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## Court of Appeals Opinions

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## APPENDIX II

Opinions Delivered as Associate Justice of the Appellate Court of the District of Columbia, May, 1939, to February, 1943.

### ADMINISTRATIVE LAW

American Gas & Electric Co. v. SEC, 134 F.2d 633 (D. C. Cir. 1943); National Broadcasting Company v. FCC, 132 F.2d 545 (D. C. Cir. 1942); Gilbert v. Ickes, 123 F.2d 917 (D. C. Cir. 1941); Dow v. Ickes 123 F.2d 909 (D. C. Cir. 1941); Warehousemen's Union v. NLRB, 121 F.2d 84 (D. C. Cir. 1941); Burley Irrigation Dist. v. Ickes, 116 F.2d 529 (D. C. Cir. 1940), *cert. denied*, 312 U. S. 687 (1941); Farley v. Abbetmier, 114 F.2d 569 (D. C. Cir. 1940); Nelson v. Ickes, 113 F.2d 515 (D. C. Cir. 1940); Evans v. FCC, 113 F.2d 166 (D. C. Cir. 1940); International Ass'n. of Machinists v. NLRB, 110 F.2d 29 (D. C. Cir. 1939).

## CONFLICT OF LAWS

Sweeney v. District of Columbia, 113 F.2d 25 (D. C. Cir. 1940).

## CONSTITUTIONAL LAW

Busey v. District of Columbia, 129 F.2d 24, 28 (D. C. Cir. 1942) (dissenting); Wood v. United States, 128 F.2d 265 (D. C. Cir. 1942); District of Columbia v. Buckley, 128 F.2d 17, 21 (D. C. Cir. 1942) (concurring); Washington Terminal Co. v. Boswell, 124 F.2d 235 (D. C. Cir. 1941); Saul v. Saul, 122 F.2d 64 (D. C. Cir. 1941); Panitz v. District of Columbia, 122 F.2d 61 (D. C. Cir. 1941); Press Co. v. NLRB, 118 F.2d 937, 947 (D. C. Cir. 1940) (dissenting in part) (supplemental opinion to same case per Rutledge, J. at 957); Philadelphia, B. & W. R. R. v. Hayen, 116 F.2d 543 (D. C. Cir. 1940).

## CONTRACTS AND QUASI-CONTRACTS

Fox v. Johnson & Weinsatt, 127 F.2d 729 (D. C. Cir. 1942); Southern Ry. v. Acme Fast Freight, 124 F.2d 229, 230 (D. C. Cir. 1941) (concurring); Weiss v. District Title Co., 121 F.2d 900 (D. C. Cir. 1941); Cobb v. Howard University, 106 F.2d 860 (D. C. Cir. 1939).

## CORPORATIONS

American Gas & Electric Co. v. SEC, 134 F.2d 633 (D. C. Cir. 1943), *cert. denied*, 319 U. S. 763 (1943); Frene v. Louisville Cement Co., 134 F.2d 511 (D. C. Cir. 1943); Fox v. Johnson & Weinsatt, 127 F.2d 729 (D. C. Cir. 1942); Calvin v. Washington Properties, 121 F.2d 19 (D. C. Cir. 1941).

## CRIMINAL LAW

Ewing v. United States, 135 F.2d 633 (D. C. Cir. 1942); Boykin v. United States, 130 F.2d 416 (D. C. Cir. 1942); Wood v. United States, 128 F.2d 265 (D. C. Cir. 1942); District of Columbia v. Richards, 128 F.2d 17, 21 (D. C. Cir. 1942) (concurring); Boykin v. Huff, 121 F.2d 865 (D. C. Cir. 1941); Spencer v. United States, 116 F.2d 801 (D. C. Cir. 1940); Jordan v. Bondy, 114 F.2d 599 (D. C. Cir. 1940); Rowley v. Welch, 114 F.2d 499 (D. C. Cir. 1940); Coupe v. United States, 113 F.2d 145 (D. C. Cir. 1940).

## DOMESTIC RELATIONS AND DIVORCE

Brown v. Brown, 134 F.2d 505 (D. C. Cir. 1942); Ruppert v. Ruppert, 134 F.2d 497, 501 (D. C. Cir. 1942) (concurring); Saul v. Saul, 122 F.2d 64 (D. C. Cir. 1941); Miller v. Miller, 114 F.2d 596 (D. C. Cir. 1940); Schlaefer v. Schlaefer, 112 F.2d 177 (D. C. Cir. 1940); Pedersen v. Pedersen, 107 F.2d 227 (D. C. Cir. 1939).

## DUE PROCESS OF LAW

*In re Rosier*, 133 F.2d 316, 333 (D. C. Cir. 1942) (dissenting); Howard v. Overholser, 130 F.2d 429 (D. C. Cir. 1942); Beard v. Bennett, 114 F.2d 578 (D. C. Cir. 1940).

## INSOLVENCY AND RECEIVERSHIP

Thomas v. Peyser, 118 F.2d 369 (D. C. Cir. 1941); National Beneficial Life Ins. Co. v. Shaw-Walker Co., 111 F.2d 497 (D. C. Cir. 1940).

## INSURANCE

Prudential Ins. Co. v. Saxe, 134 F.2d 16 (D. C. Cir. 1943); Jordan v. Group Health Ass'n., 107 F.2d 239 (D. C. Cir. 1939).

## LABOR LAW

Switchmen's Union v. National Mediation Board 135 F.2d 785, 796 (D. C. Cir. 1943) (dissenting); Webster v. Clodfelter, 130 F.2d 434 (D. C. Cir. 1942); Lebanon Steel Foundry v. NLRB, 130 F.2d 404 (D. C. Cir. 1942); Washington Terminal Co. v. Boswell, 124 F.2d 235 (D. C. Cir. 1941); Warehousemen's Union v. NLRB, 121 F.2d 84 (D. C. Cir. 1941); Press Co. v. NLRB, 118 F.2d 937, 947 (D. C. Cir. 1940) (dissenting in part); Hartford Accident Co. v. Cardillo, 112 F.2d 11 (D. C. Cir. 1940); International Ass'n. of Machinists v. NLRB, 110 F.2d 29 (D. C. Cir. 1939).

## MORTGAGES

Fogle v. General Credit, Inc., 122 F.2d 45 (D. C. Cir. 1941).

## PATENT LAW

Hydraulic Press Corporation v. Coe, 134 F.2d 49 (D. C. Cir. 1943); Abbott v. Shepherd, 135 F.2d 769 (D. C. Cir. 1942); Boucher Inventions, Ltd. v. Sola Electric Co., 131 F.2d 225 (D. C. Cir. 1942); Leighton v. Coe, 130 F.2d 841, 842 (D. C. Cir. 1942) (concurring opinion); Seyfarth v. Coe, 129 F.2d 58 (D. C. Cir. 1942); Morrison v. Coe, 127 F.2d 737 (D. C. Cir. 1942); Frick-Gallagher M'fg. Co. v. RoTray Corp., 122 F.2d 81 (D. C. Cir. 1941); Sloane v. Coe, 122 F.2d 37 (D. C. Cir. 1941); Hemphill Co. v. Coe, 121 F.2d 897 (D. C. Cir. 1941); Identification Devices v. United States, 121 F.2d 895 (D. C. Cir. 1941); Levine v. Coe, 119 F.2d 185 (D. C. Cir. 1941); Minnesota Mining & M'fg. Co. v. Coe, 113 F.2d 512 (D. C. Cir. 1940).

## PROCEDURE

Prudential Ins. Co. v. Saxe, 134 F.2d 16 (D. C. Cir. 1943); Loughlin v. Berens, 128 F.2d 23, 26 (D. C. Cir. 1942) (dissenting); Fowler v. Pilson, 123 F.2d 918 (D. C. Cir. 1941); Fennell v. Bache, 123 F.2d 905 (D. C. Cir. 1941); Loughlin v. Berens, 118 F.2d 193 (D. C. Cir. 1940); Joerns v. Irvin, 114 F.2d 458 (D. C. Cir. 1940); Clawans v. White, 112 F.2d 189 (D. C. Cir. 1940); Schlaefer v. Schlaefer, 112 F.2d 177 (D. C. Cir. 1940); Acker v. Herfurth, 110 F.2d 241 (D. C. Cir. 1939).

## PROPERTY

Miller Development Co. v. Emig Properties Corp. 134 F.2d 36 (D. C. Cir. 1943); Bailey v. Zlotnick, 133 F.2d 35 (D. C. Cir. 1942); Geracy v. Hoover, 133 F.2d 25, 29 (D. C. Cir. 1942) (dissenting); Fairclaw v. Forrest, 130 F.2d 829 (D. C. Cir. 1942); Hoffman v. Sheahin, 121 F.2d 861 (D. C. Cir. 1941); Reeves v. American Security Co., 115 F.2d 145 (D. C. Cir. 1940); Faulks v. Schrider, 114 F.2d 587 (D. C. Cir. 1940); Wyant v. Crittenden, 113 F.2d 170 (D. C. Cir. 1940).

## PUBLIC UTILITIES

Burley Irrigation Dist. v. Ickes, 116 F.2d 529 (D. C. Cir. 1940).

## SALES

Fogle v. General Credit, 122 F.2d 45 (D. C. Cir. 1941).

## TAXATION

Panitz v. District of Columbia, 122 F.2d 61 (D. C. Cir. 1941); Nolde & Horst Co. v. Helvering, 122 F.2d 41 (D. C. Cir. 1941); District of Columbia v. Safe Deposit & Trust Co., 116 F.2d 21 (D. C. Cir. 1940); Sweeney v. District of Columbia, 113 F.2d 25 (D. C. Cir. 1940); Fidelity-Bankers Trust Co. v. Helvering, 113 F.2d 14 (D. C. Cir. 1940), *cert. denied*, 310 U. S. 649 (1940).

## TORTS

McKenna v. Austin, 134 F.2d 659 (D. C. Cir. 1943); Scharfeld v. Richardson, 133 F.2d 340 (D. C. Cir. 1942); Bailey v. Zlotnick, 133 F.2d 35 (D. C. Cir. 1942); Georgetown College v. Hughes, 130 F.2d 810 (D. C. Cir. 1942); Melvin v. Pence, 130 F.2d 423 (D. C. Cir. 1942); District of Columbia v. Richards, 128 F.2d 297 (D. C. Cir. 1942); Christie v. Callahan, 124 F.2d 825 (D. C. Cir. 1941); Young Men's Shop v. Odend'hal, 121 F.2d 857 (D. C. Cir. 1941); Mason v. Automobile Finance Co. 121 F.2d 32 (D. C. Cir. 1941); Baltimore & O. R. R. v. Corbin, 118 F.2d 9 (D. C. Cir. 1940); Mancari v. Smith, 114 F.2d 834, 837 (D. C. Cir. 1940) (dissenting); Fletcher v. Evening Star Newspaper Co., 114 F.2d 582 (D. C. Cir. 1940); Hohenthal v. Smith, 114 F.2d 494 (D. C. Cir. 1940).

## TRADE-MARKS, TRADE-NAMES, AND UNFAIR COMPETITION

Frick-Gallagher M'fg. Co. v. RoTray Corp., 122 F.2d 81 (D. C. Cir. 1941); Lawyers Title Ins. Co. v. Lawyers Title Ins. Corp., 109 F.2d 35 (D. C. Cir. 1939).

## TRUSTS

Earll v. Picken, 113 F.2d 150 (D. C. Cir. 1940).

## WILLS, EXECUTORS, AND ADMINISTRATORS

Fairclaw v. Forrest, 130 F.2d 829 (D. C. Cir. 1942); Cotonficio-Bustese v Morgenthau, 121 F.2d 884 (D. C. Cir. 1941); Burke v. Canfield, 121 F.2d 877 (D. C. Cir. 1941); American Security Co. v. Frost, 117 F.2d 283, 287 (D. C. Cir. 1940) (dissenting).

## MISCELLANEOUS CASES

American Nat. Bank & Trust Co. v. United States, 134 F.2d 674 (D. C. Cir. 1943); Orme v. Lendahand Co., 128 F.2d 756 (D. C. Cir. 1942); Sherwood Bros., Inc. v. District of Columbia, 113 F.2d 162 (D. C. Cir. 1940); United States Casualty Co. v. District of Columbia, 107 F.2d 652 (D. C. Cir. 1939).