

DECISIONS PER CURIAM AND ORDERS FROM
APRIL 27, 1948, THROUGH JUNE 21, 1948.

MAY 3, 1948.

Per Curiam Decisions.

No. 397. INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS UNION ET AL. v. DENVER MILK PRODUCERS, INC. ET AL. Appeal from the Supreme Court of Colorado. Argued January 9, 1948. Decided May 3, 1948. *Per Curiam*: Because of the inadequacy of the record, we decline to decide the constitutional issues involved. The appeal is dismissed without prejudice to the determination in further proceedings of any questions arising under the Federal Constitution. Cf. *Rescue Army v. Municipal Court*, 331 U.S. 549 (1947). Dissenting: MR. JUSTICE BLACK and MR. JUSTICE MURPHY. *Herbert S. Thatcher* argued the cause for appellants. With him on the brief were *J. Albert Woll* and *Philip Hornbein, Jr.* *Kenneth W. Robinson* argued the cause and filed a brief for appellees. *Robert D. Charlton* was also of counsel. By special leave of Court, *George K. Thomas*, Assistant Attorney General, argued the cause for the State of Colorado, as *amicus curiae*, urging affirmance. With him on the brief was *H. Lawrence Hinkley*, Attorney General. Reported below: 116 Colo. 389, 183 P. 2d 529.

No. 733. SCHMITT v. WILDER, DIRECTOR OF LICENSING, ET AL. Appeal from the Supreme Court of South Dakota. *Per Curiam*: The appeal is dismissed for the want of a substantial federal question. *Ashley Sellers* and *Kenneth L. Kimble* for appellant. *Ray F. Drewry*, Assistant Attorney General of South Dakota, for appellees. Reported below: 71 S. Dak. 575, 27 N. W. 2d 910.

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No. 741. *FINLEY ET AL. v. CITY OF TARRANT ET AL.* Appeal from the Supreme Court of Alabama. *Per Curiam*: 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 nonfederal ground adequate to support it. MR. JUSTICE BLACK took no part in the consideration or decision of this case. *George D. Finley* for appellants. *Douglass P. Wingo, Peyton D. Bibb and Needham A. Graham, Jr.* for appellees. Reported below: 250 Ala. 19, 32 So. 2d 806.

Miscellaneous Orders.

No. 337. *CONNECTICUT MUTUAL LIFE INSURANCE CO. ET AL. v. MOORE, COMPTROLLER OF THE STATE OF NEW YORK*, 333 U. S. 541. Rehearing denied. The petitions of the States of Connecticut and Vermont for leave to intervene are therefore also denied.

No. 361, Misc. *DAVIS v. NIERSTHEIMER, WARDEN*; and No. 469, Misc. *FOOK v. CLEMMER, DIRECTOR*. The motions for leave to file petitions for writs of habeas corpus are denied.

Certiorari Granted.

No. 621. *UNITED STATES v. KANSAS CITY LIFE INSURANCE Co.* Court of Claims. Certiorari granted. *Solicitor General Perlman* for the United States. *Ray B. Lucas* for respondent. Reported below: 109 Ct. Cl. 555, 74 F. Supp. 653.

No. 195, Misc. *YOUNG v. RAGEN, WARDEN*. Circuit Court of Randolph County, Illinois. Certiorari granted. Petitioner *pro se*. *George F. Barrett*, Attorney General of Illinois, and *William C. Wines*, Assistant Attorney General, for respondent.

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Certiorari Denied.

NO. 611. LOEW'S, INC. ET AL. *v.* WILLIAM GOLDMAN THEATRES, INC. C. C. A. 3d. *Certiorari denied.* *Wm. A. Schnader, Bernard G. Segal, J. Pennington Straus, Joseph M. Proskauer and Louis J. Goffman* for petitioners. *William A. Gray, Francis T. Anderson, Lester J. Schaffer and Robert Dechert* for respondent. Reported below: 164 F. 2d 1021.

NO. 642. NEW YORK, NEW HAVEN & HARTFORD RAILROAD CO. *v.* RECONSTRUCTION FINANCE CORPORATION. C. C. A. 2d. *Certiorari denied.* *Hermon J. Wells and H. H. Corbin* for petitioner. *Solicitor General Perlman, Robert L. Stern, Robert W. Ginnane, W. Meade Fletcher and Joseph A. Woolman* for respondent. Reported below: 164 F. 2d 466.

NO. 663. UNITED STATES *v.* COLD METAL PROCESS CO. ET AL. C. C. A. 6th. *Certiorari denied.* *Solicitor General Perlman* for the United States. *Clarence B. Zewadski and Howard F. Burns* for respondents. Reported below: 164 F. 2d 754.

NO. 682. HARANG *v.* UNITED STATES. C. C. A. 5th. *Certiorari denied.* *Arthur A. Moreno* for petitioner. *Solicitor General Perlman, Assistant Attorney General Caudle, Sewall Key and Hilbert P. Zarky* for the United States. Reported below: 165 F. 2d 106.

NO. 688. BEAVERS *v.* COMMISSIONER OF INTERNAL REVENUE. C. C. A. 5th. *Certiorari denied.* *Robert Ash* for petitioner. *Solicitor General Perlman, Assistant Attorney General Caudle, Sewall Key and Hilbert P. Zarky* for respondent. Reported below: 165 F. 2d 208.

NO. 698. IN RE GORDON. Supreme Court of California. *Certiorari denied.* *David W. Louisell* for petitioner.

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No. 699. CAPITOL MEATS, INC. ET AL. *v.* UNITED STATES. C. C. A. 2d. Certiorari denied. *Irving J. Roth* for petitioners. *Solicitor General Perlman, Assistant Attorney General Quinn, Robert S. Erdahl* and *Beatrice Rosenberg* for the United States. Reported below: 166 F. 2d 537.

No. 714. SCHATTE ET AL. *v.* INTERNATIONAL ALLIANCE OF THEATRICAL STAGE EMPLOYEES & MOVING PICTURE OPERATORS ET AL. C. C. A. 9th. Certiorari denied. *Zach Lamar Cobb* for petitioners. *Matthew M. Levy* and *Michael G. Luddy* for the International Alliance of Theatrical Stage Employees & Moving Picture Operators et al.; and *Homer I. Mitchell* for the Association of Motion Picture Producers, Inc. et al., respondents. Reported below: 165 F. 2d 216.

No. 686. SAMETT *v.* RECONSTRUCTION FINANCE CORPORATION. C. C. A. 10th. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this application. *Fred S. Caldwell* for petitioner. *Solicitor General Perlman, Assistant Attorney General Morison, Paul A. Sweeney* and *Harry I. Rand* for respondent. Reported below: 165 F. 2d 605.

No. 694. WAITE *v.* OVERLADE, WARDEN. C. C. A. 7th. Certiorari denied. MR. JUSTICE MURPHY and MR. JUSTICE RUTLEDGE are of the opinion the petition should be granted. *Benjamin G. Cox* for petitioner. *Solicitor General Perlman, Assistant Attorney General Quinn, Frederick Bernays Wiener, Robert S. Erdahl* and *Beatrice Rosenberg* for respondent. Reported below: 164 F. 2d 722.

No. 307, Misc. HARRISON *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied. Reported below: 395 Ill. 463, 70 N. E. 2d 596.

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No. 421, Misc. MACK *v.* RAGEN, WARDEN. Criminal Court of Cook County, Illinois. Certiorari denied.

Rehearing Denied. (See also No. 337, *supra.*)

No. 270. PARKER *v.* ILLINOIS, 333 U. S. 571. Rehearing denied.

No. 384. COMMISSIONER OF INTERNAL REVENUE *v.* SOUTH TEXAS LUMBER Co., 333 U. S. 496. Rehearing denied.

No. 579. GARLAND *v.* UNITED STATES, 333 U. S. 861. Rehearing denied.

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Per Curiam Decisions.

No. 153. TRUSTEES OF THE MONROE AVENUE CHURCH OF CHRIST ET AL. *v.* PERKINS ET AL. On petition for writ of certiorari to the Supreme Court of Ohio. *Per Curiam:* The petition for writ of certiorari is granted and the judgment is reversed. *Shelley v. Kraemer* and *McGhee v. Sipes*, 334 U. S. 1. MR. JUSTICE REED, MR. JUSTICE JACKSON, and MR. JUSTICE RUTLEDGE took no part in the consideration or decision of this case. *Leon A. Ransom* and *Austin L. Fickling* for petitioners. Reported below: 147 Ohio St. 537, 72 N. E. 2d 97.

No. 429. AMER *v.* SUPERIOR COURT OF CALIFORNIA, IN AND FOR THE COUNTY OF LOS ANGELES; and

No. 430. KIM *v.* SUPERIOR COURT OF CALIFORNIA, IN AND FOR THE COUNTY OF LOS ANGELES. On petition for writs of certiorari to the Supreme Court of California. *Per Curiam:* The petition for writs of certiorari is granted. In each case the order denying a petition for writ of prohibition is vacated and the case is remanded to the Su-

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preme Court of California in order to enable it to reconsider its ruling in the light of *Shelley v. Kraemer* and *McGhee v. Sipes*, 334 U. S. 1. MR. JUSTICE REED, MR. JUSTICE JACKSON, and MR. JUSTICE RUTLEDGE took no part in the consideration or decision of these cases. *A. L. Wirin* and *Fred Okrand* for petitioners. *Harold L. Kennedy*, *Ray C. Eberhard* and *Elisabeth Eberhard Zeigler* for respondent. *Saburo Kido* filed a brief for the Japanese American Citizens League, as *amicus curiae*, supporting the petition.

No. 700. *GAMBRELL ET AL. v. CHALK HILL THEATRE Co., LTD. ET AL.* Appeal from the Court of Civil Appeals, 3d Supreme Judicial District, of Texas. *Per Curiam*: The motions to dismiss are granted and the appeal is dismissed for the reason that the judgment of the court below is based upon a nonfederal ground adequate to support it. *Everett L. Looney* for appellants. *Arthur P. Bagby* for the Chalk Hill Theatre Co., Ltd.; *James H. Hart* for the City of Austin; and *James P. Hart* for Staehely, appellees. Reported below: 205 S. W. 2d 126.

No. 745. *JEFFERSON COUNTY BOARD OF EDUCATION ET AL. v. EVERETT, SUPERINTENDENT.* Appeal from the Court of Appeals of Kentucky. *Per Curiam*: The appeal is dismissed for the want of a substantial federal question. *Henry M. Johnson* for appellants. Reported below: 306 Ky. 439, 207 S. W. 2d 567.

Certiorari Granted. (See Nos. 153, 429 and 430, *supra*.)

Miscellaneous Order.

No. 258. *SCHWABACHER ET AL. v. UNITED STATES ET AL.* Order entered amending opinion.

Opinion reported as amended, 334 U. S. 182.

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Certiorari Denied.

No. 591. *RODD v. UNITED STATES*. C. C. A. 9th. Certiorari denied. *Morris L. Ernst, Harriet F. Pilpel* and *A. L. Wirin* for petitioner. *Solicitor General Perlman, Assistant Attorney General Quinn, Frederick Bernays Wiener, Robert S. Erdahl* and *Irving S. Shapiro* for the United States. Reported below: 165 F. 2d 54.

No. 672. *KRIEGER v. LOUISIANA*. Supreme Court of Louisiana. Certiorari denied. *Maurice R. Woulfe* for petitioner. Reported below: 212 La. 527, 33 So. 2d 58.

No. 687. *NEBRASKA v. UNITED STATES ET AL.* C. C. A. 8th. Certiorari denied. *Walter R. Johnson*, Attorney General of Nebraska, *C. S. Beck*, Deputy Attorney General, and *Robert A. Nelson*, Assistant Attorney General, for petitioner. *Solicitor General Perlman* and *Assistant Attorney General Vanech* for the United States; and *Milton C. Murphy* and *Paul L. Martin* for McNish et al., respondents. Reported below: 164 F. 2d 866.

No. 708. *SOBEL CORRUGATED & WOODEN BOX Co. v. FLEMING, TEMPORARY CONTROLS ADMINISTRATOR*. C. C. A. 6th. Certiorari denied. *A. L. Kearns* for petitioner. *Solicitor General Perlman, Assistant Attorney General Quinn, Robert S. Erdahl* and *Josephine H. Klein* for respondent. Reported below: 165 F. 2d 568.

No. 715. *TINSLEY v. TEXAS*. Court of Criminal Appeals of Texas. Certiorari denied. *Kenneth Lawing* for petitioner. Reported below: — Tex. Cr. R. —, 207 S. W. 2d 94.

No. 728. *NORTH PIER TERMINAL Co. v. INTERSTATE COMMERCE COMMISSION*. C. C. A. 7th. Certiorari denied. *John S. Burchmore, Nuel D. Belnap* and *Robert N.*

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Burchmore for petitioner. *Solicitor General Perlman, Assistant Attorney General Sonnett, Edward Dumbauld, Daniel W. Knowlton* and *Gordon Locke* for respondent. Reported below: 164 F. 2d 640.

No. 739. AUGELLI, TRUSTEE IN BANKRUPTCY, ET AL. *v.* OHIO FINANCE CORP.; and

No. 740. AUGELLI, TRUSTEE IN BANKRUPTCY, ET AL. *v.* OHIO FINANCE CORP. C. C. A. 3d. Certiorari denied. *Samuel Milberg* and *Benjamin Gross* for petitioners. *Nathan Bilder* for respondent. Reported below: 165 F. 2d 788.

No. 759. FRANKLIN LIFE INSURANCE CO. *v.* STUART ET AL. C. C. A. 5th. Certiorari denied. *C. K. Bullard* for petitioner. *Dan Moody* for respondents. Reported below: 165 F. 2d 965.

No. 681. VIOLA *v.* OHIO. Supreme Court of Ohio. Certiorari denied. *Charles J. Margiotti* for petitioner. *Paul J. Reagen* and *William M. McLain* for respondent. Reported below: 148 Ohio St. 712, 76 N. E. 2d 715.

Rehearing Denied.

No. 518. DINEEN, SUPERINTENDENT OF INSURANCE OF THE STATE OF NEW YORK, *v.* UNITED STATES, 333 U. S. 842. Rehearing denied.

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Per Curiam Decisions.

No. 428. PARKER *v.* ILLINOIS. Certiorari, 332 U. S. 846, to the Supreme Court of Illinois. Argued February 13, 1948. Decided May 17, 1948. *Per Curiam*: MR. JUSTICE JACKSON is of the opinion that the writ of certiorari should be dismissed and did not participate in the

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question as to the disposition of the case on its merits. With respect to the merits the judgment is affirmed by an equally divided Court. Petitioner argued the cause and filed a brief *pro se*. *William C. Wines*, Assistant Attorney General of Illinois, argued the cause for respondent. With him on the brief was *George F. Barrett*, Attorney General. Reported below: 397 Ill. 305, 74 N. E. 2d 523.

No. 705. *BURROWS ET VIR v. HAGERMAN, TAX COLLECTOR OF SARASOTA COUNTY, ET AL.* Appeal from the Supreme Court of Florida. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Stewart v. Pennsylvania*, 312 U. S. 649. *Richard J. Mackey* for appellants. *Miller Walton* and *W. C. Lantaff* for appellees. Reported below: 159 Fla. 826, 33 So. 2d 34.

Miscellaneous Orders.

No. 439, Misc. *KISSINGER v. SWEIGERT, DISTRICT JUDGE.* Motion of petitioner for leave to withdraw the motion for leave to file petition for writ of quo warranto granted.

No. 340, Misc. *MEZO v. NIERSTHEIMER, WARDEN*;

No. 417, Misc. *ORR v. BENSON, WARDEN*;

No. 423, Misc. *SPENCER v. RAGEN, WARDEN*;

No. 425, Misc. *THOMAS v. HUNTER, WARDEN*;

No. 433, Misc. *MILLER v. STEWART, WARDEN*;

No. 434, Misc. *SCHUNKE v. HEINZE, WARDEN*;

No. 445, Misc. *HENDERSON v. HOWARD, WARDEN*;

No. 465, Misc. *LA COUNT v. HOWARD, WARDEN*;

No. 467, Misc. *WALKER v. MARYLAND*; and

No. 472, Misc. *GRECO v. STEWART, WARDEN.* The motions for leave to file petitions for writs of habeas corpus are denied.

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No. 440, Misc. *CREBS v. SUPREME COURT OF KANSAS*. Motion for leave to file petition for writ of mandamus denied.

No. 461, Misc. *TALL v. ILLINOIS*. Application denied.

No. 479, Misc. *IN RE O'NEILL*. Motion for leave to file petition for writ of mandamus denied.

No. 484, Misc. *LAPKA v. UNITED STATES*. Application denied.

Certiorari Granted.

No. 732. *KLAPPROTT v. UNITED STATES*. C. C. A. 3d. Certiorari granted. *P. Bateman Ennis, W. Clifton Stone* and *Morton Singer* for petitioner. *Solicitor General Perlman, Assistant Attorney General Quinn, Robert S. Erdahl* and *Beatrice Rosenberg* for the United States. Reported below: 166 F. 2d 273.

Certiorari Denied.

No. 623. *DELANO v. MICHIGAN*. Supreme Court of Michigan. Certiorari denied. *Frank L. Blackman* for petitioner. *Eugene F. Black, Attorney General of Michigan, Edmund E. Shepherd, Solicitor General, H. H. Warner* and *Daniel J. O'Hara, Assistant Attorneys General*, for respondent. Reported below: 318 Mich. 557, 28 N. W. 2d 909.

No. 661. *RANDOLPH ET AL. v. MISSOURI-KANSAS-TEXAS RAILROAD CO. ET AL.*; and

No. 711. *MISSOURI-KANSAS-TEXAS RAILROAD CO. ET AL. v. RANDOLPH ET AL.* C. C. A. 8th. Certiorari denied. *Clif Langsdale* and *Clyde Taylor* for petitioners in No. 661. *C. S. Burg, M. E. Clinton* and *Ellison A. Neel* for petitioners in No. 711 and respondents in No. 661. *R.*

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Carter Tucker for Wood et al., respondents in Nos. 661 and 711. Reported below: 164 F. 2d 4.

No. 696. GUINNESS *v.* UNITED STATES. Court of Claims. Certiorari denied. *Ellsworth C. Alvord* and *Floyd F. Toomey* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Caudle* and *Sewall Key* for the United States. Reported below: 109 Ct. Cl. 84, 73 F. Supp. 119.

No. 709. TUDRYCK ET UX. *v.* MARTIN, RECEIVER, ET AL.; and

No. 710. SMYL ET UX. *v.* MARTIN, RECEIVER, ET AL. Supreme Court of Michigan. Certiorari denied. *Harry J. Lippman* for petitioners in No. 709. *Robert C. Winter* for petitioners in No. 710. *Edward A. Bilitzke* for respondents. Reported below: 320 Mich. 99, 30 N. W. 2d 518.

Nos. 716 and 717. HAZELTINE CORPORATION *v.* KIRKPATRICK, U. S. DISTRICT JUDGE. C. C. A. 3d. Certiorari denied. *Arthur G. Connolly*, *Leonard A. Watson* and *Laurence B. Dodds* for petitioner. *Floyd H. Crews*, *Donald J. Overocker*, *Hugh M. Morris*, *S. Samuel Arsht* and *Charles M. Hogan* for respondent. Reported below: 165 F. 2d 683.

No. 720. COMMISSIONER OF INTERNAL REVENUE *v.* LEHMAN. C. C. A. 2d. Certiorari denied. *Solicitor General Perlman* for petitioner. *Ellsworth C. Alvord* and *Floyd F. Toomey* for respondent. Reported below: 165 F. 2d 383.

No. 725. ANDERSON *v.* COMMISSIONER OF INTERNAL REVENUE; and

No. 726. ANDERSON *v.* COMMISSIONER OF INTERNAL REVENUE. C. C. A. 7th. Certiorari denied. *Matthias*

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Concannon for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Sewall Key*, *Robert N. Anderson* and *Harry Baum* for respondent. Reported below: 164 F. 2d 870.

No. 742. CONSOLIDATED GOLDACRES Co. v. COMMISSIONER OF INTERNAL REVENUE. C. C. A. 10th. Certiorari denied. *Frazer Arnold* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Sewall Key*, *Lee A. Jackson* and *S. Walter Shine* for respondent. Reported below: 165 F. 2d 542.

No. 743. COHEN, FRIEDLANDER & MARTIN Co. v. MASSACHUSETTS MUTUAL LIFE INSURANCE Co. C. C. A. 6th. Certiorari denied. *George R. Effler* for petitioner. *Ross W. Shumaker* for respondent. Reported below: 166 F. 2d 63.

No. 744. TROSCLAIR v. STANOLIND OIL & GAS Co. ET AL. C. C. A. 5th. Certiorari denied. *O. R. McGuire* for petitioner. *Richard B. Montgomery* for respondents. Reported below: 166 F. 2d 229.

No. 690. MILLER v. UNITED STATES ET AL. C. C. A. 2d. Certiorari denied. Petitioner *pro se*. *Solicitor General Perlman* for the United States; *Hugh M. Alcorn* for the Town of Suffield; and *Charles Welles Gross* for the Suffield Savings Bank, respondents.

No. 712. CURTISS CANDY Co. v. CLARK, DIRECTOR, DIVISION OF LIQUIDATION, DEPARTMENT OF COMMERCE. United States Emergency Court of Appeals. Turney substituted for Clark as the party respondent. Certiorari denied. *Irwin N. Walker* and *Peter B. Atwood* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Quinn*, *Robert S. Erdahl* and *Josephine H. Klein* for respondent. Reported below: 165 F. 2d 791.

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No. 727. GHADIALI ET AL. *v.* UNITED STATES. C. C. A. 3d. Certiorari denied. Petitioners *pro se*. *Solicitor General Perlman, Assistant Attorney General Quinn, Robert S. Erdahl and Irving S. Shapiro* for the United States. Reported below: 165 F.2d 957.

No. 248, Misc. STARKS *v.* RAGEN, WARDEN. Supreme Court of Illinois. Certiorari denied. Petitioner *pro se*. *George F. Barrett, Attorney General of Illinois, and William C. Wines, Assistant Attorney General, for respondent.* Reported below: 395 Ill. 567, 71 N. E. 2d 23.

No. 333, Misc. HAWKS *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied. Reported below: 398 Ill. 281, 75 N. E. 2d 686.

No. 334, Misc. PEABODY *v.* NIERSTHEIMER, WARDEN. Circuit Court of Randolph County, Illinois. Certiorari denied.

No. 370, Misc. NELSON *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied. Reported below: 398 Ill. 623, 76 N. E. 2d 441.

No. 371, Misc. BERRY *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied. Reported below: 399 Ill. 17, 76 N. E. 2d 443.

No. 374, Misc. EXKANO *v.* SANFORD, WARDEN. C. C. A. 5th. Certiorari denied. Petitioner *pro se*. *Solicitor General Perlman, Assistant Attorney General Quinn, Frederick Bernays Wiener, Robert S. Erdahl and Josephine H. Klein* for respondent. Reported below: 165 F.2d 435.

No. 375, Misc. McDOWELL *v.* UNITED STATES. C. C. A. 7th. Certiorari denied. Petitioner *pro se*. *Solicitor General Perlman, Assistant Attorney General Quinn, Rob-*

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ert S. Erdahl and Joseph M. Howard for the United States.

No. 403, Misc. DANIELS *v.* ASHE, WARDEN. Supreme Court of Pennsylvania. Certiorari denied.

No. 414, Misc. HOLIDAY *v.* SWENSON, WARDEN. Criminal Court of Baltimore, Maryland. Certiorari denied.

No. 419, Misc. HASENFUSS *v.* NEW YORK. Court of Appeals of New York. Certiorari denied. Reported below: 297 N. Y. 779, 77 N. E. 2d 792.

No. 422, Misc. PUTNAM *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied. Reported below: 398 Ill. 421, 76 N. E. 2d 183.

No. 424, Misc. BAILEY *v.* STEWART, WARDEN. Supreme Court of Missouri. Certiorari denied.

No. 427, Misc. MINOR *v.* RAGEN, WARDEN. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 428, Misc. BAUGH *v.* RAGEN, WARDEN. Circuit Court of Madison County, Illinois. Certiorari denied.

No. 435, Misc. HABIGHORST *v.* LOUISIANA. Supreme Court of Louisiana. Certiorari denied. *Maurice R. Woulfe* for petitioner. Reported below: 212 La. 723, 33 So. 2d 411.

No. 436, Misc. HENRY *v.* BALDI, SUPERINTENDENT. Supreme Court of Pennsylvania. Certiorari denied.

No. 442, Misc. HARPSTRITH *v.* NIERSTHEIMER, WARDEN. Supreme Court of Illinois. Certiorari denied.

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No. 443, Misc. SMITH *v.* HEINZE, WARDEN. Supreme Court of California. Certiorari denied.

No. 458, Misc. DE BERRY *v.* MARYLAND. Court of Appeals of Maryland. Certiorari denied.

No. 460, Misc. BOONE *v.* STEWART, WARDEN. Supreme Court of Missouri. Certiorari denied. Reported below: 355 Mo. 550, 196 S. W. 2d 794.

No. 468, Misc. BARONIA *v.* RAGEN, WARDEN. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 471, Misc. HATZIS *v.* NEW YORK. Appellate Division of the Supreme Court of New York. Certiorari denied. Reported below: See 297 N. Y. 163, 77 N. E. 2d 385.

No. 474, Misc. McNAUGHTON *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

No. 481, Misc. NELSON *v.* RAGEN, WARDEN. Circuit Court of Knox County, Illinois. Certiorari denied.

No. 482, Misc. REYNOLDS *v.* RAGEN, WARDEN. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 483, Misc. SCHECTMAN *v.* NEW YORK. Appellate Division of the Supreme Court of New York, Second Department. Certiorari denied. Reported below: 266 App. Div. 1019, 44 N. Y. S. 2d 841.

No. 486, Misc. WILLIAMS *v.* NEW YORK. Court of Appeals of New York. Certiorari denied. Reported below: 297 N. Y. 882, 79 N. E. 2d 278.

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No. 488, Misc. JOHNSON *v.* INDIANA. Criminal Court of Lake County, Indiana. Certiorari denied.

No. 494, Misc. SIMMONS *v.* RAGEN, WARDEN. Supreme Court of Illinois. Certiorari denied.

No. 496, Misc. KALLAS *v.* RAGEN, WARDEN. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 367, Misc. DAVIS *v.* RAGEN, WARDEN. The petition for writ of certiorari to the Circuit Court of Rock Island County, Illinois, and the motions for other relief are denied.

Rehearing Denied.

No. 326, Misc. O'LOUGHLIN *v.* PARKER, DEPUTY COMMISSIONER, U. S. EMPLOYEES' COMPENSATION COMMISSION, 333 U. S. 869. Rehearing denied.

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Miscellaneous Order.

No. 512, Misc. EVERETT *v.* TRUMAN, COMMANDER IN CHIEF OF THE ARMED FORCES OF THE UNITED STATES, ET AL. The Court met in Special Term pursuant to a call by THE CHIEF JUSTICE having the approval of all the Associate Justices. The motion for leave to file a petition for an original writ of habeas corpus for relief from sentences upon the verdicts of a General Military Government Court at Dachau, Germany, is denied. THE CHIEF JUSTICE, MR. JUSTICE REED, MR. JUSTICE FRANKFURTER, and MR. JUSTICE BURTON are of the opinion that there is want of jurisdiction. U. S. Constitution, Article III, § 2, Clause 2; see *Ex parte Betz* and companion cases, all 329 U. S. 672 (1946); *Milch v. United States*, 332 U. S. 789 (1947); *Brandt v. United States*, 333 U. S.

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836 (1948); *In re Eichel*, 333 U. S. 865 (1948). MR. JUSTICE BLACK, MR. JUSTICE DOUGLAS, MR. JUSTICE MURPHY, and MR. JUSTICE RUTLEDGE are of the opinion that the motion for leave to file the petition should be granted and that the case should be set for argument forthwith. MR. JUSTICE JACKSON took no part in the consideration or decision of the motion. *Willis M. Everett, Jr. pro se.*

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Per Curiam Decision.

No. 754. REDDING *v.* LOS ANGELES ET AL. Appeal from the District Court of Appeal, 2d Appellate District, of California. *Per Curiam*: The appeal is dismissed for want of a substantial federal question. *Morris Lavine* for appellant. *Ray L. Chesebro* and *Bourke Jones* for appellees. Reported below: 81 Cal. App. 2d 888, 185 P. 2d 430.

Miscellaneous Orders.

No. 12, Original. UNITED STATES *v.* CALIFORNIA. Motion of the Campo Band of Indians and others for leave to intervene denied. MR. JUSTICE JACKSON took no part in the consideration or decision of this application. *Attorney General Clark, Solicitor General Perlman, Assistant Attorney General Vanech, Arnold Raum, Stanley M. Silverberg, J. Edward Williams, Robert E. Mulrone*y and *Robert M. Vaughan* for the United States. *Fred N. Howser*, Attorney General, and *Everett W. Mattoon*, Assistant Attorney General, for the State of California. *Norman M. Littell* and *Katherine M. Littell* for the Campo Band of Indians et al.

No. 408. TRUST OF ANDRUS ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE, 332 U. S. 842. Motion to extend the time within which to file petition for rehearing denied.

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No. 497, Misc. *WHITE v. UNITED STATES* DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS. Motion for leave to file petition for writ of mandamus denied.

No. 502, Misc. *LOWE v. UNITED STATES*. Motion for leave to file petition for writ of habeas corpus denied.

- No. 386, Misc. *IN RE KRAUTWURST*;
No. 390, Misc. *RIEKE v. UNITED STATES*;
No. 411, Misc. *IN RE KIWITT*;
No. 430, Misc. *IN RE HOVEN*;
No. 437, Misc. *IN RE HELLENBROICH*;
No. 438, Misc. *IN RE PIORKOWSKI*;
No. 446, Misc. *IN RE GOSS*;
No. 455, Misc. *IN RE FIRMENICH*;
No. 456, Misc. *IN RE SEILER*;
No. 457, Misc. *IN RE HUNSICKER*;
No. 463, Misc. *IN RE GIRKE*; and

No. 478, Misc. *IN RE KUNZE*. Treating the application in each of these cases as a motion for leave to file a petition for an original writ of habeas corpus, leave to file is denied. THE CHIEF JUSTICE, MR. JUSTICE REED, MR. JUSTICE FRANKFURTER, and MR. JUSTICE BURTON are of the opinion that there is want of jurisdiction. U. S. Constitution, Article III, § 2, Clause 2; see *Ex parte Betz* and companion cases, all 329 U. S. 672 (1946); *Milch v. United States*, 332 U. S. 789 (1947); *Brandt v. United States*, 333 U. S. 836 (1948); *In re Eichel*, 333 U. S. 865 (1948). MR. JUSTICE BLACK, MR. JUSTICE DOUGLAS, MR. JUSTICE MURPHY, and MR. JUSTICE RUTLEDGE are of the opinion that motions for leave to file should be granted and that the cases should be set for argument forthwith. MR. JUSTICE JACKSON took no part in the consideration or decision of these applications.

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No. 493, Misc. KRUSE *v.* RAGEN, WARDEN. Supreme Court of Illinois. Certiorari denied. Motion for leave to file petition for writ of habeas corpus also denied.

Certiorari Granted.

No. 756. FISHER *v.* PACE, SHERIFF. Supreme Court of Texas. Certiorari granted. *Dan Moody, Chas. L. Black, Everett L. Looney* and *Edward Clark* for petitioner. *Quentin Keith* for respondent. Reported below: 146 Tex. 328, 206 S. W. 2d 1000.

Certiorari Denied. (See also No. 493, *supra.*)

No. 644. WETZEL *v.* SCHAEFER. C. C. A. 5th. Certiorari denied. Reported below: 164 F. 2d 483.

No. 697. ALKER ET AL. *v.* FEDERAL DEPOSIT INSURANCE CORPORATION. C. C. A. 3d. Certiorari denied. *Edwin Hall, 2d* and *Harry J. Alker, Jr.* for petitioners. *Norris C. Bakke* and *John L. Cecil* for respondent. Reported below: 163 F. 2d 123, 164 F. 2d 469.

No. 706. CONE *v.* WEST VIRGINIA PULP & PAPER CO. C. C. A. 4th. Certiorari denied. *H. Wayne Unger* and *W. J. McLeod, Jr.* for petitioner. *Christie Benet, J. B. S. Lyles* and *Charles W. Waring* for respondent.

No. 713. UNITED STATES *v.* SUNSWICK CORPORATION. Court of Claims. Certiorari denied. *Solicitor General Perlman* for the United States. *Edgar A. B. Spencer* for respondent. Reported below: 109 Ct. Cl. 772, 75 F. Supp. 221.

No. 718. GARLINGTON ET AL. *v.* WASSON ET AL. C. C. A. 5th. Certiorari denied. *Elmer McClain* and *William Lemke* for petitioners. *Clyde E. Thomas* for respondents. Reported below: 164 F. 2d 243.

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No. 724. GOODWIN ET AL., DOING BUSINESS AS BEN E. GOODWIN Co., v. UNITED STATES. C. C. A. 8th. Certiorari denied. *W. L. Cunningham* for petitioners. *Solicitor General Perlman, Assistant Attorney General Quinn, Robert S. Erdahl and Josephine H. Klein* for the United States. Reported below: 165 F. 2d 334.

No. 738. ARKANSAS OAK FLOORING CO. ET AL. v. LOUISIANA & ARKANSAS RAILWAY Co. C. C. A. 5th. Certiorari denied. *Nicholas J. Gantt, Jr.* for petitioners. *T. W. Holloman, A. L. Burford, Joseph R. Brown and William E. Davis* for respondent. Reported below: 166 F. 2d 98.

No. 751. HURLEY ET AL. v. LOWE, DEPUTY COMMISSIONER, BUREAU OF EMPLOYEES' COMPENSATION, FEDERAL SECURITY AGENCY, ET AL. United States Court of Appeals for the District of Columbia. Certiorari denied. *Al. Philip Kane* for petitioners. *Solicitor General Perlman, Assistant Attorney General Morison, Paul A. Sweeney and Morton Liftin* for Lowe, Deputy Commissioner; and *Daniel W. O'Donoghue, Jr.* for the Globe Indemnity Co., respondents. Reported below: 83 U. S. App. D. C. —, 168 F. 2d 553.

No. 758. QUIGLEY ET AL. v. PUBLIC SERVICE COMMISSION ET AL. Court of Appeals of Maryland. Certiorari denied. *Louis B. Arnold, William A. Roberts and Francis J. Ortman* for petitioners. *S. Ralph Warnken and Homer S. Carpenter* for the Public Service Commission et al.; and *Edmund L. Jones, F. G. Awalt, Raymond Sparks and Daryal A. Myse* for the Capital Transit Co., respondents. Reported below: — Md. —, 56 A. 2d 835.

No. 767. BAUMER FOODS, INC. v. GRIFFITH. C. C. A. 9th. Certiorari denied. *Harry Ellsworth Foster* for petitioner. *Thos. L. O'Leary* for respondent. Reported below: 166 F. 2d 433.

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No. 778. NEW AMSTERDAM CASUALTY CO. ET AL. *v.* CRAIGHEAD RICE MILLING CO. C. C. A. 8th. Motion of respondent to supplement the record denied. Certiorari also denied. *Lowell W. Taylor* and *Arthur L. Adams* for petitioners. *Charles Frierson* for respondent. Reported below: 167 F. 2d 96.

No. 227, Misc. SCHUMAN *v.* HEINZE, WARDEN. Supreme Court of California. Certiorari denied.

No. 306, Misc. MCGOUGH *v.* UNITED STATES. C. C. A. 6th. Certiorari denied. Petitioner *pro se.* *Solicitor General Perlman*, *Assistant Attorney General Quinn*, *Robert S. Erdahl* and *Joseph M. Howard* for the United States. Reported below: 166 F. 2d 142.

No. 338, Misc. ROCKOWER *v.* NEW YORK. Appellate Division of the Supreme Court of New York. Certiorari denied. Reported below: 78 N. Y. S. 2d 767.

No. 385, Misc. RHEIM *v.* NEW YORK. Appellate Division of the Supreme Court of New York, First Department. Certiorari denied.

No. 387, Misc. SANDERS *v.* JOHNSTON, WARDEN. C. C. A. 9th. Certiorari denied. Petitioner *pro se.* *Solicitor General Perlman*, *Assistant Attorney General Quinn*, *Robert S. Erdahl* and *Joseph M. Howard* for respondent. Reported below: 165 F. 2d 736.

No. 401, Misc. DE STUBNER *v.* UNITED CARBON CO. ET AL. C. C. A. 4th. Certiorari denied. *Staige Davis* for petitioner. *Donald O. Blagg* and *A. G. Stone* for respondents. Reported below: 163 F. 2d 735.

No. 410, Misc. SCOTT *v.* JOHNSTON, WARDEN. C. C. A. 9th. Certiorari denied. Petitioner *pro se.* *Solicitor*

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General Perlman, Assistant Attorney General Quinn, Robert S. Erdahl and Joseph M. Howard for respondent. Reported below: 165 F. 2d 216.

No. 489, Misc. ALLEN *v.* BURFORD, WARDEN. Criminal Court of Appeals of Oklahoma. Certiorari denied. Reported below: 192 P. 2d 289.

No. 501, Misc. SMITH *v.* RAGEN, WARDEN. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 505, Misc. HEARD *v.* RAGEN, WARDEN. Circuit Court of Will County, Illinois. Certiorari denied.

No. 506, Misc. HOWARD *v.* CIRCUIT COURT OF WILL COUNTY, ILLINOIS. Circuit Court of Will County, Illinois. Certiorari denied.

Rehearing Denied.

No. 609. FULL SALVATION UNION ET AL. *v.* PORTAGE TOWNSHIP, 333 U. S. 851. Rehearing denied.

No. 617. BLAIR *v.* UNITED STATES ET AL., 333 U. S. 880. Rehearing denied.

No. 680. McRAE *v.* WOODS, HOUSING EXPEDITER, 333 U. S. 882. Rehearing denied.

No. 304, Misc. SPRUILL *v.* CAMPBELL, EXECUTOR, 333 U. S. 864. Rehearing denied.

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Miscellaneous Orders.

No. 10. SCHINE CHAIN THEATRES, INC. ET AL. *v.* UNITED STATES, *ante*, p. 110. Petition for clarification de-

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nied. MR. JUSTICE MURPHY and MR. JUSTICE JACKSON took no part in the consideration or decision of this application.

No. 303, Misc. UNITED STATES *v.* UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK ET AL. Motion for leave to file petition for writ of mandamus denied. MR. JUSTICE MURPHY and MR. JUSTICE JACKSON took no part in the consideration or decision of this application. *Solicitor General Perlman, Assistant Attorney General Sonnett, Leonard J. Emmerglick, Robert L. Stern, Kenneth L. Kimble and Horace H. Robbins* for the United States.

No. 490, Misc. IN RE BODENMILLER. Motion for leave to file petition for writ of mandamus denied.

No. 528, Misc. IN RE PIERCE. Petition denied.

Certiorari Granted.

No. 757. NATIONAL LABOR RELATIONS BOARD *v.* STOWE SPINNING CO. ET AL. C. C. A. 4th. Certiorari granted. *Solicitor General Perlman* for petitioner. *Paul C. Whitlock* for respondents. Reported below: 165 F. 2d 609.

Certiorari Denied.

No. 676. STOWE SPINNING CO. *v.* NATIONAL LABOR RELATIONS BOARD. C. C. A. 4th. Certiorari denied. *Paul C. Whitlock* for petitioner. *Solicitor General Perlman* for respondent. Reported below: 165 F. 2d 609.

No. 730. FOREIGN TRADE MANAGEMENT CO., INC. *v.* UNITED STATES. Court of Claims. Certiorari denied. *Dean Hill Stanley* for petitioner. *Solicitor General Perlman, Assistant Attorney General Morison, Paul A.*

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Sweeney and Harry I. Rand for the United States. Reported below: 110 Ct. Cl. 23, 74 F. Supp. 550.

No. 731. FOREIGN TRADE MANAGEMENT CO., INC. *v.* UNITED STATES. Court of Claims. Certiorari denied. *Dean Hill Stanley* for petitioner. *Solicitor General Perlman, Assistant Attorney General Morison, Paul A. Sweeney and Harry I. Rand* for the United States. Reported below: 109 Ct. Cl. 587, 74 F. Supp. 552.

No. 746. ROSS *v.* UNITED STATES. Court of Claims. Certiorari denied. *Llewellyn A. Luce* for petitioner. *Solicitor General Perlman, Assistant Attorney General Caudle, Arnold Raum, Sewall Key and Robert N. Anderson* for the United States. 110 Ct. Cl. 190, 75 F. Supp. 725.

No. 752. GILL ET AL. *v.* MESTA MACHINE CO. C. C. A. 3d. Certiorari denied. Petitioners *pro se.* *John C. Bane, Jr.* for respondent. Reported below: 165 F. 2d 785.

No. 755. CLEMENTS *v.* CLEVELAND & CHICAGO MOTOR EXPRESS CO. C. C. A. 7th. Certiorari denied. *Royal W. Irwin* for petitioner. *John R. Montgomery* for respondent.

No. 763. JOWERS ET AL. *v.* DOWELL, INC. C. C. A. 5th. Certiorari denied. *Leonard Lloyd Lockard* for petitioners. *Val Irion* for respondent. Reported below: 166 F. 2d 214.

No. 764. DOWNS *v.* COMMISSIONER OF INTERNAL REVENUE. C. C. A. 9th. Certiorari denied. *Robert A. Waring* for petitioner. *Solicitor General Perlman, Assistant Attorney General Caudle, Sewall Key, Lee A. Jackson and Helen Goodner* for respondent. Reported below: 166 F. 2d 504.

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No. 765. *HOOFNEL v. COMMISSIONER OF INTERNAL REVENUE*. C. C. A. 9th. Certiorari denied. *Robert A. Waring* for petitioner. *Solicitor General Perlman, Assistant Attorney General Caudle, Sewall Key, Lee A. Jackson* and *Helen Goodner* for respondent. Reported below: 166 F. 2d 504.

No. 768. *SCHNELL ET AL., DOING BUSINESS AS H. SCHNELL & Co., v. UNITED STATES*. C. C. A. 2d. Certiorari denied. *Joseph Joffe* for petitioners. *Solicitor General Perlman, Assistant Attorney General Morison, Samuel D. Slade, Leavenworth Colby* and *Morton Hollander* for the United States. Reported below: 166 F. 2d 479.

No. 770. *PORTER ROYALTY POOL, INC. v. COMMISSIONER OF INTERNAL REVENUE*. C. C. A. 6th. Certiorari denied. *John C. Evans* for petitioner. *Solicitor General Perlman, Assistant Attorney General Caudle, Sewall Key* and *Hilbert P. Zarky* for respondent. Reported below: 165 F. 2d 933.

No. 771. *GLENS FALLS INDEMNITY Co. v. BASICH BROTHERS CONSTRUCTION Co.* C. C. A. 9th. Certiorari denied. *John E. McCall* and *Albert Lee Stephens, Jr.* for petitioner. *Karl B. Rodi* for respondent. Reported below: 165 F. 2d 649.

No. 790. *LITTLETON v. RUST ET AL.* C. C. A. 4th. Certiorari denied. *Robert H. McNeill* and *T. Bruce Fuller* for petitioner. Reported below: 166 F. 2d 1007.

No. 810. *TINKOFF v. ILLINOIS EX REL. CHICAGO BAR ASSOCIATION ET AL.* Supreme Court of Illinois. Certiorari denied. The motion for a stay also denied. MR. JUSTICE JACKSON took no part in the consideration or decision of these applications. *Ode L. Rankin* for petitioner. Reported below: 399 Ill. 282, 77 N. E. 2d 693.

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No. 373, Misc. FREDERICKSEN *v.* DICKSON, ACTING WARDEN. Supreme Court of Nebraska. Jones, Warden, substituted as the party respondent. Certiorari denied. Reported below: 148 Neb. 739, 29 N. W. 2d 334.

No. 409, Misc. MORRISON *v.* NEW YORK. Appellate Division of the Supreme Court of New York, Second Department. Certiorari denied. Reported below: 77 N. Y. S. 2d 145.

No. 412, Misc. VIRGIN *v.* UNITED STATES. C. C. A. 4th. Certiorari denied. Petitioner *pro se*. *Solicitor General Perlman, Assistant Attorney General Morison, Paul A. Sweeney and Oscar H. Davis* for the United States. Reported below: 165 F. 2d 81.

No. 416, Misc. MONTGOMERY ET AL. *v.* UNITED STATES. C. C. A. 8th. Certiorari denied. *Donald H. Latshaw* for petitioners. *Solicitor General Perlman, Assistant Attorney General Quinn, Robert S. Erdahl and Joseph M. Howard* for the United States. Reported below: 165 F. 2d 196.

No. 426, Misc. MILLER *v.* BROWNING STEAMSHIP CO. C. C. A. 2d. Certiorari denied. *Thomas C. Burke* for petitioner. *Sparkman D. Foster and Laurence E. Coffey* for respondent. Reported below: 165 F. 2d 209.

No. 477, Misc. WATKINS *v.* INDIANA. Criminal Court of Lake County, Indiana. Certiorari denied.

No. 543, Misc. IN RE ADAMSON. C. C. A. 9th. Certiorari denied. The application for a stay of execution is also denied. *Morris Lavine* for petitioner. Reported below: 167 F. 2d 996.

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Rehearing Denied.

No. 75. MANDEVILLE ISLAND FARMS, INC. ET AL. *v.* AMERICAN CRYSTAL SUGAR Co., *ante*, p. 219. Rehearing denied.

No. 638. MELLON *v.* UNITED STATES, 333 U. S. 873. Rehearing denied.

No. 663. UNITED STATES *v.* COLD METAL PROCESS Co. ET AL., *ante*, p. 811. Rehearing denied.

No. 671. CARGILL, INC. *v.* BOARD OF TRADE OF THE CITY OF CHICAGO ET AL., 333 U. S. 880. Rehearing denied.

No. 685. BELZ *v.* BOARD OF TRADE OF THE CITY OF CHICAGO ET AL., 333 U. S. 881. Rehearing denied.

No. 741. FINLEY ET AL. *v.* CITY OF TARRANT ET AL., *ante*, p. 810. Rehearing denied. MR. JUSTICE BLACK took no part in the consideration or decision of this application.

No. 162, Misc. PATTON *v.* BALDWIN LOCOMOTIVE WORKS, 332 U. S. 825. Motion for leave to file petition for rehearing denied.

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Miscellaneous Orders.

No. 776. JUNGENSEN *v.* BADEN ET AL.;

No. 467. JUNGENSEN *v.* OSTBY & BARTON Co. ET AL.;

and

No. 468. OSTBY & BARTON Co. ET AL. *v.* JUNGENSEN. In No. 776 the petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit is granted. In Nos. 467 and 468 the motions for leave to file petitions for rehearing are granted and the petitions for rehearing

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are granted. The orders entered January 12, 1948, denying certiorari, 332 U. S. 851, 852, are vacated and the petitions for writs of certiorari to the Circuit Court of Appeals for the Third Circuit are granted. *William H. Davis* for petitioner in Nos. 467 and 776. *John Vaughan Groner* for petitioners in No. 468 and respondents in No. 467. Reported below: Nos. 467 and 468, 163 F. 2d 312; No. 776, 166 F. 2d 807.

No. 519, Misc. *HARRIS v. CITY OF NEW YORK*; and
No. 525, Misc. *IN RE BANTZ*. The applications are denied.

No. 526, Misc. *IN RE EHLEN ET AL.*; and
No. 527, Misc. *IN RE GIRKE ET AL.* Treating the application in each of these cases as a motion for leave to file a petition for an original writ of habeas corpus, leave to file is denied. THE CHIEF JUSTICE, MR. JUSTICE REED, MR. JUSTICE FRANKFURTER, and MR. JUSTICE BURTON are of the opinion that there is want of jurisdiction. U. S. Constitution, Article III, § 2, Clause 2; see *Ex parte Betz* and companion cases, all 329 U. S. 672 (1946); *Milch v. United States*, 332 U. S. 789 (1947); *Brandt v. United States*, 333 U. S. 836 (1948); *In re Eichel*, 333 U. S. 865 (1948). MR. JUSTICE BLACK, MR. JUSTICE DOUGLAS, MR. JUSTICE MURPHY, and MR. JUSTICE RUTLEDGE are of the opinion that motions for leave to file should be granted and that the cases should be set for argument forthwith. MR. JUSTICE JACKSON took no part in the consideration or decision of these applications.

Certiorari Granted. (See also Nos. 467, 468 and 776, *supra*.)

No. 201, Misc. *UVEGES v. PENNSYLVANIA*. Supreme Court of Pennsylvania. Certiorari granted.

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No. 503, Misc. HARRIS *v.* SOUTH CAROLINA. Supreme Court of South Carolina. Certiorari granted. It is further ordered that execution of the sentence of death imposed on this petitioner be stayed pending the final disposition of the case by this Court. Reported below: 212 S. C. 124, 46 S. E. 2d 682.

Certiorari Denied.

No. 729. INTERSTATE CIRCUIT, INC. ET AL. *v.* TIVOLI REALTY, INC. C. C. A. 5th. Certiorari denied. *George S. Wright, Joe A. Worsham and Jos. Irion Worsham* for petitioners. *Abe Fortas* for respondent. Reported below: 167 F. 2d 155.

Nos. 734 and 735. C. D. JOHNSON LUMBER CORP. *v.* OREGON MESABI CORP.; and

Nos. 736 and 737. OREGON MESABI CORP. *v.* C. D. JOHNSON LUMBER CORP. C. C. A. 9th. Certiorari denied. *Robert S. Miller* for petitioner in Nos. 734 and 735 and respondent in Nos. 736 and 737. *John A. Laing and Henry S. Gray* for petitioner in Nos. 736 and 737 and respondent in Nos. 734 and 735. Reported below: 166 F. 2d 997, 1002, 1003.

No. 760. LOCKE *v.* UNITED STATES. C. C. A. 5th. Certiorari denied. *Earle B. Mayfield and James S. Grisham* for petitioner. *Solicitor General Perlman, Assistant Attorney General Caudle, Sewall Key and Ellis N. Slack* for the United States. Reported below: 166 F. 2d 449.

No. 762. MARINITSIS *v.* WEST VIRGINIA. Supreme Court of Appeals of West Virginia. Certiorari denied. *James J. Laughlin* for petitioner. Reported below: 130 W. Va. 613, 45 S. E. 2d 733.

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No. 774. *TIME, INC. v. HARTMANN*. C. C. A. 3d. Certiorari denied. *Wm. Dwight Whitney* and *Francis H. Scheetz* for petitioner. Reported below: 166 F. 2d 127.

No. 783. *FLOYD v. RING CONSTRUCTION CORP.* C. C. A. 8th. Certiorari denied. *Benedict Deinard* for petitioner. *Josiah E. Brill* for respondent. Reported below: 165 F. 2d 125.

No. 781. *NEUMATICOS GOODYEAR, S. A., v. UNITED STATES*. Court of Claims. Certiorari denied. *Daniel James* and *Gustav B. Margraf* for petitioner. *Solicitor General Perlman* for the United States. Reported below: 109 Ct. Cl. 535, 73 F. Supp. 969.

No. 769. *PUBLIC SERVICE COMMISSION OF THE STATE OF NEW YORK v. SECURITIES & EXCHANGE COMMISSION*. C. C. A. 2d. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Frank C. Bowers* for petitioner. *Solicitor General Perlman*, *Roger S. Foster*, *Sidney H. Willner* and *Solomon Freedman* for respondent. Reported below: 166 F. 2d 784.

No. 383, Misc. *DWYER v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. Reported below: 397 Ill. 599, 74 N. E. 2d 882.

No. 420, Misc. *PEEL v. RAGEN, WARDEN*. Circuit Court of Will County, Illinois. Certiorari denied.

No. 441, Misc. *BERRY v. RAGEN, WARDEN*. Circuit Court of Will County, Illinois. Certiorari denied.

No. 459, Misc. *WILSON v. UNITED STATES*. C. C. A. 6th. Certiorari denied. Petitioner *pro se*. *Solicitor General Perlman*, *Assistant Attorney General Quinn* and

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Robert S. Erdahl for the United States. Reported below:
167 F. 2d 223.

Rehearing Granted. (See Nos. 467 and 468, *supra.*)

Rehearing Denied.

No. 23. FEDERAL TRADE COMMISSION *v.* CEMENT INSTITUTE ET AL.;

No. 24. FEDERAL TRADE COMMISSION *v.* AETNA PORTLAND CEMENT CO. ET AL.;

No. 26. FEDERAL TRADE COMMISSION *v.* CALAVERAS CEMENT CO. ET AL.;

No. 27. FEDERAL TRADE COMMISSION *v.* HURON PORTLAND CEMENT CO.;

No. 34. FEDERAL TRADE COMMISSION *v.* SMITH ET AL.;

No. 25. FEDERAL TRADE COMMISSION *v.* MARQUETTE CEMENT MANUFACTURING CO.;

No. 28. FEDERAL TRADE COMMISSION *v.* SUPERIOR PORTLAND CEMENT, INC.;

No. 29. FEDERAL TRADE COMMISSION *v.* NORTHWESTERN PORTLAND CEMENT CO.;

No. 30. FEDERAL TRADE COMMISSION *v.* RIVERSIDE CEMENT CO.;

No. 31. FEDERAL TRADE COMMISSION *v.* UNIVERSAL ATLAS CEMENT CO.; and

No. 32. FEDERAL TRADE COMMISSION *v.* CALIFORNIA PORTLAND CEMENT CO., 333 U. S. 683. Rehearing denied. MR. JUSTICE DOUGLAS and MR. JUSTICE JACKSON took no part in the consideration or decision of these applications.

No. 219. MONTAGUE *v.* SMITH ET AL., 332 U. S. 767. Rehearing denied.

No. 693. LONDON EXTENSION MINING CO. *v.* COMMISSIONER OF INTERNAL REVENUE, 333 U. S. 881. Rehearing denied.

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No. 428. *PARKER v. ILLINOIS*, *ante*, p. 816. Rehearing denied.

Statement by MR. JUSTICE JACKSON: "A litigant, apparently in good faith, raises objection to my participation in decision of his case, basing his objection upon statements which, if true, might reasonably lead him to believe himself justified in making the challenge. It seems appropriate to set the record straight.

"In applying for a rehearing petitioner says: 'Prior to his elevation to the Supreme Court of the United States, Justice Jackson was the general counsel for Mr. Terry Druggan. Mr. Weymouth Kirkland was the associate counsel with Justice Jackson in the large money affairs of Mr. Druggan.' He adds that he is informed that for these reasons I 'had succeeded in dividing the U. S. Supreme Court against this defenseless petitioner.'

"The facts are that I never have been general counsel or counsel of any character for any person named Terry Druggan, never to my knowledge saw or met such a person, do not know who he might be, where he resides or what his affairs consist of. Neither in this nor in any other matter was I ever associated professionally with Mr. Weymouth Kirkland, nor has he at any time communicated directly or indirectly with me concerning this case or any other matter pending in this or any other Court."

MR. JUSTICE BLACK, MR. JUSTICE DOUGLAS, MR. JUSTICE MURPHY, and MR. JUSTICE RUTLEDGE having voted to reverse the judgment of conviction, vote to grant the petition for rehearing.

No. 563. *SIKORA REALTY CORP. v. WOODS*, HOUSING EXPEDITER, 333 U. S. 855. Rehearing denied.

No. 226, Misc. *TAURISANO v. NEW YORK*, 332 U. S. 849. Rehearing denied.

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No. 326, Misc. O'LOUGHLIN *v.* PARKER, DEPUTY COMMISSIONER, U. S. EMPLOYEES' COMPENSATION COMMISSION. Motion for leave to file a second petition for rehearing denied.

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Per Curiam Decision.

No. 320. LINCOLN ELECTRIC Co. *v.* FORRESTAL, SECRETARY OF NATIONAL DEFENSE, ET AL. Appeal from the District Court of the United States for the District of Columbia. *Per Curiam*: The judgment is affirmed. *Lichter v. United States*, *Pownall v. United States*, and *Alexander Wool Combing Co. v. United States*, ante, p. 742, decided this day. MR. JUSTICE BURTON took no part in the consideration or decision of this case. *Ashley M. Van Duzer*, *Thomas V. Koykka* and *Charles Effinger Smoot* for appellant. *Solicitor General Perlman* for appellees. Reported below: 77 F. Supp. 444.

Miscellaneous Orders.

No. 490. YARBROUGH, EXECUTOR, ET AL. *v.* OKLAHOMA TAX COMMISSION. Appeal from the Supreme Court of Oklahoma. Judgment affirmed per stipulation of counsel to abide decision in *West v. Oklahoma Tax Comm'n*, ante, p. 717. *Frank T. McCoy*, *John R. Pearson* and *Frank Mahan* for appellants. *C. W. King* for appellee. Reported below: 200 Okla. —, 193 P. 2d 1017.

No. 491, Misc. SMITH *v.* HUDSPETH, WARDEN. Supreme Court of Kansas. Certiorari denied. Motion for leave to file petition for writ of habeas corpus also denied. Reported below: 162 Kan. 361, 176 P. 2d 262.

No. 529, Misc. TRIMARCO *v.* RAGEN, WARDEN. Circuit Court of Will County, Illinois. Certiorari denied.

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Motion for leave to file petition for writ of habeas corpus also denied.

No. 243, Misc. DIDATO *v.* SHAW, DIRECTOR;

No. 507, Misc. TATE *v.* HEINZE, WARDEN;

No. 509, Misc. BAKER *v.* UTECHT, WARDEN;

No. 541, Misc. RUTHVEN *v.* OVERHOLSER, SUPERINTENDENT;

No. 544, Misc. GALLAWAY *v.* MICHIGAN;

No. 548, Misc. STOKER *v.* RAGEN, WARDEN; and

No. 566, Misc. PETRO *v.* HEINZE, WARDEN. The motions for leave to file petitions for writs of habeas corpus are severally denied.

No. 364, Misc. McCULLUM *v.* ILLINOIS. Application denied.

No. 480, Misc. McCANN *v.* CLARK, ATTORNEY GENERAL. Motion for leave to file petition for writ of certiorari denied. Petitioner *pro se*. *Solicitor General Perlman, Assistant Attorney General Quinn, Robert S. Erdahl and Irving S. Shapiro* for respondent.

No. 508, Misc. IN RE HUDSON. Petition denied.

No. 517, Misc. IN RE HULT. Motion for leave to file petition for writ of mandamus denied.

No. 538, Misc. FIFE *v.* RAGEN, WARDEN. Petition denied.

No. 545, Misc. WALKER *v.* MARYLAND. Petition denied.

Certiorari Granted.

No. 524, Misc. UPSHAW *v.* UNITED STATES. United States Court of Appeals for the District of Columbia.

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Certiorari granted. *Joel D. Blackwell* for petitioner. *Solicitor General Perlman, Assistant Attorney General Quinn* and *W. Marvin Smith* for the United States. Reported below: 168 F. 2d 167.

Certiorari Denied. (See also Nos. 491, Misc., and 529, Misc., supra.)

No. 77. ESTATE OF NATHAN *v.* COMMISSIONER OF INTERNAL REVENUE. C. C. A. 7th. Certiorari denied. *Myron E. Wisch* and *Louis R. Kupfer* for petitioner. *George T. Washington*, then Acting Solicitor General, *Sewall Key, Helen R. Carloss* and *L. W. Post* for respondent. Reported below: 159 F. 2d 546.

No. 592. KENTUCKY *v.* ILLINOIS CENTRAL RAILROAD Co. Court of Appeals of Kentucky. Certiorari denied. *Eldon S. Dummit*, Attorney General of Kentucky, for petitioner. *Charles A. Helsell* and *V. W. Foster* for respondent. Reported below: 305 Ky. 632, 204 S. W. 2d 973.

No. 747. McRAE *v.* CALIFORNIA. Supreme Court of California. Certiorari denied. *Donald Eugene Wachhorst* for petitioner. Reported below: 31 Cal. 2d 184, 187 P. 2d 741.

No. 766. BARSKY ET AL. *v.* UNITED STATES. United States Court of Appeals for the District of Columbia. Certiorari denied. *O. John Rogge* and *Lester Levin* for petitioners. *Solicitor General Perlman, Assistant Attorney General Quinn, Robert S. Erdahl* and *Irving S. Shapiro* for the United States. Briefs of *amici curiae* supporting the petition were filed by *Harry Sacher* for the Civil Rights Congress; *Robert W. Kenny, Bartley C. Crum, Charles Houston, Charles Katz, Ben Margolis* and *Martin Popper* for Lawson et al.; *David Rein* for the

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National Lawyers Guild; *Osmond K. Fraenkel*, *Arthur Garfield Hays*, *Benjamin H. Kizer* and *Perry J. Stearns* for the American Civil Liberties Union; *Joseph Forer* for the Southern Conference for Human Welfare; and *Arthur G. Silverman* for the International Longshoremen's & Warehousemen's Union et al. Reported below: 167 F. 2d 241.

No. 772. *STEIN ET AL. v. UNITED STATES*. C. C. A. 9th. Certiorari denied. *Morris Lavine* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Quinn*, *Robert S. Erdahl* and *Joseph M. Howard* for the United States. Reported below: 166 F. 2d 851.

No. 773. *SINNOTT ET AL. v. SOUTH DAKOTA*. Supreme Court of South Dakota. Certiorari denied. *Herbert S. Thatcher* for petitioners. *Ray F. Drewry*, Assistant Attorney General of South Dakota, for respondent. Reported below: 72 S. Dak. —, 30 N. W. 2d 455.

No. 777. *LAND O' LAKES DAIRY CO. v. VILLAGE OF SEBEKA ET AL.* Supreme Court of Minnesota. Certiorari denied. *M. J. Doherty* for petitioner. *J. A. A. Burnquist*, Attorney General of Minnesota, and *Geo. B. Sjoselius*, Deputy Attorney General, for respondents. Reported below: 225 Minn. 540, 31 N. W. 2d 660.

No. 779. *SHAPERO v. COMMISSIONER OF INTERNAL REVENUE*. C. C. A. 6th. Certiorari denied. *Thomas G. Long* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Lee A. Jackson* and *L. W. Post* for respondent. Reported below: 165 F. 2d 811.

No. 784. *WHITIN MACHINE WORKS v. REYNOLDS ET AL.* C. C. A. 4th. Certiorari denied. *Newton A. Burgess* for petitioner. *John M. Robinson* and *Drury W. Cooper* for respondents. Reported below: 167 F. 2d 78.

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No. 785. NATIONAL GARMENT Co. v. NATIONAL LABOR RELATIONS BOARD. C. C. A. 8th. Certiorari denied. *Charles H. Houston* and *Victor Packman* for petitioner. *Solicitor General Perlman*, *David P. Findling* and *Mozart G. Ratner* for respondent. Reported below: 166 F. 2d 233.

No. 787. TRUST COMPANY OF CHICAGO, ADMINISTRATOR, v. ERIE RAILROAD Co. C. C. A. 7th. Certiorari denied. *Philip R. Davis* for petitioner. *Clyde E. Shorey* and *Frederic Barth* for respondent. Reported below: 165 F. 2d 806.

No. 788. CHICK ET AL. v. COMMISSIONER OF INTERNAL REVENUE. C. C. A. 1st. Certiorari denied. *Robert A. B. Cook* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Lee A. Jackson* and *Helen Goodner* for respondent. Reported below: 166 F. 2d 337.

No. 791. LILY HO QUON ET AL. v. COMMISSIONER OF INTERNAL REVENUE. C. C. A. 9th. Certiorari denied. *George T. Altman* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *A. F. Prescott* and *Fred E. Youngman* for respondent. Reported below: 165 F. 2d 215.

No. 794. VAIL MANUFACTURING Co. v. NATIONAL LABOR RELATIONS BOARD. C. C. A. 7th. Certiorari denied. *Kenneth G. Spaulding* for petitioner. *Solicitor General Perlman*, *David P. Findling* and *Ruth Weyand* for respondent. Reported below: 158 F. 2d 664.

No. 795. MILWAUKEE MECHANICS' INSURANCE Co. v. MACDONALD ET AL., DOING BUSINESS AS ELCAR COACH. C. C. A. 7th. Certiorari denied. *Donald N. Clausen* and *Herbert W. Hirsh* for petitioner. Reported below: 167 F. 2d 276.

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No. 798. *ANDERSON v. PROVIDENT LIFE & ACCIDENT INSURANCE Co.*; and

Nos. 799 and 800. *COCA-COLA BOTTLING Co. v. PROVIDENT LIFE & ACCIDENT INSURANCE Co.* C. C. A. 4th. Certiorari denied. *C. Granville Wyche* and *Alfred F. Burgess* for petitioners. *J. A. Chambliss* and *C. F. Haynsworth, Jr.* for respondent. Reported below: 166 F. 2d 492.

No. 801. *HOUGLAND v. COMMISSIONER OF INTERNAL REVENUE.* C. C. A. 6th. Certiorari denied. *Chas. I. Dawson, A. Shelby Winstead* and *Bernard H. Barnett* for petitioner. *Solicitor General Perlman, Assistant Attorney General Caudle, A. F. Prescott* and *S. Dee Hanson* for respondent. Reported below: 166 F. 2d 815.

No. 809. *GENERAL TIME INSTRUMENTS CORP. v. UNITED STATES TIME CORP.* C. C. A. 2d. Certiorari denied. *W. Brown Morton* for petitioner. *John Vaughan Groner* and *Robert B. Whittredge* for respondent. Reported below: 165 F. 2d 853.

No. 814. *PITTSBURGH-DES MOINES STEEL Co. ET AL. v. MORAN, ADMINISTRATRIX.* C. C. A. 3d. Certiorari denied. *Carl E. Glock* for petitioners. *Marvin C. Harrison* for respondent. Reported below: 166 F. 2d 908.

No. 815. *GEM JEWELRY Co. v. COMMISSIONER OF INTERNAL REVENUE.* C. C. A. 5th. Certiorari denied. *Harry Dow* for petitioner. Reported below: 165 F. 2d 991.

No. 842. *VANNECK ET AL., TRUSTEES, v. SECURITIES & EXCHANGE COMMISSION ET AL.*; and

No. 843. *CAPLAN ET AL. v. SECURITIES & EXCHANGE COMMISSION ET AL.* C. C. A. 3d. Certiorari denied. *Percival E. Jackson, Terence J. McManus* and *Walter E.*

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Ernst for petitioners. *Solicitor General Perlman, Roger S. Foster, Irwin L. Tappen and John C. Benson* for respondents. Reported below: 168 F. 2d 740.

No. 753. ROMNEY *v.* UNITED STATES. United States Court of Appeals for the District of Columbia. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this application. *William H. Collins* for petitioner. *Solicitor General Perlman, Assistant Attorney General Quinn, Robert S. Erdahl and Beatrice Rosenberg* for the United States. Reported below: 167 F. 2d 521.

No. 813. HUGGINS *v.* TOOMER ET UX. C. C. A. 4th. Motion to extend the time to serve printed papers denied. Certiorari also denied. Reported below: — F. 2d —.

No. 66, Misc. RICHARDSON *v.* RAGEN, WARDEN. Criminal Court of Cook County, Illinois. Certiorari denied. Petitioner *pro se.* *George F. Barrett*, Attorney General of Illinois, and *William C. Wines*, Assistant Attorney General, for respondent.

No. 141, Misc. PALULIS *v.* RAGEN, WARDEN. Circuit Court of Will County, Illinois. Certiorari denied. Petitioner *pro se.* *George F. Barrett*, Attorney General of Illinois, and *William C. Wines*, Assistant Attorney General, for respondent.

No. 254, Misc. HINES *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied. Petitioner *pro se.* *George F. Barrett*, Attorney General of Illinois, and *William C. Wines*, Assistant Attorney General, for respondent.

No. 310, Misc. GRIMM *v.* NIERSTHEIMER, WARDEN. Circuit Court of Jefferson County, Illinois. Certiorari denied. Petitioner *pro se.* *George F. Barrett*, Attorney

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General of Illinois, and *William C. Wines*, Assistant Attorney General, for respondent.

No. 379, Misc. *BENNETT v. STEWART, WARDEN*. Supreme Court of Missouri. Certiorari denied. Petitioner *pro se*. *J. E. Taylor*, Attorney General of Missouri, and *Tyre W. Burton*, Assistant Attorney General, for respondent.

No. 418, Misc. *MORTON v. WELCH, SUPERINTENDENT*. C. C. A. 4th. Certiorari denied. Reported below: 162 F. 2d 840.

No. 429, Misc. *RAWLS v. UNITED STATES*. C. C. A. 10th. Certiorari denied. Petitioner *pro se*. *Solicitor General Perlman*, *Assistant Attorney General Quinn*, *Robert S. Erdahl* and *Joseph M. Howard* for the United States. Reported below: 166 F. 2d 532.

No. 431, Misc. *KING v. UNITED STATES*. C. C. A. 8th. Certiorari denied. *Wm. J. Fanning* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Quinn*, *Robert S. Erdahl* and *Joseph M. Howard* for the United States. Reported below: 165 F. 2d 408.

No. 447, Misc. *WILSON v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. *Harry C. Barron* for petitioner. Reported below: 399 Ill. 437, 78 N. E. 2d 514.

No. 448, Misc. *WILLIS v. HUNTER, WARDEN*. C. C. A. 10th. Certiorari denied. Petitioner *pro se*. *Solicitor General Perlman*, *Assistant Attorney General Quinn*, *Robert S. Erdahl* and *Philip R. Monahan* for respondent. Reported below: 166 F. 2d 721.

No. 449, Misc. *BLOOM v. RAGEN, WARDEN*. Circuit Court of Lake County, Illinois. Certiorari denied.

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No. 450, Misc. *KILL v. RAGEN, WARDEN*. Supreme Court of Illinois. Certiorari denied.

No. 451, Misc. *GANN ET AL. v. MEEK*. C. C. A. 5th. Certiorari denied. *Eustis Myres* for petitioners. *W. F. Moore* for respondent. *Solicitor General Perlman* filed a memorandum for the United States. Reported below: 165 F. 2d 857.

No. 452, Misc. *KEMMERER v. BENSON, WARDEN*. C. C. A. 6th. Certiorari denied. Reported below: 165 F. 2d 702.

No. 453, Misc. *WARD v. HEINZE, WARDEN*. Supreme Court of California. Certiorari denied.

No. 454, Misc. *MOORE v. UNITED STATES*. C. C. A. 7th. Certiorari denied. Reported below: 166 F. 2d 102.

No. 462, Misc. *BRICHTSON v. WOODROUGH ET AL.* C. C. A. 8th. Certiorari denied. *E. Luther Melin* for petitioner. Reported below: 164 F. 2d 107.

No. 464, Misc. *HANSON v. RAGEN, WARDEN*. C. C. A. 7th. Certiorari denied. *Zeamore A. Ader* for petitioner. Reported below: 166 F. 2d 608.

No. 470, Misc. *DAVIS v. UNITED STATES*. United States Court of Appeals for the District of Columbia. Certiorari denied. *James J. Laughlin* for petitioner. *Solicitor General Perlman, Assistant Attorney General Quinn, Robert S. Erdahl* and *Joseph M. Howard* for the United States. Reported below: 83 U. S. App. D. C. —, 167 F. 2d 228.

No. 473, Misc. *KELLY v. SQUIER, WARDEN*. C. C. A. 9th. Certiorari denied. Petitioner *pro se*. *Solicitor*

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General Perlman, Assistant Attorney General Quinn, Robert S. Erdahl and Joseph M. Howard for respondent. Reported below: 166 F. 2d 731.

No. 476, Misc. *DIXON v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied.

No. 485, Misc. *GRAY ET AL. v. BRACEY ET AL.* Supreme Court of California. Certiorari denied. Reported below: 31 Cal. 2d 426, 189 P. 2d 3.

No. 487, Misc. *WATSON v. UNITED STATES*. C. C. A. 5th. Certiorari denied. *Bart. A. Riley* for petitioner. *Solicitor General Perlman, Assistant Attorney General Quinn, Robert S. Erdahl and Philip R. Monahan* for the United States. Reported below: 166 F. 2d 1018.

No. 492, Misc. *SHOCKLEY v. UNITED STATES*. C. C. A. 9th. Certiorari denied. *Joseph L. Alioto* for petitioner. *Solicitor General Perlman, Assistant Attorney General Quinn, Robert S. Erdahl and Beatrice Rosenberg* for the United States. Reported below: 166 F. 2d 704.

No. 495, Misc. *THOMPSON v. UNITED STATES*. C. C. A. 9th. Certiorari denied. *Melvin M. Belli* for petitioner. *Solicitor General Perlman, Assistant Attorney General Quinn, Robert S. Erdahl and Beatrice Rosenberg* for the United States.

No. 498, Misc. *FAZIO ET AL. v. NEW YORK*. County Court of Kings County, New York. Certiorari denied.

No. 499, Misc. *THOMPSON v. NIERSTHEIMER, WARDEN*. C. C. A. 7th. Certiorari denied. Reported below: 166 F. 2d 87.

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No. 500, Misc. *COLE ET AL. v. NEW JERSEY*. Court of Errors and Appeals of New Jersey. Certiorari denied. *David W. Louisell, Carl McGowan, A. Warren Littman and Henry F. Schenk* for petitioners. *Duane E. Minard* for respondent. Reported below: 136 N. J. L. 606, 56 A. 2d 898.

No. 510, Misc. *ODELL v. HUDSPETH, WARDEN*. Supreme Court of Kansas. Certiorari denied.

No. 513, Misc. *CALDERBANK v. PENNSYLVANIA*. Supreme Court of Pennsylvania. Certiorari denied.

No. 514, Misc. *HOWELL v. JONES, WARDEN*. Supreme Court of Nebraska. Certiorari denied.

No. 515, Misc. *JOHNSON v. STEWART, WARDEN*. Supreme Court of Missouri. Certiorari denied.

No. 518, Misc. *ASBELL v. STEWART, WARDEN*. Supreme Court of Missouri. Certiorari denied.

No. 520, Misc. *KALAN v. KALAN*. Court of Appeals of New York. Certiorari denied. Reported below: 297 N. Y. —.

No. 521, Misc. *REED v. RAGEN, WARDEN*. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 522, Misc. *ROBINSON v. RAGEN, WARDEN*. Circuit Court of Will County, Illinois. Certiorari denied.

No. 523, Misc. *ELLIOTT v. HUDSPETH, WARDEN*. Supreme Court of Kansas. Certiorari denied. Reported below: 164 Kan. 598, 191 P. 2d 900.

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No. 530, Misc. McELLAGOTT *v.* BURKE, WARDEN. Supreme Court of Pennsylvania. Certiorari denied.

No. 531, Misc. BEASON *v.* STEWART, WARDEN. Supreme Court of Missouri. Certiorari denied.

No. 532, Misc. LYLE *v.* STEWART, WARDEN. Supreme Court of Missouri. Certiorari denied.

No. 533, Misc. WASHINGTON *v.* RAGEN, WARDEN. Circuit Court of Will County, Illinois. Certiorari denied.

No. 534, Misc. STORY *v.* OKLAHOMA. Criminal Court of Appeals of Oklahoma. Certiorari denied. Reported below: 184 P. 2d 983.

No. 535, Misc. MEYERS *v.* RAGEN, WARDEN. Circuit Court of Will County, Illinois. Certiorari denied.

No. 536, Misc. HOLLOWAY *v.* UNITED STATES. United States Court of Appeals for the District of Columbia. Certiorari denied. Petitioner *pro se*. *Solicitor General Perlman, Assistant Attorney General Quinn, Robert S. Erdahl and Philip R. Monahan* for the United States. Reported below: 80 U. S. App. D. C. 3, 148 F. 2d 665.

No. 537, Misc. JONES *v.* RAGEN, WARDEN. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 539, Misc. BROWN *v.* MISSOURI. C. C. A. 8th. Certiorari denied.

No. 540, Misc. LUCAS *v.* TEXAS. Court of Criminal Appeals of Texas. Certiorari denied. Reported below: 211 S. W. 2d 222.

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No. 542, Misc. *FARNSWORTH v. MARYLAND*. Supreme Bench of Baltimore City, Maryland. Certiorari denied.

No. 546, Misc. *TURNER v. MISSOURI*. Supreme Court of Missouri. Certiorari denied.

No. 547, Misc. *HAWLEY v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. Reported below: 399 Ill. 300, 77 N. E. 2d 701.

No. 549, Misc. *SHAFFER v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. Reported below: 400 Ill. 332, 79 N. E. 2d 477.

No. 550, Misc. *HAUGHEY v. SMYTH, SUPERINTENDENT*. Supreme Court of Appeals of Virginia. *William Alfred Hall, Jr.* for petitioner. Reported below: 187 Va. 320, 46 S. E. 2d 419.

No. 551, Misc. *FARRELL v. LANAGAN, WARDEN*. C. C. A. 1st. Certiorari denied. *Alfred A. Albert* for petitioner. Reported below: 166 F. 2d 845.

No. 553, Misc. *HALL v. UNITED STATES*. United States Court of Appeals for the District of Columbia. Certiorari denied. *Henry Lincoln Johnson, Jr.* for petitioner. Reported below: 83 U. S. App. D. C. —, 168 F. 2d 161.

No. 554, Misc. *GRAY v. UNITED STATES*. United States Court of Appeals for the District of Columbia. Certiorari denied for the reason that application therefor was not made within the time provided by law. Rule 37 (b) (2) of the Rules of Criminal Procedure. *James T. Wright* and *Wesley S. Williams* for petitioner. Reported below: 83 U. S. App. D. C. —, 168 F. 2d 161.

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No. 320, Misc. HILLIARD *v.* UNITED STATES. C. C. A. 5th. Certiorari denied. Motions for other relief also denied.

Rehearing Denied.

No. 690. MILLER *v.* UNITED STATES ET AL., *ante*, p. 820. Rehearing denied.

No. 754. REDDING *v.* LOS ANGELES ET AL., *ante*, p. 825. Rehearing denied.

No. 306, Misc. MCGOUGH *v.* UNITED STATES, *ante*, p. 829. Rehearing denied.

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Per Curiam Decisions.

No. 775. EUBANKS *v.* THOMPSON, RECEIVER. On petition for writ of certiorari to the Supreme Court of Arkansas. *Per Curiam*: The petition for writ of certiorari is granted and the judgment of the Supreme Court of Arkansas is reversed. See *Myers v. Reading Co.*, 331 U. S. 477 (1947) and *Ellis v. Union Pacific R. Co.*, 329 U. S. 649 (1947). *Walter M. Bastian and A. K. Shipe* for petitioner. Reported below: See 212 Ark. 652, 207 S. W. 2d 610; 208 S. W. 2d 161.

No. 808. NATIONAL MARITIME UNION OF AMERICA ET AL. *v.* HERZOG ET AL. Appeal from the District Court of the United States for the District of Columbia. *Per Curiam*: The decision of the statutory three-judge court is affirmed to the extent that it passes upon the validity of § 9 (f) and § 9 (g) of the National Labor Relations Act, as amended by the Labor Management Relations Act of 1947 (61 Stat. 136, 143; 29 U. S. C. §§ 141, 159 (f) 159 (g), Supp. 1947). We do not find it necessary to

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reach or consider the validity of § 9 (h). MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion that probable jurisdiction should be noted and the case set down for argument. *William L. Standard* and *David Rein* for appellants. *Solicitor General Perlman* for appellees. Reported below: 78 F. Supp. 146.

Miscellaneous Orders.

No. —, Original. WISCONSIN *v.* ILLINOIS. Motion for leave to file bill of complaint denied. *Massachusetts v. Missouri*, 308 U. S. 1. *John E. Martin*, Attorney General of Wisconsin, and *George I. Haight* for complainant. *George F. Barrett*, Attorney General of Illinois, and *William C. Wines*, Assistant Attorney General, for defendant.

No. 12, Original. UNITED STATES *v.* CALIFORNIA. In our opinion of June 23, 1947, we stated that it might later become necessary to have hearings "in order to determine with greater definiteness particular segments of the boundary" between California and the marginal sea over which the United States has paramount rights and power (332 U. S. 19, 26). Our decree of October 27, 1947, reserved jurisdiction to enter such further orders and to issue such writs as might from time to time be necessary (332 U. S. 804, 805).

The Government has now filed a petition praying that the precise boundary as to certain segments of the California coastal area be ascertained. It urges that there exists a definite need for a prompt determination in this respect. California has answered, agreeing that there is need for prompt determination of the boundaries as to the segments designated by the Government, but it urges that there is also need for a prompt determination of the precise California coastal boundary all the way from Oregon to Mexico.

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California's petition for an ascertainment of the entire coastal boundary at this time is denied.

The Court is in doubt at this time as to what particular segments of the boundary, if any, should now be determined.

It is therefore of the opinion that a master should be appointed by THE CHIEF JUSTICE to make inquiry into this subject and to hold hearings, if he finds it necessary, in order to make recommendations to this Court at the October, 1948, Term, as to what particular portions of the boundary call for precise determination and adjudication. Should the master conclude that such adjudications should be made, he is also authorized to recommend to this Court an appropriate procedure to be followed in determining the precise boundary of such segments.

It is so ordered.

MR. JUSTICE JACKSON took no part in the consideration or decision of this question.

Attorney General Clark, Solicitor General Perlman, Assistant Attorney General Vanech, Arnold Raum, Stanley M. Silverberg, J. Edward Williams, Robert E. Mulroney, Hugh F. O'Donnell and Robert M. Vaughan for the United States. *Fred N. Howser, Attorney General of California, and Everett W. Mattoon, Assistant Attorney General, for defendant. A. L. Weil* filed a brief, as *amicus curiae*, opposing the petition of the United States.

No. 437. WOODS, HOUSING EXPEDITER, *v.* HILLS. Order entered amending opinion. Rehearing denied.

Opinion reported as amended, *ante*, p. 210.

No. 555, Misc. BOYLES *v.* HUDSPETH, WARDEN. Motion for leave to file petition for writ of habeas corpus denied.

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No. 561, Misc. SHOTKIN *v.* KAPLAN ET AL. Petition for appeal denied.

No. 562, Misc. KRUSE *v.* BLAISDELL, DIRECTOR. Motion for leave to file petition for writ of habeas corpus denied.

No. 571, Misc. IN RE GRONWALD ET AL. Motion for leave to file a petition for an original writ of habeas corpus and prohibition denied. THE CHIEF JUSTICE, MR. JUSTICE REED, MR. JUSTICE FRANKFURTER, and MR. JUSTICE BURTON are of the opinion that there is want of jurisdiction. U. S. Constitution, Article III, § 2, Clause 2; see *Ex parte Betz* and companion cases, all 329 U. S. 672 (1946); *Milch v. United States*, 332 U. S. 789 (1947); *Brandt v. United States*, 333 U. S. 836 (1948); *In re Eichel*, 333 U. S. 865 (1948). MR. JUSTICE BLACK, MR. JUSTICE DOUGLAS, MR. JUSTICE MURPHY, and MR. JUSTICE RUTLEDGE are of the opinion that the motion for leave to file should be granted and that the case should be set for argument forthwith. MR. JUSTICE JACKSON took no part in the consideration or decision of this application.

Certiorari Granted. (See also No. 775, *supra.*)

No. 806. LAWSON, DEPUTY COMMISSIONER, U. S. EMPLOYEES' COMPENSATION COMMISSION, *v.* SUWANNEE FRUIT & STEAMSHIP Co. ET AL. C. C. A. 5th. *Certiorari* granted. *Solicitor General Perlman* for petitioner. *Harry T. Gray* and *Sam R. Marks* for respondents. Reported below: 166 F. 2d 13.

No. 811. UNITED STATES EX REL. PASELA *v.* FENNO, COMMANDING OFFICER. C. C. A. 2d. *Certiorari* granted. *Frank A. Francis* and *Benedict M. Holden, Jr.* for petitioner. *Solicitor General Perlman, Assistant Attorney*

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General Quinn, Robert S. Erdahl and Philip R. Monahan for respondent. Reported below: 167 F. 2d 593.

No. 816. MARZANI *v.* UNITED STATES. United States Court of Appeals for the District of Columbia. Certiorari granted. *Osmond K. Fraenkel and Allan R. Rosenberg* for petitioner. *Solicitor General Perlman, Assistant Attorney General Quinn, Robert S. Erdahl and Irving S. Shapiro* for the United States. Reported below: 83 U. S. App. D. C. —, 168 F. 2d 133.

No. 567, Misc. TURNER *v.* PENNSYLVANIA. Supreme Court of Pennsylvania. Certiorari granted. *Edwin P. Rome and Clinton Budd Palmer* for petitioner. Reported below: 358 Pa. 350, 58 A. 2d 61.

Certiorari Denied.

No. 584. UNITED STATES EX REL. ACKERMANN *v.* O'ROURKE, OFFICER IN CHARGE; and

No. 585. UNITED STATES EX REL. ACKERMANN *v.* O'ROURKE, OFFICER IN CHARGE. C. C. A. 5th. Certiorari denied. *George C. Dix and E. M. Grimes* for petitioners. *Solicitor General Perlman, Assistant Attorney General Morison and Samuel D. Slade* for respondent. Reported below: 164 F. 2d 95.

No. 796. MASON *v.* MERCED IRRIGATION DISTRICT. C. C. A. 9th. Certiorari denied. Reported below: 165 F. 2d 634.

No. 797. REYNOLDS METALS CO. *v.* SKINNER ET AL. C. C. A. 6th. Certiorari denied. *Walter L. Rice* for petitioner. *Leo T. Wolford* for respondents. Reported below: 166 F. 2d 66.

Nos. 802 and 803. DEBARDELEBEN COAL CORP. *v.* OTT, COMMISSIONER OF PUBLIC FINANCE. C. C. A. 5th. Cer-

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tiorari denied. *Arthur A. Moreno* for petitioner. *Henry B. Curtis* for respondent. Reported below: 166 F. 2d 509.

Nos. 818 and 823. OTT, COMMISSIONER OF PUBLIC FINANCE, *v.* MISSISSIPPI VALLEY BARGE LINE CO.;

Nos. 819 and 825. MONTGOMERY, STATE TAX COLLECTOR, *v.* MISSISSIPPI VALLEY BARGE LINE CO.;

Nos. 820 and 822. OTT, COMMISSIONER OF PUBLIC FINANCE, *v.* AMERICAN BARGE LINE CO.;

Nos. 821 and 826. MONTGOMERY, STATE TAX COLLECTOR, *v.* AMERICAN BARGE LINE CO.; and

No. 824. OTT, COMMISSIONER OF PUBLIC FINANCE, *v.* UNION BARGE LINE CORP. C. C. A. 5th. Certiorari denied. *Henry B. Curtis* for petitioners. *Arthur A. Moreno* for respondents. Reported below: 166 F. 2d 509.

No. 805. GLASSEY *v.* HORRALL, CHIEF OF POLICE OF LOS ANGELES. Supreme Court of California. Certiorari denied. *A. L. Wirin* and *Fred Okrand* for petitioner. *Ray L. Chesebro*, *Donald M. Redwine* and *John L. Bland* for respondent.

No. 829. SHAPIRO *v.* SHAPIRO ET AL. C. C. A. 2d. Certiorari denied. *Edward Norwalk* for petitioner. *Solicitor General Perlman* for the United States, and *James G. Mitchell* for Annette Shapiro, respondents. Reported below: 166 F. 2d 240.

No. 848. YOUNG *v.* UNITED STATES;

No. 849. DEER *v.* UNITED STATES; and

No. 850. POLK *v.* UNITED STATES. C. C. A. 10th. Certiorari denied. *Austin M. Cowan* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Quinn*, *Robert S. Erdahl* and *Josephine H. Klein* for the United States. Reported below: 163 F. 2d 187.

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No. 256. *PETERS v. UNITED STATES*. C. C. A. 8th. Certiorari denied. *Norman L. Meyers* for petitioner. *Solicitor General Perlman*, Assistant Attorney General *Quinn*, *Philip Elman*, *Robert S Erdahl* and *Irving S. Shapiro* for the United States. Reported below: 160 F. 2d 858, 161 F. 2d 940.

No. 812. *McKEWEN v. McKEWEN ET AL.* C. C. A. 5th. Certiorari denied. *Garner W. Green* and *P. Z. Jones* for petitioner. *Solicitor General Perlman* for the United States, and *S. M. Graham* for Marjorie L. McKewen, respondents. Reported below: 165 F. 2d 761.

No. 408, Misc. *CARMELO v. PENNSYLVANIA*. Supreme Court of Pennsylvania. Certiorari denied.

No. 444, Misc. *HALEY v. STEWART, WARDEN*. Supreme Court of Missouri. Certiorari denied. Petitioner *pro se*. *J. E. Taylor*, Attorney General of Missouri, and *Tyre W. Burton*, Assistant Attorney General, for respondent.

No. 466, Misc. *RITCHIE (ARON) v. DRIER ET AL.* United States Court of Appeals for the District of Columbia. Certiorari denied. *Robert C. Bell, Jr.* for petitioner. *Bernard J. Gallagher* and *M. Walton Hendry* for Drier; *Richard L. Merrick* for Aron; and *Soterios Nicholson* for Stern Brothers et al., respondents. Reported below: 83 U. S. App. D. C. —, 165 F. 2d 238.

No. 504, Misc. *MOSS v. HUNTER, WARDEN*. C. C. A. 10th. Certiorari denied. Reported below: 167 F. 2d 683.

No. 511, Misc. *SOLIS v. CLEMMER, DIRECTOR*. United States Court of Appeals for the District of Columbia.

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Certiorari denied. Petitioner *pro se*. *Solicitor General Perlman*, *Assistant Attorney General Quinn*, *Robert S. Erdahl* and *Joseph M. Howard* for respondent. Reported below: 83 U. S. App. D. C. —, 168 F. 2d 155.

No. 556, Misc. JONES *v.* MISSOURI. Supreme Court of Missouri. Certiorari denied.

No. 557, Misc. VOLKMAN *v.* RAGEN, WARDEN. Supreme Court of Illinois. Certiorari denied.

No. 558, Misc. MURPHY *v.* RAGEN, WARDEN. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 559, Misc. SHOTKIN ET AL. *v.* THOMAS A. EDISON, INC. C. C. A. 10th. Certiorari denied. Reported below: 163 F. 2d 1020.

No. 560, Misc. WEHR *v.* RAGEN, WARDEN. Circuit Court of Bureau County, Illinois. Certiorari denied.

No. 563, Misc. DENNIS *v.* RAGEN, WARDEN. Supreme Court of Illinois. Certiorari denied.

No. 564, Misc. JOHNSON *v.* HIATT, WARDEN. C. C. A. 5th. Certiorari denied. Petitioner *pro se*. *Solicitor General Perlman* for respondent. Reported below: 167 F. 2d 738.

No. 565, Misc. HAYES *v.* HUDSPETH, WARDEN. Supreme Court of Kansas. Certiorari denied.

No. 568, Misc. KILGALLEN *v.* NEW YORK. County Court of Queens County, New York. Certiorari denied.

No. 569, Misc. GRANT *v.* RAGEN, WARDEN. Criminal Court of Cook County, Illinois. Certiorari denied.

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No. 570, Misc. BURNS *v.* ILLINOIS. Criminal Court of Cook County, Illinois. Certiorari denied.

Rehearing Denied. (See also No. 437, *supra.*)

No. 461. UNITED STATES *v.* COLUMBIA STEEL CO. ET AL., *ante*, p. 495. Rehearing denied.

No. 544. UNITED STATES *v.* NATIONAL CITY LINES, INC. ET AL., *ante*, p. 573. Rehearing denied.

No. 655. PHYLE *v.* DUFFY, WARDEN, *ante*, p. 431. Rehearing denied.

No. 697. ALKER ET AL. *v.* FEDERAL DEPOSIT INSURANCE CORPORATION, *ante*, p. 827. Rehearing denied.

Nos. 716 and 717. HAZELTINE CORPORATION *v.* KIRKPATRICK, U. S. DISTRICT JUDGE, *ante*, p. 819. Rehearing denied.

No. 810. TINKOFF *v.* ILLINOIS EX REL. CHICAGO BAR ASSOCIATION ET AL., *ante*, p. 833. Rehearing denied. MR. JUSTICE JACKSON took no part in the consideration or decision of this application.

No. 326, Misc. O'LOUGHLIN *v.* PARKER, DEPUTY COMMISSIONER, U. S. EMPLOYEES' COMPENSATION COMMISSION, 333 U. S. 868. Motion for leave to file a third petition for rehearing denied.

No. 500, Misc. COLE ET AL. *v.* NEW JERSEY, *ante*, p. 851. Rehearing denied.

No. 519, Misc. HARRIS *v.* CITY OF NEW YORK, *ante*, 836. Rehearing denied.

No. 528, Misc. IN RE PIERCE, *ante*, p. 831. Rehearing denied.