

DECISIONS PER CURIAM AND ORDERS FROM
THE BEGINNING OF THE OCTOBER TERM,
1948, THROUGH JANUARY 17, 1949.*

OCTOBER 5, 1948.

Miscellaneous Orders.

No. —. JOHNSON ET AL. *v.* STEVENSON. On consideration of the supplemental motion for stay submitted by counsel for the petitioners, it is ordered by this Court that the motion to expand the order of MR. JUSTICE BLACK of September 29, 1948, be, and it is hereby, denied. MR. JUSTICE MURPHY took no part in the consideration or decision of this motion. *Alvin J. Wirtz, James V. Allred, Thurman Arnold, Abe Fortas, Hugh Cox, Raymond Buck, Luther E. Jones, Jr. and Everett L. Looney* for petitioners. *Henry H. Brooks and Dan Moody* for respondent. Reported below: 170 F. 2d 108.

No. —. JOHNSON ET AL. *v.* STEVENSON. On consideration of the motion of counsel for Coke R. Stevenson to vacate the order of MR. JUSTICE BLACK of September 29, 1948, and to dismiss the proceedings, it is ordered by this Court that the said motion be, and it is hereby, denied. MR. JUSTICE MURPHY took no part in the consideration or decision of this motion. *Alvin J. Wirtz, James V. Allred, Thurman Arnold, Abe Fortas, Hugh Cox, Raymond Buck, Luther E. Jones, Jr. and Everett L. Looney* for petitioners. *Henry H. Brooks and Dan Moody* for respondent. Reported below: 170 F. 2d 108.

*For decisions *per curiam* and orders announced on June 21, 1948, see 334 U. S. 854 *et seq.*

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Per Curiam Decisions.

No. 87. BRAND *v.* MILWAUKEE COUNTY ET AL. Appeal from the Supreme Court of Wisconsin. *Per Curiam*: The appeal is dismissed for want of jurisdiction. Title 28, United States Code, § 1257 (2). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari as required by Title 28, United States Code, § 2103, certiorari is denied. *Charles L. Mullen* for appellant. *Oliver L. O'Boyle* for appellees. Reported below: 251 Wis. 531, 30 N. W. 2d 238.

No. 89. UNITED STATES *v.* MARYLAND & VIRGINIA MILK PRODUCERS ASSOCIATION, INC. ET AL. Appeal from the United States District Court for the District of Columbia. *Per Curiam*: The motions to transfer are granted and the case is remanded to the United States Court of Appeals for the District of Columbia Circuit pursuant to Title 18, United States Code, § 3731. *United States v. Swift & Co.*, 318 U. S. 442; *United States v. Wayne Pump Co.*, 317 U. S. 200. *George T. Washington*, then Acting Solicitor General, for the United States. *Elwood H. Seal* for the Maryland & Virginia Milk Producers Assn., Inc.; *William Blum, Jr.* for Alexandria Dairy Products Co., Inc.; *John J. Wilson* for the Chestnut Farms-Chevy Chase Dairy; *William E. Leahy* and *William J. Hughes, Jr.* for Derrick; *Elisha Hanson*, *Arthur B. Hanson* and *Letitia Armistead* for Safeway Stores, Inc.; *John F. Hillyard* for Simpson Bros., Inc.; and *Raymond Sparks* for Thompson's Dairy, Inc., appellees.

No. 97. MUNOZ *v.* POLK, SHERIFF. Appeal from the Court of Criminal Appeals of Texas. *Per Curiam*: The appeal is dismissed for want of a properly presented fed-

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eral question. *Bernard A. Golding* for appellant. Reported below: 151 Tex. Cr. —, 209 S. W. 2d 767.

No. 189. *MORRIS v. FORD MOTOR Co.* Appeal from the Supreme Court of Michigan. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Morton A. Eden* for appellant. *Clayton C. Purdy* and *Frederic S. Glover, Jr.* for appellee. Reported below: 320 Mich. 372, 31 N. W. 2d 89.

No. 249. *HOLLIDAY ET AL. v. GOVERNOR OF SOUTH CAROLINA ET AL.* Appeal from the United States District Court for the Western District of South Carolina. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. *Henry Hammer* for appellants. *John M. Daniel*, Attorney General of South Carolina, *T. C. Callison* and *J. Monroe Fulmer*, Assistant Attorneys General, for appellees. Reported below: 78 F. Supp. 918.

No. 259. *HOTARD ET AL. v. NEW ORLEANS ET AL.* Appeal from the Supreme Court of Louisiana. *Per Curiam*: The motion for leave to file supplemental statement opposing jurisdiction, motion to dismiss or affirm and motion for damages are granted. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Lester P. Schoene* for appellants. *Henry B. Curtis*, *David M. Wood*, *R. E. Milling, Jr.*, *Harry McCall*, *Leonard B. Levy*, *J. Blanc Monroe*, *Walter J. Suthon, Jr.*, *Arthur A. Moreno* and *James U. Ogden* for appellees. Reported below: 213 La. 843, 35 So. 2d 752.

No. 265. *NORTH AMERICAN Co. v. KOERNER, JUDGE.* Appeal from the Supreme Court of Missouri. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question.

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Frank Y. Gladney, J. C. Jones, Roland F. O'Bryen and Fred L. Williams for appellant. *Claude O. Percy* for appellee. Reported below: 357 Mo. 908, 211 S. W. 2d 698.

Miscellaneous Orders.

No. 156. *DONOVAN v. QUEENSBORO CORPORATION ET AL.*; and

No. 49, Misc. *DONOVAN v. QUEENSBORO CORPORATION ET AL.* In No. 156 the petition for writ of certiorari to the United States Court of Appeals for the Second Circuit is denied. In No. 49, Misc., the motion for leave to file petition for writ of certiorari is denied. *Edward F. Clark* and *John A. Shorten* for petitioner. *Charles H. Tuttle* for respondents.

No. 226, Misc., October Term, 1947. *TAURISANO v. NEW YORK*, 332 U. S. 849. Motion for leave to withdraw the record denied.

No. 17, Misc. *HARRIS v. NIERSTHEIMER, WARDEN.* Circuit Court of Randolph County, Illinois. Certiorari denied. Motion for leave to file petition for mandamus also denied.

No. 20, Misc. *CRAIG v. HEINZE, WARDEN.* Supreme Court of California. Certiorari denied. Motion for leave to file petition for writ of habeas corpus also denied.

No. 22, Misc. *EYER v. SWENSON, WARDEN.* Court of Appeals of Maryland. Certiorari denied. Motion for leave to file petition for writ of habeas corpus also denied. Reported below: — Md. —, 59 A. 2d 745.

No. 35, Misc. *WHITE v. RAGEN, WARDEN.* Circuit Court of Will County, Illinois. Certiorari denied. Mo-

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

No. 70, Misc. *BUFORD v. RAGEN, WARDEN*. Criminal Court of Cook County, Illinois. Certiorari denied. Motion for leave to file petition for writ of habeas corpus also denied.

No. 34, Misc. *JACKSON v. HIATT, WARDEN*;

No. 63, Misc. *DIDATO v. SHAW, DIRECTOR*;

No. 72, Misc. *RICHARDSON v. MISSOURI*;

No. 79, Misc. *EX PARTE WHISTLER*;

No. 84, Misc. *EX PARTE CARUSO*;

No. 87, Misc. *ZELL v. WRIGHT, WARDEN*;

No. 101, Misc. *LANGFORD v. MAYO, STATE PRISON CUSTODIAN*; and

No. 104, Misc. *WHITE v. FEDERAL CORRECTIONAL INSTITUTION*. The motions for leave to file petitions for writs of habeas corpus in these cases are severally denied.

No. 28, Misc. *IN RE STATTMANN*;

No. 39, Misc. *IN RE HOHLER*;

No. 93, Misc. *IN RE WEISS*; and

No. 103, Misc. *IN RE WENTZEL*. 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

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and that the cases should be set for argument forthwith. MR. JUSTICE JACKSON took no part in the consideration or decision of these applications.

No. 11, Misc. FRASER *v.* UNITED STATES; and
No. 12, Misc. FRASER ET AL. *v.* UNITED STATES. Motion for leave to withdraw the petitions for writs of mandamus granted.

No. 61, Misc. HOWELL *v.* CLARK, ATTORNEY GENERAL; and

No. 96, Misc. WILSON *v.* HINMAN ET AL. The motions for leave to file petitions for writs of mandamus are denied.

No. 7, Misc. IN RE STINSON;
No. 15, Misc. MEDLOCK *v.* RAGEN, WARDEN;
No. 29, Misc. HARPER *v.* MICHIGAN; and
No. 57, Misc. MITCHELL *v.* RAGEN, WARDEN. Petitions denied.

No. 48, Misc. IN RE LEE. Application denied.

No. 80, Misc. JACKSON *v.* OKLAHOMA. Petition for appeal denied.

No. 88, Misc. MCKAIN *v.* LOUISIANA. Application denied.

No. 58. UNITED STATES EX REL. PASELA *v.* FENNO, COMMANDING OFFICER. Writ of certiorari, 334 U. S. 857, to the United States Court of Appeals for the Second Circuit dismissed per stipulation of counsel. *Frank A. Francis* and *Benedict M. Holden, Jr.* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Quinn*, *Robert S. Erdahl* and *Philip R. Monahan* for respondent. Reported below: 167 F. 2d 593.

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Certiorari Granted.

No. 53. WILKERSON *v.* McCARTHY ET AL., TRUSTEES. Supreme Court of Utah. Certiorari granted. *Parnell Black, Calvin W. Rawlings* and *Harold E. Wallace* for petitioner. *Waldemar Q. Van Cott* and *Dennis McCarthy* for respondents. Reported below: — Utah —, 187 P. 2d 188.

No. 54. CORAY, ANCILLARY ADMINISTRATOR, *v.* SOUTHERN PACIFIC Co. Supreme Court of Utah. Certiorari granted. *Parnell Black, Calvin W. Rawlings* and *Harold E. Wallace* for petitioner. *Paul H. Ray* and *S. J. Quinney* for respondent. Reported below: — Utah —, 185 P. 2d 963.

No. 63. KIMBALL LAUNDRY Co. *v.* UNITED STATES. C. A. 8th Cir. Certiorari granted. *William J. Hotz* for petitioner. *Solicitor General Perlman, Assistant Attorney General Vanech, Roger P. Marquis* and *Wilma C. Martin* for the United States. Reported below: 166 F. 2d 856.

No. 65. CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD Co. ET AL. *v.* ACME FAST FREIGHT, INC. C. A. 2d Cir. Certiorari granted. *Roswell P. C. May, William F. Zearfaus, Thomas L. Ennis, Joseph Rosch* and *H. Brua Campbell* for petitioners. *Paul A. Crouch* for respondent. Reported below: 166 F. 2d 778.

No. 83. COMMISSIONER OF INTERNAL REVENUE *v.* PHIPPS. C. A. 10th Cir. Certiorari granted. *Solicitor General Perlman* for petitioner. *W. Clayton Carpenter* for respondent. Reported below: 167 F. 2d 117.

No. 84. COMMISSIONER OF INTERNAL REVENUE *v.* WODEHOUSE. C. A. 4th Cir. Certiorari granted. *Solic-*

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itor *General Perlman* for petitioner. *Watson Washburn* for respondent. Reported below: 166 F. 2d 986.

No. 88. LEIMAN ET AL. *v.* GUTTMAN ET AL. Court of Appeals of New York. Certiorari granted. *Copal Mintz* for petitioners. *Joseph Brandwene* for respondents. Reported below: 297 N. Y. 201, 78 N. E. 2d 472.

No. 91. FOLEY BROS., INC. ET AL. *v.* FILARDO. Supreme Court of New York, New York County. Certiorari granted. *Solicitor General Perlman* for petitioners. *Howard Henig* for respondent. Reported below: See 297 N. Y. 217, 78 N. E. 2d 480.

No. 92. H. P. HOOD & SONS, INC. *v.* DU MOND, COMMISSIONER OF AGRICULTURE & MARKETS. Supreme Court of New York, Albany County. Certiorari granted. *Warren F. Farr* for petitioner. *Nathaniel L. Goldstein*, Attorney General of New York, *Wendell P. Brown*, Solicitor General, and *Robert G. Blabey* for respondent. Reported below: See 297 N. Y. 209, 78 N. E. 2d 476.

No. 109. FEDERAL POWER COMMISSION ET AL. *v.* INTERSTATE NATURAL GAS Co., INC. ET AL.;

No. 188. PUBLIC SERVICE COMMISSION OF MISSOURI *v.* INTERSTATE NATURAL GAS Co., INC. ET AL.;

No. 209. MEMPHIS LIGHT, GAS & WATER DIVISION *v.* INTERSTATE NATURAL GAS Co. ET AL.; and

No. 212. ILLINOIS COMMERCE COMMISSION ET AL. *v.* INTERSTATE NATURAL GAS Co. ET AL. C. A. 5th Cir. Certiorari granted. *Solicitor General Perlman* for the Federal Power Commission, petitioner in No. 109; *Charles L. Henson* for petitioner in No. 188; *Charles C. Crabtree* for petitioner in No. 209; and *George F. Barrett*, Attorney General of Illinois, and *Albert E. Hallett*, Assistant Attorney General, for the Illinois Commerce Commission, peti-

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tioner in No. 212. *William A. Dougherty, Henry P. Dart, Jr. and James Lawrence White* for the Interstate Natural Gas Co., Inc.; *William A. Dougherty and James Lawrence White* for the Mississippi River Fuel Corporation; *Edward P. Russell* for the Memphis Natural Gas Co.; and *Forney Johnston* for the Southern Natural Gas Co. et al., respondents. Reported below: 166 F. 2d 796.

No. 110. *McCOMB, WAGE & HOUR ADMINISTRATOR, v. JACKSONVILLE PAPER CO. ET AL.* C. A. 5th Cir. Certiorari granted. *Solicitor General Perlman and William S. Tyson* for petitioner. *Louis Kurz* for respondents. Reported below: 167 F. 2d 448.

No. 121. *BLACK DIAMOND STEAMSHIP CORP. v. ROBERT STEWART & SONS, LTD. ET AL.*; and

No. 130. *UNITED STATES v. ROBERT STEWART & SONS, LTD. ET AL.* C. A. 2d Cir. Certiorari granted. *John W. Crandall* for petitioner in No. 121. *Solicitor General Perlman* for the United States, petitioner in No. 130. Reported below: 167 F. 2d 308.

No. 128. *FARMERS RESERVOIR & IRRIGATION CO. v. McCOMB, WAGE & HOUR ADMINISTRATOR*; and

No. 196. *McCOMB, WAGE & HOUR ADMINISTRATOR, v. FARMERS RESERVOIR & IRRIGATION CO.* C. A. 10th Cir. Certiorari granted. *Frank N. Bancroft, Walter W. Blood and John P. Akolt* for petitioner in No. 128. *Solicitor General Perlman, John R. Benney, William S. Tyson, Bessie Margolin and Sidney S. Berman* for respondent in No. 128. *Solicitor General Perlman and Mr. Tyson* for petitioner in No. 196. Reported below: 167 F. 2d 911.

No. 129. *URIE v. THOMPSON, TRUSTEE.* Supreme Court of Missouri. Certiorari granted. *Louis N. Wolf*

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for petitioner. *Thomas J. Cole* and *D. C. Chastain* for respondent. Reported below: 357 Mo. 738, 210 S. W. 2d 98.

No. 132. UNITED STATES *v.* CORS. Court of Claims. Certiorari granted. *Solicitor General Perlman* for the United States. *Frank C. Mason* and *Harold A. Kertz* for respondent. Reported below: 110 Ct. Cl. 66, 75 F. Supp. 235.

No. 151. NATIONAL CARBIDE CORP. *v.* COMMISSIONER OF INTERNAL REVENUE;

No. 152. AIR REDUCTION SALES CO. *v.* COMMISSIONER OF INTERNAL REVENUE; and

No. 153. PURE CARBONIC, INC. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 2d Cir. Certiorari granted. *Erwin N. Griswold*, *Boykin C. Wright*, *Edgar J. Goodrich* and *John A. Wilson* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Caudle* and *Hilbert P. Zarky* for respondent. Reported below: 167 F. 2d 304.

No. 179. WEADE ET AL. *v.* DICHMANN, WRIGHT & PUGH, INC. C. A. 4th Cir. Certiorari granted. *Michael F. Keogh*, *J. Robert Carey* and *Richard H. Love* for petitioners. *Leon T. Seawell* for respondent. Reported below: 168 F. 2d 914.

Nos. 184 and 185. GRAVER TANK & MFG. CO., INC. ET AL. *v.* LINDE AIR PRODUCTS CO. C. A. 7th Cir. Certiorari granted. *John F. Oberlin*, *Ashley M. Van Duzer*, *Thomas V. Koykka* and *Charles L. Byron* for petitioners. *John T. Cahill*, *James A. Fowler, Jr.* and *Richard R. Wolfe* for respondent. Reported below: 167 F. 2d 531.

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No. 90. HENSLEE, COLLECTOR OF INTERNAL REVENUE, *v.* UNION PLANTERS BANK & TRUST CO. ET AL. C. A. 6th Cir.; and

No. 116. FOGEL *v.* UNITED STATES. C. A. 5th Cir. Certiorari granted. *Solicitor General Perlman* for petitioner in No. 90. *Maury Hughes* for petitioner in No. 116. *Roane Waring* for respondents in No. 90. *Solicitor General Perlman, Assistant Attorney General Quinn, Robert S. Erdahl* and *Philip R. Monahan* for the United States in No. 116. Reported below: No. 90, 166 F. 2d 993; No. 116, 167 F. 2d 763.

No. 118. PETTI *v.* UNITED STATES. C. A. 2d Cir. Certiorari granted. *Edward Halle* for petitioner. *Solicitor General Perlman, Assistant Attorney General Quinn, Robert S. Erdahl* and *Beatrice Rosenberg* for the United States. Reported below: 168 F. 2d 221.

No. 143. KRULEWITCH *v.* UNITED STATES. C. A. 2d Cir. Certiorari granted limited to question "3" presented by the petition for the writ, *i. e.*, whether it was prejudicial and reversible error for the trial court to receive in evidence, over objection, important alleged declarations of a co-conspirator after the termination of the alleged conspiracy and not in furtherance thereof. *Jacob W. Friedman* for petitioner. *Solicitor General Perlman, Robert S. Erdahl* and *Philip R. Monahan* for the United States. Reported below: 167 F. 2d 943.

No. 168. CITY OF NEW YORK *v.* SAPER, TRUSTEE IN BANKRUPTCY. C. A. 2d Cir. Certiorari granted. *John P. McGrath* and *Isaac C. Donner* for petitioner. Reported below: 168 F. 2d 268.

No. 191. SUPERIOR COURT OF CALIFORNIA IN AND FOR THE COUNTY OF LOS ANGELES ET AL. *v.* LILLEFLOREN ET AL.

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Supreme Court of California. Certiorari granted. *Russell E. Parsons* and *Harold W. Kennedy* for the Farmer Bros. Co., petitioner. Reported below: 31 Cal. 2d 439, 189 P. 2d 265.

No. 197. NATIONAL LABOR RELATIONS BOARD *v.* CROMPTON-HIGHLAND MILLS, INC. C. A. 5th Cir. Certiorari granted. *Solicitor General Perlman* for petitioner. *Ralph Williams* for respondent. Reported below: 167 F. 2d 662.

No. 200. NEW YORK *v.* CARTER, TRUSTEE IN BANKRUPTCY; and

No. 201. UNITED STATES *v.* CARTER, TRUSTEE. C. A. 2d Cir. Certiorari granted. *Nathaniel L. Goldstein*, Attorney General of New York, and *Wendell P. Brown*, Solicitor General, for petitioner in No. 200. *Solicitor General Perlman* for the United States, petitioner in No. 201. Reported below: 168 F. 2d 272.

No. 216. ALGOMA PLYWOOD & VENEER Co. *v.* WISCONSIN EMPLOYMENT RELATIONS BOARD. Supreme Court of Wisconsin. Certiorari granted. *Malcolm K. Whyte* for petitioner. *Stewart G. Honeck*, Deputy Attorney General of Wisconsin, for respondent. Reported below: 252 Wis. 549, 32 N. W. 2d 417.

No. 223. JOY OIL Co., LTD. *v.* STATE TAX COMMISSION. Supreme Court of Michigan. Certiorari granted. *Clayton F. Jennings* for petitioner. *Eugene F. Black*, Attorney General of Michigan, *Edmund E. Shepherd*, Solicitor General, *Dale H. Fillmore* and *Joel K. Underwood* for respondent. Reported below: 321 Mich. 335, 32 N. W. 2d 472.

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Certiorari Denied. (See also *supra*, Nos. 87 and 156 and Misc. Nos. 17, 20, 22, 35, 49 and 70.)

No. 55. LESSER *v.* SERTNER'S, INC. ET AL. C. A. 2d Cir. *Certiorari denied.* *Max R. Simon* for petitioner. *Michael M. Platzman* for respondents. Reported below: 166 F. 2d 471.

No. 57. VARGAS *v.* ESQUIRE, INC. C. A. 7th Cir. *Certiorari denied.* *Bernard Charles Schiff* for petitioner. *Edward R. Johnston* and *James A. Sprowl* for respondent. Reported below: 166 F. 2d 651.

No. 60. KAMMERER CORPORATION ET AL. *v.* McCULLOUGH. C. A. 9th Cir. *Certiorari denied.* *Frederick S. Lyon*, *Leonard S. Lyon* and *Mark L. Herron* for petitioners. *R. Welton Whann*, *A. W. Boyken*, *Robert M. McManigal*, *W. Bruce Beckley* and *Kelly L. Taulbee* for respondent. Reported below: 166 F. 2d 759.

No. 61. TURNER DAIRY CO. *v.* UNITED STATES. C. A. 7th Cir. *Certiorari denied.* *George F. Callaghan* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Bergson*, *Charles H. Weston*, *J. Stephen Doyle, Jr.*, *Neil Brooks* and *Lewis A. Sigler* for the United States. Reported below: 166 F. 2d 1.

No. 62. SPINA ET AL. *v.* RING. C. A. 2d Cir. *Certiorari denied.* *Jonas J. Shapiro* and *Philip Wittenberg* for petitioners. Reported below: 166 F. 2d 546.

No. 64. UNITED STATES *v.* C. B. ROSS CO., INC. Court of Claims. *Certiorari denied.* *Solicitor General Perlman* for the United States. *M. Carl Levine* and *David Morgulas* for respondent. Reported below: 109 Ct. Cl. 690, 74 F. Supp. 420.

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No. 66. SANDSTROM *v.* CALIFORNIA HORSE RACING BOARD ET AL. Supreme Court of California. Certiorari denied. *Joseph Scott* for petitioner. *Fred N. Howser*, Attorney General of California, and *Walter L. Bowers*, Assistant Attorney General, for respondents. Reported below: 31 Cal. 2d 401, 189 P. 2d 17.

No. 67. YOUNG ET AL. *v.* GARRETT ET AL. Supreme Court of Arkansas. Certiorari denied. *DuVal L. Purkins* and *J. R. Wilson* for petitioners. *R. H. Wills* and *W. D. McKay* for respondents. Reported below: 212 Ark. 693, 208 S. W. 2d 189.

No. 68. UNITED STATES *v.* BLOEDEL DONOVAN LUMBER MILLS. Court of Claims. Certiorari denied. *Solicitor General Perlman* for the United States. *Tom S. Patterson* for respondent. Reported below: 109 Ct. Cl. 720, 74 F. Supp. 470.

No. 69. J. H. ALLISON & Co. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 6th Cir. Certiorari denied. *John A. Chambliss, Jr.* for petitioner. *Solicitor General Perlman*, *David P. Findling* and *Ruth Weyand* for respondent. Reported below: 165 F. 2d 766.

No. 70. REIN *v.* JOHNSON, AUDITOR OF PUBLIC ACCOUNTS, ET AL. Supreme Court of Nebraska. Certiorari denied. *Herbert W. Baird* for petitioner. Reported below: 149 Neb. 67, 30 N. W. 2d 548.

No. 72. TEXAS & PACIFIC RAILWAY Co. *v.* KILPATRICK;
and

No. 73. TEXAS & PACIFIC RAILWAY Co. *v.* PARKER. C. A. 2d Cir. Certiorari denied. *Theodore Kiendl*, *William H. Timbers* and *Cleveland C. Cory* for petitioner. *William H. DeParcq* for respondents. Reported below: 166 F. 2d 788.

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No. 74. ST. REGIS PAPER CO. *v.* UNITED STATES. Court of Claims. Certiorari denied. *Horace R. Lamb* for petitioner. *Solicitor General Perlman, Assistant Attorney General Morison, Paul A. Sweeney and Melvin Richter* for the United States. Reported below: 110 Ct. Cl. 271, 76 F. Supp. 831.

No. 77. TRANS-PACIFIC CORP. ET AL. *v.* GOGGIN, TRUSTEE IN BANKRUPTCY. C. A. 9th Cir. Certiorari denied. *Morris Lavine* for petitioners. *Thomas S. Tobin* for respondent. Reported below: 166 F. 2d 1021.

No. 79. E. C. SCHROEDER CO. *v.* CLARK ET AL. C. A. 10th Cir. Certiorari denied. *W. E. Utterback* for petitioner. *Thos. W. Champion and Louis A. Fischl* for respondents. Reported below: 167 F. 2d 739.

No. 80. INTERNATIONAL BROTHERHOOD OF TEAMSTERS & CHAUFFEURS, LOCAL UNION NO. 179, A. F. OF L., ET AL. *v.* DINOFFRIA ET AL. Supreme Court of Illinois. Certiorari denied. *Daniel D. Carmell and Walter F. Dodd* for petitioners. *Raymond J. Harvey and Samuel Saxon* for respondents. Reported below: 399 Ill. 304, 77 N. E. 2d 661.

No. 81. THOMPSON ET AL. *v.* THOMPSON ET AL., EXECUTORS. Supreme Court of Arkansas. Certiorari denied. *J. R. Wilson* for petitioners. *J. E. Gaughan* for respondents. Reported below: 212 Ark. 812, 208 S. W. 2d 445.

No. 82. CRINER ET AL. *v.* PARHAM ET AL. Supreme Court of Arkansas. Certiorari denied. *J. R. Wilson* for petitioners. *W. D. McKay and E. M. Anderson* for respondents. Reported below: 212 Ark. 815, 208 S. W. 2d 447.

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No. 85. BALTIMORE & OHIO RAILROAD Co. *v.* SKIDMORE. C. A. 2d Cir. Certiorari denied. *William C. Combs* for petitioner. *William A. Blank* for respondent. Reported below: 167 F. 2d 54.

No. 86. AIR LINE PILOTS ASSOCIATION, INTERNATIONAL, *v.* CIVIL AERONAUTICS BOARD ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Henry Kaiser, Gerhard P. Van Arkel, Daniel D. Carmell* and *Samuel H. Jaffee* for petitioner. *Solicitor General Perlman, Assistant Attorney General Bergson, Charles H. Weston* and *Emory T. Nunneley, Jr.* for the Civil Aeronautics Board; and *John W. Cross, Mac Asbill* and *Richard A. Fitzgerald* for the National Airlines, Inc., respondents.

No. 93. EBENSBERGER ET AL. *v.* SINCLAIR REFINING Co. C. A. 5th Cir. Certiorari denied. *J. B. Lewright* for petitioners. *W. R. Smith, Jr., Alfred McKnight* and *Nat. J. Harben* for respondent. Reported below: 165 F. 2d 803.

No. 94. IRIARTE ET AL. *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. *José A. Poventud* and *F. Fernández Cuyar* for petitioners. *Solicitor General Perlman, Assistant Attorney General Vanech* and *Roger P. Marquis* for the United States. Reported below: 166 F. 2d 800.

No. 95. TINGLE ET AL. *v.* ANDERSON-TULLY Co. C. A. 5th Cir. Certiorari denied. *John Brunini* for petitioners. *Lamar Williamson* for respondent. Reported below: 166 F. 2d 224.

No. 96. W. E. HEDGER TRANSPORTATION CORP. *v.* IRA S. BUSHEY & SONS, INC. C. A. 2d Cir. Certiorari de-

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nied. *Horace M. Gray* for petitioner. *Christopher E. Heckman* for respondent. Reported below: 167 F. 2d 9.

No. 99. *McELROY v. PEGG ET AL.* C. A. 10th Cir. Certiorari denied. *James W. Bounds* for petitioner. *Solicitor General Perlman, Assistant Attorney General Vanech* and *Roger P. Marquis* for the United States; and *Jeff Busby* for Pegg et al., respondents. Reported below: 167 F. 2d 668.

No. 100. *PHILLIPS PETROLEUM CO. v. SHELL OIL CO., INC.* C. A. 5th Cir. Certiorari denied. *Louis D. Fletcher, R. B. F. Hummer* and *T. B. Hudson* for petitioner. *Theodore S. Kenyon, Brady Cole* and *Arthur B. Bakalar* for respondent. Reported below: 166 F. 2d 384.

No. 101. *FREEMAN v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. *Theodore E. Rein, Paul B. Cromelin* and *Francis C. Brooke* for petitioner. *Solicitor General Perlman, Assistant Attorney General Quinn, Robert S. Erdahl* and *Joseph M. Howard* for the United States. Reported below: 167 F. 2d 786.

No. 105. *NORDLING ET AL. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 9th Cir. Certiorari denied. *Carl E. Davidson* for petitioners. *Solicitor General Perlman, Assistant Attorney General Caudle* and *Harry Marselli* for respondent. Reported below: 166 F. 2d 703.

No. 106. *HIGHTOWER ET AL. v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. *Edward J. Bradley* for petitioners. *Solicitor General Perlman, Assistant Attorney General Quinn* and *Robert S. Erdahl* for the United States.

No. 108. *GRAHAM FLYING SERVICE v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 8th Cir. Certiorari de-

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nied. *Edward R. Burke* for petitioner. *Solicitor General Perlman, Assistant Attorney General Caudle, Abbott M. Sellers* and *S. Walter Shine* for respondent. Reported below: 167 F. 2d 91.

No. 112. *GENTRY v. NORTH CAROLINA*. Supreme Court of North Carolina. Certiorari denied. *W. H. Strickland* for petitioner. *Harry McMullan*, Attorney General of North Carolina, *T. W. Bruton* and *Ralph Moody*, Assistant Attorneys General, for respondent. Reported below: 228 N. C. 643, 46 S. E. 2d 863.

No. 113. *BATH MILLS, INC. v. ODOM*. C. A. 4th Cir. Certiorari denied. *P. F. Henderson* for petitioner. *Henry Hammer* for respondent. Reported below: 168 F. 2d 38.

No. 114. *BEST & Co., INC. v. MILLER, DOING BUSINESS AS MILLER'S LILLIPUTIAN SHOPPE*. C. A. 2d Cir. Certiorari denied. *Joseph M. Proskauer, Harold H. Levin* and *M. James Spitzer* for petitioner. *Milton Handler* for respondent. Reported below: 167 F. 2d 374.

No. 119. *DURANT v. HIRONIMUS, WARDEN*. C. A. 4th Cir. Certiorari denied. *Hugh H. Obear* for petitioner. *Solicitor General Perlman, Assistant Attorney General Quinn, Frederick Bernays Wiener, Robert S. Erdahl* and *Irving S. Shapiro* for respondent. Reported below: 168 F. 2d 288.

No. 120. *BLACK, DOING BUSINESS AS SUPERIOR TRUCKING Co., v. INTERSTATE COMMERCE COMMISSION*. C. A. 5th Cir. Certiorari denied. *Joseph H. Blackshear, Elliott Goldstein, Max F. Goldstein* and *B. D. Murphy* for petitioner. *Solicitor General Perlman, Assistant Attorney General Bergson, Edward Dumbauld, Daniel W.*

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Knowlton and *Daniel H. Kunkel* for respondent. Reported below: 167 F. 2d 825.

No. 122. *REAGON v. D'ANTONIO*. Court of Appeal of Louisiana, Parish of Orleans. Certiorari denied. *Lewis R. Graham* for petitioner. *Moses C. Scharff* for respondent.

No. 123. *CARTER CARBURETOR CORP. v. KINGSLAND, COMMISSIONER OF PATENTS*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Hugh M. Morris, Gilbert P. Ritter* and *George R. Ericson* for petitioner. *Solicitor General Perlman, Assistant Attorney General Morison, Paul A. Sweeney, Melvin Richter* and *W. W. Cochran* for respondent. Reported below: 83 U. S. App. D. C. 266, 168 F. 2d 565.

No. 124. *RINN, EXECUTRIX, ET AL. v. BROADWAY TRUST & SAVINGS BANK ET AL.* Appellate Court of Illinois, First District. Certiorari denied. *Meyer Abrams* for petitioners. *Hector A. Brouillet* for Jaeger, Receiver, respondent. Reported below: 333 Ill. App. 157, 76 N. E. 2d 800.

No. 125. *DEGRAZIA v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *George F. Callaghan* for petitioner. *Solicitor General Perlman, Assistant Attorney General Quinn, Robert S. Erdahl* and *Beatrice Rosenberg* for the United States.

No. 126. *NEW YORK LIFE INSURANCE CO. v. COOPER ET AL.* C. A. 10th Cir. Certiorari denied. *William F. Tucker* for petitioner. *Villard Martin* for respondents. Reported below: 167 F. 2d 651.

No. 127. *PORT GIBSON VENEER & BOX CO. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 5th Cir. Certiorari de-

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nied. *W. H. Watkins* and *R. L. Dent* for petitioner. *Solicitor General Perlman*, *David P. Findling*, *Ruth Weyand* and *Fannie M. Boyls* for respondent. Reported below: 167 F. 2d 144.

No. 131. FITZSIMMONS *v.* MICHIGAN. Supreme Court of Michigan. Certiorari denied. *Eugene L. Garey*, *Wm. Henry Gallagher* and *Abraham Hornstein* for petitioner. *Eugene F. Black*, Attorney General of Michigan, *Edmund E. Shepherd*, Solicitor General, *Daniel J. O'Hara*, Assistant Attorney General, and *H. H. Warner* for respondent. Reported below: 320 Mich. 116, 30 N. W. 2d 801.

No. 133. LEEDS ET AL., EXECUTORS, *v.* UNITED STATES. Court of Claims. Certiorari denied. *Harry Levine* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Stanley M. Silverberg* and *Elizabeth B. Davis* for the United States. Reported below: 110 Ct. Cl. 645, 75 F. Supp. 312.

No. 136. CHEEK, TRUSTEE IN BANKRUPTCY, *v.* DIVISION OF LABOR LAW ENFORCEMENT OF CALIFORNIA. C. A. 9th Cir. Certiorari denied. *Francis F. Quittner* for petitioner. *Fred N. Howser*, Attorney General of California, and *Frank W. Richards*, Deputy Attorney General, for respondent. Reported below: 166 F. 2d 429.

No. 137. BLOOMFIELD RANCH ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 9th Cir. Certiorari denied. *O. K. Cushing*, *Eustace Cullinan* and *Delger Trowbridge* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Caudle* and *Harry Baum* for respondent. Reported below: 167 F. 2d 586.

No. 138. SAMPSELL, TRUSTEE IN BANKRUPTCY, *v.* LAWRENCE WAREHOUSE Co. C. A. 9th Cir. Certiorari

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denied. *Thomas S. Tobin* for petitioner. *Willard F. Williamson* and *W. R. Wallace, Jr.* for respondent. Reported below: 167 F.2d 885.

No. 139. *NEMOURS v. HICKEY ET AL.* Supreme Court of Missouri. Certiorari denied. *J. L. London* for petitioner. Reported below: 357 Mo. 731, 210 S. W. 2d 94.

No. 140. *FEDERAL BROADCASTING SYSTEM, INC. v. AMERICAN BROADCASTING CO., INC. ET AL.* C. A. 2d Cir. Certiorari denied. *William L. McGovern* and *Seymour Krieger* for petitioner. *Thurman Arnold* and *Paul A. Porter* for the American Broadcasting Co., Inc.; and *Leon Lauterstein* for the Mutual Broadcasting System, Inc., respondents. *Solicitor General Perlman* filed a brief for the United States, as *amicus curiae*, supporting the petition. Reported below: 167 F.2d 349.

No. 141. *BORAK v. UNITED STATES.* Court of Claims. Certiorari denied. Petitioner *pro se*. *Solicitor General Perlman*, *Assistant Attorney General Morison*, *Paul A. Sweeney* and *Morton Hollander* for the United States. Reported below: 110 Ct. Cl. 236, 78 F. Supp. 123.

No. 142. *CAMPA v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. *Floyd Duke James* for petitioner. *Solicitor General Perlman* for the United States.

No. 144. *A. J. TRISTANI SUCRS., INC. v. BUSCAGLIA, TREASURER, ET AL.*; and

No. 145. *R. SANTAELLA & BROTHER, INC. v. BUSCAGLIA, TREASURER, ET AL.* C. A. 1st Cir. Certiorari denied. *F. Fernández Cuyar* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Ellis N. Slack*, *Lee A. Jackson* and *I. Henry Kutz* for Buscaglia, Treasurer, respondent. Reported below: 166 F.2d 966.

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No. 146. TEXAS STATE LIFE INSURANCE CO. ET AL. *v.* HOUGHTON. C. A. 5th Cir. Certiorari denied. *O. M. Street* for petitioners. *Solicitor General Perlman, Assistant Attorney General Morison, Samuel D. Slade and Morton Liftin* for respondent. Reported below: 166 F. 2d 848.

No. 148. THOMPSON, TRUSTEE, ET AL. *v.* SPEARMON ET AL. C. A. 8th Cir. Certiorari denied. *Leffel Gentry, Frank L. Mulholland, Clarence M. Mulholland, Willard H. McEwen and E. L. McHaney* for petitioners. *Solicitor General Perlman, Assistant Attorney General Morison, Paul A. Sweeney and Morton Liftin* for respondents. Reported below: 167 F. 2d 626.

No. 149. TITUS ET AL. *v.* SPITZER-RORICK TRUST & SAVINGS BANK ET AL. C. A. 6th Cir. Certiorari denied. *Robert J. Pleus* for petitioners. *Robert C. Dunn* for respondents. Reported below: 167 F. 2d 571.

No. 154. NEW AMSTERDAM CASUALTY CO. *v.* SOILEAU, TUTRIX. C. A. 5th Cir. Certiorari denied. *Joseph A. Loret and Thomas W. Leigh* for petitioner. Reported below: 167 F. 2d 767.

No. 157. WINSTON *v.* COUNTY OF COOK ET AL. Supreme Court of Illinois. Certiorari denied. *Weightstill Woods* for petitioner. *Jacob Shamberg* for respondents. Reported below: 399 Ill. 311, 77 N. E. 2d 664.

No. 158. MATTHEWS ET AL. *v.* WOODY ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Frederick DeJoseph* for petitioners. *J. Nelson Anderson* for respondents. Reported below: 83 U. S. App. D. C. 219, 167 F. 2d 756.

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No. 159. PACIFIC COAST WHOLESALERS ASSOCIATION *v.* CLOVER LEAF FREIGHT LINES, INC. ET AL. C. A. 7th Cir. Certiorari denied. *David J. Shipman* for petitioner. *J. Glenn Shehee* for respondents. Reported below: 166 F. 2d 626.

No. 160. IN RE ROSE. Appellate Division of the Supreme Court of New York, First Judicial Department. Certiorari denied. *Harold W. Hastings* for petitioner. *Einar Chrystie* and *Kenneth M. Spence* for the Bar Association of New York City, respondent. Reported below: See 297 N. Y. 953, 80 N. E. 2d 348.

No. 161. CHICAGO PNEUMATIC TOOL CO. *v.* INDEPENDENT PNEUMATIC TOOL Co. C. A. 7th Cir. Certiorari denied. *Floyd H. Crews*, *Clarence J. Loftus* and *Raymond G. Mullee* for petitioner. *Lowell C. Noyes* for respondent. Reported below: 167 F. 2d 1002.

No. 162. EXCEL AUTO RADIATOR Co. *v.* BISHOP & BABCOCK MANUFACTURING Co. C. A. 6th Cir. Certiorari denied. *Max W. Zabel* for petitioner. *Arthur H. Boettcher* for respondent. Reported below: 167 F. 2d 962.

Nos. 163 and 164. MILLER, DOING BUSINESS AS THE PERMA-STONE Co., *v.* ZAHARIAS ET AL., DOING BUSINESS AS THE LINCOLN HOME BUILDERS, ET AL. C. A. 7th Cir. Certiorari denied. *Ira Milton Jones* for petitioner. *David Charness* for Zaharias et al., respondents. Reported below: 168 F. 2d 1.

No. 165. AKERS ET UX. *v.* SCOFIELD, COLLECTOR OF INTERNAL REVENUE. C. A. 5th Cir. Certiorari denied. *Robert Ash* for petitioners. *Solicitor General Perlman*,

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Assistant Attorney General Caudle, Ellis N. Slack and Melva M. Graney for respondent. Reported below: 167 F. 2d 718.

No. 166. JOHNSON ET AL. *v.* SMITH, COUNTY TREASURER, ET AL. Supreme Court of New York, Albany County. Certiorari denied. *Harold J. Hinman* for petitioners. *Neile F. Towner* and *Robert E. Whalen* for Smith, County Treasurer; and *Jack Goodman* for Sandler et al., respondents. Reported below: See 297 N. Y. 954, 80 N. E. 2d 349.

No. 167. RAILWAY EXPRESS AGENCY, INC. *v.* MALLORY. C. A. 5th Cir. Certiorari denied. *James L. Byrd, Harry S. Marx* and *Chas. C. Evans* for petitioner. *Charles F. Engle* for respondent. Reported below: 168 F. 2d 426.

No. 169. THOMPSON, TRUSTEE, *v.* CAMP, ADMINISTRATRIX. C. A. 6th Cir. Certiorari denied. *Edward P. Russell* for petitioner. *Walter P. Armstrong* and *R. G. Draper* for respondent. Reported below: 167 F. 2d 733.

No. 171. REINOLD *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Martin A. Schenck* and *Frederick R. Graves* for petitioner. *Solicitor General Perlman, Assistant Attorney General Morison* and *Samuel D. Slade* for the United States. Reported below: 167 F. 2d 556.

No. 172. SPAGNUOLO *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Henry K. Chapman* for petitioner. *Solicitor General Perlman, Robert S. Erdahl* and *Joseph M. Howard* for the United States. Reported below: 168 F. 2d 768.

No. 173. DEWATERS *v.* MACKLIN COMPANY. C. A. 6th Cir. Certiorari denied. *Jack N. Tucker* and *Morton*

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A. Eden for petitioner. *Maxwell F. Badgley* and *Frank E. Cooper* for respondent. Reported below: 167 F. 2d 694.

No. 174. UNITED STATES *v.* SILLIMAN. C. A. 3d Cir. Certiorari denied. *Solicitor General Perlman* for the United States. *Frederic M. P. Pearse*, *Sherwood D. Silliman* and *Reuben D. Silliman* for respondent. Reported below: 167 F. 2d 607.

No. 175. ECCO HIGH FREQUENCY CORP. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 2d Cir. Certiorari denied. *Everett Fooks* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Ellis N. Slack* and *Morton K. Rothschild* for respondent. Reported below: 167 F. 2d 583.

No. 177. MASON *v.* PARADISE IRRIGATION DISTRICT. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *P. M. Barceloux* for respondent.

No. 180. MARIO MERCADO RIERA, EXECUTOR, *v.* ADRIAN MERCADO RIERA ET AL. C. A. 1st Cir. Certiorari denied. *Pedro M. Porrata* for petitioner. *José A. Poventud* and *F. Fernández Cuyar* for respondents. Reported below: 167 F. 2d 207.

No. 181. CHESBROUGH ET AL. *v.* WESTERN & SOUTHERN LIFE INSURANCE CO. ET AL. Supreme Court of Ohio. Certiorari denied. *Sol Goodman* for petitioners. *Webb I. Vorys* for respondents. Reported below: 149 Ohio St. 578, 79 N. E. 2d 909.

No. 183. REMINGTON RAND, INC. *v.* ROYAL TYPEWRITER CO., INC. C. A. 2d Cir. Certiorari denied. *Edwin T. Bean*, *Henry R. Ashton*, *Francis J. McNamara*

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and *Conrad Christel* for petitioner. *William H. Davis* and *George E. Faithfull* for respondent. Reported below: 168 F. 2d 691.

No. 186. *HART ET AL. v. MUTUAL BENEFIT LIFE INSURANCE Co.* C. A. 2d Cir. Certiorari denied. *Lawrence R. Condon* for petitioners. *James M. Snee* for respondent. Reported below: 166 F. 2d 891.

No. 190. *LANDSBOROUGH v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. *Hal H. Griswold* for petitioner. *Solicitor General Perlman, Robert S. Erdahl* and *Joseph M. Howard* for the United States. Reported below: 168 F. 2d 486.

No. 192. *RAKES v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. *Robert H. McNeill* and *Thomas Bruce Fuller* for petitioner. *Solicitor General Perlman, Robert S. Erdahl* and *Philip R. Monahan* for the United States. Reported below: 169 F. 2d 739.

No. 194. *CENTRAL INVESTMENT CORP. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 9th Cir. Certiorari denied. *Joseph D. Brady* and *John O. Paulston* for petitioner. *Solicitor General Perlman, Assistant Attorney General Caudle, Ellis N. Slack* and *Irving I. Axelrad* for respondent. Reported below: 167 F. 2d 1000.

No. 199. *CHICAGO & NORTH WESTERN RAILWAY Co. v. MATSUMOTO.* C. A. 7th Cir. Certiorari denied. *Lowell Hastings* and *Warren Newcome* for petitioner. Reported below: 168 F. 2d 496.

No. 202. *ECONOMOS v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 4th Cir. Certiorari denied. *Thomas M. Wilkins* for petitioner. *Solicitor General Perlman,*

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Assistant Attorney General Caudle, Ellis N. Slack and S. Walter Shine for respondent. Reported below: 167 F. 2d 165.

No. 203. PARIS ET AL. *v.* METROPOLITAN LIFE INSURANCE Co. ET AL. C. A. 2d Cir. Certiorari denied. *Louis B. Boudin* for petitioners. *Burton A. Zorn and Eugene Eisenmann* for the Metropolitan Life Insurance Co., respondent. Reported below: 167 F. 2d 834.

No. 207. LADNER ET AL. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Webb M. Mize* for petitioners. *Solicitor General Perlman, Robert S. Erdahl and Joseph M. Howard* for the United States. Reported below: 168 F. 2d 771.

No. 208. ATLANTIC COAST LINE RAILROAD Co. *v.* McCREADY. Supreme Court of South Carolina. Certiorari denied. *Charles Cook Howell and V. E. Phelps* for petitioner. Reported below: 212 S. C. 449, 48 S. E. 2d 193.

No. 210. STONE *v.* STRICKLAND TRANSPORTATION Co. C. A. 5th Cir. Certiorari denied. *Dorsey Hardeman* for petitioner. *Cleo G. Clayton, Sr.* for respondent. Reported below: 168 F. 2d 752.

No. 211. KELLEY *v.* UNION TANK & SUPPLY Co. C. A. 5th Cir. Certiorari denied. *Dorsey Hardeman* for petitioner. *Chas C. Crenshaw* for respondent. Reported below: 167 F. 2d 811.

No. 213. BANK OF AMERICA NATIONAL TRUST & SAVINGS ASSOCIATION *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *George H. Koster* for petitioner. *Solicitor General Perlman, Assistant Attorney General Caudle,*

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Ellis N. Slack and *Fred E. Youngman* for the United States. Reported below: 168 F. 2d 399.

No. 215. UNITED SERVICES LIFE INSURANCE Co. *v.* BOYE ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Neil Burkinshaw* for petitioner. *Thomas M. Raysor* for respondents. Reported below: 83 U. S. App. D. C. 306, 168 F. 2d 570.

No. 217. HORNER *v.* COUNTY OF WINNEBAGO ET AL. Appellate Court of Illinois, Second District. Certiorari denied. *John R. Snively* for petitioner. *Jerome J. Downey* for respondents. Reported below: 332 Ill. App. 217, 74 N. E. 2d 728.

No. 220. WHITNEY *v.* MADDEN. Supreme Court of Illinois. Certiorari denied. *William H. DeParcq* and *Tom Davis* for petitioner. *Thomas L. Marshall* for respondent. Reported below: 400 Ill. 185, 79 N. E. 2d 593.

No. 222. RAILWAY EMPLOYEES' DEPARTMENT OF THE AMERICAN FEDERATION OF LABOR ET AL. *v.* NORTHERN PACIFIC RAILWAY Co. C. A. 8th Cir. Certiorari denied. *Frank L. Mulholland*, *Clarence M. Mulholland*, *Willard H. McEwen* and *Edward J. Hickey, Jr.* for petitioners. *L. B. daPonte* and *M. L. Countryman, Jr.* for respondent. Reported below: 168 F. 2d 934.

No. 224. CHARLES E. AUSTIN, INC. *v.* KELLY, SECRETARY OF STATE. Supreme Court of Michigan. Certiorari denied. *Clayton F. Jennings* for petitioner. *Eugene F. Black*, Attorney General of Michigan, and *Edmund E. Shepherd*, Solicitor General, for respondent. Reported below: 321 Mich. 426, 32 N. W. 2d 694.

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No. 230. MINNESOTA MINING & MANUFACTURING CO. v. INDUSTRIAL TAPE CORP. C. A. 7th Cir. Certiorari denied. *George I. Haight, Harold J. Kinney* and *M. K. Hobbs* for petitioner. *Drury W. Cooper* for respondent. Reported below: 168 F. 2d 7.

No. 239. PENNSYLVANIA-CENTRAL AIRLINES CORP. v. DUSKIN, EXECUTRIX. C. A. 6th Cir. Certiorari denied. *Lowell W. Taylor* for petitioner. *R. G. Draper, Walter P. Armstrong* and *Benj. Goodman, Jr.* for respondent. Reported below: 167 F. 2d 727.

No. 78. TAUSSIG v. BARNES, U. S. DISTRICT JUDGE. C. A. 7th Cir. Certiorari denied. *Stephen A. Mitchell, Daniel M. Healy* and *Arthur Frankel* for petitioner. *Mural J. Winstin* and *Horace A. Young* filed a brief for *Saxelby et al.*, as *amici curiae*, opposing the petition.

No. 102. ILLINOIS EX REL. TINKOFF ET AL. v. NORTHWESTERN UNIVERSITY ET AL. Appellate Court of Illinois, First District. Certiorari denied. Reported below: 333 Ill. App. 224, 77 N. E. 2d 345.

No. 103. LOBAIDO v. MICHIGAN. Recorder's Court of the City of Detroit, Michigan; and

No. 104. LOBAIDO v. MICHIGAN. Supreme Court of Michigan. Certiorari denied. *David W. Louisell* and *William G. Fitzpatrick* for petitioner. *Eugene F. Black*, Attorney General of Michigan, *Edmund E. Shepherd*, Solicitor General, and *Daniel J. O'Hara*, Assistant Attorney General, for respondent.

No. 147. LINDENFELD v. UNITED STATES. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor*

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General Perlman and *Robert S. Erdahl* for the United States. Reported below: 167 F. 2d 1002.

No. 155. MASSACHUSETTS MUTUAL LIFE INSURANCE Co. *v.* SMITH. C. A. 5th Cir. Certiorari denied. MR. JUSTICE BLACK took no part in the consideration or decision of this application. *Harlan Hobart Grooms* for petitioner. *James A. Simpson* for respondent. Reported below: 167 F. 2d 990.

No. 176. REINING *v.* UNITED STATES. C. A. 5th Cir. Motion for leave to amend the petition for writ of certiorari granted. Certiorari denied. *Alex W. Swords* and *Stanley Suydam* for petitioner. *Solicitor General Perlman*, *Robert S. Erdahl* and *Philip R. Monahan* for the United States. Reported below: 167 F. 2d 362.

No. 195. McCLENDON *v.* UTECHT, WARDEN. C. A. 8th Cir. Certiorari denied. Reported below: 168 F. 2d 837.

No. 5, Misc. TOTTEN *v.* HEINZE, WARDEN. Supreme Court of California. Certiorari denied.

No. 6, Misc. SAMMAN *v.* RAGEN, WARDEN. C. A. 7th Cir. Certiorari denied. Reported below: 167 F. 2d 543.

No. 8, Misc. CREBS *v.* HUDSPETH, WARDEN. Supreme Court of Kansas. Certiorari denied.

No. 9, Misc. BOLDEN *v.* RAGEN, WARDEN. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 13, Misc. CANNADY *v.* RAGEN, WARDEN. Criminal Court of Cook County, Illinois. Certiorari denied.

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No. 14, Misc. *TOUHY v. RAGEN, WARDEN*. Circuit Court of Will County, Illinois. Certiorari denied.

No. 16, Misc. *McMULLEN v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. Reported below: 400 Ill. 253, 79 N. E. 2d 470.

No. 18, Misc. *COLLINS v. DUFFY, WARDEN*. Supreme Court of California. Certiorari denied.

No. 21, Misc. *DUANE v. HEINZE, WARDEN*. District Court of Appeal, 3d Appellate District, of California. Certiorari denied.

No. 23, Misc. *ENGLE v. STEWART, WARDEN*. Supreme Court of Missouri. Certiorari denied.

No. 24, Misc. *WALL v. MICHIGAN*. Supreme Court of Michigan. Certiorari denied.

No. 25, Misc. *THOMPSON v. BENSON, WARDEN*. Supreme Court of Michigan. Certiorari denied.

No. 26, Misc. *MILFORD v. NEW YORK*. Appellate Division of the Supreme Court of New York, First Judicial Department. Certiorari denied. Reported below: 273 App. Div. 809, 76 N. Y. S. 2d 544.

No. 27, Misc. *FELTON v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Allen J. Krouse* for petitioner. *Solicitor General Perlman, Assistant Attorney*

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General Quinn, Robert S. Erdahl and Josephine H. Klein for the United States. Reported below: 83 U. S. App. D. C. 277, 170 F. 2d 153.

No. 31, Misc. *BLAHA v. RAGEN, WARDEN.* Supreme Court of Illinois. Certiorari denied.

No. 33, Misc. *HARTNETT v. HUDSPETH, WARDEN.* Supreme Court of Kansas. Certiorari denied.

No. 36, Misc. *WILSON v. RAGEN, WARDEN.* Circuit Court of St. Clair County, Illinois. Certiorari denied.

No. 37, Misc. *WILLIAMS v. RAGEN, WARDEN.* Circuit Court of St. Clair County, Illinois. Certiorari denied.

No. 38, Misc. *COBB v. HUNTER, WARDEN.* C. A. 10th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Perlman, Robert S. Erdahl and Philip R. Monahan* for respondent. Reported below: 167 F. 2d 888.

No. 40, Misc. *ALLEN v. RAGEN, WARDEN.* Criminal Court of Cook County, Illinois. Certiorari denied.

No. 42, Misc. *EATON v. RAGEN, WARDEN.* C. A. 7th Cir. Certiorari denied.

No. 43, Misc. *GOOCH v. WILHITE, PRESIDING JUDGE.* Circuit Court of Scott County, Illinois. Certiorari denied.

No. 44, Misc. *HRYCIUK v. RAGEN, WARDEN.* Criminal Court of Cook County, Illinois. Certiorari denied.

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No. 45, Misc. TOWNSEND *v.* DUFFY, WARDEN. Supreme Court of California. Certiorari denied.

No. 46, Misc. SWAIN *v.* DUFFY, WARDEN. Supreme Court of California. Certiorari denied.

No. 51, Misc. LAWRENCE *v.* MISSOURI. Supreme Court of Missouri. Certiorari denied.

No. 52, Misc. RENO *v.* MICHIGAN. Supreme Court of Michigan. Certiorari denied. Reported below: 321 Mich. 497, 32 N. W. 2d 723.

No. 56, Misc. ST. JOHN *v.* NIERSTHEIMER, WARDEN. Circuit Court of Randolph County, Illinois. Certiorari denied.

No. 58, Misc. CLARK *v.* RAGEN, WARDEN. Circuit Court of Hancock County, Illinois. Certiorari denied.

No. 59, Misc. BAILEY *v.* NIERSTHEIMER, WARDEN. Circuit Court of Randolph County, Illinois. Certiorari denied.

No. 60, Misc. BARNETT *v.* RAGEN, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 62, Misc. LEE *v.* RAGEN, WARDEN. Circuit Court of Will County, Illinois. Certiorari denied.

No. 64, Misc. SAUNDERS *v.* MICHIGAN. Supreme Court of Michigan. Certiorari denied.

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No. 65, Misc. *SANNER v. MARYLAND*. Court of Appeals of Maryland. Certiorari denied. Reported below: — Md. —, 59 A. 2d 762.

No. 66, Misc. *EPPLE v. DUFFY, WARDEN*. Supreme Court of California. Certiorari denied.

No. 68, Misc. *BROWN v. SOUTH CAROLINA*. Supreme Court of South Carolina. Certiorari denied. *Douglas McKay* for petitioner. Reported below: 212 S. C. 237, 47 S. E. 2d 521.

No. 69, Misc. *MURRAY v. RAGEN, WARDEN*. Circuit Court of McLean County, Illinois. Certiorari denied.

No. 71, Misc. *DEVITO ET AL. v. NEW JERSEY*. Court of Errors and Appeals of New Jersey. Certiorari denied. Reported below: 137 N. J. L. 302, 59 A. 2d 622.

No. 74, Misc. *FLANNIGAN v. RAGEN, WARDEN*. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 75, Misc. *WASHINGTON v. RAGEN, WARDEN*. Circuit Court of Will County, Illinois. Certiorari denied.

No. 76, Misc. *JURCZYSZYN v. MICHIGAN PAROLE BOARD*. Supreme Court of Michigan. Certiorari denied. Reported below: 316 Mich. 529, 25 N. W. 2d 609.

No. 77, Misc. *SHELTON v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Reported below: 83 U. S. App. D. C. 257, 169 F. 2d 665.

No. 81, Misc. *PIERCE v. SMITH, SUPERINTENDENT*. Supreme Court of Washington. Certiorari denied. Reported below: 31 Wash. 2d 52, 195 P. 2d 112.

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No. 82, Misc. *FRAZIER v. RAGEN, WARDEN*. Circuit Court of Will County, Illinois. Certiorari denied.

No. 83, Misc. *SLOBODION v. CALIFORNIA*. Supreme Court of California. Certiorari denied. Reported below: 31 Cal. 2d 555, 191 P. 2d 1.

No. 85, Misc. *SAXTON v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. Reported below: 400 Ill. 257, 79 N. E. 2d 601.

No. 89, Misc. *WILLIAMS ET AL. v. CALIFORNIA*. Supreme Court of California. Certiorari denied. Petitioner *pro se*. *Richard H. Chamberlain* for respondent. Reported below: 32 Cal. 2d 78, 195 P. 2d 393.

No. 91, Misc. *HIBBS v. OKLAHOMA*. Criminal Court of Appeals of Oklahoma. Certiorari denied. Reported below: 85 Okla. Cr. —, 190 P. 2d 156.

No. 92, Misc. *YANKOWSKI v. NEW YORK*. Court of General Sessions, New York County, New York. Certiorari denied.

No. 94, Misc. *STEWART v. RAGEN, WARDEN*. Circuit Court of Will County, Illinois. Certiorari denied.

No. 95, Misc. *RILEY v. CITIZENS NATIONAL BANK OF WACO*. Court of Civil Appeals, 10th Supreme Judicial District, of Texas. Certiorari denied. *H. S. Beard* for petitioner. *Philip Edward Teeling* for respondent. Reported below: 210 S. W. 2d 224, 227.

No. 97, Misc. *GATES v. CIRCUIT COURT OF HANCOCK COUNTY, ILLINOIS*. Circuit Court of Hancock County, Illinois. Certiorari denied.

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No. 105, Misc. MERRYMOOD *v.* RAGEN, WARDEN. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 107, Misc. MONTGOMERY *v.* RAGEN, WARDEN. Circuit Court of Lake County, Illinois. Certiorari denied.

No. 108, Misc. GARCIA *v.* NEW YORK. County Court of Broome County, New York. Certiorari denied. Reported below: See 272 App. Div. 1084, 74 N. Y. S. 2d 563.

No. 110, Misc. VAUGHN *v.* NIERSTHEIMER, WARDEN. Circuit Court of Williamson County, Illinois. Certiorari denied.

No. 111, Misc. ROGERS *v.* RAGEN, WARDEN. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 112, Misc. MEZO *v.* NIERSTHEIMER, WARDEN. Circuit Court of Williamson County, Illinois. Certiorari denied.

No. 113, Misc. COSSENTINO *v.* NEW YORK. Court of Appeals of New York. Certiorari denied. Reported below: See 273 App. Div. 901, 78 N. Y. S. 2d 925.

Rehearing Denied.

No. 49, October Term, 1947. SHAPIRO *v.* UNITED STATES, 335 U. S. 1. Rehearing denied.

No. 97, October Term, 1947. UNITED STATES *v.* HOFFMAN, 335 U. S. 77. Rehearing denied.

No. 74, October Term, 1947. POWNALL ET AL. *v.* UNITED STATES, 334 U. S. 742. Rehearing denied.

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No. 95, October Term, 1947. *ALEXANDER WOOL COMBING Co. v. UNITED STATES*, 334 U. S. 742. Rehearing denied.

No. 415, October Term, 1947. *TOOMER ET AL. v. WITSELL ET AL.*, 334 U. S. 385. Rehearing denied.

No. 432, October Term, 1947. *UNITED STATES v. ZAZOVE*, 334 U. S. 602. Rehearing denied.

No. 451, October Term, 1947. *COMSTOCK v. GROUP OF INSTITUTIONAL INVESTORS ET AL.*, 335 U. S. 211. Rehearing denied.

No. 541, October Term, 1947. *GRYGER v. BURKE, WARDEN*, 334 U. S. 728. Rehearing denied.

No. 584, October Term, 1947. *UNITED STATES EX REL. ACKERMANN v. O'ROURKE, OFFICER IN CHARGE*, 334 U. S. 858; and

No. 585, October Term, 1947. *UNITED STATES EX REL. ACKERMANN v. O'ROURKE, OFFICER IN CHARGE*, 334 U. S. 858. Rehearing denied.

No. 723, October Term, 1947. *LUDECKE v. WATKINS, DISTRICT DIRECTOR OF IMMIGRATION*, 335 U. S. 160. Rehearing denied.

No. 764, October Term, 1947. *DOWNES v. COMMISSIONER OF INTERNAL REVENUE*, 334 U. S. 832. Rehearing denied.

No. 775, October Term, 1947. *EUBANKS v. THOMPSON, RECEIVER*, 334 U. S. 854. Rehearing denied.

No. 796, October Term, 1947. *MASON v. MERCED IRRIGATION DISTRICT*, 334 U. S. 858. Rehearing denied.

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No. 366, October Term, 1947. *BAY RIDGE OPERATING CO., INC. v. AARON ET AL.*, 334 U. S. 446; and

No. 367, October Term, 1947. *HURON STEVEDORING CORP. v. BLUE ET AL.*, 334 U. S. 446. Rehearing denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of these applications. MR. JUSTICE FRANKFURTER, MR. JUSTICE JACKSON, and MR. JUSTICE BURTON are of opinion the petition for rehearing should be granted.

No. 470, October Term, 1947. *CLARK v. UNITED STATES*, 333 U. S. 833. Rehearing denied. MR. JUSTICE MURPHY and MR. JUSTICE JACKSON took no part in the consideration or decision of this application.

No. 489, October Term, 1947. *WEST v. OKLAHOMA TAX COMMISSION*, 334 U. S. 717. Motion to extend time to file petition for rehearing denied.

No. 532, October Term, 1947. *KOTT ET AL. v. UNITED STATES*, 333 U. S. 837. Motion for reconsideration of petition for rehearing or, in the alternative, for leave to file a second petition denied.

No. 697, October Term, 1947. *ALKER ET AL. v. FEDERAL DEPOSIT INSURANCE CORPORATION*, 334 U. S. 827. Motion for leave to file a second petition for rehearing and supplement thereto denied.

No. 210, Misc., October Term, 1947. *EASTER v. ILLINOIS*, 333 U. S. 882. Rehearing denied.

No. 387, Misc., October Term, 1947. *SANDERS v. JOHNSTON, WARDEN*, 334 U. S. 829. Rehearing denied.

No. 416, Misc., October Term, 1947. *MONTGOMERY ET AL. v. UNITED STATES*, 334 U. S. 834. Rehearing denied.

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No. 447, Misc., October Term, 1947. *WILSON v. ILLINOIS*, 334 U. S. 848. Rehearing denied.

No. 476, Misc., October Term, 1947. *DIXON v. ILLINOIS*, 334 U. S. 850. Rehearing denied.

No. 480, Misc., October Term, 1947. *MCCANN v. CLARK, ATTORNEY GENERAL*, 334 U. S. 842. Rehearing denied.

No. 490, Misc., October Term, 1947. *IN RE BODENMILLER*, 334 U. S. 831. Rehearing denied.

No. 504, Misc., October Term, 1947. *MOSS v. HUNTER, WARDEN*, 334 U. S. 860. Rehearing denied.

No. 507, Misc., October Term, 1947. *TATE v. HEINZE, WARDEN*, 334 U. S. 842. Rehearing denied.

No. 510, Misc., October Term, 1947. *ODELL v. HUDSPETH, WARDEN*, 334 U. S. 851. Rehearing denied.

No. 515, Misc., October Term, 1947. *JOHNSON v. STEWART, WARDEN*, 334 U. S. 851. Rehearing denied.

No. 518, Misc., October Term, 1947. *ASBELL v. STEWART, WARDEN*, 334 U. S. 851. Rehearing denied.

No. 540, Misc., October Term, 1947. *LUCAS v. TEXAS*, 334 U. S. 852. Rehearing denied.

No. 551, Misc., October Term, 1947. *FARRELL v. LANAGAN, WARDEN*, 334 U. S. 853. Rehearing denied.

No. 553, Misc., October Term, 1947. *HALL v. UNITED STATES*, 334 U. S. 853. Rehearing denied.

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No. 554, Misc., October Term, 1947. *GRAY v. UNITED STATES*, 334 U. S. 853. Rehearing denied.

No. 559, Misc., October Term, 1947. *SHOTKIN ET AL. v. THOMAS A. EDISON, INC.*, 334 U. S. 861. Rehearing denied.

No. 561, Misc., October Term, 1947. *SHOTKIN v. KAPLAN ET AL.*, 334 U. S. 857. Rehearing denied.

No. 306, Misc., October Term, 1947. *MCGOUGH v. UNITED STATES*, 334 U. S. 829. Petition for reconsideration of order denying rehearing denied.

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Certiorari Denied.

No. 149, Misc. *WILLIAMS v. DUFFY, WARDEN*. Supreme Court of California. *Certiorari* denied. Motion for a stay of execution denied. *Reginald Lyon Dyer* for petitioner. Reported below: 32 Cal. 2d 578, 197 P. 2d 341.

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Per Curiam Decision.

No. 10. *BELLASKUS v. CROSSMAN, OFFICER IN CHARGE, U. S. IMMIGRATION & NATURALIZATION SERVICE*. *Certiorari*, 333 U. S. 852, to the United States Court of Appeals for the Fifth Circuit. Argued October 13, 1948. Decided October 18, 1948. *Per Curiam*: Upon suggestion of the Solicitor General and consideration of the record, the judgment of the Court of Appeals is reversed and the cause is remanded to the District Court with directions to vacate its order discharging the rule to show cause and dismissing the petition for a writ of habeas corpus. *Peti-*

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tioner submitted on brief *pro se*. *Philip R. Monahan* argued the cause for respondent. With him on the brief were *Solicitor General Perlman* and *Robert S. Erdahl*. Reported below: 164 F. 2d 412.

Miscellaneous Orders.

No. 32, Misc. *McINTOSH v. PESCOR, WARDEN*. Motion for leave to file petition for writ of certiorari denied. Petitioner *pro se*. *Solicitor General Perlman, Robert S. Erdahl* and *Joseph M. Howard* for respondent.

No. 115, Misc. *WEBB v. ILLINOIS ET AL.* Petition for injunction denied.

No. 117, Misc. *BAYS v. HOWARD, WARDEN*. Motion for leave to file petition for writ of certiorari denied.

No. 136, Misc. *STELLOH v. WARDEN OF THE WISCONSIN STATE PRISON*; and

No. 146, Misc. *STEPHENSON v. NEW JERSEY*. Motions for leave to file petitions for writs of habeas corpus denied.

No. 122, Misc. *IN RE VETTER*;

No. 124, Misc. *ECKSTEIN v. UNITED STATES*;

No. 125, Misc. *IN RE UNRECHT*;

No. 126, Misc. *IN RE PFEIFFER ET AL.*;

No. 128, Misc. *IN RE FULSCHE*;

No. 133, Misc. *IN RE GRILL*; and

No. 145, Misc. *IN RE HANS*. 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.

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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.

No. 225. JOSEPHS *v.* COMMISSIONER OF INTERNAL REVENUE. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit dismissed on motion of counsel for the petitioner. *Floyd F. Toomey* for petitioner. Reported below: 168 F. 2d 233.

Certiorari Granted.

No. 117. RICE *v.* RICE. Supreme Court of Errors of Connecticut. Certiorari granted. *Daniel D. Morgan* for petitioner. *David M. Reilly* for respondent. Reported below: 134 Conn. 440, 58 A. 2d 523.

No. 231. UNITED STATES EX REL. HIRSHBERG *v.* MALANAPHY, COMMANDING OFFICER. C. A. 2d Cir. Certiorari granted. *John J. O'Neil* and *Harold Rosenwald* for petitioner. *Solicitor General Perlman* and *Frederick Bernays Wiener* for respondent. Reported below: 168 F. 2d 503.

No. 237. WISCONSIN ELECTRIC POWER Co. *v.* UNITED STATES. C. A. 7th Cir. Certiorari granted. *Van B. Wake* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Caudle* and *Ellis N. Slack* for the United States. Reported below: 168 F. 2d 285.

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Certiorari Denied. (See also Nos. 32 and 117 Misc., *supra.*)

No. 115. GUERRINI *v.* UNITED STATES. C. A. 2d Cir. *Certiorari denied.* *Arthur M. Becker* and *John W. Cragun* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Morison*, *Paul A. Sweeney*, *Leavenworth Colby* and *Morton Hollander* for the United States. Reported below: 167 F. 2d 352.

No. 134. RESEARCH LABORATORIES, INC. *v.* UNITED STATES. C. A. 9th Cir. *Certiorari denied.* *Carl McFarland*, *Ashley Sellers* and *Kenneth L. Kimble* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Quinn*, *Robert S. Erdahl*, *Vincent A. Kleinfeld* and *John T. Grigsby* for the United States. Reported below: 167 F. 2d 410.

No. 150. KIRKLAND ET AL. *v.* ATLANTIC COAST LINE RAILROAD Co. ET AL. United States Court of Appeals for the District of Columbia Circuit. *Certiorari denied.* *E. Smythe Gambrell*, *W. Glen Harlan* and *Llewellyn C. Thomas* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Bergson*, *Robert W. Ginnane* and *Fred E. Strine* for the National Mediation Board et al.; and *Clarence E. Weisell*, *Carl McFarland* and *Ashley Sellers* for the Brotherhood of Locomotive Engineers, respondents. Reported below: 83 U. S. App. D. C. 205, 167 F. 2d 529.

No. 214. GANTT *v.* FELIPE Y CARLOS HURTADO & CIA., LTDA. Supreme Court of New York, New York County. *Certiorari denied.* *Edward Jerome* for petitioner. *Frank Rashap* for respondent. Reported below: See 297 N. Y. 433, 79 N. E. 2d 815.

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No. 219. *BURNS ET AL. v. CALIFORNIA*. District Court of Appeal, 1st Appellate District, of California. Certiorari denied. *Simeon E. Sheffey* for petitioners. Reported below: 84 Cal. App. 2d 18, 189 P. 2d 868.

No. 221. *WASHINGTON PENSION UNION v. STATE OF WASHINGTON EX REL. ROBINSON*. Supreme Court of Washington. Certiorari denied. *Abraham J. Isserman* for petitioner. *Ford Q. Elvidge* for respondent. Reported below: 30 Wash. 2d 194, 191 P. 2d 241.

No. 229. *HOUNSELL, ADMINISTRATOR, v. WISCONSIN DEPARTMENT OF TAXATION ET AL.* Supreme Court of Wisconsin. Certiorari denied. *A. D. Sutherland* for petitioner. *Harold H. Persons*, Assistant Attorney General, for the Department of Taxation of Wisconsin, respondent. Reported below: 252 Wis. 138, 31 N. W. 2d 203.

No. 233. *BRODEL v. WARNER BROS. PICTURES, INC.* Supreme Court of California. Certiorari denied. *Max Radin* and *Wendell Lund* for petitioner. *Robert W. Perkins* and *Eugene D. Williams* for respondent. Reported below: 31 Cal. 2d 766, 192 P. 2d 949.

No. 235. *GLOBE SOLVENTS CO. v. THE CALIFORNIA*. C. A. 3d Cir. Certiorari denied. *Peter P. Zion* for petitioner. *Thomas E. Byrne, Jr.* for respondent. Reported below: 167 F. 2d 859.

No. 236. *BAYUK CIGARS, INC. v. PENNSYLVANIA*. Supreme Court of Pennsylvania. Certiorari denied. *Jerome J. Rothschild* for petitioner. *Harry F. Stambaugh* for respondent. Reported below: 359 Pa. 202, 58 A. 2d 445.

No. 240. *CENTRAL SURETY & INSURANCE CORP. v. ROYAL TRANSIT, INC.* C. A. 7th Cir. Certiorari denied.

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Suel O. Arnold for petitioner. *Eugene Wengert* for respondent. Reported below: 168 F. 2d 345.

No. 245. PHOENIX MUTUAL LIFE INSURANCE Co. v. NATIONAL LABOR RELATIONS BOARD. C. A. 7th Cir. Certiorari denied. *Owen Rall* for petitioner. *Solicitor General Perlman, Robert L. Stern, David P. Findling and Ruth Weyand* for respondent. Reported below: 167 F. 2d 983.

No. 246. ALLEN-BRADLEY Co. v. SQUARE D Co. C. A. 7th Cir. Certiorari denied. *Carlton Hill, Victor S. Beam and Louis Quarles* for petitioner. *J. Bernard Thiess and Sidney Neuman* for respondent. Reported below: 168 F. 2d 334.

No. 250. PABST ET AL. v. JOHN P. DANT DISTILLERY Co., INC. C. A. 6th Cir. Certiorari denied. *Herbert J. Jacobi* for petitioners. *Oldham Clarke* for respondent. Reported below: 169 F. 2d 168.

No. 254. CASCIO v. ARKANSAS. Supreme Court of Arkansas. Certiorari denied. *Kenneth C. Coffelt* for petitioner. *Guy E. Williams*, Attorney General of Arkansas, and *Oscar E. Ellis*, Assistant Attorney General, for respondent. Reported below: 213 Ark. 418, 210 S. W. 2d 897.

No. 256. McCOMB, WAGE & HOUR ADMINISTRATOR, v. HUNT FOODS, INC. C. A. 9th Cir. Certiorari denied. *Solicitor General Perlman and William S. Tyson* for petitioner. *Joseph R. Harmon, H. Thomas Austern and Howard P. Castle* for respondent. Reported below: 167 F. 2d 905.

No. 264. STANDARD OIL Co. ET AL. v. DROHAN ET AL., TRUSTEES, ET AL. C. A. 7th Cir. Certiorari denied.

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Richard P. Tinkham for petitioners. *James D. Lynch* and *Harold C. Hector* for respondents. Reported below: 168 F. 2d 761.

No. 271. *IN RE CARUBA*. Court of Chancery of New Jersey. Certiorari denied. *Jacob L. Newman* and *Joseph Weintraub* for petitioner. *John E. Toolan* for respondent. Reported below: 142 N. J. Eq. 358, 61 A. 2d 290.

No. 232. *SIMMONS v. FEDERAL COMMUNICATIONS COMMISSION*. United States Court of Appeals for the District of Columbia Circuit. Motion to designate "The WGAR Broadcasting Company" as a party respondent granted. Certiorari denied. *Paul M. Segal*, *Philip J. Hennessey, Jr.* and *Harry P. Warner* for petitioner. *Solicitor General Perlman*, *Benedict P. Cottone*, *Max Goldman* and *Richard A. Solomon* for the Federal Communications Commission; and *Louis G. Caldwell*, *Donald C. Beelar* and *Percy H. Russell, Jr.* for the WGAR Broadcasting Co., respondents. Reported below: 83 U. S. App. D. C. 262, 169 F. 2d 670.

No. 248. *WM. SCHLUDERBERG-T. J. KURDLE Co. v. RECONSTRUCTION FINANCE CORPORATION*. Emergency Court of Appeals. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this application. *Wilbur La Roe, Jr.*, *Arthur L. Winn, Jr.* and *Samuel H. Moerman* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Morison*, *Paul A. Sweeney* and *Morton Hollander* for respondent. Reported below: 169 F. 2d 419.

No. 19, Misc. *TUTHILL v. CALIFORNIA*. Supreme Court of California. Motion to defer consideration denied. Certiorari denied. Reported below: 31 Cal. 2d 92, 187 P. 2d 16.

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No. 67, Misc. *CAVALLUCCI v. BURKE, WARDEN*. Supreme Court of Pennsylvania. Certiorari denied.

No. 73, Misc. *ROBERTS v. CALIFORNIA*. Supreme Court of California. Certiorari denied. Reported below: See 82 Cal. App. 2d 654, 187 P. 2d 27.

No. 99, Misc. *GOODMAN v. SWENSON, WARDEN*. Court of Appeals of Maryland. Certiorari denied. Reported below: — Md. —, 60 A. 2d 527.

No. 100, Misc. *TEDFORD v. HEINZE, WARDEN*. Supreme Court of California. Certiorari denied. Reported below: 31 Cal. 2d 693, 192 P. 2d 3.

No. 114, Misc. *IN RE BARBER*. Criminal Court of Appeals of Oklahoma. Certiorari denied. Reported below: — Okla. Cr. —, 196 P. 2d 695.

No. 116, Misc. *MONAGHAN v. PENNSYLVANIA*. Supreme Court of Pennsylvania. Certiorari denied.

No. 123, Misc. *BYRNES v. CALIFORNIA*. Supreme Court of California. Certiorari denied. Reported below: See 84 Cal. App. 2d 64, 72, 190 P. 2d 286, 290.

No. 129, Misc. *SMITH v. RAGEN, WARDEN*. Circuit Court of Stark County, Illinois. Certiorari denied.

No. 130, Misc. *DEDERER v. NEW YORK*. Court of Appeals of New York. Certiorari denied. Reported below: 298 N. Y. 624, 81 N. E. 2d 359.

No. 132, Misc. *REED v. NIERSTHEIMER, WARDEN*. Circuit Court of St. Clair County, Illinois. Certiorari denied.

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No. 135, Misc. WILLIAMS *v.* NEW JERSEY. Supreme Court of New Jersey. Certiorari denied.

No. 137, Misc. MEYERS *v.* RAGEN, WARDEN. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 140, Misc. WILDE *v.* CALIFORNIA. Supreme Court of California. Certiorari denied. Reported below: See 82 Cal. App. 2d 879, 187 P. 2d 825.

No. 141, Misc. SKENE *v.* RAGEN, WARDEN. Circuit Court of Kane County, Illinois. Certiorari denied.

No. 142, Misc. RICHARDSON *v.* NEW YORK. Court of Appeals of New York. Certiorari denied.

No. 143, Misc. O'BRIEN *v.* MAYO, CUSTODIAN. Supreme Court of Florida. Certiorari denied. Reported below: 160 Fla. 776, 36 So. 2d 805.

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Per Curiam Decisions.

No. 11. DOUBLEDAY & Co., INC. *v.* NEW YORK. Appeal from the Court of Appeals of New York. Argued October 21, 1948. Decided October 25, 1948. *Per Curiam*: The judgment is affirmed by an equally divided Court. MR. JUSTICE FRANKFURTER took no part in the consideration or decision of this case. *Whitney North Seymour* argued the cause for appellant. With him on the brief was *George G. Gallantz*. *Whitman Knapp* argued the cause for appellee. With him on the brief was *Frank S. Hogan*. *Kenneth W. Greenawalt* filed a brief

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for the American Civil Liberties Union, as *amicus curiae*, urging reversal. Reported below: 297 N. Y. 687, 77 N. E. 2d 6.

No. 19. *PENN v. CHICAGO & NORTH WESTERN RAILWAY Co.* Certiorari, 333 U. S. 866, to the United States Court of Appeals for the Seventh Circuit. Argued October 14, 1948. Decided October 25, 1948. *Per Curiam*: The judgment is reversed. *Myers v. Reading Co.*, 331 U. S. 477. *Royal W. Irwin* argued the cause and filed a brief for petitioner. *Drennan J. Slater* argued the cause for respondent. With him on the brief was *Lowell Hastings*. Reported below: 163 F. 2d 995.

No. 319. *RING v. MARSH, SECRETARY OF STATE OF NEW JERSEY.* Appeal from the United States District Court for the District of New Jersey. *Per Curiam*: The appeal is dismissed for want of a substantial federal question. Reported below: 78 F. Supp. 914.

No. 324. *PIERCE ET AL. v. BOSTON*; and

No. 325. *MCCARTHY ET AL. v. BOSTON.* Appeals from the Superior Court of Massachusetts, County of Suffolk. *Per Curiam*: The motions to dismiss are granted and the appeals are dismissed for want of a substantial federal question. *Frank W. Grinnell* and *Richard Wait* for appellants. *William H. Kerr* for appellee. Reported below: No. 324, see 322 Mass. 709, 79 N. E. 2d 713.

Miscellaneous Orders.

No. 291. *MCCAFFREY v. ROYALL, SECRETARY OF THE ARMY*; and

No. 131, Misc. *MCCAFFREY v. ROYALL, SECRETARY OF THE ARMY.* In No. 291, the petition for writ of certiorari to the United States Court of Appeals for the District of

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Columbia Circuit is denied. In No. 131, Misc., the motion for leave to file petition for writ of habeas corpus is denied. *Dayton M. Harrington* and *James D. Graham, Jr.* for petitioner.

No. 9, Original. ILLINOIS *v.* INDIANA ET AL. The Third Special Report of the Special Master is approved. The amended bill of complaint is dismissed as to (1) Bates Expanded Steel Corporation, a Delaware corporation, now known as East Chicago Expanded Steel Company, pursuant to the stipulation entered into by and among the State of Illinois and the State of Indiana, City of East Chicago and Bates Expanded Steel Corporation (a Delaware corporation), now known as East Chicago Expanded Steel Company; (2) Bates Expanded Steel Corporation, an Indiana corporation, pursuant to joint motion entered into by and among the State of Illinois and the State of Indiana, the City of East Chicago and Bates Expanded Steel Corporation, an Indiana corporation; (3) Rogers Galvanizing Company, pursuant to joint motion entered into by and among the State of Illinois and the State of Indiana, the City of East Chicago and Rogers Galvanizing Company; (4) U. S. S. Lead Refinery, Inc., pursuant to joint motion entered into by and among the State of Illinois and the State of Indiana, the City of East Chicago and U. S. S. Lead Refinery, Inc. Costs against these defendants are to be taxed in accordance with the recommendations of the Special Master.

No. 9, Original. ILLINOIS *v.* INDIANA ET AL. The Third Interim Report of the Special Master dated September 7, 1948, is approved. The Court orders and directs the Special Master to continue the proceedings in accordance with the order of this Court dated February 17, 1947, 330 U. S. 799-800. The Court further orders

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that the recommendation of the Special Master as to the apportionment of costs be adopted and costs for the period from September 8, 1947, to September 7, 1948, inclusive, shall be taxed as recommended in the Third Interim Report.

No. 155, Misc. *IN RE ECKSTEIN*. Treating the application in this case 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 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.

No. 226. SECURITIES & EXCHANGE COMMISSION *v.* CENTRAL-ILLINOIS SECURITIES CORP. ET AL.;

No. 227. STREETER ET AL. *v.* CENTRAL-ILLINOIS SECURITIES CORP. ET AL.;

No. 243. HOME INSURANCE CO. ET AL. *v.* CENTRAL-ILLINOIS SECURITIES CORP. ET AL.; and

No. 266. CENTRAL-ILLINOIS SECURITIES CORP. ET AL. *v.* SECURITIES & EXCHANGE COMMISSION ET AL. C. A. 3d Cir. *Certiorari* granted. *Solicitor General Perlman* and *Roger S. Foster* for the Securities & Exchange Commission, petitioner in No. 226 and respondent in No. 266. *Lawrence R. Condon* and *Milton Maurer* for Streeter et

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al., petitioners in No. 227 and respondents in No. 266. *Francis H. Scheetz* for petitioners in No. 243. *Alfred Berman, Philip W. Amran* and *Abraham Shamos* for the Central-Illinois Securities Corp. et al., petitioners in No. 266 and respondents in Nos. 226, 227 and 243. *Louis Boehm* for White et al., respondents in Nos. 226, 227 and 243. *W. E. Tucker* and *Paul D. Miller* for the Engineers Public Service Co., respondent in Nos. 226 and 227. *Louis Boehm* filed a brief for White et al., as *amici curiae*, supporting petitioners in No. 266. Reported below: 168 F. 2d 722.

No. 228. *NYE & NISSEN ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari granted. *Joseph B. Keenan, Robert T. Murphy* and *Harold C. Faulkner* for petitioners. *Solicitor General Perlman, Robert S. Erdahl* and *Philip R. Monahan* for the United States. Reported below: 168 F. 2d 846.

No. 234. *REYNOLDS, ADMINISTRATRIX, v. ATLANTIC COAST LINE RAILROAD Co.* Supreme Court of Alabama. Certiorari granted. *J. Kirkman Jackson* for petitioner. *Charles Cook Howell* and *Peyton D. Bibb* for respondent. Reported below: 251 Ala. 27, 36 So. 2d 102.

Certiorari Denied. (See also No. 291, *supra.*)

No. 111. *ANCKER ET AL. v. CALIFORNIA*. Appellate Department of the Superior Court in and for the County of Los Angeles, California. Certiorari denied. *Abraham J. Isserman* for petitioners. *Ray L. Chesebro* for respondent.

No. 204. *CITY OF VERNON ET AL. v. CALIFORNIA*; and
No. 205. *CULVER CITY ET AL. v. CALIFORNIA*. District Court of Appeal, 2d Appellate District, of California.

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Certiorari denied. *John B. Milliken* for petitioners in No. 204. *M. Tellefson* and *Stuart M. Salisbury* for petitioners in No. 205. *Fred N. Howser*, Attorney General of California, and *Walter L. Bowers*, Assistant Attorney General, for respondent. Reported below: 83 Cal. App. 2d 627, 189 P. 2d 489.

No. 241. *BLANC v. SPARTAN TOOL CO.* C. A. 7th Cir. Certiorari denied. *Gordon F. Hook* for petitioner. *Arthur A. Olson* and *Thorley von Holst* for respondent. Reported below: 168 F. 2d 296.

No. 252. *CHAPMAN v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. *Michael F. Mulcahy* and *Henry W. Dieringer* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Caudle* and *Ellis N. Slack* for the United States. Reported below: 168 F. 2d 997.

No. 261. *REVERE LAND CO. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 3d Cir. Certiorari denied. *Earl F. Reed* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Ellis N. Slack*, *Lee A. Jackson* and *Irving I. Axelrad* for respondent. Reported below: 169 F. 2d 469.

No. 262. *MONTANA-DAKOTA UTILITIES CO. v. FEDERAL POWER COMMISSION ET AL.* C. A. 8th Cir. Certiorari denied. *John C. Benson* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Morison*, *Paul A. Sweeney*, *Melvin Richter*, *Lambert McAllister* and *S. W. Jensch* for the Federal Power Commission; and *L. E. Melrin* and *Charles E. Nieman* for the Mondakota Gas Co., respondents. Reported below: 169 F. 2d 392.

No. 274. *PASADENA RESEARCH LABORATORIES, INC. ET AL. v. UNITED STATES.* C. A. 9th Cir. Certiorari denied.

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R. Welton Whann and *Robert M. McManigal* for petitioners. *Solicitor General Perlman*, *Robert S. Erdahl* and *Josephine H. Klein* for the United States. Reported below: 169 F. 2d 375.

No. 281. *W. E. WRIGHT CO. v. McCOMB, WAGE & HOUR ADMINISTRATOR*. C. A. 6th Cir. Certiorari denied. *Edwin W. Brouse* for petitioner. *Solicitor General Perlman* for respondent. Reported below: 168 F. 2d 40.

No. 282. *ST. LOUIS AMUSEMENT CO. ET AL. v. PARAMOUNT FILM DISTRIBUTING CORP. ET AL.* C. A. 8th Cir. Certiorari denied. *Russell Hardy* and *Smith W. Brookhart* for petitioners. *Whitney North Seymour* and *Albert C. Bickford* for the Paramount Film Distributing Corp. et al.; and *S. Mayner Wallace* and *Edwin Foster Blair* for the American Arbitration Assn. et al., respondents. Reported below: 168 F. 2d 988.

No. 290. *MINSCH ET AL., INTERVENORS, ET AL. v. BAILEY ET AL.* C. A. 1st Cir. Certiorari denied. *Robert H. Davison*, *Lewis L. Wadsworth, Jr.* and *Charles B. Rugg* for petitioners. *George Trosk* for respondents. Reported below: 168 F. 2d 635.

No. 251. *PANHANDLE EASTERN PIPE LINE CO. v. FEDERAL POWER COMMISSION ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *John S. L. Yost*, *D. H. Culton*, *John W. Scott* and *Harry S. Littman* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Morison*, *Paul A. Sweeney*, *Melvin Richter* and *Louis W. McKernan* for the Federal Power Commission; and *Donald R. Richberg*, *Carl I. Wheat*, *Charles V. Shannon*, *Stanley M. Morley*, *Eugene F. Black*, Attorney General of Michigan, and

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Raymond J. Kelly for the Michigan-Wisconsin Pipe Line Co. et al., respondents. Reported below: 169 F. 2d 881.

No. 257. TEXAS *v.* BROWN ET AL. C. A. 7th Cir. Motion of the Chicago, Rock Island & Pacific Railroad Co. for leave to intervene as a party respondent granted. Certiorari denied. *Price Daniel*, Attorney General of Texas, for petitioner. *Kenneth F. Burgess* for Brown et al.; and *W. F. Peter* for the Chicago, Rock Island & Pacific Railroad Co., respondents. Reported below: 168 F. 2d 587.

No. 139, Misc. BOLDS *v.* RAGEN, WARDEN. Circuit Court of Will County, Illinois, and C. A. 7th Cir. Certiorari denied.

No. 144, Misc. DAY *v.* RAGEN, WARDEN. Circuit Court of Will County, Illinois. Certiorari denied.

No. 151, Misc. MEYERS *v.* RAGEN, WARDEN. Supreme Court of Illinois. Certiorari denied.

Rehearing Denied.

No. 22, Misc. October Term, 1947. LOWE *v.* UNITED STATES, 332 U. S. 777. Third petition for rehearing denied.

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Miscellaneous Orders.

No. 329. FILBEN MANUFACTURING CO., INC. ET AL. *v.* ROCK-OLA MANUFACTURING CORP. ET AL. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit dismissed on motion of counsel

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for the petitioners. *Paul J. Thompson, Ben W. Heine-
man and Max Swiren* for petitioners. Reported below:
168 F. 2d 919.

No. 143. *KRULEWITCH v. UNITED STATES*. The mo-
tion to enlarge the scope of review is denied. *Jacob W.
Friedman* for petitioner.

Nos. 270 and 428, October Term, 1947. *PARKER v.
ILLINOIS*. Petition denied.

No. 138, Misc. *GIBSON v. BURKE*;

No. 167, Misc. *RUTHVEN v. OVERHOLSER*; and

No. 169, Misc. *MOORE v. NEW JERSEY*. Motions for
leave to file petitions for writs of habeas corpus denied.

No. 153, Misc. *SMITH v. HOWARD, WARDEN*. Motion
for leave to file petition for writ of certiorari denied.

No. 156, Misc. *IN RE HEIM*. Treating the application
in this case 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 opin-
ion that there is want of jurisdiction. U. S. Constitution,
Article III, § 2, Clause 2; see *Ex parte Betz* and com-
panion 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 MUR-
PHY, and MR. JUSTICE RUTLEDGE are of the opinion that
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.

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Certiorari Granted.

No. 253. UNITED STATES *v.* PENN FOUNDRY & MANUFACTURING Co., INC. Court of Claims. Certiorari granted. *Solicitor General Perlman* for the United States. *Robert H. McNeill, David G. Bress, T. Bruce Fuller* and *Sheldon E. Bernstein* for respondent. Reported below: 110 Ct. Cl. 374, 75 F. Supp. 319.

No. 258. NATIONAL LABOR RELATIONS BOARD *v.* PITTSBURGH STEAMSHIP Co. C. A. 6th Cir. Certiorari granted. *Solicitor General Perlman* for petitioner. *Frederick L. Leckie* for respondent. Reported below: 167 F. 2d 126.

No. 298. DEFENSE SUPPLIES CORP. ET AL. *v.* LAWRENCE WAREHOUSE Co. ET AL. C. A. 9th Cir. Certiorari granted. *Solicitor General Perlman* for petitioners. *W. F. Williamson* and *W. R. Wallace, Jr.* for the Lawrence Warehouse Co.; and *Morris Lavine* for the Capitol Chevrolet Co., respondents. Reported below: 168 F. 2d 199.

No. 255. EISLER *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari granted. MR. JUSTICE BURTON took no part in the consideration or decision of this application. *David Rein, Abraham J. Isserman, Carol King* and *Joseph Forer* for petitioner. *Solicitor General Perlman, Robert S. Erdahl* and *Harold D. Cohen* for the United States. *Robert W. Kenny* filed a brief for the National Lawyers Guild, as *amicus curiae*, supporting the petition. Reported below: 83 U. S. App. D. C. 315, 170 F. 2d 273.

Certiorari Denied. (See also No. 153, Misc., *supra.*)

No. 269. RULLÁN *v.* BUSCAGLIA, TREASURER OF PUERTO RICO. C. A. 1st Cir. Certiorari denied. *Francis A. Ma-*

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hony and *Fred W. Llewellyn* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Ellis N. Slack* and *I. Henry Kutz* for respondent. Reported below: 168 F. 2d 401.

No. 273. *AKERS MOTOR LINES, INC. v. NEWMAN ET AL.* C. A. 5th Cir. Certiorari denied. *M. Neil Andrews* and *A. Walton Nall* for petitioner. *Samuel D. Hewlett* for respondents. Reported below: 168 F. 2d 1012.

No. 278. *COMMERCIAL CASUALTY INSURANCE CO. v. ROBERTS.* C. A. 6th Cir. Certiorari denied. *A. Shelby Winstead* for petitioner. *James Park* for respondent. Reported below: 168 F. 2d 23.

No. 284. *WHETSTONE v. STATE OF WASHINGTON.* Supreme Court of Washington. Certiorari denied. *Melville Monheimer* for petitioner. Reported below: 30 Wash. 2d 301, 191 P. 2d 818.

No. 286. *KELLER v. KELLER.* Supreme Court of Missouri. Certiorari denied. *J. M. Feigenbaum* for petitioner. Reported below: 212 S. W. 2d 789.

No. 288. *STRAUSS v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 2d Cir. Certiorari denied. *Roswell Magill* and *George G. Tyler* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Ellis N. Slack*, *Lee A. Jackson* and *Helen Goodner* for respondent. Reported below: 168 F. 2d 441.

No. 289. *LANSDEN ET AL. v. HART, U. S. ATTORNEY, ET AL.* C. A. 7th Cir. Certiorari denied. *John F. Donelan* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Vanech* and *Roger P. Marquis* for Hart et al., respondents. Reported below: 168 F. 2d 409.

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No. 296. ANSELMO *v.* CONNECTICUT (REPRESENTED BY COX, HIGHWAY COMMISSIONER). Supreme Court of Errors of Connecticut. Certiorari denied. *William J. Galvin, Jr.* for petitioner. Reported below: 135 Conn. 78, 60 A. 2d 767.

No. 305. GALION METALLIC VAULT CO. *v.* EDWARD G. BUDD MANUFACTURING CO. C. A. 3d Cir. Certiorari denied. *H. A. Toulmin, Jr., Clayton E. Crafts* and *H. H. Brown* for petitioner. *Charles H. Howson* and *Dexter N. Shaw* for respondent. Reported below: 169 F. 2d 72.

No. 306. BARNES-MANLEY WET WASH LAUNDRY CO. ET AL. *v.* AUTOMOBILE INSURANCE CO. C. A. 10th Cir. Certiorari denied. *William E. Leahy* and *William J. Hughes, Jr.* for petitioners. Reported below: 168 F. 2d 381.

No. 308. ASSOCIATED TELEPHONE & TELEGRAPH CO. ET AL. *v.* FEDERAL TELEPHONE & RADIO CORP. C. A. 3d Cir. Certiorari denied. *Casper W. Ooms, Harry B. Sutter* and *Charles M. Candy* for petitioners. *Paul Kollisch, Walter A. Darby* and *Edward D. Phinney* for respondent. Reported below: 169 F. 2d 1012.

No. 309. YORK CORPORATION *v.* REFRIGERATION ENGINEERING, INC. C. A. 9th Cir. Certiorari denied. *Alexander C. Neave* and *Clarence D. Kerr* for petitioner. *Leonard S. Lyon* for respondent. Reported below: 168 F. 2d 896.

No. 310. AMERICAN BARGE LINE CO. *v.* MURPHY. C. A. 3d Cir. Certiorari denied. *Frederick L. Leckie* for petitioner. Reported below: 169 F. 2d 61.

No. 314. UNITED STATES *v.* CAL-BAY CORPORATION ET AL. C. A. 9th Cir. Certiorari denied. *Solicitor General*

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Perlman for the United States. *A. J. Scampini* and *Walter E. Hettman* for respondents. Reported below: 169 F. 2d 15.

No. 315. CHAPMAN ET AL. *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. *Earl A. Brown* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Vanech*, *Roger P. Marquis* and *George S. Swarth* for the United States. Reported below: 169 F. 2d 641.

No. 338. GROSS INCOME TAX DIVISION *v.* STRAUSS. Supreme Court of Indiana. Certiorari denied. *Cleon H. Foust*, Attorney General of Indiana, and *John J. McShane*, Deputy Attorney General, for petitioner. *Donald R. Mote* for respondent. Reported below: 226 Ind. —, 79 N. E. 2d 103.

No. 339. GROSS INCOME TAX DIVISION *v.* QUICK. Supreme Court of Indiana. Certiorari denied. *Cleon H. Foust*, Attorney General of Indiana, and *John J. McShane*, Deputy Attorney General, for petitioner. *Albert Harvey Cole* for respondent. Reported below: 226 Ind. —, 78 N. E. 2d 871.

No. 342. ARSTEIN ET AL. *v.* ROBERT REIS & Co. Supreme Court of New York, New York County. Certiorari denied. *Lloyd B. Kanter* for petitioners. *Ethelbert Warfield* for respondent. Reported below: See 273 App. Div. 963, 79 N. Y. S. 2d 314.

No. 344. KESSLER *v.* MCGLONE, EXECUTOR, ET AL. Supreme Court of Appeals of Virginia. Certiorari denied. *Marcus Borchardt* for petitioner. *John A. K. Donovan* and *Cornelius H. Doherty* for respondents. Reported below: 187 Va. lxii.

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No. 349. SOUTHEASTERN GREYHOUND LINES ET AL. *v.* McCAFFERTY. C. A. 6th Cir. Certiorari denied. *R. W. Keenon* for petitioners. *Cecil C. Wilson* for respondent. Reported below: 169 F. 2d 1.

No. 280. LOCKE MACHINE Co. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 6th Cir. Certiorari denied. MR. JUSTICE BURTON took no part in the consideration or decision of this application. *Walker H. Nye* and *Thomas V. Koykka* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Ellis N. Slack*, *Lee A. Jackson* and *Harry Baum* for respondent. Reported below: 168 F. 2d 21.

No. 307. ADKINS ET AL. *v.* HAMILTON, TAX COLLECTOR. Supreme Court of Alabama. Certiorari denied. MR. JUSTICE BLACK took no part in the consideration or decision of this application. *Hugh A. Locke* for petitioners. *A. A. Carmichael*, Attorney General of Alabama, for respondent. Reported below: 250 Ala. 557, 35 So. 2d 183.

No. 311. MCGOWAN *v.* J. H. WINCHESTER & Co., INC.; and

No. 312. BURO *v.* AMERICAN PETROLEUM TRANSPORT CORP. ET AL. Petition for an extension of time *nunc pro tunc* to file petition for writs of certiorari denied. Petition for writs of certiorari to the United States Court of Appeals for the Second Circuit denied for the reason that application therefor was not made within the time provided by law. *Jacob Rassner*, *Nathan Baker* and *Thomas O'Rourke Gallagher* for petitioners. *John L. Quinlan* for respondents. Reported below: 168 F. 2d 924.

No. 334. LAWSON *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit.

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Certiorari denied. MR. JUSTICE BURTON took no part in the consideration or decision of this application. *Robert W. Kenny, Bartley C. Crum and Martin Popper* for petitioner. *Solicitor General Perlman* for the United States. *G. Leslie Field and George W. Crockett, Jr.* filed a brief for the National Lawyers Guild, as *amicus curiae*, supporting the petition.

No. 3, Misc. JONES *v.* RAGEN, WARDEN. Criminal Court of Cook County, Illinois. Certiorari denied. Petitioner *pro se.* *George F. Barrett*, Attorney General of Illinois, *William C. Wines* and *James C. Murray*, Assistant Attorneys General, for respondent.

No. 98, Misc. DONNELL *v.* MISSOURI. Supreme Court of Missouri. Certiorari denied.

No. 147, Misc. MAIKISCH *v.* NEW YORK. Court of Appeals of New York. Certiorari denied. *Charles V. Halley, Jr.* for petitioner. Reported below: 298 N. Y. 548, 81 N. E. 2d 94.

No. 150, Misc. FOSTER *v.* PENNSYLVANIA. Supreme Court of Pennsylvania. Certiorari denied.

No. 152, Misc. LALLY *v.* NEW YORK. Supreme Court of New York, County of Orleans. Certiorari denied. Reported below: See 273 App. Div. 840, 77 N. Y. S. 2d 795.

No. 157, Misc. MITCHELL *v.* NIERSTHEIMER, WARDEN. Supreme Court of Illinois. Certiorari denied.

No. 158, Misc. HOLT *v.* BENSON, WARDEN. Supreme Court of Michigan. Certiorari denied.

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No. 159, Misc. WILLIAMS *v.* RAGEN, WARDEN. Supreme Court of Illinois. Certiorari denied.

No. 160, Misc. DAVIS *v.* RAGEN, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 161, Misc. WILLIAMS *v.* NIERSTHEIMER, WARDEN. Circuit Court of Pike County, Illinois. Certiorari denied.

No. 163, Misc. AVELINO *v.* CALIFORNIA. Supreme Court of California. Certiorari denied. Reported below: See 81 Cal. App. 2d 934, 185 P. 2d 361.

No. 164, Misc. PRYOR *v.* CALIFORNIA. District Court of Appeal, 1st Appellate District, of California. Certiorari denied. Reported below: 87 Cal. App. 2d 352, 196 P. 2d 948.

No. 165, Misc. EVANS *v.* ILLINOIS. Circuit Court of Randolph County, Illinois. Certiorari denied.

No. 168, Misc. SEMBLY *v.* SWENSON. Court of Appeals of Maryland. Certiorari denied. Reported below: — Md. —, 60 A. 2d 526.

No. 174, Misc. SKINNER *v.* NIERSTHEIMER, WARDEN. Supreme Court of Illinois. Certiorari denied.

No. 175, Misc. WEHR *v.* RAGEN, WARDEN. Supreme Court of Illinois. Certiorari denied.

No. 182, Misc. THOMPSON *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

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Rehearing Denied.

No. 697, October Term, 1947. *ALKER ET AL. v. FEDERAL DEPOSIT INSURANCE CORPORATION*, 334 U. S. 827. Motion for leave to file a third petition for rehearing denied.

Nos. 103 and 104. *LOBAIDO v. MICHIGAN*, *ante*, p. 829. Rehearing denied.

No. 123. *CARTER CARBURETOR CORP. v. KINGSLAND, COMMISSIONER OF PATENTS*, *ante*, p. 819. Rehearing denied.

No. 141. *BORAK v. UNITED STATES*, *ante*, p. 821. Rehearing denied.

No. 183. *REMINGTON RAND, INC. v. ROYAL TYPEWRITER Co., INC.*, *ante*, p. 825. Rehearing denied.

No. 265. *NORTH AMERICAN Co. v. KOERNER, JUDGE*, *ante*, p. 803. Motion for leave to file petition for rehearing out of time under Rule 33 denied. Motion for a stay of the mandate also denied.

No. 771, October Term, 1943. *TELFIAN v. UNITED STATES*, 322 U. S. 737;

No. 1185, October Term, 1944. *TELFIAN v. SANFORD, WARDEN*, 325 U. S. 869; and

No. 63, Misc., October Term, 1947. *TELFIAN v. SANFORD, WARDEN*, 332 U. S. 781. Motion for leave to file petition for rehearing denied.

No. 519, Misc., October Term, 1947. *HARRIS v. CITY OF NEW YORK*, 334 U. S. 836. Second petition for rehearing denied.

No. 42, Misc. *EATON v. RAGEN, WARDEN*, *ante*, p. 832. Rehearing denied.

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No. 79, Misc. EX PARTE WHISTLER, *ante*, p. 805. Rehearing denied.

No. 95, Misc. RILEY *v.* CITIZENS NATIONAL BANK OF WACO, *ante*, p. 835. Rehearing denied.

No. 136, Misc. STELLOH *v.* WARDEN OF THE WISCONSIN STATE PRISON, *ante*, p. 841. Rehearing denied.

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Per Curiam Decisions.

No. 206. MURPHEY ET AL. *v.* REED ET AL., DOING BUSINESS AS M. T. REED CONSTRUCTION Co. On petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. *Per Curiam*: The petition for writ of certiorari is granted. The judgments below are vacated and the case remanded to the District Court with instructions to dismiss those causes of action involving solely construction work, and to reconsider the remaining causes of action in the light of the decision of this Court in *Kennedy v. Silas Mason Co.*, 334 U. S. 249. MR. JUSTICE RUTLEDGE is of the opinion that the case as a whole should be remanded to the District Court for further proceedings in view of the decision of this Court in *Kennedy v. Silas Mason Co.*, 334 U. S. 249. Dissenting: MR. JUSTICE BLACK, MR. JUSTICE DOUGLAS, and MR. JUSTICE MURPHY. *Webb M. Mize* for petitioners. *Charles S. Corben* for respondents. Reported below: 168 F. 2d 257.

No. 116. FOGEL *v.* UNITED STATES. Certiorari, *ante*, p. 811, to the United States Court of Appeals for the Fifth Circuit. *Per Curiam*: Upon consideration of the Government's confession of error and the record, the judgment of the Court of Appeals is reversed and the case is remanded to the District Court with directions to va-

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cate its order denying the motion for a new trial and to grant a new trial. *Maury Hughes* for petitioner. *Solicitor General Perlman, Assistant Attorney General Quinn, Robert S. Erdahl* and *Philip R. Monahan* for the United States. Reported below: 167 F. 2d 763.

No. 362. *MASICH v. UNITED STATES SMELTING, REFINING & MINING CO. ET AL.* Appeal from the Supreme Court of Utah. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a properly presented federal question. *Clarence M. Beck, William A. Hilton* and *Elias Hansen* for appellant. *Paul H. Ray* and *Charles A. Horsky* for appellees. Reported below: — Utah —, 191 P. 2d 612.

Miscellaneous Order.

No. 38. *LA CROSSE TELEPHONE CORP. v. WISCONSIN EMPLOYMENT RELATIONS BOARD ET AL.*; and

No. 39. *INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL B-953, A. F. OF L. v. WISCONSIN EMPLOYMENT RELATIONS BOARD ET AL.* Motion of Communications Workers of America, Division 23, to be made a party of record and to participate in oral argument denied. Leave is granted to file a brief as *amicus curiae*. *Donald J. Martin* for the Communications Workers of America. Reported below: 251 Wis. 583, 30 N. W. 2d 241.

Certiorari Granted. (See also No. 206, *supra*.)

No. 41, Misc. *GRIFFIN v. UNITED STATES.* United States Court of Appeals for the District of Columbia Circuit. *Certiorari* granted. Petitioner *pro se*. *Solicitor General Perlman, Robert S. Erdahl* and *Philip R. Monahan* for the United States.

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No. 127, Misc. GIBBS *v.* BURKE, WARDEN. Supreme Court of Pennsylvania. Certiorari granted.

Certiorari Denied.

No. 260. UNITED STATES EX REL. EICHENLAUB *v.* WATKINS, DISTRICT DIRECTOR OF IMMIGRATION & NATURALIZATION. C. A. 2d Cir. Certiorari denied. *Charles E. Wallington* for petitioner. *Solicitor General Perlman, Robert S. Erdahl and Josephine H. Klein* for respondent. Reported below: 167 F. 2d 659.

No. 277. BROTHERHOOD OF LOCOMOTIVE ENGINEERS ET AL. *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Carl McFarland, Ashley Sellers and Kenneth L. Kimble* for petitioners. *Solicitor General Perlman, Assistant Attorney General Morison, Samuel D. Slade and Morton Liftin* for the United States. Reported below: 84 U. S. App. D. C. —, 174 F. 2d 160.

No. 285. FIRST STATE BANK OF STRATFORD *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 5th Cir. Certiorari denied. *Sterling E. Kinney* for petitioner. *Solicitor General Perlman, Assistant Attorney General Caudle, Ellis N. Slack, Lee A. Jackson and Melva M. Graney* for respondent. Reported below: 168 F. 2d 1004.

No. 293. HICKEY & Co. ET AL. *v.* UNITED STATES ET AL. C. A. 5th Cir. Certiorari denied. *Allen Wight* for petitioners. *Solicitor General Perlman, Assistant Attorney General Morison, Newell A. Clapp, Paul A. Sweeney and Oscar H. Davis* for respondents. Reported below: 168 F. 2d 752.

No. 316. MULCAHY, TRUSTEE, *v.* NEW YORK, NEW HAVEN & HARTFORD RAILROAD Co. ET AL. C. A. 2d Cir.

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Certiorari denied. *Paul E. Troy* for petitioner. *Hermon J. Wells* for the New York, New Haven & Hartford Railroad Co., respondent. Reported below: 169 F. 2d 337.

No. 340. CINGRIGRANI ET AL. *v.* B. H. HUBBERT & SON, INC. C. A. 4th Cir. Certiorari denied. *I. Duke Avnet* for petitioners. *John H. Hessey* for respondent. Reported below: 168 F. 2d 993.

No. 345. HOUSTON, COUNTY TREASURER, *v.* McCORMACK ET AL., TRUSTEES OF RECLAMATION DISTRICT No. 1000. District Court of Appeal, 3d Appellate District, of California. Certiorari denied. *George Herrington* for petitioner. *Stephen W. Downey* and *C. F. Metteer* for respondents. Reported below: 84 Cal. App. 2d 665, 191 P. 2d 569.

No. 173, Misc. BOYLE *v.* RAGEN, WARDEN. Supreme Court of Illinois. Certiorari denied. Reported below: 460 Ill. 571, 81 N. E. 2d 444.

No. 181, Misc. SPICHER *v.* RAGEN, WARDEN. Circuit Court of Will County, Illinois. Certiorari denied.

Rehearing Denied.

No. 142. CAMPA *v.* UNITED STATES, *ante*, p. 821. Rehearing denied.

No. 162. EXCEL AUTO RADIATOR Co. *v.* BISHOP & BABCOCK MANUFACTURING Co., *ante*, p. 823. Rehearing denied.

No. 177. MASON *v.* PARADISE IRRIGATION DISTRICT, *ante*, p. 825. Rehearing denied.

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Miscellaneous Orders.

No. 188, Misc. HOWELL *v.* JONES, WARDEN ;

No. 191, Misc. PACK *v.* PERRY, SUPERINTENDENT; and

No. 192, Misc. MAHONEY *v.* CHAPMAN, SUPERINTENDENT. Motions for leave to file petitions for writs of habeas corpus denied.

No. 197, Misc. KADANS *v.* SULLIVAN, U. S. DISTRICT JUDGE. Motion for leave to file petition for writ of mandamus denied. *Joseph Kadans* for petitioner.

No. 422. UNITED STATES *v.* WATERS. Appeal from the United States District Court for the District of Columbia. Dismissed on motion of counsel for the appellant. *Solicitor General Perlman* for the United States. Reported below: 73 F. Supp. 72.

Certiorari Granted. (See also No. 1, Misc., *supra*, p. 331.)

No. 267. FARRELL *v.* UNITED STATES ET AL. C. A. 2d Cir. Certiorari granted. *Silas Blake Artell* and *Myron Scott* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Morison*, *Samuel D. Slade*, *Leavenworth Colby* and *Alvin O. West* for the United States, respondent. Reported below: 167 F. 2d 781.

No. 333. AERONAUTICAL INDUSTRIAL DISTRICT LODGE No. 727 *v.* CAMPBELL ET AL. C. A. 9th Cir. Certiorari granted. *Maurice J. Hindin* for petitioner. *Solicitor General Perlman* for Campbell et al.; and *Robert H. Canan* for the Lockheed Aircraft Corp., respondents. Reported below: 169 F. 2d 252.

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No. 351. COSMOPOLITAN SHIPPING CO., INC. *v.* McALLISTER. C. A. 2d Cir.; and

No. 360. FINK *v.* SHEPARD STEAMSHIP Co. Supreme Court of Oregon. Certiorari granted. *Solicitor General Perlman* for petitioner in No. 351 and respondent in No. 360. *B. A. Green* and *Edwin D. Hicks* for petitioner in No. 360. *Bertram J. Dembo* and *Jacob Rassner* for respondent in No. 351. Reported below: No. 351, 169 F. 2d 4; No. 360, 183 Ore. 373, 192 P. 2d 258.

No. 118, Misc. ZIMMERMAN *v.* MARYLAND. Court of Appeals of Maryland. Certiorari granted. *J. Cookman Boyd, Jr.* for petitioner. *Hall Hammond*, Attorney General of Maryland, and *Richard W. Case*, Assistant Attorney General, for respondent. Reported below: — Md. —, 59 A. 2d 675.

No. 162, Misc. GAYNOR *v.* AGWILINES, INC. C. A. 3d Cir. Certiorari granted. *Abraham E. Freedman* for petitioner. *Solicitor General Perlman* for respondent. Reported below: 169 F. 2d 612.

Certiorari Denied.

No. 318. SOUTH BUFFALO RAILWAY Co. *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Bruce Bromley* for petitioner. *Solicitor General Perlman*, *Robert S. Erdahl* and *Philip R. Monahan* for the United States. Reported below: 168 F. 2d 948.

No. 326. COLONELL *v.* GOODMAN ET AL. C. A. 3d Cir. Certiorari denied. *Thomas C. Egan* for petitioner. *Bernard G. Segal* and *Irving R. Segal* for respondents. Reported below: 169 F. 2d 275.

No. 328. KANSAS CITY TERMINAL RAILWAY Co. *v.* THOMPSON, TRUSTEE, ET AL. Supreme Court of Missouri. Certiorari denied. *Samuel W. Sawyer* and *Horace F.*

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Blackwell, Jr. for petitioner. *M. G. Roberts* and *Clifford B. Kimberly* for Thompson, Trustee; and *Edwin D. Franey* for Graham, Administratrix, respondents. Reported below: 357 Mo. 1133, 212 S. W. 2d 770.

No. 337. *DARR ET AL. v. MUTUAL LIFE INSURANCE CO.* C. A. 2d Cir. Certiorari denied. *Frederick E. Weinberg* for petitioners. *Joseph V. Lane, Jr.* for respondent. Reported below: 169 F. 2d 262.

No. 341. *UNITED FUNDS, INC. v. NEE, COLLECTOR OF INTERNAL REVENUE.* C. A. 8th Cir. Certiorari denied. *Daniel L. Brenner* for petitioner. *Solicitor General Perlman, Assistant Attorney General Caudle, Ellis N. Slack, Lee A. Jackson* and *Harry Marselli* for respondent. Reported below: 169 F. 2d 33.

No. 346. *ESTATE OF JOSEPHS v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 8th Cir. Certiorari denied. *Floyd F. Toomey* for petitioner. *Solicitor General Perlman, Assistant Attorney General Caudle, Ellis N. Slack* and *Morton K. Rothschild* for respondent. Reported below: 168 F. 2d 233.

No. 350. *LA SALLE-MADISON HOTEL Co. v. DENHAM.* C. A. 7th Cir. Certiorari denied. *Arthur Dixon* for petitioner. *David J. Kadyk, L. Duncan Lloyd* and *John L. Davidson* for respondent. Reported below: 168 F. 2d 576.

No. 354. *R. W. CLAXTON, INC. v. SCHAFF ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *James M. Earnest* and *Albert F. Beasley* for petitioner. *Caesar L. Aiello* and *Llewellyn C. Thomas* for respondents. Reported below: 83 U. S. App. D. C. 271, 169 F. 2d 303.

No. 358. *OWENS v. CURTISS CANDY Co.* C. A. 8th Cir. Certiorari denied. *Martin J. O'Donnell* for peti-

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tioner. *Irwin N. Walker* for respondent. Reported below: 169 F. 2d 179.

No. 363. *BOYLAN ET AL. v. DETRIO ET AL.* C. A. 5th Cir. Certiorari denied. *Sol M. Selig* for petitioners. *Webb M. Mize* and *R. W. Thompson, Jr.* for respondents. Reported below: 169 F. 2d 77.

No. 268. *WEBER v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Perlman, Robert S. Erdahl* and *Joseph M. Howard* for the United States. Reported below: 168 F. 2d 521.

No. 53, Misc. *MARTIN v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Perlman, Robert S. Erdahl* and *Joseph M. Howard* for the United States. Reported below: 168 F. 2d 1003.

No. 78, Misc. *HARRIS v. UNITED STATES.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Joseph A. McMenamini* for petitioner. *Solicitor General Perlman, Robert S. Erdahl* and *Joseph M. Howard* for the United States. Reported below: 83 U. S. App. D. C. 348, 169 F. 2d 887.

No. 90, Misc. *IN RE ELAM.* Supreme Court of Missouri. Certiorari denied. Petitioner *pro se.* *Irvin Fane* and *John B. Pew* for the Circuit Bar Committee, respondent. Reported below: 357 Mo. 922, 211 S. W. 2d 710.

No. 148, Misc. *THIEL v. SOUTHERN PACIFIC CO.* C. A. 9th Cir. Certiorari denied. *Allen Spivock* for petitioner. *Arthur B. Dunne* for respondent. Reported below: 169 F. 2d 30.

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No. 166, Misc. WALLACE *v.* RAGEN, WARDEN. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 189, Misc. DANIELS *v.* ASHE, WARDEN. Supreme Court of Pennsylvania. Certiorari denied.

No. 190, Misc. PRICE *v.* RAGEN, WARDEN. Circuit Court of McLean County, Illinois. Certiorari denied.

No. 195, Misc. BRABSON *v.* NEW YORK. Court of Appeals of New York. Certiorari denied. Reported below: See 284 N. Y. 381, 31 N. E. 2d 496.

No. 201, Misc. MACBLAIN *v.* PENNSYLVANIA. Supreme Court of Pennsylvania. Certiorari denied.

No. 203, Misc. MARTIN *v.* CALIFORNIA. Supreme Court of California. Certiorari denied.

No. 50, Misc. MEREDITH *v.* GOUGH, ACTING WARDEN. C. A. 5th Cir. Hiatt, Warden, substituted as party respondent. Certiorari denied. Petitioner *pro se*. *Solicitor General Perlman* and *Robert S. Erdahl* for respondent. Reported below: 168 F. 2d 193.

Rehearing Denied.

No. 19. PENN *v.* CHICAGO & NORTH WESTERN RAILWAY Co., *ante*, p. 849. Rehearing denied.

No. 233. BRODEL *v.* WARNER BROS. PICTURES, INC., *ante*, p. 844. Rehearing denied.

No. 241. BLANC *v.* SPARTAN TOOL Co., *ante*, p. 853. Rehearing denied.

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Certiorari Denied.

No. 244, Misc. *WHEELER v. REID*, SUPERINTENDENT. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Motion for reconsideration of the order denying stay of execution also denied. *James J. Laughlin* for petitioner.

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Per Curiam Decisions.

No. 263. *WIXMAN v. UNITED STATES*. On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. *Per Curiam*: The petition for writ of certiorari is granted. The judgment of the Court of Appeals affirming the judgment of the District Court is reversed for the reason that there is insufficient evidence in the record to support it. The judgment of the District Court is vacated and the case is remanded to that court for further proceedings. *A. L. Wirin* and *Fred Okrand* for petitioner. *Solicitor General Perlman* filed a memorandum for the United States suggesting that certiorari issue and that, without further argument, the judgment below be reversed and the cause remanded to the District Court. Briefs of *amici curiae* supporting the petition were filed by *Charles A. Horsky*, *Julien Cornell*, *Osmond K. Fraenkel* and *Arthur Garfield Hays* for the American Civil Liberties Union; *Robert W. Kenney* for the National Lawyers Guild et al.; and *Isaac Pacht*, *Clore Warne*, *Irving Hill*, *Shad Polier*, *William Maslow* and *Joseph B. Robison* for the American Jewish Congress. Reported below: 167 F. 2d 808.

No. 369. *BETHLEHEM STEEL Co. v. MOORES*. Appeal from the Supreme Judicial Court and the Superior Court

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of the County of Suffolk, Massachusetts. *Per Curiam*: The judgment is affirmed. *Davis v. Department of Labor*, 317 U. S. 249. *Wm. Dwight Whitney* for appellant. *Samuel B. Horovitz* for appellee. Reported below: See 323 Mass. 162, 80 N. E. 2d 478.

No. 393. *WISNER v. KAMINSKI*. Appeal from the Supreme Court of Ohio. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Ralph Atkinson* for appellant. *Henderson H. Carson* for appellee. Reported below: See 149 Ohio St. 488, 79 N. E. 2d 327.

No. 397. *BRADY TRANSFER & STORAGE CO. ET AL. v. UNITED STATES ET AL.* Appeal from the United States District Court for the Southern District of Iowa. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. *United States v. Carolina Freight Carriers Corp.*, 315 U. S. 475. *Rex H. Fowler, John S. Burchmore, Robert N. Burchmore* and *Nuel D. Belnap* for the Brady Transfer & Storage Co.; and *James E. Wilson* for the Irregular Route Common Carrier Conference of the American Trucking Assns., Inc., appellants. *Solicitor General Perlman* and *Daniel W. Knowlton* for the United States et al., appellees. Reported below: 80 F. Supp. 110.

No. 400. *HALL v. VIRGINIA*. Appeal from the Supreme Court of Appeals of Virginia. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed. MR. JUSTICE DOUGLAS and MR. JUSTICE MURPHY are of opinion that probable jurisdiction should be noted. *Hayden C. Covington* and *Thos. H. Stone* for appellant. *J. Lindsay Almond, Jr.* for appellee. Reported below: 188 Va. 72, 49 S. E. 2d 369.

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*Miscellaneous Orders.*No. 239, Misc. HIROTA *v.* MACARTHUR ET AL.;No. 240, Misc. DOHIHARA *v.* MACARTHUR ET AL.; andNo. 248, Misc. KIDO ET AL. *v.* MACARTHUR ET AL.

The Court desires to hear argument upon the questions presented by the motions for leave to file petitions for writs of habeas corpus. Action upon the motions for leave to file will be withheld meanwhile, and the motions are set down for oral argument on Thursday, December 16, 1948. 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. MR. JUSTICE JACKSON has filed a memorandum stating his views. *David F. Smith* for petitioners in Nos. 239 and 240. *George Yamaoka* was also of counsel in No. 239. *John W. Crandall* and *Ben Bruce Blakeney* for petitioners in No. 248.

MR. JUSTICE JACKSON:

Four members of this Court feel that the Japanese convicted of war crimes should have some form of relief, at least tentative, from this Court. The votes of these are not enough to grant it but, if I refrain from voting, they constitute one-half of the sitting Court. As I understand it, these Justices do not commit themselves as to whether there is any constitutional power in this Court to entertain these proceedings but only feel that they would like to hear argument to enlighten them in reaching a determination of that issue. They feel it so strongly that they not only favored grant of relief in conference, but, having failed, announce their dissent to the public—an interested section of which consists of our late enemies and allies in the Orient. This perhaps is all that these Justices could do consistently with the course that

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they have already taken in several German cases.¹ This is their right, and I point it out not to question the right but as one of the facts which confronts me in deciding my own course.

On the other hand, four other Justices are convinced, from their study of the question, that there is no constitutional jurisdiction whatever in this Court over the subject matter. To interfere and assume to review it would in that view constitute an unwarranted interference with delicate affairs that are in no way committed to the jurisdiction of this Court. These four Justices having satisfied themselves that this Court is without lawful power, have consistently refused to take action which would usurp it, even tentatively, in the German cases. Of course, they could not consistently, with equal justice under law, apply a different jurisdictional rule to these cases than they have to those of the Germans.

By reason of nonparticipation in the German cases, for reasons which are obvious, I remain uncommitted on the jurisdictional issues. My nonparticipation has prevented their resolution heretofore and I must decide whether another nonparticipation will prevent it now. The issue transcends the particular litigation.

This public division of the Court, equal if I do not participate, puts the United States before the world, and

¹ See, e. g., *Milch v. United States*, 332 U. S. 789; *Brandt v. United States*, 333 U. S. 836; *Brack v. United States*, 333 U. S. 836; *Gebhardt v. United States*, 333 U. S. 836; *Hoven v. United States*, 333 U. S. 836; *Mrugowsky v. United States*, 333 U. S. 836; *Sievers v. United States*, 333 U. S. 836; *Fischer v. United States*, 333 U. S. 836; *Genzken v. United States*, 333 U. S. 836; *Handloser v. United States*, 333 U. S. 836; *Rose v. United States*, 333 U. S. 836; *Schroeder v. United States*, 333 U. S. 836; *Becker-Freyseng v. United States*, 333 U. S. 836; *Everett v. Truman*, 334 U. S. 824; *In re Ehlen*, 334 U. S. 836; *In re Girke*, 334 U. S. 836; *In re Gronwald*, 334 U. S. 857; *In re Wentzel*, 335 U. S. 805; *In re Hans*, 335 U. S. 841; *In re Heim*, 335 U. S. 856; *In re Eckstein*, 335 U. S. 851.

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particularly before Oriental peoples, in this awkward position: Having major responsibility for the capture of these Japanese prisoners, it also has considerable responsibility for their fate. If their plea ends in stalemate in this Court, the authorities have no course but to execute sentences which half of this Court tells the world are on so doubtful a legal foundation that they favor some kind of provisional relief and fuller review. The fact that such a number of men so placed in the United States are of that opinion would for all time be capitalized in the Orient, if not elsewhere, to impeach the good faith and to discredit the justice of this country, and to comfort its critics and enemies.

The other possible course is to assert tentatively a jurisdiction in this Court to stay and order hearings in these proceedings. This is likewise bound to embarrass the United States. On American initiative, under direction of the President as Commander-in-Chief, this country invited our Pacific allies, on foreign soil, to cooperate in conducting a grand inquest into the alleged crimes, including the war guilt, of these defendants. Whatever its real legal nature, it bears the outward appearance of an international enterprise, undertaken on our part under the war powers and control of foreign affairs vested in the Executive. For this Court now to call up these cases for judicial review under exclusively American law can only be regarded as a warning to our associates in the trials that no commitment of the President or of the military authorities, even in such matters as these, has finality or validity under our form of government until it has the approval of this Court. And since the Court's approval or disapproval cannot be known until after the event—usually long after—it would substantially handicap our country in asking other nations to rely upon the word or act of the President in affairs which only he is competent to conduct.

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In this equal division each side's position is taken after long and frequent consideration and repeated public announcement in the German cases. The one group of Justices can hardly fail to proffer to the Japanese an opportunity to argue reviewability which they have consistently announced should be allowed to the Germans. Neither can the other side extend to the Japanese opportunities which they have consistently denied to the Germans. The fact that neither side in good grace can retreat puts to me disagreeable alternatives as to whether I should break the deadlock or permit it to continue.

I do not regard myself as under a legal disqualification in these Japanese cases under the usages as to disqualification which prevail in this Court. While I negotiated the international Charter under which the Nazi war criminals were tried and also represented the United States in that Four-Power trial, the Japanese were not tried under that Charter but under a later and, in respects relevant to the present controversy, a somewhat different charter, promulgated by different authority. Of course, I participated in formulating basic rules on the subject of war crimes. But it is not the custom of this Court that a Justice disqualifies from passing on a particular case because he actively participated as a Senator or Representative in making the law under which it was tried. Nor has it been considered necessary to disqualify himself because he had handled cases which involved the same law or crimes as those involved in the case before him. I have had no participation either in the basic decision to hold war crimes trials in the Orient or as to the manner in which they should be conducted. Nevertheless, I have been so identified with the subject of war crimes that, if it involved my personal preferences alone, I should not sit in this case.

But the issues here are truly great ones. They only involve decision of war crimes issues secondarily, for

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primarily the decision will establish or deny that this Court has power to review exercise of military power abroad and the President's conduct of external affairs of our Government. The answer will influence our Nation's reputation for continuity of policy for a long time to come. For these reasons I decided at Saturday's conference to break the tie in the Japanese cases. The horns between which I must choose in the dilemma are such, as I have pointed out, that it is a choice between evils. The reasons which guide me to a choice are these:

If I add my vote to those who favor denying these applications for want of jurisdiction, it is irrevocable. The Japanese will be executed and their partisans will forever point to the dissents of four members of the Court to support their accusation that the United States gave them less than justice. This stain, whether deserved or not, would be impressed upon the record of the United States in Oriental memory. If, however, I vote with those who would grant temporary relief, it may be that fuller argument and hearing will convert one or more of the Justices on one side or the other from the views that have equally divided them in the German cases. In those cases I did not feel at liberty to cast the deciding vote and there was no course to avoid leaving the question unresolved. But here I feel that a tentative assertion of jurisdiction, which four members of the Court believe does not exist, will not be irreparable if they ultimately are right. To let the sentences be executed against the dissent of four members will be irreparably injurious even if they are wrong, and if their minds are open, as it is understood, to further persuasion, I would not want to be responsible for eliminating even a faint chance of avoiding dissents in this matter. Our allies are more likely to understand and to forgive any assertion of excess jurisdiction against this background than our enemies would be to understand

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or condone any excess of scruple about jurisdiction to grant them a hearing.

It is fair to counsel to say that I intend to sit and hear argument at the hearing which I am voting to grant. I shall hope not to participate in the final decision but as to that, I reserve full freedom of decision.

For the present, it is enough that I vote with JUSTICES BLACK, DOUGLAS, MURPHY and RUTLEDGE, who have consistently noted their dissent in war crimes cases, for whatever temporary restraints or writs they see fit to grant for the purpose of bringing on any hearings or arguments they want to hear as a basis for reaching their final decision on the merits. Needless to say, in doing this I express neither approval nor disapproval of the course they have taken and intimate no views on the constitutional issues involved. I have thought, however, that a candid disclosure of the considerations which influence me is due, not only to the litigants in these cases and to those in the previous German cases, but in justice to the Court and to myself.

Time is important in these cases. I notified the full Court of my position on December 4, as soon as I knew the positions others took on this case, in order that no delay may be chargeable to my indecisions. I hope these cases will now be set for the earliest possible hearing. I also indulge the hope that argument will produce a majority decision of the Court without further intervention from one who has been so identified with controversial phases of war crimes law that he cannot expect others to consider him as detached and dispassionate on the subject as he thinks himself to be.

No. 13. UNITED STATES *v.* URBUTEIT. Order entered amending notation of dissent to opinion. Notation reported as amended, *ante*, p. 358.

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No. 231. UNITED STATES EX REL. HIRSHBERG *v.* MALANAPHY, COMMANDING OFFICER. Cooke substituted as the party respondent.

No. 154, Misc. McLaurin *v.* MURRAH ET AL. Motion for leave to withdraw the petition for writ of mandamus granted and the clerk is authorized to return the record to the District Court. *Thurgood Marshall, Amos T. Hall, William R. Ming, Jr., James M. Nabrit, Marian Wynn Perry and Frank D. Reeves* for petitioner.

No. 231, Misc. ADCOCK ET AL. *v.* ALBRITTON ET AL. Motion for leave to file petition for writs of injunction and mandamus denied. MR. JUSTICE BLACK took no part in the consideration or decision of this application. *Thurman Arnold* for petitioners.

No. 246, Misc. FOLSOM ET AL. *v.* ALBRITTON ET AL. Motion for leave to file petition for injunction or other extraordinary relief denied. MR. JUSTICE BLACK took no part in the consideration or decision of this application. *Thurman Arnold, Jack Crenshaw, Files Crenshaw and James J. Mayfield* for petitioners.

No. 212, Misc. ENGLE *v.* STEWART, WARDEN;

No. 225, Misc. IN RE TRANT; and

No. 230, Misc. SCHUMAN *v.* HEINZE, WARDEN. Motions for leave to file petitions for writs of habeas corpus denied.

Certiorari Granted. (See also No. 263, *supra.*)

No. 292. SMITH *v.* UNITED STATES. C. A. 2d Cir. *Certiorari* granted. *Julian C. Tepper* for petitioner. *Solicitor General Perlman, Robert S. Erdahl and Harold D. Cohen* for the United States. Reported below: 169 F. 2d 856.

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No. 299. UNITED STATES *v.* GERLACH LIVE STOCK CO.;
No. 300. UNITED STATES *v.* POTTER;
No. 301. UNITED STATES *v.* ERRECA;
No. 302. UNITED STATES *v.* JAMES J. STEVINSON (A CORPORATION);
No. 303. UNITED STATES *v.* STEVINSON; and
No. 304. UNITED STATES *v.* 3-H SECURITIES CO.
Court of Claims. Certiorari granted. *Solicitor General Perlman* for the United States. *Edward F. Treadwell* and *Reginald S. Laughlin* for respondents. Reported below: 111 Ct. Cl. 1, 89, 76 F. Supp. 87, 99.

No. 313. COMMISSIONER OF INTERNAL REVENUE *v.* CULBERTSON ET AL. C. A. 5th Cir. Certiorari granted. *Solicitor General Perlman* for petitioner. *Benjamin L. Bird* for respondents. Reported below: 168 F. 2d 979.

No. 355. CALIFORNIA *v.* ZOOK ET AL. Appellate Department of the Superior Court in and for the County of Los Angeles, California. Certiorari granted. *Ray L. Chesebro* and *John L. Bland* for petitioner. *Frank W. Woodhead* for respondents. Reported below: 87 Cal. App. 2d 921, 197 P. 2d 851.

No. 135. UNITED STATES *v.* GRIFFIN ET AL., RECEIVERS; and

No. 198. JONES, RECEIVER, *v.* UNITED STATES. Court of Claims. In No. 135, Jones, present receiver for Georgia & Florida Railroad, substituted as the party respondent. Certiorari granted. *Solicitor General Perlman* for the United States. With him on a memorandum in No. 198 were *Assistant Attorney General Morison*, *Paul A. Sweeney* and *Morton Liftin*. *Moultrie Hitt* for respondents in No. 135 and petitioner in No. 198. Reported below: 110 Ct. Cl. 330, 77 F. Supp. 197.

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No. 387. *TRANSCONTINENTAL & WESTERN AIR, INC. v. CIVIL AERONAUTICS BOARD*. United States Court of Appeals for the District of Columbia Circuit. Certiorari granted. MR. JUSTICE REED took no part in the consideration or decision of this application. *Gerald B. Brophy* for petitioner. *Solicitor General Perlman* for respondent. Reported below: 83 U. S. App. D. C. 358, 169 F. 2d 893.

Certiorari Denied.

No. 193. *WASHINGTON v. ARKANSAS*. Supreme Court of Arkansas. Certiorari denied. *Leon A. Ransom* for petitioner. *Guy E. Williams*, Attorney General of Arkansas, and *Oscar E. Ellis*, Assistant Attorney General, for respondent. Reported below: 213 Ark. 218, 210 S. W. 2d 307.

No. 218. *HENDERSON v. SHELL OIL CO., INC. ET AL.* Supreme Court of Texas. Certiorari denied. *Douglas H. Jones*, *Douglas L. C. Jones* and *Joe E. Estes* for petitioner. *Geo. W. Cunningham* for the Shell Oil Co.; and *Leslie Humphrey* for Mount, respondents. Reported below: 146 Tex. 467, 208 S. W. 2d 863.

No. 238. *ERRECA ET AL. v. UNITED STATES*. Court of Claims. Certiorari denied. *Edward F. Treadwell* and *Reginald S. Laughlin* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Vanech* and *Roger P. Marquis* for the United States. Reported below: 111 Ct. Cl. 1, 76 F. Supp. 87.

No. 294. *DEEB v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Fred H. Rees* for petitioner. *Solicitor General Perlman*, *Robert S. Erdahl* and *Harold D. Cohen* for the United States. Reported below: 169 F. 2d 856.

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No. 295. *DIGGS v. MICHIGAN*. Supreme Court of Michigan. Certiorari denied. *George Stone* for petitioner. *Eugene F. Black*, Attorney General of Michigan, *Edmund E. Shepherd*, Solicitor General, *Daniel J. O'Hara*, Assistant Attorney General, and *H. H. Warner* for respondent. Reported below: 321 Mich. 303, 32 N. W. 2d 728.

No. 332. *UNITED STATES v. PFOTZER ET AL.* Court of Claims. Certiorari denied. *Solicitor General Perlman* for the United States. *John W. Gaskins* for respondents. Reported below: 111 Ct. Cl. 184, 77 F. Supp. 390.

No. 335. *JOSEPH MARTINELLI & Co., INC. v. L. GILLARDE Co.* C. A. 1st Cir. Certiorari denied. *Arthur V. Getchell* for petitioner. *Henry J. Stein* for respondent. Reported below: 169 F. 2d 60.

No. 343. *UNITED SHOE MACHINERY CORP. v. KAMBORIAN ET AL.* C. A. 1st Cir. Certiorari denied. *Merwin F. Ashley* for petitioner. *Charles S. Grover* for respondents. Reported below: 169 F. 2d 249.

No. 347. *RAINEY v. CARTLIDGE ET AL.* C. A. 5th Cir. Certiorari denied. *Duke Duvall* for petitioner. Reported below: 168 F. 2d 841.

Nos. 352 and 353. *KENT FOOD CORP. ET AL. v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. *Jacob Rasser* for petitioners. *Solicitor General Perlman* and *Robert S. Erdahl* for the United States. Reported below: 168 F. 2d 632.

No. 356. *CENTURY INDEMNITY Co. v. ROSENBAUM, TRUSTEE IN BANKRUPTCY, ET AL.* C. A. 2d Cir. Certiorari denied. *Samuel Gottesman* for petitioner. *Chaun-*

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cey H. Levy and *Sidney Basil Levy* for Rosenbaum, Trustee in Bankruptcy, respondent. Reported below: 168 F. 2d 917.

No. 359. *DELOZIER v. THOMPSON, TRUSTEE, ET AL.* C. A. 8th Cir. Certiorari denied. *Leon B. Catlett* for petitioner. Reported below: See 167 F. 2d 626.

No. 364. *FLISS ET AL. v. WOODS, ACTING HOUSING EXPEDITER.* C. A. 7th Cir. Certiorari denied. *Vernon Tittle* for petitioners. Reported below: 168 F. 2d 612.

No. 367. *JARRETT ET AL. v. NORFOLK REDEVELOPMENT & HOUSING AUTHORITY.* C. A. 4th Cir. Certiorari denied. *Louis B. Fine* for petitioners. *Edward R. Baird* and *George M. Lanning* for respondent. Reported below: 169 F. 2d 409.

No. 368. *BRATT ET AL. v. WESTERN AIR LINES, INC.* C. A. 10th Cir. Certiorari denied. *William H. DeParcq* and *Parnell Black* for petitioners. *Arthur E. Moreton* for respondent. Reported below: 169 F. 2d 214.

No. 187. *WATCHTOWER BIBLE & TRACT SOCIETY, INC. ET AL. v. METROPOLITAN LIFE INSURANCE Co.* Supreme Court of New York, New York County. Certiorari denied. MR. JUSTICE DOUGLAS and MR. JUSTICE MURPHY are of opinion the petition should be granted. *Hayden C. Covington* and *Grover C. Powell* for petitioners. *Stuart N. Updike* and *James W. Rodgers* for respondent. Reported below: See 297 N. Y. 339, 79 N. E. 2d 433.

No. 317. *BENZIAN v. GODWIN ET AL.* C. A. 2d Cir. Certiorari denied. MR. JUSTICE JACKSON took no part in the consideration or decision of this application.

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David Mackay and *Sidney A. Diamond* for petitioner. *Solicitor General Perlman* for respondents. Reported below: 168 F. 2d 952.

No. 320. BATTAGLIA ET AL. *v.* GENERAL MOTORS CORP.;

No. 321. HOLLAND ET AL. *v.* GENERAL MOTORS CORP.;

No. 322. HILGER ET AL. *v.* GENERAL MOTORS CORP.;

and

No. 323. CASHEBA *v.* GENERAL MOTORS CORP. C. A. 2d Cir. Certiorari denied. *Manly Fleischmann* and *David Diamond* for petitioners. *Henry M. Hogan* and *Nicholas J. Rosiello* for respondent. *Charles J. Margiotti* filed a brief for Thomas et al., as *amici curiae*, supporting the petition. Reported below: 169 F. 2d 254.

No. 331. WOODMANSEE *v.* CALIFORNIA. Supreme Court of California. Certiorari denied. *Thomas J. Riordan* for petitioner. Reported below: 32 Cal. 2d 105, 194 P. 2d 681.

No. 434. ADCOCK ET AL. *v.* ALBRITTON ET AL. Supreme Court of Alabama. Certiorari denied. MR. JUSTICE BLACK took no part in the consideration or decision of this application. *Thurman Arnold* for petitioners.

No. 134, Misc. TRAHAN *v.* LOUISIANA. Supreme Court of Louisiana. Certiorari denied. Reported below: 214 La. 100, 36 So. 2d 652.

No. 170, Misc. BUTLER *v.* NIERSTHEIMER, WARDEN. Circuit Court of Hancock County, Illinois. Certiorari denied.

No. 176, Misc. MURPHY *v.* RAGEN, WARDEN. Criminal Court of Cook County, Illinois. Certiorari denied.

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No. 198, Misc. *WHITE v. NIERSTHEIMER, WARDEN.* City Court of the City of East St. Louis, Illinois. Certiorari denied.

No. 199, Misc. *BAILEY v. NIERSTHEIMER, WARDEN.* Circuit Court of Randolph County, Illinois. Certiorari denied.

No. 200, Misc. *SELLERS v. RAGEN, WARDEN.* Circuit Court of Will County, Illinois. Certiorari denied.

No. 213, Misc. *HIRSCH v. NEW YORK.* Court of General Sessions, New York County, Part VIII, New York. Certiorari denied.

No. 214, Misc. *SHOTKIN v. PERKINS ET AL.* Supreme Court of Colorado. Certiorari denied. Reported below: See 118 Colo. 584, 199 P. 2d 295.

No. 217, Misc. *NEW v. STEWART, WARDEN.* Supreme Court of Missouri. Certiorari denied.

No. 219, Misc. *SHOTKIN v. BURKE ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 170 F. 2d 368.

Rehearing Denied.

No. 211. *KELLEY v. UNION TANK & SUPPLY Co., ante*, p. 827. Motion for leave to file petition for rehearing denied.

No. 288. *STRAUSS v. COMMISSIONER OF INTERNAL REVENUE, ante*, p. 858. Rehearing denied.

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DECEMBER 8, 1948.

Miscellaneous Order.

No. 258, Misc. WHEELER ET AL. *v.* REID, SUPERINTENDENT. Motion for leave to file petition for writ of certiorari denied. *James J. Laughlin* for petitioner.

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Miscellaneous Order.

No. 260, Misc. WHEELER *v.* CLEMMER. Motion for leave to file petition for writ of habeas corpus denied, and motion for stay of execution also denied.

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Per Curiam Decisions.

No. 414. RING ET AL., TRADING AS R. & B. TRUCK & PARTS CO., *v.* MAYOR AND COUNCIL OF THE BOROUGH OF NORTH ARLINGTON. Appeal from the Supreme Court of New Jersey. *Per Curiam*: The appeal is dismissed for the want of a substantial federal question. *Abraham Alboum* for appellants. Reported below: 1 N. J. 24, 61 A. 2d 508.

No. 433. HODGE ET AL. *v.* TULSA COUNTY ELECTION BOARD ET AL. Appeal from the United States District Court for the Northern District of Oklahoma. *Per Curiam*: The judgment is vacated and the case is remanded with directions to dismiss the cause as moot. *Mills v. Green*, 159 U. S. 651; *United States v. Anchor Coal Co.*, 279 U. S. 812. *Amos T. Hall* for appellants. Reported below: — F. Supp. —.

No. 86, Misc. ROBERTS *v.* MEMPHIS STREET RAILWAY Co. On petition for writ of certiorari to the United

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States Court of Appeals for the Sixth Circuit. *Per Curiam*: Petition for writ of certiorari granted. The order of the Court of Appeals is vacated and the case is remanded to that court for further consideration in the light of the opinion of this Court in *Adkins v. DuPont de Nemours & Co.*, *ante*, p. 331. *Grover N. McCormick* for petitioner. *Roane Waring* and *Sam P. Walker* for respondent.

Miscellaneous Orders.

No. 178, Misc. *WATERMAN v. SANBORN, ACTING WARDEN*;

No. 226, Misc. *BURALL v. SWOPE, WARDEN*;

No. 228, Misc. *BAUTZ v. RAGEN, WARDEN*; and

No. 236, Misc. *CANNADY v. RAGEN, WARDEN*. The motions for leave to file petitions for writs of habeas corpus are severally denied.

Certiorari Granted. (See also No. 86, Misc., *supra*.)

No. 272. *TERMINIELLO v. CHICAGO*. Supreme Court of Illinois. Certiorari granted. *Albert W. Dilling* for petitioner. *Joseph F. Grossman* for respondent. Reported below: 400 Ill. 23, 79 N. E. 2d 39.

No. 396. *MORGANTOWN v. ROYAL INSURANCE Co., LTD.* C. A. 4th Cir. Certiorari granted. *W. G. Stathers* for petitioner. *James M. Guiher* for respondent. Reported below: 169 F. 2d 713.

No. 121, Misc. *TAYLOR v. DENNIS, WARDEN*. Motion for leave to file petition for writ of certiorari granted. Petition for writ of certiorari granted. MR. JUSTICE BLACK took no part in the consideration or decision of these applications. *Nesbitt Elmore, Thurgood Marshall, Marian Wynn Perry* and *Frank D. Reeves* for petitioner.

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A. A. Carmichael, Attorney General of Alabama, *Bernard F. Sykes* and *James L. Screws*, Assistant Attorneys General, for respondent.

Certiorari Denied.

No. 242. MAMLIN ET AL. *v.* UNITED STATES. Court of Claims. Certiorari denied. *Kester Walton* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Morison*, *Paul A. Sweeney* and *Morton Liftin* for the United States. Reported below: 111 Ct. Cl. 596, 77 F. Supp. 930.

No. 370. SOUTHWESTERN GREYHOUND LINES, INC. ET AL. *v.* KING. C. A. 10th Cir. Certiorari denied. *Earl Pruet* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Morison*, *Paul A. Sweeney* and *Morton Liftin* for respondent. Reported below: 169 F. 2d 497.

No. 371. KIVO ET AL., DOING BUSINESS AS JOHN KIVO & Co., *v.* LOEB. C. A. 2d Cir. Certiorari denied. *Allan R. Campbell* for petitioners. *Aloysius C. Falussy* for respondent. Reported below: 169 F. 2d 346.

No. 372. LEISHMAN *v.* RADIO CONDENSER CO. ET AL. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Leonard S. Lyon* and *Maxwell James* for respondents. Reported below: 167 F. 2d 890.

No. 398. TREASURE COMPANY ET AL. *v.* UNITED STATES, FOR THE USE OF RECONSTRUCTION FINANCE CORPORATION. C. A. 9th Cir. Certiorari denied. *Henry G. Bodkin*, *George M. Breslin* and *Michael G. Luddy* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Vanech* and *Roger P. Marquis* for the United States. Reported below: 169 F. 2d 437.

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No. 373. *WHITNEY v. COMMISSIONER OF INTERNAL REVENUE*;

No. 374. *ALEXANDER v. COMMISSIONER OF INTERNAL REVENUE*;

No. 375. *ANDERSON ET UX. v. COMMISSIONER OF INTERNAL REVENUE*;

No. 376. *ATKIN ET UX. v. COMMISSIONER OF INTERNAL REVENUE*;

No. 377. *DAVISON v. COMMISSIONER OF INTERNAL REVENUE*;

No. 378. *DICKEY ET UX. v. COMMISSIONER OF INTERNAL REVENUE*;

No. 379. *LAMONT v. COMMISSIONER OF INTERNAL REVENUE*;

No. 380. *ESTATE OF LAMONT ET AL. v. COMMISSIONER OF INTERNAL REVENUE*;

No. 381. *LEFFINGWELL ET UX. v. COMMISSIONER OF INTERNAL REVENUE*;

No. 382. *MITCHELL v. COMMISSIONER OF INTERNAL REVENUE*;

No. 383. *ESTATE OF MORGAN ET AL. v. COMMISSIONER OF INTERNAL REVENUE*;

No. 384. *MORGAN ET UX. v. COMMISSIONER OF INTERNAL REVENUE*; and

No. 385. *ESTATE OF BARTOW ET AL. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 2d Cir. Certiorari denied. *John W. Davis* and *Montgomery B. Angell* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Ellis N. Slack*, *Lee A. Jackson* and *Hilbert P. Zarky* for respondent. Reported below: 169 F. 2d 562.

No. 394. *FILBEN MANUFACTURING CO., INC. ET AL. v. ROCK-OLA MANUFACTURING CORP. ET AL.* C. A. 8th Cir. Certiorari denied. *Max Swiren* and *Ben W. Heineman* for petitioners. *Thomas H. Sheridan* for respondents. Reported below: 168 F. 2d 919.

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No. 172, Misc. *MAY v. RAGEN, WARDEN*. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 177, Misc. *JACKSON v. ILLINOIS*. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 204, Misc. *CROMBIE v. NIERSTHEIMER, WARDEN*. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 207, Misc. *COLLINS v. CIRCUIT COURT OF WILL COUNTY ET AL.* Circuit Court of Will County and the Criminal Court of Cook County, Illinois. Certiorari denied.

No. 208, Misc. *BATES v. RAGEN, WARDEN*. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 209, Misc. *McNAUGHTON v. RAGEN, WARDEN*. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 210, Misc. *LANE v. ILLINOIS*. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 215, Misc. *McKAY v. ADERHOLD ET AL., WARDENS*. Supreme Court of Georgia. Certiorari denied. *James A. Belflower* for petitioner. Reported below: See 203 Ga. 790, 48 S. E. 2d 453.

No. 216, Misc. *CUNDIFF v. NIERSTHEIMER, WARDEN*. Circuit Court of Sangamon County, Illinois. Certiorari denied.

No. 220, Misc. *CUNNINGHAM v. RAGEN, WARDEN*. Circuit Court of Will County, Illinois. Certiorari denied.

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No. 222, Misc. NICHOLS *v.* RAGEN, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 223, Misc. STORY *v.* BURFORD, WARDEN. District Court of Bryan County, Oklahoma. Certiorari denied.

No. 224, Misc. GOULD *v.* NEW YORK. Supreme Court of New York, First Department. Certiorari denied. Petitioner *pro se.* Nathaniel L. Goldstein, Attorney General of New York, Wendell P. Brown, Solicitor General, and Irving I. Waxman, Assistant Attorney General, for respondent.

No. 243, Misc. BALDRIDGE *v.* RAGEN, WARDEN. C. A. 7th Cir. Certiorari denied.

Rehearing Denied.

No. 697, October Term, 1947. ALKER ET AL. *v.* FEDERAL DEPOSIT INSURANCE CORP., 334 U. S. 827. Motion for leave to file a fourth petition for rehearing denied.

No. 344. KESSLER *v.* MCGLONE, EXECUTOR, ET AL., *ante*, p. 860. Rehearing denied.

No. 42, Misc. EATON *v.* RAGEN, WARDEN, *ante*, p. 832. Second petition for rehearing denied.

No. 73, Misc. ROBERTS *v.* CALIFORNIA, *ante*, p. 847. Rehearing denied.

No. 153, Misc. SMITH *v.* HOWARD, WARDEN, *ante*, p. 856. Rehearing denied.

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Order Appointing Counsel.

No. 418. GIBBS *v.* BURKE, WARDEN. Certiorari, 335 U. S. 867, to the Supreme Court of Pennsylvania. It is ordered that Frederick Bernays Wiener, Esq., of Washington, D. C., a member of the Bar of this Court, be appointed to serve as counsel for the petitioner in this case.

DECEMBER 20, 1948.

Per Curiam Decision.

No. 59. MARZANI *v.* UNITED STATES. Certiorari, 334 U. S. 858, to the United States Court of Appeals for the District of Columbia Circuit. Argued December 8, 9, 1948. Decided December 20, 1948. *Per Curiam*: The judgment is affirmed by an equally divided Court. Mr. JUSTICE DOUGLAS took no part in the consideration or decision of this case. *Osmond K. Fraenkel* and *Allan R. Rosenberg* argued the cause and filed a brief for petitioner. *Solicitor General Perlman* argued the cause for the United States. With him on the brief were *Robert S. Erdahl* and *Irving S. Shapiro*. *Belford V. Lawson, Jr.* filed a brief for the National Lawyers Guild, as *amicus curiae*, urging reversal. Reported below: 83 U. S. App. D. C. 78, 86, 168 F. 2d 133, 141.

*Final Order and Decree.*No. 10, Original. UNITED STATES *v.* WYOMING ET AL.

FINAL ORDER

Pursuant to the decision of this Court in *United States v. Wyoming*, 331 U. S. 440, a decree was entered on February 16, 1948, 333 U. S. 834.

By the terms of the decree, which adjudged that title to the land in question is in the United States, jurisdiction was retained by this Court for the purpose of deter-

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mining the amount of damages payable by defendants to the plaintiff, and for such other and further orders and decrees as may be necessary.

On July 2, 1948, Public Law 887 (Ch. 815, 62 Stat. 1233) was approved, and provided:

"That the Secretary of the Interior be, and he is hereby authorized and directed to issue a patent to the State of Wyoming for the east half of the northeast quarter, section 36, township 58 north, range 100 west, of the sixth principal meridian, in Park County, Wyoming, subject to any existing lease or leases: *Provided*, That title to said land shall be held and considered to have been vested in the State of Wyoming on July 10, 1890."

On September 29, 1948, the Secretary of the Interior, pursuant to the authorization and direction contained in the aforesaid Act of Congress, issued United States Patent No. 1,123,916 to the State of Wyoming for the portion of Section 36 described in said Act, subject to any existing lease or leases, with the title thereto considered to have vested in the State of Wyoming on July 10, 1890.

The claim for damages arose entirely from the possession by the defendant Ohio Oil Company of the land described in said Act of Congress, and its extraction of oil therefrom. Inasmuch as the patent issued by the United States vests title to said land in the State of Wyoming during the entire period of possession by the defendant Ohio Oil Company, there is no need or requirement for further consideration by the Court of plaintiff's demand for a money judgment.

It is therefore ORDERED AND DECREED that the defendants shall pay the costs of this proceeding, including compensation for services rendered and actual expenses incurred by the Honorable Nat U. Brown, Special Master herein. Such compensation and expenses will be fixed by an order of the Court.

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Miscellaneous Orders.

No. 12, Original. UNITED STATES *v.* CALIFORNIA. The motion of the complainant for clarification of scope of inquiry referred to the Special Master is denied. MR. JUSTICE JACKSON took no part in the consideration or decision of this application.

No. 206, Misc. EX PARTE COLLETT. This case is assigned for hearing on the motion for leave to file petition for writs of mandamus and prohibition. *Theodore Granik* for petitioner.

No. 233, Misc. KILPATRICK *v.* TEXAS & PACIFIC RAILWAY Co. This case is assigned for hearing on the motion for leave to file petition for writ of mandamus or certiorari. *William H. DeParcq, Gerald F. Finley* and *Arnold B. Elkind* for petitioner. *Theodore Kiendl, William H. Timbers* and *Cleveland C. Cory* for respondent.

No. 269, Misc. UNITED STATES *v.* NATIONAL CITY LINES, INC. ET AL. This case is assigned for hearing on the motion for leave to file petition for writ of certiorari. *George T. Washington*, then Acting Solicitor General, for the United States. *Marland Gale, C. Frank Reavis* and *Martin D. Jacobs* for respondents.

No. —. WEBER *v.* ILLINOIS. Motion for stay of execution denied.

No. 237, Misc. WILLIAMS *v.* UNITED MINE WORKERS OF AMERICA. Motion for leave to file petition for writ of certiorari denied.

No. 238, Misc. RUSSO *v.* THOMPSON, WARDEN. Motion for leave to file petition for writ of habeas corpus denied.

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No. 242, Misc. FRASER *v.* UNITED STATES. Motion for leave to file petition for writ of habeas corpus denied.

No. 267, Misc. KIMURA ET AL. *v.* MACARTHUR ET AL. The motions are denied. See the opinion announced today in *Hirota v. MacArthur*, 338 U. S. 197.* *John W. Crandall, William Logan, Jr., Ben Bruce Blakeney, John G. Brannon* and *George Yamaoka* for petitioners.

Certiorari Denied.

No. 361. MASTER METAL STRIP SERVICE, INC. ET AL. *v.* PROTEX WEATHERSTRIP MFG. CO. ET AL. C. A. 7th Cir. *Certiorari* denied. *Clarence E. Threedy* for petitioners. *Charles B. Cannon* for respondents. Reported below: 169 F. 2d 700.

No. 392. MCCOY *v.* UNITED STATES. C. A. 9th Cir. *Certiorari* denied. *Wellington D. Rankin* for petitioner. *Solicitor General Perlman, Robert S. Erdahl* and *Joseph M. Howard* for the United States. Reported below: 169 F. 2d 776.

No. 401. CITY BANK FARMERS TRUST CO., ANCILLARY EXECUTOR, *v.* PEDRICK, COLLECTOR OF INTERNAL REVENUE. C. A. 2d Cir. *Certiorari* denied. *Charles Angulo* for petitioner. *Solicitor General Perlman, Assistant Attorney General Caudle, Ellis N. Slack* and *L. W. Post* for respondent. Reported below: 168 F. 2d 618.

No. 407. WIDENHOUSE, TRADING AS CAROLINA OIL CO., *v.* WAR EMERGENCY CO-OPERATIVE ASSOCIATION. C. A. 4th Cir. *Certiorari* denied. *Luther T. Hartsell, Jr.* for petitioner. *Frank Thomas Miller, Jr.* for respondent. Reported below: 169 F. 2d 403.

No. 408. ABRAHAM *v.* UNITED STATES. C. A. 6th Cir. *Certiorari* denied. *Louis M. Hopping* for petitioner.

*[The reporting of the opinion of the Court in this case was delayed pending announcement of the opinion of MR. JUSTICE DOUGLAS, which was announced on June 27, 1949.]

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Solicitor General Perlman, Robert S. Erdahl and Harold D. Cohen for the United States.

No. 410. TRICO PRODUCTS CORP. *v.* MCGOWAN, COLLECTOR OF INTERNAL REVENUE. C. A. 2d Cir. Certiorari denied. *Bruce Bromley, Fred W. Morrison and Richard T. Davis* for petitioner. *Solicitor General Perlman, Assistant Attorney General Caudle, Ellis N. Slack, Lee A. Jackson and Homer R. Miller* for petitioner. Reported below: 169 F. 2d 343.

No. 399. DAVIDSON *v.* NEW YORK. Court of Appeals of New York. Certiorari denied. *Maurice Edelbaum* for petitioner. Reported below: See 297 N. Y. 894, 79 N. E. 2d 737.

No. 187, Misc. BONDS *v.* SHERBURNE MERCANTILE CO. ET AL. C. A. 9th Cir. Certiorari denied. *Kenneth L. Kimble* for petitioner. *John C. Hauck* for respondents. Reported below: 169 F. 2d 433.

No. 232, Misc. ANDERSON *v.* MISSOURI. Supreme Court of Missouri. Certiorari denied.

No. 241, Misc. RODRIQUEZ *v.* NEW YORK. Court of Appeals of New York. Certiorari denied.

No. 268, Misc. WEBER *v.* RAGEN, WARDEN. Circuit Court of Peoria County, Illinois. Certiorari denied.

Rehearing Denied.

No. 535, October Term, 1947. JOSEPHSON *v.* UNITED STATES, 333 U. S. 838. Motion for leave to file a second petition for rehearing denied. MR. JUSTICE BURTON took no part in the consideration or decision of this application.

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No. 6. GRAND RIVER DAM AUTHORITY *v.* GRAND-HYDRO, 335 U. S. 359. Rehearing denied.

No. 30. KORDEL *v.* UNITED STATES, 335 U. S. 345. The petition for rehearing is denied for the reason that it was not filed within the time provided by Rule 33.

No. 148, Misc. THIEL *v.* SOUTHERN PACIFIC Co., 335 U. S. 872. Rehearing denied.

No. 164, Misc. PRYOR *v.* CALIFORNIA, 335 U. S. 863. Rehearing denied.

DECEMBER 29, 1948.

Certiorari Denied.

No. 290, Misc. MEHAFFEY *v.* CALIFORNIA. Supreme Court of California. *Certiorari* denied. Reported below: 32 Cal. 2d 535, 197 P. 2d 12.

JANUARY 3, 1949.

Per Curiam Decision.

No. 413. GEORGIA RAIL ROAD & BANKING Co. *v.* MUSGROVE, STATE REVENUE COMMISSIONER. Appeal from the Supreme Court of Georgia. *Per Curiam*: Redwine substituted for Musgrove as appellee. The motion to dismiss is granted and the appeal is dismissed for the reason that the judgment of the court below is based upon a non-federal ground adequate to support it. MR. JUSTICE JACKSON is of the opinion that probable jurisdiction should be noted. *James E. Harper, W. Inman Curry* and *Rembert Marshall* for appellant. *Eugene Cook*, Attorney General of Georgia, *Claude Shaw*, Deputy Assistant Attorney General, and *Victor Davidson* for appellee. Reported below: 204 Ga. 139, 49 S. E. 2d 26.

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January 3, 1949.

Miscellaneous Orders.

No. —, Original. UNITED STATES *v.* TEXAS; and

No. —, Original. UNITED STATES *v.* LOUISIANA. The motions of the defendants for leave to oppose the motions for leave to file complaints are granted, and leave is granted to file objections, based upon jurisdictional grounds, within two weeks.

No. 171, Misc. KISSINGER *v.* UNITED STATES. Motion for leave to file petition for writ of certiorari denied. Petitioner *pro se.* Solicitor General Perlman, Robert S. Erdahl and Joseph M. Howard for the United States.

No. 250, Misc. BAXTER *v.* RAGEN, WARDEN; and

No. 264, Misc. REID *v.* RAGEN, WARDEN. Motions for leave to file petitions for writs of habeas corpus denied.

No. 279, Misc. EX PARTE LOUISIANA FARMERS PROTECTIVE UNION, INC. Motion for rule nisi and for leave to file petition for writ of mandamus denied. Cameron C. McCann, James H. Morrison, Edward R. Schowalter and K. K. Kennedy for petitioner.

Certiorari Granted.

No. 388. BROOKS *v.* UNITED STATES; and

No. 389. BROOKS, ADMINISTRATOR, *v.* UNITED STATES. C. A. 4th Cir. Certiorari granted. Whiteford S. Blakeney for petitioners. Solicitor General Perlman, Assistant Attorney General Morison, Paul A. Sweeney and Morton Hollander for the United States. Reported below: 169 F. 2d 840.

No. 406. UNITED STATES *v.* KNIGHT. C. A. 3d Cir. Certiorari granted. Solicitor General Perlman for the United States. Robert T. McCracken, George G. Chandler and J. Julius Levy for respondent. Reported below: 169 F. 2d 1001.

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No. 390. PROPPER, RECEIVER, *v.* CLARK, ATTORNEY GENERAL, SUCCESSOR TO THE ALIEN PROPERTY CUSTODIAN. C. A. 2d Cir. Certiorari granted limited to questions 1 and 2 presented by the petition for the writ, *i. e.*: (1) Did petitioner's appointment as temporary statutory receiver, on June 12, 1941, endow him with title by operation of law to the debt in question which was good as against the Custodian's subsequent Vesting Order? and (2) If not, did the September 29, 1941, judgment appointing petitioner permanent statutory receiver endow him with title to the debt in question as of the date of his appointment as temporary statutory receiver which was good as against the subsequent Vesting Order? THE CHIEF JUSTICE took no part in the consideration or decision of this application. *A. Walter Socolow* for petitioner. *Solicitor General Perlman, Assistant Attorney General Bazelon and James L. Morrisson* for respondent. Reported below: 169 F. 2d 324.

Certiorari Denied.

No. 365. FISCH ET AL. *v.* GENERAL MOTORS CORP.; and
No. 366. BATEMAN ET AL. *v.* FORD MOTOR CO. C. A. 6th Cir. Certiorari denied. *Ernest Goodman, Jack N. Tucker, Morton A. Eden and George W. Crockett, Jr.* for petitioners in Nos. 365 and 366, and *Edward Lamb* was also for petitioners in No. 366. *Henry M. Hogan and Nicholas J. Rosiello* for respondent in No. 365. *Rockwell T. Gust and William T. Gossett* for respondent in No. 366. Reported below: 169 F. 2d 266.

No. 395. CONSUMERS CO. *v.* CONSUMERS PETROLEUM Co; and

No. 425. CONSUMERS PETROLEUM CO. *v.* CONSUMERS Co. C. A. 7th Cir. Certiorari denied. *Joseph B. Fleming* for the Consumers Co. *Albert E. Jenner, Jr., Harry*

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G. Hershenson and *James B. McKeon* for the Consumers Petroleum Co. Reported below: 169 F. 2d 153.

No. 403. ESTATE OF ZELLERBACH ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 9th Cir. Certiorari denied. *Philip S. Ehrlich* for petitioners. *Solicitor General Perlman, Assistant Attorney General Caudle, Ellis N. Slack* and *Helen Goodner* for respondent. Reported below: 169 F. 2d 275.

Nos. 419 and 420. BEELER *v.* CHICAGO, ROCK ISLAND & PACIFIC RAILWAY Co. C. A. 10th Cir. Certiorari denied. *Claude E. Sowers* for petitioner. *W. F. Peter* for respondent. Reported below: 169 F. 2d 557.

No. 421. BRADHAM ET AL. *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. *W. F. Semple* for petitioners. *Solicitor General Perlman, Assistant Attorney General Vanech, Roger P. Marquis* and *S. Billingsley Hill* for the United States. Reported below: 168 F. 2d 905.

Nos. 423 and 424. BERNHARDT ET AL. *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. *George S. Fitzgerald* and *Paul B. Mayrand* for petitioners. *Solicitor General Perlman, Robert S. Erdahl* and *Joseph M. Howard* for the United States. Reported below: 169 F. 2d 983.

No. 179, Misc. JOHNSON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Perlman, Robert S. Erdahl* and *Joseph M. Howard* for the United States.

No. 180, Misc. CLARK *v.* WEST VIRGINIA. Supreme Court of Appeals of West Virginia. Certiorari denied. *James S. Redmond* for petitioner.

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No. 193, Misc. *HALEY v. PENNSYLVANIA*. Supreme Court of Pennsylvania. Certiorari denied. *Francis Fisher Kane* for petitioner.

No. 194, Misc. *ELLARD v. NEW HAMPSHIRE*. Supreme Court of New Hampshire. Certiorari denied. *Jonathan Piper* for petitioner. *Ernest R. D'Amours*, Attorney General of New Hampshire, for respondent. Reported below: 95 N. H. 217, 60 A. 2d 461.

No. 227, Misc. *BRITE ET AL. v. HEINZE, WARDEN*. Supreme Court of California. Certiorari denied.

No. 251, Misc. *FOLEY v. RAGEN, WARDEN*. Circuit Court of Sangamon County, Illinois. Certiorari denied.

No. 252, Misc. *TIPESCU v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied.

No. 253, Misc. *BERRY v. FLORIDA*. Supreme Court of Florida. Certiorari denied. *John R. Parkhill* for petitioner. Reported below: 160 Fla. 834, 36 So. 2d 784.

No. 254, Misc. *FARMER v. RAGEN, WARDEN*. Circuit Court of Will County, Illinois. Certiorari denied.

No. 255, Misc. *HATHAWAY v. NIERSTHEIMER, WARDEN*. Circuit Court of Alexander County, Illinois. Certiorari denied.

No. 256, Misc. *MILBURN v. NIERSTHEIMER, WARDEN*. Supreme Court of Illinois. Certiorari denied. Reported below: 401 Ill. 465, 82 N. E. 2d 438.

No. 261, Misc. *DZAN v. RAGEN, WARDEN*. Supreme Court of Illinois. Certiorari denied.

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No. 263, Misc. HALVERSON *v.* RAGEN, WARDEN. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 266, Misc. GREEN *v.* STEWART, WARDEN. Supreme Court of Missouri. Certiorari denied.

No. 270, Misc. STERBA *v.* NIERSTHEIMER, WARDEN. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 272, Misc. JACKSON *v.* GEORGIA. Court of Appeals of Georgia. Certiorari denied. *W. A. Bootle* for petitioner. Reported below: 77 Ga. App. 635, 49 S. E. 2d 198.

No. 273, Misc. BOUGH *v.* NIERSTHEIMER, WARDEN. Supreme Court of Illinois. Certiorari denied.

No. 274, Misc. HOUGHTON *v.* HUDSPETH, WARDEN. Supreme Court of Kansas. Certiorari denied. Reported below: 165 Kan. 619, 197 P. 2d 941.

Rehearing Denied.

No. 69. J. H. ALLISON & Co. *v.* NATIONAL LABOR RELATIONS BOARD, *ante*, p. 814; and

No. 202. ECONOMOS *v.* COMMISSIONER OF INTERNAL REVENUE, *ante*, p. 826. Motions for leave to file petitions for rehearing denied.

No. 295. DIGGS *v.* MICHIGAN, *ante*, p. 885. Rehearing denied.

No. 362. MASICH *v.* UNITED STATES SMELTING, REFINING & MINING Co. ET AL., *ante*, p. 866. Rehearing denied.

No. 393. WISNER *v.* KAMINSKI, *ante*, p. 875. Bryan substituted for Wisner as appellant. Rehearing denied.

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No. 240, Misc. *DOHIHARA v. MACARTHUR ET AL.*, 338 U. S. 197; and

No. 248, Misc. *KIDO ET AL. v. MACARTHUR ET AL.*, 338 U. S. 197. Rehearing denied. MR. JUSTICE JACKSON took no part in the consideration or decision of this application.

JANUARY 10, 1949.

Per Curiam Decisions.

No. 191. SUPERIOR COURT OF CALIFORNIA IN AND FOR THE COUNTY OF LOS ANGELES ET AL. *v. LILLEFLOREN ET AL.* Certiorari, ante, p. 811, to the Supreme Court of California. Argued January 5, 1949. Decided January 10, 1949. *Per Curiam*: It appearing that there is a non-federal ground, independent of the federal ground, and adequate to support the judgment of the lower court, the case is dismissed for want of jurisdiction. *Fox Film Corp. v. Muller*, 296 U. S. 207; *Lynch v. New York ex rel. Pierson*, 293 U. S. 52. *Russell E. Parsons* argued the cause for petitioners. With him on the brief was *Harold W. Kennedy*. *Herbert S. Thatcher* and *David Sokol* argued the cause for respondents. With *Mr. Thatcher* on the brief were *Henry G. Bodkin*, *J. Albert Woll* and *James A. Glenn* for *Lilleflore et al.*, respondents; and *Mr. Sokol* filed a brief for *Sylvane et al.*, respondents. *John C. Stevenson* and *Mathew O. Tobriner* filed a brief for the California State Federation of Labor, as *amicus curiae*, urging that the case be dismissed. Reported below: 31 Cal. 2d 439, 189 P. 2d 265.

No. 455. *CORNELIUS v. JACKSON*. Appeal from the Supreme Court of Oklahoma. *Per Curiam*: The appeal is dismissed for want of a substantial federal question. *Francis Stewart* for appellant.

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Miscellaneous Orders.

No. 270. INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS (A. F. L.) LOCAL UNION NO. 667 ET AL. *v.* MASCARI ET AL. Petition for writ of certiorari to the Supreme Court of Tennessee dismissed on motion of counsel for the petitioners. *Herbert S. Thatcher* and *Grover N. McCormick* for petitioners. *William F. Barry* for respondents. 187 Tenn. 345, 215 S. W. 2d 779.

No. 284, Misc. KELLY *v.* HOWARD, WARDEN. Motion for leave to file petition for writ of habeas corpus denied.

No. 317, Misc. WINSTON ET AL. *v.* KNOX, CHIEF JUDGE, ET AL. Motion for leave to file petition to void indictments and to quash venire of petit jurors, for a rule to show cause why mandamus and prohibition should not issue, for rule absolute, and for a stay, denied. *Charles H. Houston*, *Richard Gladstein*, *Harry Sacher*, *Abraham J. Isserman* and *George W. Crockett, Jr.* for petitioners.

Certiorari Granted.

No. 427. WADE *v.* HUNTER, WARDEN. C. A. 10th Cir. Certiorari granted. *Harry W. Colmery* for petitioner. *Solicitor General Perlman*, *Robert S. Erdahl*, *John R. Benney* and *Harold D. Cohen* for respondent. Reported below: 169 F. 2d 973.

Certiorari Denied.

No. 357. NATIONAL BANK OF COMMERCE OF SAN ANTONIO, EXECUTOR, *v.* SCOFIELD, COLLECTOR OF INTERNAL REVENUE. C. A. 5th Cir. Certiorari denied. *William Robert Smith, Jr.* for petitioner. *Solicitor General Perl-*

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man, Assistant Attorney General Caudle, Ellis N. Slack, Harry Baum and Louise Foster for respondent. Reported below: 169 F. 2d 145.

No. 405. GUGGENHEIM *v.* UNITED STATES. Court of Claims. Certiorari denied. *Errett G. Smith* for petitioner. *Solicitor General Perlman, Assistant Attorney General Caudle, Ellis N. Slack and Lee Jackson* for the United States. Reported below: 111 Ct. Cl. 165, 77 F. Supp. 186.

No. 409. RIELY ET AL., RECEIVERS, *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. *Eugene Untermyer and Robert T. Barton, Jr.* for petitioners. *Solicitor General Perlman, Assistant Attorney General Caudle, Ellis N. Slack and Irving I. Axelrad* for the United States. Reported below: 169 F. 2d 542.

No. 411. DAGGS *v.* KLEIN, REAR ADMIRAL, U. S. NAVY, ET AL.; and

No. 412. BRAITO *v.* KLEIN, REAR ADMIRAL, U. S. NAVY, ET AL. C. A. 9th Cir. Certiorari denied. *Herbert Resner* for petitioners. *Solicitor General Perlman, Assistant Attorney General Morison, Paul A. Sweeney, Oscar H. Davis and John R. Benney* for respondents. Reported below: 169 F. 2d 174.

No. 415. FOREMAN'S ASSOCIATION OF AMERICA *v.* EDWARD G. BUDD MANUFACTURING CO. ET AL. C. A. 6th Cir. Certiorari denied. *Walter M. Nelson and Allan R. Rosenberg* for petitioner. *Solicitor General Perlman, David P. Findling and Ruth Weyand* for the National Labor Relations Board; and *Archibald Broomfield* for the Edward G. Budd Manufacturing Co., respondents. Reported below: 169 F. 2d 571.

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No. 428. WILLIAMS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *B. D. Murphy* for petitioner. *Solicitor General Perlman, Robert S. Erdahl and Harold D. Cohen* for the United States. Reported below: 170 F. 2d 319.

No. 437. MILES ET AL. *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. *Louis M. Hopping* for petitioners. *Solicitor General Perlman and Robert S. Erdahl* for the United States. Reported below: 170 F. 2d 151.

No. 503. FOSTER ET AL. *v.* MEDINA. C. A. 2d Cir. Certiorari denied. Motion for a stay also denied. *Charles H. Houston, Richard Gladstein, Harry Sacher, Abraham J. Isserman and George W. Crockett, Jr.* for petitioners. Reported below: 170 F. 2d 632.

No. 54, Misc. GARITY *v.* NEW YORK. Court of Appeals of New York. Certiorari denied.

No. 282, Misc. PEAKER *v.* OKLAHOMA. Criminal Court of Appeals of Oklahoma. Certiorari denied. Reported below: — Okla. Cr. Rep. —, 194 P. 2d 893.

No. 286, Misc. WILSON *v.* HUDSPETH, WARDEN. Supreme Court of Kansas. Certiorari denied.

Rehearing Denied.

No. 98, Misc. DONNELL *v.* MISSOURI, *ante*, p. 862. Motion for leave to file petition for rehearing denied.

No. 214, Misc. SHOTKIN *v.* PERKINS ET AL., *ante*, p. 888. Rehearing denied.

No. 219, Misc. SHOTKIN *v.* BURKE ET AL., *ante*, p. 888. Rehearing denied.

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Miscellaneous Orders.

No. 279, Misc. *EX PARTE LOUISIANA FARMERS PROTECTIVE UNION, INC.* Motion for an extension of time within which to file petition for rehearing denied.

No. 2, October Term, 1941. *BERNARDS ET AL. v. JOHNSON ET AL.* Motion to recall the mandate denied.

No. 285, Misc. *PARDEE v. MICHIGAN*; and

No. 299, Misc. *McCRAY v. WRIGHT, WARDEN.* Motions for leave to file petitions for writs of habeas corpus denied.

No. 310, Misc. *PORESKY v. KING*; and

No. 312, Misc. *LOWE v. KILLINGER.* Applications denied.

Certiorari Granted.

No. 431. *UNITED STEELWORKERS OF AMERICA ET AL. v. NATIONAL LABOR RELATIONS BOARD.* C. A. 7th Cir. Certiorari granted. *Arthur J. Goldberg, Frank Donner and Thomas E. Harris* for petitioners. *Solicitor General Perlman* for respondent. Reported below: 170 F. 2d 247.

Certiorari Denied.

No. 386. *CLARK, ATTORNEY GENERAL, SUCCESSOR TO THE ALIEN PROPERTY CUSTODIAN, v. MANUFACTURERS TRUST Co.*; and

No. 443. *MANUFACTURERS TRUST Co. v. CLARK, ATTORNEY GENERAL, SUCCESSOR TO THE ALIEN PROPERTY CUSTODIAN.* C. A. 2d Cir. Certiorari denied. *Solicitor General Perlman* for petitioner in No. 386. *Leonard G. Bisco* for the Manufacturers Trust Co., petitioner in No.

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443 and respondent in No. 386. *Solicitor General Perlman, Assistant Attorney General Bazelon, James L. Morrison, Joseph W. Bishop, Jr. and Philip Elman* for respondent in No. 443. Reported below: 169 F. 2d 932.

No. 426. *WORLD PUBLISHING CO. v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. *Morrison Shafroth, W. W. Grant, Henry W. Toll and Douglas McHendrie* for petitioner. *Solicitor General Perlman, Assistant Attorney General Caudle, Ellis N. Slack and Melva M. Graney* for the United States. Reported below: 169 F. 2d 186.

No. 432. *SWALLEY v. ADDRESSOGRAPH-MULTIGRAPH CORP.* C. A. 7th Cir. Certiorari denied. *Douglas Arant* for petitioner. *Philip M. Aitken* for respondent. Reported below: 168 F. 2d 585.

No. 444. *PUEBLO TRADING CO. v. EL CAMINO IRRIGATION DISTRICT ET AL.* C. A. 9th Cir. Certiorari denied. *W. Coburn Cook* for petitioner. *Stephen W. Downey* for respondents. Reported below: 169 F. 2d 312.

No. 449. *BORG-WARNER CORP. ET AL. v. GOODWIN*. C. A. 6th Cir. Certiorari denied. *Benton Baker, Max W. Zabel and Edward C. Gritzbaugh* for petitioners. *Raymond L. Greist* for respondent.

No. 451. *BOWCOTT ET AL. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Claude U. Stone* for petitioners. *Solicitor General Perlman and Robert S. Erdahl* for the United States. Reported below: 170 F. 2d 173.

No. 461. *MONAGAS Y DE LA ROSA ET AL. v. VIDAL-GARRASTAZU*. C. A. 1st Cir. Certiorari denied. *José A.*

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Poventud for petitioners. *James R. Beverley* for respondent. Reported below: 170 F. 2d 99.

Nos. 439 and 440. UNIVERSAL OIL PRODUCTS Co. v. WILLIAM WHITMAN Co., INC.; and

No. 441. AMERICAN SAFETY TABLE Co. v. SINGER SEWING MACHINE Co. C. A. 3d Cir. Certiorari denied. *Ralph S. Harris, John R. McCullough* and *Adam M. Byrd* for petitioner in Nos. 439 and 440. *Edwin M. Otterbourg, Leon J. Obermayer* and *Charles A. Houston* for petitioner in No. 441. *Leslie Nichols* for the William Whitman Co., respondent in Nos. 439 and 440; and *Newton A. Burgess* and *John F. Ryan* for respondent in No. 441. *Solicitor General Perlman, Assistant Attorney General Morison, Alfred C. Aurich, Paul A. Sweeney* and *Melvin Richter* filed a brief for the United States, as *amicus curiae*, opposing the petitions. Reported below: 169 F. 2d 514.

No. 275, Misc. MARCUS v. HUDSPETH, WARDEN. Supreme Court of Kansas. Certiorari denied.

No. 287, Misc. VILES v. JOHNSON. Supreme Court of Colorado. Certiorari denied. Reported below: 119 Colo. 10, 199 P. 2d 294.

No. 289, Misc. GALLOWAY v. STEWART, WARDEN. Supreme Court of Missouri. Certiorari denied.

Rehearing Denied.

No. 187. WATCHTOWER BIBLE & TRACT SOCIETY, INC. ET AL. v. METROPOLITAN LIFE INSURANCE Co., *ante*, p. 886. Rehearing denied.

No. 400. HALL v. VIRGINIA, *ante*, p. 875. Rehearing denied.

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No. 410. TRICO PRODUCTS CORP. *v.* MCGOWAN, COLLECTOR OF INTERNAL REVENUE, *ante*, p. 899. Rehearing denied.

No. 226, Misc. BURALL *v.* SWOPE, WARDEN, *ante*, p. 890. Rehearing denied.

No. 237, Misc. WILLIAMS *v.* UNITED MINE WORKERS OF AMERICA, *ante*, p. 897. Rehearing denied.

MEMORANDUM

TO: THE BOARD OF TRUSTEES

FROM: THE PRESIDENT

SUBJECT: [Illegible]

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