr. Robert Roberts, Jr., for the appellant and case submitted by Mr. John B. Files for the appellee.

No. 779. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Philip L. Gerhardt;

No. 780. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Billings Wilson; and

No. 781. Guy T. Helvering, Commissioner of Internal Revenue, petitioner. Three and one half hours allowed for oral argument.

Argument commenced by Mr. Assistant Solicitor General Bell for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, April 8, will be as follows: Nos. **779** (**780 and 781**), and **723**.

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SUPREME COURT OF THE UNITED STATES

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

South Trimble, Jr., of Washington, D. C.; Walter C. Hendrix, of Atlanta, Ga.; Henry Mannix, of New York City; Geo. C. Magee, Jr., of Fort Worth, Tex.; Clyde T. Ellis, of Bentonville, Ark.; Walter William Dalton, of Saint Louis, Mo.; O. B. Taylor, of Jackson, Miss.; Zonola May Longstreth, of New York City; and Gussie Faye Haynie, of Little Rock, Ark., were admitted to practice.

No. 779. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Philip L. Gerhardt;

No. 780. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Billings Wilson; and

No. 781. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* John J. Mulcahy. Argument continued by Mr. Assistant Solicitor General Bell for the petitioner; by Mr. Julius Henry Cohen for the respondents; and concluded by Mr. Henry Epstein for the State of New York and other states as *amici curiae*, by special leave of Court.

No. 723. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* National Grocery Company. Argument commenced by Mr. Assistant Attorney General Morris for the petitioner and continued by Mr. J. D. Carpenter, Jr., for the respondent.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 11, will be as follows: No. 723.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, and Mr. Justice Reed.

Edgar B. Kixmiller, of Chicago, Ill.; David Polmer, of New York City; Donald J. Stocking, of Butte, Mont.; Kent H. Meyers, of Cleveland, Ohio; Max Wasserman, of Jefferson City, Mo.; Norman Salit, of New York City; Milton C. Boesel, of Toledo, Ohio; Ray Franklin McMahon, of Cleveland, Ohio; David Sylvan Block, of Atlanta, Ga.; Samuel W. Gaffer, of Boston, Mass.; and George J. Freedman, of Boston, Mass., were admitted to practice.

No. 680. Joe Hale, petitioner, *v.* Commonwealth of Kentucky. On writ of certiorari to the Court of Appeals of the Commonwealth of Kentucky. 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, *per curiam*, announced by Mr. Chief Justice Hughes. Mr. Justice Cardozo took no part in the consideration and decision of this case.

The Chief Justice announced the following order of the Court:
 No. 805. State of Indiana, on the relation of Myrtle Hamilton Valentine, petitioner, *v.* James F. Marker, Trustee, etc. On petition for writ of certiorari to the Supreme Court of the State of Indiana. *Per curiam*: The petition for writ of certiorari is granted and the judgment is reversed upon the authority of *Indiana ex rel. Anderson v. Brand*, Trustee, 303 U. S. — (decided January 31, 1938). Mr. Justice Black dissents.

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 California, complainant, *v.* Murray W. Latimer et al. A rule is ordered to issue requiring the defendants to show cause on or before April 25, next, why leave to file the bill of complaint herein should not be granted.

No. —. Frank J. Palka, petitioner, *v.* Ralph H. Walker, Warden. The application for stay of execution pending filing of petition for writ of certiorari is denied.

No. 843. Harry Cohen, petitioner, *v.* State of Maryland; and

No. 856. Quick Action Ignition Company, petitioner, *v.* Briggs & Stratton Corporation. The motions to withhold orders denying petitions for writs of certiorari are denied.

No. 860. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Robert C. Winmill. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 864. Lowe Brothers 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 granted.

No. 882. Marion H. Allen, Collector of Internal Revenue for the District of Georgia, petitioner, *v.* Regents of the University System of Georgia. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 902. Albert Benjamin Chandler, Individually, etc., et al., petitioners, *v.* James W. Wise and Ray B. Moss. Petition for writ of certiorari to the Court of Appeals of the Commonwealth of Kentucky granted and case assigned for argument immediately following No. 796.

No. 846. Standard Marine Insurance Company, Limited, petitioner, *v.* Westchester Fire Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. Mr. Justice Stone took no part in the consideration or decision of this application.

No. 849. American Snuff Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied. Mr. Justice Stone took no part in the consideration or decision of this application.

No. 831. Rafael Sancho Bonet, Treasurer of Puerto Rico, petitioner, *v.* Pedro Acevedo Quiles. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 832. Rafael Sancho Bonet, Treasurer of Puerto Rico, petitioner, *v.* Valiente & Co. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 834. Ernest DiSanto, 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. 835. M. McDonough Co., petitioner, *v.* Waldorf System, Incorporated. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 839. Elizabeth H. Sterling, 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. 851. Paul Grunwald, Michael Lux, et al., petitioners, *v.* The United States of America; and

No. 852. Reuben Lubitzky, 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. 854. The United States of America, petitioner, *v.* Lee Moor. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 855. Francis E. Townsend, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 862. Sarah M. Wyman, petitioner, *v.* Edgar L. Newhouse, Jr. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 867. The Brown-Crummer Investment Company, Trustee, petitioner, *v.* City of Hamlin, Texas, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 868. Eli J. Blair, petitioner, *v.* T. W. Warner Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 660. August H. Moran, Receiver of Wardman Corporation, Inc., petitioner, *v.* The United States; and

No. 853. E. R. Lindsey and Elbert B. Lindsey, petitioners, *v.* State of Washington. Petitions for rehearing denied.

No. 723. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* National Grocery Company. Argument concluded by Mr. James D. Carpenter, Jr. for the respondent.

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

The day call for Monday, April 25, will be as follows: Nos. 746, 756, 761, 773 (774 and 775), 782 (783, 784, 785, 786, 787, 788, and 789), 798, 801, 870, 919, and 882.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, and Mr. Justice Reed.

Bert Ford, of Austin, Tex.; Paul S. Hirt, of Mount Clemens, Mich.; Meyer D. Siegel, of New York City; Clive Lester Wright, of Jamestown, N. Y.; Richard P. Shanahan, of Chicago, Ill.; Walter H. Beck, of Fort Worth, Tex.; Louis Josephs, of Texarkana, Ark.; Roy C. Frank, of LeCenter, Minn.; Robert James Ingraham, of Kansas City, Mo.; Kathryn Gwinn Dixon, of Washington, D. C.; Harry R. Cooper, of Belmar, N. J.; John E. C. Mauro, of Saint George, N. Y.; Maxwell Shapiro, of New York City; Victor S. Kilkenny, of West New York, N. J.; Raymond J. Otis, of West New York, N. J.; M. Louise Rutherford, of Philadelphia, Pa.; S. Elizabeth Holmes, of Philadelphia, Pa.; F. Ansel Worley, of Walhalla, S. C.; Moses Polakoff, of New York City; Raymond Spencer Sifdol, of Washington, D. C.; Stirling Truman Phelps, Jr., of Laredo, Tex.; John H. Mitchell, of Des Moines, Iowa; Grover B. Higgins, of Cleveland, Ohio; Horace Chapman Rose, of Cleveland, Ohio; Don W. Burington, of Des Moines, Iowa; Leroy E. Miller, of East Saint Louis, Ill.; Houston E. Hill, of Oklahoma City, Okla.; and John H. More, of Cincinnati, Ohio, were admitted to practice.

No. 514. The United States of America and Interstate Commerce Commission, appellants, *v.* Pan American Petroleum Corporation et al. Appeal from the District Court of the United States for the Eastern District of Louisiana; and

No. 530. The United States of America and Interstate Commerce Commission, appellants, *v.* Humble Oil & Refining Company et al. Appeal from the District Court of the United States for the Southern District of Texas. Decrees reversed and cases remanded to the said District Courts for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts. Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of these cases.

No. 566. Guaranty Trust Company of New York, 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 said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone. Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

No. 640. The United States of America, appellant, *v.* Carolene Products Company. Appeal from the District Court of the United States for the Southern District of Illinois. Judgment reversed and cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone. Mr. Justice Black concurs in the result and in all of the opinion except the part marked "Third." Opinion by Mr. Justice Butler concurring in the result. Dissenting: Mr. Justice McReynolds. Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

No. 668. The United States, petitioner, *v.* Shoshone Tribe of Indians of the Wind River Reservation in Wyoming. On writ of certiorari to the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Butler. Mr. Justice Stone and Mr. Justice Cardozo took no part in the consideration or decision of this case. Dissenting: Mr. Justice Reed.

No. 707. The United States, appellant, *v.* The Klamath and Moadoc Tribes and Yahooskin Band of Snake Indians. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Butler. Mr. Justice Stone, Mr. Justice Cardozo, and Mr. Justice Reed took no part in the consideration or decision of this case. Mr. Justice Black concurs in the result.

No. 367. Erie Railroad Company, petitioner, *v.* Harry J. Tompkins. 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 said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brandeis. Mr. Justice Cardozo took no part in the consideration or decision of this case. Concurring opinion by Mr. Justice Reed. Dissenting opinion by Mr. Justice Butler in which Mr. Justice McReynolds concurs.

No. 437. M. C. Hinderlider, as State Engineer of the State of Colorado, et al., etc., appellants, *v.* The LaPlata River and Cherry Creek Ditch Company. Appeal from the Supreme Court of the State of Colorado. Appeal dismissed, writ of certiorari granted and decree 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 Brandeis. Mr. Justice Cardozo took no part in the consideration or decision of this case.

No. 638. Baltimore & Ohio Railroad Company et al., appellants, *v.* The United States of America et al. Appeal from the District Court of the United States for the Northern District of Illinois. Decree affirmed. Opinion by Mr. Justice McReynolds. Mr. Justice Cardozo and Mr. Justice Black took no part in the consideration or decision of this case.

No. 645. Arkansas Louisiana Gas Company, appellant, *v.* Department of Public Utilities et al. Appeal from the Supreme Court of the State of Arkansas. Judgment affirmed with costs. Opinion by Mr. Justice McReynolds. Mr. Justice Cardozo took no part in the consideration or decision of this case.

No. 581. Fred O. Morgan, Doing business as Fred O. Morgan Sheep Commission Company, et al., appellants, *v.* The United States of America and the Secretary of Agriculture. Appeal from the District Court of the United States for the Western District of Missouri. Decree reversed and cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Hughes. Dissenting: Mr. Justice Black. Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration and decision of this case.

No. 757. The United States of America, appellant, *v.* Milo W. Bekins and Reed J. Bekins, as Trustees, etc., et al.; and

No. 772. Lindsay-Strathmore Irrigation District, appellant, *v.* Milo W. Bekins and Reed J. Bekins, as Trustees, etc., et al. Appeals from the District Court of the United States for the Southern District of California. Decree reversed with costs and cases remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Hughes. Dissenting: Mr. Justice McReynolds and Mr. Justice Butler. Mr. Justice Cardozo took no part in the consideration and decision of these cases.

No. 709. Interstate Circuit, Inc., Texas Consolidated Theatres, Inc., et al., appellants, *v.* The United States of America; and

No. 710. Paramount Pictures Distributing Company, Inc., et al., appellants, *v.* The United States of America. Appeals from the District Court of the United States for the Northern District of Texas. Decree set aside and cause remanded to said District Court with directions to the court to state its findings of fact and conclusions of law as required by Equity Rule 70 $\frac{1}{2}$. Opinion, *per curiam*, announced by Mr. Chief Justice Hughes. Dissenting: Mr. Justice Stone and Mr. Justice Black. Mr. Justice Cardozo took no part in the consideration and decision of these cases.

The Chief Justice announced the following orders of the Court:

No. 887. Eureka Productions, Inc., appellant, *v.* Herbert H. Lehman, as Governor of the State of New York, et al. Appeal from the District Court of the United States for the Southern District of New York. *Per curiam*: The motion of the appellees to affirm is granted and the judgment is affirmed. Mutual Film Corporation *v.* Ohio Industrial Commission, 236 U. S. 230, 240, 241; Mutual Film Corporation *v.* Kansas, 236 U. S. 248, 258.

No. 965. The Tennessee Electric Power Company, appellant, *v.* Harold L. Ickes, Administrator of the Federal Emergency Administration of Public Works. Appeal from the District Court of the United States for the District of Columbia. *Per curiam*: The motion of the appellees to affirm is granted and the decree of the District Court is affirmed. Alabama Power Co. *v.* Ickes, 302 U. S. 464; Duke Power Co. *v.* Greenwood County, 302 U. S. 485.

The Chief Justice said:

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

No. —. In Re Disbarment of John L. Lotsch. This Court, by order of February 28, 1938, having directed the issue of a rule requiring John L. Lotsch, of New York, N. Y., a member of the bar of this Court, to show cause why he should not be disbarred from the practice of the law in this Court, and John L. Lotsch having filed return to said rule; and it appearing to the Court that charges of professional misconduct had been brought against said John L. Lotsch in the Appellate Division of the Supreme Court of the State of New York for the First Judicial Department; that the referee to whom said charges were referred for the taking of proof rendered a report sustaining such charges; that while said proceeding was pending upon a motion to confirm the referee's report said John L. Lotsch consented to the entry of an order striking his name from the roll of attorneys and counselors-at-law in the State of New York without further notice to him; and that such an order was thereafter entered; now, upon consideration of the rule to show cause and the return aforesaid,

It is ordered that said John L. Lotsch be, and he is hereby, disbarred from the practice of the law in this Court under subdivision 5 of Rule 2 for conduct unbecoming a member of the bar of this Court.

No. —, original. Ex parte Victor J. Evans, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. 9, original. State of Nebraska, complainant, *v.* State of Wyoming and State of Colorado. This case is set for oral argument on the motion of the United States for leave to intervene and the objections of the several states thereto and assigned for Monday, May 2, next.

No. 511. The New Negro Alliance et al., petitioners, *v.* Sanitary Grocery Co., Inc. It is ordered that the opinion in this cause be amended (1) by striking out the last three sentences in the first full paragraph on page 5 and substituting therefor the following: "The Court of Appeals thought that the dispute was not a labor dispute within the Norris-LaGuardia Act because it did not involve terms and conditions of employment such as wages, hours, unionization or betterment of working conditions, and that the trial court, therefore, had jurisdiction to issue the injunction. We think the conclusion that the dispute was not a labor dispute within the meaning of the Act, because it did not involve terms and conditions of employment in the sense of wages, hours, unionization or betterment of working conditions is erroneous.";

(2) By striking out of the second full paragraph on page 6 the first and second sentences and so much of the third sentence as reads: "In the first place" and starting a new sentence with a capital "T";

(3) By striking out the words "In the second place" in the fourth sentence in the second full paragraph on page 6 and beginning the sentence with a capital "T".

No. 715. James M. Wright, petitioner, *v.* Union Central Life Insurance Co.; and

No. 716. James M. Wright, petitioner, *v.* Union Central Life Insurance Co. In view of the Act of August 24, 1937 (50 Stat. 751), the Court hereby certifies to the Attorney General of the United States that the constitutionality of section 75 of the Bankruptcy Act, as amended by the Act of August 28, 1935 (49 Stat. 942), is drawn in question in this cause.

No. 978. American National Bank of Portsmouth, petitioner, *v.* Kate Walker Ames et al. It is ordered that execution pursuant to the judgment of the Supreme Court of Appeals of Virginia entered in this cause be, and the same is hereby, stayed pending action upon the petition for writ of certiorari.

No. 782. Fred G. Zerbst, Warden, etc., petitioner, *v.* Sherman Kidwell;

No. 783. Fred G. Zerbst, Warden, etc., petitioner, *v.* Dewey Smith;

No. 784. Fred G. Zerbst, Warden, etc., petitioner, *v.* Allen Collins;

No. 785. Fred G. Zerbst, Warden, etc., petitioner, *v.* Walter Owens;

No. 786. Fred G. Zerbst, Warden, etc., petitioner, *v.* Frank Peel;

No. 787. Fred G. Zerbst, Warden, etc., petitioner, *v.* Bennie Jones;

No. 788. Fred G. Zerbst, Warden, etc., petitioner, *v.* Henry Stone; and

No. 789. Fred G. Zerbst, Warden, etc., petitioner, *v.* Jeffie D. Sullivan. The motion of the respondents for leave to proceed *in forma pauperis* is granted.

No. 927. John Y. Stokes and Leonard J. Olson, petitioners, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds that the application for writ of certiorari was not made within the time provided by law. The petition for writ of certiorari is therefore also denied.

No. 928. Delpha Riffée, Administratrix, etc., petitioner, *v.* The Marion Steam Shovel Company, Marion, Ohio;

No. 929. Delpha Riffée, petitioner, *v.* The Marion Steam Shovel Company, Marion, Ohio;

No. 930. William Brammer et al., petitioners, *v.* The Alloy Cast Steel Company et al.;

No. 931. Sherman Brammer, petitioner, *v.* The Alloy Cast Steel Company et al.;

No. 932. Elizabeth Lillian Noggle, Executrix, etc., petitioner, *v.* The Alloy Cast Steel Company et al. On petitions for writs of certiorari to the Supreme Court of the State of Ohio;

No. 943. Tom Conway, petitioner, *v.* Clay Allen, Judge, etc., et al. On petition for writ of certiorari to the Supreme Court of the State of Washington;

No. 944. Wesley Leroy Sischo, petitioner, *v.* A. C. Aderhold, Warden. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit; and

No. 949. E. R. Lindsey et al., petitioners, *v.* State of Washington. On petition for writ of certiorari to the Supreme Court of the State of Washington. The motions for leave to proceed 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. 877. D. F. Stahmann et al., petitioners, *v.* S. P. Vidal, Collector of Internal Revenue, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit granted, limited to the question whether the petitioners were the proper parties to maintain the suit.

No. 905. Mark O. Davis, petitioner, *v.* Maude E. Davis. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted.

No. 829. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Kings County Development Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 848. Franz Gorney et al., petitioners, *v.* The Trustees of the Milwaukee County Orphans Board. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 850. Italia Flotte Riunite Cosulich et al., petitioners, *v.* Ruth Katz and Hyman S. Katz. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 858. Highway Engineering & Construction Company, Inc., petitioner, *v.* Hillsborough County. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 859. Helen Sheehan, as Administratrix, etc., petitioner, *v.* The New York, New Haven and Hartford Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 861. The Franklin Life Insurance Company, Springfield, Illinois, petitioner, *v.* Mary Katherine Staats. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 863. The Atchison, Topeka and Santa Fe Railway Company, petitioner, *v.* Edwin A. Taylor. Petition for writ of certiorari to the Appellate Court, First District, State of Illinois, denied.

No. 865. Motor Wheel Corporation, petitioner, *v.* Rubsam Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 866. People of the State of Illinois, *ex rel.* Gertrude Hakan-son, petitioner, *v.* Ernest Palmer, Director, etc. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 878. Molly-Es Doll Outfitters, Inc., et al., petitioners, *v.* Myrtle Gruelle. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 879. Abe Cohen, Individually, etc., petitioner, *v.* Swift and Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 880. Ralph D. Mershon et al., petitioners, *v.* Sprague Specialties Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 883. County of Westchester, petitioner, *v.* Montrose Contracting Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 884. William H. Malone, 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. 885. Equitable Life Insurance Company of Iowa, petitioner, *v.* Germantown Trust Company, Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 886. Harry E. Wiese 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. 874. City of Fort Worth et al., petitioners, *v.* Lone Star Gas Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 881. Abraham Warkentin, petitioner, *v.* Fred J. Schlotfeldt, District Director of Immigration and Naturalization. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 889. Fred F. Florence et al., petitioners, *v.* R. E. Crummer. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 893. R. J. Reynolds Tobacco Company, petitioner, *v.* C. H. Robertson, Collector of Internal Revenue, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 910. Ed Armstrong et al., petitioners, *v.* Virginia Iron, Coal and Coke Company, Inc. Petition for writ of certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia denied.

No. 917. Louis J. Bergson, petitioner, *v.* Fidelity-Philadelphia Trust Company, Trustee, etc.; and

No. 918. Louis J. Bergson, petitioner, *v.* Fidelity-Philadelphia Trust Company, Trustee, etc. Petitions for writs of certiorari to the Supreme Court of the Commonwealth of Pennsylvania denied.

No. 923. Frank P. Cox, petitioner, *v.* John J. McElligott, as Fire Commissioner, etc. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 435. New York Rapid Transit Corporation, appellant, *v.* The City of New York;

No. 436. Brooklyn and Queens Transit Corporation, appellant, *v.* The City of New York; and

No. 563. The United States of America, petitioner, *v.* L. Manuel Hendler, as Transferee of Creameries, Inc., etc. Petitions for rehearing denied.

ORDER

It is ordered that the call of the docket be suspended for the term upon the conclusion of the arguments in the cases on call for Friday, April 29, or any additional cases which may be assigned and that the Court will then take a recess until Monday, May 16.

No. 915. Federal Power Commission, petitioner, *v.* Metropolitan Edison Company et al. Motion to shorten the time for filing respondents' brief and to advance submitted by Mr. Solicitor General Jackson for the petitioner and respondents' brief ordered filed on or before April 28, next.

No. —, original. State of California, complainant, *v.* Murray W. Latimer et al. Return to the rule to show cause presented.

No. —, original. *Ex parte* Paysoff Tinkoff, petitioner. Motion for leave to file petition for writ of certiorari and to proceed *in forma pauperis* submitted by Mr. Paysoff Tinkoff for the petitioner.

No. —, original. *Ex parte* Basil H. Pollitt, petitioner. Motion for leave to file petition for writ of certiorari and to proceed *in forma pauperis* submitted by Mr. Basil H. Pollitt for the petitioner.

No. —, original. The State of Oklahoma, upon the relation of Howard C. Johnson, Bank Commission, plaintiff, *v.* R. M. Cook. Argument on the rule to show cause why leave to file the complaint should not be granted and the return thereto commenced by Mr. Houston E. Hill for the plaintiff. The Court declined to hear further argument.

No. 746. Robert A. Taft, Executor, etc., petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. Robert A. Taft for the petitioner and by Mr. Warner W. Gardner for the respondent.

No. 756. Federal Trade Commission, petitioner, *v.* The Goodyear Tire & Rubber Company. Argument commenced by Mr. Hugh B.

Cox for the petitioner. The Court declined to hear further argument.

No. **761**. William Mahoney, as Liquor Control Commission, etc., et al., appellants, *v.* Joseph Triner Corporation. Argued by Mr. William S. Ervin and Mr. Roy C. Frank for the appellants and concluded by Mr. Carl W. Cummins for the appellee.

No. **773**. Aetna Insurance Company, petitioner, *v.* United Fruit Company;

No. **774**. Union Marine & General Insurance Company, Ltd., etc., petitioner, *v.* United Fruit Company; and

No. **775**. Boston Insurance Company, petitioner, *v.* United Fruit Company. Argument commenced by Mr. D. Roger Englar for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, April 26, will be as follows: Nos. **773** (**774** and **775**), **782** (**783**, **784**, **785**, **786**, **787**, **788**, and **789**), **798**, **801**, **870**, **919**, **882**, and **864**.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, and Mr. Justice Reed.

Tunis Albert Dils, of Washington, D. C.; Clarence L. Lavender, of Washington, D. C.; Henry Johnson Hough, of Washington, D. C.; Robert M. Cooper, of Washington, D. C.; Bernard Dunlap Hathcock, of Washington, D. C.; John R. Gaskins, of Washington, D. C.; W. Francis Delaney, of Washington, D. C.; Jack L. Rorschach, of Vinita, Okla.; Jose Grey, of Manila, P. I.; Charles W. Talbot, of Detroit, Mich.; Seibert L. Sefton, of San Francisco, Calif.; T. C. Chadick, of Winnsboro, Tex.; Dupuy G. Warrick, of Kansas City, Mo.; James D. Assaf, of Boston, Mass.; Curry Carter, of Staunton, Va.; William R. Harvey, of Newport, R. I.; Edward S. Snyder, of New Haven, Conn.; Malcolm Davis, of Los Angeles, Calif.; Perry W. Shrader, of Kansas City, Mo.; Cecil H. Haas, of Kansas City, Mo.; William Gorham Rice, Jr., of Madison, Wis.; Oscar P. Mast, of Washington, D. C.; Ivan G. McDaniel, of Los Angeles, Calif.; Zebedee D. Hicks, of Gary, Ind.; Clark Hempstead, of Minneapolis, Minn.; and Herman Silverman, of New York City, were admitted to practice.

The Chief Justice said:

"It is my sad duty to announce that Mr. Frank K. Green, the Marshal of the Court, died this morning. His life was spent in the service of the Court. He entered that service as a page boy over 46 years ago. Ten years later, in 1901, he became Librarian and, soon after, crier. He was appointed Marshal in 1915 and for over 23 years has acted in that capacity. Throughout this long period he has served the Court with the utmost fidelity, bringing to the discharge of his duties not only the advantages of his ability and thorough acquaintance with the work of the Court but an unflinching tact and kindness which won the esteem of those who have been brought into contact with his office. His name belongs in the honor roll of those who have given themselves through long years to the service of the Court with complete devotion to its interests. As a token of our respect for his memory, we shall do nothing today but hear motions and finish the cause on argument, and we shall then adjourn until tomorrow morning."

No. 921. Wm. H. Neblett, Vernon Bettin, et al., petitioners, *v.* Samuel L. Carpenter, Jr., Insurance Commissioner of the State of California et al. Motion for leave to file brief of Josiah E. Brill and Samuel H. Maslon as *amici curiae*, submitted by Mr. John A. K. Donovan in that behalf and the motion denied.

No. 773. Aetna Insurance Company, petitioner, *v.* United Fruit Company;

No. 774. Union Marine & General Insurance Company, Ltd., etc., petitioner, *v.* United Fruit Company; and

No. 775. Boston Insurance Company, petitioner, *v.* United Fruit Company. Argument continued by Mr. D. Roger Englar for the petitioners and concluded by Mr. Cletus Keating for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, April 27, will be as follows: Nos. 782 (783, 784, 785, 786, 787, 788, and 789), 798, 801, 870, 919, 882, and 864.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, and Mr. Justice Reed.

William W. Badgley, of Washington, D. C.; John W. Light, of Washington, D. C.; Hunter Bethuel Linton, of Washington, D. C.; Herbert W. Ludwig, of Washington, D. C.; Christopher A. Ray, of Washington, D. C.; Leslie H. Rushbrook, of Washington, D. C.; Earl M. Spencer, of Washington, D. C.; Joseph A. Keith, of Sherman, Tex.; Morris M. Miller, of New York City; Harold Stern, of New York City; J. P. Dreibelbis, of Dallas, Tex.; Clarence E. Benadum, of Muncie, Ind.; Hugh Q. Buck, of Houston, Tex.; Chas. C. Wooldrige, of Ordway, Colo.; and J. Walker Wooldridge, of Wentzville, Mo., were admitted to practice.

No. 782. Fred G. Zerbst, Warden, etc., petitioner, *v.* Sherman Kidwell;

No. 783. Fred G. Zerbst, Warden, etc., petitioner, *v.* Dewey Smith;

No. 784. Fred G. Zerbst, Warden, etc., petitioner, *v.* Allen Collins;

No. 785. Fred G. Zerbst, Warden, etc., petitioner, *v.* Walter Owens;

No. 786. Fred G. Zerbst, Warden, etc., petitioner, *v.* Frank Peel;

No. 787. Fred G. Zerbst, Warden, etc., petitioner, *v.* Bennie Jones;

No. 788. Fred G. Zerbst, Warden, etc., petitioner, *v.* Henry Stone; and

No. 789. Fred G. Zerbst, Warden, etc., petitioner, *v.* Jeffie D. Sullivan. Argued by Mr. Bates Booth for the petitioner and cases submitted by Mr. J. F. Kemp for the respondents.

No. 798. The Denver Union Stock Yard Company, appellant, *v.* The United States of America et al. Three hours allowed for oral argument. Argued by Mr. Robert G. Bosworth for the appellants and by Mr. Wendell Berge for the appellees.

No. 801. International Ladies' Garment Workers' Union, etc., et al., appellants, *v.* Donnelly Garment Company et al. Argument commenced by Mr. Frank P. Walsh for the appellants. The Court declined to hear further argument.

No. 870. R. E. Collins, John C. Corbett, et al., appellants, *v.* Yosemite Park and Curry Co. Argument commenced by Mr. Seibert L. Sefton for the appellants.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, April 28, will be as follows: Nos. 870, 919, 882, and 864.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, and Mr. Justice Reed.

Spencer Zimmerman, Jr., of Washington, D. C.; Owen W. Swecker, of Washington, D. C.; Francis L. Van Haaften, of Washington, D. C.; William A. Wells, of Washington, D. C.; Irving M. Tullar, of Washington, D. C.; Oscar P. Vogel, of Chevy Chase, Md.; Murray O. Reed, of Little Rock, Ark.; M. E. Kilpatrick, of Atlanta, Ga.; Hamilton Lokey, of Atlanta, Ga.; George B. Murphy, of Detroit, Mich.; Jose E. Romero, of Manila, P. I.; Mark C. Reno, of Des Moines, Iowa; John J. Honan, of Washington, D. C.; Lawrence Livingston, of San Francisco, Calif.; Sigvald Nielson, of San Francisco, Calif.; James Corbin Cheseldine, of Washington, D. C.; John Reed Cheseldine, of Washington, D. C.; W. Marshall C. Cheseldine, of Washington, D. C.; Flavel Robertson, of Kansas City, Mo.; Charles Arthur Jaquette, of Washington, D. C.; Price L. Marsh, of Arlington, Va.; Carl Thomas Palmer, of Washington, D. C.; Earl A. Ruth, of Washington, D. C.; Laban Bryson Valentine, of Newport, Tenn.; Joseph G. Martin, of Washington, D. C.; Custis E. Chadwick, of Ashland, Ky.; George Daniel Kuhnel, of Washington, D. C.; Edward Ignatius McLarney, of Washington, D. C.; Vaun P. Cafferty, of Cortland, N. Y.; Carl A. Baumann, of Washington, D. C.; Victor J. Garland, of Washington, D. C.; F. E. Erickson, of Washington, D. C.; Theodore Edelschein, of Washington, D. C.; Emil K. Melin, of Washington, D. C.; William Clattis Strange, of Henderson, N. C.; Champ C. Joy, of Arlington, Va.; Hubert F. Neil, of Washington, D. C.; William Albert Lasley, of Winston-Salem, N. C.; Morris J. Levin, of St. Louis, Mo.; and Patrice Rice, of Washington, D. C., were admitted to practice.

No. 915. Federal Power Commission, petitioner, *v.* Metropolitan Edison Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted and case assigned for argument on Monday, May 2, next. Mr. Justice Roberts took no part in the consideration or decision of this application.

No. 870. R. E. Collins, John C. Corbett, et al., appellants, *v.* Yosemite Park and Curry Co. Argument continued by Mr. Seibert L. Sefton for the appellants; by Mr. James S. Moore, Jr., for the appellee; and concluded by Mr. Seibert L. Sefton for the appellants.

No. 919. Richard E. Lang, Executor, and Grace E. Lang, Executrix, etc., *v.* Commissioner of Internal Revenue. Argued by Mr. H. B. Jones for Richard E. Lang, Executor, et al., and by Miss Helen R. Carlross for the Commissioner of Internal Revenue.

No. 882. Marion H. Allen, Collector of Internal Revenue, etc., petitioner, *v.* Regents of the University System of Georgia. Argument commenced by Mr. J. Louis Monarch for the petitioner and continued by Mr. Marion Smith for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, April 29, will be as follows: Nos. 882 and 864.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, and Mr. Justice Reed.

William A. Neithercut, of Flint, Mich.; Sherman Grindstaff, of Elizabethton, Tenn.; Donald E. Lee, of La Crosse, Wis.; Francis Roulhac Anderson, of New York City; William P. Moss, of Jackson, Tenn.; Benjamin Dowden, of Jersey City, N. J.; and Jerome Mayer, of New York City were admitted to practice.

No. 882. Marion H. Allen, Collector of Internal Revenue etc., petitioner, *v.* Regents of the University System of Georgia. Argument concluded by Mr. Marion Smith for the respondents.

No. 864. Lowe Brothers Company, petitioner, *v.* The United States of America. Argued by Mr. John E. Hughes for the petitioner and by Mr. A. F. Prescott for the respondent.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, May 2, will be as follows: Nos. 9, original, and 915.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, and Mr. Justice Reed.

Chas. O. Andrews, of Orlando, Fla.; Joseph Prendergast, of New York City; Paul A. Freund, of Washington, D. C.; Lawson Romjue, of Macon, Mo.; Stephen McKeveitt Farrand, of Los Angeles, Calif.; Arthur Lester Jacobs, of Washington, D. C.; Grace McGerr, of Lincoln, Nebr.; Helen McGerr, of Lincoln, Nebr.; Benjamin Schenker, of New York City; Joseph J. Pratt, of Greenville, Calif.; John L. Woodward, of Washington, D. C.; Samuel Rosenzweig, of New York City; Joseph E. Adelson, of Providence, R. I.; Hymen Diamond, of Pittsburgh, Pa.; Morley S. Wolfe, of New York City; Victor Cobb, of Boston, Mass.; Birney R. Pettay, of Cadiz, Ohio; Paul Moss, of Odessa, Tex.; Israel Friedlander, of Houston, Tex.; Van B. Wake, of Milwaukee, Wis.; Edward F. Huber, of New York City; John Torrey Kenney, of Needham, Mass.; Geo. J. Banigan, of New York City; and Richard C. Hunter, of Omaha, Nebr., were admitted to practice.

No. 596. John G. Ruhlin, Jennie B. Ruhlin, et al., petitioners, *v.* New York Life Insurance Company. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment vacated with costs and cause remanded to the District Court of the United States for the Western District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Reed. Mr. Justice Cardozo took no part in the consideration or decision of this case.

No. 705. Petroleum Exploration, Inc., appellant, *v.* Public Service Commission 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 Reed. Mr. Justice McReynolds concurs in the result. Mr. Justice Stone concurs, except that he expresses no opinion on the applicability of the Johnson Act. Mr. Justice Cardozo took no part in the consideration or decision of this case.

No. 760. Arkansas Fuel Oil Company, appellant, *v.* State of Louisiana ex rel. Hyman Muslow. Appeal from the Court of Appeals,

Second Circuit, State of Louisiana. Judgment affirmed with costs. Opinion by Mr. Justice Black. Mr. Justice Stone concurs in the result. Mr. Justice Cardozo took no part in the consideration or decision of this case.

No. 72. Crown Cork & Seal Company, Inc., petitioner, *v.* Ferdinand Gutmann Co., Inc. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree reversed with costs and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Butler. Mr. Justice Cardozo and Mr. Justice Reed took no part in this consideration or decision of this case. Dissenting opinion by Mr. Justice Black.

No. 357. General Talking Pictures Corporation, petitioner, *v.* Western Electric Company, Inc., Electrical Research Products, 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 Butler. Mr. Justice Roberts, Mr. Justice Cardozo, and Mr. Justice Reed took no part in the consideration or decision of this case. Dissenting opinion by Mr. Justice Black.

No. 528. Pacific National Company, petitioner, *v.* Galen H. Welch, Former Collector of Internal Revenue, etc. 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 Southern District of California. Opinion by Mr. Justice Butler. Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

No. 667. The United States, petitioner, *v.* Harry A. Kaplan. On writ of certiorari to the Court of Claims. Judgment reversed, and cause remanded for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Butler. Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

The Chief Justice announced the following order of the Court:

No. 960. Arizona Publishing Company, appellant, *v.* D. C. O'Neil, Thad M. Moore, and Frank Luke, as Members of and Constituting the State Tax Commission of Arizona. Appeal from the District Court of the United States for the District of Arizona. *Per curiam*: The judgment is affirmed. *Grosjean v. American Press Co.*, 297 U. S. 233, 250; *Associated Press v. Labor Board*, 301 U. S. 103, 133; *Giragi v. Moore*, 301 U. S. 670.

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 Elza G. Wyatt, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. 18, original. Ex parte Paysoff Tinkoff, petitioner. The motion for leave to proceed *in forma pauperis* is granted. The motion for leave to file petition for writ of certiorari is also granted.

No. 19, original. Ex parte Basil H. Pollitt, petitioner. The motion for leave to file petition for writ of certiorari is granted. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied.

No. 1003. Heber L. Hicks, petitioner, *v.* State of Indiana. On petition for writ of certiorari to the Supreme Court of the State of Indiana. The motion for stay is denied. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be issued. The petition for writ of certiorari is therefore also denied.

No. 971. James L. McDonald, 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. 981. Edward P. Simpson, petitioner, *v.* Commonwealth of Massachusetts. On petition for writ of certiorari to the Superior Court, County of Middlesex, Commonwealth of Massachusetts; and

No. 985. Georgia M. Spruill, petitioner, *v.* Harryman Dorsey. 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. 904. Waialua Agricultural Company, Limited, petitioner, *v.* Eliza R. P. Christian, an incompetent person, etc., et al.; and

No. 909. Eliza H. P. Christian, an incompetent person, etc., petitioner, *v.* Waialua Agricultural Company, Limited. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 891. City of Philadelphia, petitioner, *v.* Union Traction Company of Philadelphia. The application for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is dis-

missed as premature. *Craig v. United States*, 298 U. S. 637; *Continental Oil Co. v. United States*, 299 U. S. 510.

No. 969. Oscar Bartolini, petitioner, *v. Commonwealth of Massachusetts*. On petition for writ of certiorari to the Superior Court, County of Norfolk, Commonwealth of Massachusetts. The motion for leave to proceed on typewritten petition, brief, and record is granted. The petition for writ of certiorari is denied.

No. 890. International Mercantile Marine Company, petitioner, *v. Samuel S. Lowe*, Deputy Commissioner, United States Employees' Compensation Commission, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 894. Sherman E. Odom and Bertha O. Stephens, petitioners, *v. New York Life Insurance Company*; and

No. 895. Sherman E. Odom and Mamie C. Odom, petitioners, *v. New York Life Insurance Company*. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 897. New York Life Insurance Company, petitioner, *v. R. H. Golightly*, Administrator of the estate of Byrd H. Golightly, deceased, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 898. Fox & London, Inc., 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. 900. Gulf Refining Company, Employer and the Employers' Liability Assurance Corporation, Ltd., petitioners, *v. Augustus P. Norton*, Deputy Commissioner, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 903. Tampa Interocean Steamship Company, petitioner, *v. Sigvald Jorgensen*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 906. Peoples Life Insurance Company, petitioner, *v. Pearl O. Whiteside*, Administratrix, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 922. Pacific-Atlantic Steamship Co. et al., petitioners, *v. Weyerhaeuser Timber Co. et al.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 967. Wil-Low Cafeterias, Inc., et al., petitioners, *v. 650 Madison Avenue Corporation*. Petition for writ of certiorari to the

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

No. 455. Frederick S. Deitrick, Receiver, etc., et al., petitioners, *v.* Standard Security & Casualty Co. of New York;

No. 844. Robert Jacob, Inc., petitioner, *v.* Emely Gunnarson, as Administratrix, etc.; and

No. 856. Quick Action Ignition Company, petitioner, *v.* Briggs & Stratton Corporation. Petitions for rehearing denied.

ORDER

It is ordered by the Court that Thomas Ennalls Waggaman be, and he is hereby, appointed Marshal of this Court in the place of Frank K. Green, deceased.

ORDER

The Court will take a recess from today until Monday, May 16; from that day until Monday, May 23, and from that day until Tuesday, May 31, upon which day it will adjourn for the term.

No motions, except motions for admission to practice, will be received after Monday, May 23.

No. 304. Elmer W. Kelley et al., petitioners, *v.* The City of Atlantic City et al. Motion for leave to file second petition for rehearing submitted by Mr. Harold E. Stonebraker for the petitioners.

No. 668. The United States, petitioner, *v.* Shoshone Tribe of Indians of the Wind River Reservation in Wyoming. Mandate ordered to issue forthwith on motion of Mr. Charles J. Kappler for the respondent.

No. 707. The United States, appellant, *v.* The Klamath and Moadoc Tribes and Yahooskin Band of Snake Indians. Mandate ordered to issue forthwith on motion of Mr. T. Hardy Todd for the appellees.

No. 9, original. The State of Nebraska, complainant, *v.* The State of Wyoming and the State of Colorado. Argument on the motion of the United States for leave to intervene and on the objections of the several States thereto commenced by Mr. Assistant Attorney General McFarland for the United States; continued by Mr. Paul F. Good for the complainant, by Mr. Byron G. Rogers for the impleaded defendant, State of Colorado, by Mr. Robert R. Rose for the defendant, State of Wyoming, and concluded by Mr. Assistant Attorney General McFarland for the United States. Proposed form of order to be prepared by counsel and submitted for the consideration of the Court.

No. 915. Federal Power Commission, petitioner, *v.* Metropolitan Edison Company et al. Argued by Mr. Oswald Ryan for the petitioner and by Mr. Walter Biddle Saul and Mr. Edward F. Huber for the respondents. Leave granted respondents to file additional brief on or before Friday next.

Adjourned until Monday, May 16, next, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, and Mr. Justice Reed.

George Schwolsky, of Hartford, Conn.; Paul Farthing, of Belleville, Ill.; Marion J. Harron, of San Francisco, Calif.; Lee L. Ottaway, of Jamestown, N. Y.; John E. Durkin, of Jamestown, N. Y.; Harold E. Stafford, of Honolulu, Hawaii; Frances A. Doolittle, of Cleveland, Ohio; H. J. Doolittle, of Cleveland, Ohio; Richard Benjamin Crawford, of Louisville, Ky.; Henry Upson Sims, of Birmingham, Ala.; Crampton Harris, of Birmingham, Ala.; Samuel K. Beier, of New York City; Arthur J. Butler, of Big Rapids, Mich.; William F. McKenna, of Meriden, Conn.; Robert W. Pharr, of Memphis, Tenn.; Clayton L. Howland, of Los Angeles, Calif.; Caso March, of Waco, Tex.; Frank Bezoni, of Tyler, Tex.; Benjamin Kleinstiver, of Jackson, Mich.; Frederick S. Berry, of Wayne, Nebr.; Joseph W. Kimmell, of Vincennes, Ind.; Otto T. Englehart, of Brazil, Ind.; Oscar P. May, of Atchison, Kans.; Arthur Lucius Hubbard, Jr., of Philadelphia, Pa.; James Glenn Turner, of Dallas, Tex.; Frederic M. Thompson, Jr., of La Porte, Ind.; George L. Denny, of Indianapolis, Ind.; Joe Utay, of Dallas, Tex.; Catherine Mary Stafford, of Washington, D. C.; R. Emerson Gardner, of Atlanta, Ga.; Edward W. Tuttle, of Los Angeles, Calif.; Aaron Frank, of New York City; William H. C. Taylor, of Oklahoma City, Okla.; Harry Pruden Cooper, of Murphy, N. C.; Joseph Henry Blackshear, of Gainesville, Ga.; Edward Matthew McEntee, of Providence, R. I.; John C. Baumann, of Warrensburg, Mo.; Frederic Solomon, of Washington, D. C.; John L. FitzGerald, of Seattle, Wash.; John B. Sheerin, of Brooklyn, N. Y.; Otis Lowell Hastings, of Chicago, Ill.; William M. Moroney, of Washington, D. C.; J. Fred Buzhardt, of McCormick, S. C.; J. Strom Thurmond, of Edgefield, S. C.; Frank Romano, of Hoboken, N. J.; James Abell Mills, of New York City; Helen E. McGuire, of Cleveland, Ohio; Lee Pressman, of Washington, D. C.; Florence de Haas Dembitz, of Washington, D. C.; Elliott H. Moyer, of Detroit, Mich.; Lester P. Schoene, of Washington, D. C.; Wm. J. Rielly, of Cincinnati, Ohio; Walter E. Powell, of St. Louis, Mo.; Donn Verner Smythe, of Washington, D. C.; Agnes I. McIntyre, of Cleveland, Ohio; James H. Linton, of Jefferson City, Mo.; Charles K. Chapman, of Long Beach, Calif.; Walter L. Mann, of Los Angeles, Calif.; C. R. Ellery, of Cheyenne,

Wyo.; Joseph C. O'Neill, of Klamath Falls, Oreg.; and Raymond Minor Hudson, Jr., of Washington, D. C.; were admitted to practice.

No. 453. General Electric Company, petitioner, *v.* Wabash Appliance Corporation, Abe Adler and Abe M. Parker. 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 Reed. Mr. Justice Cardozo took no part in the consideration or decision of this case.

No. 782. Fred G. Zerbst, Warden, United States Penitentiary, Atlanta, Georgia, petitioner, *v.* Sherman Kidwell;

No. 783. Fred G. Zerbst, Warden, United States Penitentiary, Atlanta, Georgia, petitioner, *v.* Dewey Smith;

No. 784. Fred G. Zerbst, Warden, United States Penitentiary, Atlanta, Georgia, petitioner, *v.* Allen Collins;

No. 785. Fred G. Zerbst, Warden, United States Penitentiary, Atlanta, Georgia, petitioner, *v.* Walter Owens;

No. 786. Fred G. Zerbst, Warden, United States Penitentiary, Atlanta, Georgia, petitioner, *v.* Frank Peel;

No. 787. Fred G. Zerbst, Warden, United States Penitentiary, Atlanta, Georgia, petitioner, *v.* Bennie Jones;

No. 788. Fred G. Zerbst, Warden, United States Penitentiary, Atlanta, Georgia, petitioner, *v.* Henry Stone; and

No. 789. Fred G. Zerbst, Warden, United States Penitentiary, Atlanta, Georgia, petitioner, *v.* Jeffie D. Sullivan. On writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgments reversed and cases remanded to the District Court of the United States for the Northern District of Georgia for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of these cases.

No. 641. J. D. Adams Manufacturing Company, appellant, *v.* William Storen, as Chief Administrative Officer of the Department of Treasury of the State of Indiana, et al. Appeal from the Supreme Court of the State of Indiana. Judgment reversed in part and affirmed in part 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 McReynolds is of opinion that the challenged judgment should be reversed in toto. Mr. Justice Cardozo took no part in the consideration or decision of this case. Separate opinion by Mr. Justice Black, dissenting in part.

No. 706. National Labor Relations Board, petitioner, *v.* Mackay Radio & Telegraph Company. 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 Roberts. Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

No. 746. Robert A. Taft, Executor of the Estate of Anna S. Taft, deceased, petitioner, *v.* Commissioner of Internal Revenue. 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 Roberts. Mr. Justice Cardozo took no part in the consideration or decision of this case.

No. 864. Lowe Brothers Company, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the Southern District of Ohio. Opinion by Mr. Justice Stone. Mr. Justice Cardozo took no part in the consideration or decision of this case.

No. 300. The St. Louis, Brownsville and Mexico Railway Company et al., petitioners, *v.* Brownsville Navigation District of Cameron County, Texas, 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 District Court of the United States for the Southern District of Texas for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Butler. Mr. Justice Cardozo took no part in the consideration or decision of this case.

No. 144. D. B. Heiner, Individually and as Former Collector of Internal Revenue for the twenty-third District of Pennsylvania, petitioner, *v.* Paul Mellon, David K. E. Bruce, et al.; and

No. 145. D. B. Heiner, Individually and as Former Collector of Internal Revenue for the twenty-third District of Pennsylvania, petitioner, *v.* Jennie King Mellon, Richard King Mellon, et al. On writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgments reversed with costs and cases remanded to the District Court of the United States for the Western District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brandeis. Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

No. 723. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* National Grocery Company. On writ of certiorari to

the United States Circuit Court of Appeals for the Third Circuit. Judgment reversed and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brandeis. Mr. Justice McReynolds and Mr. Justice Butler are of opinion that the judgment below should be affirmed. Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

No. 919. Richard E. Lang, Executor, and Grace E. Lang, Executrix, of the estate of Julius C. Lang, deceased, *v.* Commissioner of Internal Revenue. On certificate from the United States Circuit Court of Appeals for the Ninth Circuit. Opinion by Mr. Justice McReynolds. Mr. Justice Cardozo took no part in the consideration or decision of this case.

No. 313. Lone Star Gas Company, appellant, *v.* State of Texas, The Railroad Commission of Texas, et al. Appeal from the Court of Civil Appeals for the third Supreme Judicial District of the State of Texas. Judgment reversed with costs and cause remanded to the said Court of Civil Appeals for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Hughes. Mr. Justice Black dissents. Mr. Justice Cardozo took no part in the consideration and decision of this case.

No. 801. International Ladies' Garment Workers' Union, etc., et al., appellants, *v.* Donnelly Garment Company, Donnelly Garment Sales Company, et al. Appeal from the District Court of the United States for the Western District of Missouri. Decree vacated and cause remanded to the said District Court for further proceedings to be taken independently of Section 3 of the Act of August 24, 1937. Opinion, *per curiam*, announced by Mr. Chief Justice Hughes. Mr. Justice Cardozo took no part in the consideration and decision of this case.

No. 976. California Water Service Company and Carlo Veglia, appellants, *v.* The City of Redding et al. Appeal from the District Court of the United States for the Northern District of California. The motion of the appellees to affirm is granted and the decree is affirmed with costs. Opinion, *per curiam*, announced by Mr. Chief Justice Hughes.

No. 756. Federal Trade Commission, petitioner, *v.* The Goodyear Tire & Rubber Company. On writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit. Decree of the Circuit Court of Appeals reversed and cause remanded to that Court for a determination of the merits. Opinion, *per curiam*, announced by Mr. Chief Justice Hughes. Mr. Justice Stone, Mr. Justice Cardozo, and Mr. Justice Reed took no part in the consideration and decision of this case.

No. 869. New York Life Insurance Company, a Corporation, petitioner, *v.* Clarence G. Jackson et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. The petition for writ of certiorari is granted. The judgment of the Circuit Court of Appeals is vacated with costs and the cause is remanded to that Court for further proceedings in conformity with the opinion of this Court. Opinion, *per curiam*, announced by Mr. Chief Justice Hughes. Mr. Justice Cardozo took no part in the consideration and decision of this case.

No. 924. Esther Rosenthal, petitioner, *v.* New York Life Insurance Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. The petition for writ of certiorari is granted. The judgment of the Circuit Court of Appeals is vacated with costs and the cause is remanded to that court for further proceedings in conformity with the opinion of this Court. Opinion, *per curiam*, announced by Mr. Chief Justice Hughes. Mr. Justice Cardozo took no part in the consideration and decision of this case.

The Chief Justice announced the following order of the Court:

No. 215. The Tax Commission of Ohio, petitioner, *v.* Rollin A. Wilbur and the National City Bank of Cleveland, Ohio, Co-trustees, etc. On writ of certiorari to the Court of Appeals of Cuyahoga County, State of Ohio. *Per curiam*: The writ of certiorari is dismissed as it appears upon argument that the judgment sought to be reviewed rests upon a non-federal ground adequate to support it. *Cuyahoga Power Co. v. Northern Realty Co.*, 244 U. S. 300, 303, 304; *Knights of Pythias v. Meyer*, 265 U. S. 30, 32, 33; *Lynch v. New York*, 293 U. S. 52, 54, 55.

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. —. Northern Pacific R. R. Co., by Charles E. Schmidt, et al., etc., petitioners, *v.* The United States of America et al.; and

No. —. Charles E. Schmidt, et al., etc., petitioners, *v.* The United States of America et al. The applications, presented to the Chief Justice and referred by him to the Court, are denied.

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

No. —, Original. *Ex parte* Joseph J. McCarthy, petitioner. Applications denied.

No. 20, original. The State of California, complainant, *v.* Murray W. Latimer et al. The motion for leave to file the bill of complaint

herein is granted and process is ordered to issue returnable on Monday, October 3, next.

No. 9, original. The State of Nebraska, complainant, *v.* The State of Wyoming et al. The United States having moved for leave to intervene herein, and the States of Nebraska, Wyoming, and Colorado having filed their objections to the granting of such motion, and the Court having heard argument by counsel upon the motion and objections;

It is now here ordered and adjudged as follows:

1. The motion of the United States for leave to intervene as a party herein is granted;

2. The United States shall have leave to file a petition of intervention within thirty days, with leave to the States of Nebraska, Wyoming, and Colorado within thirty days thereafter to file their answers thereto;

3. The record and testimony already received and exhibits filed shall stand as against the United States as the record of evidence in the cause to this date; but the United States shall be permitted to introduce such evidence as it may deem necessary to correct and supplement such testimony and exhibits;

4. This order shall be without prejudice to the determination on final decree of any of the substantive questions of law or fact advanced or to be advanced by any of the parties herein;

5. The States of Nebraska, Wyoming, and Colorado agree, and it is hereby ordered that, the United States may amend its petition at any time hereafter during the proceedings herein;

6. The orders heretofore entered with respect to reference to the Special Master are hereby extended to include the issues raised or to be raised by the intervention of the United States.

No. 1, original. The State of Georgia, complainant, *v.* Tennessee Copper Company et al. Decree entered vacating all orders and decrees which have heretofore been entered in this cause against The Ducktown Sulphur, Copper & Iron Company, Ltd., and Tennessee Copper Company excepting insofar as they relate to the taxation of costs, and the cause dismissed. A rule is ordered to issue returnable on May 26, next, requiring the Ducktown Chemical & Iron Company to show cause why it should not pay costs charged against the defendant Ducktown Sulphur, Copper & Iron Company, Ltd.

No. 357. General Talking Pictures Corporation, petitioner, *v.* Western Electric Company, Inc., et al. It is ordered that the opinion in this cause be amended by striking from the last sentence of the opinion the word "original" and by inserting in its place the word "continuation," and by striking therefrom the words "the continuation applications" and inserting in their place the word "they." As

amended, the sentence reads as follows: "In the absence of intervening adverse rights for more than two years prior to the continuation applications, they were in time."

No. 943. Tom Conway, petitioner, *v.* Clay Allen, Judge of Superior Court, Seattle, Washington, et al. On suggestion of a diminution of the record the motion for a writ of certiorari is denied. The petition for rehearing is also denied.

No. 975. The Tennessee Electric Power Company et al., appellants, *v.* Tennessee Valley Authority et al. In this case probable jurisdiction is noted. Mr. Justice Reed took no part in the consideration or decision of this question.

No. 991. The Polk Company et al., appellants, *v.* Manuel M. Glover, as County Solicitor of Polk County, Florida. In this case probable jurisdiction is noted.

No. 912. James E. Davidson, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 920. J. O. Stoll, petitioner, *v.* William Gottlieb. Petition for writ of certiorari to the Supreme Court of the State of Illinois granted.

No. 934. The United States of America, petitioner, *v.* Continental National Bank and Trust Company, Trustee, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 941. Hiram Steelman, Trustee, etc., petitioner, *v.* All Continent Corporation et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 916. Consolidated Edison Company of New York, Inc., et al., petitioners, *v.* National Labor Relations Board et al.; and

No. 957. International Brotherhood of Electrical Workers et al., petitioners, *v.* National Labor Relations Board et al. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 921. Wm. H. Neblett, Vernon Bettin, et al., petitioners, *v.* Samuel L. Carpenter, Jr., Insurance Commissioner of the State of California, et al. Petition for writ of certiorari to the Supreme Court of the State of California granted. Mr. Justice Reed took no part in the consideration or decision of this application.

No. 958. Herman Blumgart, Luis G. Egger, et al., petitioners, *v.* St. Louis-San Francisco Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. Mr. Justice Brandeis took no part in the consideration or decision of this application.

No. 961. Pennsylvania Public Utility Commission, petitioner, *v.* Union Traction Company of Philadelphia et al., etc. 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 or decision of this application.

No. 899. Sam Shama, 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. 901. The Bankers Mortgage Company of Topeka, Kansas, et al., petitioners, *v.* H. H. Motter, Collector of Internal Revenue, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 908. Rafael Sancho Bonet, Treasurer, petitioner, *v.* Clarence K. Bowie et al., Trustees. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 911. Herbert Harger, petitioner, *v.* Oklahoma Gas & Electric Company. Petition for writ of certiorari to the Supreme Court of the State of Arkansas denied.

No. 913. Edith L. Davidson, 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. 925. Mrs. Theo S. Gilmore, Guardian, etc., 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. 935. Ferris Smith, petitioner, *v.* Metropolitan Life Insurance Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 936. National Carbon Company, Inc., petitioner, *v.* The Western Shade Cloth Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 939. Pulitzer Publishing Company, petitioner, *v.* Current News Features, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 950. Century Indemnity Company, petitioner, *v.* Standard Cahill Co., Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 951. Union Central Life Insurance Company et al., petitioners, *v.* Bank of Commerce & Trust Company of Memphis, Tennessee. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 955. City of Fort Worth, petitioner, *v.* George B. McCamey et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 959. Connecticut Railway and Lighting Company, petitioner, *v.* The Connecticut Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 914. Crescent Wharf & Warehouse Company et al., petitioners, *v.* Warren H. Pillsbury, Deputy Commissioner, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 926. Regina V. G. Millhiser et al., petitioners, *v.* The Chase National Bank of the City of New York, as Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 933. Augusta Z. Bentley, 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. 940. Industrial Trust Company et al., petitioners, *v.* Joseph V. Broderick, Collector of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 942. Joseph John Davilla, petitioner, *v.* The Brunswick-Balke-Collender Co. of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 952. Jonas Brittain, petitioner, *v.* Louisville & Nashville Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 953. George E. Warren 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. 956. Hartford Transportation Company, petitioner, *v.* Lee Transit Corporation, as owner, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 962. Oliver-Sherwood Co. and The B. F. Goodrich Company, petitioners, *v.* Patterson Ballagh Corporation et al. Petition for

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

No. 968. American Lecithin Company, petitioner, *v. J. C. Ferguson Mfg. Works, Inc.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 977. Stody Company, petitioner, *v. Mills-Alloys, Inc., and Oscar L. Mills.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 304. Elmer W. Kelley et al., petitioners, *v. The City of Atlantic City and Harry Bacharach.* The motion for leave to file a second petition for rehearing is granted. The petition for rehearing is denied.

No. 831. Rafael Sancho Bonet, Treasurer of Puerto Rico, petitioner, *v. Pedro Acevedo Quiles;*

No. 832. Rafael Sancho Bonet, Treasurer of Puerto Rico, petitioner, *v. Valiente & Co.;*

No. 846. Standard Marine Insurance Company, Limited, petitioner, *v. Westchester Fire Insurance Company;*

No. 858. Highway Engineering & Construction Company, Inc., petitioner, *v. Hillsborough County;* and

No. 889. Fred F. Florence et al., petitioners, *v. R. E. Crummer.* Petitions for rehearing denied.

No. 21, original. Ex parte National Labor Relations Board et al., petitioners. Motion for leave to file petition for writs of prohibition and mandamus submitted by Mr. Solicitor General Jackson for the petitioners. The motion for leave to file the petition is granted and a rule is ordered to issue directed to the Honorable Joseph Bufington, the Honorable J. Warren Davis, the Honorable J. Whitaker Thompson, Circuit Judges of the Third Judicial Circuit, and the other judges and officers of the United States Circuit Court of Appeals for the Third Circuit, to show cause why the relief should not be granted as prayed. Said rule shall be returnable on Monday, May 23, at twelve o'clock, when the parties will be heard upon the question of the jurisdiction of the Circuit Court of Appeals to make the order complained of.

No. 298. United States, ex relatione Societe de Condensation et D'applications Mecaniques, petitioner, *v. Conway P. Coe,* Commissioner of Patents. Motion for leave to file second petition for rehearing submitted by Mr. Reeve Lewis for the petitioner.

No. 16, original. State of Missouri, complainant, *v.* State of Iowa.
Joint motion for the appointment of a Special Master presented.
Adjourned until Monday, May 23, next, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, and Mr. Justice Reed.

D. Roland Potter, of Mount Pleasant, Tex.; Sherwood E. Hall, of White Plains, N. Y.; George Hinman Folsom, of Washington, D. C.; Clifford A. Russell, of Jamestown, N. Y.; David R. Shelton, of New York City; Frank P. Ryan, of Minneapolis, Minn.; Arthur M. Mann, of Port Huron, Mich.; R. O. Ingle, of Sallisaw, Okla.; Hiram C. Bolsinger, of Cincinnati, Ohio; Joseph H. Hoodin, of Cincinnati, Ohio; Willett H. Parr, Jr., of Lebanon, Ind.; Willett H. Parr, of Lebanon, Ind.; Hugh Peterson, of Ailey, Ga.; Ara Allen Parr, of Lebanon, Ind.; Louis B. Englander, of Newark, N. J.; Arlyne Lansdale, of Los Angeles, Calif.; Marion Floyd Green, of Sallisaw, Okla.; Humphrey Statter, Jr., of New York City; Chas. L. Vaughan, of Lafayette, Ind.; Thomas G. Carney, of Washington, D. C.; Clifford J. Durr, of Birmingham, Ala.; James F. Green, of Sallisaw, Okla.; Margaret Gettys Hall, of Modesto, Calif.; Mark I. Avramo, of New York City; Elmer L. Corbin, of Washington, D. C.; Hyman S. Subrin, of Akron, Ohio; Max Chopnick, of New York City; Roger C. Clement, of New York City; Harry S. Mackey, of Washington, D. C.; Donald G. Welsh, of Washington, D. C.; Fred C. Sacks, of Washington, D. C.; John B. Jago, of Manila, P. I.; James William Gill, of Silver Spring, Md.; Jeremiah F. Driscoll, of Boston, Mass.; Thomas I. Sheridan, of New York City; Philip Warren, of New York City; Anne McDonald, of San Francisco, Calif.; Raymond C. Cushwa, of Washington, D. C.; Henry MacDonald, of New York City; William H. Vodrey, Jr., of East Liverpool, Ohio; William H. Vodrey, of East Liverpool, Ohio; Howard Nelson Moore, of Wheeling, W. Va.; Frederic Arnold Daum, of Washington, D. C.; Eldon Peter Schrup, of Dubuque, Iowa; Chas. E. Donnelly, of Los Angeles, Calif.; Ivan Heideman, of Washington, D. C.; Chester Welde Cuthell, of New York City; Daniel C. Rogers, of Fayette, Mo.; and William D. Fuguet, of New York City, were admitted to practice.

No. 699. John A. Johnson, petitioner, *v.* Fred G. Zerbst, Warden, United States Penitentiary, Atlanta, Georgia. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment reversed and cause remanded to the District Court of the

United States for the Northern District of Georgia for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Mr. Justice Reed concurs in the reversal. Mr. Justice McReynolds is of opinion that the judgment of the court below should be affirmed. Mr. Justice Butler is of the opinion that the record shows that petitioner waived the right to have counsel, that the trial court had jurisdiction, and that the judgment of the Circuit Court of Appeals should be affirmed. Mr. Justice Cardozo took no part in the consideration or decision of this case.

No. 882. Marion H. Allen, Collector of Internal Revenue for the District of Georgia, petitioner, *v.* Regents of the University System of Georgia. 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 District Court of the United States for the Northern District of Georgia for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts. Mr. Justice Black concurs in the result. Mr. Justice Cardozo took no part in the consideration or decision of this case. Opinion by Mr. Justice Reed concurring in the result. Opinion by Mr. Justice Stone concurring in the result. Dissenting opinion by Mr. Justice Butler in which Mr. Justice McReynolds concurs.

No. 779. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Philip L. Gerhardt;

No. 780. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Billings Wilson; and

No. 781. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* John J. Mulcahy. On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgments reversed and cases remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone. Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case. Concurring opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Butler in which Mr. Justice McReynolds concurs.

No. 773. Aetna Insurance Company, petitioner, *v.* United Fruit Company;

No. 774. Union Marine & General Insurance Company, Ltd., etc., petitioner, *v.* United Fruit Company; and

No. 775. Boston Insurance Company, petitioner, *v.* United Fruit Company. 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 Stone. Mr. Justice Cardozo took no part in the consideration or decision of this case.

No. 761. William Mahoney, as Liquor Control Commissioner of the State of Minnesota, et al., appellants, *v.* Joseph Triner Corporation. Appeal from the District Court of the United States for the District of Minnesota. 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 Brandeis. Mr. Justice Reed concurs in the result. Mr. Justice Cardozo took no part in the consideration or decision of this case.

No. 915. Federal Power Commission, petitioner, *v.* Metropolitan Edison Company et al. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Decree reversed and cause remanded to the said Circuit Court of Appeals with direction to dismiss the respondents' petition. Opinion by Mr. Chief Justice Hughes. Mr. Justice Roberts and Mr. Justice Cardozo took no part in the consideration and decision of this case.

No. —, original. The State of Oklahoma, upon the relation of Howard C. Johnson, Bank Commissioner, plaintiff, *v.* R. M. Cook. Motion for leave to file complaint denied and rule discharged. Opinion by Mr. Chief Justice Hughes. Mr. Justice Cardozo took no part in the consideration and decision of this case.

No. 938. Floyd Hudson and Elizabeth Fitch, Executrix, etc., petitioners, *v.* Pius Moonier. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Petition for writ of certiorari granted. Judgment reversed with costs and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion, *per curiam*, announced by Mr. Chief Justice Hughes. Mr. Justice Cardozo took no part in the consideration and decision of this case.

No. 947. The Laclede Gas Light Company, appellant, *v.* Public Service Commission of Missouri and City of St. Louis. Appeal from the Supreme Court of the State of Missouri. Motion to dismiss granted and appeal dismissed. Opinion, *per curiam*, announced by Mr. Chief Justice Hughes. Mr. Justice Cardozo took no part in the consideration and decision of this case.

The Chief Justice announced the following orders of the Court:

No. 980. B. D. McAlvay, Harry M. Irwin, et al., etc., appellants, *v.* B. C. Stockwell and V. E. Stockwell. Appeal from the Supreme Court of the State of California. *Per curiam*: The appeal herein is dismissed for the want of jurisdiction. Section 237 (a), Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 937).

Treating the papers whereon the appeal was allowed as a petition for a writ of certiorari, as required by section 237 (c), Judicial Code, as amended (43 Stat. 936, 938), certiorari is denied.

No. 996. John M. Hughes, appellant, *v.* Wisconsin Tax Commission, F. V. Haboeck, Assessor of Income, et al. Appeal from the Supreme Court of the State of Wisconsin. *Per curiam:* The motion of the appellees to dismiss the appeal is granted and the appeal is dismissed for the want of a properly presented substantial federal question. (1) *Hiawassee Power Co. v. Carolina-Tenn. Co.*, 252 U. S. 341, 344; *Whitney v. California*, 274 U. S. 357, 360; *White River Co. v. Arkansas*, 279 U. S. 692, 700; *Morris v. Alabama*, 302 U. S. 642. (2) *Lawrence v. State Tax Commission*, 286 U. S. 276, 279-281; *New York ex rel. Cohn v. Graves*, 300 U. S. 308, 313.

No. 997. John P. Dromey, Administrator of the estate of Charles Jensch, deceased, appellant, *v.* Wisconsin Tax Commission et al. Appeal from the Supreme Court of the State of Wisconsin. *Per curiam:* The motion of the appellees to dismiss the appeal is granted and the appeal is dismissed for the want of a properly presented substantial federal question. (1) *Hiawassee Power Co. v. Carolina-Tenn. Co.*, 252 U. S. 341, 344; *Whitney v. California*, 274 U. S. 357, 360; *White River Co. v. Arkansas*, 279 U. S. 692, 700; *Morris v. Alabama*, 302 U. S. 642; (2) *Lawrence v. State Tax Commission*, 286 U. S. 276, 279-281; *New York ex rel. Cohn v. Graves*, 300 U. S. 308, 313; *Mitchell v. United States*, 21 Wall. 350, 353.

No. 1010. Meyer Berman, appellant, *v.* Illinois Bell Telephone Company et al. Appeal from the District Court of the United States for the Northern District of Illinois. *Per curiam:* The motion to affirm is granted.

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* Dennis J. McCarthy, petitioner. Application denied.

No. 16, original. The State of Missouri, complainant, *v.* The State of Iowa. The joint motion for the appointment of a Special Master is granted, and it is ordered that Samuel Williston, Esq., of Cambridge, Massachusetts, be, and he hereby is, appointed Special Master in this cause, with authority to summon witnesses, issue subpoenas, and to take such evidence as may be introduced and such as he may deem it necessary to call for. The Master is directed to make findings of fact and conclusions of law, and to submit the same to this

Court with all convenient speed, together with his recommendations for a decree. The findings, conclusions, and recommendations of the Master shall be subject to consideration, revision, or approval by the Court. The Master shall be allowed his actual expenses and a reasonable compensation for his services to be fixed hereafter by the Court. The allowances to him, the compensation paid to his stenographic and clerical assistants, and the cost of printing his report shall be charged against and be borne by the parties in such proportion as the Court hereafter may direct. If the appointment herein made 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. 1025. Emelia Brooks, administratrix, etc., petitioner, *v.* The City of Seattle. The motion for leave to proceed *in forma pauperis* herein is granted.

No. 1018. Ex parte Paysoff Tinkoff, petitioner. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit;

No. 1020. Frank Clark, petitioner, *v.* The People of the State of California. On petition for writ of certiorari to the District Court of Appeal, 3rd Appellate District, State of California;

No. 1031. Edward Doll, petitioner, *v.* James A. Johnston, Warden, U. S. Penitentiary, Alcatraz, California. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. The 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. 945. Frank T. Hines, Administrator of Veterans' Affairs, etc., petitioner, *v.* James J. Lowrey, Committee, etc. Petition for writ of certiorari to the Supreme Court of the State of New York granted.

No. 966. Texas Consolidated Theatres, Inc., petitioner, *v.* S. H. Pittman. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 946. Frank T. Hines, Administrator of Veterans' Affairs, etc., petitioner, *v.* Lena Copsy, Guardian, etc. Petition for writ of certiorari to the Supreme Court of the State of California denied for the want of a final judgment.

No. 973. Holyoke Water Power Company, petitioner, *v.* American Writing Paper Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

Mr. Justice Stone took no part in the consideration or decision of this application.

No. 979. Globe 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. Mr. Justice Stone took no part in the consideration or decision of this application.

No. 990. E. I. DuPont de Nemours & Company, Incorporated, petitioner, *v.* Waxed Products Co., Inc. 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 or decision of this application.

No. 1009. Northern Pacific Railway Company, petitioner, *v.* Twohy Brothers Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied. Mr. Justice Butler took no part in the consideration or decision of this application.

No. 907. Carlisle Lumber Company, petitioner, *v.* National Labor Relations Board. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. The motion for leave to proceed on the typewritten record is granted. The petition for writ of certiorari is denied.

No. 954. Leo Bradshaw, petitioner, *v.* Clyde O. Eastus, United States Attorney, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 963. The United States of America, Owner and operator of the Cruiser "Chicago," et al., petitioners, *v.* Silver Line, Limited, Owner and operator of the British Motor-Ship "Silverpalm," et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 964. Eppley Hotels Company, petitioner, *v.* City of Lincoln and Frank J. Miller, as Treasurer, etc., et al. Petition for writ of certiorari to the Supreme Court of the State of Nebraska denied.

No. 970. Remington Rand, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 972. W. G. Arn et al., petitioners, *v.* Ray M. Dunnett et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 974. Consumers Construction 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. 978. American National Bank of Portsmouth, petitioner, *v.* Kate Walker Ames et al. Petition for writ of certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia denied.

No. 988. Alamo National Bank of San Antonio, by Walter B. Napier, President, etc., petitioner, *v.* Commissioner of Internal Revenue; and

No. 989. Mrs. L. W. Alexander, petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 992. Conway Road Estates Company, petitioner, *v.* First National Bank of Wellston. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 998. Rita M. White, an infant, by her next friend, etc., et al., petitioners, *v.* Annie C. Wood. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 999. Carolina Power & Light Company, petitioner, *v.* South Carolina Public Service Authority et al.;

No. 1000. South Carolina Power Company, petitioner, *v.* South Carolina Public Service Authority; and

No. 1001. South Carolina Electric & Gas Company, petitioner, *v.* South Carolina Public Service Authority et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 1012. City of Chicago, petitioner, *v.* Harry Joseph, Receiver, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 872. Black Diamond Steamship Corporation, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 298. United States, *ex relatione* societe de condensation et d'applications mecaniques, petitioners, *v.* Conway P. Coe, Commissioner of Patents. Motion for leave to file second petition for rehearing granted. The petition for rehearing is denied.

No. 240. H. L. Lynch, petitioner, *v.* Helen Kemp (now Helen Durfey). Motion for leave to file petition for rehearing granted. The petition for rehearing is denied.

No. 757. The United States of America, appellant, *v.* Milo W. Bekins and Reed J. Bekins, as Trustees, etc., et al.; and

No. 772. Lindsay-Strathmore Irrigation District, appellant, *v.* Milo W. Bekins and Reed J. Bekins, as Trustees, etc., et al.;

No. 760. Arkansas Fuel Oil Company, appellant, *v.* State of Louisiana, ex rel. Hyman Muslow;

No. 874. City of Fort Worth et al., petitioners, *v.* Lone Star Gas Company;

No. 886. Harry E. Wiese, petitioner, *v.* Commissioner of Internal Revenue; and

No. 893. R. J. Reynolds Tobacco Company, petitioner, *v.* C. H. Robertson, Collector of Internal Revenue, etc. Petitions for rehearing denied.

No. 396. Kellogg Company, petitioner, *v.* National Biscuit Company; and

No. 1053. Kellogg Company, petitioner, *v.* National Biscuit Company. The motion for a stay is granted, and further proceedings in the United States District Court for the District of Delaware are stayed pending action upon the petition for writ of certiorari seeking a review of the order of the United States Circuit Court of Appeals for the Third Circuit entered May 5, 1938, recalling and clarifying the mandate, and upon the motion for leave to file a second petition for rehearing.

No. 11, original. The State of Texas, complainant, *v.* The State of New Mexico et al. Supplemental ad interim report submitted by Mr. Charles Warren, Special Master.

No. 72. Crown Cork & Seal Company, Inc., petitioner, *v.* Ferdinand Gutmann Co., Inc. Motion to amend judgment submitted by Mr. William E. Warland for the respondent in support thereof and by Mr. Thomas G. Haight, and Mr. John J. Darby for the petitioners in opposition thereto.

No. 396. Kellogg Company, petitioner, *v.* National Biscuit Company. Motion for leave to file a second petition for rehearing submitted by Mr. W. H. Crichton Clarke for the petitioner.

No. 674. The Schriber-Schroth Company, petitioner, *v.* The Cleveland Trust Company, Chrysler Corporation;

No. 675. The Aberdeen Motor Supply Company, petitioner, *v.* The Cleveland Trust Company, Chrysler Corporation; and

No. 676. The F. E. Rowe Sales Company, petitioner, *v.* The Cleveland Trust Company, Chrysler Corporation. Motion for leave to file petition for rehearing submitted by Mr. Charles E. Riordon in behalf of counsel for the petitioners.

No. 11, original. October Term, 1934. State of New Jersey, complainant, *v.* State of Delaware. Motion for leave to file petition for rehearing submitted by Mr. Duane E. Minard for the complainant.

No. —, original. Ex parte Harry M. Blair, petitioner. Motion for leave to file petition for writ of certiorari submitted by Mr. George Pfeil for the petitioner.

No. 21, original. Ex parte National Labor Relations Board, petitioner. Return to rule to show cause presented.

No. 21, original. Ex parte National Labor Relations Board, petitioner. Argued on the petition for writs of prohibition and mandamus and the return to the rule to show cause upon the question of the jurisdiction of the Circuit Court of Appeals to make the order complained of, by Mr. Robert B. Watts for the petitioner, National Labor Relations Board, by Mr. Luther Day for Republic Steel Corporation, and submitted upon the return of the respondents, Honorable Joseph Buffington, Honorable J. Warren Davis, and Honorable J. Whitaker Thompson, Judges of the United States Circuit Court of Appeals for the Third Circuit.

Adjourned until Tuesday, May 31, next, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, Mr. Justice Black, and Mr. Justice Reed.

James F. Byrnes, of Spartanburg, S. C.; Frank R. Broadway, of Montgomery, Ala.; Julian G. Gibbs, of Washington, D. C.; Clifton W. Brannon, of Atlanta, Ga.; H. Webb Shadle, of Sacramento, Calif.; Percy C. Heckendorf, of Santa Barbara, Calif.; Carl B. Sturzenacker, of Sacramento, Calif.; George C. Dayton, of Dade City, Fla.; William Griffith Purcell, of Richmond, Va.; Alfred Henry Myers, of Cincinnati, Ohio; Cedric Vogel, of Cincinnati, Ohio; Horace G. Marks, of New York City; H. W. Glensor, of San Francisco, Calif.; Thomas E. Walsh, of Washington, D. C.; Clarke B. Payne, of Winchester, Ind.; Meta S. Wooden, of Battle Creek, Mich.; Joseph M. Pulvino, of Rochester, N. Y.; Gladys Shannon, of Fort Worth, Tex.; Douglas H. Jones, of St. Louis, Mo.; N. Andrew Olsen, of Washington, D. C.; Richard A. Betts, of Findlay, Ohio; Arthur L. Johnson, of Washington, D. C.; Frank J. Filippi, of San Francisco, Calif.; Gallitzen A. Farabaugh, of South Bend, Ind.; H. Thomas Austern, of Washington, D. C.; Thomas J. Duffy, of Columbus, Ohio; John V. Hanney, of Chicago, Ill.; Merritt B. Curtis, of San Bernardino, Calif.; William J. MacGuire, of Atlanta, Ga.; Owsley Vose, of Evanston, Ill.; Breedlove Smith, of El Paso, Tex.; Stewart Berkshire, of El Paso, Tex.; George Wilson McKeag, of Philadelphia, Pa.; Frederick J. Shoyer, of Philadelphia, Pa.; Kendall H. Shoyer, of Philadelphia, Pa.; Edwin J. Lukas, of New York City; James J. Kilgallon, of Chicago, Ill.; Joseph P. McCarthy, of Washington, D. C.; Frank H. Terrell, of Kansas City, Mo.; Paul M. Peterson, of Columbia, Mo.; Franklin E. Reagan, of Jefferson City, Mo.; John W. Nance, of Rogers, Ark.; Beverly H. Randolph, Jr., of Richmond, Va.; Edwin Denman Green, of Phoenix, Ariz.; Roger Robb, of Washington, D. C.; Ernest Russell McHale, of East St. Louis, Ill.; Louis Zimmerman, of New York City; Oscar Garcia-Rivera, of New York City; John M. Treveiler, of Winnetka, Ill.; John P. Feeley, of Hazelton, Pa.; Chauncey D. Everard, of Baltimore, Md.; Herbert Joseph Smith, of Westerly, R. I.; Arthur Kreisman, of St. Louis, Mo.; Addison C. Ely, of Westfield, N. J.; Alan B. Brown, of Salt Lake City, Utah; Philip Werner Amram, of Philadelphia, Pa.; Marshall A. Coyne, of Philadelphia, Pa.; Alexander R. Staples, of Philadelphia, Pa.; Lambert Ott, Jr., of Philadelphia,

Pa.; Philip Sterling, of Philadelphia, Pa.; John Hemphill, of Philadelphia, Pa.; Bernard G. Segal, of Philadelphia, Pa.; Leopold C. Glass, of Philadelphia, Pa.; Alexander Conn, of Philadelphia, Pa.; Frank B. Murdock, Jr., of Philadelphia, Pa.; Otto C. Doering, Jr., of Scarsdale, N. Y.; Carbery F. O'Shea, of Washington, D. C.; James E. Newton, of Seattle, Wash.; Henry M. Sinclair, of Winter Haven, Fla.; William Calvert Welborn, of Evansville, Ind.; William Friedman, of Detroit, Mich.; George L. Quinn, Jr., of Washington, D. C.; Clifford Spence M. Grayson, of Washington, D. C.; George W. Trammell, Jr., of Long Beach, Calif.; Carnegie York, of Washington, D. C.; Arthur W. Scharfeld, of Washington, D. C.; and Edward A. Penprase, of Los Angeles, Calif., were admitted to practice.

No. 715. James M. Wright, petitioner, *v.* Union Central Life Insurance Company; and

No. 716. James M. Wright, petitioner, *v.* Union Central Life Insurance Company. On writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgments affirmed in part and reversed in part, petitioner to pay one third of the costs in this Court and respondent two thirds, and cause remanded to the District Court of the United States for the Northern District of Indiana for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Reed. Mr. Justice Cardozo took no part in the consideration or decision of this case.

No. 870. R. E. Collins, John C. Corbett, and Fred B. Stewart, et al., appellants, *v.* Yosemite Park and Curry Co. Appeal from the District Court of the United States for the Northern District of California. 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 Reed. Mr. Justice McReynolds is of opinion that the decree below should be reversed because as stated by counsel for appellants, "The acts of cession and acceptance reserved to the state the right to levy upon and collect from the appellee company the type of tax imposed by the Alcoholic Beverage Control Act." Also, that the discussion should be confined to that point. Mr. Justice Cardozo took no part in the consideration or decision of this case.

No. 21, original. Ex parte National Labor Relations Board, petitioner. Petition for writs of prohibition and mandamus granted. Opinion by Mr. Justice Roberts. Mr. Justice Stone and Mr. Justice Cardozo took no part in the consideration or decision of this case. Dissenting opinion by Mr. Justice Butler in which Mr. Justice McReynolds concurs.

No. 798. The Denver Union Stock Yard Company, appellant, *v.* The United States of America and Secretary of Agriculture. Appeal from the District Court of the United States for the District of Colorado. Decree affirmed. Opinion by Mr. Justice Butler. Mr. Justice Black concurs in the result. Mr. Justice Cardozo took no part in the consideration or decision of this case.

No. 581. Fred O. Morgan, doing business as Fred O. Morgan Sheep Commission Company, et al., appellants, *v.* The United States of America et al. Petition for rehearing denied. Opinion, *per curiam*, announced by Mr. Chief Justice Hughes. Mr. Justice Black dissents. Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration and decision of this petition.

The Chief Justice announced the following orders of the Court:

No. 993. Champlin Refining Company, appellant, *v.* Frank J. Ryan, as Secretary of State of the State of Kansas. Appeal from the Supreme Court of the State of Kansas. *Per curiam*: The appeal herein is dismissed for the want of jurisdiction. Section 237 (a), Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937). The petition for writ of certiorari is denied.

No. 1004. Mutual Benefit, Health and Accident Association, petitioner, *v.* Lena Bowman. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. *Per curiam*: The petition for writ of certiorari is granted limited to the question of the right of respondent to recover under the law of New Mexico. The judgment of the Circuit Court of Appeals is vacated and the cause is remanded to the Circuit Court of Appeals for determination of the question presented. Erie Railroad Company *v.* Tompkins, — U. S. — (decided April 25, 1938); New York Life Insurance Company *v.* Jackson, — U. S. — (decided May 16, 1938); Rosenthal *v.* New York Life Insurance Company, — U. S. — decided May 16, 1938).

No. 1045. H. L. Mosher, appellant, *v.* American Surety Company of New York et al. Appeal from the Superior Court of Maricopa County, State of Arizona. *Per curiam*: The motion of the appellee to dismiss the appeal is granted and the appeal is dismissed for the want of jurisdiction. Section 237 (a), Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeal was allowed as a petition for a writ of certiorari as required by section 237 (c), Judicial Code, as amended (43 Stat. 936, 938), certiorari is denied.

No. 948. Frank Ned, alleged incompetent, in his own behalf, et al., appellants, *v.* F. P. Robinson. Appeal from the Supreme Court of

the State of Oklahoma. *Per curiam*: The appeal herein is dismissed for the want of jurisdiction. Section 237 (a), Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 938). The petition for writ of certiorari is denied.

No. 1030. Oil Shares Incorporated, petitioner, *v.* Commercial Trust Company of New Jersey et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. *Per curiam*: The petition for writ of certiorari is granted, the decree of the Circuit Court of Appeals is reversed, and the decree of the District Court dismissing the complaint as to the respondent, Commercial Trust Company of New Jersey, is vacated. The cause is remanded to the District Court with instructions to set forth its findings of fact and conclusions of law in accordance with Equity Rule 70 $\frac{1}{2}$.

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 5 (b) of Rule 38 of the Rules of this Court be amended so as to read as follows:

"(b) Where a circuit court of appeals has rendered a decision in conflict with the decision of another circuit court of appeals on the same matter; or has decided an important question of local law in a way probably in conflict with applicable local decisions; or has decided an important question of federal law which has not been, but should be, settled by this court; or has decided a federal question in a way probably in conflict with applicable decisions of this court; or has so far departed from the accepted and usual course of judicial proceedings, or so far sanctioned such a departure by a lower court, as to call for an exercise of this court's power of supervision."

ORDER

It is ordered that paragraph (3) of Rule II of the Rules of Practice and Procedure in Criminal Cases be, and the same is hereby, amended to read as follows:

"(3) Except in capital cases a motion for a new trial solely upon the ground of newly-discovered evidence may be made within sixty (60) days after final judgment, without regard to the expiration of the term at which judgment was rendered, unless an appeal has been taken and in that event the trial court may entertain the motion only on remand of the case by the appellate court for that purpose,

and such remand may be made at any time before final judgment. In capital cases the motion may be made at any time before execution of the judgment."

No. —. President of the United States of America, on the relation of Gennaro Caputo, petitioner, *v.* John J. Kelly, United States Marshal, et al., etc. The application for a stay pending action upon a petition for writ of certiorari, referred by Mr. Justice Stone to the Court, is denied.

No. —, original. *Ex parte* Merritt B. Schuyler, petitioner. Application denied.

No. 1, original. State of Georgia, complainant, *v.* The Tennessee Copper Company et al. The return to the rule to show cause is received and ordered to be filed with leave to file a supplemental return on or before October 3, next.

No. 11, original. October Term, 1934. The State of New Jersey, complainant, *v.* The State of Delaware. The motion for leave to file petition for rehearing is granted. The petition for rehearing is denied.

No. 11, original. State of Texas, complainant, *v.* State of New Mexico. The motion for leave to file petition and brief on behalf of Belen-Ladera Acequia, as *amicus curiae* is denied.

No. 11, original. State of Texas, complainant, *v.* State of New Mexico. The supplemental *ad interim* report of the Special Master is received and ordered to be filed.

No. 22, original. *Ex parte* Harry M. Blair, petitioner. The motion to defer consideration is denied. The motion for leave to file petition for writ of certiorari is granted. The petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is denied. Mr. Justice Roberts took no part in the consideration or decision of this application.

No. 1021. Harry M. Blair, Robert Owston, et al., petitioners, *v.* George W. McClintic, Judge, etc. The motion to defer consideration is denied. The petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is denied. Mr. Justice Roberts took no part in the consideration or decision of this application.

No. —, original. *Ex parte* A. K. Fowler, Administrator, etc., et al. The motion for leave to file petition for writ of mandamus is denied.

No. 1049. A. K. Fowler, Administrator, etc., et al., petitioners, *v.* Russell B. Seymour, Trustee, etc. The petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is denied.

No. 18, original. Ex parte Paysoff Tinkoff, petitioner. The petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is denied.

No. 396. Kellogg Company, petitioner, *v.* National Biscuit Company, and

No. 1053. Kellogg Company, petitioner, *v.* National Biscuit Company. The motion for leave to file a second petition for rehearing is granted. The second petition for rehearing is granted. The order denying a writ of certiorari is vacated and the petition for writ of certiorari seeking review of the judgment of the Circuit Court of Appeals entered on April 12, 1937, is granted. The petition for writ of certiorari seeking review of the order recalling and clarifying the mandate of the Circuit Court of Appeals is also granted. Further proceedings in the United States District Court for the District of Delaware are stayed pending action of the Court upon the writs of certiorari hereby granted. Mr. Justice Stone and Mr. Justice Roberts took no part in the consideration or decision of these applications.

No. 674. The Schriber-Schroth Company, petitioner, *v.* The Cleveland Trust Company, Chrysler Corporation;

No. 675. The Aberdeen Motor Supply Company, petitioner, *v.* The Cleveland Trust Company, Chrysler Corporation; and

No. 676. The F. E. Rowe Sales Company, petitioner, *v.* The Cleveland Trust Company, Chrysler Corporation. The motion for leave to file a second petition for rehearing is granted. The second petition for rehearing is granted. The order denying certiorari is vacated and the petition for writs of certiorari is granted.

No. 357. General Talking Pictures Corporation, petitioner, *v.* Western Electric Company, Inc. The petition for rehearing is granted upon the first two questions presented in the petition for writ of certiorari and the cause is assigned for argument on Monday, October 10, 1938. The motion to stay the mandate pending rehearing and determination by the Court is granted.

No. 313. Lone Star Gas Company, appellant, *v.* State of Texas et al. It is ordered that the opinion in this cause be amended by striking the word "interstate" from the ninth line on page four thereof and substituting the word "intrastate" therefor, so that the sentence will read: "The fair value of its intrastate property was thus claimed to be \$38,350,882.32 and the net amount available at the Commission's rate for return on intrastate deliveries of gas as less than four per cent."

No. 72. Crown Cork & Seal Company, Inc., petitioner, *v.* Ferdinand Gutmann Co., Inc. The motion to amend the judgment is denied.

No. 1051. Robert J. Suhay, alias Robert Suhay, et al., petitioners, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit;

No. 1062. Michael Carnevale, petitioner, *v.* The State of New York. On petition for writ of certiorari to the Supreme Court of the State of New York;

No. 1067. Abraham Sandlofer, petitioner, *v.* The City of New York. On petition for writ of certiorari to the Supreme Court of the State of New York; and

No. 1064. Pierce Lonergan, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. The motions for leave to proceed further herein *in forma pauperis* are denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which writs of certiorari should be issued. The petitions for writs of certiorari are therefore also denied.

No. 984. Dan B. Shields, Individually, etc., et al., petitioners, *v.* The Utah Idaho Central Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit granted.

No. 1008. The Colorado National Bank of Denver et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit granted.

No. 1042. Munro L. Lyeth, petitioner, *v.* James J. Hoey, Collector of Internal Revenue, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 1043. Hyman Scher, alias William Scher, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 1048. Roy G. Harris and Benjamin F. J. Odell, petitioners, *v.* Avery Brundage Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 1016. The Sovereign Camp of the Woodmen of the World, petitioner, *v.* William F. Bolin et al. Petition for writ of certiorari to the Kansas City Court of Appeals, State of Missouri, granted.

No. 986. Blakely D. McCaughn, Director of Wharves, etc., petitioner, *v.* Philadelphia Piers, Inc., et al. Petition for writ of certiorari to the Supreme Court of the State of Pennsylvania is denied for the want of a final judgment.

No. 937. Mutual Benefit Health and Accident Association, petitioner, *v.* Mannow D. Moyer. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 982. American Woolen Company, petitioner, *v.* The United States, and

No. 983. American Woolen Company, petitioner, *v.* The United States. Petition for writs of certiorari to the Court of Claims is denied.

No. 987. Pacific Steamship Lines, Limited, petitioner, *v.* Tom Mack. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 994. J. M. Mackey, petitioner, *v.* City of Little Rock et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 995. Nettie E. Livermore, petitioner, *v.* Peter H. Miller, Collector of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1002. Pillsbury Flour Mills Co., petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 1005. Grace H. Murray, Elsie S. Haight et al., petitioners, *v.* The City of New York et al. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 1006. Edward White, petitioner, *v.* Moses O. Youngblood. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 1007. United States, ex rel. Iver Schmidt and James R. Rucker, petitioners, *v.* Charles W. Miles, United States Marshal. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 1013. Angus C. Littlejohn, 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. 1024. Morris Meyers, 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. 1034. Harley L. Clarke, petitioner, *v.* M. M. Martin, Trustee etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 1041. The United States of America, ex rel. Simeon H. Reibeck and Harry J. Mandell, petitioners, *v.* John J. Kelly, United States Marshal etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1022. Charlotte Morehead et al., petitioners, *v.* The Central Trust Company of Cincinnati, as executor, etc. Petitioner for writ of certiorari to the Supreme Court of the State of Ohio denied.

No. 1014. The First National Bank and Trust Company of Kalamazoo, Michigan, petitioner, *v.* David E. Uhl, Receiver, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 1054. Joseph Breen and Michael Breen, Sr., 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. 1055. Stephen Callaghan et al., petitioners, *v.* Brooklyn Trust Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1015. D. V. Johnson, doing business in name of Tennessee Grain Company, petitioner, *v.* Igleheart Brothers, Incorporated. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 1058. Central Executive Council of Remington Rand Employes' Associations, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1011. Anna B. Goldstone, petitioner, *v.* John A. Payne. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1061. John H. Mellon, alias Albert B. Underwood, 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. 313. Lone Star Gas Company, appellant, *v.* State of Texas et al.;

No. 671. Catherine Schultz, petitioner, *v.* Live Stock National Bank of Chicago, Administrator, etc.;

No. 936. National Carbon Company, Inc., petitioner, *v.* The Western Shade Cloth Company.;

No. 970. Remington Rand, Inc., petitioner, *v.* The United States of America.;

No. 985. Georgia M. Spruill, petitioner, *v.* Harryman Dorsey.;

No. 988. Alamo National Bank of San Antonio, by Walter N. Napier, President, etc., petitioner, *v.* Commissioner of Internal Revenue.;

No. 989. Mrs. L. W. Alexander, petitioner, *v.* Commissioner of Internal Revenue; and

No. 882. Marion H. Allen, Collector of Internal Revenue, etc., petitioner, *v.* Regents of the University System of Georgia. Petitions for rehearing denied.

No. 915. Federal Power Commission, petitioner, *v.* Metropolitan Edison Company et al. Mandate ordered to issue forthwith on motion of Mr. Solicitor General Jackson for the petitioner.

No. 814. George E. Valli et al., petitioners, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Dismissed on motion of counsel for the petitioners.

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 are hereby, continued to the next term.

Adjourned to the time and place appointed by law.

