

DECISIONS PER CURIAM, ETC., FROM OCTOBER  
2, 1944, THROUGH JANUARY 29, 1945.\*

No. 121. JONES v. CALIFORNIA. Appeal from the District Court of Appeals, 2d Appellate District, of California. October 9, 1944. *Per Curiam*: The appeal is dismissed for want of jurisdiction. § 237 (a), Judicial Code, as amended, 28 U. S. C., § 344 (a); *Memphis Gas Co. v. Beeler*, 315 U. S. 649, 650-651, and cases cited. Treating the papers whereon the appeal was allowed as a petition for writ of certiorari as required by § 237 (c) of the Judicial Code, as amended, 28 U. S. C., § 344 (c), certiorari is denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this case. *Mr. Morris Lavine* for appellant. Reported below: 61 Cal. App. 2d 608, 143 P. 2d 726.

No. 378. COMMERCIAL CREDIT Co. v. O'BRIEN, COUNTY TREASURER, ET AL. Appeal from the Supreme Court of Montana. October 9, 1944. *Per Curiam*: The appeal is dismissed for want of jurisdiction. § 237 (a), Judicial Code, as amended, 28 U. S. C., § 344 (a); *Memphis Gas Co. v. Beeler*, 315 U. S. 649, 650-651, and cases cited. Treating the papers whereon the appeal was allowed as a petition for writ of certiorari as required by § 237 (c) of the Judicial Code, as amended, 28 U. S. C., § 344 (c), certiorari is denied. The CHIEF JUSTICE took no part in the consideration or decision of this case. *Messrs. Newell W. Ellison, Duane R. Dills, and Charles A. Horsky* for appellant. *Mr. R. V. Bottomly* for appellees. Reported below: 115 Mont. 199, 146 P. 2d 637.

\*Decisions on applications for certiorari, *post*, pp. 685, 708; rehearing, *post*, p. 807; cases disposed of without consideration by the Court, *post*, p. 805.

No. 184. TAYLOR ET AL., TRUSTEES OF LAKE PLACID METHODIST CHURCH, *v.* PAYNE, ADMINISTRATRIX. Appeal from the Supreme Court of Florida. October 9, 1944. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. (1) *Campbell v. California*, 200 U. S. 87, 94, and cases cited; *Stebbins v. Riley*, 268 U. S. 137, 140, and cases cited; (2) *Murdock v. Pennsylvania*, 319 U. S. 105, 110, and cases cited; *Prince v. Massachusetts*, 321 U. S. 158, 166-169. Mr. W. D. Bell for appellants. Mr. J. Thomas Gurney for appellee. Reported below: 17 So. 2d 615.

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No. 194. FINLAYSON ET VIR. *v.* TOWN OF MONTICELLO. Appeal from the Supreme Court of Florida. October 9, 1944. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Campbell v. Olney*, 262 U. S. 352; *North Laramie Land Co. v. Hoffman*, 268 U. S. 276, 283; *Utley v. St. Petersburg*, 292 U. S. 106; *Anderson National Bank v. Lockett*, 321 U. S. 233, 247. Mr. Weldon G. Starry for appellants. Mr. Lawrence A. Truett for appellee. Reported below: 154 Fla. 274, 17 So. 2d 84.

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No. 211. MERCEDES REALTY, INC. *v.* STANDARD HOMESTEAD ASSOCIATION. Appeal from the Supreme Court of Louisiana. October 9, 1944. *Per Curiam*: The motion for leave to file statement as to jurisdiction is granted. The appeal is dismissed for want of a substantial federal question. *Rast v. Van Deman & Lewis Co.*, 240 U. S. 342, 357; *Fort Smith Light & Traction Co. v. Board of Improvement*, 274 U. S. 387, 391. Mr. Moses C. Scharff for appellant. Reported below: 205 La. 520, 17 So. 2d 811.

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No. 244. DENNICK, ADMINISTRATOR, *v.* MIAMI SAVINGS & LOAN Co. Appeal from the Supreme Court of Ohio. October 9, 1944. *Per Curiam*: The appeal is dismissed for want of a substantial federal question. *Hansberry v. Lee*, 311 U. S. 32, 41, 42-3, and cases cited. *Mr. Clifford R. Curtner* for appellant. Reported below: 143 Ohio St. 490, 55 N. E. 2d 795.

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No. 311. OFFHOUSE ET AL. *v.* BOARD OF EDUCATION OF THE CITY OF PATERSON. Appeal from the Supreme Court of New Jersey. October 9, 1944. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Phelps v. Board of Education*, 300 U. S. 319, 323. *Mr. Jerome C. Eisenberg* for appellants. *Mr. John F. Evans* for appellee. Reported below: 131 N. J. L. 391, 36 A. 2d 884.

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No. 355. TODARO *v.* NEW JERSEY. Appeal from the Court of Errors and Appeals of New Jersey. October 9, 1944. *Per Curiam*: The appeal is dismissed since the application in this case of New Jersey Rev. Stat., Tit. 2, Ch. 164, § 1, presents no substantial federal question. (1) *Wilson v. United States*, 162 U. S. 613, 619; (2) *Tot v. United States*, 319 U. S. 463, 470-72, and cases cited. *Mr. Frank B. Bozzo* for appellant. Reported below: 131 N. J. L. 430, 37 A. 2d 73.

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No. 132. HANNA FURNACE CORP. *v.* UNITED STATES ET AL. Appeal from the District Court of the United States for the Western District of New York. October 9, 1944. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. *United States v. Pan American Corp.*, 304 U. S. 156, 158; *United States v. Wabash R. Co.*, 321 U. S. 403. *Messrs. Ralph Ulsh, Harry D. Fenske*,



and *James McEvoy, Jr.* for appellant. *Solicitor General Fahy* and *Mr. Daniel W. Knowlton* for the United States et al., appellees. Reported below: 53 F. Supp. 341.

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Nos. 274 and 275. *NORTH COAST TRANSPORTATION CO. ET AL. v. UNITED STATES ET AL.* Appeals from the District Court of the United States for the Northern District of California. October 9, 1944. *Per Curiam*: In No. 274 the appeal is dismissed. *Hudson & Manhattan R. Co. v. Jersey City*, 321 U. S. 755, and cases cited. In No. 275 the motions to affirm are granted and the judgment is affirmed. (1) *Chesapeake & Ohio R. Co. v. United States*, 283 U. S. 35, 42; (2) *United States v. Baltimore & Ohio R. Co.*, 293 U. S. 454, 465; (3) *Interstate Commerce Commission v. Jersey City*, 322 U. S. 503. Messrs. *John O. Moran*, *Frederick W. Mielke*, *Ferd J. Schaaf*, and *Fred C. Dorsey* for appellants. *Solicitor General Fahy*, Messrs. *Daniel W. Knowlton*, *Frank J. Hennessy*, and *Nelson Thomas* for the United States et al., *Mr. Arthur H. Glanz* for the West Coast Bus Lines, Ltd., and Messrs. *Jonathan C. Gibson* and *Russell B. James* for the National Trailways System et al., appellees. Reported below: 54 F. Supp. 448.

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No. 401. *THORNTON v. MISSISSIPPI.* Appeal from the Supreme Court of Mississippi. October 9, 1944. *Per Curiam*: The appeal is dismissed for want of jurisdiction. § 237 (a), Judicial Code, as amended, 28 U. S. C., § 344 (a). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari as required by § 237 (c) of the Judicial Code, as amended, 28 U. S. C., § 344 (c), certiorari is denied. *Mr. Forrest B. Jackson* for appellant. Reported below: 18 So. 2d 296.

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No. 10, original. UNITED STATES *v.* WYOMING. October 9, 1944. The motion for leave to file the complaint is granted and process is ordered to issue returnable within 60 days.

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No. —. EX PARTE GEORGE ACRET;

No. —. EX PARTE CARL MINGIONE; and

No. —. WILSON *v.* HINMAN. October 9, 1944. The motions for leave to file petitions for writs of mandamus are denied.

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No. —. EX PARTE ANDREW BARNETT;

No. —. EX PARTE A. B. FARMER;

No. —. EX PARTE BOOKER T. GEORGE;

No. —. EX PARTE JOSEPH JACK GIASULLA;

No. —. EX PARTE ROBERT JONES;

No. —. EX PARTE BENJAMIN H. JONES;

No. —. EX PARTE JAMES RENO;

No. —. WHARTON *v.* RAGEN, WARDEN; and

No. —. EX PARTE BEN F. MASON. October 9, 1944. The motions for leave to file petitions for writs of habeas corpus are denied.

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No. —. EX PARTE CHARLES CAULO; and

No. —. EX PARTE WILLIAM M. LEE. October 9, 1944. The motions for leave to file petitions for writs of habeas corpus are denied. Treating the papers as petitions for writs of certiorari, certiorari is denied.

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No. —. EX PARTE ARTHUR E. FAKE. October 9, 1944. The motions for leave to file petitions for writs of habeas corpus and mandamus are denied.

No. —. *EX PARTE* RAYMOND PAUL HILE. October 9, 1944. The motion for leave to file petition for writ of habeas corpus and for other relief is denied.

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No. —. *EX PARTE* A. D. YOUNG. October 9, 1944. The motion for leave to file petition for writ of habeas corpus is denied. The application for other relief is also denied.

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No. —. *EX PARTE* PERCY BERRY;

No. —. *EX PARTE* REUBEN S. BREWER;

No. —. *EX PARTE* HARRY DUNCOMBE;

No. —. *EX PARTE* JAMES DOUGHERTY;

No. —. *EX PARTE* JOSEPH JACKSON;

No. —. *EX PARTE* MILTON JAMES; and

No. —. *EX PARTE* ANDREW SCOTT. October 9, 1944. The applications are denied.

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No. —. *TINKOFF ET AL. v. GOLD, TRUSTEE*. October 9, 1944. The motion to set aside the order denying an extension of time within which to file petition for writ of certiorari is denied.

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No. —. *EX PARTE* PAUL BELLENGER;

No. —. *MCMILLAN v. UNITED STATES*; and

No. —. *EX PARTE* CLARENCE B. BERNARD. October 16, 1944. Applications denied.

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No. —. *EX PARTE* ALBERT W. KRAUSE;

No. —. *EX PARTE* CECIL L. WRIGHT;

No. —. *EX PARTE* STANLEY B. PEPLOWSKI;



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No. —. *EX PARTE* KARL KLEIN;

No. —. *EX PARTE* CHARLES E. SCHRAMM; and

No. —. *EX PARTE* PHILLIP WALLACE and FRANK BUTLER. October 16, 1944. The motions for leave to file petitions for writs of habeas corpus are denied.

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No. —. *IN RE* COMPLAINT OF WARD M. BLANTON. October 16, 1944. The complaint is dismissed.

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No. —. *IN RE* PETITION FOR RULE TO SHOW CAUSE OF WARD M. BLANTON. October 16, 1944. Petition for rule to show cause denied.

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No. —. *SCHEIB v. RAGEN*, WARDEN. October 16, 1944. The motion for leave to file petition for writ of certiorari or habeas corpus is denied.

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No. —. *BAKER v. UNITED STATES*. October 16, 1944. Petition denied.

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No. —. *HADLEY v. UNITED STATES*. October 16, 1944. The motion for leave to file petition for writ of certiorari is denied.

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No. —. *EX PARTE* JOHN A. EVANS. October 16, 1944. The motion for leave to file petition for writ of mandamus or habeas corpus is denied.

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No. —. *EX PARTE* EDWIN K. ATWOOD. October 16, 1944. The motion for leave to file petition for writ of mandamus, prohibition, or certiorari is denied.

No. —. *EX PARTE ANN H. P. KENT, FOR AND ON BEHALF OF TYLER KENT.* October 16, 1944. The motion for issuance of a subpoena is denied. The motion for oral argument is denied. The motion for leave to file petition for writ of mandamus is denied.

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No. 6, original. *NEBRASKA v. WYOMING ET AL.* October 16, 1944. The report of the Special Master herein is received and ordered to be filed.

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No. 9, original. *ILLINOIS v. INDIANA ET AL.* October 16, 1944. The motion of American Maize Products Co. to dismiss its cross claims is granted.

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No. —. *EX PARTE HARRY C. ALBERTS.* October 16, 1944. The motion for leave to file petition for writ of mandamus is denied.

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Nos. 54 and 55, October Term, 1943. *MERCOID CORPORATION v. MID-CONTINENT INVESTMENT CO. ET AL.* October 16, 1944. The motion to clarify and correct the opinion and mandates is denied.

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No. —. *EX PARTE WILLIAM MEYER; and*

No. —. *EX PARTE RICHARD P. ALLEN.* October 23, 1944. The motions for leave to file petitions for writs of habeas corpus are denied.

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No. —. *EX PARTE RUDOLPH DREKSLER.* October 23, 1944. The motion for leave to file petition for writ of habeas corpus is denied. Treating the papers as a petition for writ of certiorari, certiorari is denied.



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No. —. *EX PARTE MARSHALL CLARK*; and

No. —. *EX PARTE WILLIAM STAFFORD*. October 23, 1944. Applications denied.

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No. —. *BUGG v. UNITED STATES*. October 23, 1944. The motion for leave to file petition for writ of certiorari is denied.

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No. —. *EX PARTE PERCY ARTHUR WHISTLER*; and

No. —. *MARVICH v. CALIFORNIA*. November 6, 1944. The motions for leave to file petitions for writs of habeas corpus are denied.

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No. —. *CURLEY v. FLORIDA*. Appeal from the Supreme Court of Florida. November 6, 1944. The motion for leave to docket the cause and file the record is denied for the reason that it appears from the papers presented that if the cause were docketed the appeal would have to be dismissed for want of a properly presented federal question.

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No. 940, October Term, 1943. *YLAGAN v. UNITED STATES*. November 6, 1944. Application denied.

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No. 41. *MCCARTHY ET AL., TRUSTEES OF THE DENVER & RIO GRANDE WESTERN RAILROAD CO., ET AL. v. BRUNER*. Certiorari, 322 U. S. 718, to the Supreme Court of Utah. Argued October 19, 1944. Decided November 13, 1944. *Per Curiam*: In this case, certiorari was granted upon a petition which urged that the Utah Supreme Court erred in affirming a judgment for the respondent upon the ground that a verdict could have been directed for respondent

upon the issues of negligence and contributory negligence. On oral argument and submission, it appears that these contentions are not decisive of the case, since the issues of negligence and contributory negligence were in fact submitted to the jury, and since petitioners' contentions, made after the granting of certiorari, that the trial court erred in instructing or failing to instruct the jury on these issues, are either insubstantial or not properly raised on the record. The writ of certiorari is therefore dismissed as improvidently granted. *Mr. W. Q. Van Cott*, with whom *Mr. P. T. Farnsworth, Jr.* was on the brief, for petitioners. *Mr. Parnell Black*, with whom *Messrs. Calvin W. Rawlings* and *Harold E. Wallace* were on the brief, for respondent. Reported below: 105 Utah 399, 142 P. 2d 649.

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No. 450. *BELDEN v. UNION CENTRAL LIFE INSURANCE Co.*; and

No. 597. *KOPLIN v. OHIO NATIONAL LIFE INSURANCE Co.* Appeals from the Supreme Court of Ohio. November 13, 1944. *Per Curiam*: In each of these cases the motion to dismiss is granted and the appeal is dismissed for the reason that the judgment of the court below is based upon a non-federal ground adequate to support it. *Petrie v. Nampa & Meridian Irrigation District*, 248 U. S. 154, 158. *Messrs. Charles F. Schnee* and *Robert Guinther* for appellants. *Messrs. Frank F. Dinsmore* and *Virgil D. Parish* for appellee in No. 450. *Mr. Virgil D. Parish* for appellee in No. 597. Reported below: 143 Ohio St. 329, 56 N. E. 2d 177.

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No. 473. *TURNER ET AL. v. UNITED STATES ET AL.* Appeal from the District Court of the United States for the Middle District of North Carolina. November 13, 1944. *Per Curiam*: The motion to affirm is granted and the

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judgment is affirmed. *United States v. Carolina Freight Carriers Corp.*, 315 U. S. 475, 480-81. *Mr. Edgar Watkins* for appellants. *Solicitor General Fahy* and *Mr. Daniel W. Knowlton* for appellees. Reported below: 56 F. Supp. 798.

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No. 479. PUBLIC SERVICE COMMISSION (STATE DIVISION OF THE DEPARTMENT OF PUBLIC SERVICE OF NEW YORK) ET AL. *v.* UNITED STATES ET AL. Appeal from the District Court of the United States for the Southern District of New York. November 13, 1944. *Per Curiam*: On remand of the case of *City of Yonkers v. United States*, 320 U. S. 685, to the Interstate Commerce Commission for further findings, the Commission reopened the case, took further evidence, and made additional findings. Upon examination of the case now here on appeal we conclude that those findings are sufficient to support the order, and the evidence is sufficient to support the findings. The judgment is affirmed. *Messrs. John J. Broderick, Philip Halpern, and Horace M. Gray* for appellants. Reported below: 56 F. Supp. 351.

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No. —. *EX PARTE WILLIAM DAINARD*; and

No. —. *EX PARTE DORSEY McMAHAN*. November 13, 1944. The motions for leave to file petitions for writs of mandamus are denied.

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No. —. *EX PARTE LOUIS MOSKOVITZ*;

No. —. *EX PARTE WILLIAM H. ALEXANDER*; and

No. —. *EX PARTE JESSE BOWE*. November 13, 1944. The motions for leave to file petitions for writs of habeas corpus are denied.



No. —. DENICKE ET AL. v. UNITED STATES CIRCUIT COURT OF APPEALS FOR THE NINTH CIRCUIT ET AL. November 13, 1944. The motion for leave to file petition for writ of mandamus is denied.

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No. 424. UNITED STATES v. SHEARER. Appeal from the Court of Claims; and

No. 532. UNITED STATES v. SHEARER. On petition for writ of certiorari to the Court of Claims. November 20, 1944. *Per Curiam*: The appeal is dismissed for want of jurisdiction. Act of December 17, 1930; *Colgate v. United States*, 280 U. S. 43; *Assiniboine Indian Tribe v. United States*, 292 U. S. 606. Cf. *United States v. Goltra*, 312 U. S. 203, 204, n. 1. The petition for writ of certiorari is denied for the reason that application therefor was not made within the time provided by law. Act of December 17, 1930. *Solicitor General Fahy* for the United States. *Mr. Clarence B. Des Jardins* for Shearer. Reported below: 101 Ct. Cls. 196.

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No. 461. CARTER v. GENERAL AMERICAN LIFE INSURANCE Co. Appeal from the Supreme Court of Indiana. November 20, 1944. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a properly presented federal question. Dissenting: MR. JUSTICE BLACK. *Mr. Z. Dallas Hicks* for appellant. *Mr. L. L. Bomberger* for appellee. Reported below: 222 Ind. 557, 54 N. E. 2d 944.

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No. 584. CADY v. GEORGIA. Appeal from the Supreme Court of Georgia. November 20, 1944. *Per Curiam*: The appeal is dismissed for want of jurisdiction. § 237 (a), Judicial Code, as amended, 28 U. S. C., § 344 (a);

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United States Supreme Court Rule 9; *Flournoy v. Wiener*, 321 U. S. 253, 259, and cases cited; *Seaboard Air Line R. Co. v. Watson*, 287 U. S. 86, 91. Treating the papers whereon the appeal was allowed as a petition for writ of certiorari as required by § 237 (c) of the Judicial Code, as amended, 28 U. S. C., § 344 (c), certiorari is denied. *Mr. Harry M. Wilson* for appellant. *Messrs. T. Grady Head*, Attorney General of Georgia, and *Victor Davidson*, Assistant Attorney General, for appellee. Reported below: 198 Ga. 99, 31 S. E. 2d 38.

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No. 585. *PUTZIER v. RICHARDSON*. Appeal from the Supreme Court of Arizona. November 20, 1944. *Per Curiam*: The appeal is dismissed for want of jurisdiction. § 237 (a), Judicial Code as amended, 28 U. S. C., § 344 (a). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari as required by § 237 (c) of the Judicial Code, as amended, 28 U. S. C., § 344 (c), certiorari is denied. *Mr. Thomas A. Flynn* for appellant.

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No. —. *EX PARTE VERGIL D. McMILLAN*. November 20, 1944. Application denied.

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No. —. *EX PARTE WILLIAM H. RICCIA*; and

No. —. *EX PARTE JACK A. MCCOY*. November 20, 1944. The motions for leave to file petitions for writs of mandamus are denied.

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No. —. *EX PARTE GREEN WILBURN*. November 20, 1944. The motion for leave to file petition for writ of habeas corpus is denied.

No. 611. *CURATORS OF THE CENTRAL COLLEGE v. ROSE, COLLECTOR OF REVENUE*. Appeal from the Supreme Court of Missouri. December 4, 1944. *Per Curiam*: The appeal is dismissed for want of a substantial federal question. *Chicago & Alton R. Co. v. Tranbarger*, 238 U. S. 67, 76; *Phelps v. Board of Education*, 300 U. S. 319, 322-23; *Keefe v. Clark*, 322 U. S. 393, 396. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this case. *Mr. Elliott H. Jones* for appellant. Reported below: 182 S. W. 2d 145.

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No. —. *EX PARTE JAMES PRESTON BRATCHER*;

No. —. *EX PARTE WILLIE MAY MAXSON MCKEE*;

No. —. *LYNN v. ULIO, ADJUTANT GENERAL*. December 4, 1944. The motions for leave to file petitions for writs of habeas corpus are denied.

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No. —. *WILSON v. UNITED STATES DISTRICT COURT FOR NORTHERN TEXAS*. December 4, 1944. The motion for leave to file petition for writ of mandamus is denied.

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No. —. *LATIMER v. WEBB, SUPERINTENDENT*. December 4, 1944. Motion for leave to file petition for writ of habeas corpus and motion for writ of certiorari denied.

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No. —. *EX PARTE DAISY D. WILSON*. December 4, 1944. Application denied.

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No. 637. *CAROLINA SCENIC COACH LINES v. UNITED STATES ET AL.* Appeal from the District Court of the United States for the Western District of North Carolina. December 11, 1944. *Per Curiam*: The motions to affirm are granted and the judgment is affirmed. (1) *North*



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*Coast Transportation Co. v. United States*, ante, p. 668; (2) *Chesapeake & Ohio R. Co. v. United States*, 283 U. S. 35, 41-43; *United States v. Baltimore & Ohio R. Co.*, 293 U. S. 454, 464-5; *United States v. Pan American Petroleum Corp.*, 304 U. S. 156, 158; *Interstate Commerce Commission v. City of Jersey City*, 322 U. S. 503, 512-13; (3) *McLean Trucking Co. v. United States*, 321 U. S. 67, 86. Mr. Wilmer A. Hill for appellant. Solicitor General Fahy and Mr. Daniel W. Knowlton for the United States et al., and Messrs. William A. Roberts and James E. Wilson for the Smoky Mountain Stages, respondents. Reported below: 56 F. Supp. 801.

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No. 345. NORTH SHORE CORP. *v.* BARNETT ET AL.; and

No. 346. NORTH SHORE CORP. *v.* SCOTT ET AL. Certiorari, post, p. 691, to the Circuit Court of Appeals for the Fifth Circuit. December 11, 1944. *Per Curiam*: The judgments of the Circuit Court of Appeals are vacated, the judgments of the District Court are modified in accordance with the stipulations signed by counsel for the parties and the cases are remanded to the District Court for the Southern District of Florida with directions to enter judgments as modified. Mr. W. Gregory Smith for petitioner. Mr. Lucien H. Boggs for respondents in No. 345. Reported below: 143 F. 2d 172, 595.

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No. —. EX PARTE JOHN RUSSELL MILLER;

No. —. SAXE *v.* HEINZE ET AL.;

No. —. VERNON *v.* WYOMING ET AL.;

No. —. HENDRIN *v.* LAINSON, WARDEN; and

No. —. UNITED STATES EX REL. RUSSELL *v.* RAGEN, WARDEN, ET AL. December 11, 1944. The motions for leave to file petitions for writs of habeas corpus are denied.

No. —. *EX PARTE THOMAS MERRYL WOFFARD*. December 11, 1944. Application denied.

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No. —. *EX PARTE WILLIAM PABODIE*. December 11, 1944. The motion for leave to file petition for writ of mandamus is denied.

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No. —. *NOBLE ET AL. v. BOTKIN*;

No. —. *KELLY v. DOWD, WARDEN*. December 18, 1944. The motions for leave to file petitions for writs of habeas corpus are denied.

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No. —. *HAINES v. SULLIVAN, DIRECTOR OF PUBLIC SAFETY*;

No. —. *HAWKINS v. ILLINOIS*; and

No. —. *WHITE v. RAGEN, WARDEN*. December 18, 1944. Applications denied.

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No. —. *AUDETT v. UNITED STATES*. December 18, 1944. The motion for a rule of law is denied.

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No. —. *HUGHES ET AL. v. CADDO PARISH SCHOOL BOARD ET AL.* December 18, 1944. Upon consideration of the motion for a stay and the opposition thereto, it is hereby ordered that upon the docketing of this cause in this Court, the status quo be preserved until the final disposition of the cause in this Court, by restraining and enjoining the appellees from attempting to enforce against the appellants or their children the resolution of the Caddo Parish School Board of Caddo Parish, Louisiana,

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adopted September 6, 1944, under and pursuant to Act No. 342 of the Legislature of Louisiana for the year 1944, or the said Act No. 342;

It is further ordered that the stay and injunction herein ordered shall be effective and operative only on the condition that appellants shall post a bond in the penal sum of \$500, to be approved by the Chief Justice, conditioned upon the payment to appellees, in the event that this appeal is dismissed or the judgment affirmed, of all damages and costs which they, or any of them, may sustain by reason of the making of this order.

See *post*, p. 685.

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No. 705. *MONAGHAN v. ARMATAGE ET AL.* Appeal from the Supreme Court of Minnesota. January 2, 1945. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *City of Trenton v. New Jersey*, 262 U. S. 182; *Risty v. Chicago, R. I. & P. R. Co.*, 270 U. S. 378, 390; *Williams v. Mayor*, 289 U. S. 36. *Mart M. Monaghan, pro se. Messrs. Paul J. Thompson, William H. Oppenheimer, and Montreville J. Brown* for appellees. Reported below: 218 Minn. 108, 15 N. W. 2d 241.

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No. 713. *PARKE, DAVIS & Co. v. COOK, COMMISSIONER OF REVENUE.* Appeal from the Supreme Court of Georgia. January 2, 1945. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. (1) *Underwood Typewriter Co. v. Chamberlain*, 254 U. S. 113, 120-21, and cases cited; *International Harvester Co. v. Wisconsin Department of Taxation*, 322 U. S. 435, 441-42; (2) *Union Tank Line Co. v. Wright*, 249 U. S. 275, 282; *Nashville, C. & St. L. R. Co. v. Browning*, 310 U. S. 362, 365-66; (3) *Interna-*



*tional Harvester Co. v. Department of Treasury*, 322 U. S. 340; *Department of Treasury v. Wood Corporation*, 313 U. S. 62; cf. *McLeod v. Dilworth Co.*, 322 U. S. 327. *Messrs. B. D. Murphy and Edgar Watkins* for appellant. *Messrs. T. Grady Head*, Attorney General of Georgia, *Claude Shaw and Victor Davidson*, Assistant Attorneys General, for appellee. Reported below: 198 Ga. 457, 31 S. E. 2d 728.

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No. —. EX PARTE FRANK JOHNSON;

No. —. EX PARTE MARY A. RUTHVEN; and

No. —. EX PARTE THOMAS HERNDON. January 2, 1945. The motions for leave to file petitions for writs of habeas corpus are denied.

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No. —. EX PARTE VERGIL D. McMILLAN;

No. —. EX PARTE CHARLES M. KEYSER; and

No. —. *WILSON v. HOPKINS*. January 2, 1945. Applications denied.

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No. 192. *GIESE v. UNITED STATES*. Certiorari, *post*, p. 687, to the United States Court of Appeals for the District of Columbia. Argued December 14, 1944. Decided January 8, 1945. *Per Curiam*: The judgment is affirmed by an equally divided Court. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this case. *Mr. Edmund D. Campbell* for petitioner. *Mr. Paul A. Freund*, with whom *Solicitor General Fahy*, Assistant Attorney General *Tom C. Clark*, and *Messrs. Robert S. Erdahl and Irving S. Shapiro* were on the brief, for the United States. Reported below: 143 F. 2d 633.

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No. 762. *MEMPHIS NATURAL GAS CO. ET AL. v. STATE TAX COMMISSION*. Appeal from the Supreme Court of

323 U.S.

Decisions Per Curiam, Etc.

Mississippi. January 8, 1945. *Per Curiam*: The appeal is dismissed for want of a substantial federal question. *Underwood Typewriter Co. v. Chamberlain*, 254 U. S. 113, 119-21; *Memphis Natural Gas Co. v. Beeler*, 315 U. S. 649, 656; *International Harvester Co. v. Wisconsin Department of Taxation*, 322 U. S. 435, 441-42. *Messrs. Marcellus Green, E. R. Holmes, and Garner W. Green* for appellants. Reported below: 19 So. 2d 477.

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No. —. *QUINCE v. GENERAL ACCOUNTING OFFICE*. January 8, 1945. Application denied.

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No. 351. *CARLOTA BENITEZ SAMPAYO v. UNITED STATES ET AL.*;

No. 352. *CARLOTA BENITEZ SAMPAYO v. BANK OF NOVA SCOTIA*; and

No. 353. *CARLOTA BENITEZ SAMPAYO v. BANK OF NOVA SCOTIA ET AL.* January 8, 1945. The motion to strike briefs of the Bank of Nova Scotia is denied with leave to petitioner to file a consolidated reply within 20 days. The motion for other relief is denied. The CHIEF JUSTICE took no part in the consideration or decision of these applications.

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No. —. *KUCZYNSKI v. O'BRIEN, JUDGE*. January 15, 1945. The motion for leave to file petition for writ of mandamus is denied.

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No. —. *EX PARTE WILLIAM T. REID*. January 15, 1945. The petition for an injunction is denied.

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No. 482. *MACKEY v. KAISER, WARDEN*. On petition for writ of certiorari to the Supreme Court of Missouri.

January 29, 1945. *Per Curiam*: The petition for writ of certiorari is granted. After the Supreme Court of Missouri denied the petition for habeas corpus in this case on the ground that it "fails to state a cause of action," this Court decided on January 8, 1945, in *Williams v. Kaiser*, 323 U. S. 471, and *Tomkins v. Missouri*, 323 U. S. 485, questions having a bearing on the issues in the present case. Accordingly we vacate the judgment and remand the case to the Supreme Court of Missouri for further consideration in the light of our decisions in those cases. *Mathews v. West Virginia*, 320 U. S. 707, and cases cited.

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No. 732. CRICHTON ET AL., DOING BUSINESS AS SUPER SERVICE MOTOR FREIGHT CO., ET AL. *v.* UNITED STATES ET AL. Appeal from the District Court of the United States for the Southern District of New York. January 29, 1945. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. (1) *North Coast Transportation Co. v. United States*, ante, p. 668; *Carolina Scenic Coach Lines v. United States*, ante, p. 678; (2) *Alton R. Co. v. United States*, 315 U. S. 15, 24; and (3) *United States v. Pan American Petroleum Corp.*, 304 U. S. 156, 158. Messrs. William A. Roberts, Edgar Turlington, James E. Wilson, and Mrs. Irene Kennedy for appellants. Solicitor General Fahy and Mr. Daniel W. Knowlton for the United States et al., and Mr. Mortimer Allen Sullivan for Associated Transport, Inc. et al., appellees. Reported below: 56 F. Supp. 876.

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No. 747. NEMOURS *v.* CITY OF CLAYTON; and

No. 748. NEMOURS *v.* CITY OF CLAYTON. Appeals from the Supreme Court of Missouri. January 29, 1945. *Per Curiam*: The appeals are dismissed for want of a substantial federal question. Cf. *Fischer v. St. Louis*, 194



323 U. S.

Decisions Granting Certiorari.

U. S. 361; *Bacon v. Walker*, 204 U. S. 311; *Cusack Co. v. Chicago*, 242 U. S. 526. *Mr. J. L. London* for appellants. Reported below: 353 Mo. 61, 182 S. W. 2d 57.

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No. 769. *HUGHES ET AL. v. CADDO PARISH SCHOOL BOARD ET AL.* Appeal from the District Court of the United States for the Western District of Louisiana. January 29, 1945. *Per Curiam*: The motion to amend the assignment of errors is denied. The motion to affirm is granted and the judgment is affirmed. *Waugh v. Mississippi University*, 237 U. S. 589. *Mr. Otis W. Bullock* for appellants. *Messrs. Edwin L. Blewer and W. C. Perreault* for appellees. Reported below: 57 F. Supp. 508.

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No. —. *PEOPLE EX REL. FORTUNE v. BREWSTER ET AL.*;

No. —. *HUTTON v. UNITED STATES*; and

No. —. *EX PARTE PERCY ARTHUR WHISTLER*. January 29, 1945. The motions for leave to file petitions for writs of habeas corpus are denied.

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No. —. *EDWARDS v. DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF COLUMBIA*. January 29, 1945. The motion for leave to file petition for writ of mandamus is denied.

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#### DECISIONS GRANTING CERTIORARI, FROM OCTOBER 2, 1944, THROUGH JANUARY 29, 1945.

No. 88. *FONDREN ET AL. v. COMMISSIONER OF INTERNAL REVENUE*. October 9, 1944. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Mr. E. E. Townes* for petitioners. *Solic-*