

DECISIONS PER CURIAM AND ORDERS FROM
BEGINNING OF OCTOBER TERM, 1949,
THROUGH DECEMBER 8, 1949.*

CASE DISMISSED IN VACATION.

No. 72. TELEFILM, INC. *v.* SUPERIOR COURT OF CALIFORNIA, IN AND FOR THE COUNTY OF LOS ANGELES, ET AL. On petition for writ of certiorari to the Supreme Court of California. September 16, 1949. Dismissed in vacation pursuant to Rule 35 of the Rules of this Court. *Joseph L. Lewinson* for petitioner. *Harold W. Kennedy* and *Eugene D. Williams* for respondents. Reported below: 33 Cal. 2d 289, 201 P. 2d 811.

OCTOBER 10, 1949.

Per Curiam Decisions.

No. 89. EASTERN STEAMSHIP LINES, INC. *v.* MULLIGAN, PUBLIC ADMINISTRATOR. On petition for writ of certiorari to the United States Court of Appeals for the Second Circuit. *Per Curiam*: The petition for writ of certiorari is granted. The judgment of the Court of Appeals is vacated and the case is remanded to that court for disposition in the light of *Cosmopolitan Shipping Co. v. McAllister*, 337 U. S. 783. *Arthur M. Boal* for petitioner. *George J. Engelman* for respondent. Reported below: 170 F. 2d 882.

No. 103. ESTATE OF SCHROEDER ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. On petition for writ of certiorari to the United States Court of Appeals for the Second Circuit. *Per Curiam*: The petition for writ of

*For decisions *per curiam* and orders announced on June 27, 1949, see 337 U. S. 951 *et seq.*

October 10, 1949.

338 U.S.

certiorari is granted. The judgment of the Court of Appeals is vacated and the case is remanded to that court for further consideration in the light of T. D. 5741, 14 Fed. Reg. 5536, and *Commissioner v. Estate of Church*, 335 U. S. 632, and *Estate of Spiegel v. Commissioner*, 335 U. S. 701. *Thomas Raeburn White* and *George B. Francis* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Arnold Raum*, *Ellis N. Slack* and *Melva M. Graney* for respondent. Reported below: 172 F. 2d 864. [This order amended, *post*, p. 884.]

No. 104. *ADIRONDACK TRANSIT LINES, INC. v. HUDSON TRANSIT LINES, INC.*; and

No. 105. *UNITED STATES ET AL. v. HUDSON TRANSIT LINES, INC.* Appeals from the United States District Court for the Southern District of New York. *Per Curiam*: The motions to affirm are granted and the judgment is affirmed. MR. JUSTICE BLACK, MR. JUSTICE REED, and MR. JUSTICE DOUGLAS dissent. *Martin J. Kelly, Jr.* for appellant in No. 104. *Solicitor General Perlman* and *Daniel W. Knowlton* for appellants in No. 105. *Samuel Weiss* and *James F. X. O'Brien* for appellee. Reported below: 82 F. Supp. 153.

No. 122. *BALL, TRUSTEE, v. UNITED STATES ET AL.* Appeal from the United States District Court for the Southern District of New York. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. MR. JUSTICE CLARK took no part in the consideration or decision of this case. *Joseph W. Henderson* and *George M. Brodhead* for appellant. *Solicitor General Perlman* for the United States; and *Albert C. Bickford*, *Louis Phillips* and *George G. Gallantz* for Paramount Pictures, Inc. et al., appellees.

338 U. S.

October 10, 1949.

NO. 134. *BEEMAN ET AL. v. MICHIGAN BOARD OF PHARMACY ET AL.* 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. *Raymond K. Dykema* for appellants. *Stephen J. Roth*, Attorney General of Michigan, *Edmund E. Shepherd*, Solicitor General, *Ernest O. Zirkalos* and *Daniel J. O'Hara*, Assistant Attorneys General, for appellees. Reported below: 323 Mich. 390, 35 N. W. 2d 354.

NO. 137. *BEARD-LANEY, INC. v. UNITED STATES ET AL.* Appeal from the United States District Court for the Eastern District of South Carolina. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS dissent. *Edward W. Mullins* for appellant. *Solicitor General Perlman* and *Daniel W. Knowlton* for the United States et al.; and *C. W. Tillett* and *Joseph W. Blackshear* for the Associated Petroleum Carriers, appellees. Reported below: 83 F. Supp. 27.

NO. 138. *LEE v. MISSISSIPPI.* Appeal from the Supreme Court of Mississippi. *Per Curiam*: The appeal is dismissed for want of jurisdiction. 28 U. S. C. § 1257 (2). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari as required by 28 U. S. C. § 2103, certiorari is denied. *J. B. Stirling* for appellant. Reported below: 203 Miss. 264, 34 So. 2d 736.

NO. 148. *HASS v. NEW YORK.* Appeal from the Court of Appeals of New York. *Per Curiam*: The appeal is dismissed for want of a substantial federal question. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS dissent. *Emanuel Redfield* for appellant. Reported below: 299 N. Y. 681, 87 N. E. 2d 68.

October 10, 1949.

338 U.S.

No. 175. *PARTMAR CORPORATION v. UNITED STATES ET AL.* Appeal from the United States District Court for the Southern District of New York. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. MR. JUSTICE CLARK took no part in the consideration or decision of this case. *Russell Hardy* for appellant. *Solicitor General Perlman* for the United States; and *Albert C. Bickford, Louis Phillips* and *George G. Gallantz* for Paramount Pictures, Inc. et al., appellees.

No. 196. *GENERAL ENGINEERING CORP. ET AL. v. TEXAS EMPLOYMENT COMMISSION (FORMERLY KNOWN AS TEXAS UNEMPLOYMENT COMPENSATION COMMISSION) ET AL.* Appeal from the Supreme Court of Texas. *Per Curiam*: The appeal is dismissed for want of a substantial federal question. *A. C. Heath* for appellants. *Price Daniel*, Attorney General of Texas, for appellees. Reported below: 147 Tex. 503, 217 S. W. 2d 659.

No. 198. *KRACHOCK v. DEPARTMENT OF REVENUE.* Appeal from the Supreme Court of Illinois. *Per Curiam*: The appeal is dismissed for want of a substantial federal question. *Harry G. Fins* and *Walter F. Dodd* for appellant. *Ivan A. Elliott*, Attorney General of Illinois, *William C. Wines* and *A. Zola Groves*, Assistant Attorneys General, for appellee. Reported below: 403 Ill. 148, 85 N. E. 2d 682.

No. 199. *WALSH, SHERIFF, v. UNITED STATES EX REL. WHITE.* On petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit. *Per Curiam*: The petition for writ of certiorari is granted. The judgment of the Court of Appeals is reversed and the cause is remanded to the District Court with directions to discharge the writ of habeas corpus and remand the re-

338 U.S.

October 10, 1949.

spondent to custody. *John S. Boyle* for petitioner. *Joseph I. Bulger* and *Ode L. Rankin* for respondent. Reported below: 174 F. 2d 49.

No. 238. *McGEE v. MISSISSIPPI*. Appeal from and petition for writ of certiorari to the Supreme Court of Mississippi. *Per Curiam*: The appeal is dismissed for want of jurisdiction. 28 U. S. C. § 1257 (2). The petition for writ of certiorari is denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this case. *Arthur G. Silverman* for appellant-petitioner. *Greek L. Rice*, Attorney General of Mississippi, and *George H. Ethridge*, Assistant Attorney General, for appellee-respondent. Reported below: 40 So. 2d 160.

No. 242. *KENOSHA MOTOR COACH LINES, INC. v. PUBLIC SERVICE COMMISSION ET AL.* Appeal from the Supreme Court of Wisconsin. *Per Curiam*: The appeal is dismissed for want of a substantial federal question. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS dissent. *Adolph J. Bieberstein* and *R. M. Rieser* for appellant. *Thomas E. Fairchild*, Attorney General of Wisconsin, *Stewart G. Honeck*, Deputy Attorney General, and *T. H. Spence* for appellees. Reported below: 254 Wis. 509, 37 N. W. 2d 78.

No. 245. *CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS v. CITY OF PORTERVILLE ET AL.* Appeal from the District Court of Appeal, 4th Appellate District, of California. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *W. Glenn Harmon* for appellant. *Leon Thomas David* for appellees. Reported below: 90 Cal. App. 2d 656, 203 P. 2d 823.

October 10, 1949.

338 U. S.

No. 250. BINGAMAN, ADMINISTRATOR, *v.* REHN ET AL., DOING BUSINESS AS JOHN P. MAINELLI CONSTRUCTION CO. Appeal from the Supreme Court of Nebraska. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *C. Dell Floyd* for appellant. *Edward K. McDermott* for Rehn, appellee. Reported below: 151 Neb. 196, 36 N. W. 2d 856.

No. 277. REMMER *v.* MUNICIPAL COURT OF THE CITY & COUNTY OF SAN FRANCISCO, CALIFORNIA, ET AL.; and

No. 278. MENLO SOCIAL CLUB, INC. *v.* BROWN, DISTRICT ATTORNEY, ET AL. Appeals from the District Court of Appeal, 1st Appellate District, of California. *Per Curiam*: The appeals are dismissed for want of a substantial federal question. *Simeon E. Sheffey* for appellants. *Fred N. Howser*, Attorney General of California, and *Clarence A. Linn*, Deputy Attorney General, for appellees. Reported below: 90 Cal. App. 2d 854, 204 P. 2d 92.

Miscellaneous Orders.

No. 12, Original. UNITED STATES *v.* LOUISIANA. The demurrer is overruled and the motion to dismiss on jurisdictional grounds, and conditional motions are denied. The motion for judgment is denied and the defendant is allowed thirty days from this date within which to file an answer to the complaint. MR. JUSTICE JACKSON and MR. JUSTICE CLARK took no part in the consideration or decision of these questions. *Attorney General McGrath* and *Solicitor General Perlman* for the United States. *Bolivar E. Kemp, Jr.*, Attorney General, *John L. Madden*, Assistant Attorney General, *L. H. Perez* and *F. Trowbridge vom Baur* for the State of Louisiana.

No. 13, Original. UNITED STATES *v.* TEXAS. The motion to dismiss the complaint is denied. The motion for

338 U. S.

October 10, 1949.

more definite statement or bill of particulars is denied. The motion for judgment is denied and the defendant is allowed thirty days from this date within which to file an answer to the complaint. MR. JUSTICE JACKSON and MR. JUSTICE CLARK took no part in the consideration or decision of these questions. *Attorney General McGrath* and *Solicitor General Perlman* for the United States. *Price Daniel*, Attorney General, *J. Chrys Dougherty*, *Jesse P. Luton, Jr.* and *K. Bert Watson*, Assistant Attorneys General, for the State of Texas.

No. 12, Original. UNITED STATES *v.* LOUISIANA; and

No. 13, Original. UNITED STATES *v.* TEXAS. The motion of Agnes E. Lewis et al. for leave to intervene is denied. MR. JUSTICE JACKSON and MR. JUSTICE CLARK took no part in the consideration or decision of this application.

No. 2, Misc. ROBERTS *v.* UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA. It is ordered that Max Radin, Esquire, of Berkeley, California, a member of the bar of this Court, be appointed to serve as counsel for the petitioner in this case.

No. 11. CLARK, ATTORNEY GENERAL, AS SUCCESSOR TO THE ALIEN PROPERTY CUSTODIAN, *v.* MANUFACTURERS TRUST Co.;

No. 15. MANUFACTURERS TRUST Co. *v.* CLARK, ATTORNEY GENERAL, AS SUCCESSOR TO THE ALIEN PROPERTY CUSTODIAN; and

No. 48. SAVORGNAN *v.* UNITED STATES ET AL. McGrath, present Attorney General, substituted as a party in these cases for Clark. MR. JUSTICE CLARK took no part in the consideration or decision of these applications.

October 10, 1949.

338 U. S.

No. 27. SECRETARY OF AGRICULTURE *v.* CENTRAL ROIG REFINING CO. ET AL.;

No. 30. PORTO RICAN AMERICAN SUGAR REFINERY, INC. *v.* CENTRAL ROIG REFINING CO. ET AL.; and

No. 32. GOVERNMENT OF PUERTO RICO *v.* SECRETARY OF AGRICULTURE ET AL. The motion to withdraw the appearances of Howard C. Westwood and Donald Hiss as counsel for American Sugar Refining Co. et al. is granted.

No. 213. UNITED STATES EX REL. LEE WO SHING *v.* WATKINS, DISTRICT DIRECTOR OF IMMIGRATION AND NATURALIZATION. Shaughnessy, Acting District Director, substituted as the party respondent. MR. JUSTICE CLARK took no part in the consideration or decision of this application.

No. 2, October Term, 1941. BERNARDS ET AL. *v.* JOHNSON ET AL., 314 U. S. 19. The motion to recall the mandate is denied.

No. 279, October Term, 1948. STANDARD OIL COMPANY OF CALIFORNIA ET AL. *v.* UNITED STATES, 337 U. S. 293. It is ordered that the first sentence of the first paragraph on page 19 of the slip opinion, which begins "In this connection it is significant that the qualifying language was . . ." be, and it is hereby amended to read as follows: "In this connection it is significant that the qualifying language was not added until after the House and Senate bills reached Conference." The petition for rehearing is denied. MR. JUSTICE CLARK took no part in the consideration or decision of this application.

[The opinion is reported as amended in the bound volume of 337 U. S. 293, the change being at p. 312.]

338 U. S.

October 10, 1949.

No. 100, Misc. *WEBER v. RAGEN, WARDEN*. The petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit is dismissed. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. Petitioner *pro se*. *Ivan A. Elliott*, Attorney General of Illinois, and *William C. Wines*, Assistant Attorney General, for respondent. Reported below: 176 F. 2d 579.

No. 9, Misc. *PERRY v. STEELE, WARDEN*;

No. 13, Misc. *NELSON v. RAGEN, WARDEN*;

No. 17, Misc. *HENDREN v. LAINSON, WARDEN*;

No. 33, Misc. *RICHARDSON v. PENNSYLVANIA*;

No. 65, Misc. *WILSON v. VICE, U. S. MARSHAL, ET AL.*;

No. 83, Misc. *EX PARTE NEWSTEAD*;

No. 104, Misc. *IN RE HOLMES*; and

No. 122, Misc. *HATFIELD v. FRISBIE, WARDEN*. The motions for leave to file petitions for writs of habeas corpus are denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of these applications.

No. 29, Misc. *SEREN v. RAGEN, WARDEN*. Motion for leave to file petition for writ of certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application.

No. 34, Misc. *SCHUBLE v. SWYGERT, U. S. DISTRICT JUDGE*. The motion for leave to file petition for writ of mandamus is denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application.

No. 39, Misc. *ILLINOIS EX REL. STERBA v. FULTON ET AL.* The motion for leave to file petition for writ of mandamus and for other relief is denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application.

October 10, 1949.

338 U. S.

No. 56, Misc. O'NEILL *v.* ROBINSON, WARDEN. The motion for leave to file petition for writ of certiorari is denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application.

No. 109, Misc. IN RE HENCE ET AL. Application denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application.

Certiorari Granted. (See also Nos. 89, 103 and 199, *supra.*)

No. 60. KRUG *v.* SHERIDAN-WYOMING COAL CO., INC. United States Court of Appeals for the District of Columbia Circuit. Certiorari granted. *Solicitor General Perlman* for petitioner. *T. Peter Ansberry, Stephen J. McMahon, Jr. and Seth W. Richardson* for respondent. Reported below: 84 U. S. App. D. C. 288, 172 F. 2d 282.

No. 96. POWELL ET AL. *v.* UNITED STATES CARTRIDGE CO. C. A. 8th Cir. Certiorari granted. *Thomas Bond* for petitioners. *William L. Marbury* for respondent. *Solicitor General Perlman* and *William S. Tyson* filed a brief for the United States, as *amicus curiae*, supporting the petition. Reported below: 174 F. 2d 718.

No. 97. UNITED STATES *v.* MOORMAN ET AL., DOING BUSINESS AS J. W. MOORMAN & SON. Court of Claims. Certiorari granted. *Solicitor General Perlman* for the United States. *F. A. Bodovitz* for respondents. Reported below: 113 Ct. Cl. 159, 82 F. Supp. 1010.

No. 126. COMMISSIONER OF INTERNAL REVENUE *v.* PHILADELPHIA TRANSPORTATION CO. C. A. 3d Cir. Certiorari granted. *Solicitor General Perlman* for petitioner. *William R. Spofford, Frederic L. Ballard* and *Sherwin T. McDowell* for respondent. Reported below: 174 F. 2d 255.

338 U. S.

October 10, 1949.

No. 150. *DICKINSON v. PETROLEUM CONVERSION CORP.* C. A. 2d Cir. Certiorari granted limited to questions 1 and 2 presented by the petition for the writ, *i. e.*:

"1. Where two rival claimants each sought the recovery of a particular sum from other parties to the action, and judgment after trial, entered in 1947, dismissed on the merits one of said claims and granted recovery in a fixed amount to the other claimant, a spurious class,* and provided for judgment apportioning said recovery to members of the class after opportunity to absent members to intervene and claim their respective shares, and all other issues in the action were disposed of by said 1947 judgment, and the unsuccessful claimant failed to appeal therefrom within the statutory period, is its receiver in bankruptcy nevertheless entitled to a review of said 1947 judgment, dismissing its claim on the merits, by an appeal from the 1948 judgment apportioning the recovery to members of the class constituting the successful claimant?

"2. Where a corporation intervenes in an action and pleads a claim against the plaintiff and one of the defendants for a particular sum of money based upon breach of fiduciary obligation, and representatives of subscribers to the stock of said corporation simultaneously intervene and assert a claim for the same amount on behalf of the class on the ground that the sum sought came out of funds belonging to said class, alleging, however, that either said class or the corporation was entitled to the recovery, and the action is tried on behalf of both the corporation and the class by a single counsel, the attorney for the corporation, and at the end of the trial both submitted a single brief and a single set of proposed findings and conclusions of law, both leaving it to the trial court to decide whether, if a recovery was to be had, to which of said claimants it should be awarded, and the decree, dismissing the claim of

*Rule 23 (a) (3), Federal Rules of Civil Procedure."

October 10, 1949.

338 U. S.

the corporation on the merits and sustaining the claim of the class and fixing the total recovery thereon, was entered on the joint motion of the attorney for the corporation and the attorney for the class, and the attorney for the class was an officer of and an attorney for the corporation, should the Court of Appeals have dismissed the appeal seeking review of said decree on behalf of the corporation by its receiver in bankruptcy, on the ground that the decree was a consent decree, it appearing that both the corporation and the class had asserted and prosecuted their claims and jointly entered said decree on the basis that it was satisfactory to both if either recovered?"

Solomon Kaufman and *Samuel Hershenstein* for petitioner. *Harry J. Pasternak* for respondent. Reported below: 173 F. 2d 738.

No. 154. *WONG YANG SUNG v. CLARK, ATTORNEY GENERAL, ET AL.* United States Court of Appeals for the District of Columbia Circuit. McGrath, present Attorney General, substituted as a party respondent for Clark. Certiorari granted. MR. JUSTICE CLARK took no part in the consideration or decision of these applications. *Jack Wasserman, Gaspare Cusumano* and *Thomas M. Cooley, II*, for petitioner. *Solicitor General Perlman* for respondents. Reported below: 84 U. S. App. D. C. 419, 174 F. 2d 158.

No. 157. *CIVIL AERONAUTICS BOARD v. STATE AIRLINES, INC.*;

No. 158. *STATE AIRLINES, INC. v. CIVIL AERONAUTICS BOARD ET AL.*; and

No. 159. *PIEDMONT AVIATION, INC. v. STATE AIRLINES, INC.* United States Court of Appeals for the District of Columbia Circuit. Certiorari granted. *Solicitor General Perlman* and *Emory T. Nunneley, Jr.* for petitioner in No. 157, and on a brief in No. 159 for

338 U. S.

October 10, 1949.

the Civil Aeronautics Board, as *amicus curiae*, supporting the petition. *Frederick W. P. Lorenzen* and *Philip Schleit* for State Airlines, Inc., petitioner in No. 158 and respondent in Nos. 157 and 159. *Charles H. Murchison* for Piedmont Aviation, Inc., petitioner in No. 159 and respondent in No. 158. Reported below: 84 U. S. App. D. C. 374, 174 F. 2d 510.

No. 178. *BRYAN v. UNITED STATES*. C. A. 5th Cir. Certiorari granted. *Alston Cockrell* and *Carl J. Batter* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *James M. McInerney*, *Ellis N. Slack* and *Andrew F. Oehmann* for the United States. Reported below: 175 F. 2d 223.

No. 200. *AFFOLDER v. NEW YORK, CHICAGO & ST. LOUIS RAILROAD CO.* C. A. 8th Cir. Certiorari granted. *Mark D. Eagleton* and *Wm. H. Allen* for petitioner. *Lon Hocker, Jr.* for respondent. Reported below: 174 F. 2d 486.

No. 217. *UNITED STATES v. ALPERS*. C. A. 9th Cir. Certiorari granted. *Solicitor General Perlman* for the United States. *A. J. Zirpoli* for respondent. Reported below: 175 F. 2d 137.

No. 230. *SWIFT & COMPANY PACKERS ET AL. v. COMPANIA COLOMBIANA DEL CARIBE, S. A.* C. A. 5th Cir. Certiorari granted. *Eberhard P. Deutsch* for petitioners. *George C. Sprague* for respondent. Reported below: 175 F. 2d 513.

No. 271. *ALCOA STEAMSHIP CO., INC. v. UNITED STATES*. C. A. 2d Cir. Certiorari granted. *Melville J. France* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Morison* and *Samuel D. Slade*

October 10, 1949.

338 U. S.

for the United States. Briefs of *amici curiae* supporting the petition were filed by *L. de Grove Potter* for the Waterman Steamship Corp., and *Harold S. Deming* for the Stockard Steamship Corp. Reported below: 175 F. 2d 661.

No. 50, Misc. *HUBSCH v. UNITED STATES*; and

No. 51, Misc. *SCHWEITZER v. UNITED STATES*. C. A. 5th Cir. Certiorari granted. MR. JUSTICE DOUGLAS took no part in the consideration or decision of these applications. *Morris Berick* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Morison*, *Paul A. Sweeney* and *Morton Hollander* for the United States. Reported below: 174 F. 2d 7.

Certiorari Denied. (See also *supra*, Nos. 138 and 238 and Misc. Nos. 29 and 56.)

No. 52. *ALESNA ET AL. v. RICE*, U. S. CIRCUIT COURT JUDGE, ET AL. C. A. 9th Cir. Certiorari denied. *Herbert Resner* for petitioners. *Walter D. Ackerman, Jr.*, Attorney General of Hawaii, *Rhoda V. Lewis*, Assistant Attorney General, *Michiro Watanabe*, Deputy Attorney General, and *Thomas W. Flynn* for respondents. Reported below: 172 F. 2d 176.

No. 64. *BREEDING MOTOR FREIGHT LINES, INC. v. RECONSTRUCTION FINANCE CORP. ET AL.*;

No. 65. *BREEDING MOTOR COACHES, INC. v. RECONSTRUCTION FINANCE CORP. ET AL.*; and

Nos. 66 and 67. *BREEDING ET AL., DOING BUSINESS AS BREEDING MOTOR COACHES, ET AL. v. RECONSTRUCTION FINANCE CORP.* C. A. 10th Cir. Certiorari denied. *John B. Dudley* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Morison*, *Paul A. Sweeney* and *Joseph Kovner* for the Reconstruction Finance Corporation, respondent. Reported below: 172 F. 2d 416.

338 U. S.

October 10, 1949.

No. 68. *BANNING v. DETROIT, TOLEDO & Ironton RAILROAD Co.*; and

No. 93. *DETROIT, TOLEDO & Ironton RAILROAD Co. v. BANNING*. C. A. 6th Cir. Certiorari denied. *Lloyd T. Bailey* for petitioner in No. 68 and respondent in No. 93. *Clifford B. Longley* for petitioner in No. 93 and respondent in No. 68. Reported below: 173 F. 2d 752.

No. 73. *GROSS ET AL. v. KELL ET AL.* C. A. 5th Cir. Certiorari denied. *George S. Wright* for petitioners. Reported below: 171 F. 2d 715.

No. 74. *VESPOLE v. UNITED STATES*; and

No. 5, Misc. *TANUZZO ET AL. v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *J. Bertram Wegman* for petitioner in No. 74. Petitioners *pro se* in No. 5, Misc. *Solicitor General Perlman*, *Assistant Attorney General Campbell* and *Robert S. Erdahl* for the United States. Reported below: 174 F. 2d 177.

No. 78. *GOOD HOLDING CO. ET AL. v. BOSWELL*. C. A. 5th Cir. Certiorari denied. *John Sirica* and *E. F. P. Brigham* for petitioners. *Morris Berick* for respondent. Reported below: 173 F. 2d 395.

No. 80. *HODGE ET AL. v. FIRST PRESBYTERIAN CHURCH*. Supreme Court of Iowa. Certiorari denied. *J. J. Ludens* for petitioners. *Carl E. Sheldon* and *Philip H. Ward* for respondent. Reported below: 240 Iowa 431, 35 N. W. 2d 658.

No. 81. *DELAHANTY ET AL., TRADING AS P. J. DELAHANTY MANUFACTURING Co., v. DALEY*. Supreme Court of New Jersey. Certiorari denied. *Milton T. Lasher* for petitioners. *Lionel P. Kristeller* for respondent. Reported below: 1 N. J. 492, 64 A. 2d 340.

October 10, 1949.

338 U. S.

No. 84. *AERO SERVICES, INC. v. QUINN, COUNTY ASSESSOR, ET AL.* C. A. 9th Cir. Certiorari denied. *Martin Gendel* for petitioner. *Harold W. Kennedy* for respondents. Reported below: 172 F. 2d 157.

No. 85. *HARP, DOING BUSINESS AS O. G. HARP POULTRY & EGG Co., v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. *Mark Goode* for petitioner. *Solicitor General Perlman, William S. Tyson* and *Bessie Margolin* for the United States. Reported below: 173 F. 2d 761.

No. 86. *BATTEN, BARTON, DURSTINE & OSBORN, INC. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 2d Cir. Certiorari denied. *Arthur M. Boal* for petitioner. *Solicitor General Perlman, Assistant Attorney General Caudle, Ellis N. Slack* and *Harry Marselli* for respondent. Reported below: 171 F. 2d 474.

No. 87. *HOAGLAND v. BASS.* C. A. 5th Cir. Certiorari denied. *Wiley Johnson* for petitioner. *Roland Boyd* for respondent. Reported below: 172 F. 2d 205.

No. 88. *BAILEY v. BASS.* C. A. 5th Cir. Certiorari denied. *Wiley Johnson* for petitioner. *Roland Boyd* for respondent. Reported below: 172 F. 2d 212.

No. 90. *ZARICHNY v. STATE BOARD OF AGRICULTURE ET AL.* Supreme Court of Michigan. Certiorari denied. *G. Leslie Field* for petitioner. *Stephen J. Roth, Attorney General of Michigan, Edmund E. Shepherd, Solicitor General, and Clayton F. Jennings* for respondents.

No. 94. *JACKSON v. COMMISSIONER OF INTERNAL REVENUE; and*

No. 95. *HARRIS TRUST & SAVINGS BANK, EXECUTOR, v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 7th Cir. Certiorari denied. *Carroll J. Lord, Leland K. Neeves* and

338 U. S.

October 10, 1949.

Jess Halsted for petitioners. *Solicitor General Perlman, Assistant Attorney General Caudle, Ellis N. Slack, Helen Goodner and Hilbert P. Zarky* for respondent. Reported below: 172 F. 2d 605.

No. 106. *DOYLE ET AL. v. LORD BALTIMORE HOTEL CO. ET AL.* Court of Appeals of Maryland. Certiorari denied. *Paul Berman, Sigmund Levin and Theodore B. Berman* for petitioners. *Talbot W. Banks and Thomas G. Andrew* for respondents. Reported below: 64 A. 2d 557.

No. 108. *BARTLETT ET AL. v. DELANEY, COLLECTOR, ET AL.* C. A. 1st Cir. Certiorari denied. *Edward C. Thayer* for petitioners. *Solicitor General Perlman, Assistant Attorney General Caudle, Ellis N. Slack and Maurice P. Wolk* for respondents. Reported below: 173 F. 2d 535.

No. 110. *LOCAL UNION No. 807, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS ET AL. v. MOTOR HAULAGE CO., INC.* Court of Appeals of New York. Certiorari denied. *Louis B. Boudin* for petitioners. *Joseph Rotwein* for respondent. Reported below: See 85 N. E. 2d 795.

No. 111. *WRIGHT v. REYNOLDS, COMMISSIONER, ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *James J. Laughlin* for petitioner. *Solicitor General Perlman, Assistant Attorney General Morison and Paul A. Sweeney* for respondents. Reported below: 84 U. S. App. D. C. 414, 172 F. 2d 762.

No. 112. *CARR v. NATIONAL DISCOUNT CORP.* C. A. 6th Cir. Certiorari denied. *Warren E. Miller* for petitioner. *Jason L. Honigman* for respondent. Reported below: 172 F. 2d 899.

October 10, 1949.

338 U. S.

No. 115. *NAGEL v. OREGON*. Supreme Court of Oregon. Certiorari denied. *George H. Layman, Carl W. Berueffy and Hyman Smollar* for petitioner. Reported below: 185 Ore. 486, 202 P. 2d 640.

No. 116. *BRADBURN v. SHELL OIL CO., INC.* C. A. 10th Cir. Certiorari denied. *Creekmore Wallace and B. E. Harkey* for petitioner. *Geo. W. Cunningham* for respondent. Reported below: 173 F. 2d 815.

No. 117. *WHITE v. FEINBERG*. C. A. 5th Cir. Certiorari denied. *Miller Walton* for petitioner. Reported below: 173 F. 2d 585.

No. 120. *COMMISSIONER OF INTERNAL REVENUE v. SMITH*. C. A. 5th Cir. Certiorari denied. *Solicitor General Perlman* for petitioner. *Robert Ash* for respondent. Reported below: 173 F. 2d 470.

No. 121. *COMMISSIONER OF INTERNAL REVENUE v. LONG*. C. A. 5th Cir. Certiorari denied. *Solicitor General Perlman* for petitioner. *Harry C. Weeks* for respondent. Reported below: 173 F. 2d 471.

No. 123. *FAHS, COLLECTOR OF INTERNAL REVENUE, v. ECONOMY CAB CO. ET AL.* C. A. 5th Cir. Certiorari denied. *Solicitor General Perlman* for petitioner. *C. D. Towers* for respondents. Reported below: 174 F. 2d 321.

No. 124. *FAHS, COLLECTOR OF INTERNAL REVENUE, v. NEW DEAL CAB CO.* C. A. 5th Cir. Certiorari denied. *Solicitor General Perlman* for petitioner. *Chester Bedell* for respondent. Reported below: 174 F. 2d 318.

No. 125. *UNITED STATES v. PARTY CAB CO.* C. A. 7th Cir. Certiorari denied. *Solicitor General Perlman* for

338 U. S.

October 10, 1949.

the United States. *Harry G. Fins* for respondent. Reported below: 172 F. 2d 87.

No. 127. *GOGGIN, TRUSTEE, v. BYRAM, TAX COLLECTOR*. C. A. 9th Cir. Certiorari denied. *Thomas S. Tobin* for petitioner. *Harold W. Kennedy* for respondent. Reported below: 172 F. 2d 868.

No. 128. *EARLE C. ANTHONY, INC. v. MORRISON ET AL.* C. A. 9th Cir. Certiorari denied. *Eugene Overton* and *Edward D. Lyman* for petitioner. *M. Burr Wellington* for respondents. Reported below: 173 F. 2d 897.

No. 129. *JONES v. SCHICK SERVICES, INC. ET AL.* C. A. 9th Cir. Certiorari denied. *Ford W. Harris* for petitioner. *Leonard S. Lyon* for respondents. Reported below: 173 F. 2d 969.

No. 130. *KILLIAN v. PENNSYLVANIA RAILROAD CO. ET AL.* Appellate Court of Illinois, First District. Certiorari denied. *Melvin L. Griffith* and *Francis H. Monek* for petitioner. *George F. Barrett* and *Theodore Schmidt* for the Pennsylvania Railroad Co.; and *Edward J. Bradley* for the Mallory Co., respondents. Reported below: 336 Ill. App. 152, 82 N. E. 2d 834.

No. 131. *GOODMAN v. CHICAGO*. Appellate Court of Illinois, First District. Certiorari denied. *Irving Goodman* for petitioner. *Benjamin S. Adamowski* and *L. Louis Karton* for respondent. Reported below: 336 Ill. App. 126, 83 N. E. 2d 23.

No. 132. *PHILADELPHIA TRANSPORTATION Co. v. SMITH ET AL.*; and

No. 133. *PHILADELPHIA TRANSPORTATION Co. v. STERNER ET AL.* C. A. 3d Cir. Certiorari denied. *Har-*

October 10, 1949.

338 U. S.

old Scott Baile and Frederic L. Ballard for petitioner. *John V. Diggins* for respondents; and *Benjamin D. Fenimore, pro se*, respondent. Reported below: 173 F. 2d 721.

No. 135. *MACRI ET AL. v. UNITED STATES FOR THE USE OF SCHAEFER, DOING BUSINESS AS CONCRETE CONSTRUCTION Co., ET AL.* C. A. 9th Cir. Certiorari denied. *Tom W. Holman* and *S. W. Brethorst* for petitioners. *Cutler W. Halverson* for Schaefer, respondent. *George W. Wilkins* filed a brief for the Continental Casualty Co. supporting the petition. Reported below: 173 F. 2d 5.

No. 136. *BUTNAM ET AL., EXECUTORS, v. NEW HAMPSHIRE.* Supreme Court of New Hampshire. Certiorari denied. *Stanley M. Burns* for petitioners. *William L. Phinney*, Attorney General of New Hampshire, *William S. Green*, Assistant Attorney General, and *Ernest R. D'Amours* for respondent. Reported below: 95 N. H. 383, 63 A. 2d 798.

No. 139. *MARIO MERCADO E HIJOS v. BRANNAN, SECRETARY OF AGRICULTURE.* C. A. 1st Cir. Certiorari denied. *Pedro M. Porrata* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Campbell*, *Robert S. Erdahl*, *John R. Benney* and *Israel Convisser* for respondent. Reported below: 173 F. 2d 554.

No. 141. *RUSSELL ET AL. v. BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF OKLAHOMA.* C. A. 10th Cir. Certiorari denied. *Chas. H. Garnett* for petitioners. *David A. Richardson* for respondent. Reported below: 174 F. 2d 778.

No. 142. *GENERAL BOX Co. v. CENTRAL METAL PRODUCTS Co.* C. A. 6th Cir. Certiorari denied. *R. P. Hobson* and *John P. Sandidge* for petitioner. *Bernard Koteen* for respondent. Reported below: 174 F. 2d 125.

338 U. S.

October 10, 1949.

No. 143. *WEIL v. COMMISSIONER OF INTERNAL REVENUE*; and

No. 144. *WEIL v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 2d Cir. Certiorari denied. *Alexander A. Mayper* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Ellis N. Slack* and *I. Henry Kutz* for respondent. Reported below: 173 F. 2d 805.

No. 145. *BAXTER CREEK IRRIGATION DISTRICT ET AL. v. CALIFORNIA ET AL.* C. A. 9th Cir. Certiorari denied. *W. Coburn Cook* for petitioners. *Fred N. Howser*, Attorney General of California, and *E. G. Benard*, Deputy Attorney General, for respondents. Reported below: 170 F. 2d 1021.

No. 146. *ALCOA STEAMSHIP CO., INC. ET AL. v. MCMAHON ET AL.* C. A. 2d Cir. Certiorari denied. *A. V. Cherbonnier* for petitioners. *Abraham M. Fisch* for respondents. Reported below: 173 F. 2d 567.

No. 151. *BEHRENS v. SKELLY ET AL.* C. A. 3d Cir. Certiorari denied. *Louis Caplan* for petitioner. *Leon E. Hickman* for respondents. Reported below: 173 F. 2d 715.

No. 152. *GIBBONS v. DETROIT & TOLEDO SHORE LINE RAILROAD CO.* C. A. 6th Cir. Certiorari denied. *Charles H. Brady* for petitioner. *Walter A. Eversman* for respondent. Reported below: 171 F. 2d 287.

No. 153. *SAINT LO CONSTRUCTION CO., INC. v. KOENIGSBERGER ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *George E. Allen* and *Karl Michelet* for petitioner. *Henry*

October 10, 1949.

338 U. S.

G. Fischer, Ewing La Porte and Geoffrey Creyke, Jr. for respondents. Reported below: 84 U. S. App. D. C. 319, 174 F. 2d 25.

No. 160. LAVENDER, ADMINISTRATOR, *v.* ILLINOIS CENTRAL RAILROAD Co. Supreme Court of Missouri. Certiorari denied. *N. Murry Edwards* for petitioner. *Wm. R. Gentry, C. A. Helsell and John W. Freels* for respondent. Reported below: 358 Mo. 1160, 219 S. W. 2d 353.

No. 161. GREEN, DOING BUSINESS AS GREEN HARVESTER & IMPLEMENT Co., *v.* ALLIS-CHALMERS MANUFACTURING Co. C. A. 4th Cir. Certiorari denied. *C. T. Graydon* for petitioner. *Edward W. Mullins* for respondent. Reported below: 173 F. 2d 818.

No. 164. GILLIS, DOING BUSINESS AS GILLIS VAN SERVICE, ET AL. *v.* KEYSTONE MUTUAL CASUALTY CO. ET AL. C. A. 6th Cir. Certiorari denied. *J. A. Edge* for petitioners. Reported below: 172 F. 2d 826.

No. 166. VILLAGE OF HIGHLAND FALLS *v.* UNITED STATES. Court of Claims. Certiorari denied. *Abraham Kopald, I. H. Wachtel and Harry I. Rand* for petitioner. *Solicitor General Perlman and Assistant Attorney General Vanech* for the United States. Reported below: 113 Ct. Cl. 107, 82 F. Supp. 516.

No. 167. ZIEGLER *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Charles H. Carr* for petitioner. *Solicitor General Perlman, Assistant Attorney General Campbell, Stanley M. Silverberg and Robert S. Erdahl* for the United States. Reported below: 174 F. 2d 439.

No. 170. PARK-IN THEATRES, INC. *v.* LOEW'S DRIVE-IN THEATRES, INC. C. A. 1st Cir. Certiorari denied.

338 U. S.

October 10, 1949.

Leonard L. Kalish and *Melvin R. Jennery* for petitioner.
Hector M. Holmes for respondent. Reported below: 174
F. 2d 547.

No. 176. *GULF, MOBILE & OHIO RAILROAD Co. v. MAXIE*. Supreme Court of Missouri. Certiorari denied.
Richard Wayne Ely for petitioner. *Sol Andrews* and
William H. Allen for respondent. Reported below: 358
Mo. 1100, 219 S. W. 2d 322.

No. 179. *UNITED STATES v. THE AUSTRALIA STAR ET AL.* C. A. 2d Cir. Certiorari denied. *Solicitor General Perlman* for the United States. *Robert S. Erskine* for The Australia Star et al.; and *John C. Prizer* for Siemens Bros. & Co. et al., respondents. Reported below: 172 F. 2d 472.

No. 180. *MAIN STREET BANK ET AL. v. NEE, COLLECTOR OF INTERNAL REVENUE*. C. A. 8th Cir. Certiorari denied. *John H. McEvers* and *Reece A. Gardner* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Ellis N. Slack* and *Joseph W. Bishop, Jr.* for respondent. Reported below: 174 F. 2d 425.

No. 181. *UPTOWN CLUB OF MANHATTAN, INC. v. UNITED STATES*. Court of Claims. Certiorari denied. *Joseph R. Shaughnessy* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Caudle* and *Ellis N. Slack* for the United States. Reported below: 113 Ct. Cl. 422, 83 F. Supp. 823.

No. 183. *HOLLOWAY GRAVEL Co., INC. v. McCOMB, WAGE & HOUR ADMINISTRATOR*. C. A. 5th Cir. Certiorari denied. *Allan Sholars* and *Geo. Gunby* for petitioner. *Solicitor General Perlman*, *William S. Tyson* and *Bessie Margolin* for respondent. Reported below: 174 F. 2d 421.

October 10, 1949.

338 U. S.

No. 184. GARCIA ET AL., EXECUTORS, ET AL. v. PAN AMERICAN AIRWAYS, INC. ET AL. Supreme Court of New York, Westchester County. Certiorari denied. *Francis X. Nestor* for petitioners. *Donald Havens* for respondents. Reported below: See 274 App. Div. 996, 84 N. Y. S. 2d 408.

No. 185. BLAIR ET AL., TRUSTEES, v. FINAN. C. A. 6th Cir. Certiorari denied. *Edward T. Goodrich*, *Harry W. Jones* and *Samuel Shapero* for petitioners. *Clarence W. Videan* for respondent. Reported below: 174 F. 2d 925.

No. 187. NEWSOM ET AL. v. E. I. DU PONT DE NEMOURS & Co. C. A. 6th Cir. Certiorari denied. *Lewis S. Pope* and *Whitworth Stokes* for petitioners. *Abel Klaw* for respondent. Reported below: 173 F. 2d 856.

No. 189. SHAMROCK TOWING Co., INC. v. F. E. GRAUWILLER TRANSPORTATION Co., INC. ET AL. C. A. 2d Cir. Certiorari denied. *Edward Ash* for petitioner. *Christopher E. Heckman* for the Grauwiller Transportation Co. et al.; and *David Haar* for the Henry Material Co., respondents. Reported below: 173 F. 2d 708.

No. 190. DILLE v. DELANEY ET AL. C. A. 10th Cir. Certiorari denied. *Robert Dade Hudson* for petitioner. *Gentry Lee* for Delaney et al.; and *F. M. Darrough* and *Villard Martin* for the Carter Oil Co., respondents. Reported below: 174 F. 2d 314.

No. 191. JOSEPH B. COOPER & SON, INC. v. UNITED STATES. C. A. 5th Cir. Certiorari denied. *Copal Mintz* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Morison*, *Samuel D. Slade* and *John R. Benney* for the United States. Reported below: 174 F. 2d 619.

338 U. S.

October 10, 1949.

No. 192. COMMISSION OF THE DEPARTMENT OF PUBLIC UTILITIES *v.* LOWELL GAS Co. Supreme Judicial Court of Massachusetts. Certiorari denied. *Francis E. Kelly*, Attorney General of Massachusetts, *Henry P. Fielding*, *Francis J. Roche* and *David H. Stuart*, Assistant Attorneys General, for petitioner. *Robert G. Dodge* and *Harold S. Davis* for respondent. Reported below: 324 Mass. 80, 84 N. E. 2d 811.

No. 193. PALM BEACH TRUST Co. *v.* COMMISSIONER OF INTERNAL REVENUE. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *B. H. Bartholow* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Ellis N. Slack*, *Helen Goodner* and *S. Dee Hanson* for respondent. Reported below: 84 U. S. App. D. C. 410, 174 F. 2d 527.

No. 194. GRAVES ET AL. *v.* SPRINGFIELD GAS & ELECTRIC Co. Supreme Court of Missouri. Certiorari denied. *Roscoe C. Patterson* for petitioners. *S. C. Bates* for respondent. Reported below: 359 Mo. 182, 221 S. W. 2d 197.

No. 201. ATLANTIC COAST LINE RAILROAD Co. *v.* HAS-ELDEN. Supreme Court of South Carolina. Certiorari denied. *Charles Cook Howell* and *V. E. Phelps* for petitioner. *Donald Russell* for respondent. Reported below: 214 S. C. 410, 53 S. E. 2d 60.

No. 202. DAIRYMEN'S LEAGUE CO-OPERATIVE ASSOCIATION, INC. *v.* BRANNAN, SECRETARY OF AGRICULTURE. C. A. 2d Cir. Certiorari denied. *Seward A. Miller*, *Fred-erick P. Lee* and *Myron Scott* for petitioner. *Solicitor General Perlman*, *J. Stephen Doyle, Jr.*, *Neil Brooks* and *Lewis A. Sigler* for respondent. Reported below: 173 F. 2d 57.

October 10, 1949.

338 U. S.

No. 204. *HINES v. EDWARDS*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *O. R. McGuire, Edward R. Burke and Ivy Lee Buchanan* for petitioner. Reported below: 85 U. S. App. D. C. 419, 174 F. 2d 670.

No. 206. *URQUHART ET AL. v. PYRENE MANUFACTURING Co.* C. A. 3d Cir. Certiorari denied. *C. Brewster Rhoads* for petitioners. *Maxwell Barus* for respondent. Reported below: 175 F. 2d 408.

No. 208. *GULF COAST WESTERN OIL Co., INC. v. TRAPP*. C. A. 10th Cir. Certiorari denied. *Hal Whitten* and *Joe W. Whitten* for petitioner. *M. E. Trapp, pro se*, respondent. Reported below: 174 F. 2d 339.

No. 209. *BURMAN PROPERTIES, INC. ET AL. v. MCKINNEY ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *James C. Wilkes* and *James E. Artis* for petitioners. *John C. Poole* and *Dudley G. Skinker* for respondents. Reported below: 84 U. S. App. D. C. 373, 174 F. 2d 509.

No. 211. *CENTAUR CONSTRUCTION Co., INC. v. UNITED STATES*. Court of Claims. Certiorari denied. *Josephus C. Trimble* and *Harry S. Hall* for petitioner. *Solicitor General Perlman, Assistant Attorney General Morison* and *Paul A. Sweeney* for the United States. Reported below: 113 Ct. Cl. 288, 83 F. Supp. 351.

No. 216. *OHIO EX REL. BEVIS v. COFFINBERRY ET AL., MEMBERS OF THE INDUSTRIAL COMMISSION*. Supreme Court of Ohio. Certiorari denied. *Robert Emmett Brooks* and *Louis C. Capelle* for petitioner. *Herbert S. Duffy*, Attorney General of Ohio, for respondents. Reported below: 151 Ohio St. 293, 85 N. E. 2d 519.

338 U. S.

October 10, 1949.

No. 219. KENTUCKY TRUST CO., EXECUTOR, *v.* GLENN, COLLECTOR OF INTERNAL REVENUE. C. A. 6th Cir. Certiorari denied. *James E. Fahey* for petitioner. *Solicitor General Perlman, Assistant Attorney General Caudle, Stanley M. Silverberg, Ellis N. Slack and Lee A. Jackson* for respondent. Reported below: 172 F. 2d 863.

No. 220. PEREZ *v.* UNITED STATES. Court of Customs and Patent Appeals. Certiorari denied. *John G. Lerch, Prew Savoy and David A. Golden* for petitioner. *Solicitor General Perlman, Assistant Attorney General Edelstein and John R. Benney* for the United States. Reported below: 36 C. C. P. A. (Customs) 114.

No. 225. ANDREW JERGENS CO. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 9th Cir. Certiorari denied. *Homer D. Crotty and J. Stuart Neary* for petitioner. *Solicitor General Perlman, Robert N. Denham, David P. Findling and Ruth Weyand* for respondent. Reported below: 175 F. 2d 130.

No. 227. MORGAN *v.* HORRALL, CHIEF OF POLICE. C. A. 9th Cir. Certiorari denied. *Joseph D. Taylor* for petitioner. *Ray L. Chesebro and Bourke Jones* for respondent. Reported below: 175 F. 2d 404.

No. 228. BROWN *v.* O'BRIEN. Supreme Court of Illinois. Certiorari denied. *William R. Brown* for petitioner. *John F. McCarthy* for respondent. Reported below: 403 Ill. 183, 85 N. E. 2d 685.

No. 231. STANDARD DUPLICATING MACHINES CO., INC. *v.* AMERICAN BUSINESS MACHINES CORP. C. A. 1st Cir. Certiorari denied. *George P. Dike and George P. Towle, Jr.* for petitioner. *Herbert W. Kenway* for respondent. Reported below: 174 F. 2d 101.

October 10, 1949.

338 U. S.

No. 232. *MORTON v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 2d Cir. Certiorari denied. *Clarence M. Fisher* and *Carl J. Batter* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Ellis N. Slack*, *Lee A. Jackson* and *Maryhelen Wigle* for respondent. Reported below: 174 F. 2d 302.

No. 233. *COLONIAL TRUST CO. v. FIDELITY TRUST CO., TRUSTEE*. C. A. 3d Cir. Certiorari denied. *Richard W. Ahlers* for petitioner. *Mahlon E. Lewis* for respondent. Reported below: 175 F. 2d 100.

No. 234. *COWHER v. PENNSYLVANIA RAILROAD CO.* Appellate Court of Illinois, First District. Certiorari denied. *Francis H. Monek* for petitioner. *George F. Barrett* and *Theodore Schmidt* for respondent. Reported below: 336 Ill. App. 308, 83 N. E. 2d 359.

No. 239. *BOYCE ET AL. v. CHEMICAL PLASTICS, INC.* C. A. 8th Cir. Certiorari denied. *Alice Elizabeth Culhane Fiddes* for petitioners. *Francis D. Butler* and *William Mitchell* for respondent. Reported below: 175 F. 2d 839.

No. 243. *CUNNINGHAM v. CHICAGO*. Appellate Court of Illinois, First District. Certiorari denied. *George A. Mason*, *George A. Mason, Jr.* and *Weightstill Woods* for petitioner. *Benjamin S. Adamowski*, *L. Louis Karton* and *Sydney R. Drebin* for respondent. Reported below: 336 Ill. App. 353, 83 N. E. 2d 616.

No. 251. *BALTIMORE & OHIO RAILROAD CO. v. MAGRUDER, COLLECTOR OF INTERNAL REVENUE*. C. A. 4th Cir. Certiorari denied. *John S. Stanley* and *D. Heyward Hamilton, Jr.* for petitioner. *Solicitor General*

338 U. S.

October 10, 1949.

Perlman, Assistant Attorney General Caudle, Ellis N. Slack and Lee A. Jackson for respondent. Reported below: 174 F. 2d 896.

No. 253. *EUREKA WILLIAMS CORP. v. SYNCROMATIC CORPORATION.* C. A. 7th Cir. Certiorari denied. *Warren C. Horton* for petitioner. *Harold G. Baker* for respondent. Reported below: 174 F. 2d 649.

No. 254. *WOODRUFF v. BALKCOM, WARDEN.* Supreme Court of Georgia. Certiorari denied. *Harry M. Wilson* for petitioner. *Eugene Cook, Attorney General of Georgia,* for respondent. Reported below: 205 Ga. 445, 53 S. E. 2d 680.

No. 263. *BENT ET AL. v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. *James C. Wilson* for petitioners. *Solicitor General Perlman, Assistant Attorney General Campbell, Robert S. Erdahl and George R. Gallagher* for the United States. Reported below: 175 F. 2d 397.

No. 264. *AETNA LIFE INSURANCE CO. v. PRESTON.* C. A. 7th Cir. Certiorari denied. *Vincent O'Brien* for petitioner. *James B. Wescott* for respondent. Reported below: 174 F. 2d 10.

No. 281. *CAMPBELL ET AL. v. BEAVER BAYOU DRAINAGE DISTRICT.* Supreme Court of Arkansas. Certiorari denied. *W. G. Dinning, Jr.* for petitioners. *J. G. Burke* for respondent. Reported below: 215 Ark. 187, 219 S. W. 2d 934.

No. 91. *BATTAGLINO v. MARSHALL, SECRETARY OF STATE.* C. A. 2d Cir. Acheson, Secretary of State, substituted as the party respondent. Certiorari denied. *Joseph F. Ruggieri* for petitioner. *Solicitor General Perl-*

October 10, 1949.

338 U.S.

man, Assistant Attorney General Campbell and Robert S. Erdahl for respondent. Reported below: 172 F. 2d 979.

No. 92. TURNER GLASS CORP. *v.* HARTFORD-EMPIRE CO. ET AL. C. A. 7th Cir. Certiorari denied. MR. JUSTICE BLACK is of the opinion certiorari should be granted. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *John G. Rauch, Perry E. O'Neal, Patrick J. Smith* and *Robert D. Morgan* for petitioner. *Hubert Hickam, Alan W. Boyd, Albert R. Connelly, Joseph J. Daniels, Paul Y. Davis, Fred E. Fuller* and *Leslie Henry* for respondents. Reported below: 173 F. 2d 49.

No. 100. MAY *v.* UNITED STATES;

No. 101. GARSSON *v.* UNITED STATES; and

No. 102. GARSSON *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. THE CHIEF JUSTICE and MR. JUSTICE CLARK took no part in the consideration or decision of these applications. *Warren E. Magee* and *Daniel J. Andersen* for petitioner in No. 100. *Arthur Garfield Hays, Osmond K. Fraenkel, John Schulman, Charles J. Margiotti* and *Perry Howard* for petitioner in No. 101. *Charles J. Margiotti, Allen J. Krouse* and *Samuel Goldstein* for petitioner in No. 102. *Solicitor General Perlman, Assistant Attorney General Campbell, Robert S. Erdahl* and *Philip R. Monahan* for the United States. Reported below: 84 U. S. App. D. C. 233, 175 F. 2d 994.

No. 165. SCHWENK *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *George W. Riley* for petitioner. *Solicitor General Perlman, Assistant Attorney General Campbell, Stanley M. Silverberg* and *Robert S. Erdahl* for the United States.

338 U. S.

October 10, 1949.

No. 172. *SCHUERMANN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. *Morris A. Shenker* for petitioner. *Solicitor General Perlman, Assistant Attorney General Caudle, James M. McInerney and Ellis N. Slack* for the United States. Reported below: 174 F. 2d 397.

No. 195. *MARYLAND & VIRGINIA MILK PRODUCERS ASSN., INC. ET AL. v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. MR. JUSTICE CLARK took no part in the consideration or decision of this application. *William E. Leahy, Elwood H. Seal, William J. Hughes, Jr., John J. Wilson, Samuel O. Clark, Jr., W. Gwynn Gardiner, John F. Hillyard, Elisha Hanson, Arthur B. Hanson and William Blum, Jr.* for petitioners. *George T. Washington*, then Acting Solicitor General, *Assistant Attorney General Bergson and Richard E. Guggenheim* for the United States. *Seward A. Miller and Marion R. Garstang* filed a brief for the National Cooperative Milk Producers Federation, as *amicus curiae*, supporting the petition. Reported below: 85 U. S. App. D. C. 180, 179 F. 2d 426.

No. 205. *ANDREWS v. HAMILTON COUNTY HOSPITAL ET AL.* Supreme Court of Indiana. Certiorari denied. *Robert G. Seaks* for petitioner. *Albert Stump* for respondents. Reported below: 227 Ind. 217, 228, 84 N. E. 2d 469, 85 N. E. 2d 365.

No. 207. *PRINCIPALE v. GENERAL PUBLIC UTILITIES CORP. ET AL.* C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. Reported below: 174 F. 2d 479.

No. 210. *AUBURN SAVINGS BANK ET AL. v. PORTLAND RAILROAD CO. ET AL.* Supreme Judicial Court of Maine. Certiorari denied. MR. JUSTICE DOUGLAS took no part

October 10, 1949.

338 U. S.

in the consideration or decision of this application. *Fred N. Oliver, Michael F. McCarthy* and *Willard P. Scott* for petitioners. *Leonard A. Pierce* for the Portland Railroad Co. et al., respondents. Reported below: 65 A. 2d 17.

No. 222. *ROBINSON v. UNITED STATES*; and

No. 223. *BLEKER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Morris Lavine* for petitioners. *Solicitor General Perlman, Assistant Attorney General Campbell* and *Robert S. Erdahl* for the United States. Reported below: 175 F. 2d 4.

No. 241. *BEETS v. HUNTER, WARDEN*. C. A. 10th Cir. Certiorari denied. *Howard F. McCue* for petitioner. *Solicitor General Perlman, Assistant Attorney General Campbell* and *Robert S. Erdahl* for respondent. Reported below: 180 F. 2d 101.

No. 247. *GIBSON v. INTERNATIONAL FREIGHTING CORP.* C. A. 3d Cir. Certiorari denied. *Abraham E. Freedman* for petitioner. *Rowland C. Evans, Jr.* and *Thomas E. Byrne, Jr.* for respondent. Reported below: 173 F. 2d 591.

No. 261. *COBB v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 6th Cir. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE JACKSON are of the opinion certiorari should be granted. *Robert Ash* for petitioner. *Solicitor General Perlman, Assistant Attorney General Caudle, Stanley M. Silverberg, Ellis N. Slack, Lee A. Jackson* and *L. W. Post* for respondent. Reported below: 173 F. 2d 711.

No. 73, Misc. *CARTER v. FORRESTAL, SECRETARY OF NATIONAL DEFENSE, ET AL.* The motion to extend the time to file petition for writ of certiorari is denied. Petition for writ of certiorari to the United States Court of Ap-

338 U. S.

October 10, 1949.

peals for the District of Columbia Circuit denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of these applications. *Claude L. Dawson* for petitioner. *Solicitor General Perlman* for respondent. Reported below: 85 U. S. App. D. C. 53, 175 F. 2d 364.

No. 1, Misc. *WALKER v. RAGEN, WARDEN*. Criminal Court of Cook County, Illinois;

No. 26, Misc. *BOSCIO v. RAGEN, WARDEN*. Circuit Court of Winnebago County, Illinois;

No. 37, Misc. *VILLASENOR v. RAGEN, WARDEN*. Circuit Court of Will County, Illinois;

No. 42, Misc. *ROHDE v. ILLINOIS*. Supreme Court of Illinois (reported below: 403 Ill. 41, 85 N. E. 2d 24);

No. 60, Misc. *MURPHY v. RAGEN, WARDEN*. Criminal Court of Cook County, Illinois;

No. 67, Misc. *COX v. ILLINOIS*. Circuit Court of Randolph County, Illinois; and

No. 103, Misc. *FERGUSON v. RAGEN, WARDEN*. Criminal Court of Cook County, Illinois. The petition for writ of certiorari in each of these cases is denied without consideration of the questions raised therein and without prejudice to the institution by petitioner of proceedings in any Illinois state court of competent jurisdiction under the Act of August 4, 1949, entitled: "An Act to provide a remedy for persons convicted and imprisoned in the penitentiary, who assert that rights guaranteed to them by the Constitution of the United States or the State of Illinois, or both, have been denied or violated, in proceedings in which they were convicted." Laws of Illinois, 1949, p. 722. MR. JUSTICE DOUGLAS took no part in the consideration or decision of these applications. Petitioners *pro se*. *Ivan A. Elliott*, Attorney General of Illinois, *William C. Wines*, *James C. Murray* and *Raymond S. Sarnow*, Assistant Attorneys General, for respondent in No. 1, Misc.

October 10, 1949.

338 U.S.

No. 4, Misc. GRAY *v.* BURKE, WARDEN. Supreme Court of Pennsylvania. Certiorari denied. Petitioner *pro se.* John E. Ruth for respondent.

No. 8, Misc. LOVELY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. David W. Robinson and James F. Dreher for petitioner. Solicitor General Perlman, Assistant Attorney General Campbell and Robert S. Erdahl for the United States. Reported below: 175 F. 2d 312.

No. 11, Misc. DAUGHARTY *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. George D. Rives for petitioner. Solicitor General Perlman for the United States. Reported below: 173 F. 2d 747.

No. 12, Misc. AUSTIN *v.* MICHIGAN. Supreme Court of Michigan. Certiorari denied.

No. 14, Misc. KEHOE *v.* CALIFORNIA. Supreme Court of California. Certiorari denied. Reported below: 33 Cal. 2d 711, 204 P. 2d 321.

No. 19, Misc. MAXWELL *v.* HUDSPETH, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 175 F. 2d 318.

No. 20, Misc. SMALL *v.* RAGEN, WARDEN. Circuit Court of Will County, Circuit Court of Hancock County, and the Supreme Court of Illinois. Certiorari denied.

No. 21, Misc. DARDEN *v.* RAGEN, WARDEN. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 22, Misc. LEE *v.* RAGEN, WARDEN. Circuit Court of Will County, Illinois. Certiorari denied.

No. 25, Misc. ABBOTT *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

338 U. S.

October 10, 1949.

No. 27, Misc. McDONALD *v.* HUDSPETH, WARDEN. Supreme Court of Kansas. Certiorari denied. Reported below: 167 Kan. 369, 205 P. 2d 481.

No. 28, Misc. POWELL *v.* TURNER, SHERIFF. Supreme Court of Kansas. Certiorari denied. Reported below: 167 Kan. 524, 207 P. 2d 492.

No. 30, Misc. McCONAHAY *v.* CALIFORNIA. Supreme Court of California. Certiorari denied.

No. 31, Misc. BACOM *v.* FLORIDA. Supreme Court of Florida. Certiorari denied. *Robert H. Givens, Jr.* for petitioner. Reported below: 39 So. 2d 794.

No. 35, Misc. REBESKE *v.* MICHIGAN. Supreme Court of Michigan. Certiorari denied.

No. 36, Misc. EBERLE *v.* SWENSON, WARDEN. Court of Appeals of Maryland. Certiorari denied. Reported below: 65 A. 2d 291.

No. 38, Misc. VALDEZ *v.* CALIFORNIA ET AL. Supreme Court of California. Certiorari denied.

No. 40, Misc. FIELDS *v.* STEWART, WARDEN. Supreme Court of Missouri. Certiorari denied.

No. 41, Misc. JOHNSON *v.* UTAH. Supreme Court of Utah. Certiorari denied.

No. 43, Misc. NICHOLSON *v.* RAGEN, WARDEN. Circuit Court of Winnebago County, Illinois. Certiorari denied.

October 10, 1949.

338 U.S.

No. 45, Misc. *WELLS v. CALIFORNIA*. Supreme Court of California. Certiorari denied. *Stephen W. Downey* for petitioner. Reported below: 33 Cal. 2d 330, 202 P. 2d 53.

No. 46, Misc. *WIETecha v. MICHIGAN*. Supreme Court of Michigan. Certiorari denied.

No. 52, Misc. *BRENNAN v. RAGEN, WARDEN*. Circuit Court of Will County, Illinois. Certiorari denied.

No. 53, Misc. *BOOKER v. RAGEN, WARDEN*. Circuit Court of Will County, Illinois. Certiorari denied.

No. 54, Misc. *HUNTER ET AL. v. MADISON AVENUE CORP.* C. A. 6th Cir. Certiorari denied. *Wm. G. Cavett* for petitioner. *F. E. Hagler* for respondent. Reported below: 174 F. 2d 164.

No. 55, Misc. *CASTOR v. UNITED STATES ET AL.* C. A. 8th Cir. Certiorari denied. *Maurice J. O'Sullivan* for petitioner. *Solicitor General Perlman, Assistant Attorney General Morison* and *Paul A. Sweeney* for respondents. Reported below: 174 F. 2d 481.

No. 58, Misc. *FREELAND v. WARDEN, MARYLAND PENITENTIARY*. Court of Appeals of Maryland. Certiorari denied. *Joseph Kadans* for petitioner. Reported below: 65 A. 2d 886.

No. 61, Misc. *McKEE v. NEW YORK*. Appellate Division of the Supreme Court of New York, First Department. Certiorari denied. Reported below: 275 App. Div. 767, 88 N. Y. S. 2d 900.

No. 62, Misc. *TUCKER v. ALVIS, WARDEN*. Second District Court of Appeals, Franklin County, Ohio. Certiorari denied.

338 U. S.

October 10, 1949.

No. 63, Misc. BAILEY *v.* ROBINSON, WARDEN. Supreme Court of Illinois. Certiorari denied.

No. 66, Misc. ALLEN *v.* ILLINOIS. Circuit Court of Massac County, Illinois. Certiorari denied.

No. 69, Misc. MASSEY *v.* MOORE, WARDEN. C. A. 5th Cir. Certiorari denied. Reported below: 173 F. 2d 980.

No. 71, Misc. STEVENS *v.* HEINZE, WARDEN. Supreme Court of California. Certiorari denied.

No. 72, Misc. BLACKBURN *v.* OHIO. Supreme Court of Ohio. Certiorari denied. Reported below: 151 Ohio St. 554, 86 N. E. 2d 607.

No. 74, Misc. JENKINS *v.* SMITH, SUPERINTENDENT. Supreme Court of Washington. Certiorari denied.

No. 76, Misc. MARSH *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied. Reported below: 403 Ill. 81, 85 N. E. 2d 715.

No. 77, Misc. PENNSYLVANIA EX REL. SPADER *v.* BURKE, WARDEN. Supreme Court of Pennsylvania. Certiorari denied.

No. 81, Misc. EAGLE *v.* CHERNEY ET AL. Court of Appeals of New York. Certiorari denied. Reported below: 298 N. Y. 855, 84 N. E. 2d 154.

No. 84, Misc. LEDER *v.* CALIFORNIA ET AL. Supreme Court of California. Certiorari denied.

No. 87, Misc. ILLINOIS EX REL. ANDERSON *v.* ROBINSON, WARDEN. Circuit Court of Randolph County, Illinois. Certiorari denied.

October 10, 1949.

338 U.S.

No. 93, Misc. *WILSON v. TEXAS*. Court of Criminal Appeals of Texas. Certiorari denied. *Dick Young* for petitioner. Reported below: 220 S. W. 2d 665.

No. 95, Misc. *ATWOOD v. WARDEN, MARYLAND HOUSE OF CORRECTION*. Court of Appeals of Maryland. Certiorari denied. *Joseph Kadans* for petitioner. Reported below: 66 A. 2d 204.

No. 97, Misc. *PIERCE v. SMITH, SUPERINTENDENT, C. A. 9th Cir.* Certiorari denied. Reported below: 175 F. 2d 193.

No. 111, Misc. *CAMPBELL v. EIDSON, WARDEN*. Supreme Court of Missouri. Certiorari denied.

No. 112, Misc. *ISRAEL ET AL. v. CALIFORNIA*. District Court of Appeal, 4th Appellate District, of California. Certiorari denied. Reported below: 91 Cal. App. 2d 773, 206 P. 2d 62.

No. 113, Misc. *JOHNSON v. RAGEN, WARDEN, ET AL.* Criminal Court of Cook County, Illinois. Certiorari denied.

No. 114, Misc. *WINKENSON v. RAGEN, WARDEN*. Circuit Court of Will County, Illinois. Certiorari denied.

No. 115, Misc. *BAID v. MILLER, WARDEN*. Supreme Court of Wyoming. Certiorari denied.

No. 117, Misc. *STEVENS v. HEINZE, WARDEN*. Supreme Court of California. Certiorari denied.

No. 120, Misc. *GOODMAN v. IOWA*. Supreme Court of Iowa. Certiorari denied.

338 U. S.

October 10, 1949.

No. 124, Misc. COMMACK *v.* BUSH, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 175 F. 2d 128.

MR. JUSTICE DOUGLAS took no part in the consideration or decision of the applications in the foregoing cases beginning with No. 4, Misc. on page 834 and ending with No. 124, Misc. on this page.

Rehearing Denied. (See also No. 279, October Term, 1948, *supra*.)

No. 12, October Term, 1948. BRINEGAR *v.* UNITED STATES, 338 U. S. 160;

No. 128, October Term, 1948. FARMERS RESERVOIR & IRRIGATION Co. *v.* McCOMB, WAGE & HOUR ADMINISTRATOR, 337 U. S. 755;

No. 196, October Term, 1948. McCOMB, WAGE & HOUR ADMINISTRATOR, *v.* FARMERS RESERVOIR & IRRIGATION Co., 337 U. S. 755;

No. 287, October Term, 1948. INTERSTATE OIL PIPE LINE Co. *v.* STONE, CHAIRMAN, STATE TAX COMMISSION, 337 U. S. 662;

No. 351, October Term, 1948. COSMOPOLITAN SHIPPING Co., INC. *v.* McALLISTER, 337 U. S. 783;

No. 509, October Term, 1948. KOHL *v.* COMMISSIONER OF INTERNAL REVENUE, 337 U. S. 956;

No. 522, October Term, 1948. RAGAN *v.* MERCHANTS TRANSFER & WAREHOUSE Co., INC., 337 U. S. 530;

No. 604, October Term, 1948. AJAX TRUCKING Co., INC. *v.* BROWNE ET AL., CONSTITUTING THE STATE TAX COMMISSION OF NEW YORK, 337 U. S. 951;

No. 659, October Term, 1948. FUJINO *v.* CLARK, ATTORNEY GENERAL, 337 U. S. 937;

No. 740, October Term, 1948. TIBBALS ET AL. *v.* MICA MOUNTAIN MINES, INC. ET AL., 337 U. S. 925;

October 10, 1949.

338 U. S.

No. 748, October Term, 1948. *ZIMMERMANN v. UNITED STATES*, 337 U. S. 941;

No. 788, October Term, 1948. *LATTA ET AL. v. WESTERN INVESTMENT CO. ET AL.*, 337 U. S. 940;

No. 791, October Term, 1948. *CONTINENTAL CASUALTY CO. v. UNITED STATES FOR THE USE OF SCHAEFER, DOING BUSINESS AS THE CONCRETE CONSTRUCTION CO., ET AL.*, 337 U. S. 940;

No. 826, October Term, 1948. *WHETSTONE v. UNITED STATES*, 337 U. S. 941;

No. 832, October Term, 1948. *LYONS v. CAPITAL TRANSIT CO.*, 337 U. S. 942; and

No. 877, October Term, 1948. *KEATING v. UNITED STATES*, 337 U. S. 959. The petitions for rehearing in these cases are severally denied. MR. JUSTICE CLARK took no part in the consideration or decision of these applications.

No. 31, October Term, 1948. *LARSON, WAR ASSETS ADMINISTRATOR AND SURPLUS PROPERTY ADMINISTRATOR, v. DOMESTIC & FOREIGN COMMERCE CORP.*, 337 U. S. 682. The petition for rehearing and alternative motion to amend the judgment and mandate are denied. MR. JUSTICE CLARK took no part in the consideration or decision of this application.

No. 84, October Term, 1948. *COMMISSIONER OF INTERNAL REVENUE v. WODEHOUSE*, 337 U. S. 369. Rehearing denied. MR. JUSTICE DOUGLAS and MR. JUSTICE CLARK took no part in the consideration or decision of this application.

No. 253, October Term, 1948. *UNITED STATES v. PENN FOUNDRY & MANUFACTURING CO., INC.*, 337 U. S. 198.

338 U. S.

October 10, 1949.

Petition for rehearing or for modification of judgment remanding case for additional findings denied. MR. JUSTICE CLARK took no part in the consideration or decision of this application.

No. 390, October Term, 1948. *PROPPER, RECEIVER, v. CLARK, ATTORNEY GENERAL, AS SUCCESSOR TO THE ALIEN PROPERTY CUSTODIAN*, 337 U. S. 472. Rehearing denied. THE CHIEF JUSTICE and MR. JUSTICE CLARK took no part in the consideration or decision of this application.

No. 525, October Term, 1948. *MOORE v. COMMISSIONER OF INTERNAL REVENUE*, 337 U. S. 956. The motion for leave to file petition for rehearing is denied. MR. JUSTICE CLARK took no part in the consideration or decision of this application.

No. 649, October Term, 1948. *LONGYEAR HOLDING CO. ET AL. v. MINNESOTA*, 336 U. S. 948. The motion for leave to file a second petition for rehearing is denied. MR. JUSTICE BURTON and MR. JUSTICE CLARK took no part in the consideration or decision of this application.

No. 671, October Term, 1948. *WILLIAMS v. NEW YORK*, 337 U. S. 241. Petition for rehearing of the order of June 27, 1949, 337 U. S. 961, denied. MR. JUSTICE CLARK took no part in the consideration or decision of this application.

No. 795, October Term, 1948. *FAINBLATT v. COMMISSIONER OF INTERNAL REVENUE*; and

No. 796, October Term, 1948. *FAINBLATT v. COMMISSIONER OF INTERNAL REVENUE*, 337 U. S. 957. The mo-

October 10, 1949.

338 U. S.

tion for leave to file petition for rehearing is denied. MR. JUSTICE CLARK took no part in the consideration or decision of this application.

No. 810, October Term, 1948. *CARTER OIL CO. v. RAMSEY ET AL.*, 337 U. S. 958. Motion of petitioner for leave to file certified copy of order of Circuit Court of Fayette County denied. The petition for rehearing is denied. MR. JUSTICE CLARK took no part in the consideration or decision of these applications.

No. 66, Misc., October Term, 1948. *EPPLE v. DUFFY, WARDEN*, 335 U. S. 834;

No. 417, Misc., October Term, 1948. *WHELAN v. UNITED STATES*, 337 U. S. 931;

No. 440, Misc., October Term, 1948. *WILDE v. LOUISIANA*, 337 U. S. 932;

No. 581, Misc., October Term, 1948. *GAY v. FIDELITY UNION TRUST CO., EXECUTOR*, 337 U. S. 945;

No. 598, Misc., October Term, 1948. *SHOTKIN ET AL. v. DENVER PUBLISHING CO. ET AL.*, 337 U. S. 929;

No. 628, Misc., October Term, 1948. *REEVES v. GEORGIA*, 337 U. S. 946;

No. 629, Misc., October Term, 1948. *WALLACE v. UNITED STATES*, 337 U. S. 947; and

No. 666, Misc., October Term, 1948. *EDELMAN v. CALIFORNIA*, 337 U. S. 949. The petitions for rehearing in these cases are severally denied. MR. JUSTICE DOUGLAS and MR. JUSTICE CLARK took no part in the consideration or decision of these applications.

No. 480, Misc., October Term, 1948. *AGNEW v. CALIFORNIA*, 337 U. S. 909. The second petition for rehearing is denied. MR. JUSTICE DOUGLAS and MR. JUSTICE CLARK took no part in the consideration or decision of this application.

338 U. S.

October 17, 1949.

OCTOBER 17, 1949.

Per Curiam Decisions.

No. 174. *DICKINSON v. PORTER, STATE COMPTROLLER, ET AL.* Appeal from the Supreme Court of Iowa. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this case. *Martin M. Cooney* for appellant. *Robert L. Larson*, Attorney General of Iowa, *Don Hise*, First Assistant Attorney General, *Earl F. Wisdom* and *Bert F. Wisdom* for appellees. Reported below: 240 Iowa 393, 35 N. W. 2d 66.

No. 244. *SECURITIES & EXCHANGE COMMISSION ET AL. v. OTIS & Co.* On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. *Per Curiam*: The petition for writ of certiorari is granted and the judgment is reversed. *Myers v. Bethlehem Shipbuilding Corp.*, 303 U. S. 41; *Macauley v. Waterman S. S. Corp.*, 327 U. S. 540; *Federal Power Comm'n v. Arkansas Power Co.*, 330 U. S. 802. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this case. *Solicitor General Perlman* and *Roger S. Foster* for petitioners. *Joseph L. Weiner* for respondent. Reported below: 85 U. S. App. D. C. 122, 176 F. 2d 34.

No. 265. *UNITED STATES ET AL. v. INTERSTATE COMMON CARRIER COUNCIL OF MARYLAND, INC. ET AL.*; and

No. 266. *SCHREIBER TRUCKING CO., INC. v. INTERSTATE COMMON CARRIER COUNCIL OF MARYLAND, INC. ET AL.* Appeals from the United States District Court for the District of Maryland. *Per Curiam*: The judgment is affirmed. *Florida v. United States*, 282 U. S. 194; *United States v. Carolina Carriers Corp.*, 315 U. S. 475. MR. JUSTICE BLACK and MR. JUSTICE REED are of the opinion

October 17, 1949.

338 U.S.

that probable jurisdiction should be noted and the cases set down for argument. MR. JUSTICE DOUGLAS took no part in the consideration or decision of these cases. *Solicitor General Perlman* and *Daniel W. Knowlton* for appellants in No. 265. *Hall Hammond* for appellant in No. 266. *John R. Norris* for appellees. Reported below: 84 F. Supp. 414.

No. 319. PRICE *v.* MISSISSIPPI. Appeal from the Supreme Court of Mississippi. *Per Curiam*: The appeal is dismissed for want of jurisdiction. 28 U. S. C. § 1257 (2). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari as required by 28 U. S. C. § 2103, certiorari is denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this case. Appellant *pro se*. *Greek L. Rice*, Attorney General of Mississippi, and *George H. Ethridge*, Assistant Attorney General, for appellee. Reported below: 207 Miss. 111, 41 So. 2d 37.

No. 320. MILLER *v.* WIGGINS, SUPERINTENDENT. Appeal from and petition for writ of certiorari to the Supreme Court of Mississippi. *Per Curiam*: The appeal is dismissed for want of jurisdiction. 28 U. S. C. § 1257 (2). The petition for writ of certiorari is denied. MR. JUSTICE BLACK is of the opinion certiorari should be granted. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this case. *Thurgood Marshall* and *Franklin H. Williams* for appellant. *Greek L. Rice*, Attorney General of Mississippi, and *George H. Ethridge*, Assistant Attorney General, for appellee. Reported below: 207 Miss. 156, 41 So. 2d 375.

No. 323. MOORE *v.* MISSISSIPPI. Appeal from the Supreme Court of Mississippi. *Per Curiam*: The appeal is dismissed for want of jurisdiction. 28 U. S. C. § 1257 (2).

338 U. S.

October 17, 1949.

Treating the papers whereon the appeal was allowed as a petition for writ of certiorari as required by 28 U. S. C. § 2103, certiorari is denied. MR. JUSTICE BLACK is of the opinion certiorari should be granted. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this case. Appellant *pro se*. *Greek L. Rice*, Attorney General of Mississippi, and *George H. Ethridge*, Assistant Attorney General, for appellee. Reported below: 207 Miss. 140, 41 So. 2d 368.

Miscellaneous Orders.

No. 61. HUGHES ET AL. *v.* SUPERIOR COURT OF CALIFORNIA IN AND FOR THE COUNTY OF CONTRA COSTA. The motion for leave to withdraw the appearance of W. H. Orrick as counsel for the respondent is granted.

No. 130, Misc. BRADSHAW *v.* RAYMOND, SUPERINTENDENT, ET AL.;

No. 133, Misc. McDOWELL *v.* DOWD, WARDEN; and

No. 135, Misc. CARROLL *v.* SWENSON, WARDEN. The motions for leave to file petitions for writs of habeas corpus are denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of these applications.

No. 134, Misc. SWITZER *v.* REDNOUR, SUPERINTENDENT, ET AL. Petition denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application.

No. 137, Misc. EX PARTE BLASS ET AL.; and

No. 146, Misc. LEHIGH *v.* WILLIAMS, GOVERNOR OF MICHIGAN, ET AL. The motions for leave to file petitions for writs of mandamus are denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of these applications. *Curley C. Hoffpauir* for petitioners in No. 137. Misc.

October 17, 1949.

338 U. S.

No. 141, Misc. IN RE BEST. Application denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application.

Certiorari Granted. (See also No. 244, *supra*.)

No. 83. REGENTS OF THE UNIVERSITY SYSTEM OF GEORGIA *v.* CARROLL ET AL. Court of Appeals of Georgia. *Certiorari* granted. *Eugene Cook*, Attorney General of Georgia, and *Hamilton Lokey*, Deputy Assistant Attorney General, for petitioner. *James A. Branch* for respondents. *Solicitor General Perlman* and *Benedict P. Cottle* filed a brief for the Federal Communications Commission, as *amicus curiae*, supporting the petition. Reported below: 78 Ga. App. 292, 50 S. E. 2d 808.

No. 98. UNITED STATES *v.* FLEISCHMAN; and

No. 99. UNITED STATES *v.* BRYAN. United States Court of Appeals for the District of Columbia Circuit. *Certiorari* granted. *Solicitor General Perlman* for the United States. *O. John Rogge* and *Benedict Wolf* for respondents. Reported below: 84 U. S. App. D. C. 388, 394, 174 F. 2d 519, 525.

No. 214. UNITED STATES *v.* CUMBERLAND PUBLIC SERVICE Co. Court of Claims. *Certiorari* granted. *Solicitor General Perlman* for the United States. *Wilson W. Wyatt* for respondent. Reported below: 113 Ct. Cl. 460, 83 F. Supp. 843.

No. 221. SKELLY OIL CO. ET AL. *v.* PHILLIPS PETROLEUM Co. C. A. 10th Cir. *Certiorari* granted. *W. P. Z. German*, *Alvin F. Molony*, *Donald Campbell*, *Ray S. Fellows*, *Dan Moody*, *Charles L. Black*, *Wallace Hawkins* and *Earl A. Brown* for petitioners. *H. Don Emery*, *Rayburn L. Foster*, *R. B. F. Hummer*, *Harry D. Turner* and *Eugene O. Monnett* for respondent. Reported below: 174 F. 2d 89.

338 U. S.

October 17, 1949.

Certiorari Denied. (See also Nos. 319, 320 and 323, *supra.*)

No. 109. WINCHESTER ET AL. *v.* GREGG. C. A. 9th Cir. *Certiorari denied.* *Oliver O. Clark* for petitioners. *Guy Richards Crump* for respondent. Reported below: 173 F. 2d 512.

No. 149. UNITED STATES *v.* COLORADO & SOUTHERN RAILWAY Co. United States District Court for the District of Colorado. *Certiorari denied.* *Solicitor General Perlman, Assistant Attorney General Caudle, Ellis N. Slack and Helen Goodner* for the United States. *J. C. James and Walter McFarland* for respondent. Reported below: 84 F. Supp. 134.

No. 155. BRODHEAD, DOING BUSINESS AS T. H. BRODHEAD Co., *v.* BORTHWICK, TAX COMMISSIONER & TAX COLLECTOR. C. A. 9th Cir. *Certiorari denied.* *Julius Russell Cades and Urban E. Wild* for petitioner. *Walter D. Ackerman, Jr., Attorney General of Hawaii, Thomas W. Flynn, Deputy Attorney General, and Rhoda V. Lewis, Assistant Attorney General,* for respondent. Reported below: 174 F. 2d 21.

No. 215. CAMPBELL SOUP Co. ET AL. *v.* ARMOUR & Co. C. A. 3d Cir. *Certiorari denied.* *Robert T. McCracken, C. Russell Phillips, William T. Woodson and Harry D. Nims* for petitioners. *Walter J. Blenko, Wm. Clarke Mason, Thomas B. K. Ringe and George E. Leonard, Jr.* for respondent. Reported below: 175 F. 2d 795.

No. 226. MONTOKA *v.* TIDE WATER ASSOCIATED OIL Co. C. A. 2d Cir. *Certiorari denied.* *William L. Standard* for petitioner. *Solicitor General Perlman, Assistant Attorney General Morison, Paul A. Sweeney and Cecelia H. Goetz* for respondent. Reported below: 174 F. 2d 607.

October 17, 1949.

338 U. S.

No. 237. *RICHMAN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. *Harold Simandl* for petitioner. *Solicitor General Perlman, Assistant Attorney General Campbell, Robert S. Erdahl and Israel Convisser* for the United States. Reported below: 176 F. 2d 889.

No. 246. *WILLIS ET AL. v. BARNSDALL OIL CO. ET AL.* C. A. 5th Cir. Certiorari denied. *Robert S. Vance* for petitioners. *William H. Arnold, Jr.* for respondents. Reported below: 173 F. 2d 979.

No. 252. *GRAY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. *G. Aaron Youngquist and Leonard L. Kalish* for petitioner. *Solicitor General Perlman, Assistant Attorney General Campbell, Robert S. Erdahl and Vincent A. Kleinfeld* for the United States. Reported below: 174 F. 2d 919.

No. 63. *STEELE'S MILLS ET AL. v. ROBERTSON, COLLECTOR OF INTERNAL REVENUE*. C. A. 4th Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *John M. Robinson and Russell M. Robinson* for petitioners. *Solicitor General Perlman, Assistant Attorney General Caudle, Ellis N. Slack, Lee A. Jackson and Harry Baum* for respondent. Reported below: 172 F. 2d 817.

No. 203. *CRANE v. MICHIGAN*. Supreme Court of Michigan. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *David W. Louisell* for petitioner. *Stephen J. Roth*, Attorney General of Michigan, and *Edmund E. Shepherd*, Solicitor General, for respondent. Reported below: 323 Mich. 646, 652, 36 N. W. 2d 170.

No. 212. *UNITED STATES v. SEABOARD AIR LINE RAILROAD Co.* Court of Claims. Certiorari denied. MR.

338 U. S.

October 17, 1949.

JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Solicitor General Perlman* for the United States. *Frank J. Wideman* for respondent. Reported below: 113 Ct. Cl. 437, 83 F. Supp. 1012.

No. 240. *BARCLAY, EXECUTOR, v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *C. Ward Eicher* and *Earl F. Reed* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Ellis N. Slack* and *Lee A. Jackson* for the United States. Reported below: 175 F. 2d 48.

No. 260. *POTTS ET AL. v. RADER, ADMINISTRATOR, ET AL.* Supreme Court of Arkansas. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Alexander H. Sands* for petitioners. *Archibald G. Robertson* for Shinberger et al., respondents. Reported below: 215 Ark. 160, 219 S. W. 2d 769.

No. 262. *MYRES v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Homer Cummings*, *Max O'Rell Truitt*, *William D. Donnelly* and *John H. Flanigan, Sr.* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *James M. McInerney*, *Ellis N. Slack* and *Andrew F. Oehmann* for the United States. Reported below: 174 F. 2d 329.

No. 269. *RUSSELL, CIRCUIT COURT JUDGE, v. MISSOURI EX REL. ST. LOUIS-SAN FRANCISCO RAILWAY CO.* Supreme Court of Missouri. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Victor Packman*, *Henry D. Espy*,

October 17, 1949.

338 U.S.

Charles H. Houston and *Joseph C. Waddy* for petitioner. *Cornelius H. Skinker, Jr.* for respondent. Reported below: 358 Mo. 1136, 219 S. W. 2d 340.

No. 270. *LYONS v. WELTMER ET AL.* C. A. 4th Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. Reported below: 174 F. 2d 473.

No. 272. *DILLE v. CARTER OIL CO. ET AL.* C. A. 10th Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. Petitioner *pro se*. *Gentry Lee* for Delaney et al., respondents. Reported below: 174 F. 2d 318.

No. 336. *HENDERSON ET AL. v. DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION ET AL.* Supreme Court of Pennsylvania. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Wm. E. Leahy* and *William J. Hughes, Jr.* for petitioners. *T. McKean Chidsey*, Attorney General of Pennsylvania, *Robert M. Mountenay*, Assistant Attorney General, *H. F. Stambaugh* and *John H. Pursel* for respondents. Reported below: 362 Pa. 475, 66 A. 2d 843.

No. 339. *ILLINOIS v. SULLIVAN, TRUSTEE, ET AL.* C. A. 7th Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *John S. Boyle*, *Gordon B. Nash* and *Melvin F. Wingersky* for petitioner. Reported below: 175 F. 2d 282.

No. 341. *BRIDGE AUTO RENTING CORP. ET AL. v. PEDRICK, COLLECTOR OF INTERNAL REVENUE, ET AL.* C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Carlos L. Israels* for petitioners. *Solicitor General Perlman* for respondents. Reported below: 174 F. 2d 733.

338 U. S.

October 17, 1949.

No. 140. UNITED STATES *v.* ROSEN. C. A. 2d Cir. Certiorari denied. MR. JUSTICE REED, MR. JUSTICE FRANKFURTER, and MR. JUSTICE CLARK took no part in the consideration or decision of this application. *Solicitor General Perlman* for the United States. *Morton Stavis* for respondent. Reported below: 174 F. 2d 187.

No. 255. HALL *v.* UNITED STATES;

No. 256. WINSTON *v.* UNITED STATES;

No. 257. UNITED STATES EX REL. HALL *v.* MULCAHY, U. S. MARSHAL;

No. 258. UNITED STATES EX REL. WINSTON *v.* MULCAHY, U. S. MARSHAL; and

No. 259. GREEN *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. MR. JUSTICE BLACK is of the opinion certiorari should be granted. MR. JUSTICE DOUGLAS took no part in the consideration or decision of these applications. *George W. Crockett, Jr., Richard Gladstein, Abraham J. Isserman, Harry Sacher, Charles H. Houston* and *Walter F. Dodd* for petitioners. *Solicitor General Perlman, Assistant Attorney General Campbell, Robert S. Erdahl* and *Irving S. Shapiro* for respondents. Reported below: Nos. 255-258, 176 F. 2d 163; No. 259, 176 F. 2d 169.

No. 268. TURNER *v.* UNITED STATES ET AL. C. A. 5th Cir. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Palmer Pillans* for petitioner. *Solicitor General Perlman, Assistant Attorney General Vanech, Ralph J. Luttrell* and *Howard O. Sigmond* for the United States. Reported below: 175 F. 2d 644.

No. 32, Misc. FLETCHER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no

October 17, 1949.

338 U.S.

part in the consideration or decision of this application. Petitioner *pro se*. *Solicitor General Perlman*, *Assistant Attorney General Vanech*, *Roger P. Marquis* and *John C. Harrington* for the United States. Reported below: 174 F. 2d 373.

No. 86, Misc. JOHNSON *v.* ATLANTIC COAST LINE RAILROAD Co. Supreme Court of Florida. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Will O. Murrell* for petitioner. *Charles Cook Howell* for respondent. Reported below: 40 So. 2d 892.

No. 99, Misc. DEPOFI *v.* PENNSYLVANIA. Supreme Court of Pennsylvania. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Samuel G. Wagner* and *Albert A. Fiok* for petitioner. *William S. Rahauser* for respondent. Reported below: 362 Pa. 229, 66 A. 2d 649.

No. 123, Misc. MANNING *v.* RAGEN, WARDEN. Circuit Court of Will County, Illinois;

No. 127, Misc. POPPE *v.* RAGEN, WARDEN. Circuit Court of Will County, Illinois;

No. 132, Misc. ROLLO ET AL. *v.* FRISBIE, WARDEN. Supreme Court of Michigan;

No. 136, Misc. WATKINS *v.* CALIFORNIA. District Court of Appeal, 2d Appellate District, of California;

No. 142, Misc. WILLIAMS *v.* NEW YORK. Supreme Court of New York;

No. 144, Misc. ANDERSON *v.* MISSOURI. Supreme Court of Missouri;

No. 145, Misc. REEDER *v.* RAGEN, WARDEN. Circuit Court of Will County, Illinois;

338 U. S.

October 17, 1949.

No. 147, Misc. BAUTZ *v.* RAGEN, WARDEN. Circuit Court of Will County, Illinois;

No. 148, Misc. WELLS *v.* RAGEN, WARDEN. Circuit Court of Madison County, Illinois;

No. 149, Misc. KELLOGG *v.* MILLER, WARDEN. Supreme Court of Wyoming;

No. 154, Misc. BANKS *v.* RAGEN, WARDEN. Supreme Court of Illinois; and

No. 158, Misc. BALDRIDGE *v.* RAGEN, WARDEN. Supreme Court of Illinois. The petitions for writs of certiorari in these cases are severally denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of these applications.

No. 128, Misc. GILMORE *v.* RAGEN, WARDEN. The petition for writ of certiorari to the Criminal Court of Cook County, Illinois, is denied without consideration of the questions raised therein and without prejudice to the institution by petitioner of proceedings in any Illinois state court of competent jurisdiction under the Act of August 4, 1949, entitled: "An Act to provide a remedy for persons convicted and imprisoned in the penitentiary, who assert that rights guaranteed to them by the Constitution of the United States or the State of Illinois, or both, have been denied or violated, in proceedings in which they were convicted." Laws of Illinois, 1949, p. 722. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application.

Rehearing Denied.

No. 377, Misc., October Term, 1948. FERGUSON, TEMPORARY ADMINISTRATOR, ET AL. *v.* FERGUSON, 337 U. S. 943. Rehearing denied. MR. JUSTICE DOUGLAS, MR. JUSTICE CLARK, and MR. JUSTICE MINTON took no part in the consideration or decision of this application.

October 18, 24, 1949.

338 U. S.

OCTOBER 18, 1949.

*Rehearing Denied.*No. 101. GARSSON *v.* UNITED STATES; andNo. 102. GARSSON *v.* UNITED STATES, 338 U. S. 830.

Motions for extension of time to file petitions for rehearing denied. THE CHIEF JUSTICE, MR. JUSTICE CLARK, and MR. JUSTICE MINTON took no part in the consideration or decision of these applications.

OCTOBER 24, 1949.*

Per Curiam Decisions.

No. 224. BASKIN *v.* INDUSTRIAL ACCIDENT COMMISSION ET AL. On petition for writ of certiorari to the District Court of Appeal, 1st Appellate District, of California. *Per Curiam*: The petition for writ of certiorari is granted. It appears that the decision of this Court in *Bethlehem Steel Co. v. Moores*, 335 U. S. 874, affirming the decision of the Supreme Judicial Court of Massachusetts, 323 Mass. 162, 80 N. E. 2d 478, was not available to the District Court of Appeal at the time of its consideration of this cause. The judgment is vacated and the cause remanded to the District Court of Appeal for reconsideration in the light of *Bethlehem Steel Co. v. Moores*, *supra*, and *Davis v. Department of Labor*, 317 U. S. 249. See *Minnesota v. National Tea Co.*, 309 U. S. 551; *State Tax Comm'n v. Van Cott*, 306 U. S. 511. *Franklin C. Stark* and *Samuel B. Horovitz* for petitioner. *Everett A. Corten* for the Industrial Accident Commission; and *Oliver Dibble* for the Kaiser Company et al., respondents. Reported below: 89 Cal. App. 2d 632, 201 P. 2d 549.

*MR. JUSTICE DOUGLAS took no part in the consideration or decision of the cases in which judgments and orders were this day announced.

338 U. S.

October 24, 1949.

No. 324. *PATTON v. MISSISSIPPI*. Appeal from and petition for writ of certiorari to the Supreme Court of Mississippi. *Per Curiam*: The appeal is dismissed for want of jurisdiction. 28 U. S. C. § 1257 (2). The petition for writ of certiorari is denied. *Franklin H. Williams* for appellant-petitioner. *Greek L. Rice*, Attorney General of Mississippi, and *George H. Ethridge*, Assistant Attorney General, for appellee-respondent. Reported below: 207 Miss. 120, 40 So. 2d 592, 41 So. 2d 55.

No. 326. *GRAY ET AL. v. WEST VIRGINIA*. Appeal from the Supreme Court of Appeals of West Virginia. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Brooks B. Callaghan*, *Clarence E. Martin, Jr.* and *Clarence E. Martin* for appellants. *Ira J. Partlow*, Attorney General of West Virginia, and *William C. Marland*, Assistant Attorney General, for appellee. Reported below: 132 W. Va. —, 52 S. E. 2d 759.

No. 338. *ACME FAST FREIGHT, INC. ET AL. v. UNITED STATES ET AL.* Appeal from the United States District Court for the Northern District of Illinois. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. *David Axelrod*, *James L. Givan* and *Homer S. Carpenter* for appellants. *Solicitor General Perlman* and *Daniel W. Knowlton* for appellees.

Miscellaneous Orders.

No. 3. *UNITED STATES EX REL. EICHENLAUB v. WATKINS*, DISTRICT DIRECTOR OF IMMIGRATION AND NATURALIZATION; and

No. 82. *UNITED STATES EX REL. WILLUMEIT v. WATKINS*, DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZA-

October 24, 1949.

338 U. S.

TION SERVICE. Shaughnessy, Acting District Director, substituted as the party respondent.

No. 9, Original. *ILLINOIS v. INDIANA ET AL.* The Fourth Special Report of the Special Master is approved. The amended bill of complaint is dismissed as to (1) Cities Service Oil Company, pursuant to joint motion of complainant, State of Illinois, and the defendants, State of Indiana, City of East Chicago, and Cities Service Oil Company; (2) Cudahy Packing Company, pursuant to joint motion of complainant, State of Illinois, and the defendants, State of Indiana, City of East Chicago, and Cudahy Packing Company; (3) Inland Steel Company, pursuant to joint motion of complainant, State of Illinois, and the defendants, State of Indiana, City of East Chicago, and Inland Steel Company; (4) National Tube Company, pursuant to joint motion of complainant, State of Illinois, and the defendants, State of Indiana, City of Gary, Indiana, and National Tube Company; (5) Sinclair Refining Company, pursuant to joint motion of complainant, State of Illinois, and the defendants, State of Indiana, City of East Chicago, and Sinclair Refining Company; (6) and Socony-Vacuum Oil Company, Incorporated, pursuant to joint motion of complainant, State of Illinois, and the defendants, State of Indiana, City of East Chicago, and Socony-Vacuum Oil Company. Costs against these defendants are to be taxed in accordance with the recommendations of the Special Master.

The Fourth Interim Report of the Special Master dated September 7, 1949, 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. The Court further orders that the recommendation of the Special Master as to the apportionment of costs be adopted and costs for the period from September 8,

338 U. S.

October 24, 1949.

1948, to September 7, 1949, inclusive, shall be taxed as recommended in the Fourth Interim Report.

An order is entered fixing the compensation and allowing the expenses of the Special Master as of September 7, 1949.

No. 152, Misc. *PLAINE v. BURFORD, WARDEN*;

No. 161, Misc. *HOBBS v. SWENSON, WARDEN*;

No. 163, Misc. *PULLINS v. ALVIS, WARDEN*; and

No. 168, Misc. *RUTHVEN v. OVERHOLSER*. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 155, Misc. *RHEIM v. FOSTER, WARDEN*. The motion for leave to file petition for writ of certiorari is denied.

Certiorari Granted. (See also No. 224, *supra*.)

No. 156. *UNITED STATES v. COMMODITIES TRADING CORP. ET AL.* Court of Claims. Certiorari granted. *Solicitor General Perlman* for the United States. *Edward L. Blackman* for respondents. Reported below: 113 Ct. Cl. 244, 83 F. Supp. 356.

No. 163. *COMMODITIES TRADING CORP. ET AL. v. UNITED STATES.* Court of Claims. Certiorari granted. *Edward L. Blackman* for petitioners. *Solicitor General Perlman, Assistant Attorney General Morison, Paul A. Sweeney and Melvin Richter* for the United States. Reported below: 113 Ct. Cl. 244, 83 F. Supp. 356.

No. 273. *UNITED STATES v. MORTON SALT Co.*; and

No. 274. *UNITED STATES v. INTERNATIONAL SALT Co.* C. A. 7th Cir. Certiorari granted. MR. JUSTICE DOUGLAS and MR. JUSTICE MINTON took no part in the consid-

October 24, 1949.

338 U.S.

eration or decision of this application. *Solicitor General Perlman* for the United States. *L. M. McBride* for respondent in No. 273. *Louis H. Hall* for respondent in No. 274. Reported below: 174 F. 2d 703.

Certiorari Denied. (See also No. 324 and No. 155, Misc., *supra.*)

No. 186. *DALLAS v. RENTZEL, CIVIL AERONAUTICS ADMINISTRATOR.* C. A. 5th Cir. *Certiorari denied.* *H. P. Kucera* for petitioner. *Solicitor General Perlman, Assistant Attorney General Bergson* and *William D. McFarlane* for respondent. Reported below: 172 F. 2d 122.

No. 218. *P. DOUGHERTY Co. v. UNITED STATES.* Court of Claims. *Certiorari denied.* *Theodore B. Benson* for petitioner. *Solicitor General Perlman, Assistant Attorney General Morison, Paul A. Sweeney* and *Joseph Kovner* for the United States. Reported below: 113 Ct. Cl. 448, 83 F. Supp. 688.

No. 267. *SACHS v. GOVERNMENT OF THE CANAL ZONE.* C. A. 5th Cir. *Certiorari denied.* *Nathan Witt* for petitioner. *Solicitor General Perlman, Assistant Attorney General Campbell* and *Robert S. Erdahl* for respondent. Reported below: 176 F. 2d 292.

No. 275. *NEWS SYNDICATE CO., INC. v. MATTOX.* C. A. 2d Cir. *Certiorari denied.* *Stuart N. Updike* for petitioner. *Louis B. Fine* for respondent. Reported below: 176 F. 2d 897.

No. 276. *HOUSTON OIL Co. v. AMERICAN REPUBLICS CORP.* C. A. 5th Cir. *Certiorari denied.* *William Hamlet Blades* and *T. E. Kennerly* for petitioner. *Beaman Strong* for respondent. Reported below: 173 F. 2d 728.

338 U. S.

October 24, 1949.

No. 279. *WONG v. FINKELSTEIN ET AL., CONSTITUTING THE TEMPORARY CITY HOUSING RENT COMMISSION.* Court of Appeals of New York. Certiorari denied. *Herbert Burton Brill* for petitioner. *Nathan W. Math* for respondents. Reported below: 299 N. Y. 205, 86 N. E. 2d 563.

No. 282. *FLYNN, TRUSTEE, ET AL. v. RECONSTRUCTION FINANCE CORP.* C. A. 2d Cir. Certiorari denied. *Clifford L. Porter* and *Chester B. McLaughlin* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Morison* and *Paul A. Sweeney* for respondent. Reported below: 175 F. 2d 761.

No. 283. *CROSS v. KILIANI.* Court of Appeals of New York. Certiorari denied. *Arthur G. Warner* and *James E. Birdsall* for petitioner. *Joseph Walker* for respondent. Reported below: 299 N. Y. 680, 87 N. E. 2d 68.

No. 285. *HEALD v. UNITED STATES;*

No. 286. *HEALD v. UNITED STATES;* and

No. 287. *HEALD v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. *Byron G. Rogers* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Campbell*, *Robert S. Erdahl* and *Israel Convisser* for the United States. Reported below: 175 F. 2d 878.

No. 288. *LYKES BROS. STEAMSHIP CO., INC. v. CANNELLA.* C. A. 2d Cir. Certiorari denied. *Arthur M. Boal* for petitioner. *Nathan Baker* for respondent. Reported below: 174 F. 2d 794.

No. 289. *REMINGTON RAND, INC. v. ROYAL TYPEWRITER CO., INC.* C. A. 2d Cir. Certiorari denied. *Francis J. McNamara* and *Joseph V. Meigs* for petitioner. *William H. Davis* and *George E. Faithfull* for respondent.

October 24, 1949.

338 U.S.

No. 291. *COLEMAN v. KANSAS*. Supreme Court of Kansas. Certiorari denied. *Elisha Scott* and *Thurman L. Dodson* for petitioner. Reported below: 166 Kan. 707, 204 P. 2d 584.

No. 294. *S. C. JOHNSON & SON, INC. v. JOHNSON ET AL.* C. A. 2d Cir. Certiorari denied. *William T. Woodson*, *Beverly W. Pattishall* and *Robert M. Hitchcock* for petitioner. *Edwin T. Bean* and *Conrad Christel* for respondents. Reported below: 175 F. 2d 176.

No. 295. *HIMMELFARB v. UNITED STATES*; and

No. 296. *ORMONT v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *William Katz* for petitioner in No. 295. *William Jennings Bryan, Jr.* for petitioner in No. 296. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *James M. McInerney*, *Ellis N. Slack*, *Joseph W. Bishop, Jr.*, *Carlton Fox* and *Fred G. Folsom* for the United States. Reported below: 175 F. 2d 924.

No. 280. *WILLAPOINT OYSTERS, INC. v. EWING, ADMINISTRATOR, ET AL.* C. A. 9th Cir. Certiorari denied. *Albert E. Stephan* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Campbell*, *Robert S. Erdahl*, *John T. Grigsby* and *William W. Goodrich* for respondents. *Smith Troy*, Attorney General, and *Lyle L. Iversen*, Assistant Attorney General, filed a brief for the State of Washington, as *amicus curiae*, supporting the petition. Reported below: 174 F. 2d 676.

No. 284. *LAPIDES v. CLARK, ATTORNEY GENERAL, ET AL.* United States Court of Appeals for the District of Columbia Circuit. McGrath substituted as a party respondent for Clark. Certiorari denied. *Jack Wasserman*, *Irving Jaffe*, *William Maslow* and *Abram Orlow* for petitioner. *Solicitor General Perlman*, *Assistant Attor-*

338 U.S.

October 24, 1949.

ney General Campbell, Robert S. Erdahl and L. Paul Winings for respondents. Marcus Cohn filed a brief for the American Jewish Committee, as *amicus curiae*, supporting the petition. Reported below: 85 U. S. App. D. C. 101, 176 F. 2d 619.

No. 292. DURYEE, TRUSTEE, *v.* ERIE RAILROAD CO. C. A. 6th Cir. Certiorari denied. MR. JUSTICE DOUGLAS and MR. JUSTICE BURTON took no part in the consideration or decision of this application. *Richard Swan Buell* for petitioner. *John A. Hadden* and *John S. Beard, Jr.* for respondent. Reported below: 175 F. 2d 58.

No. 290. PAYNE *v.* UNITED STATES; and

No. 318. BRIGGS *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. *John W. Porter, Jr.* for petitioner in No. 290. *R. M. Mountcastle* and *Kelly Brown* for petitioner in No. 318. *Solicitor General Perlman*, *Assistant Attorney General Campbell*, *Robert S. Erdahl* and *Felicia H. Dubrovsky* for the United States. Reported below: 176 F. 2d 317.

No. 298. GEISLER *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. MR. JUSTICE DOUGLAS and MR. JUSTICE MINTON took no part in the consideration or decision of this application. *A. F. W. Siebel* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Campbell*, *Robert S. Erdahl* and *Felicia H. Dubrovsky* for the United States. Reported below: 174 F. 2d 992.

No. 299. BOWLES, FOR AND IN BEHALF OF THE UNITED STATES, ET AL. *v.* WILKE ET AL. C. A. 7th Cir. Certiorari denied. MR. JUSTICE DOUGLAS and MR. JUSTICE MINTON took no part in the consideration or decision of this application. *Solicitor General Perlman* for petitioners. *Cushman B. Bissell* for respondents. Reported below: 175 F. 2d 35.

October 24, 1949.

338 U.S.

No. 57, Misc. *SIMMONS v. PENNSYLVANIA*. Supreme Court of Pennsylvania. Certiorari denied. *Thomas D. Caldwell* for petitioner. *Carl B. Shelley* for respondent. Reported below: 361 Pa. 391, 65 A. 2d 353.

No. 96, Misc. *DARCY v. PENNSYLVANIA*. Supreme Court of Pennsylvania. Certiorari denied. *Thomas D. McBride* for petitioner. *Willard S. Curtin* for respondent. Reported below: 362 Pa. 259, 66 A. 2d 663.

No. 102, Misc. *PENNSYLVANIA EX REL. DARCY v. HANDY, WARDEN*. Supreme Court of Pennsylvania. Certiorari denied. *Thomas D. McBride* for petitioner. *Willard S. Curtin* for respondent. Reported below: See 362 Pa. 259, 66 A. 2d 663.

No. 107, Misc. *SCHNEIDER v. COLORADO*. Supreme Court of Colorado. Certiorari denied. *Charles A. Horsky* for petitioner. *John W. Metzger*, Attorney General of Colorado, and *Raymond B. Danks*, Assistant Attorney General, for respondent. Reported below: See 118 Colo. 543, 199 P. 2d 873.

No. 151, Misc. *PERKINS v. CRANOR, SUPERINTENDENT*. Supreme Court of Washington. Certiorari denied. Petitioner *pro se*. *Smith Troy*, Attorney General of the State of Washington, and *John D. Blankinship*, Assistant Attorney General, for respondent. Reported below: See 32 Wash. 2d 810, 204 P. 2d 207.

No. 156, Misc. *BARMORE v. FOSTER, WARDEN*. Court of Appeals of New York. Certiorari denied. Petitioner *pro se*. *Nathaniel L. Goldstein*, Attorney General of New York, *Wendell P. Brown*, Solicitor General, *Herman N. Harcourt* and *George A. Radz*, Assistant Attorneys General, for respondent.

338 U. S.

October 24, November 7, 1949.

No. 164, Misc. *BRITT v. SMITH, SUPERINTENDENT*. Supreme Court of Washington. Certiorari denied.

No. 173, Misc. *CORDTS v. RAGEN, WARDEN*. Supreme Court of Illinois. Certiorari denied.

No. 174, Misc. *SCHUMAN v. HEINZE, WARDEN*. District Court of Appeal, 3d Appellate District, of California. Certiorari denied.

Rehearing Denied.

No. 157, October Term, 1939. *WEBER v. UNITED STATES*, 308 U. S. 590. Rehearing denied.

No. 788, October Term, 1948. *LATTA ET AL. v. WESTERN INVESTMENT CO. ET AL.*, 337 U. S. 940. The motion for leave to file a second petition for rehearing is denied.

NOVEMBER 7, 1949.

Per Curiam Decisions.

No. 342. *VINSONHALER ET AL., DOING BUSINESS AS KGGHI BROADCASTING SERVICE, ET AL. v. BEARD, COLLECTOR*. Appeal from the Supreme Court of Arkansas. *Per Curiam*: The appeal is dismissed for want of a substantial federal question. *Crutcher v. Kentucky*, 141 U. S. 47. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this case. *Bruce T. Bullion* and *Eugene R. Warren* for appellants. *T. J. Gentry* for appellee. Reported below: 215 Ark. 389, 221 S. W. 2d 3.

No. 344. *DEXTER v. WASHINGTON*. Appeal from the Supreme Court of Washington. *Per Curiam*: The judgment is affirmed. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this case. *Harry T. Davenport* for appellant. *Smith Troy*, Attorney Gen-

November 7, 1949.

338 U. S.

eral of Washington, and *Lyle L. Iversen*, Assistant Attorney General, for appellee. Reported below: 32 Wash. 2d 551, 202 P. 2d 906.

No. 363. *LYNCHBURG TRAFFIC BUREAU v. UNITED STATES ET AL.* Appeal from the United States District Court for the Western District of Virginia. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this case. *W. G. Burnette* for appellant. *Solicitor General Perlman* and *J. Stanley Payne* for the United States and the Interstate Commerce Commission, appellees. Reported below: 84 F. Supp. 1012.

No. 332. *DYE, WARDEN, v. JOHNSON.* On petition for writ of certiorari to the United States Court of Appeals for the Third Circuit. *Per Curiam*: The petition for writ of certiorari is granted and the judgment is reversed. *Ex parte Hawk*, 321 U. S. 114. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this case. *T. McKeen Chidsey*, Attorney General of Pennsylvania, *H. J. Woodward*, *Raymond D. Evans*, Deputy Attorneys General, and *William S. Rahauser* for petitioner. *Eugene Cook*, Attorney General, and *M. H. Blackshear, Jr.*, Assistant Attorney General, filed a brief for the State of Georgia, as *amicus curiae*, supporting the petition. Reported below: 175 F. 2d 250.

No. 375. *WESTERN UNION DIVISION, COMMERCIAL TELEGRAPHERS' UNION, A. F. OF L., v. UNITED STATES ET AL.* Appeal from the United States District Court for the District of Columbia. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. *McLean Trucking Co. v. United States*, 321 U. S. 67. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS took no part in the con-

338 U. S.

November 7, 1949.

sideration or decision of this case. *Frank Bloom* for appellant. *Solicitor General Perlman* and *Benedict P. Cottone* for the United States and the Federal Communications Commission; and *John H. Waters*, *William G. H. Acheson* and *Dale D. Drain* for the Western Union Telegraph Co., appellees. Reported below: 87 F. Supp. 324.

Miscellaneous Order.

No. 91, Misc. *McCANN v. UNITED STATES*. Petition denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application.

Certiorari Granted. (See also No. 332, *supra*.)

No. 44. *SWEATT v. PAINTER ET AL.* Supreme Court of Texas. Certiorari granted. *W. J. Durham*, *William H. Hastie*, *William R. Ming, Jr.*, *James M. Nabrit, Jr.* and *Thurgood Marshall* for petitioner. *Price Daniel*, Attorney General of Texas, *E. Jacobson*, Assistant Attorney General, and *Joe R. Greenhill*, First Assistant Attorney General, for respondents. Briefs of *amici curiae* supporting the petition were filed by *Thomas I. Emerson*, *John P. Frank*, *Harold C. Havighurst* and *Edward H. Levi* for the Committee of Law Teachers Against Segregation in Legal Education; *Arthur J. Goldberg* and *Thomas E. Harris* for the Congress of Industrial Organizations; *William Maslow*, *Shad Polier* and *Joseph B. Robison* for the American Jewish Congress; *Marcus Cohn* and *Jacob Grumet* for the American Jewish Committee et al.; *Phineas Indritz*, *Paul Dobin* and *Jerome H. Spingarn* for the American Veterans Committee; and *Charles H. Tuttle* for the Federal Council of the Churches of Christ in America.

No. 107. *STANDARD OIL CO. v. FEDERAL TRADE COMMISSION*. C. A. 7th Cir. Certiorari granted. MR. JUSTICE DOUGLAS and MR. JUSTICE MINTON took no part

November 7, 1949.

338 U. S.

in the consideration or decision of this application. *Weymouth Kirkland, Howard Ellis, Arthur J. Abbott and Thomas E. Sunderland* for petitioner. *Solicitor General Perlman* filed a memorandum for the Federal Trade Commission, stating that the Government does not oppose allowance of the petition. *Wilbur Duberstein* filed a brief for the Retail Gasoline Dealers Association of Michigan, as *amicus curiae*, opposing the petition. Reported below: 173 F. 2d 210.

No. 302. DISTRICT OF COLUMBIA *v.* LITTLE. United States Court of Appeals for the District of Columbia Circuit. Certiorari granted. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Vernon E. West, Chester H. Gray, Lee F. Dante and Edward A. Beard* for petitioner. *John P. McGrath, Ray L. Chesebro, Benjamin S. Adamowski, Alexander G. Brown and Charles S. Rhyne* filed a brief for the National Institute of Municipal Law Officers, as *amicus curiae*, supporting the petition. Reported below: 85 U. S. App. D. C. 242, 178 F. 2d 13.

Certiorari Denied.

No. 177. PENNSYLVANIA RAILROAD CO. *v.* KRENGER. C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *John Vance Hewitt* for petitioner, *William A. Blank* for respondent. Reported below: 174 F. 2d 556.

No. 235. SOBLE *v.* TEXAS. Court of Criminal Appeals of Texas. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *A. S. Baskett and D. A. Frank* for petitioner. *Price Daniel*, Attorney General of Texas, *Joe R. Greenhill*, First Assistant Attorney General, and *Jesse P. Luton, Jr.*, Assistant Attorney General, for respondent. Reported below: 218 S.W. 2d 195.

338 U. S.

November 7, 1949.

No. 297. *ITTER v. KENTUCKY*. Court of Appeals of Kentucky. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Marvin J. Sternberg* for petitioner. *A. E. Funk*, Attorney General of Kentucky, and *H. D. Reed, Jr.*, Assistant Attorney General, for respondent. Reported below: 310 Ky. 638, 221 S. W. 2d 432.

No. 301. *S/A INDUSTRIAS REUNIDAS F. MATARAZZO v. LATIMER*. C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Leonard G. Bisco* for petitioner. *Thomas F. Daly* for respondent. Reported below: 175 F. 2d 184.

No. 303. *SELLERS ET AL. v. STANOLIND OIL & GAS CO.* C. A. 10th Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Duke Duvall, William E. Leahy* and *William J. Hughes, Jr.* for petitioners. *Ray S. Fellows, Weymouth Kirkland* and *Howard Ellis* for respondent. Reported below: 174 F. 2d 948.

No. 304. *PAPER CONTAINER MFG. CO. v. DIXIE CUP CO.* C. A. 7th Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Franklin M. Warden, James C. Leaton* and *Casper W. Ooms* for petitioner. *Carlton Hill* and *Thomas L. Marshall* for respondent. Reported below: 174 F. 2d 834.

No. 305. *SMITH v. McLANE ET AL.* C. A. 3d Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Martin A. Schenck* and *Kenneth W. Greenawalt* for petitioner. *William H. Eckert* for respondents. Reported below: 174 F. 2d 819.

November 7, 1949.

338 U.S.

No. 310. *CENTRAL ELECTRIC & GAS CO. v. MATTSON, ADMINISTRATOR, ET AL.* C. A. 8th Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Max Kier* for petitioner. *Robert A. Nelson* for respondents. Reported below: 174 F. 2d 215.

No. 311. *SORRENTINO v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *David Berger* and *Thomas D. McBride* for petitioner. *Solicitor General Perlman, Assistant Attorney General Campbell,* and *Robert S. Erdahl* for the United States. Reported below: 175 F. 2d 721.

No. 312. *ZANZONICO v. ZANZONICO, EXECUTOR, ET AL.* Supreme Court of New Jersey. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Frank B. Bozza* for petitioner. *Ward J. Herbert* for respondents. Reported below: 2 N. J. 309, 66 A. 2d 530.

No. 314. *PACIFIC-ATLANTIC STEAMSHIP CO. ET AL. v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Robert S. Erskine* and *Leonard J. Matteson* for petitioners. *Solicitor General Perlman, Assistant Attorney General Morison, Samuel D. Slade* and *John R. Benney* for the United States. Reported below: 175 F. 2d 632.

No. 315. *AMERICAN EASTERN CORP. v. MCCARTHY.* C. A. 3d Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Thomas E. Byrne, Jr.* for petitioner. Reported below: 175 F. 2d 724.

338 U. S.

November 7, 1949.

No. 321. SCHMITT ET AL. *v.* WAR EMERGENCY PIPELINES, INC. ET AL. C. A. 8th Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Shields M. Goodwin* for petitioners. *Solicitor General Perlman, Assistant Attorney General Morison and Samuel D. Slade* for respondents. Reported below: 175 F. 2d 335.

No. 322. FAWCETT PUBLICATIONS, INC. *v.* BRONZE PUBLICATIONS, INC. ET AL. C. A. 5th Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *W. O. Mehrtens* for petitioner. Reported below: 174 F. 2d 646.

No. 325. SMITH ET AL. *v.* GENERAL FOUNDRY MACHINE CO., INC. ET AL. C. A. 4th Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Clarence M. Fisher and W. Brown Morton* for petitioners. *Lycurgus R. Varser and Warley L. Parrott* for respondents. Reported below: 174 F. 2d 147.

No. 327. GUSSIE *v.* PENNSYLVANIA RAILROAD CO. Appellate Division of the Superior Court of New Jersey. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Isidore Hornstein* for petitioner. *Edward J. O'Mara* for respondent. Reported below: 1 N. J. Super. 293, 64 A. 2d 244.

No. 328. CHRISTY *v.* CONVER ET AL., CONSTITUTING THE MONTGOMERY COUNTY BOARD OF LAW EXAMINERS. Supreme Court of Pennsylvania. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Laurence H. Eldredge* for petitioner. *Joseph Knox Fornance* for respondents. Reported below: 362 Pa. 347, 67 A. 2d 85.

November 7, 1949.

338 U. S.

No. 329. *KLEIN v. UNITED STATES*; and

No. 330. *BURKE v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Walter A. Raymond* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Campbell* and *Robert S. Erdahl* for the United States. Reported below: 176 F. 2d 184.

No. 331. *BERNARD EDWARD CO. v. FALKENBERG*. C. A. 7th Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Will Freeman* for petitioner. *Albert R. Teare* for respondent. Reported below: 175 F. 2d 427.

No. 333. *UNITED STATES v. CONTINENTAL-AMERICAN BANK & TRUST CO. ET AL.* C. A. 5th Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Solicitor General Perlman* for the United States. *Charles D. Egan* for respondents. Reported below: 175 F. 2d 271.

No. 343. *BRISTER & KOESTER LUMBER CORP. v. TURNEY, DIRECTOR, DIVISION OF LIQUIDATION, DEPARTMENT OF COMMERCE*. United States Emergency Court of Appeals. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Arthur G. Warner* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Campbell*, *Robert S. Erdahl* and *Israel Convisser* for respondent. Reported below: 176 F. 2d 843.

No. 345. *JOY ET AL. v. HAGUE ET AL.* C. A. 1st Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Claude L. Dawson* for petitioners. *Solicitor General Perlman*,

338 U. S.

November 7, 1949.

Assistant Attorney General Morison and Morton Liftin for respondents. Reported below: 175 F. 2d 395.

No. 351. *AMERICAN DREDGING CO. v. UNITED STATES*; and

No. 352. *AMERICAN DREDGING CO. v. UNITED STATES ET AL.* C. A. 3d Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of these applications. *Joseph W. Henderson and Edward F. Platow* for petitioner in No. 351. *Benjamin F. Stahl, Jr. and Samuel B. Fortenbaugh, Jr.* for petitioner in No. 352. *Solicitor General Perlman, Assistant Attorney General Morison and Samuel D. Slade* for the United States. Reported below: 175 F. 2d 556.

No. 356. *TAYLOR v. MUNICIPAL COURT OF LOS ANGELES ET AL.* Supreme Court of California. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Arthur E. T. Chapman* for petitioner. *Ray L. Chesebro and Bourke Jones* for respondents.

No. 386. *NATIONAL LEAD CO. v. SCHUFT ET AL.* C. A. 8th Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *George J. Danforth* for petitioner. *H. F. Fellows* for respondents. Reported below: 176 F. 2d 610.

Nos. 168 and 169. *INTERNATIONAL UNION, UNITED MINE WORKERS OF AMERICA, ET AL. v. UNITED STATES.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. MR. JUSTICE BLACK, MR. JUSTICE REED, and MR. JUSTICE DOUGLAS are of the opinion certiorari should be granted. MR. JUSTICE CLARK took no part in the consideration or decision of this application. *Welly K. Hopkins, Harrison Combs, T. C. Town-*

November 7, 1949.

338 U. S.

send and *M. E. Boiarsky* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Morison*, *Samuel D. Slade* and *Morton Liftin* for the United States. *Arthur J. Goldberg* and *Thomas E. Harris* filed a brief for the Congress of Industrial Organizations, as *amicus curiae*, supporting the petition. Reported below: 85 U. S. App. D. C. 149, 177 F. 2d 29.

No. 182. *BROTHERHOOD OF LOCOMOTIVE ENGINEERS ET AL. v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. MR. JUSTICE CLARK took no part in the consideration or decision of this application. *Carl McFarland*, *Ashley Sellers* and *Kenneth L. Kimble* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Morison*, *Paul A. Sweeney*, *John R. Benney* and *Morton Liftin* for the United States. Reported below: 85 U. S. App. D. C. 417, 174 F. 2d 160.

No. 307. *EITEL-McCULLOUGH, INC. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Richard Edward Hale Julien* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Ellis N. Slack* and *Lee A. Jackson* for respondent. Reported below: 175 F. 2d 438.

No. 308. *UNITED STATES EX REL. HOEHN v. SHAUGHNESSY, DISTRICT DIRECTOR OF IMMIGRATION AND NATURALIZATION*. C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *George W. Riley* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Campbell*, *Robert S. Erdahl* and *Israel Convisser* for respondent. Reported below: 175 F. 2d 116.

338 U. S.

November 7, 1949.

No. 313. *WRIGHT v. UNITED STATES*. C. A. 8th Cir. The motion of Billie Leonard Moore to join in the petition for the writ is denied. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of these applications. *Arthur J. Mandell* for petitioner. *Solicitor General Perlman, Assistant Attorney General Campbell, Robert S. Erdahl and Felicia H. Dubrovsky* for the United States. *Hugh Carney* was on the motion of Moore. Reported below: 175 F. 2d 384.

No. 316. *BERNSTEIN v. EMS CORPORATION*. C. A. 2d Cir. Certiorari denied. MR. JUSTICE BLACK is of the opinion certiorari should be granted. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Barent Ten Eyck and Victor Brudney* for petitioner. *I. Maurice Wormser* for respondent. Reported below: 174 F. 2d 880.

No. 346. *KAMINER v. CLARK, ATTORNEY GENERAL, ET AL.* United States Court of Appeals for the District of Columbia Circuit. McGrath substituted as a party respondent for Clark. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of these applications. *Jack Wasserman, Irving Jaffe, Gaspare Cusumano and Thomas M. Cooley, II*, for petitioner. *Solicitor General Perlman, Assistant Attorney General Campbell, Robert S. Erdahl, John R. Benney and Philip R. Monahan* for respondents. Reported below: 85 U. S. App. D. C. 205, 177 F. 2d 51.

No. 3, Misc. *GRAYSON v. MOORE, WARDEN*. Court of Criminal Appeals of Texas. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. Petitioner *pro se*. *Price Daniel*, Attorney General of Texas, *Joe R. Greenhill*, First As-

November 7, 1949.

338 U.S.

sistant Attorney General, and *Frank Lake*, Assistant Attorney General, for respondent. Reported below: 217 S. W. 2d 1007.

No. 7, Misc. *HUGHES v. HIATT, WARDEN*. C. A. 5th Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application.

No. 15, Misc. *SLAUGHTER v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. Reported below: 84 U. S. App. D. C. 232, 172 F. 2d 281.

No. 16, Misc. *MONTALVO v. HIATT, WARDEN*. C. A. 5th Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. Reported below: 174 F. 2d 645.

No. 18, Misc. *JORDAN v. OVERHOLSER, SUPERINTENDENT*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application.

No. 24, Misc. *CARROLL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. Reported below: 174 F. 2d 412.

No. 59, Misc. *EDELSON v. THOMPSON, WARDEN*. C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application.

No. 64, Misc. *DOLL v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no

338 U. S.

November 7, 1949.

part in the consideration or decision of this application.
Reported below: 175 F. 2d 884.

No. 70, Misc. *TABOR v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. Reported below: 175 F. 2d 553.

No. 75, Misc. *DELANEY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application.

No. 80, Misc. *McCANN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. Reported below: 175 F. 2d 445.

No. 116, Misc. *McCANN ET AL. v. CLARK, ATTORNEY GENERAL*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application.

No. 121, Misc. *McCANN ET AL. v. CLARK, ATTORNEY GENERAL*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application.

No. 126, Misc. *McCANN v. CLARK, ATTORNEY GENERAL*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application.

No. 131, Misc. *McCANN v. CLARK, ATTORNEY GENERAL*. United States Court of Appeals for the District of

November 7, 1949.

338 U.S.

Columbia Circuit. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application.

No. 157, Misc. *MCCANN v. CLARK*, ATTORNEY GENERAL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application.

No. 82, Misc. *McINTOSH v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. Reported below: 176 F. 2d 514.

No. 85, Misc. *BERG v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. Reported below: 176 F. 2d 122.

No. 129, Misc. *REID v. NORTH CAROLINA*. Supreme Court of North Carolina. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Robert L. Carter* for petitioner. *Harry McMullan*, Attorney General of North Carolina, and *Ralph Moody*, Assistant Attorney General, for respondent. Reported below: 230 N. C. 561, 53 S. E. 2d 849.

No. 162, Misc. *MAYO v. BURKE*, WARDEN. Supreme Court of Pennsylvania. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application.

No. 167, Misc. *REEDER v. RAGEN*, WARDEN. Supreme Court of Illinois. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application.

338 U. S.

November 7, 9, 14, 1949.

No. 172, Misc. SCARPINATO *v.* RAGEN, WARDEN. Circuit Court of Will County, Illinois. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application.

NOVEMBER 9, 1949.

Miscellaneous Order.

No. 313. WRIGHT *v.* UNITED STATES, 338 U. S. 873. Motion to stay order denying writ of certiorari denied.

NOVEMBER 14, 1949.*

Per Curiam Decision.

No. 421. GOODLEY *v.* CALIFORNIA. Appeal from the Appellate Department of the Superior Court in and for the County of Los Angeles, California. *Per Curiam*: The appeal is dismissed for want of a substantial federal question.

Miscellaneous Orders.

No. 88, Misc. WEDGLE *v.* UNITED STATES. The motion for leave to file petition for writ of certiorari is denied.

No. 178, Misc. FURMAN *v.* RAGEN, WARDEN. The motion for leave to file petition for writ of habeas corpus is denied.

Certiorari Granted.

No. 306. JOHNSON, SECRETARY OF DEFENSE, ET AL. *v.* EISENTRAGER ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari granted. Solicitor General Perlman for petitioners. A. Frank

*MR. JUSTICE DOUGLAS took no part in the consideration or decision of the cases in which judgments or orders were this day announced.

November 14, 1949.

338 U.S.

Reel, Milton Sandberg and Wallace M. Cohen for respondents. Reported below: 84 U. S. App. D. C. 396, 174 F. 2d 961.

Certiorari Denied. (See also No. 88, *Misc.*, *supra.*)

No. 21. ROTH, ATTORNEY GENERAL, *v.* DELANO, COMPTROLLER OF THE CURRENCY, ET AL. C. A. 6th Cir. Certiorari denied. *Stephen J. Roth*, Attorney General of Michigan, *Edmund E. Shepherd*, Solicitor General, *Archie C. Fraser*, Assistant Attorney General, and *Julius H. Ambberg* for petitioner. *Robert S. Marx* for respondents. Reported below: 170 F. 2d 966.

No. 162. BRANTON *v.* ARKANSAS. Supreme Court of Arkansas. Certiorari denied. *Thurman L. Dodson* for petitioner. *Ike Murry*, Attorney General of Arkansas, *Jeff Duty* and *Wyatt Cleveland Holland*, Assistant Attorneys General, for respondent. Reported below: 214 Ark. 861, 218 S. W. 2d 690.

Nos. 347, 348 and 349. SCHOOL DISTRICT OF THE BOROUGH OF CENTERVILLE *v.* JONES & LAUGHLIN STEEL CORP. Supreme Court of Pennsylvania. Certiorari denied. *James C. Bane* for petitioner. *Ralph H. Demmler* for respondent. Reported below: 362 Pa. 400, 67 A. 2d 378.

No. 357. DECKER ET AL., DOING BUSINESS AS DECKER PRODUCTS CO., *v.* FEDERAL TRADE COMMISSION. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Harry S. Hall* and *J. C. Trimble* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Bergson*, *J. Roger Wollenberg* and *W. T. Kelley* for respondent. Reported below: 176 F. 2d 461.

No. 360. RICE GROWERS ASSOCIATION OF CALIFORNIA *v.* REDERIAKTIEBOLAGET FRODE (A CORPORATION). C. A.

338 U. S.

November 14, 1949.

9th Cir. Certiorari denied. *George H. Hauerken* for petitioner. *Clarence G. Morse* for respondent. Reported below: 176 F. 2d 401.

No. 317. *FLICK v. JOHNSON, SECRETARY OF DEFENSE, ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. MR. JUSTICE BLACK is of the opinion certiorari should be granted. MR. JUSTICE JACKSON took no part in the consideration or decision of this application. *Joseph S. Robinson, Earl J. Carroll, George T. Davis, Fred W. Shields, James D. Graham, Jr. and Dayton M. Harrington* for petitioner. *Solicitor General Perlman* for respondents. Reported below: 85 U. S. App. D. C. 70, 174 F. 2d 983.

No. 340. *OLDFIELD v. THE ARTHUR P. FAIRFIELD ET AL.* C. A. 9th Cir. Certiorari denied. *Kneland C. Tanner* and *Edwin J. Friedman* for petitioner. Reported below: 176 F. 2d 429.

No. 366. *POTASH v. CLARK, ATTORNEY GENERAL, ET AL.* United States Court of Appeals for the District of Columbia Circuit. McGrath substituted as a party respondent for Clark. Certiorari denied. MR. JUSTICE CLARK took no part in the consideration or decision of these applications. *Lee Pressman, Joseph Forer, David Rein, Carol King* and *William L. Standard* for petitioner. *Solicitor General Perlman* for respondents.

No. 23, Misc. *COLTON ET AL. v. UNITED STATES.* C. A. 2d Cir. Certiorari denied.

No. 89, Misc. *JONES v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 92, Misc. *PICKENS v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 175 F. 2d 437.

November 14, 1949.

338 U.S.

No. 98, Misc. ALLEN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 170 F. 2d 140.

No. 101, Misc. KWASIZUR, ADMINISTRATRIX, *v.* CARDILLO, DEPUTY COMMISSIONER, ET AL. C. A. 3d Cir. Certiorari denied. *E. Herman Fuiman* for petitioner. *Solicitor General Perlman, Assistant Attorney General Morison, Samuel D. Slade* and *Joseph Kovner* for Cardillo; and *Bertram Bennett* for the Maritime Ship Cleaning & Maintenance Co. et al., respondents. Reported below: 175 F. 2d 235.

No. 118, Misc. COUNCIL *v.* CLEMMER, DIRECTOR. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Reported below: 85 U. S. App. D. C. 74, 177 F. 2d 22.

No. 119, Misc. MINTON *v.* BRITTON, DEPUTY COMMISSIONER, ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Robert H. McNeill* and *Harold L. Schilz* for petitioner. *Solicitor General Perlman, Assistant Attorney General Morison, Samuel D. Slade* and *Joseph Kovner* for Britton, respondent. Reported below: 85 U. S. App. D. C. 423, 176 F. 2d 71.

No. 165, Misc. KELLY *v.* COLORADO. Supreme Court of Colorado. Certiorari denied. Reported below: 120 Colo. 1, 206 P. 2d 337.

No. 169, Misc. GIBBS *v.* ASHE, WARDEN. Superior Court of Pennsylvania. Certiorari denied. Reported below: 165 Pa. Super. 35, 67 A. 2d 773.

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

338 U. S.

November 14, 1949.

No. 177, Misc. CAVANAUGH *v.* RAGEN, WARDEN. Circuit Court of Will County, Illinois. Certiorari denied.

No. 182, Misc. REEDER *v.* RAGEN, WARDEN. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 187, Misc. HALL *v.* ROBINSON, WARDEN. Circuit Court of Macon County, Illinois. Certiorari denied.

No. 189, Misc. COGGINS *v.* MASSACHUSETTS. Supreme Judicial Court of Massachusetts. Certiorari denied. Reported below: 324 Mass. 552, 87 N. E. 2d 200.

Rehearing Denied.

No. 80. HODGE ET AL. *v.* FIRST PRESBYTERIAN CHURCH, *ante*, p. 815. Rehearing denied.

No. 92. TURNER GLASS CORP. *v.* HARTFORD-EMPIRE CO. ET AL., *ante*, p. 830. Rehearing denied.

No. 148. HASS *v.* NEW YORK, *ante*, p. 803. Rehearing denied.

No. 160. LAVENDER, ADMINISTRATOR, *v.* ILLINOIS CENTRAL RAILROAD CO., *ante*, p. 822. Rehearing denied.

No. 172. SCHUERMAN *v.* UNITED STATES, *ante*, p. 831. Rehearing denied.

No. 199. WALSH, SHERIFF, *v.* UNITED STATES EX REL. WHITE, *ante*, p. 804. Rehearing denied.

No. 210. AUBURN SAVINGS BANK ET AL. *v.* PORTLAND RAILROAD CO. ET AL., *ante*, p. 831. Rehearing denied.

No. 222. ROBINSON *v.* UNITED STATES; and

No. 223. BLEKER *v.* UNITED STATES, *ante*, p. 832. Rehearing denied.

November 14, 1949.

338 U. S.

No. 225. ANDREW JERGENS CO. *v.* NATIONAL LABOR RELATIONS BOARD, *ante*, p. 827. Rehearing denied.

No. 247. GIBSON *v.* INTERNATIONAL FREIGHTING CORP., *ante*, p. 832. Rehearing denied.

No. 250. BINGAMAN, ADMINISTRATOR, *v.* REHN ET AL., DOING BUSINESS AS JOHN P. MAINELLI CONSTRUCTION Co., *ante*, p. 806. Rehearing denied.

No. 260. POTTS ET AL. *v.* RADER, ADMINISTRATOR, ET AL., *ante*, p. 849. Rehearing denied.

No. 261. COBB *v.* COMMISSIONER OF INTERNAL REVENUE, *ante*, p. 832. Rehearing denied.

No. 290. PAYNE *v.* UNITED STATES, *ante*, p. 861. Rehearing denied.

No. 83, Misc. EX PARTE NEWSTEAD, *ante*, p. 809. Rehearing denied.

No. 112, Misc. ISRAEL ET AL. *v.* CALIFORNIA, *ante*, p. 838. Rehearing denied.

No. 120, Misc. GOODMAN *v.* IOWA, *ante*, p. 838. Rehearing denied.

No. 598, Misc., October Term, 1948. SHOTKIN ET AL. *v.* DENVER PUBLISHING CO. ET AL., 337 U. S. 929. Second petition for rehearing denied.

No. 100. MAY *v.* UNITED STATES;

No. 101. GARSSON *v.* UNITED STATES; and

No. 102. GARSSON *v.* UNITED STATES, *ante*, p. 830. The petitions for rehearing in these cases are denied. THE CHIEF JUSTICE and MR. JUSTICE CLARK took no part in the consideration or decision of these applications.

338 U. S.

November 21, 1949.

NOVEMBER 21, 1949.

Per Curiam Decisions.

No. 255, October Term, 1948. *EISLER v. UNITED STATES*. Certiorari, 335 U. S. 857, to the United States Court of Appeals for the District of Columbia Circuit. *Per Curiam*: The motion to dismiss is granted and the writ of certiorari is dismissed. MR. JUSTICE DOUGLAS and MR. JUSTICE CLARK took no part in the consideration or decision of this case. *Solicitor General Perlman* was on the motion to dismiss for the United States. *David Rein* and *Joseph Forer* were on a memorandum opposing the motion for petitioner. Reported below: 83 U. S. App. D. C. 315, 170 F. 2d 273.

No. 126. *COMMISSIONER OF INTERNAL REVENUE v. PHILADELPHIA TRANSPORTATION Co.* Certiorari, ante, p. 810, to the United States Court of Appeals for the Third Circuit. Argued November 18, 1949. Decided November 21, 1949. *Per Curiam*: The judgment is affirmed. MR. JUSTICE BURTON dissents. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this case. *Arnold Raum* argued the cause for petitioner. With him on the brief were *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Ellis N. Slack*, *Lee A. Jackson* and *Hilbert P. Zarky*. *William R. Spofford* argued the cause for respondent. With him on the brief were *Frederic L. Ballard* and *Sherwin T. McDowell*. Reported below: 174 F. 2d 255.

Miscellaneous Orders.

No. 3. *UNITED STATES EX REL. EICHENLAUB v. SHAUGHNESSY*, ACTING DISTRICT DIRECTOR OF IMMIGRATION AND NATURALIZATION. The motion to withdraw the appearance of Charles Edwin Wallington as counsel for the petitioner is granted. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application.

November 21, 1949.

338 U.S.

No. 103. ESTATE OF SCHROEDER ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. On consideration of the motion of the petitioners for a clarification of the order of October 10, *ante*, p. 801, the order is amended to read as follows: "*Per Curiam*: The petition for writ of certiorari is granted. The judgment of the Court of Appeals is vacated and the case is remanded to that court for further consideration in the light of T. D. 5741, 14 Fed. Reg. 5536; the Technical Changes Act of October 25, 1949, 63 Stat. 891; and *Commissioner v. Estate of Church*, 335 U. S. 632, and *Estate of Spiegel v. Commissioner*, 335 U. S. 701." MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application.

No. 201, Misc. HULL *v.* FRISBIE, WARDEN;

No. 212, Misc. MACKENNA *v.* SNYDER, WARDEN;

No. 213, Misc. LANCOUR *v.* MICHIGAN;

No. 214, Misc. HEICHT *v.* MARYLAND; and

No. 215, Misc. CRUSE *v.* RAGEN, WARDEN. The motions for leave to file petitions for writs of habeas corpus in these cases are severally denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of these applications.

No. 188, Misc. IN RE BUERGER. The application is denied. MR. JUSTICE DOUGLAS and MR. JUSTICE JACKSON took no part in the consideration or decision of this application.

Certiorari Granted.

No. 293. UNITED STATES *v.* RABINOWITZ. C. A. 2d Cir. Certiorari granted. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Solicitor General Perlman* for the United States. Reported below: 176 F. 2d 732.

338 U. S.

November 21, 1949.

Certiorari Denied.

No. 229. CAPITAL AIRLINES, INC. *v.* EDWARDS ET AL.;
and

No. 371. EDWARDS ET AL. *v.* CAPITAL AIRLINES, INC.
United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Charles H. Murchison* for petitioner in No. 229. *Howard C. Westwood*, *Edwin McElwain* and *Amy Ruth Mahin* for petitioners in No. 371 and respondents in No. 229. Reported below: 84 U. S. App. D. C. 346, 176 F. 2d 755.

No. 361. WILSON ET AL. *v.* STATE EX REL. MCGEE, TREASURER AND EX-OFFICIO COLLECTOR, ET AL. Supreme Court of Missouri. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Bon Geaslin* for petitioners. *David Baron* for McGee, respondent. Reported below: 358 Mo. 1244, 220 S. W. 2d 6.

No. 367. PORTER *v.* JONES. C. A. 10th Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *T. Austin Gavin* for petitioner. Reported below: 176 F. 2d 87.

No. 372. UNITED STATES *v.* CITY OF NEW YORK. C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Solicitor General Perlman* for the United States. *John P. McGrath* for respondent. Reported below: 175 F. 2d 75.

No. 387. CASEY, ADMINISTRATRIX, *v.* AMERICAN EXPORT LINES, INC. C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Jacob Rassner* for petitioner.

November 21, 1949.

338 U. S.

Kenneth Gardner and *Edgar R. Kraetzer* for respondent.
Reported below: 176 F. 2d 337.

No. 411. CAULDWELL-WINGATE Co., INC. ET AL. *v.* PERSON, ADMINISTRATRIX. C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *William A. Davidson* for petitioners. *Louis A. D'Agosto* for respondent. Reported below: 176 F. 2d 237.

No. 354. SUGARMAN *v.* CALIFORNIA. District Court of Appeal, 3d Appellate District, of California. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Morris Lavine* and *Max Willens* for petitioner. *Fred N. Howser*, Attorney General of California, and *Doris H. Maier*, Deputy Attorney General, for respondent. Reported below: 91 Cal. App. 2d 695, 205 P. 2d 1065.

No. 355. SUGARMAN *v.* CALIFORNIA. Supreme Court of California. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Morris Lavine* and *Max Willens* for petitioner. *Fred N. Howser*, Attorney General of California, and *Doris H. Maier*, Deputy Attorney General, for respondent.

No. 362. RABINOWITZ *v.* UNITED STATES. The petition for writ of certiorari to the United States Court of Appeals for the Second Circuit is denied for the reason that application therefor was not made within the time provided by law. Rule 37 (b) (2) of the Rules of Criminal Procedure. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Arthur*

338 U. S.

November 21, 1949.

Levitt and Abraham Lillienthal for petitioner. *Solicitor General Perlman* for the United States. Reported below: 176 F. 2d 732.

No. 105, Misc. *KEITH v. MILLER, WARDEN*. Supreme Court of Wyoming. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. Petitioner *pro se*. *Norman B. Gray*, Attorney General of Wyoming, *Marion R. Smyser*, Deputy Attorney General, and *Harry A. Thompson*, Assistant Attorney General, for respondent.

No. 181, Misc. *CALDWELL v. RAGEN, WARDEN*. Criminal Court of Cook County, Illinois. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application.

No. 184, Misc. *PAUGH v. FRISBIE, WARDEN*. Supreme Court of Michigan. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application.

No. 198, Misc. *LANTZ v. MILLER, WARDEN*. District Court of Rawlins County, Wyoming. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application.

No. 199, Misc. *DONOVAN v. NEW HAMPSHIRE*. Supreme Court of New Hampshire. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application.

No. 200, Misc. *BYERS v. CITIES SERVICE GAS CO.* C. A. 10th Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. Reported below: 176 F. 2d 548.

November 21, 1949.

338 U.S.

No. 203, Misc. *LYLE v. EIDSON, WARDEN*. Supreme Court of Missouri. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application.

No. 205, Misc. *DAYTON v. HUNTER, WARDEN*. C. A. 10th Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. Reported below: 176 F. 2d 108.

No. 206, Misc. *SPENCE v. INDIANA ET AL.* Criminal Court of Cook County, Illinois. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application.

No. 208, Misc. *MONAGHAN v. BURKE, WARDEN*. Supreme Court of Pennsylvania. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application.

No. 211, Misc. *JACKSON v. BURFORD, WARDEN*. Criminal Court of Appeals of Oklahoma. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application.

Rehearing Denied.

No. 244. *SECURITIES & EXCHANGE COMMISSION ET AL. v. OTIS & Co.*, *ante*, p. 843;

No. 284. *LAPIDES v. McGRATH, ATTORNEY GENERAL, ET AL.*, *ante*, p. 860;

No. 319. *PRICE v. MISSISSIPPI*, *ante*, p. 844;

No. 57, Misc. *SIMMONS v. PENNSYLVANIA*, *ante*, p. 862;

No. 155, Misc. *RHEIM v. FOSTER, WARDEN*, *ante*, p. 857; and

338 U. S.

November 21, December 5, 1949.

No. 156, Misc. *BARMORE v. FOSTER, WARDEN, ante*, p. 862. The petitions for rehearing in these cases are severally denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of these applications.

No. 788, October Term, 1948. *LATTA ET AL. v. WESTERN INVESTMENT Co. ET AL.* The motion for leave to file petition for rehearing is denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application.

DECEMBER 5, 1949.*

Miscellaneous Orders.

No. 185, Misc. *BREWER v. FRISBIE, WARDEN*; and

No. 216, Misc. *RUTHVEN v. OVERHOLSER*. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 209, Misc. *NEW JERSEY STATE SOCIETY OF NATUROPATHS ET AL. v. FORMAN, JUDGE*. The motion for leave to file petition for writ of mandamus is denied. *Meyer M. Semel* for petitioners.

No. 225, Misc. *UNITED STATES v. UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS ET AL.* The motion for leave to file petition for writ of mandamus is denied. MR. JUSTICE CLARK took no part in the consideration or decision of this application. *Solicitor General Perlman, Assistant Attorney General Bergson, Holmes Baldrige and Beatrice Rosenberg* for the United States.

*MR. JUSTICE DOUGLAS took no part in the consideration or decision of the cases in which orders were this day announced.

December 5, 1949.

338 U.S.

Certiorari Granted.

No. 359. *HIATT, WARDEN, v. BROWN*. C. A. 5th Cir. Certiorari granted. *Solicitor General Perlman* for petitioner. *Walter G. Cooper* for respondent. Reported below: 175 F. 2d 273.

No. 384. *COMMISSIONER OF INTERNAL REVENUE v. KORELL*. C. A. 2d Cir. Certiorari granted. *Solicitor General Perlman* for petitioner. *Paul L. Peyton* for respondent. Reported below: 176 F. 2d 152.

No. 403. *REIDER v. THOMPSON, TRUSTEE*. C. A. 5th Cir. Certiorari granted. *Eberhard P. Deutsch* for petitioner. Reported below: 176 F. 2d 13.

No. 373. *COHNSTAEDT v. IMMIGRATION & NATURALIZATION SERVICE OF THE U. S. DEPARTMENT OF JUSTICE*. Supreme Court of Kansas. Certiorari granted. MR. JUSTICE CLARK took no part in the consideration or decision of this application. *Osmond K. Fraenkel* for petitioner. *Solicitor General Perlman* and *Assistant Attorney General Campbell* for respondent. Reported below: 167 Kan. 451, 207 P. 2d 425.

No. 391. *SLOCUM, GENERAL CHAIRMAN, DIVISION No. 30, ORDER OF RAILROAD TELEGRAPHERS, v. DELAWARE, LACKAWANNA & WESTERN RAILROAD Co.* Court of Appeals of New York. Certiorari granted. *Leo J. Hasselbauer* and *Manly Fleischmann* for petitioner. *Rowland L. Davis, Jr.* and *Halsey Sayles* for respondent. Reported below: 299 N. Y. 496, 87 N. E. 2d 532.

Certiorari Denied.

No. 335. *WHITCOMB ET AL. v. CLARK, DRAIN COMMISSIONER, ET AL.* Supreme Court of Michigan. Certiorari denied. *Lee E. Joslyn* and *Irvin Long* for petitioners.

338 U. S.

December 5, 1949.

Stephen J. Roth, Attorney General of Michigan, *Edmund E. Shepherd*, Solicitor General, *Daniel J. O'Hara* and *Ernest O. Zirkalos*, Assistant Attorneys General, for respondents. Reported below: 325 Mich. 298, 38 N. W. 2d 413.

No. 350. UNITED STATES *v.* WALKER. C. A. 2d Cir. Certiorari denied. *Solicitor General Perlman* for the United States. *Peter L. F. Sabbatino* and *Thomas J. Todarelli* for respondent. Reported below: 176 F. 2d 564.

No. 383. GILSON BROTHERS *v.* WISCONSIN EMPLOYMENT RELATIONS BOARD. Supreme Court of Wisconsin. Certiorari denied. *Clark M. Robertson* and *Howard R. Johnson* for petitioner. *Thomas E. Fairchild*, Attorney General of Wisconsin, *Stewart G. Honeck*, Deputy Attorney General, and *Beatrice Lampert*, Assistant Attorney General, for respondent. *Solicitor General Perlman* and *Robert N. Denham* filed a brief for the National Labor Relations Board, as *amicus curiae*, supporting the petition. Reported below: 255 Wis. 316, 38 N. W. 2d 492.

No. 385. DISTRICT OF COLUMBIA *v.* HAMILTON NATIONAL BANK OF WASHINGTON. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Vernon E. West*, *Chester H. Gray*, *George C. Updegraff* and *Harry L. Walker* for petitioner. *Roger J. Whiteford*, *John J. Wilson* and *Philip S. Peyser* for respondent. Reported below: 85 U. S. App. D. C. 109, 176 F. 2d 624.

No. 401. DISTRICT OF COLUMBIA *v.* BANK OF COMMERCE & SAVINGS ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Vernon E. West*, *Chester H. Gray*, *George C. Updegraff*

December 5, 1949.

338 U.S.

and *Harry L. Walker* for petitioner. *Jo V. Morgan, William F. Kelly, P. J. J. Nicolaides, Samuel O. Clark, Jr., W. V. T. Justis and George E. C. Hayes* for the Bank of Commerce & Savings et al.; and *Nelson T. Hartson, James C. Rogers and O. R. McGuire, Jr.* for the Citizens Bank of Washington, respondents. Reported below: 85 U. S. App. D. C. 109, 176 F. 2d 624.

No. 390. *KITCHENS v. BIRD ET AL.* Supreme Court of Arkansas. Certiorari denied. *J. R. Wilson* for petitioner. *J. E. Gaughan* for respondents. Reported below: 215 Ark. 609, 221 S. W. 2d 795.

No. 404. *ENDICOTT JOHNSON CORP. v. LANE, PRESIDENT, LEATHER WORKERS' UNION, LOCAL 285.* Supreme Court of New York, Broome County. Certiorari denied. *Howard A. Swartwood* for petitioner. *Nathan Witt* for respondent. Reported below: See 299 N. Y. 725, 87 N. E. 2d 450.

No. 405. *PLACEK ET AL. v. EDSTROM, COUNTY ATTORNEY.* Supreme Court of Nebraska. Certiorari denied. *C. Petrus Peterson* for petitioners. Reported below: 151 Neb. 225, 37 N. W. 2d 203.

No. 409. *MIDLAND STEEL PRODUCTS CO. v. CLARK EQUIPMENT CO.* C. A. 6th Cir. Certiorari denied. *F. O. Richey and H. F. McNenny* for petitioner. *John A. Dienner and Edward C. Grelle* for respondent. Reported below: 174 F. 2d 541.

No. 414. *BRADSHAW v. THE VIRGINIA ET AL.* C. A. 4th Cir. Certiorari denied. *R. Arthur Jett* for petitioner. *Charles W. Hagen and Edward R. Baird* for the Chesapeake & Ohio Railway Co., respondent. Reported below: 176 F. 2d 526.

338 U. S.

December 5, 1949.

No. 420. *STEIGLEDER v. EBERHARD FABER PENCIL CO. ET AL.* C. A. 1st Cir. Certiorari denied. *Herbert S. Avery* for petitioner. *Herbert W. Kenway, Raymond L. Greist and J. Bernhard Thiess* for respondents. Reported below: 176 F. 2d 604.

No. 368. *ROSENBLUM v. UNITED STATES*;

No. 369. *STRYK v. UNITED STATES*; and

No. 370. *WEISS v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. MR. JUSTICE MINTON took no part in the consideration or decision of this application. *Albert Ward, Palmer K. Ward and William B. Harrell* for petitioners. *Solicitor General Perlman, Assistant Attorney General Caudle, James M. McInerney, Ellis N. Slack and John H. Mitchell* for the United States. Reported below: 176 F. 2d 321.

No. 382. *BELSER v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 4th Cir. Certiorari denied. MR. JUSTICE BLACK took no part in the consideration or decision of this application. *Irvine F. Belser, Carlisle Roberts, W. Croft Jennings, C. T. Graydon and W. S. Pritchard* for petitioner. *Solicitor General Perlman, Assistant Attorney General Caudle, Ellis N. Slack, A. F. Prescott and Fred E. Youngman* for respondent. Reported below: 174 F. 2d 386.

No. 392. *CHARLES L. HARNEY CONSTRUCTION CO. (FORMERLY PALM SPRINGS HOLDING CORP.) v. FLEMING, ADMINISTRATOR, FEDERAL WORKS AGENCY, ET AL.* United States Court of Appeals for the District of Columbia Circuit. *Larson*, Administrator of General Services, substituted as the party respondent. Certiorari denied. *Harold Leventhal, David B. Gideon and John J. Courtney* for petitioner. *Solicitor General Perlman, Assistant At-*

December 5, 1949.

338 U. S.

torney General Vanech, Roger P. Marquis and Fred W. Smith for respondents. Reported below: 85 U. S. App. D. C. 219, 177 F. 2d 65.

No. 400. *FIFTH & WALNUT, INC. ET AL. v. LOEW'S INC. ET AL.* C. A. 2d Cir. Certiorari denied. MR. JUSTICE CLARK took no part in the consideration or decision of this application. *Monroe E. Stein and Maurice A. Gellis* for petitioners. *Louis D. Frohlich, Robert W. Perkins, Edward C. Raftery and John F. Caskey* for respondents. Reported below: 176 F. 2d 587.

No. 415. *BUZZI v. BUZZI.* Supreme Court of California. Certiorari denied. *Edward E. Petrillo* for petitioner. *W. I. Gilbert, Jr.* for respondent.

No. 365. *KOFOUROS ET AL. v. GIANNOUTSOS ET AL.* C. A. 4th Cir. Certiorari denied. *Jacob L. Morewitz* for petitioners. Reported below: 174 F. 2d 477.

No. 388. *KORTHINOS ET AL. v. NIARCHOS ET AL.; and*

No. 407. *NIARCHOS ET AL. v. KORTHINOS ET AL.* C. A. 4th Cir. Certiorari denied. *Jacob L. Morewitz* for petitioners in No. 388. *George M. Lanning and Barron F. Black* for petitioners in No. 407. *Mr. Black and Hugh S. Meredith* for respondents in No. 388. Reported below: 175 F. 2d 730, 734.

No. 389. *MALEURIS ET AL. v. PAPADAKIS ET AL.; and*

No. 408. *PAPADAKIS ET AL. v. MALEURIS ET AL.* C. A. 4th Cir. Certiorari denied. *Jacob L. Morewitz* for petitioners in No. 389. *Leon T. Seawell and Thomas M. Johnston* for petitioners in No. 408 and respondents in No. 389. Reported below: 175 F. 2d 730, 734.

No. 79, Misc. *CHAMBERS v. UNITED STATES.* C. A. 5th and 8th Cir. Certiorari denied.

338 U. S.

December 5, 1949.

No. 108, Misc. *ADKINS, ADMINISTRATRIX, v. E. I. DU PONT DE NEMOURS & Co., INC. ET AL.* C. A. 10th Cir. Certiorari denied. *John W. Porter, Jr.* for petitioner. *Solicitor General Perlman* for the United States; and *Peter B. Collins, G. C. Spillers* and *G. C. Spillers, Jr.* for Du Pont & Co., respondents. Reported below: 176 F. 2d 661.

No. 110, Misc. *DUNLAP v. HANNAY*, U. S. DISTRICT JUDGE. C. A. 5th Cir. Certiorari denied.

No. 150, Misc. *RODINCIUC v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. *Abraham E. Freedman* and *Charles Lakatos* for petitioner. *Solicitor General Perlman, Assistant Attorney General Morison, Paul A. Sweeney* and *Leavenworth Colby* for the United States. Reported below: 175 F. 2d 479.

No. 171, Misc. *BARKER v. SHARP ET AL.* Supreme Court of Minnesota. Certiorari denied. Reported below: 229 Minn. 152, 38 N. W. 2d 221.

No. 210, Misc. *MURPHEY ET AL. v. CALIFORNIA.* Supreme Court of California. Certiorari denied. *Ernest Spagnoli* for petitioners. Reported below: 34 Cal. 2d 234, 209 P. 2d 385.

No. 218, Misc. *JULIANE v. NEW YORK.* Supreme Court of New York. Certiorari denied.

No. 220, Misc. *BEYERS v. RAGEN, WARDEN.* Supreme Court of Illinois. Certiorari denied.

No. 229, Misc. *PHYLE v. DUFFY, WARDEN.* Supreme Court of California. Certiorari denied. *Morris Lavine* for petitioner. Reported below: 34 Cal. 2d 144, 208 P. 2d 668.

December 5, 1949.

338 U. S.

Rehearing Denied.

No. 19. FAULKNER *v.* GIBBS, *ante*, p. 267. Rehearing denied.

No. 139. MARIO MERCADO E HIJOS *v.* BRANNAN, SECRETARY OF AGRICULTURE, *ante*, p. 820. Rehearing denied.

No. 170. PARK-IN THEATRES, INC. *v.* LOEW'S DRIVE-IN THEATRES, INC., *ante*, p. 822. Rehearing denied.

No. 263. BENT ET AL. *v.* UNITED STATES, *ante*, p. 829. Rehearing denied.

No. 310. CENTRAL ELECTRIC & GAS CO. *v.* MATTSON, ADMINISTRATOR, ET AL., *ante*, p. 868. Rehearing denied.

No. 311. SORRENTINO *v.* UNITED STATES, *ante*, p. 868. Rehearing denied.

No. 332. DYE, WARDEN, *v.* JOHNSON ET AL., *ante*, p. 863. Rehearing denied.

No. 342. VINSONHALER ET AL., DOING BUSINESS AS KGHI BROADCASTING SERVICE, ET AL. *v.* BEARD, COLLECTOR, *ante*, p. 863. Rehearing denied.

No. 5, Misc. TANUZZO ET AL. *v.* UNITED STATES, *ante*, p. 815. Rehearing denied.

No. 59, Misc. EDELSON *v.* THOMPSON, WARDEN, *ante*, p. 874. Rehearing denied.

No. 81, Misc. EAGLE *v.* CHERNEY ET AL., *ante*, p. 837. Rehearing denied.

No. 174, Misc. SCHUMAN *v.* HEINZE, WARDEN, *ante*, p. 863. Rehearing denied.

338 U. S.

December 8, 12, 1949.

DECEMBER 8, 1949.

Miscellaneous Order.

No. 263, Misc. IN RE ADAMSON. Application for a stay of execution of the sentence of death denied. Mr. JUSTICE BLACK is of the opinion the application should be granted.

DECEMBER 12, 1949.*

Per Curiam Decisions.

No. 334. UNITED STATES v. SHORELINE COOPERATIVE APARTMENTS, INC. ET AL. Appeal from the United States District Court for the Northern District of Illinois. Argued December 7, 1949. Decided December 12, 1949. *Per Curiam*: The judgment is reversed. *Woods v. Miller Co.*, 333 U. S. 138. Solicitor General Perlman argued the cause for the United States. With him on the brief were Robert L. Stern, Ed Dupree, Hugo V. Prucha and Nathan Siegel. Mayer Goldberg and George S. Stansell argued the cause for appellees. Mr. Goldberg also filed a brief for the Shoreline Cooperative Apartments, Inc. et al., appellees. Kenart M. Rahn was with Mr. Stansell on the brief for Lumsden et al., appellees. Reported below: 84 F. Supp. 660.

No. 447. LAND O'LAKES DAIRY CO. v. COUNTY OF WADENA ET AL. Appeal from the Supreme Court of Minnesota. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. *S. R. A., Inc. v. Minnesota*, 327 U. S. 558; *Oklahoma Tax Comm'n v. Texas Co.*, 336 U. S. 342. Michael J. Doherty and Harold Jordan for appellant. J. A. A. Burnquist, Attorney General of Minnesota, Geo. B. Sjoselius, Deputy Attorney

*Mr. JUSTICE DOUGLAS took no part in the consideration or decision of the cases in which orders or judgments were this day announced.

December 12, 1949.

338 U.S.

General, and *Chas. P. Stone*, Assistant Attorney General, for appellees. Reported below: 229 Minn. 263, 39 N. W. 2d 164.

Miscellaneous Orders.

No. 60. KRUG, SECRETARY OF THE INTERIOR, *v.* SHERIDAN-WYOMING COAL CO., INC. Chapman substituted for Krug as the party petitioner.

No. 179, Misc. INDEPENDENCE LEAD MINES CO. *v.* KINGSBURY ET AL. The motion for leave to file petition for writ of certiorari is denied. *William E. Cullen* and *James A. Murray* for petitioner. *J. K. Cheadle* for respondents.

No. 186, Misc. EDGEMAN *v.* ALVIS, WARDEN;

No. 231, Misc. WEDGLE *v.* UNITED STATES;

No. 234, Misc. IN RE WHISTLER; and

No. 248, Misc. VAN PELT *v.* RAGEN, WARDEN. The motions for leave to file petitions for writs of habeas corpus are severally denied.

No. 226, Misc. NEWSTEAD *v.* OVERHOLSER. The motion for leave to file petition for writ of mandamus is denied.

Certiorari Granted.

No. 419. PLANKINTON PACKING CO. *v.* WISCONSIN EMPLOYMENT RELATIONS BOARD ET AL. Supreme Court of Wisconsin. Certiorari granted. *T. H. Spence* for petitioner. *Thomas E. Fairchild*, Attorney General of Wisconsin, *Stewart G. Honeck*, Deputy Attorney General, and *Beatrice Lampert*, Assistant Attorney General, for the Wisconsin Employment Relations Board; *Max Ras-kin* for the United Packing House Workers (C. I. O.); and *William Stokes*, *pro se*, respondents. *Solicitor Gen-*

338 U. S.

December 12, 1949.

eral Perlman and *Robert N. Denham* filed a memorandum for the National Labor Relations Board, as *amicus curiae*, supporting the petition. Reported below: 255 Wis. 285, 38 N. W. 2d 688.

No. 438. ORDER OF RAILWAY CONDUCTORS OF AMERICA *v.* SOUTHERN RAILWAY Co. Supreme Court of South Carolina. Certiorari granted. *V. C. Shuttleworth, Harry E. Wilmarth* and *Frederick H. Horlbeck* for petitioner. *Nath B. Barnwell, Frank G. Tompkins, Henry L. Walker, W. S. Macgill* and *Sidney S. Alderman* for respondent. Reported below: 215 S. C. 280, 54 S. E. 2d 816.

Certiorari Denied. (See also No. 179, Misc., *supra.*)

No. 410. RYAN STEVEDORING CO., INC. *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *John C. Crawley* for petitioner. *Solicitor General Perlman, Assistant Attorney General Morison, Paul A. Sweeney* and *Leavenworth Colby* for the United States. Reported below: 175 F. 2d 490.

No. 412. SHIELDS ET AL. *v.* UNITED STATES ET AL. C. A. 3d Cir. Certiorari denied. *Abraham E. Freedman* for petitioners. *Solicitor General Perlman, Assistant Attorney General Morison* and *Paul A. Sweeney* for respondents. Reported below: 175 F. 2d 743.

No. 413. NATIONAL LABOR RELATIONS BOARD *v.* OHIO POWER Co. C. A. 6th Cir. Certiorari denied. *Solicitor General Perlman* and *Robert N. Denham* for petitioner. *Ralph W. Wilkins* for respondent. Reported below: 176 F. 2d 385.

No. 423. INTERSTATE EQUIPMENT CORP. *v.* HARTFORD ACCIDENT & INDEMNITY Co., TO THE USE OF SILVA ET AL.

December 12, 1949.

338 U. S.

C. A. 3d Cir. Certiorari denied. *Charles Danzig* for petitioner. *Harry V. Osborne, Jr.* for respondent. Reported below: 176 F. 2d 419.

No. 424. INTERSTATE EQUIPMENT CORP. *v.* UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY ET AL. C. A. 3d Cir. Certiorari denied. *Charles Danzig* for petitioner. *Harry V. Osborne, Jr.* for respondents. Reported below: 176 F. 2d 419.

No. 425. HOMEWORKERS' HANDICRAFT COOPERATIVE ET AL. *v.* McCOMB, WAGE & HOUR ADMINISTRATOR. C. A. 4th Cir. Certiorari denied. *Thornton H. Brooks* for petitioners. *Solicitor General Perlman, William S. Tyson* and *Bessie Margolin* for respondent. Reported below: 176 F. 2d 633.

No. 437. BARUCH *v.* BEECH AIRCRAFT CORP. C. A. 10th Cir. Certiorari denied. *Mark H. Adams* for petitioner. *Claude I. Depew* and *W. E. Stanley* for respondent. Reported below: 175 F. 2d 1.

No. 358. CASSELMAN ET AL. *v.* IDAHO. Supreme Court of Idaho. Certiorari denied. MR. JUSTICE BLACK, MR. JUSTICE REED, and MR. JUSTICE BURTON are of the opinion certiorari should be granted. *Arthur J. Goldberg* for petitioners. Reported below: 69 Idaho 237, 205 P. 2d 1131.

No. 406. INDEPENDENCE LEAD MINES CO. *v.* KINGSBURY ET AL. C. A. 9th Cir. Certiorari denied. *William E. Cullen* and *James A. Murray* for petitioner. *J. K. Cheadle* for respondents. Reported below: 175 F. 2d 983.

No. 422. LAWS, CHIEF JUDGE, ET AL., COMPRISING THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, *v.* CARTER. United States Court of Appeals

338 U. S.

December 12, 1949.

for the District of Columbia Circuit. Certiorari denied. MR. JUSTICE CLARK took no part in the consideration or decision of this case. *Solicitor General Perlman* for petitioners. *James A. Cobb* and *George E. C. Hayes* for respondent. Reported below: 85 U. S. App. D. C. 229, 177 F. 2d 75.

No. 138, Misc. *LAMA v. CALIFORNIA ET AL.* Supreme Court of California. Certiorari denied.

No. 139, Misc. *KOSTROW ET AL. v. VIRGINIA EX REL. VIRGINIA OAK TANNERY, INC.* Circuit Court of Page County and Supreme Court of Appeals of Virginia. Certiorari denied. *Joseph Forer* and *David Rein* for petitioners. *J. Lindsay Almond, Jr.*, Attorney General of Virginia, *Walter E. Rogers*, Assistant Attorney General, and *Archibald G. Robertson* for respondent.

No. 232, Misc. *MURRAY v. ROBINSON, WARDEN.* Circuit Court of Williamson County, Illinois. Certiorari denied.

Rehearing Denied.

No. 40. *UNITED STATES ET AL. v. CAPITAL TRANSIT CO. ET AL.*, 338 U. S. 286. Rehearing denied.

No. 41. *WASHINGTON, VIRGINIA & MARYLAND COACH CO., INC. ET AL. v. CAPITAL TRANSIT CO. ET AL.*, 338 U. S. 286. Rehearing denied.

No. 363. *LYNCHBURG TRAFFIC BUREAU v. UNITED STATES ET AL.*, 338 U. S. 864. Rehearing denied.

No. 15, Misc. *SLAUGHTER v. UNITED STATES*, 338 U. S. 874. Rehearing denied.

No. 55, Misc. *CASTOR v. UNITED STATES ET AL.*, 338 U. S. 836. Rehearing denied.

December 19, 1949.

338 U.S.

DECEMBER 19, 1949.*

Per Curiam Decisions.

No. 464. O. C. WILEY & SONS, INC. *v.* UNITED STATES ET AL. Appeal from the United States District Court for the Western District of Virginia. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. *W. G. Burnette* for appellant. *Solicitor General Perlman* and *Daniel W. Knowlton* for appellees. Reported below: 85 F. Supp. 542.

No. 473. UNITED STATES *v.* STEFFAN. Appeal from the United States District Court for the Northern District of Illinois. *Per Curiam*: The judgment is reversed. *United States v. Shoreline Cooperative Apartments*, 338 U. S. 897. *Solicitor General Perlman* for the United States.

Miscellaneous Orders.

No. 12, Original. UNITED STATES *v.* LOUISIANA; and

No. 13, Original. UNITED STATES *v.* TEXAS. The supplemental motion of *Annie C. Lewis et al.* for leave to file bill of complaint is denied. MR. JUSTICE JACKSON and MR. JUSTICE CLARK took no part in the consideration or decision of this application.

No. 235, Misc. FOLEY *v.* MAJOR, CHIEF JUDGE, ET AL. The motion for leave to file petition for writ of mandamus is denied.

No. 242, Misc. MONTGOMERY *v.* NORTH CAROLINA. The motion for leave to file petition for writ of habeas corpus is denied.

*MR. JUSTICE DOUGLAS took no part in the consideration or decision of the cases in which judgments or orders were this day announced.

338 U. S.

December 19, 1949.

No. 372, Misc., October Term, 1948. *SHERMAN v. RAGEN, WARDEN, ET AL.*, 337 U. S. 235. The motion to transfer this case to the United States District Court is denied.

Certiorari Granted.

No. 449. *BUILDING SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 262, ET AL. v. GAZZAM*. Supreme Court of Washington. Certiorari granted. *Daniel D. Carmell* and *Walter F. Dodd* for petitioners. Reported below: 34 Wash. 2d 38, 207 P. 2d 699.

No. 309. *INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS UNION, LOCAL 309, ET AL. v. HANKE ET AL., DOING BUSINESS AS ATLAS AUTO REBUILD*. Supreme Court of Washington. Certiorari granted. *Samuel B. Bassett* for petitioners. *Clarence L. Gere* for respondents. Reported below: 33 Wash. 2d 646, 207 P. 2d 206.

No. 364. *AUTOMOBILE DRIVERS & DEMONSTRATORS LOCAL UNION No. 882 ET AL. v. CLINE*. Supreme Court of Washington. Certiorari granted. *Samuel B. Bassett* for petitioners. Reported below: 33 Wash. 2d 666, 207 P. 2d 216.

Certiorari Denied.

No. 374. *MOLONEY v. MOLONEY (AILWORTH)*. Supreme Court of Kansas. Certiorari denied. *Robert Stone* for petitioner. *Oliver J. Miller* for respondent. Reported below: 167 Kan. 444, 206 P. 2d 1076.

No. 377. *UNITED STATES v. WINTERS ET AL., DOING BUSINESS AS WILLIAM WINTERS & Co.* Court of Claims. Certiorari denied. *Solicitor General Perlman* for the United States. *Malcolm A. MacIntyre* for respondents. Reported below: 114 Ct. Cl. 394, 84 F. Supp. 756.

December 19, 1949.

338 U. S.

No. 381. GAULEY-EAGLE COAL & COKE CO. *v.* BLAIR ET AL. Supreme Court of Appeals of West Virginia. Certiorari denied. *Brooks B. Callaghan* for petitioner. *William L. Lee* and *Thomas B. Jackson* for respondents. Reported below: 132 W. Va. —, 54 S. E. 2d 828.

No. 429. TIMMONS *v.* FAGAN. Supreme Court of South Carolina. Certiorari denied. Reported below: 215 S. C. 116, 54 S. E. 2d 536.

No. 430. UNITED STATES EX REL. MOBLEY *v.* HANDY, COMMANDING OFFICER. C. A. 5th Cir. Certiorari denied. *Ben F. Foster* and *William C. Davis* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Campbell* and *Robert S. Erdahl* for respondent. Reported below: 176 F. 2d 491.

No. 436. MORANO *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 3d Cir. Certiorari denied. *Carl Abruzzese* and *Ralph G. Mesce* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Ellis N. Slack*, *Joseph W. Bishop, Jr.* and *Helen Goodner* for respondent. Reported below: 175 F. 2d 555.

No. 439. HEYMAN ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE; and

No. 440. HEYMAN *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 2d Cir. Certiorari denied. *Thomas F. Boyle* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Ellis N. Slack*, *Lee A. Jackson* and *S. Dee Hanson* for respondent. Reported below: 176 F. 2d 389.

Nos. 441 and 442. ARROW STEVEDORING CO. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Lyman Henry* for petitioner. *Solicitor General Perlman*, *Assist-*

338 U. S.

December 19, 1949.

ant Attorney General Morison and Paul A. Sweeney for the United States. Reported below: 175 F. 2d 329, 333.

No. 443. *TITUSVILLE DAIRY PRODUCTS CO. v. BRANNAN, SECRETARY OF AGRICULTURE. C. A. 3d Cir. Certiorari denied. Willis F. Daniels and George H. Hafer for petitioner. Solicitor General Perlman, Joseph W. Bishop, Jr., J. Stephen Doyle, Jr., Neil Brooks and Lewis A. Sigler for respondent. Reported below: 176 F. 2d 332.*

No. 444. *CALIFORNIA STATE AUTOMOBILE ASSOCIATION v. SMYTH, COLLECTOR OF INTERNAL REVENUE. C. A. 9th Cir. Certiorari denied. Arthur H. Deibert for petitioner. Solicitor General Perlman, Assistant Attorney General Caudle and Ellis N. Slack for respondent. Cassius E. Gates filed a brief for the Automobile Club of the State of Washington, as amicus curiae, supporting the petition. Reported below: 175 F. 2d 752.*

No. 446. *GUY v. UTECHT, WARDEN. Supreme Court of Minnesota. Certiorari denied. Harry O. Rosenberg for petitioner. J. A. A. Burnquist, Attorney General of Minnesota, and Ralph A. Stone, Assistant Attorney General, for respondent. Reported below: 229 Minn. 58, 38 N. W. 2d 59.*

No. 6, Misc. *BARRIGAR v. ILLINOIS. Circuit Court of Adams County, Illinois. Certiorari denied. Petitioner pro se. Ivan A. Elliott, Attorney General of Illinois, William C. Wines, James C. Murray and Raymond S. Sarnow, Assistant Attorneys General, for respondent.*

No. 10, Misc. *SNELL v. MAYO, PRISON CUSTODIAN. C. A. 5th Cir. Certiorari denied. Petitioner pro se. Richard W. Ervin, Attorney General of Florida, Reeves*

December 19, 1949.

338 U. S.

Bowen and Howard S. Bailey, Assistant Attorneys General, for respondent. Reported below: 173 F. 2d 704.

No. 44, Misc. *DALTON v. HUNTER, WARDEN*. C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Perlman, Assistant Attorney General Campbell, Robert S. Erdahl and Felicia H. Dubrovsky* for respondent. Reported below: 174 F. 2d 633.

No. 49, Misc. *PRINCE v. MISSOURI*. Supreme Court of Missouri. Certiorari denied. Petitioner *pro se*. *J. E. Taylor*, Attorney General of Missouri, and *Gordon P. Weir*, Assistant Attorney General, for respondent.

No. 78, Misc. *OWENS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Perlman* for the United States. Reported below: 174 F. 2d 469.

No. 94, Misc. *WETHERBEE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 175 F. 2d 834.

No. 140, Misc. *ADAMS v. TEXAS*. Court of Criminal Appeals of Texas. Certiorari denied. *Sam W. Davis* for petitioner. *Price Daniel*, Attorney General of Texas, *Joe R. Greenhill*, First Assistant Attorney General, and *Jesse P. Luton, Jr.*, Assistant Attorney General, for respondent. Reported below: 153 Tex. Cr. R. —, 221 S. W. 2d 265.

No. 183, Misc. *GIBSON v. CALIFORNIA*. Supreme Court of California. Certiorari denied. *Morris Lavine* for petitioner. *Fred N. Howser*, Attorney General of California, and *Frank W. Richards*, Deputy Attorney General, for respondent.

338 U. S.

December 19, 1949.

No. 196, Misc. REANIER *v.* SMITH, SUPERINTENDENT. Supreme Court of Washington. Certiorari denied.

No. 204, Misc. MILLER *v.* THE SULTANA. C. A. 2d Cir. Certiorari denied. *Thomas C. Burke* for petitioner. *Sparkman D. Foster* and *Laurence E. Coffey* for respondent. Reported below: 176 F. 2d 203.

No. 227, Misc. CAVINESS *v.* NORTH CAROLINA. Supreme Court of North Carolina. Certiorari denied.

No. 228, Misc. SHOTKIN *v.* PERKINS ET AL. Supreme Court of Colorado. Certiorari denied. Reported below: See 118 Colo. 584, 199 P. 2d 295.

No. 230, Misc. WESTENHAVER *v.* ILLINOIS. Circuit Court of Shelby County, Illinois. Certiorari denied.

No. 238, Misc. JOHNSON *v.* RAGEN, WARDEN. Supreme Court of Illinois. Certiorari denied.

No. 239, Misc. REEVES *v.* RAGEN, WARDEN. Circuit Court of Will County, Illinois. Certiorari denied.

No. 240, Misc. SHOTKIN *v.* PERKINS. Supreme Court of Colorado. Certiorari denied. Reported below: See 118 Colo. 584, 199 P. 2d 295.

No. 245, Misc. PERROZZI *v.* RAGEN, WARDEN. Circuit Court of Will County, Illinois. Certiorari denied.

No. 249, Misc. SHERLOCK *v.* RAGEN, WARDEN. Circuit Court of Stark County, Illinois. Certiorari denied.

No. 250, Misc. STINCHCOMB *v.* HEINZE, WARDEN. Supreme Court of California. Certiorari denied.

January 9, 1950.

338 U. S.

JANUARY 9, 1950.*

Per Curiam Decision.

No. 69. *SINCLAIR v. UNITED STATES*. Certiorari, 337 U. S. 954, to the United States Court of Appeals for the Third Circuit. Argued November 9, 1949. Decided January 9, 1950. *Per Curiam*: The judgment is reversed. *United States v. Limehouse*, 285 U. S. 424; *Swearingen v. United States*, 161 U. S. 446. *Jacob Kossman* argued the cause for petitioner. With him on the brief was *David Berger*. *John R. Benney* argued the cause for the United States. With him on the brief were *Solicitor General Perlman*, *Assistant Attorney General Campbell*, *Robert S. Erdahl* and *Philip R. Monahan*. *Emanuel Redfield* filed a brief for the American Civil Liberties Union, as *amicus curiae*, urging reversal. Reported below: 174 F. 2d 933.

Miscellaneous Orders.

No. 254, Misc. *SCHECTMAN v. FOSTER, WARDEN*. The motion for leave to file petition for writ of certiorari is denied. Petitioner *pro se*. *Nathaniel L. Goldstein*, Attorney General of New York, *Wendell P. Brown*, Solicitor General, *Herman N. Harcourt* and *George A. Radz*, Assistant Attorneys General, for respondent.

No. 257, Misc. *YOUNG v. ROBINSON, WARDEN*;

No. 273, Misc. *BROWN v. MINNESOTA*; and

No. 274, Misc. *BRIDGE v. WRIGHT, WARDEN*. The motions for leave to file petitions for writs of habeas corpus are severally denied.

No. 262, Misc. *HYNES, REGIONAL DIRECTOR, v. PRATT, JUDGE*. The motion for leave to file petition for writ of

*MR. JUSTICE DOUGLAS took no part in the consideration or decision of the cases in which judgments or orders were this day announced.

338 U. S.

January 9, 1950.

mandamus is denied. *Ex parte Fahey*, 332 U. S. 258. *Solicitor General Perlman*, *Assistant Attorney General Vanech*, *Roger P. Marquis* and *S. Billingsley Hill* for petitioner.

Certiorari Granted.

No. 434. NATIONAL LABOR RELATIONS BOARD *v.* MEXIA TEXTILE MILLS, INC. C. A. 5th Cir. *Certiorari* granted. *Solicitor General Perlman* and *Robert N. Denham* for petitioner. *John M. Scott* for respondent. Reported below: 25 L. R. R. M. 2295.

No. 435. NATIONAL LABOR RELATIONS BOARD *v.* POOL MANUFACTURING CO. C. A. 5th Cir. *Certiorari* granted. *Solicitor General Perlman* and *Robert N. Denham* for petitioner. *John M. Scott* for respondent. Reported below: 24 L. R. R. M. 2147.

No. 445. BROWN SHOE CO., INC. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 8th Cir. *Certiorari* granted. *Charles M. McInnis* and *Ernest M. Callomon* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Ellis N. Slack*, *Lee A. Jackson* and *Carlton Fox* for respondent. Reported below: 175 F. 2d 305.

Certiorari Denied. (See also No. 254, *Misc.*, *supra.*)

No. 376. GAYNOR *v.* METALS RESERVE CO. C. A. 8th Cir. *Certiorari* denied. *H. C. Harper* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Morison* and *Paul A. Sweeney* filed a brief for the United States opposing the petition. Reported below: 174 F. 2d 286.

No. 416. BURTON *v.* UNITED STATES;

No. 417. CAWTHORN *v.* UNITED STATES; and

No. 418. LABRANCHE *v.* UNITED STATES. C. A. 5th Cir. *Certiorari* denied. *Homer Cummings*, *Edward H.*

January 9, 1950.

338 U. S.

Miller, Hugh M. Wilkinson and Warren O. Coleman for petitioner in No. 416. *Lloyd Paul Stryker* for petitioner in No. 417. *Bentley G. Byrnes* for petitioner in No. 418. *Solicitor General Perlman, Assistant Attorney General Campbell, Robert S. Erdahl and Philip R. Monahan* for the United States. Reported below: 175 F. 2d 960, 176 F. 2d 865.

No. 431. NATIONAL LABOR RELATIONS BOARD *v.* ATLANTA METALLIC CASKET CO. C. A. 5th Cir. Certiorari denied. *Solicitor General Perlman and Robert N. Denham* for petitioner. *M. E. Kilpatrick* for respondent. Reported below: 173 F. 2d 758.

No. 432. NATIONAL LABOR RELATIONS BOARD *v.* WILSON & CO., INC. C. A. 5th Cir. Certiorari denied. *Solicitor General Perlman and Robert N. Denham* for petitioner. *Richard C. Winkler and J. Blanc Monroe* for respondent. Reported below: 173 F. 2d 979.

No. 433. NATIONAL LABOR RELATIONS BOARD *v.* MASSEY GIN & MACHINE WORKS, INC. C. A. 5th Cir. Certiorari denied. *Solicitor General Perlman and Robert N. Denham* for petitioner. *A. O. B. Sparks* for respondent. Reported below: 173 F. 2d 758.

No. 450. EISENBERG *v.* COMMISSIONER OF INTERNAL REVENUE; and

No. 451. SCHAEFFER *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 3d Cir. Certiorari denied. *Harry Shapiro and Hirsh W. Stalberg* for petitioners. *Solicitor General Perlman, Assistant Attorney General Caudle, Ellis N. Slack, Joseph W. Bishop, Jr. and Lee A. Jackson* for respondent. Reported below: 174 F. 2d 827.

338 U.S.

January 9, 1950.

No. 452. *McCarthy v. American Eastern Corp.* C. A. 3d Cir. Certiorari denied. *Abraham E. Freedman, Charles Lakatos and Wilfred R. Lorry* for petitioner. *Thomas E. Byrne, Jr. and Timothy J. Mahoney, Jr.* for respondent. Reported below: 175 F. 2d 727.

No. 457. *Colgrove et al. v. United States.* C. A. 9th Cir. Certiorari denied. *Thurman Arnold and Walter M. Gleason* for petitioners. *Solicitor General Perlman, Assistant Attorney General Campbell, Robert S. Erdahl, Vincent A. Kleinfeld and John T. Grigsby* for the United States. Reported below: 176 F. 2d 614.

No. 458. *Colusa Remedy Co. v. United States.* C. A. 8th Cir. Certiorari denied. *Walter M. Gleason* for petitioner. *Solicitor General Perlman, Assistant Attorney General Campbell, John R. Benney, Robert S. Erdahl, Vincent A. Kleinfeld and Bernard D. Levinson* for the United States. Reported below: 176 F. 2d 554.

No. 459. *Riley v. Union Pacific Railroad Co.* C. A. 7th Cir. Certiorari denied. *William H. DeParcq* for petitioner. Reported below: 177 F. 2d 673.

No. 461. *Apex Smelting Co. v. Burns et al., doing business as William J. Burns International Detective Agency.* C. A. 7th Cir. Certiorari denied. *Joseph T. Lavorci* for petitioner. *David A. Canel* for respondents. Reported below: 175 F. 2d 978.

No. 462. *Simpson Bros., Inc. v. District of Columbia.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *John F. Hillyard* for petitioner. *Vernon E. West, Chester H. Gray* and

January 9, 1950.

338 U.S.

Edward A. Beard for respondent. Reported below: 85 U. S. App. D. C. 275, 179 F. 2d 430.

No. 300. *MARYLAND v. BALTIMORE RADIO SHOW, INC. ET AL.* Court of Appeals of Maryland. Certiorari denied. MR. JUSTICE FRANKFURTER has filed an opinion respecting the denial of the petition for writ of certiorari. *Hall Hammond*, Attorney General of Maryland, and *Harrison L. Winter*, Assistant Attorney General, for petitioner. *J. Purdon Wright* and *W. Frank Every* for respondents. *Elisha Hanson*, *William K. Van Allen* and *Arthur B. Hanson* filed a brief for the American Newspaper Publishers Association, as *amicus curiae*, opposing the petition. Reported below: 67 A. 2d 497.

Opinion of MR. JUSTICE FRANKFURTER respecting the denial of the petition for writ of certiorari.

The Criminal Court of Baltimore City found the respondents guilty of contempt and imposed fines for broadcasting over local radio stations matter relating to one Eugene H. James at a time when he was in custody on a charge of murder. The facts upon which these findings were based are best narrated in the authoritative statement of the trial court:

"A little girl in one of the parks of Washington, D. C., had been murdered under horrible and tragic circumstances. Some ten days later, little Marsha Brill was dragged from her bicycle on one of the public thoroughfares of Baltimore City while in the company, or at least, in the vicinity of two of her playmates, and there stabbed to death. The impact of those two similar crimes upon the public mind was terrific. The people throughout the City were outraged. Not only were they outraged but they were terrified. Certainly, any parent of a young child

must have felt a dread at the thought that his or her child might be killed while out upon the thoroughfares of Baltimore City. We think we are justified in drawing the conclusion that there was widespread and compelling public interest in the Brill murder. We think we are justified in assuming that many, many ears were on that evening in Baltimore, glued to their radios. And what happened? Mr. Connelly goes on the air and announces 'Stand by for a sensation.' Now, gentlemen, it is a fair and safe bet that whatever the Hooper-rating of his station may be, no listener tuned to his station was going to turn his radio off when he heard that announcement. Mr. Connelly then proceeded to explain that James had been apprehended and that he had been charged with the Brill murder. That was all right. Nobody could quarrel with that, but then he goes on to say that James had confessed to this dastardly crime, that he has a long criminal record, that he went out to the scene with the officers and there re-enacted the crime, and further, dug up from somewhere down in the leaves the knife that he had used to murder the little girl. Now, gentlemen, the Court has no difficulty in concluding that the broadcast was devastating. Anybody who heard it would never forget it. The question then before us is: Did that broadcast and others which were less damaging by the other stations, have a clear and present effect upon the administration of justice? The Court is bound to say that we do not believe that those broadcasts had any appreciable effect to say nothing of constituting a clear and present danger, upon the decision of the Judges who tried the case. At the moment we do not recall just who those Judges were, but Judges are supposed to be made of sterner stuff than to be influenced by irresponsible statements regarding pend-

January 9, 1950.

338 U. S.

ing cases. They are trained to put aside inadmissible evidence and while we, of course, recognize our limitations, I think that most Judges, at least, are fairly able to disregard improper influences which may have reached their attention.

"Now, what about the jury? In the first place, what is this jury that we are talking about? They are twelve men, or in most jurisdictions now, as in Maryland, men and women who are picked from all walks of life and who have the responsibility of hearing cases and determining, in this State at least, not only the facts but the law in the case. It may be unfortunate, perhaps, but certainly the fact is that the jury's verdict is final in most cases. There is the limited protection of the accused to apply for a new trial, but the Court of Appeals can not determine—review and determine—the propriety of the verdict reached by the jury either on the law or on the facts. Now this jury system is intended, and I think it works out that way, to bring to the trial of a case as one element, the public opinion in the community. It is true that the jury is sworn to decide the case upon the evidence which it hears from the witness stand, but I think that no experienced lawyer would contend that a jury is not expected to bring to the consideration of its verdict the temperament of the community in which the members of the jury live. The jury is called upon to decide the facts as it hears them from the witness stand in the light of its past experience and, if you please, its past knowledge. True, attempts are made to get jurors who have not been touched with any previous influence in the case, but the safeguards that are provided for the realization of that ideal are all too limited.

"The Court knows no graver responsibility that devolves upon Counsel for the Defense in a serious

criminal case than the responsibility of advising his client whether to elect a jury trial or a court trial. Counsel must be able to sense public opinion, and he must evaluate the possible effect upon the jurors' minds of those things which they know or think they know. Doubtless, all of us have seen cases tried in which we felt that the Counsel made errors of judgment as to how the particular cases ought to be tried. They are, however, doing the best that they can and, as I have indicated, theirs is a grave responsibility, because it is irrevocable. When a jury determines a case that terminates the case and if Counsel may have made an unfortunate choice then his client suffers the consequences.

"Now, the Court can not help but feel that the broadcast referred to in these cases must have had an indelible effect upon the public mind and that that effect was one that was bound to follow the members of the panel into the jury room. The Court hardly needs evidence in this factual situation to reach the conclusion that James' free choice to either a court trial on the one hand and a jury trial on the other, has been clearly and definitely interfered with. However, we do have the testimony of his Counsel, Mr. Murphy, (and we are bound to say that his testimony seemed to be reasonable and persuasive) who told the Court that he felt that he had no choice. He simply could not afford to subject his client to the risk of trying his case before a jury in a community where this extraneous and improper matter had been broadcast. He did, in fact, elect a court trial, but he did not have any alternative, according to his Counsel, and the Court is bound to say that we agree with his Counsel. The suggestion has been made here that the right to a jury trial could have been protected by the right of removal and in this case

January 9, 1950.

338 U. S.

he did have the right, the Constitutional right, of removal. We assume that the Court would have sent the case to some other Circuit for trial but Mr. Murphy says that there were some Counties in the State where he did not want to send his client for a jury trial. Not only that, but many parts of the State were blanketed by the same broadcast information that was available to the people of the City of Baltimore. Counsel said that at least one of the stations had a radius of seven hundred and fifty miles.

"The suggestion was made here also, that the mischief could have been avoided by exercising the right of the Defense to examine, on their voir dire, all prospective jurors and then inquiring as to whether or not they had heard these broadcasts. Well, now, it hardly seems necessary for the Court to say to men who are experienced in the trial of jury cases, that every time Defense Counsel asked a prospective juror whether he had heard a radio broadcast to the effect that his client has confessed to this crime or that he has been guilty of similar crimes, he would by that act be driving just one more nail into James' coffin. We think, therefore, that remedy was useless.

"Now, gentlemen, the Court must conclude that these broadcasts did constitute, not merely a clear and present danger to the administration of justice, but an actual obstruction of the administration of justice, in that they deprived the Defendant, James, of his Constitutional right to have an impartial jury trial."

The Court of Appeals of Maryland reversed these convictions. 67 A. 2d 497. It did so by sustaining "the chief contention of the appellants, that the power to punish for contempt is limited by the First and Fourteenth Amendments to the Federal Constitution, and that the facts in the case at bar cannot support the judgments,

in the light of those amendments, as authoritatively construed by the Supreme Court." 67 A. 2d at 507. The decision of the Court of Appeals was thus summarized in the dissenting opinion of Judge Markell:

"This court holds that under the decisions of the Supreme Court (*Bridges v. California*, 314 U. S. 252; *Pennekamp v. Florida*, 328 U. S. 331, and *Craig v. Harney*, 331 U. S. 367) the judgments below violate the freedom of speech and of the press under the Fourteenth Amendment. If this is the correct interpretation of these decisions, of course they are conclusive." 67 A. 2d at 518.

Thereupon the State of Maryland asked this Court to issue a writ of certiorari to review the decision of its Court of Appeals. In its petition Maryland urges that while the Court of Appeals was of course bound by the decisions of this Court, that court misconceived our rulings, that the interpretation which it placed upon the *Bridges*, *Pennekamp* and *Craig* cases was not correct, with the result that it erroneously reversed the judgments for contempt. Since the court below reached its conclusions on a misconception of federal law, so the State of Maryland argues, only this Court can release the Maryland court from its bondage of error.

This Court now declines to review the decision of the Maryland Court of Appeals. The sole significance of such denial of a petition for writ of certiorari need not be elucidated to those versed in the Court's procedures. It simply means that fewer than four members of the Court deemed it desirable to review a decision of the lower court as a matter "of sound judicial discretion." Rule 38, paragraph 5. A variety of considerations underlie denials of the writ, and as to the same petition different reasons may lead different Justices to the same result. This is especially true of petitions for review on writ of certiorari to a State court. Narrowly technical reasons

January 9, 1950.

338 U. S.

may lead to denials. Review may be sought too late; the judgment of the lower court may not be final; it may not be the judgment of a State court of last resort; the decision may be supportable as a matter of State law, not subject to review by this Court, even though the State court also passed on issues of federal law. A decision may satisfy all these technical requirements and yet may commend itself for review to fewer than four members of the Court. Pertinent considerations of judicial policy here come into play. A case may raise an important question but the record may be cloudy. It may be desirable to have different aspects of an issue further illumined by the lower courts. Wise adjudication has its own time for ripening.

Since there are these conflicting and, to the uninformed, even confusing reasons for denying petitions for certiorari, it has been suggested from time to time that the Court indicate its reasons for denial. Practical considerations preclude. In order that the Court may be enabled to discharge its indispensable duties, Congress has placed the control of the Court's business, in effect, within the Court's discretion. During the last three terms the Court disposed of 260, 217, 224 cases, respectively, on their merits. For the same three terms the Court denied, respectively, 1,260, 1,105, 1,189 petitions calling for discretionary review. If the Court is to do its work it would not be feasible to give reasons, however brief, for refusing to take these cases. The time that would be required is prohibitive, apart from the fact as already indicated that different reasons not infrequently move different members of the Court in concluding that a particular case at a particular time makes review undesirable. It becomes relevant here to note that failure to record a dissent from a denial of a petition for writ of certiorari in nowise implies that only the member of the Court who notes his dissent thought the petition should be granted.

Inasmuch, therefore, as all that a denial of a petition for a writ of certiorari means is that fewer than four members of the Court thought it should be granted, this Court has rigorously insisted that such a denial carries with it no implication whatever regarding the Court's views on the merits of a case which it has declined to review. The Court has said this again and again; again and again the admonition has to be repeated.

The one thing that can be said with certainty about the Court's denial of Maryland's petition in this case is that it does not remotely imply approval or disapproval of what was said by the Court of Appeals of Maryland. The issues canvassed in the opinions of that court, and which the State of Maryland has asked us to review, are of a nature which very readily lend themselves to misconstruction of the denial of this petition. The present instance is peculiarly one where the redundant becomes the necessary.

It becomes necessary to say that denial of this petition carries no support whatever for concluding that either the majority or the dissent in the court below correctly interpreted the scope of our decisions in *Bridges v. California*, 314 U. S. 252; *Pennekamp v. Florida*, 328 U. S. 331; and *Craig v. Harney*, 331 U. S. 367. It does not carry any implication that either, or neither, opinion below correctly applied those decisions to the facts in the case at bar.

The issues considered by the Court of Appeals bear on some of the basic problems of a democratic society. Freedom of the press, properly conceived, is basic to our constitutional system. Safeguards for the fair administration of criminal justice are enshrined in our Bill of Rights. Respect for both of these indispensable elements of our constitutional system presents some of the most difficult and delicate problems for adjudication when they are before the Court for adjudication. It has taken centuries of struggle to evolve our system for bringing the

January 9, 1950.

338 U. S.

guilty to book, protecting the innocent, and maintaining the interests of society consonant with our democratic professions. One of the demands of a democratic society is that the public should know what goes on in courts by being told by the press what happens there, to the end that the public may judge whether our system of criminal justice is fair and right. On the other hand our society has set apart court and jury as the tribunal for determining guilt or innocence on the basis of evidence adduced in court, so far as it is humanly possible. It would be the grossest perversion of all that Mr. Justice Holmes represents to suggest that it is also true of the thought behind a criminal charge ". . . that the best test of truth is the power of the thought to get itself accepted in the competition of the market." *Abrams v. United States*, 250 U. S. 616, 630. Proceedings for the determination of guilt or innocence in open court before a jury are not in competition with any other means for establishing the charge.

I have set forth in an appendix the course of recent English decisions dealing with situations in which publications were claimed to have injuriously affected the prosecutions for crime awaiting jury determination. (As to freedom of press in England, see Report of the Royal Commission on the Press, Cmd. No. 7700, and the debate thereon in the House of Commons, July 28, 1949. 467 H. C. Deb. (5th ser.) 2683-2794.) Reference is made to this body of experience merely for the purpose of indicating the kind of questions that would have to be faced were we called upon to pass on the limits that the Fourteenth Amendment places upon the power of States to safeguard the fair administration of criminal justice by jury trial from mutilation or distortion by extraneous influences. These are issues that this Court has not yet adjudicated. It is not to be supposed that by implication it means to adjudicate them by refusing to adjudicate.

APPENDIX TO OPINION OF FRANKFURTER, J.

English decisions concerning contempt of court for comments prejudicial to the fair administration of criminal justice.

A. CASES FINDING CONTEMPT.

1. *King v. Tibbits and Windust*, [1902] K. B. 77 (1901). The judgment of the court (Lord Alverstone C. J., and Wills, Grantham, Kennedy and Ridley JJ.) was read by Lord Alverstone C. J. The case is adequately summarized in the headnote:

“During the course of the trial of two persons for felony the reporter for a certain newspaper sent to the editor articles affecting the conduct and character of the persons under trial which would have been inadmissible in evidence against them. The editor published the articles, and, after the conviction and sentence of the two persons, he and the reporter were convicted on an indictment charging them with unlawfully attempting to pervert the course of justice by publishing the articles in question and with conspiring to do so:—

“*Held*, that the conviction must be affirmed.”

Each of the defendants was sentenced to six weeks' imprisonment on each count of the indictment, the sentences to run concurrently.

2. *King v. Parke*, [1903] 2 K. B. 432 (Lord Alverstone C. J., Wills and Channell JJ.). Rule for contempt of court for publication of statements by a newspaper, before the accused's commitment for trial, that he had engaged in immoral conduct and had admitted a prior conviction and imprisonment for forgery. Answering the argument that publication before commitment was not a contempt, the court through Wills J. said:

“A moment's consideration, it seems to us, is sufficient to dispose of such a proposition. The reason why the publication of articles like those with which we have to deal is treated as a contempt of Court is because their tendency and sometimes their object is to deprive the Court of the power of doing that which is the end for which it exists—namely, to administer justice duly, impartially, and with reference solely to the facts judicially brought before it. Their tendency is to reduce the

January 9, 1950.

338 U.S.

Court which has to try the case to impotence, so far as the effectual elimination of prejudice and prepossession is concerned [pp. 436-37]."

The rule was made absolute, and a fine of £50 imposed.

3. *King v. Davies*, [1906] 1 K. B. 32 (1905) (Lord Alverstone C. J., Wills and Darling JJ.). Rule for contempt of court for publication in a newspaper of statements that a woman, then under arrest on a charge of abandoning a child but not committed for trial for attempted murder of the child until after the publication, had practiced wholesale baby farming and had been convicted of fraud. In delivering the judgment of the court, Wills J. relied on *King v. Parke*, *supra*:

"We adhere to the view we expressed in that case that the publication of such articles is a contempt of the Court which ultimately tries the case after committal, although at the time when they are published it cannot be known whether there will be a committal or not. Their tendency is to poison the stream of justice in that Court, though at the time of their publication the stream had not reached it . . . [p. 35]."

The rule was made absolute, and a fine of £100 imposed.

4. *Rex v. Clarke*, 27 T. L. R. 32 (K. B. 1910) (Darling, Pickford and Coleridge JJ.). Rule *nisi* for contempt of court based on a statement published in a newspaper that one Crippen had confessed to having killed his wife, but had denied the act was murder. Crippen was at the time in custody though not yet formally charged.

During the course of the argument, Darling J. stated:

"Even if a confession had really been made, it might still have been contempt to publish it; it might have been of such a kind as to be inadmissible in evidence [p. 33]."

The pertinent part of the judgment of the court, delivered through Darling J., was thus reported:

"In the present case, after the man was in custody the newspaper commented upon the case as to whether he had committed the crime, not to assist in unravelling the case. It was merely an attempt to minister to the idle curiosity of people as to what was passing within the prison before the trial took place. A news agent procured various telegrams from Quebec, and, when he did not get enough, he telegraphed for 1,000 words more.

The *Daily Chronicle* published a telegram from Quebec stating:—"It is generally considered here that the formal official denials that Crippen has made a confession hinge upon a distinction between the words "admission" and "confession." Whether it was an admission or confession the effect on the prisoner would be the same. The telegram went on:—"It is quite possible that what Crippen said may not be regarded officially as a confession, especially as he declared that he was not a "murderer," but that the prisoner made a statement to Inspector Dew last Monday I have reason to feel certain. I have confidence in the authority on which I cabled you the information sent last night, and I am assured to-day from the same source that Crippen admitted in the presence of witnesses that he had killed his wife, but denied that the act was murder," and finishing up with stating that his wife died from an operation. Anything more calculated to prejudice a defence could not be imagined. The jurors were drawn from the county of Middlesex, where this paper was widely circulated.

"The Court had come to the conclusion that a contempt of the Court had been committed in the publication of this matter, and that it was a very grave contempt. It was most important that the administration of justice in the country should not be hampered. To hold otherwise would be to narrow the jurisdiction of the Court, and his Lordship added that, so long as they sat there, they were determined that trial by newspaper should not be substituted for trial by jury. The primary punishment in a case of this kind was imprisonment. The Court could not be blind to the fact that newspapers were frequently owned by wealthy people who would take their chance and cheerfully pay any fines that might be inflicted for the sake of the advertisement. If this practice was not stopped the Court would have to inflict the primary punishment. But the Court did not intend to do so in the present case. Mr. Perris had seen that he was in the wrong and had apologized. The apology was due to the people wronged and to the public. The Court had no feeling in regard to the matter. The Court therefore did not punish him as if he persisted in his wrongdoing. But, notwithstanding this, a very grave offence had been committed. His Lordship expressed the hope that what he had said and what would be said would be the means of putting a stop to this kind of thing. The order of the Court was that Mr. Perris

January 9, 1950.

338 U. S.

should pay to the Court £200 and the costs, and that he should be imprisoned until the sum was paid [pp. 34-35]."

5. *Rex v. Astor*, 30 T. L. R. 10 (K. B. 1913) (Ridley, Scrutton and Bailhache JJ.). Rules *nisi* for contempt of court for comments in the *Pall Mall Gazette* and the *Globe* about a trial for criminal libel and a private shareholders' suit, both relating to the same person and to the same transaction. The proceedings are reported in part as follows:

"Counsel continuing said that if the rule was made absolute it would amount to an embargo on the Press, when a trial was pending, from publishing any item of news which could in any way be thought to prejudice the trial. It would be a very poor compliment to the jury to suppose that they would be influenced by the paragraph.

"MR. JUSTICE SCRUTTON [referring to the *Gazette*] said that if a paper took upon itself to mix up together the reports of criminal proceedings and of civil proceedings relating to the same share transaction, he could come to no other conclusion than that it might tend to prejudice the jury trying the case, who were not trained lawyers able to distinguish the exact relevance of a charge of that kind. But he agreed that, having made ample apologies, the respondents need only pay the costs [p. 12]."

With respect to the comments in the *Globe* the rule was discharged without costs, since the comments on the criminal and civil proceedings were printed in separate portions of the paper.

6. *Rex v. J. G. Hammond & Co.*, 30 T. L. R. 491 (K. B. 1914) (Darling, Avory and Rowlatt JJ.). Rule *nisi* for contempt of court for the publication of comments on a prosecution for perjury then in progress before the magistrate:

"Dealing with the main question in the case, he (Mr. Justice Darling) said he could not entertain the slightest doubt that the comments made in *Modern Society* were a contempt of Court. It seemed to him that they were absolutely intended to damage the prosecutor, Sir J. B. Robinson, and to glorify and extol Mr. Louis Cohen. That being so they were clearly calculated to prejudice the conduct of the trial, and were therefore a contempt of Court. He could not accept as sincere the expressions of regret made by the two companies and by Mr. Harris in the affidavits read to them. The judgment of the Court would be

that Mr. Harris must pay a fine of £50 and the costs of the proceedings. Harris was out of the jurisdiction at present and it was necessary that the order of the Court should be in a particular form. The rule would be made absolute against him, but the writ of attachment would be superseded if he paid the fine of £50. With regard to the two limited companies, in their judgment there was nothing to be said in mitigation of the offence which they had committed, and the order with regard to each would be that they must pay a fine of £50 and the costs of the proceedings, the fine to be levied upon the goods of the respective companies [p. 492].”

7. *Rez v. Editor and Printers and Publishers of the Evening Standard*, 40 T. L. R. 833 (K. B. 1924) (Lord Hewart C. J., Roche and Branson JJ.). Rules *nisi* for contempt of court based upon statements printed in three newspapers, the *Evening Standard*, *Manchester Guardian* and *Daily Express*. The *Standard* had hired amateur detectives to investigate a killing and published what was uncovered at a time when a charge of murder had been made and a trial was to take place. The judgment of the court was delivered through the Lord Chief Justice and reported in part as follows:

“It was urged on behalf of one respondent on the previous day that it was part of the duty of a newspaper when a criminal case was pending to elucidate the facts. If he understood that suggestion when clearly expressed it came to something like this; that while the police or the Criminal Investigation Department were to pursue their investigations in silence and with all reticence and reserve, being careful to say nothing to prejudice the trial of the case, whether from the point of view of the prosecution or the point of view of the defence, it had come to be somehow for some reason the duty of newspapers to employ an independent staff of amateur detectives, who would bring to an ignorance of the law of evidence a complete disregard of the interests whether of the prosecution or the defence. They were to conduct their investigation unfettered, to publish to the whole world from time to time the results of these investigations, whether they conceived them to be successful or unsuccessful results, and by so doing to perform what was represented as a duty, and, one could not help thinking, to cater for the public appetite for sensational matter.

“It was not possible for that Court, nor had it any inclination, to suggest to the responsible editors of those newspapers what

January 9, 1950.

338 U. S.

were the lines on which they ought to proceed. Any such task as that was entirely beyond the province of that or any other tribunal. Those who had to judge by the results could see what a perilous enterprise this kind of publication was. It was not possible even for the most ingenious mind to anticipate with certainty what were to be the real issues, to say nothing of the more difficult question what was to be the relative importance of different issues in a trial which was about to take place. It might be that a date, a place, or a letter, or some other one thing which, considered in itself, looked trivial, might prove in the end to be a matter of paramount importance. It was impossible to foresee what was important [p. 835].

“His Lordship added that in all the cases the fines would be increased by the payment of costs. He said that nobody who knew anything of the organization and management of a newspaper office could be ignorant of the fact that the work of newspapers was very often done in circumstances of great hurry by many different minds not always fully aware of what others might be doing. The result was a composite thing, but there must be central responsibility. It was impossible to say that men occupying responsible positions should be excused because they themselves were not personally aware of what was being done. The practice was really becoming prevalent, and it was quite obvious that there were those who thought that publications of this kind were not only legitimate, but even commendable. In the hope that that day's proceedings would show that in the opinion of that Court that view was entirely wrong, the Court had merely imposed a fine, but if the practice were repeated the Court would not again be disposed to adopt that merciful alternative [p. 836].”

The rules were made absolute, and fines imposed of £1,000 for the acts of the *Evening Standard* and £300 each for the statements in the *Manchester Guardian* and *Daily Express*.

8. *Rex v. Editor, Printers and Publishers of the Daily Herald*, 75 Sol. J. 119 (K. B. 1931) (Lord Hewart C. J., Avory and MacKinnon JJ.). Rule *nisi* for contempt for publishing a poster, which in fact related to another case, containing the words “Another Blazing Car Murder” at a time when an accused stood committed for trial on

the charge of murder of a man in a motor car found burned up. As is the practice in all these cases the respondents tendered full apology to the court. In delivering the judgment, Lord Hewart C. J. stated that the poster words might suggest that the accused had committed murder which was the issue the jury had to decide. The rule was made absolute, but only costs were assessed.

9. *Rex v. Editor, Printer and Publisher of the Surrey Comet*, 75 Sol. J. 311 (K. B. 1931) (Lord Hewart C. J., Avory and Humphreys JJ.). Rule *nisi* for contempt of court. The judgment of the court is summarized as follows:

“Lord HEWART, C. J., said that the point was whether something had been published which might prejudice the trial of an accused man. In the article complained of there was a long account, carefully got together, which included at least three statements of grave prejudice against the man who afterwards was charged. A newspaper was entitled to report, fairly and accurately, what took place in open court, but, in the present case, *ex concessio*, nothing had taken place in court, and there was no question of reporting proceedings in court. The newspaper had busied itself in the deplorable enterprise of collecting materials which might be thought to be of interest concerning that which had been done and the person who, it was expected, would be accused. Once a newspaper departed from a fair and accurate report of what was actually stated in open court it not only took a great risk itself, but it also imperilled the unfortunate man, guilty or innocent, who was charged. For what had been done in the present case there was no conceivable excuse. His lordship added that if that kind of cynical indifference for the interests of accused persons continued to be displayed, cases would not be met by the imposition of fines. He hoped that the case would have the effect of attracting the attention of professional journalists to the utter impropriety of an enterprise of that character. The rule would be made absolute against the editor of the newspaper, the costs paid as between solicitor and client, and the editor would be fined £500 [pp. 311–12].”

10. *Rex v. Hutchison*, [1936] 2 All Eng. 1514 (K. B.) (Swift, Humphreys and Goddard JJ.). Rules *nisi* for contempt of court for showing a news film of the arrest of a man, subsequently charged with unlawful possession of firearms, with the caption: “Attempt on the

January 9, 1950.

338 U. S.

King's life." The arrest had been made after a revolver fell close to the King's horse during a procession in which the King was riding, and it was widely feared that an attempt had been made on the King's life. Swift J. delivered the judgment of the court making the rules absolute on the ground that the caption was likely to bring about "derangement in the carriage of justice" (p. 1515). Because of their apologies only costs were assessed against some respondents, but another was fined £50 and costs "to mark the court's disapproval of their conduct" (p. 1515).

11. *Rex v. Editor, Printers and Publishers of the Evening News, The Times* (London), July 30, 1936, p. 4, col. 3 (K. B.) (Swift, Humphreys and Goddard JJ.). Rule *nisi* for contempt of court for publishing articles describing as a "crank" and a person regarded by the police as a "harmless lunatic nursing a grievance" someone under arrest for unlawful possession of firearms. He was the same accused about whom the news film in *Rex v. Hutchison, supra*, was shown. The court's decision is summarized as follows:

"MR. JUSTICE SWIFT, in giving judgment, said that proceedings for contempt of Court were not taken to vindicate the dignity of the Court or the person of a Judge, but to prevent undue interference with the administration of justice. It was essential that when a criminal charge was made against any one there should be no tampering of any sort or kind with those who would ultimately have to decide the matter.

"It was not disputed that the article complained of was a gross contempt of Court in the sense that it was bound to influence the minds of those who read it against the man who was accused of a crime before he could be brought to trial.

"The Court thought that it was an extremely serious matter; but it took into account the unqualified, unreserved, and sincere apology which had been made for what had been done. The Court also recognized that there might have been circumstances which alleviated part, but only part, of what had been published. No regard seemed to have been paid by the newspaper to the position of the accused man at all. His state of mind, his conduct in the past, the names under which he had gone, whether the statements made were true or untrue, were all put before the public and those members of the public who would ultimately form the tribunal to try him.

"The judgment of the Court would be that the rule should be made absolute and that the editor and the printers and

publishers of the newspaper should each be fined £500, and be ordered to pay the costs of the application."

12. *King v. Daily Mirror*, [1927] 1 K. B. 845. Rules *nisi* for contempt of court for publishing in a newspaper the photograph of a person charged with a criminal offense. The bearing of such publication on the fairness of a later trial is sufficiently indicated in the judgment of Lord Hewart C. J., with whom Avory and Talbot JJ. concurred:

"The phrase 'contempt of court,' as has been observed more than once, is, in relation to the kind of subject-matter with which we are now concerned, a little misleading. The mischief referred to consists, not in some attitude towards the Court itself, but in conduct tending to prejudice the position of an accused person. In other words, what is really in question is nothing attacking the status of the Court as a court, but something which may profoundly affect the rights of citizens [p. 847].

"Nobody would excuse a police officer in the conduct of a case if, collecting together all the various persons among whom identifying witnesses might be found, he said: 'I have arrested a man, and I am going to put him up for identification by you,' and then showed to those persons a photograph of the suspected person. The unfairness of that course is manifest, because the witness approaches the difficult and it may be the crucial task of identification with his mind prejudiced by the knowledge that this particular person has been arrested and is in the hands of the police. What does a newspaper do when it prints a photograph in these circumstances? It invites the whole country to scrutinize the features of the accused who has been arrested. That it does that act not in the course of preparation of the case for the prosecution but merely in the course of the conduct of a money-making business does not excuse in a newspaper that which would be reprehensible in a police officer. In my opinion, in the publication of a photograph no less than in narrative, it is the duty of a newspaper to take care to avoid publishing that which is calculated to prejudice a fair trial. To approach the matter in a mood of cynical indifference is obviously wrong. There is a duty to take care lest, by the publication of matter, whether in the form of a photograph or of printed words, prejudice should be caused to a person about

January 9, 1950.

338 U. S.

to stand his trial. That of course does not mean, nor am I for a moment suggesting, that a newspaper is not entitled in any circumstances to publish a photograph of a person who is a party to either civil or criminal proceedings. But I am no less clear upon the point that there is a duty to refrain from the publication of the photograph of an accused person where it is apparent to a reasonable man that a question of identity may arise. If in these circumstances a newspaper prints a photograph it is taking a grave risk, which in one sense affects the accused person, and in another sense affects the newspaper [pp. 849-50]."

The rules were made absolute, but, since this was the first occasion upon which the question arose with respect to the publication of a photograph of an accused person, only costs were assessed.

13. The Times (London), Mar. 26, 1949, p. 3, col. 1, reported the recent case arising out of the prosecution of Haigh, the so-called Bluebeard, as follows:

"A DIVISIONAL COURT of the KING'S BENCH—the Lord Chief Justice [Goddard], Mr. Justice Humphreys, and Mr. Justice Birkett—yesterday, on the two motions for writs of attachment for contempt of Court made on behalf of John George Haigh (who is at present in custody on a charge of murdering Mrs. Olive Durand-Deacon) against Mr. Silvester Bolam, the editor of the *Daily Mirror*, and *Daily Mirror Newspapers, Limited*, the COURT ordered that Mr. Bolam should be committed to prison for three calendar months, and that the company should pay a fine of £10,000 and the costs of the proceedings.

"The LORD CHIEF JUSTICE, delivering the judgment of the Court, said that Sir Walter Monckton had moved for a writ of attachment against Mr. Silvester Bolam, the editor of the *Daily Mirror*, for contempt of Court. In view of the gravity of the case the Court directed that the proprietors of the newspaper, a limited company, *Daily Mirror Newspapers, Limited*, should also be summoned before the Court to answer for the contempt committed by the publication in the newspaper of the matters complained of. It appeared that a man named Haigh had been arrested and charged with murder. He had been brought before the examining justices at Horsham and the case had not yet been opened. No more was known than that he had been charged with murder.

"On March 4 three issues of the *Daily Mirror* were published—three separate editions. Those editions contained articles, photographs, and headlines in the largest possible type, of a character which the Court could only describe as a disgrace to English journalism as violating every principle of justice and fair play which it had been the pride of this country to extend to the worst of criminals.

"'To use the language of Lord Hardwicke in 1742, in the case of the *St. James's Evening Post*—it is a case of prejudicing mankind against persons before their case is heard.'

"Any one who had had the misfortune, as the members of the Court had, to read the articles must be left wondering how it could be possible for this man to obtain a fair trial after what had been published. Not only did the articles describe him as a vampire and give reasons for that description of him, but, after saying that he had been charged with one murder, they went on to say not merely that he was charged with other murders but that he had committed others and gave the names of persons whom, they said, he had murdered. A photograph was given of a person whom he was said to have murdered, with a description of the way in which the crime was committed.

"In the long history of the present class of case there had never, in the opinion of the Court, been one of such gravity as this, or one of such a scandalous and wicked character. It was of the utmost importance that the Court should vindicate the common principles of justice and, in the public interest, see that condign punishment was meted out to persons guilty of such conduct. In the opinion of the Court what had been done was not the result of an error of judgment but was done as a matter of policy in pandering to sensationalism for the purpose of increasing the circulation of the newspaper.

"After it had come to the knowledge of the Commissioner of Police that the *Daily Mirror* or some other paper might be likely to publish some details of the case, in the course of the evening a warning was sent from the office of the Commissioner of Police to this newspaper. That that had any real effect on this newspaper, in spite of what had been said in the affidavit, it was difficult to believe. It was true that there was some, but very little, alteration in the last edition. That edition was itself a gross contempt, not perhaps quite so bad as the other two which had been issued. The fact that the police had given a warning did not affect the question one way or the other. It

January 9, 1950.

338 U. S.

was an offence whether notice had been given or not. It might aggravate the case that more attention was not paid to the warning.

"As he had said, in view of the gravity of the case the Court had ordered the proprietors of the newspaper to be brought before the Court. He would add a word of warning: let the directors beware; they knew now the conduct of which their employees were capable, and the view which the Court took of the matter. If for the purpose of increasing the circulation of their paper they should again venture to publish such matter as this, the directors themselves might find that the arm of that Court was long enough to reach them and to deal with them individually. The Court had taken the view that there must be severe punishment.

"His LORDSHIP then called on Mr. Bolam to stand up, and, addressing him, said: 'The writ of attachment will be issued, and you will be taken in the custody of the tipstaff and committed to Brixton Prison for three calendar months.'

"Continuing, his LORDSHIP said that the respondent company would be fined £10,000 and pay the costs of the proceedings."¹

B. CASES FINDING NO CONTEMPT.

1. *Rex v. Editor and Publishers of The People*, *The Times* (London), April 7, 1925, p. 5, col. 4 (K. B.) (Lord Hewart C. J., Shearman and Salter JJ.). Rule for contempt for publication of articles accusing one Hobbs of diabolical roguery and calling him the "wizard crook of the underworld." The articles were published after Hobbs' conviction for conspiracy to defraud another, but it was alleged that they were calculated to prejudice the hearing of the appeal. The relevant part of the judgment is reported as follows:

"The LORD CHIEF JUSTICE, in his judgment, said that the argument had travelled over various matters which in his opinion did not arise upon this rule, the sole ground of which was that the articles were calculated to prejudice the fair hearing of the appeal.

"The Court, continued his Lordship, is not a school of taste; however deplorable, however disgusting these articles may be, or be thought to be, the question of censure to be passed on

¹ The decision is commented upon in 207 L. T. 181 (1949) and 207 L. T. 225 (1949).

them by men of taste or men of discretion does not arise. The only question is whether they are calculated to prejudice the fair hearing of the appeal. In my opinion, whatever may be the remedies of Hobbs otherwise, or the views of a *censor morum* or tasteful critic about these articles, they do not come within this branch of the law of contempt, and the rule will be discharged."

2. *Rex v. Editor of the Daily Mail*, 44 T. L. R. 303 (K. B. 1928) (Lord Hewart C. J., Avory and Branson JJ.). Rule *nisi* for contempt of court with respect to an article in the *Daily Mail* commenting on a suit for libel² by one Factor against the newspaper based on an earlier article published therein. The article as to which contempt was charged contained material which had frequently appeared in prior issues of the paper, but did not touch on the issue of fact in the libel proceeding. The judgment of the court discharging the rule was delivered by the Lord Chief Justice and reported in part as follows:

"The Court was not satisfied that the article of December 23—coming as it did, after a long series of similar articles, being but a repetition of charges already often made against Factor and not complained of, and avoiding, as it did, any further mention of the alleged association of Factor with Montgomery—was calculated to prejudice the trial of the only issues which Factor had chosen to raise—namely, that of his association with Montgomery and of the damages which he should obtain if that issue were found in his favour [p. 307]."

3. *Rex v. Editor, Printers, and Publishers of News of the World*, 48 T. L. R. 234 (K. B. 1932) (Lord Hewart C. J., Avory and Hawke JJ.). Rule *nisi* for contempt of court for publishing prior to the trial what purported to be a statement of the defense which would be made. The judgment of the court discharging the rule was delivered by the Lord Chief Justice and reported in part as follows:

"No doubt in some circumstances, and in some cases, the publication beforehand of what was said to be the defence of an accused person might amount to contempt of Court. They were dealing, however, not with general principles, but with the question whether those words came within the mischief against

² This proceeding was civil, but it is included herein for completeness.

January 9, 1950.

338 U.S.

which contempt proceedings were directed. They now had it from counsel supporting the rule that last December something of the same sort had actually been said to the police by the accused man himself [pp. 234-35]."

4. *Rex v. Davies*, [1945] 1 K. B. 435 (Humphreys and Oliver JJ.). Application for an order for a writ of attachment for contempt of court, based on comments in a newspaper article about one convicted of procuring miscarriage, made after notice of appeal of the conviction had been filed. The motion was refused on the ground that the particular comments did not amount to a contempt of court, but both Humphreys and Oliver JJ. agreed that there might be contempt even though the trial had ended. Portions of their opinions follow:

"HUMPHREYS J. . . . Can the publication of any defamatory matter, or of any matter which would amount to a contempt of court if it had been published before the applicant in the present case had been tried by a jury, be said to be calculated to interfere with the due course of law and justice by prejudicing the fair hearing of the applicant's appeal? In considering this question one must remember what are the powers of the Court of Criminal Appeal. If that court existed for the sole purpose of deciding questions of law which come before it, the answer to the question I put above might well be in the negative. It might be said that it is inconceivable that any court considering a pure question of law could be affected by anything written in a newspaper about the character of one of the parties in a civil or criminal case. It is, indeed, inconceivable that if one of the judges of such a court had happened to have read the particular newspaper in question, it could have the smallest effect on him. Those observations, however, do not apply in the case of the Court of Criminal Appeal. That court has many functions to perform. One of the powers which it possesses, as was decided by the House of Lords in *Crane v. Director of Public Prosecutions* [(1921) 15 Cr. App. R. 183], is that when it finds that proceedings on an indictment are for any reason void, it may order a trial of the indictment in question. It, therefore, has the power which used to exist in the court for the consideration of Crown Cases Reserved, of awarding venire de novo. The effect of that is that in any case coming before it the Court of Criminal Appeal may direct that a jury shall

be sworn to try the issue on the indictment which has never properly been tried. It is, therefore, quite a fallacy to treat this case as if all that the Court of Criminal Appeal could do with regard to it would be to decide a question of law. It may be true in a sense that they are deciding a question of law, but the effect of their decision may be that a jury will have to try the question of fact. It follows that any matter which is published between the date of a conviction and the date of the hearing by the Court of Criminal Appeal may come to the attention of a jurymen who has to try the question of the guilt or innocence of some person on the indictment in respect of which *venire de novo* has been awarded. . . . There is another matter regarding which I desire to say a few words. I think it is a fallacy to assume that the only object of imposing punishment for contempt of court in a criminal case is to prevent a jurymen, who may be trying the person affected, from reading matter of which he ought to know nothing. There is also the judge to be considered, and, while I am not saying for a moment that any person sitting in a judicial capacity, who may, be it remembered, be a chairman of quarter sessions, who may or may not be a lawyer, or a recorder, or it may be, of course, one of the judges of the King's Bench Division, would be affected by anything he might read, I think it is a fallacy to say or to assume that the presiding judge is a person who cannot be affected by outside information. He is a human being, and while I do not suggest that it is likely that any judge, as the result of information which had been improperly conveyed to him, would give a decision which otherwise he would not have given, it is embarrassing to a judge that he should be informed of matters which he would much rather not hear and which make it much more difficult for him to do his duty. . . . It is my own opinion and I express it as such, but I venture to think that no judge with long criminal experience will fail to be able to recall instances in which the publication of matters such as that to which I have referred has had the effect of making the task of a judge extremely difficult, and no one has the right to publish matter which will have that effect [pp. 441-43]."

"OLIVER J. . . . One of the evils of inadmissible matter being disseminated is that no one can tell what effect a particular piece of information may have on his mind. Why, as my Lord has asked, and I can think of no better word, should a judge

January 9, 1950.

338 U.S.

be 'embarrassed' by having matters put into his mind, the effect of which it is impossible to estimate or assess? As an illustration of this proposition, the Court of Criminal Appeal has expressed, not once but many times, its thorough disapproval of evidence which is sometimes given by police officers at the end of a case when a man has been convicted. On such occasions all sorts of allegations are frequently made against a man's character, sometimes in the nature of hearsay and sometimes not supported by evidence at all. What is the ground for the disapproval of the Court of Criminal Appeal regarding such statements? It can only be that the judge who, after hearing the statements, has to pronounce sentence, may, quite unconsciously, have his judgment influenced by matters which he has no right to consider. . . . Not all defamatory matter can amount to contempt of court. It is unnecessary to go through the authorities, but that appears in case after case. Whether defamatory matter amounts to contempt in any particular case is a question in each case of fact, of degree and of circumstances. Obviously far less would amount to contempt of court if the matter were published before the hearing by a jury than would be required before a hearing by a judge or by the Court of Criminal Appeal. . . . Much is said to-day about the freedom of the press, and I only wish to point out that our decision in this case comes to no more than this: that everything the public has a right to know about a trial of the kind with which we are here concerned, that is to say, everything that has taken place in open court, may be published, and beyond that there is no need or right to go [pp. 445-46]."

No. 465. *NEWYAHN v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *William R. Lichtenberg* for petitioner. *Solicitor General Perlman, Assistant Attorney General Campbell and Robert S. Erdahl* for the United States. Reported below: 85 U. S. App. D. C. 384, 177 F. 2d 658.

No. 469. *TURPIN v. WISCONSIN*. Supreme Court of Wisconsin. Certiorari denied. *Henry K. Chapman* for petitioner. *Thomas E. Fairchild, Attorney General of Wisconsin, Stewart G. Honeck, Deputy Attorney General,*

338 U. S.

January 9, 1950.

and *William A. Platz*, Assistant Attorney General, for respondent. Reported below: 255 Wis. 358, 38 N. W. 2d 495.

No. 474. *SMITH ET AL. v. O'DWYER, MAYOR, ET AL.* Court of Appeals of New York. Certiorari denied. Reported below: 299 N. Y. 795, 87 N. E. 2d 687.

No. 493. *GRANAT BROS. ET AL. v. GOMEZ ET AL., DOING BUSINESS AS GOMEZ MANUFACTURING CO.* C. A. 9th Cir. Certiorari denied. *Oscar A. Mellin* for petitioners. *Chellis Carpenter* for respondents. Reported below: 177 F. 2d 266.

Nos. 393 and 398. *PEDIGO ET AL. v. CELANESE CORPORATION*;

No. 394. *CARROLL ET AL. v. CELANESE CORPORATION*;

Nos. 395 and 397. *ALRED ET AL. v. CELANESE CORPORATION*; and

Nos. 396 and 399. *WOMACK v. CELANESE CORPORATION*. Supreme Court of Georgia. Certiorari denied. Mr. JUSTICE BLACK thinks petitioners were denied due process of law and that the petition should be granted. *Isadore Katz* and *Warren E. Hall, Jr.* for petitioners. *Barry Wright* for respondent. *Arthur J. Goldberg* and *Thomas E. Harris* filed a brief for the Congress of Industrial Organizations, as *amicus curiae*, supporting the petition. Reported below: No. 393, 205 Ga. 392, 54 S. E. 2d 252; No. 394, 205 Ga. 493, 54 S. E. 2d 221; No. 395, 205 Ga. 499, 54 S. E. 2d 225; No. 396, 205 Ga. 514, 54 S. E. 2d 235; Nos. 397-399, 205 Ga. 371, 54 S. E. 2d 240.

No. 68, Misc. *GRESHAM v. TEXAS*. Court of Criminal Appeals of Texas. Certiorari denied. Petitioner *pro se*. *Price Daniel*, Attorney General of Texas, *Joe R. Green-*

January 9, 1950.

338 U.S.

hill, First Assistant Attorney General, and *Frank Lake*, Assistant Attorney General, for respondent.

No. 159, Misc. *ATHERTON ET AL. v. UNITED STATES*; and

No. 160, Misc. *EDWARDS ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *A. L. Wirin* and *Fred Okrand* for petitioners. *Solicitor General Pearlman*, *Assistant Attorney General Campbell*, *John R. Benney*, *Robert S. Erdahl* and *Harold D. Cohen* for the United States. Briefs of *amici curiae* supporting the petition were filed by *Arthur J. Goldberg* for the Congress of Industrial Organizations, and *Robert R. Rissman* for *Warmer et al.* Reported below: 176 F. 2d 835.

No. 197, Misc. *DICKEY v. UNITED STATES*. Court of Claims. Certiorari denied. Reported below: 114 Ct. Cl. 439, 84 F. Supp. 741.

No. 251, Misc. *PYEATTE v. BURKE, WARDEN*. Supreme Court of Pennsylvania. Certiorari denied.

No. 253, Misc. *BLAND v. TEXAS*. Forty-sixth Judicial District Court of Hardeman County, Texas. Certiorari denied.

No. 256, Misc. *McCANN v. NEW YORK STATE BOARD OF PAROLE*. Petition for writ of certiorari to the New York State Board of Parole denied.

No. 258, Misc. *HILT v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 259, Misc. *FARMER v. RAGEN, WARDEN*. Criminal Court of Cook County, Illinois. Certiorari denied.

338 U. S.

January 9, 1950.

No. 260, Misc. PHILLIPS *v.* RAGEN, WARDEN. Circuit Court of Edgar County, Illinois. Certiorari denied.

No. 268, Misc. NICHOLAS *v.* CRANOR, SUPERINTENDENT. Supreme Court of Washington. Certiorari denied.

Rehearing Denied.

No. 1210, October Term, 1945. GINSBURG *v.* SACHS ET AL., 328 U. S. 859. Second petition for rehearing denied.

No. 53. KINGSLAND, COMMISSIONER OF PATENTS, *v.* DORSEY, *ante*, p. 318. Rehearing denied.

No. 245. CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS *v.* CITY OF PORTERVILLE ET AL., *ante*, p. 805. Rehearing denied.

No. 315. AMERICAN EASTERN CORP. *v.* MCCARTHY, *ante*, p. 868. Rehearing denied.

No. 329. KLEIN *v.* UNITED STATES, *ante*, p. 870. Rehearing denied.

No. 330. BURKE *v.* UNITED STATES, *ante*, p. 870. Rehearing denied.

No. 334. UNITED STATES *v.* SHORELINE COOPERATIVE APARTMENTS, INC. ET AL., *ante*, p. 897. Rehearing denied.

No. 365. KOFOUROS ET AL. *v.* GIANNOUTSOS ET AL., *ante*, p. 894. Rehearing denied.

No. 388. KORTHINOS ET AL. *v.* NIARCHOS, *ante*, p. 894; and

No. 389. MALEURIS ET AL. *v.* PAPADAKIS, *ante*, p. 894. Rehearing denied.

January 9, 16, 1950.

338 U.S.

No. 317. *FLICK v. JOHNSON, SECRETARY OF DEFENSE, ET AL.*, *ante*, p. 879. Rehearing denied. MR. JUSTICE JACKSON took no part in the consideration or decision of this application.

No. 368. *ROSENBLUM v. UNITED STATES*;

No. 369. *STRYK v. UNITED STATES*; and

No. 370. *WEISS v. UNITED STATES*, *ante*, p. 893. Rehearing denied. MR. JUSTICE MINTON took no part in the consideration or decision of this application.

No. 400. *FIFTH & WALNUT, INC. ET AL. v. LOEW'S INC. ET AL.*, *ante*, p. 894. Rehearing denied. MR. JUSTICE CLARK took no part in the consideration or decision of this application.

No. 42, Misc. *ROHDE v. ILLINOIS*, *ante*, p. 833. Rehearing denied.

No. 81, Misc. *EAGLE v. CHERNEY ET AL.*, *ante*, p. 837. Second petition for rehearing denied.

No. 215, Misc. *CRUSE v. RAGEN, WARDEN*, *ante*, p. 884. Rehearing denied.

JANUARY 16, 1950.*

Per Curiam Decisions.

No. 472. *HORN ET AL. v. CHICAGO*. Appeal from the Supreme Court of Illinois. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want

*MR. JUSTICE DOUGLAS took no part in the consideration or decision of the cases in which judgments or orders were this day announced.

338 U. S.

January 16, 1950.

of jurisdiction. 28 U. S. C. § 1257 (2). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari as required by 28 U. S. C. § 2103, certiorari is denied. *Lloyd Lanham* for appellants. *Benjamin S. Adamowski, L. Louis Karton* and *Arthur Magid* for appellee. Reported below: 403 Ill. 549, 87 N. E. 2d 642.

No. 176, Misc. *BURKE v. GEORGIA*. On petition for writ of certiorari to the Supreme Court of Georgia. *Per Curiam*: This is a petition for certiorari to review a decision of the Supreme Court of Georgia affirming denial of a motion to set aside a conviction made on the ground that into the conviction entered perjured testimony knowingly used by the prosecution. 205 Ga. 502, 54 S. E. 2d 348. Assuming that this decision denies to petitioner any relief whatever in the state courts unless the requirements of § 110-706 of the Georgia Code are satisfied, the petition for writ of certiorari is herewith denied, without prejudice to petitioner to seek in the appropriate United States District Court in Georgia whatever relief, if any, may be required by *Mooney v. Holohan*, 294 U. S. 103. *Paul Crutchfield* for petitioner. Reported below: 205 Ga. 502, 54 S. E. 2d 348.

Miscellaneous Orders.

No. 287, Misc. *AVELINO v. HEINZE, WARDEN*. Supreme Court of California. Certiorari denied. The motion for leave to file petition for writ of habeas corpus is also denied.

No. 271, Misc. *EASON v. MOORE, WARDEN*. The motion for leave to file petition for writ of habeas corpus is denied.

January 16, 1950.

338 U.S.

No. 292, Misc. SIMONSON *v.* ROBINS, GOVERNOR OF IDAHO, ET AL.;

No. 293, Misc. LANTZ *v.* KENNEDY; and

No. 295, Misc. COPLON *v.* REEVES ET AL. The motions for leave to file petitions for writs of mandamus are severally denied. *Archibald Palmer* for petitioner in No. 295, Misc. Petitioners *pro se* in Nos. 292 and 293, Misc.

Certiorari Granted.

No. 455. AUTOMATIC RADIO MANUFACTURING CO., INC. *v.* HAZELTINE RESEARCH, INC. C. A. 1st Cir. Certiorari granted. *Floyd H. Crews* and *George K. Woodworth* for petitioner. *Miles D. Pillars*, *Philip F. LaFollette*, *Leonard A. Watson* and *Laurence B. Dodds* for respondent. *Solicitor General Perlman* filed a brief for the United States, as *amicus curiae*, supporting the petition. Reported below: 176 F. 2d 799.

Certiorari Denied. (See also No. 472 and Misc. Nos. 176 and 287, *supra.*)

No. 426. INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS OF AMERICA, LOCAL UNION No. 390, A. F. OF L., ET AL. *v.* WATSON, ATTORNEY GENERAL, ET AL. Supreme Court of Florida. Certiorari denied. *J. Albert Woll*, *Herbert S. Thatcher*, *James A. Glenn*, *John C. Gramling* and *Warren E. Hall, Jr.* for petitioners. Reported below: 41 So. 2d 341.

No. 466. STEVENS ET AL., DOING BUSINESS AS SLEET SHAVER MFG. CO., *v.* FEDERAL CARTRIDGE CORP., DOING BUSINESS AS TWIN CITIES ORDNANCE PLANT. Supreme Court of Minnesota. Certiorari denied. *John M. Palmer* for petitioners. *Solicitor General Perlman*, *Assistant*

338 U. S.

January 16, 1950.

Attorney General Morison and *Samuel D. Slade* for respondent. Reported below: 229 Minn. 597, 38 N. W. 2d 154.

No. 471. *COURANT v. INTERNATIONAL PHOTOGRAPHERS OF THE MOTION PICTURE INDUSTRY, LOCAL 659, ET AL.* C. A. 9th Cir. Certiorari denied. *Henry B. Ely* for petitioner. *Henry G. Bodkin, George M. Breslin* and *Michael G. Luddy* for respondents. Reported below: 176 F. 2d 1000.

No. 477. *COMBINED METALS REDUCTION CO. v. NEVADA HALF MOON MINING CO.* C. A. 10th Cir. Certiorari denied. *Herbert Van Dam* for petitioner. *Parnell Black* for respondent. Reported below: 176 F. 2d 73.

No. 180, Misc. *COLLINS v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. *Wayne M. Collins* for petitioner. *Solicitor General Perlman, Assistant Attorney General Caudle, James M. McInerney* and *Ellis N. Slack* for the United States. Reported below: 176 F. 2d 773.

No. 223, Misc. *CHAPMAN v. CALIFORNIA.* District Court of Appeal, First Appellate District, of California. Certiorari denied. Reported below: 93 Cal. App. 2d 365, 209 P. 2d 121.

No. 224, Misc. *DE LUCA v. ATLANTIC REFINING CO.* C. A. 2d Cir. Certiorari denied. Reported below: 176 F. 2d 421.

No. 237, Misc. *HARDGRAVE v. RAGEN, WARDEN.* Criminal Court of Cook County, Illinois. Certiorari denied.

No. 266, Misc. *PUTNAM v. RAGEN, WARDEN.* Circuit Court of Will County, Illinois. Certiorari denied.

January 16, 1950.

338 U.S.

No. 269, Misc. *SAXTON v. RAGEN, WARDEN*. Supreme Court of Illinois, Circuit Court of Will County and Circuit Court of Kane County, Illinois. Certiorari denied.

No. 270, Misc. *BERNOVICH v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. Reported below: 403 Ill. 480, 87 N. E. 2d 609.

No. 272, Misc. *SWAIN v. DUFFY, WARDEN*. Supreme Court of California. Certiorari denied.

No. 277, Misc. *BERMAN v. SWENSON, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 177 F. 2d 717.

No. 280, Misc. *PETERS v. RAGEN, WARDEN*. C. A. 7th Cir. Certiorari denied. *Wm. Scott Stewart* for petitioner. Reported below: 178 F. 2d 377.

No. 283, Misc. *EDMONDSON v. WRIGHT, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 177 F. 2d 719.

No. 286, Misc. *DEWEESE v. RAGEN, WARDEN*. Supreme Court of Illinois, Circuit Court of Will County and Circuit Court of Rock Island County, Illinois. Certiorari denied.

No. 288, Misc. *TAYLOR v. RAGEN, WARDEN*. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 252, Misc. *WILLIS v. RAGEN, WARDEN*. Criminal Court of Cook County, Illinois; and

No. 281, Misc. *SCOTT v. ROBINSON, WARDEN*. Circuit Court of Marion County, Illinois. The petition for writ

338 U. S.

January 16, 1950.

of certiorari in each of these cases is denied without consideration of the questions raised therein and without prejudice to the institution by petitioner of proceedings in any Illinois state court of competent jurisdiction under the Act of August 4, 1949, entitled: "An Act to provide a remedy for persons convicted and imprisoned in the penitentiary, who assert that rights guaranteed them by the Constitution of the United States or the State of Illinois, or both, have been denied or violated, in proceedings in which they were convicted." Laws of Illinois, 1949, p. 722.

Rehearing Denied.

No. 12, Original. UNITED STATES *v.* LOUISIANA; and

No. 13, Original. UNITED STATES *v.* TEXAS. The petition of Agnes E. and Annie C. Lewis for rehearing is denied. See *ante*, p. 902. MR. JUSTICE JACKSON and MR. JUSTICE CLARK took no part in the consideration or decision of this application.

No. 56. O'DONNELL, ADMINISTRATRIX, *v.* ELGIN, JOLIET & EASTERN RAILWAY Co., *ante*, p. 384. Rehearing denied. MR. JUSTICE FRANKFURTER and MR. JUSTICE MINTON took no part in the consideration or decision of this application.

No. 430. UNITED STATES EX REL. MOBLEY *v.* HANDY, COMMANDING OFFICER, *ante*, p. 904. Rehearing denied.

No. 447. LAND O'LAKES DAIRY Co. *v.* COUNTY OF WADENA ET AL., *ante*, p. 897. Rehearing denied.

No. 205, Misc. DAYTON *v.* HUNTER, WARDEN, *ante*, p. 888. Rehearing denied.

February 6, 1950.

338 U. S.

FEBRUARY 6, 1950.*

Per Curiam Decisions.

No. 497. BURTON, DOING BUSINESS AS A. B. BURTON Co., *v.* UNITED STATES ET AL. Appeal from the United States District Court for the Western District of Virginia. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. *W. G. Burnette* for appellant. *Daniel W. Knowlton* for the Interstate Commerce Commission, appellee.

No. 502. DELAWARE, LACKAWANNA & WESTERN RAILROAD Co. *v.* DIVISION OF TAX APPEALS OF NEW JERSEY ET AL.; and

No. 503. CENTRAL RAILROAD Co. OF NEW JERSEY *v.* DIVISION OF TAX APPEALS OF NEW JERSEY ET AL. Appeals from the Supreme Court of New Jersey. *Per Curiam*: The motions to dismiss are granted and the appeals are dismissed. *Central Greyhound Lines v. Mealey*, 334 U. S. 653. *James D. Carpenter* for appellants. *Theodore D. Parsons*, Attorney General of New Jersey, and *Benjamin C. Van Tine* for the Division of Tax Appeals, appellee. Reported below: 3 N. J. 27, 68 A. 2d 749.

Miscellaneous Orders.

No. 247, Misc. MCGUIRE *v.* UNITED STATES. The motion for leave to file petition for writ of certiorari is denied.

No. 314, Misc. BECKER *v.* SWYGERT, U. S. DISTRICT JUDGE. The motion for leave to file petition for writ of mandamus is denied.

*MR. JUSTICE DOUGLAS took no part in the consideration or decision of the cases in which judgments or orders were this day announced.

338 U. S.

February 6, 1950.

No. 539. COLONIAL AIRLINES, INC. *v.* ADAMS ET AL. Appeal from the United States District Court for the District of Columbia. Dismissed on motion of counsel for appellant. *T. Peter Ansberry* and *Stephen J. McMahon, Jr.* for appellant. Reported below: 87 F. Supp. 242.

Certiorari Denied. (See also No. 247, Misc., *supra.*)

No. 460. JIFFY LUBRICATOR CO., INC. *v.* STEWART-WARNER CORP. C. A. 4th Cir. *Certiorari* denied. *Leonard L. Kalish, Littleton M. Wickham* and *Guy B. Hazelgrove* for petitioner. *John D. Black, Elwood Hansmann* and *Thomas B. Gay* for respondent. Reported below: 177 F. 2d 360.

No. 463. URBUTEIT *v.* UNITED STATES. C. A. 5th Cir. *Certiorari* denied. *H. O. Pemberton* for petitioner. *Solicitor General Perlman, Assistant Attorney General Campbell, Robert S. Erdahl, Vincent A. Kleinfeld* and *William W. Goodrich* for the United States. Reported below: 176 F. 2d 438.

No. 468. WARREN *v.* UNITED STATES. C. A. 10th Cir. *Certiorari* denied. *John W. MacDonald* for petitioner. *Solicitor General Perlman, Stanley M. Silverberg, Robert S. Erdahl* and *Felicia H. Dubrovsky* for the United States. Reported below: 177 F. 2d 596.

No. 470. SANDROFF ET AL. *v.* UNITED STATES. C. A. 6th Cir. *Certiorari* denied. *Alvin L. Newmyer, David G. Bress* and *Sheldon E. Bernstein* for petitioners. *Solicitor General Perlman, Assistant Attorney General Campbell* and *Robert S. Erdahl* for the United States. Reported below: 174 F. 2d 1014.

No. 475. CAPITAL TRANSIT CO. *v.* UNDERWOOD. United States Court of Appeals for the District of Colum-

February 6, 1950.

338 U. S.

bia Circuit. Certiorari denied. *George D. Horning, Jr.* for petitioner. *Foster Wood* for respondent.

No. 476. CHICAGO SUGAR CO. *v.* AMERICAN SUGAR REFINING CO. C. A. 7th Cir. Certiorari denied. *Leslie M. O'Connor* for petitioner. *Kenneth F. Burgess* for respondent. Reported below: 176 F. 2d 1.

Nos. 478 and 479. CONSUMERS PETROLEUM CO. *v.* CONSUMERS CO. C. A. 7th Cir. Certiorari denied. *Albert E. Jenner, Jr.* and *Harry G. Hershenson* for petitioner. *Joseph B. Fleming* for respondent. Reported below: 176 F. 2d 441.

No. 480. MULLING, MUNICIPAL COURT JUDGE, ET AL. *v.* HOULIHAN ET AL. Supreme Court of Georgia. Certiorari denied. Reported below: 205 Ga. 735, 55 S. E. 2d 150.

No. 481. BEJEUHR *v.* SHAUGHNESSY, DISTRICT DIRECTOR, U. S. IMMIGRATION AND NATURALIZATION SERVICE. C. A. 2d Cir. Certiorari denied. *Herman L. Falk* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Morison*, *Samuel D. Slade* and *Morton Hollander* for respondent. Reported below: 177 F. 2d 436.

No. 486. ROBERTSON ROCK BIT CO., INC. ET AL. *v.* HUGHES TOOL CO. C. A. 5th Cir. Certiorari denied. *Floyd H. Crews* and *Robert P. Patterson* for petitioners. *George I. Haight* and *Robert F. Campbell* for respondent. Reported below: 176 F. 2d 783.

No. 487. TAYLOR, EXECUTOR, *v.* UNITED STATES. Probate Court of Middlesex County, Massachusetts. Certiorari denied. *Waldo Noyes* and *Seneca B. Anderson* for petitioner. *Solicitor General Perlman*, *Assistant*

338 U. S.

February 6, 1950.

Attorney General Caudle, Ellis N. Slack and Helen Goodner for the United States. Reported below: See 324 Mass. 639, 88 N. E. 2d 121.

No. 491. COMMISSIONER OF INTERNAL REVENUE *v.* RICKENBERG, EXECUTRIX. C. A. 9th Cir. Certiorari denied. *Solicitor General Perlman* for petitioner. *Charles J. Munz, Jr.* for respondent. Reported below: 177 F. 2d 114.

No. 507. DAWSON COUNTY ET AL. *v.* HAGEN ET AL. C. A. 9th Cir. Certiorari denied. *Clarence Hanley* for petitioners. *H. Lowndes Maury* for Hagen et al., respondents. *Solicitor General Perlman* filed a memorandum for the United States, respondent, stating that it neither joins in nor opposes the petition. Reported below: 177 F. 2d 186.

No. 519. MENEES *v.* COWGILL ET AL. Supreme Court of Missouri. Certiorari denied. *John C. Grover* for petitioner. *Clarence G. Strop* and *E. R. Morrison* for respondents. Reported below: 359 Mo. 697, 223 S. W. 2d 412.

No. 533. LINCOLN ELECTRIC Co. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 6th Cir. Certiorari denied. *Ashley M. Van Duzer* and *Thomas V. Koykka* for petitioner. *Solicitor General Perlman, Assistant Attorney General Caudle, Ellis N. Slack and Hilbert P. Zarky* for respondent. Reported below: 176 F. 2d 815.

No. 467. HALLE, EXECUTOR, *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 2d Cir. Certiorari denied. *Edward Halle* for petitioner. *Solicitor General Perlman, Assistant Attorney General Caudle, Ellis N. Slack, Helen Goodner and S. Dee Hanson* for respondent. Reported below: 175 F. 2d 500.

February 6, 1950.

338 U.S.

No. 484. ARNOLD ET AL. *v.* MCAULIFFE ET AL. Supreme Court of Oklahoma. Certiorari denied. *James R. Eagleton* for petitioners. Reported below: 201 Okla. 639, 209 P. 2d 866.

No. 90, Misc. CROWE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 175 F. 2d 799.

No. 143, Misc. WIGHT *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Wm. R. Perdue* for petitioner. Reported below: 176 F. 2d 376.

No. 153, Misc. DORSEY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Bart. A. Riley* for petitioner. *Solicitor General Perlman, Assistant Attorney General Campbell* and *Robert S. Erdahl* for the United States. Reported below: 174 F. 2d 899.

No. 241, Misc. BUTNER *v.* NEVADA. Supreme Court of Nevada. Certiorari denied. *Leslie E. Higgins* for petitioner. *Alan Bible, Attorney General of Nevada, Geo. P. Annand, Robert L. McDonald, Deputy Attorneys General, and M. A. Diskin* for respondent. Reported below: 66 Nev. 127, 206 P. 2d 253.

No. 255, Misc. THOMPSON *v.* ROBINSON, WARDEN. Circuit Court of Randolph County, Illinois. Certiorari denied.

No. 267, Misc. TREMBOIS *v.* STANDARD RAILWAY EQUIPMENT MANUFACTURING Co. Appellate Court for the First District of Illinois. Certiorari denied. Petitioner *pro se. Vincent O'Brien* for respondent. Reported below: 337 Ill. App. 35, 84 N. E. 2d 862.

No. 282, Misc. CARTER *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied. Reported below: 403 Ill. 567, 88 N. E. 2d 31.

338 U. S.

February 6, 1950.

Nos. 284 and 303, Misc. CAMERON *v.* SHAHEDY ET AL.;
and

No. 285, Misc. CAMERON ET AL. *v.* SHAHEDY ET AL.
C. A. 3d Cir. Certiorari denied. *Charlotte F. Jones* for
petitioners. *Thomas M. Hyndman* for respondents.

No. 296, Misc. ELGESEM *v.* CRANOR, SUPERINTENDENT.
Supreme Court of Washington. Certiorari denied.

No. 297, Misc. BRAMBLE *v.* HEINZE, WARDEN, ET AL.
Supreme Court of California. Certiorari denied.

No. 298, Misc. LOWENSTEIN *v.* MICHIGAN. Supreme
Court of Michigan. Certiorari denied.

No. 299, Misc. SMITH *v.* MICHIGAN. Circuit Court
of Chippewa County, Michigan. Certiorari denied.

No. 300, Misc. SHERROW *v.* HEINZE, WARDEN, ET AL.
Supreme Court of California. Certiorari denied.

No. 304, Misc. CABRERA *v.* BURKE, WARDEN. Su-
preme Court of Pennsylvania. Certiorari denied.

No. 306, Misc. GEISEL *v.* ASHE, WARDEN. Supreme
Court of Pennsylvania. Certiorari denied.

No. 308, Misc. CONIGLIO *v.* NEW YORK. Court of Ap-
peals of New York. Certiorari denied. Reported below:
299 N. Y. 744, 87 N. E. 2d 667.

No. 316, Misc. STORY *v.* BURFORD, WARDEN. C. A.
10th Cir. Certiorari denied. Reported below: 178 F.
2d 911.

No. 318, Misc. DAILEY *v.* RAGEN, WARDEN. Criminal
Court of Cook County, Illinois. Certiorari denied.

February 6, 1950.

338 U.S.

No. 319, Misc. MATHIS *v.* RAGEN, WARDEN. Supreme Court of Illinois. Certiorari denied.

No. 321, Misc. FARRANT *v.* IOWA. Supreme Court of Iowa. Certiorari denied.

No. 322, Misc. HOWARD *v.* SUPREME COURT OF INDIANA. Supreme Court of Indiana. Certiorari denied.

No. 326, Misc. BALLES *v.* BURKE, WARDEN. Supreme Court of Pennsylvania. Certiorari denied.

No. 327, Misc. SADNESS *v.* NEW YORK. Court of Appeals of New York. Certiorari denied. Reported below: 300 N. Y. 69, 89 N. E. 2d 188.

No. 345, Misc. PEREZ *v.* NEW YORK. Court of Appeals of New York. Certiorari denied. MR. JUSTICE BLACK is of the opinion certiorari should be granted. *Rose Rothenberg* for petitioner. Reported below: 300 N. Y. 208, 90 N. E. 2d 40.

No. 106, Misc. GRIFFIN *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. MR. JUSTICE CLARK took no part in the consideration or decision of this application. *Norman J. Griffin* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Campbell* and *Robert S. Erdahl* for the United States. Reported below: 176 F. 2d 727.

Rehearing Denied.

No. 358. CASSELMAN ET AL. *v.* IDAHO, *ante*, p. 900;
No. 44, Misc. DALTON *v.* HUNTER, WARDEN, *ante*,
p. 906;

No. 228, Misc. SHOTKIN *v.* PERKINS ET AL., and
No. 240, Misc. SHOTKIN *v.* PERKINS, *ante*, p. 907; and

338 U. S.

February 6, 13, 1950.

No. 254, Misc. SCHECTMAN *v.* FOSTER, WARDEN, *ante*, p. 908. The petitions for rehearing in these cases are severally denied.

No. 539, Misc., October Term, 1948. WILSON *v.* HINMAN ET AL., 336 U. S. 970. Second petition for rehearing denied.

FEBRUARY 13, 1950.*

Per Curiam Decisions.

No. 419. PLANKINTON PACKING CO. *v.* WISCONSIN EMPLOYMENT RELATIONS BOARD ET AL. Certiorari, 338 U. S. 898, to the Supreme Court of Wisconsin. Argued February 10, 1950. Decided February 13, 1950. *Per Curiam*: The judgment is reversed. *Bethlehem Steel Co. v. New York Labor Board*, 330 U. S. 767; *La Crosse Telephone Corp. v. Wisconsin Employment Relations Board*, 336 U. S. 18. *Richard S. Gibbs* argued the cause for petitioner. With him on the brief was *T. H. Spence*. By special leave of Court, *Mozart G. Ratner* argued the cause for the National Labor Relations Board, as *amicus curiae*, urging reversal. With him on the brief were *Solicitor General Perlman*, *Robert L. Stern*, *Robert N. Denham* and *David P. Findling*. *Beatrice Lampert*, Assistant Attorney General of Wisconsin, argued the cause for the Wisconsin Employment Relations Board, respondent. With her on the brief were *Thomas E. Fairchild*, Attorney General, and *Stewart G. Honeck*, Deputy Attorney General. *David Beznor* argued the cause and filed a brief for Stokes, respondent. *Max Raskin* was of counsel for the United Packing House Workers (C. I. O.), respondent. Reported below: 255 Wis. 285, 38 N. W. 2d 688.

*MR. JUSTICE DOUGLAS took no part in the consideration or decision of the cases in which judgments or orders were this day announced.

February 13, 1950.

338 U.S.

No. 489. UNITED STATES SMELTING REFINING & MINING CO. ET AL. *v.* LOWE. 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 Court is of the opinion that a new trial should be granted. Accordingly, without expressing any opinion as to other questions presented, the judgments of the Court of Appeals and the District Court are vacated and the cause is remanded to the District Court with directions to grant a new trial. *Southall R. Pfund* for petitioners. *Blaine Hallock* and *James T. Donald* for respondent. Reported below: 176 F. 2d 813.

Certiorari Granted. (See No. 489, *supra*.)

Certiorari Denied.

No. 482. BOWERS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Bart. A. Riley* for petitioner. *Solicitor General Perlman, James M. McInerney* and *Robert S. Erdahl* for the United States. Reported below: 177 F. 2d 764.

No. 483. JOHN J. CASALE, INC. *v.* UNITED STATES. Court of Claims. Certiorari denied. *Robert H. McNeill* and *T. Bruce Fuller* for petitioner. *Solicitor General Perlman, Assistant Attorney General Caudle, Ellis N. Slack* and *Elizabeth B. Davis* for the United States. Reported below: 114 Ct. Cl. 599, 86 F. Supp. 167.

No. 485. SHAIN *v.* SHAIN. Supreme Judicial Court of Massachusetts. Certiorari denied. *Archibald Palmer* for petitioner. *Frederick W. Mansfield* and *Albert Hurwitz* for respondent. Reported below: 324 Mass. 603, 88 N. E. 2d 143.

No. 488. NATIONAL MARITIME UNION OF AMERICA ET AL. *v.* NATIONAL LABOR RELATIONS BOARD. C. A.

338 U. S.

February 13, 1950.

2d Cir. Certiorari denied. *Herman E. Cooper* and *H. Howard Ostrin* for petitioners. *Solicitor General Perlman*, *Robert N. Denham*, *David P. Findling* and *Fannie M. Boyls* for respondent. Reported below: 175 F. 2d 686.

No. 492. MISSOURI-KANSAS-TEXAS RAILROAD CO. v. OKLAHOMA EX REL. COMMISSIONERS OF THE LAND OFFICE OF OKLAHOMA ET AL. C. A. 10th Cir. Certiorari denied. *W. F. Semple* for petitioner. Reported below: 177 F. 2d 454.

No. 504. UNITED STATES NATIONAL BANK OF DENVER ET AL. v. BARTGES. Supreme Court of Colorado. Certiorari denied. *John P. Akolt* for petitioners. *John F. Eberhardt* for respondent. Reported below: 120 Colo. 317, 210 P. 2d 600.

No. 505. TRANSPORT, TRADING & TERMINAL CORP. v. COMMISSIONER OF INTERNAL REVENUE. C. A. 2d Cir. Certiorari denied. *Arthur A. Ballantine* and *Charles C. MacLean, Jr.* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Ellis N. Slack* and *Hilbert P. Zarky* for respondent. Reported below: 176 F. 2d 570.

No. 508. OWENS v. UNITED STATES. C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Perlman*, *Assistant Attorney General Caudle* and *Ellis N. Slack* for the United States. Reported below: 177 F. 2d 692.

Nos. 510 and 511. CHICAGO TRANSIT AUTHORITY v. ILLINOIS ET AL. C. A. 7th Cir. Certiorari denied. *Werner W. Schroeder* for petitioner. *John S. Boyle*, *Gordon B. Nash* and *Melvin F. Wingersky* for the State of

February 13, 1950.

338 U. S.

Illinois; and *Thomas Dodd Healy* for Sullivan, Trustee, respondents. Reported below: 177 F. 2d 860.

No. 515. ATLANTIC COAST LINE RAILROAD CO. ET AL. v. JENNINGS, ADMINISTRATRIX. Supreme Court of South Carolina. Certiorari denied. *Charles Cook Howell* for petitioners. *Donald Russell* for respondent. Reported below: 215 S. C. 404, 55 S. E. 2d 522.

No. 518. DOUGHERTY v. GENERAL MOTORS CORP. C. A. 3d Cir. Certiorari denied. *Sheldon E. Bernstein* for petitioner. *James D. Carpenter* and *Henry M. Hogan* for respondent. Reported below: 176 F. 2d 561.

No. 535. HORNER v. UNITED STATES. Court of Claims. Certiorari denied. Reported below: 114 Ct. Cl. 612, 86 F. Supp. 132.

No. 47, Misc. TOWNSEND v. KANSAS. Supreme Court of Kansas. Certiorari denied. Petitioner *pro se*. *Harold R. Fatzer*, Attorney General of Kansas, *L. P. Brooks* and *C. Harold Hughes*, Assistant Attorneys General, for respondent. Reported below: 167 Kan. 366, 205 P. 2d 483.

No. 125, Misc. SHELTON v. REED, SUPERINTENDENT. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Perlman* for respondent.

No. 279, Misc. BLACK v. ARKANSAS. Supreme Court of Arkansas. Certiorari denied. *Joe McCoy* and *W. H. Glover* for petitioner. Reported below: 215 Ark. 618, 222 S. W. 2d 816.

No. 301, Misc. TATE v. HEINZE, WARDEN. Supreme Court of California. Certiorari denied.

338 U. S.

February 13, 1950.

*Rehearing Denied.*No. 178. BRYAN *v.* UNITED STATES, *ante*, p. 552;No. 474. SMITH ET AL. *v.* O'DWYER, MAYOR, ET AL.,
ante, p. 937;No. 260, Misc. PHILLIPS *v.* RAGEN, WARDEN, *ante*,
p. 939; andNo. 295, Misc. COPLON *v.* REEVES ET AL., *ante*, p. 942.The petitions for rehearing in these cases are severally
denied.

CHICAGO, ILL., MAY 1, 1919

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