

DECISIONS PER CURIAM, ETC., FROM APRIL 20,
1943, THROUGH JUNE 14, 1943.*

No. 885. CENTRAL POWER & LIGHT CO. ET AL. *v.* TEXAS. Appeal from the Court of Civil Appeals, 3rd Supreme Judicial District, of Texas. May 3, 1943. *Per Curiam*: The appeal is dismissed for the want of a substantial federal question. *H. E. Butt Grocery Co. v. Sheppard*, 311 U. S. 608, and cases cited. *Messrs. Frank M. Kemp and Everett L. Looney* for appellants. *Messrs. Gerald C. Mann, Attorney General of Texas, and Cecil C. Rotsch* for appellee. Reported below: 165 S. W. 2d 920.

No. —, original. *EX PARTE HAROLD MCGINNIS*. May 3, 1943. Application denied.

No. —, original. *WILSON v. HINMAN*. May 3, 1943. The motion for leave to file petition for writ of mandamus is denied.

No. —, original. *EX PARTE FRANK CONTARDI*;

No. —, original. *EX PARTE STANLEY PEPLOWSKI*;

No. —, original. *EX PARTE ALBERT SMITH*;

No. —, original. *EX PARTE CHARLES E. WESTBROOK*;
and

No. —, original. *EX PARTE MARK REYNOLDS AND FRANK REYNOLDS*. May 3, 1943. The motions for leave to file petitions for writs of habeas corpus are denied.

*For decisions on applications for certiorari, see *post*, pp. 733, 740; rehearing, *post*, pp. 777, 779. For cases disposed of without consideration by the Court, *post*, p. 776.

No. 722. STANDARD DREDGING CORP. *v.* MILLER, INDUSTRIAL COMMISSIONER, ET AL.;

No. 723. INTERNATIONAL ELEVATING CO. *v.* MILLER, INDUSTRIAL COMMISSIONER, ET AL.;

No. 783. MATTON STEAMBOAT CO., INC. ET AL. *v.* MILLER, INDUSTRIAL COMMISSIONER, ET AL.; and

No. 813. LAKE TANKERS CORP. *v.* MILLER, INDUSTRIAL COMMISSIONER, ET AL. May 5, 1943. Murphy, Acting Industrial Commissioner, substituted for Miller, appellee. Nos. 722 and 723 reported *ante*, p. 306; Nos. 783 and 813, *ante*, p. 412.

No. —. KELLY *v.* GERDINK. May 10, 1943. Application denied.

No. 839. LEVIN ET AL. *v.* UNITED STATES ET AL. Appeal from the District Court of the United States for the Northern District of Illinois. May 17, 1943. *Per Curiam*: The motions to affirm are granted and the judgment is affirmed. *Mr. Charles Martin Kennedy* for appellants. *Solicitor General Fahy* and *Mr. Daniel W. Knowlton* for the United States et al.; and *Messrs. Amos M. Mathews* and *George D. Rives* for the National Bus Traffic Association, Inc. et al.,—appellees.

No. —, original. *EX PARTE* HENRY R. ANDERSON. May 17, 1943. The motion for leave to file petition for writ of mandamus is denied.

No. —, original. *EX PARTE* P. A. WHISTLER;

No. —, original. *EX PARTE* ARTHUR S. HUMES; and

No. —, original. *EX PARTE* WALTER F. COLE and FANN COLE. May 17, 1943. The motions for leave to file petitions for writs of habeas corpus are denied.

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No. —, original. *EX PARTE MARTIN V. ROSS*. May 17, 1943. The motion for leave to file petition for writ of habeas corpus is denied, without prejudice, on the ground that it does not appear that petitioner has exhausted state remedies by applying to the Supreme Court of Michigan for a writ of habeas corpus.

No. —, original. *EX PARTE DEWEY GOOCH*. May 17, 1943. The motion for leave to file petition for writ of habeas corpus is denied, without prejudice, on the ground that it does not appear that state court remedies have been exhausted.

No. —. *SPENCE v. INDIANA*. May 17, 1943. Application denied.

No. —, original. *EX PARTE RICHARD RICE*. May 24, 1943. The motion for leave to file petition for writ of habeas corpus is denied.

No. 5, original. *COLORADO v. KANSAS ET AL.* May 24, 1943. The report of the Special Master herein is received and ordered to be filed.

No. 2, October Term, 1941. *BERNARDS ET AL. v. JOHNSON ET AL.* May 24, 1943. The motion to recall the mandate is denied. MR. JUSTICE RUTLEDGE took no part in the consideration or decision of this application.

No. 520. *L. T. BARRINGER & Co. v. UNITED STATES ET AL.* May 24, 1943. It is ordered that the opinion of this Court be amended by adding at the end the following paragraph:

"We have considered appellant's attack on the suffi-

ciency of the evidence to support the Commission's findings, and conclude, as did the court below, that they are adequately supported by substantial evidence of record. Compare *Florida v. United States*, 292 U. S. 1, 12; *Merchants Warehouse Co. v. United States*, *supra*, 508."

The petition for rehearing is denied.

Opinion reported as amended, *ante*, p. 1.

No. —. EX PARTE LAWRENCE McCLAIN. June 1, 1943. Application denied.

No. —. EX PARTE GENE McCANN. June 1, 1943. The application dated March 16, 1943, is denied.

No. —, original. EX PARTE LESLIE WILLIAMS ET AL. June 1, 1943. The motion for leave to file a petition for writ of habeas corpus is denied, without prejudice to an application to the state courts in conformity to the opinion of the Supreme Court of Nebraska in *Williams v. Olson*, 8 N. W. 2d 830.

No. 15, original. EX PARTE UNITED STATES. On motion for leave to file petition for writ of prohibition and/or mandamus and for a writ of certiorari. June 7, 1943. *Per Curiam*: The motion for leave to file the petition is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit is granted. The order of that court of May 3, 1943, denying for want of jurisdiction—which we construe to mean want of power to consider on the merits—the Government's motion for leave to file a petition for a writ of prohibition and/or a writ of mandamus, is vacated on the authority of *Ex*

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parte United States, 287 U. S. 241, 248-9, *Ex parte Peru*, 318 U. S. 578, and *Roche v. Evaporated Milk Assn.*, ante, p. 21. The cause is remanded to the Circuit Court of Appeals for further proceedings not inconsistent with this opinion. Other relief sought by the Government in its application to this Court is denied, without prejudice to an application to the Circuit Court of Appeals. *Solicitor General Fahy* and *Assistant Attorney General Shea* for the United States.

No. 954. *BENDER ET AL. v. WICKARD, SECRETARY OF AGRICULTURE*. Appeal from the District Court of the United States for the District of Columbia. Argued June 1, 1943. Decided June 7, 1943. *Per Curiam*: The judgment is affirmed on the authority of *Wickard v. Filburn*, 317 U. S. 111. *Mr. William Lemke*, with whom *Messrs. Robert H. McNeill, Louis M. Day, and T. A. Billingsly* were on the brief, for appellants. *Solicitor General Fahy*, with whom *Assistant Attorney General Tom C. Clark* and *Messrs. Robert L. Stern, John S. L. Yost, and W. Carroll Hunter* were on the brief, for appellee.

No. —. *EX PARTE JOSEPH A. ZOHN*. June 7, 1943. Application denied.

No. —. *EX PARTE HARRY DUNCOMBE*. June 7, 1943. Application denied.

No. —. *EX PARTE PAULINE STEVENS*. June 7, 1943. Application denied.

No. —, original. *EX PARTE CHESTEEN McCONNELL*. June 7, 1943. The motion for leave to file petition for

writ of habeas corpus is denied without prejudice on the ground that it does not appear that all the matters alleged in the petition have been previously presented to the state courts of Indiana.

No. —, original. *EX PARTE CHARLES CASSIDY*. June 7, 1943. The motion for leave to file petition for writ of habeas corpus is denied.

No. —, original. *EX PARTE WALLACE H. WELCH*. June 7, 1943. The motion for leave to file petition for writ of habeas corpus is denied. MR. JUSTICE RUTLEDGE took no part in the consideration or decision of this application.

No. —, original. *EX PARTE GEORGE FOLEY*. June 7, 1943. The motion for leave to file petition for writ of habeas corpus is denied without prejudice to the pending application in the District Court.

No. —, original. *EX PARTE PETER J. INNES*. June 7, 1943. The motion for leave to file petition for writ of habeas corpus is denied without prejudice to an application to the District Court.

No. 606. *BUCHALTER v. NEW YORK*;

No. 610. *WEISS v. NEW YORK*; and

No. 619. *CAPONE v. NEW YORK*. June 7, 1943. The stay orders heretofore entered are vacated and the mandates are ordered to issue forthwith. See 318 U. S. 797; *ante*, p. 427.

No. 28. *WASHINGTON TERMINAL CO. v. BOSWELL ET AL.* Certiorari, 315 U. S. 795, to the United States Court

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of Appeals for the District of Columbia. Argued October 19, 20, 1943. Reargued March 8, 9, 1943. Decided June 14, 1943. *Per Curiam*: Judgment affirmed by an equally divided Court. MR. JUSTICE RUTLEDGE took no part in the consideration or decision of this case. *Mr. John Dickinson*, with whom *Messrs. Guy W. Knight and John B. Prizer* were on the briefs, for petitioner. *Mr. Willard H. McEwen*, with whom *Messrs. Frank L. Mulholland, Clarence M. Mulholland, and Harold C. Heiss* were on the briefs, for respondents. By special leave of Court, *Mr. Robert L. Stern*, with whom *Solicitor General Fahy* was on the brief, for the United States, as *amicus curiae*, on the reargument. Reported below: 124 F. 2d 235.

No. —. *EX PARTE D. PAVEL FIALA*. June 14, 1943. Application denied for the want of original jurisdiction.

No. —, original. *EX PARTE JOSEPH GRECO*;

No. —, original. *EX PARTE WILLIAM J. WHITE*; and

No. —, original. *EX PARTE JOHN RUSSELL MILLER*. June 14, 1943. The motions for leave to file petitions for writs of habeas corpus are denied.

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No. 14, original. *STEFFLER v. UNITED STATES*. See *ante*, p. 38.

No. 761. *UNITED STATES EX REL. BRENSILBER ET AL. v. BAUSCH & LOMB OPTICAL CO. ET AL.* May 3, 1943. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. Homer Cummings* for petitioners. *Mr. Whitney North Seymour* for the