

No. 51. SMITH *v.* ALLWRIGHT, ELECTION JUDGE, ET AL. June 12, 1944. The sentence on page 9 of the slip opinion which reads:

"Under our Constitution, the great privilege of choosing his rulers may not be denied a man by the State because of his color," is amended to read as follows:

"Under our Constitution the great privilege of the ballot may not be denied a man by the State because of his color."

MR. JUSTICE ROBERTS and MR. JUSTICE FRANKFURTER took no part in the consideration of the order here entered.

Opinion reported as amended, 321 U. S. 649, 662.

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No. 716. UNITED STATES *v.* SAYLOR ET AL.; and

No. 717. UNITED STATES *v.* POER ET AL. June 26, 1944. Order entered as of June 12, 1944, amending the opinion in these cases. Opinion reported as amended, *ante*, p. 385.

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#### DECISIONS GRANTING CERTIORARI, FROM APRIL 11, 1944, THROUGH JUNE 12, 1944.

No. 804. SCREWS ET AL. *v.* UNITED STATES. April 24, 1944. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Mr. James F. Kemp* for petitioners. *Solicitor General Fahy*, *Assistant Attorney General Tom C. Clark*, and *Messrs. Edward G. Jennings, G. Maynard Smith, and W. Marvin Smith* for the United States. Reported below: 140 F. 2d 662.

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No. 803. MCCARTHY ET AL., TRUSTEES, ET AL. *v.* BRUNER. May 1, 1944. Petition for writ of certiorari to the Supreme Court of Utah granted. *Messrs. P. T. Farnsworth, Jr. and W. Q. Van Cott* for petitioners. *Messrs. Calvin W. Rawlings and Harold E. Wallace* for

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respondent. Reported below: 105 Utah 131, 142 P. 2d 649.

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No. 598. *McGUIRE v. HUNTER, WARDEN*. See *ante*, p. 710.

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No. 847. *WESTERN UNION TELEGRAPH CO. v. LENROOT, CHIEF OF THE CHILDREN'S BUREAU*. May 8, 1944. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. Francis R. Stark* for petitioner. *Solicitor General Fahy* and *Messrs. Douglas B. Maggs* and *Archibald Cox* for respondent. Reported below: 141 F. 2d 400.

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No. 857. *BARBER v. BARBER*. May 15, 1944. Petition for writ of certiorari to the Supreme Court of Tennessee granted. *Mr. C. W. K. Meacham* for petitioner. *Mr. J. Clifford Curry* for respondent. Reported below: 180 Tenn. 353, 175 S. W. 2d 324.

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No. 855. *DOW CHEMICAL CO. v. HALLIBURTON OIL WELL CEMENTING Co.*; and

No. 895. *HALLIBURTON OIL WELL CEMENTING Co. v. DOW CHEMICAL Co.* May 15, 1944. Petitions for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. *Messrs. Russell Wiles* and *Wilber Owen* for Dow Chemical Co. *Messrs. Frederick S. Lyon, Leonard S. Lyon,* and *Earl Babcock* for Halliburton Oil Well Cementing Co. Reported below: 139 F. 2d 473.

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No. 785. *KEEGAN v. UNITED STATES*; and

No. 821. *KUNZE ET AL. v. UNITED STATES*. May 15, 1944. Petitions for writs of certiorari to the Circuit Court

of Appeals for the Second Circuit granted. *Wilbur V. Keegan, pro se. Messrs. Theodore Kiendl, John F. X. Finn, Joab H. Banton, Harold W. Hastings, George S. Leisure, Leo C. Fennelly, and Geo. C. Norton* for petitioners in No. 821. *Solicitor General Fahy, Assistant Attorney General Tom C. Clark, and Messrs. Edward G. Jennings and W. Marvin Smith* for the United States. Reported below: 141 F. 2d 248.

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No. 708. *SINGER ET AL. v. UNITED STATES.* May 22, 1944. The order denying certiorari, 321 U. S. 791, is vacated and the petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit is granted limited to the second question presented by the petition. *Messrs. John W. Cragun and William Stanley* for petitioners. *Solicitor General Fahy, Assistant Attorney General Tom C. Clark, Mr. Robert S. Erdahl, and Miss Beatrice Rosenberg* for the United States. Reported below: 141 F. 2d 262.

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No. 873. *PACIFIC GAS & ELECTRIC CO. v. SECURITIES & EXCHANGE COMMISSION.* May 22, 1944. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Messrs. Herman Phleger, Wm. B. Bosley, Robert H. Gerdes, and James S. Moore, Jr.* for petitioner. *Solicitor General Fahy, Messrs. Robert L. Stern, Roger S. Foster, and Milton V. Freeman, and Mrs. E. M. Calkin* for respondent. Reported below: 139 F. 2d 298.

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No. 905. *SPECTOR MOTOR SERVICE, INC. v. McLAUGHLIN, TAX COMMISSIONER, ET AL.* May 22, 1944. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. Edward M. Day* for petitioner. Reported below: 139 F. 2d 809.

No. 915. NORTHWESTERN BANDS OF SHOSHONE INDIANS *v.* UNITED STATES. May 29, 1944. Petition for writ of certiorari to the Court of Claims granted. *Messrs. Ernest L. Wilkinson, Joseph Chez, and John W. Cragun* for petitioners. *Solicitor General Fahy, Assistant Attorney General Littell, and Mr. Norman MacDonald* for the United States. *Mr. Grover A. Giles, Attorney General, and Mr. Bert H. Miller, Attorney General,* on behalf of the States of Utah and Idaho, respectively, filed briefs, as *amici curiae*, in support of the petition. Reported below: 100 Ct. Cls. 455.

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No. 927. WALLACE CORPORATION *v.* NATIONAL LABOR RELATIONS BOARD; and

No. 928. RICHWOOD CLOTHESPIN & DISH WORKER'S UNION *v.* NATIONAL LABOR RELATIONS BOARD. May 29, 1944. Petitions for writs of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted. *Mr. Lyle M. Allen* for petitioner in No. 927. *Mr. Charles S. Rhyme* for petitioner in No. 928. *Solicitor General Fahy, Mr. Alvin J. Rockwell, and Miss Ruth Weyand* for respondent. Reported below: 141 F. 2d 87.

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No. 958. FORD MOTOR Co. *v.* DEPARTMENT OF TREASURY OF INDIANA ET AL. May 29, 1944. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Mr. Merle H. Miller* for petitioner. *Messrs. James A. Emmert, Winslow Van Horne, and John J. McShane* for respondents. Reported below: 141 F. 2d 24.

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No. 779. TUNSTALL *v.* BROTHERHOOD OF LOCOMOTIVE FIREMEN & ENGINEMEN ET AL. May 29, 1944. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted. *Mr. Charles H. Houston*

for petitioner. *Messrs. Harold C. Heiss, Russell B. Day, and Wm. G. Maupin* for the Brotherhood of Locomotive Firemen & Enginemen et al., and *Mr. Jas. G. Martin* for the Norfolk Southern Railway Co., respondents. Reported below: 140 F. 2d 35.

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No. 826. *STEELE v. LOUISVILLE & NASHVILLE RAILROAD Co. ET AL.* May 29, 1944. Petition for writ of certiorari to the Supreme Court of Alabama granted. *Messrs. Arthur D. Shores and Charles H. Houston* for petitioner. *Messrs. Harold C. Heiss, Russell B. Day, James A. Simpson, and John W. Lapsley* for respondents. Reported below: 245 Ala. 113, 16 So. 2d 416.

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No. 869. *COMMISSIONER OF INTERNAL REVENUE v. SCOTTISH AMERICAN INVESTMENT Co., LTD.*;

No. 870. *COMMISSIONER OF INTERNAL REVENUE v. BRITISH ASSETS TRUST, LTD.*; and

No. 871. *COMMISSIONER OF INTERNAL REVENUE v. SECOND BRITISH ASSETS TRUST, LTD.* May 29, 1944. Petition for writs of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted. *Solicitor General Fahy* for petitioner. *Mr. Marion N. Fisher* for respondents. Reported below: 139 F. 2d 419.

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No. 925. *UNITED STATES v. WADDILL, HOLLAND & FLINN, INC. ET AL.* May 29, 1944. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia granted. *Solicitor General Fahy* for the United States. *Mr. Henry R. Miller, Jr.* for respondents. Reported below: 182 Va. 351, 28 S. E. 2d 741.

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No. 962. *UNITED STATES v. GENERAL MOTORS CORP.* May 29, 1944. Petition for writ of certiorari to the Circuit

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Court of Appeals for the Seventh Circuit granted. The CHIEF JUSTICE and MR. JUSTICE MURPHY took no part in the consideration or decision of this application. *Solicitor General Fahy* for the United States. Reported below: 140 F. 2d 873.

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No. 955. *ARMOUR & Co. v. WANTOCK ET AL.* May 29, 1944. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Messrs. Chas. J. Faulkner, Jr., John Potts Barnes, R. F. Feagans, and Paul E. Blanchard* for petitioner. Reported below: 140 F. 2d 356.

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No. 218. *SKIDMORE ET AL. v. SWIFT & Co.* May 29, 1944. The order denying certiorari, 320 U. S. 763, is vacated and the petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit is granted. *Mr. Mack Taylor* for petitioners. Reported below: 136 F. 2d 112.

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No. 587. *SECURITIES & EXCHANGE COMMISSION v. ENGINEERS PUBLIC SERVICE Co. ET AL.*; and

No. 635. *ENGINEERS PUBLIC SERVICE Co. ET AL. v. SECURITIES & EXCHANGE COMMISSION.* June 5, 1944. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia granted. *Solicitor General Fahy* and *Mr. Milton V. Freeman* for the Securities & Exchange Commission. *Messrs. William E. Tucker, T. Justice Moore, Paul D. Miller, and George D. Gibson* for Engineers Public Service Co. et al. Reported below: 138 F. 2d 936.

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No. 836. *McCULLOUGH v. KAMMERER CORPORATION ET AL.* See *post*, p. 766.

No. 993. OTIS & Co. v. SECURITIES & EXCHANGE COMMISSION ET AL. June 12, 1944. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Messrs. Arthur G. Logan and Robert J. Bulkley* for petitioner. *Solicitor General Fahy and Messrs. Roger S. Foster, Homer Kripke, and Theodore L. Thau* for the Securities & Exchange Commission, and *Messrs. Donald R. Richberg and Clarence A. Southerland* for the United Light & Power Co., respondents. Reported below: 142 F. 2d 411.

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No. 996. NEW YORK & SARATOGA SPRINGS COMMISSION ET AL. v. UNITED STATES. June 12, 1944. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. Nathaniel L. Goldstein*, Attorney General of New York, for petitioners. *Solicitor General Fahy, Assistant Attorney General Samuel O. Clark, Jr., and Messrs. Sewall Key, J. Louis Monarch, and Paul R. Russell* for the United States. Reported below: 140 F. 2d 608.

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No. 1000. CENTRAL STATES ELECTRIC Co. v. CITY OF MUSCATINE ET AL. June 12, 1944. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Mr. Bert L. Klooster* for petitioner. *Solicitor General Fahy, Assistant Attorney General Shea, and Messrs. Chester T. Lane and Charles V. Shannon* for the Federal Power Commission; *Mr. Matthew Westrate* for the City of Muscatine; and *Elmer E. Johnson, pro se*,— respondents.

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No. 995. SCHWARTZ v. COMMISSIONER OF INTERNAL REVENUE. June 12, 1944. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Mr. Arthur Rosenblum* for petitioner. *Solici-*

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tor *General Fahy*, Assistant Attorney General *Samuel O. Clark, Jr.*, and Messrs. *Sewall Key*, *J. Louis Monarch*, and *Arnold Raum* for respondent. Reported below: 140 F. 2d 956.

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No. 944. UNITED STATES *v.* STANDARD RICE CO., INC. June 12, 1944. Petition for writ of certiorari to the Court of Claims granted. *Solicitor General Fahy* for petitioner. *Mr. John C. White* for respondent. Reported below: 101 Ct. Cls. 85.

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No. 668. ESENWEIN *v.* COMMONWEALTH EX REL. ESENWEIN. June 12, 1944. The order of March 6, 1944, denying certiorari, 321 U. S. 782, is vacated, and the petition for writ of certiorari to the Supreme Court of Pennsylvania is granted. *Mr. Sidney J. Watts* for petitioner. *Mr. J. Thomas Hoffman* for respondent. Reported below: 348 Pa. 455, 35 A. 2d 335.

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No. 999. WILLIAMS ET AL. *v.* NORTH CAROLINA. June 12, 1944. Petition for writ of certiorari to the Supreme Court of North Carolina granted. *Mr. W. H. Strickland* for petitioners. Messrs. *Harry McMullan*, Attorney General of North Carolina, and *Hughes J. Rhodes*, Assistant Attorney General, for respondent. Reported below: 224 N. C. 183, 29 S. E. 2d 744.

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No. 1037. WILLIAMS *v.* KAISER, WARDEN. June 12, 1944. Petition for writ of certiorari to the Supreme Court of Missouri granted.

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No. 922. TOMKINS *v.* MISSOURI. June 12, 1944. The order of May 29, 1944, denying certiorari, *post*, p. 758, is vacated, and the petition for writ of certiorari to the Su-

preme Court of Missouri is granted. *O. C. Tomkins, pro se. Mr. Roy McKittrick*, Attorney General of Missouri, for respondent.

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DECISIONS DENYING CERTIORARI, FROM  
APRIL 11, 1944, THROUGH JUNE 12, 1944.

No. 644. VALENTINE-CLARK CORPORATION *v.* COMMISSIONER OF INTERNAL REVENUE. April 24, 1944. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Hayner N. Larson* for petitioner. *Solicitor General Fahy, Assistant Attorney General Samuel O. Clark, Jr., Mr. Sewall Key, and Misses Helen R. Carloss and Louise Foster* for respondent. Reported below: 137 F. 2d 481.

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No. 777. NORTHWEST BANCORPORATION *v.* COMMISSIONER OF INTERNAL REVENUE. April 24, 1944. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. *Messrs. J. B. Faegre and Hayner N. Larson* for petitioner. *Solicitor General Fahy, Assistant Attorney General Samuel O. Clark, Jr., Mr. Sewall Key, and Misses Helen R. Carloss and Helen Goodner* for respondent. Reported below: 140 F. 2d 958.

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No. 749. GABLE ET AL. *v.* ALABAMA. April 24, 1944. Petition for writ of certiorari to the Supreme Court of Alabama denied. *Mr. G. Ernest Jones* for petitioners. *Messrs. William N. McQueen, Attorney General of Alabama, and John O. Harris, Assistant Attorney General*, for respondent. Reported below: 245 Ala. 53, 15 So. 2d 600.

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No. 757. FEINBERG ET AL. *v.* UNITED STATES. April 24, 1944. Petition for writ of certiorari to the Circuit