

DECISIONS PER CURIAM, ETC., FROM APRIL 24,  
1945, THROUGH JUNE 18, 1945.\*

No. 10, original. UNITED STATES *v.* WYOMING ET AL.  
April 25, 1945. Nat U. Brown, Esquire, of Yakima,  
Wash., appointed Special Master.

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No. 1076. WOOD *v.* MISSISSIPPI. Appeal from the Su-  
preme Court of Mississippi. April 30, 1945. *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. M. M. Roberts* for appellant.  
Reported below: 20 So. 2d 661.

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No. 1059. SECURITIES & EXCHANGE COMMISSION *v.*  
LONG ISLAND LIGHTING Co. Certiorari, 324 U. S. 837,  
to the Circuit Court of Appeals for the Second Circuit.  
April 30, 1945. *Per Curiam*: It appearing that the cause  
has become moot, the judgment of the Circuit Court of  
Appeals is vacated and the case is remanded to the Dis-  
trict Court with directions to dismiss the complaint.  
*Solicitor General Fahy, Messrs. Roger S. Foster, David K.  
Kadane and Theodore L. Thau* for petitioner. *Mr.*

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\*MR. JUSTICE JACKSON took no part in the consideration or decision  
of the orders announced on May 28th.

MR. JUSTICE ROBERTS took no part in the consideration or decision  
of the orders announced on June 18th.

For decisions on applications for certiorari, see *post*, pp. 843, 850;  
rehearing, *post*, p. 891; cases disposed of without consideration by  
the Court, *post*, p. 891.

*Harold R. Medina* for respondent. Reported below: 148 F. 2d 252.

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No. —. *MORTON v. UNITED STATES*. April 30, 1945. The motion for leave to file petition for writ of mandamus is denied.

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No. 296. *PANHANDLE EASTERN PIPE LINE CO. ET AL. v. FEDERAL POWER COMMISSION ET AL.* April 30, 1945. Order entered amending opinion. The petition for rehearing is denied.

Opinion reported as amended, 324 U. S. 635.

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No. 665. *LINE MATERIAL CO. ET AL. v. COE, COMMISSIONER OF PATENTS*. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia. May 7, 1945. *Per Curiam*: The petition for writ of certiorari is granted. The judgment is reversed on the authority of *Hoover Co. v. Coe, ante*, p. 79, and the cause is remanded to the said Court of Appeals for further proceedings. *Messrs. Charles F. Meroni, Carlton Hill, William A. Smith, Jr. and Donald A. Gardiner* for petitioners. *Solicitor General Fahy* and *Assistant Attorney General Shea* for respondent. Reported below: 144 F. 2d 518.

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

No. —. *EX PARTE EARL WATSON*; and

No. —. *BUTZ v. STUBBLEFIELD ET AL.* May 7, 1945. The motions for leave to file petitions for writs of habeas corpus are denied.

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No. —. *NEWMAN v. STUBBLEFIELD*. May 7, 1945. The motion for leave to file petition for writ of certiorari is denied.

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No. 1141. *FUHS v. ILLINOIS*. See *post*, p. 858.

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No. 1204. *SAYLOR, DOING BUSINESS AS BELL COACH LINES, v. STRAIGHT CREEK BUS, INC. ET AL.* Appeal from the Court of Appeals of Kentucky. May 21, 1945. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Savage v. Jones*, 225 U. S. 501, 533; *Carey v. South Dakota*, 250 U. S. 118, 122; *Townsend v. Yeomans*, 301 U. S. 441, 454; *Allen-Bradley Local v. Board*, 315 U. S. 740, 749. *Mr. Samuel M. Rosenstein* for appellant. *Mr. Leslie W. Morris* for appellees. Reported below: 299 Ky. 309, 185 S. W. 2d 253.

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No. 1218. *DOSS v. LINDSLEY, SHERIFF*. Appeal from the Supreme Court of Illinois. May 21, 1945. *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. Richard E. Westbrook* for appellant. Reported below: 382 Ill. 307, 46 N. E. 2d 984.

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No. —. *EX PARTE VERGIL D. McMILLAN*;

No. —. *EX PARTE WOOD v. SWYGERT, JUDGE*; and

No. —. *WILSON v. HINMAN*. May 21, 1945. Applications denied.

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No. —. *EX PARTE RAYMOND O. DEMAUREZ*; and

No. —. *WALEY v. JOHNSTON, WARDEN*. May 21, 1945. The motions for leave to file petitions for writs of habeas corpus are denied.

No. —. SNOW *v.* JOHNSTON, WARDEN. May 21, 1945. The motion for leave to file petition for writ of certiorari is denied.

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No. —. HOUSE *v.* MAYO, STATE PRISON CUSTODIAN. May 21, 1945. The application for bail and for other relief is denied.

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No. 9, original. ILLINOIS *v.* INDIANA ET AL. May 21, 1945. The motion for leave to file the amended bill of complaint is granted and process is ordered to issue returnable on or before August 1, next. The answers heretofore filed to the original bill may stand as answers to the amended bill if the parties filing them are so advised.

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No. 1253. DAVIS *v.* UNITED STATES. May 21, 1945. The application for bail is denied.

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No. 85. CENTRAL STATES ELECTRIC Co. *v.* CITY OF MUSCATINE ET AL. May 21, 1945. Ordered that the mandate be recalled and that the judgment and mandate of this court be amended so as to provide that the costs of Central States Electric Company be paid from the \$25,708.54 which was separated from the fund paid into the Circuit Court of Appeals for the Seventh Circuit by the Natural Gas Pipeline Company of America, rather than by the City of Muscatine, Iowa.

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No. 431. UNITED STATES *v.* BEUTTAS ET AL., TRADING AS B-W CONSTRUCTION Co. May 21, 1945. Order entered amending opinion. The judgment will be amended accordingly.

Opinion reported as amended, 324 U. S. 768.

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No. 177. *LEDBETTER, ADMINISTRATOR, ET AL. v. FARMERS BANK & TRUST CO. ET AL.* May 21, 1945. The motion for leave to file motion to vacate order denying certiorari, 323 U. S. 719, is granted. The motion to vacate the order is denied.

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No. 823. *HOTEL ASTOR, INC. ET AL. v. UNITED STATES ET AL.* Appeal from the District Court of the United States for the Southern District of New York. May 28, 1945. *Per Curiam*: The judgment is affirmed. *Ambassador, Inc. v. United States, ante*, p. 317. *Messrs. George deF. Lord, Leonard G. Bisco, Frederick L. Wheeler and Parker McColleston* for appellants. *Messrs. John B. King and Ralph W. Brown* for the New York Telephone Co., appellee. Reported below: 57 F. Supp. 451.

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No. 866. *TWISP MINING & SMELTING CO. v. CHELAN MINING CO. ET AL.* Appeal from and petition for writ of certiorari to the Supreme Court of Washington. May 28, 1945. *Per Curiam*: The appeal is dismissed for want of jurisdiction. § 237 (a), Judicial Code, as amended, 28 U. S. C. § 344 (a). The petition for writ of certiorari is denied. *Mr. Lucius G. Nash* for appellant-petitioner. Reported below: 16 Wash. 2d 264, 133 P. 2d 300.

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No. 1229. *ALABAMA HIGHWAY EXPRESS, INC. v. UNITED STATES ET AL.* Appeal from the District Court of the United States for the Northern District of Alabama. May 28, 1945. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. (1) *United States v. Carolina Freight Carriers Corp.*, 315 U. S. 475, 480-82; *Howard Hall Co. v. United States*, 315 U. S. 495, 498-9; (2) *United States v. Pan American Corp.*, 304 U. S. 156, 158. *Mr. Leo P. Kitchen* for appellant. *Solicitor General Fahy* and *Mr. Daniel W. Knowlton* for appellees.

No. —. *McCoy v. HUNTER, WARDEN*;

No. —. *WELCH v. BRADY, WARDEN*; and

No. —. *BLAKE v. BRADY, WARDEN*. May 28, 1945. The motions for leave to file petitions for writs of habeas corpus are denied.

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No. —. *SWEET v. SWYGERT, JUDGE*. May 28, 1945. Application denied.

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No. 506. *MOSHER v. HUNTER, WARDEN*. May 28, 1945. Leave is granted petitioner to file a second petition for rehearing by September 1, next. The motion for other relief is denied.

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No. 1219. *S. BUCHSBAUM & Co. ET AL. v. GORDON, DIRECTOR OF LABOR*. Appeal from the Supreme Court of Illinois. June 4, 1945. *Per Curiam*: The appeal is dismissed for want of a substantial federal question. *Carmichael v. Southern Coal Co.*, 301 U. S. 495, 509-12, 520-21, 525, and cases cited. *Messrs. Walter H. Moses and Walter Bachrach* for appellants. *George F. Barrett*, Attorney General of Illinois, for appellee. Reported below: 389 Ill. 493, 59 N. E. 2d 832.

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No. 1236. *NATIONAL LABOR RELATIONS BOARD v. FEDERAL MOTOR TRUCK Co.*;

No. 1237. *NATIONAL LABOR RELATIONS BOARD v. JONES & LAUGHLIN STEEL CORP.* On petition for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit; and

No. 1238. *NATIONAL LABOR RELATIONS BOARD v. E. C. ATKINS & Co.* On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit. June 4, 1945. *Per Curiam*: The petition for writs of certiorari is granted. The judgments are vacated and the cases are

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remanded to the respective Circuit Courts of Appeals for further consideration of the alleged changed circumstances with respect to the demilitarization of the employees involved, and the effect thereof on the Board's orders. *Assistant Solicitor General Cox* and *Mr. Alvin J. Rockwell* for petitioner. *Mr. Percy J. Donovan* for respondent in No. 1236. *Messrs. William A. Seifert* and *John C. Bane, Jr.* for respondent in No. 1237. *Messrs. Roscoe Pound* and *Kurt F. Pantzer* for respondent in No. 1238. Reported below: Nos. 1236 and 1237, 146 F. 2d 718; No. 1238, 147 F. 2d 730.

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No. —. *HINKLE v. SWYGERT, JUDGE*; and

No. —. *SINCLAIR v. SWYGERT, JUDGE*. June 4, 1945. The motions for leave to file petitions for writs of mandamus are denied.

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No. —. *MASON v. SMITH, SUPERINTENDENT*; and

No. —. *EX PARTE GARFIELD J. KELLY*. June 4, 1945. The motions for leave to file petitions for writs of certiorari are denied.

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No. —. *WATSON, ATTORNEY GENERAL, v. HOLLAND, GOVERNOR, ET AL.* June 4, 1945. The application for an extension of time within which to file petition for writ of certiorari is denied. *Finn v. Railroad Commission*, 286 U. S. 559.

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No. —. *JENNINGS v. SMITH, WARDEN*. June 11, 1945. The motion for leave to file petition for writ of habeas corpus is denied.

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No. 1097. *AUTOMATIC PAPER MACHINERY CO., INC. v. MARCALUS MANUFACTURING CO., INC. ET AL.* June 11, 1945. *Scott Paper Co.* substituted as the party petitioner.

No. 63. NORTHWESTERN BANDS OF SHOSHONE INDIANS v. UNITED STATES. June 11, 1945. The motion to recall and amend the mandate and for other relief is denied.

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No. 953. FINN, TRUSTEE, v. MEIGHAN, SUBSTITUTED TRUSTEE. June 11, 1945. Order entered amending opinion.

Opinion reported as amended, *ante*, p. 300.

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No. 1287. ASHLAND COAL & ICE CO., INC. ET AL. v. UNITED STATES ET AL. Appeal from the District Court of the United States for the Eastern District of Virginia. June 18, 1945. *Per Curiam*: The motions to affirm are granted and the judgment is affirmed. *Standard Oil Co. v. United States*, 283 U. S. 235, 240-41; *George Allison & Co. v. United States*, 296 U. S. 546. Dissenting: MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS. *Messrs. Walter M. Evans and Harry C. Ames* for appellants. *Solicitor General Fahy and Mr. Daniel W. Knowlton* for the United States et al., and *Messrs. Frank W. Gwathmey, Horace L. Walker, D. Lynch Younger, Charles Clark and John C. Donnally* for the Atlantic Coast Line Railroad Co. et al., appellees. Reported below: 61 F. Supp. 708.

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No. 1245. OKIN v. SECURITIES & EXCHANGE COMMISSION. On petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit. June 18, 1945. *Per Curiam*: On consideration of the suggestion of a diminution of the record and a motion for a writ of certiorari in that relation, the motion for certiorari is granted. The petition for writ of certiorari is granted limited to the question whether that part of the Commission's order which licensed Electric Bond and Share Company's use of the proceeds derived from the plan of reorganization can be reviewed only under § 24 (a) of the Public Utility Hold-

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ing Company Act. The judgment is vacated and the cause is remanded to the Circuit Court of Appeals for consideration of that question. *Mr. Samuel Okin* for petitioner. *Assistant Solicitor General Cox* and *Mr. Roger S. Foster* for respondent. *Messrs. James L. Boone* and *Daniel James* for the United Gas Corporation et al., petitioning for writ of certiorari to correct diminution of the record. Reported below: 145 F. 2d 206.

No. 1383. *COY v. UNITED STATES*. On motion for leave to file petition for writ of certiorari. June 18, 1945. *Per Curiam*: Petitioner moves for leave to file a petition for certiorari under § 262 of the Judicial Code, to review an order of the Circuit Court of Appeals for the Sixth Circuit. The order denied his petition for leave to proceed with his appeal *in forma pauperis* from an order of the district court denying his motion to vacate sentence upon a conviction on one count of an indictment for violation of § 2 (a) and (b) of the Bank Robbery Act, 12 U. S. C. 588b (a) and (b).

Petitioner filed, with the district court, notice of appeal from its order and an application for leave to appeal *in forma pauperis*, which the district court allowed. On the same day, petitioner filed his petition for leave to proceed with his appeal *in forma pauperis* with the circuit court of appeals, which later denied his petition. As the appeal allowed by the district court was already properly before the circuit court of appeals, it should have allowed petitioner to proceed upon the appeal *in forma pauperis*, as provided by the district court's order. 28 U. S. C. 832; *Steffler v. United States*, 319 U. S. 38, 41.

The Government confesses error. The motion for leave to proceed here *in forma pauperis* is granted. The motion for leave to file the petition for certiorari is granted and the petition for writ of certiorari is also granted. The

order of the circuit court of appeals is vacated and the cause is remanded to that court in order that it may make appropriate disposition of the appeal allowed by the district court.

*Bernard Paul Coy, pro se. Solicitor General Fahy, Assistant Attorney General Tom C. Clark, Messrs. Robert S. Erdahl and Irving S. Shapiro for the United States.*

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No. —. *BOZELL v. BIDDLE ET AL.* June 18, 1945. The motion for leave to file petition for writ of certiorari is denied.

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No. —. *EX PARTE WILLIAM M. LEE;*

No. —. *TEGMEYER v. TEGMEYER;* and

No. —. *BLOOD v. RHODE ISLAND.* June 18, 1945. Applications denied.

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No. —. *KENNEDY v. LAINSON, WARDEN.* June 18, 1945. The motion for leave to file petition for writ of habeas corpus is denied.

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No. 699. *GOLDSTONE ET AL., EXECUTORS, v. UNITED STATES.* June 18, 1945. Order entered amending opinion.

Opinion reported as amended, *ante*, p. 687.

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No. 1213. *GLICK BROTHERS LUMBER CO. ET AL. v. BOWLES, PRICE ADMINISTRATOR;* and

No. 1224. *RAY ET AL., DOING BUSINESS AS SUPERIOR UNIFORM CAP & SHIRT MFG. CO., v. BOWLES, PRICE ADMINISTRATOR.* June 18, 1945. The application for a stay is denied.

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No. 1368. *STEWART v. RAGEN, WARDEN.* See *post*, p. 890.

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Decisions Granting Certiorari.

No. 661, October Term, 1934. *AWOTIN v. ATLAS EXCHANGE NATIONAL BANK OF CHICAGO*. June 18, 1945. Petition to set aside the judgment and for other relief denied.

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No. 377. *PRECISION INSTRUMENT MANUFACTURING CO. ET AL. v. AUTOMOTIVE MAINTENANCE MACHINERY CO.* June 18, 1945. Petition for clarification of the opinion (324 U. S. 806) denied.

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No. 470. *AMERICAN POWER & LIGHT CO. v. SECURITIES & EXCHANGE COMMISSION*; and

No. 815. *SECURITIES & EXCHANGE COMMISSION v. OKIN*. June 18, 1945. Order entered amending opinion. The motion for rehearing in No. 815 is otherwise denied. Opinion reported as amended, *ante*, p. 385.

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#### DECISIONS GRANTING CERTIORARI, FROM APRIL 24, 1945, THROUGH JUNE 18, 1945.

No. 1097. *AUTOMATIC PAPER MACHINERY Co., INC. v. MARCALUS MANUFACTURING Co., INC. ET AL.* April 30, 1945. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Mr. George E. Middleton* for petitioner. *Messrs. Samuel E. Darby, Jr.* and *Donald J. Overocker* for respondents. Reported below: 147 F. 2d 608.

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No. 948. *JOHN KELLEY Co. v. COMMISSIONER OF INTERNAL REVENUE*. April 30, 1945. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Mr. Frank J. Albus* for petitioner. *Solicitor General Fahy, Assistant Attorney General Samuel O. Clark, Jr., Messrs. Sewall Key, J. Louis Monarch* and *Mrs. Maryhelen Wigle* for respondent. Reported below: 146 F. 2d 466.