

DECISIONS PER CURIAM AND ORDERS FROM
BEGINNING OF OCTOBER TERM, 1950,
THROUGH MARCH 27, 1951.

OCTOBER 9, 1950.

Per Curiam Decisions.

No. 114. *HENDRICKS v. SMITH*, AUDITOR OF BUTLER COUNTY, ET AL. Appeal from the Supreme Court of Ohio. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. MR. JUSTICE DOUGLAS is of the opinion probable jurisdiction should be noted. *George S. Hawke* and *Robert H. Fosdick* for appellant. *Jackson Bosch* for appellees. Reported below: 153 Ohio St. 500, 92 N. E. 2d 393.

No. 117. *CORTINAS v. DI GIOVANNI ET AL.* Appeal from the Supreme Court of Louisiana. *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. *Daniel Wendling* for appellant. Reported below: 216 La. 687, 44 So. 2d 818.

No. 142. *GOSSMAN v. CALIFORNIA ET AL.* Appeal from the District Court of Appeal of California, Second Appellate District. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Appellant *pro se*. *Fred N. Howser*, Attorney General, and *Frank W. Richards*, Deputy Attorney General, for the State of California, appellee. Reported below: 95 Cal. App. 2d 293, 212 P. 2d 585.

No. 152. *EL DORADO OIL WORKS v. MCCOLGAN*, FRANCHISE TAX COMMISSIONER. Appeal from the Su-

October 9, 1950.

340 U. S.

preme Court of California. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed. *Butler Bros. v. McColgan*, 315 U. S. 501; *International Harvester Co. v. Evatt*, 329 U. S. 416. *W. S. Culbertson* and *W. F. Williamson* for appellant. *Fred N. Howser*, Attorney General of California, and *James E. Sabine*, Deputy Attorney General, for appellee. Reported below: 34 Cal. 2d 731, 215 P. 2d 4.

No. 157. *BURT v. PITTSBURGH ET AL.* Appeal from the United States District Court for the Western District of Pennsylvania. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. *United States ex rel. T. V. A. v. Welch*, 327 U. S. 546. *James A. Danahey* for appellant. *Anne X. Alpern*, *Arthur B. Van Buskirk*, *Timothy N. Pfeiffer*, *Charles E. Kenworthy* and *Ralph H. Demmler* for appellees.

No. 254. *NORFOLK SOUTHERN BUS CORP. v. UNITED STATES ET AL.* Appeal from the United States District Court for the Eastern District of Virginia. *Per Curiam*: The motions to affirm are granted and the judgment is affirmed. *S. Burnell Bragg* and *James G. Martin* for appellant. *Acting Solicitor General Raum* and *Daniel W. Knowlton* for the United States and the Interstate Commerce Commission; and *I. M. Bailey* for the Virginia Dare Transportation Co., appellees.

No. 263. *HINTON 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. *Weaver Gore* for appellant. *John W. Kyle*, Attorney General of Missis-

340 U. S.

October 9, 1950.

issippi, and *George H. Ethridge*, Assistant Attorney General, for appellee. Reported below: 209 Miss. 608, 46 So. 2d 445.

No. 284. *BOURQUARDEZ, RECEIVER, v. FLORIDA STATE RACING COMMISSION*. Appeal from the Supreme Court of Florida. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Thomas M. Shackelford, Jr.* for appellant. *G. L. Reeves* for appellee. Reported below: 45 So. 2d 876.

Miscellaneous Orders.

No. 5, Original. *NEW JERSEY v. NEW YORK ET AL.*; and
No. 7, Original. *TEXAS v. FLORIDA ET AL.* These cases are ordered stricken from the docket.

No. 844, October Term, 1949. *LOEW'S, INC. v. UNITED STATES*;

No. 845, October Term, 1949. *WARNER BROS. PICTURES, INC. ET AL. v. UNITED STATES*;

No. 846, October Term, 1949. *TWENTIETH CENTURY-FOX FILM CORP. ET AL. v. UNITED STATES*; and

No. 847, October Term, 1949. *UNITED STATES v. LOEW'S, INC. ET AL.* The order of this Court entered in these cases on June 5, 1950, is amended to read as follows:

"*Per Curiam*: The judgment is affirmed. MR. JUSTICE REED and MR. JUSTICE BURTON are of the opinion that probable jurisdiction should be noted and the cases set down for argument. MR. JUSTICE JACKSON and MR. JUSTICE CLARK took no part in the consideration or decision of these cases."

[The order is reported as amended in the bound volume of 339 U. S. at p. 974.]

October 9, 1950.

340 U. S.

No. 2. HUBSCH *v.* UNITED STATES; and

No. 3. SCHWEITZER *v.* UNITED STATES. Certiorari, 338 U. S. 814, to the United States Court of Appeals for the Fifth Circuit. Writs of certiorari dismissed on motion of counsel for petitioners.

No. 780, October Term, 1949. DRURY *v.* HURLEY ET AL., 339 U. S. 983. Petition for rehearing dismissed on motion of counsel for petitioner.

No. 170, Misc. YANKEY *v.* OHIO. Petition for writ of certiorari to the Supreme Court of Ohio dismissed on motion of counsel for the petitioner. *Cecile J. Shapiro* for petitioner.

No. 2, Misc. HOSKINS *v.* MOORE, WARDEN;

No. 4, Misc. STERBA *v.* ILLINOIS;

No. 10, Misc. HUDSON *v.* OVERHOLSER;

No. 21, Misc. BURKHOLDER *v.* UNITED STATES;

No. 28, Misc. TAYLOR *v.* SQUIER, WARDEN;

No. 33, Misc. MIDDLETON *v.* MICHIGAN;

No. 43, Misc. STEPHENSON *v.* PAGE, WARDEN;

No. 80, Misc. GIBBS *v.* BUSHONG, SUPERINTENDENT;

No. 82, Misc. FLEET *v.* SWENSON, WARDEN;

No. 84, Misc. VAN BEEK *v.* MICHIGAN;

No. 91, Misc. STEWART *v.* STEELE, WARDEN;

No. 92, Misc. LANG *v.* MAYO, CUSTODIAN;

No. 102, Misc. GRIER *v.* WARDEN, STATE PRISON;

No. 112, Misc. CARROLL *v.* SWENSON, WARDEN;

No. 129, Misc. HORN *v.* FRISBIE, WARDEN; and

No. 149, Misc. HULL *v.* FRISBIE, WARDEN. The motions for leave to file petitions for writs of habeas corpus in these cases are severally denied. Petitioners *pro se*. *Solicitor General Perlman* for respondent in No. 28, Misc. *Price Daniel*, Attorney General of Texas, *Charles D.*

340 U. S.

October 9, 1950.

Mathews, First Assistant Attorney General, *E. Jacobson* and *Calvin B. Garwood, Jr.*, Assistant Attorneys General, for respondent in No. 2, Misc.

No. 23, Misc. BASHAW *v.* CALIFORNIA SUPREME COURT;

No. 35, Misc. BYERS *v.* HILL;

No. 55, Misc. CARVER *v.* SUPREME COURT OF CALIFORNIA; and

No. 135, Misc. BOYDEN *v.* SMITH, CLERK, U. S. DISTRICT COURT. The motions for leave to file petitions for writs of mandamus in these cases are severally denied.

No. 9, Misc. PERKINS *v.* RAGEN, WARDEN. The motion for leave to file petition for writ of certiorari is denied.

No. 16, Misc. BERG *v.* UNITED STATES;

No. 68, Misc. COOPER *v.* UNITED STATES;

No. 81, Misc. EATON *v.* RAGEN, WARDEN; and

No. 81, Misc., October Term, 1949. EAGLE *v.* CHERNEY ET AL., 338 U. S. 837. The applications in these cases are severally denied.

No. 56, Misc. BARTSCH ET AL. *v.* COLEMAN, U. S. DISTRICT JUDGE. Leave granted to withdraw petition for writ of prohibition and/or mandamus.

No. 62, Misc. TABOR *v.* UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA. Leave granted to withdraw petition for writ of mandamus.

Certiorari Granted.

No. 71. INTERNATIONAL WORKERS ORDER, INC. ET AL. *v.* McGRATH, ATTORNEY GENERAL OF THE UNITED STATES, ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari granted. MR.

October 9, 1950.

340 U. S.

JUSTICE CLARK took no part in the consideration or decision of this application. *Lee Pressman* and *Allan R. Rosenberg* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Morison*, *James L. Morrisson* and *Samuel D. Slade* for respondents. Reported below: 86 U. S. App. D. C. 287, 182 F. 2d 368.

No. 77. MONTANA-DAKOTA UTILITIES Co. v. NORTH-WESTERN PUBLIC SERVICE Co. C. A. 8th Cir. Certiorari granted. *William D. Mitchell*, *John C. Benson* and *H. F. Fellows* for petitioner. *Jacob M. Lashly*, *Max Royhl* and *Fredric H. Stafford* for respondent. Reported below: 181 F. 2d 19.

No. 83. UNITED STATES EX REL. TOUHY v. RAGEN, WARDEN, ET AL. C. A. 7th Cir. Certiorari granted. MR. JUSTICE CLARK took no part in the consideration or decision of this application. *Edward M. Burke* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General McInerney*, *Stanley M. Silverberg*, *Robert S. Erdahl* and *Robert G. Maysack* for McSwain, respondent. Reported below: 180 F. 2d 321.

No. 87. WARREN v. UNITED STATES. C. A. 2d Cir. Certiorari granted. *Saul Sperling* and *Charles A. Ellis* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Morison*, *Samuel D. Slade* and *John R. Benney* for the United States. Reported below: 179 F. 2d 919.

No. 122. NATIONAL LABOR RELATIONS BOARD v. GULLETT GIN Co., INC. C. A. 5th Cir. Certiorari granted. *Solicitor General Perlman* and *Robert N. Denham* for petitioner. Reported below: 179 F. 2d 499.

No. 132. SPECTOR MOTOR SERVICE, INC. v. McLAUGHLIN, TAX COMMISSIONER, O'CONNOR, SUBSTITUTED DE-

340 U. S.

October 9, 1950.

FENDANT. C. A. 2d Cir. Certiorari granted. *Cyril Coleman* for petitioner. *William L. Hadden* for respondent. Reported below: 181 F. 2d 150.

No. 133. *NORTON COMPANY v. DEPARTMENT OF REVENUE OF ILLINOIS*. Supreme Court of Illinois. Certiorari granted. *Roland Towle* for petitioner. *Ivan A. Elliott*, Attorney General of Illinois, *William C. Wines*, *Raymond S. Sarnow* and *James C. Murray*, Assistant Attorneys General, for respondent. Reported below: 405 Ill. 314, 90 N. E. 2d 737.

No. 147. *WEST VIRGINIA EX REL. DYER ET AL. v. SIMS, AUDITOR OF WEST VIRGINIA*. Supreme Court of Appeals of West Virginia. Certiorari granted. *William C. Marland*, Attorney General of West Virginia, *Thomas J. Gillooly*, Assistant Attorney General, and *John B. Holister* for petitioners. *Charles C. Wise, Jr.* for respondent. Briefs of *amici curiae* supporting petitioners were filed on behalf of the United States by *Acting Solicitor General Raum*; the States of Illinois by *Ivan A. Elliott*, Attorney General, and *Lucien S. Field*, Assistant Attorney General, Indiana by *J. Emmett McManamon*, Attorney General, Kentucky by *A. E. Funk*, Attorney General, and *Squire N. Williams, Jr.*, Assistant Attorney General, New York by *Nathaniel L. Goldstein*, Attorney General, Ohio by *Herbert S. Duffy*, Attorney General, and *William C. Bryant*, Assistant Attorney General, and Pennsylvania by *Charles J. Margiotti*, Attorney General, *M. Vashti Burr*, Deputy Attorney General, and *H. F. Stambaugh*; the State of Pennsylvania by *Charles J. Margiotti*, Attorney General, *M. Vashti Burr*, Deputy Attorney General, and *Harry F. Stambaugh*; and the Interstate Commission on the Potomac River Basin by *L. Harold Sothoron*. Reported below: 134 W. Va. —, 58 S. E. 2d 766.

October 9, 1950.

340 U. S.

No. 168. UNITED STATES *v.* PEWEE COAL CO., INC. Court of Claims. Certiorari granted. *Solicitor General Perlman* for the United States. Reported below: 115 Ct. Cl. 626, 88 F. Supp. 426.

No. 169. UNITED STATES *v.* WHEELOCK BROS., INC.; and

No. 177. WHEELOCK BROS., INC. *v.* UNITED STATES. Court of Claims. Certiorari granted. *Solicitor General Perlman* for the United States. *Franklin N. Parks* for Wheelock Bros., Inc. Reported below: 115 Ct. Cl. 733, 88 F. Supp. 278.

No. 170. UNITED STATES *v.* PENNER INSTALLATION CORP. Court of Claims. Certiorari granted. *Solicitor General Perlman* for the United States. *Albert Foreman* and *M. Carl Levine* for respondent. Reported below: 116 Ct. Cl. 550, 89 F. Supp. 545.

No. 204. CAPITAL TRANSIT CO. *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari granted. *George D. Horning, Jr.* and *Frank F. Roberson* for petitioner. *Acting Solicitor General Raum* for the United States. Reported below: 87 U. S. App. D. C. —, 183 F. 2d 825.

No. 209. EMICH MOTORS CORP. ET AL. *v.* GENERAL MOTORS CORP. ET AL. C. A. 7th Cir. Certiorari granted, limited to the question whether the Court of Appeals erred in construing § 5 of the Clayton Act, 38 Stat. 731, 15 U. S. C. § 16, as not permitting: (a) the admission in the instant case of the indictment in the antecedent criminal case against respondents, nor (b) the judgment therein to be used as evidence that the conspiracy of which respondents had been convicted occasioned Emich Motors' cancellation. *Thomas Dodd Healy, Harold Stickler* and

340 U. S.

October 9, 1950.

A. Bradley Eben for petitioners. *Henry M. Hogan* for respondents. *Solicitor General Perlman* filed a brief for the United States, as *amicus curiae*, supporting the petition. Reported below: 181 F. 2d 70.

No. 211. *NIAGARA HUDSON POWER CORP. v. LEVENTRITT*; and

No. 212. *SECURITIES & EXCHANGE COMMISSION v. LEVENTRITT*. C. A. 2d Cir. Certiorari granted. *Randall J. LeBoeuf, Jr.* and *Craigh Leonard* for petitioner in No. 211. *Acting Solicitor General Raum* and *Roger S. Foster* for petitioner in No. 212. *T. Roland Berner* for respondent. Reported below: 179 F. 2d 615.

No. 217. *COLLINS ET AL. v. HARDYMAN ET AL.* C. A. 9th Cir. Certiorari granted. *Aubrey N. Irwin* for petitioners. *A. L. Wirin, Fred Okrand, Robert R. Rissman, Arthur Garfield Hays, William Egan Colby* and *Clore Warne* for respondents. Reported below: 183 F. 2d 308.

No. 218. *UNITED STATES v. YELLOW CAB CO.* C. A. 3d Cir. Certiorari granted. *Acting Solicitor General Raum* for the United States. *Wm. A. Schnader* for respondent. Reported below: 181 F. 2d 967.

Certiorari Denied. (See also Nos. 117 and 263, *supra*.)

No. 41. *MAGUIRE INDUSTRIES, INC. v. UNITED STATES*. Court of Claims. Certiorari denied. *Eugene Daniel Powers* for petitioner. *Solicitor General Perlman, Assistant Attorney General Morison* and *Paul A. Sweeney* for the United States. Reported below: 114 Ct. Cl. 687, 86 F. Supp. 905.

No. 44. *LITTLETON v. MCNEILL ET AL.*; and

No. 58. *KINCAID v. LITTLETON*. C. A. 4th Cir. Certiorari denied. *Elmer McClain* for Littleton. *Armi-*

October 9, 1950.

340 U. S.

stead L. Boothe for petitioner in No. 58. *T. Bruce Fuller* and *Robert H. McNeill* for *McNeill et al.*, respondents in No. 44. Reported below: 179 F. 2d 848.

No. 51. *KROPP FORGE CO. ET AL. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 7th Cir. Certiorari denied. *Hugh Fulton*, *Leo T. Norville* and *Louis Linton Dent* for petitioners. *Solicitor General Perlman*, *Robert N. Denham*, *David P. Findling* and *Mozart G. Ratner* for respondent. Reported below: 178 F. 2d 822.

No. 53. *BEVIS v. ARMCO STEEL CORP.* Supreme Court of Ohio. Certiorari denied. *Robert Emmett Brooks* and *Louis C. Capelle* for petitioner. *H. J. Siebenthaler* and *G. W. A. Wilmer* for respondent. Reported below: 153 Ohio St. 366, 91 N. E. 2d 479.

No. 54. *WEST, ADMINISTRATOR, v. EASTERN TRANSPORTATION CO., INC.* C. A. 4th Cir. Certiorari denied. *Louis B. Fine* for petitioner. Reported below: 179 F. 2d 478.

No. 55. *DRUG & CHEMICAL CLUB OF NEW YORK v. UNITED STATES*. Court of Claims. Certiorari denied. *Morrie Slifkin* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Caudle* and *Ellis N. Slack* for the United States. Reported below: 115 Ct. Cl. 66.

No. 56. *ORVIS ET AL., EXECUTORS, v. HIGGINS, FORMER COLLECTOR OF INTERNAL REVENUE*. C. A. 2d Cir. Certiorari denied. *George W. Riley* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Ellis N. Slack* and *Helen Goodner* for respondent. Reported below: 180 F. 2d 537.

No. 57. *PARSONS, PRESIDENT OF UNITED TELEPHONE ORGANIZATIONS, v. HERZOG ET AL.* United States Court

340 U. S.

October 9, 1950.

of Appeals for the District of Columbia Circuit. Certiorari denied. *Ellis W. Manning* for petitioner. *Solicitor General Perlman, Robert N. Denham, David P. Findling, A. Norman Somers* and *Norton J. Come* for respondents. Reported below: 86 U. S. App. D. C. 198, 181 F. 2d 781.

No. 59. *AMBROSE ET AL. v. MARZALL, COMMISSIONER OF PATENTS*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Alva D. Adams* and *Stone E. Bush* for petitioners. *Solicitor General Perlman, Assistant Attorney General Morison, Paul A. Sweeney* and *Melvin Richter* for respondent. Reported below: 86 U. S. App. D. C. 413, 181 F. 2d 272.

No. 60. *TOWER HOSIERY MILLS, INC. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 4th Cir. Certiorari denied. *L. P. McLendon* and *Thornton H. Brooks* for petitioner. *Solicitor General Perlman, Robert N. Denham, David P. Findling, Mozart G. Ratner* and *Samuel M. Singer* for respondent. Reported below: 180 F. 2d 701.

No. 61. *DAVIS v. COOK ET AL., CONSTITUTING THE BOARD OF EDUCATION OF ATLANTA*. C. A. 5th Cir. Certiorari denied. *Oliver W. Hill, Thurgood Marshall, Robert L. Carter* and *James M. Nabrit* for petitioner. *M. F. Goldstein* and *B. D. Murphy* for respondents. Reported below: 178 F. 2d 595.

No. 62. *TOLEDO BLADE CO. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 6th Cir. Certiorari denied. *Mark Eisner* and *Ferdinand Tannenbaum* for petitioner. *Solicitor General Perlman, Assistant Attorney General Caudle, Ellis N. Slack* and *Irving I. Axelrad* for respondent. Reported below: 180 F. 2d 357.

October 9, 1950.

340 U. S.

NO. 63. HALLIBURTON OIL WELL CEMENTING Co. v. PAULK ET AL. C. A. 5th Cir. Certiorari denied. *John H. Crooker, Jr., Robert O. Brown and Newton Gresham* for petitioner. *Ben G. Sewell* for respondents. Reported below: 180 F. 2d 79.

NO. 65. VAHLSING v. HARRELL. C. A. 5th Cir. Certiorari denied. *Emmett J. Rahm* for petitioner. *Karl M. Gibbon* for respondent. Reported below: 178 F. 2d 622.

NO. 67. JACKSON v. CARTER OIL Co. ET AL. C. A. 10th Cir. Certiorari denied. *Finis E. Riddle* for petitioner. *Forrest M. Darrough, W. T. Anglin, Glenn O. Wallace and W. M. Haulsee* for respondents. Reported below: 179 F. 2d 524.

NO. 68. UNITED STATES v. FIVE PARCELS OF LAND IN HARRIS COUNTY, TEXAS, ET AL. C. A. 5th Cir. Certiorari denied. *Solicitor General Perlman* for the United States. *Chas. W. Bell* for the Harris County Houston Ship Channel Navigation District; and *Robert F. Campbell* for the Houston Deepwater Land Co., respondents. Reported below: 180 F. 2d 75.

NO. 70. PENNSYLVANIA EX REL. SMITH v. ASHE, WARDEN, ET AL. Supreme Court of Pennsylvania. Certiorari denied. *Thomas D. McBride* for petitioner. *Charles J. Margiotti*, Attorney General of Pennsylvania, *Harrington Adams* and *George W. Keitel*, Deputy Attorneys General, for respondents. Reported below: 364 Pa. 93, 71 A. 2d 107.

NO. 72. CARDENAS v. WILSON & Co., INC. C. A. 10th Cir. Certiorari denied. *Jean P. Day* for petitioner. Reported below: 180 F. 2d 828.

340 U. S.

October 9, 1950.

No. 74. *ERICSON ET AL. v. JORGENSEN ET AL.* C. A. 8th Cir. Certiorari denied. *Hugh M. Morris* and *George R. Ericson* for petitioners. *John H. Bruninga* for respondents. Reported below: 180 F. 2d 180.

No. 76. *SWARZ v. GOOLSBY.* Supreme Court of Florida. Certiorari denied. Reported below: See 38 So. 2d 312 and 43 So. 2d 639.

No. 78. *SILBIGER v. PRUDENCE-BONDS CORP. ET AL.* C. A. 2d Cir. Certiorari denied. *Samuel Silbiger pro se.* *Charles M. McCarty* for Prudence Bonds Corporation, respondent. Reported below: 180 F. 2d 917.

No. 79. *PADDOCK, TRUSTEE IN BANKRUPTCY, v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. *Jacob I. Weinstein* and *Frank B. Appleman* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Morison*, *Paul A. Sweeney* and *Morton Hollander* for the United States. Reported below: 180 F. 2d 121.

No. 80. *ESTATE OF REEVES ET AL. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 2d Cir. Certiorari denied. *Lee McCanliss* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Ellis N. Slack*, *A. F. Prescott* and *Harry Baum* for respondent. Reported below: 180 F. 2d 829.

No. 82. *GENERAL MOTORS CORP. v. BOLTEN.* C. A. 7th Cir. Certiorari denied. *Alvin G. Hubbard* for petitioner. *Guy W. Green* for respondent. Reported below: 180 F. 2d 379.

No. 84. *CONSUMERS COOPERATIVE ASSOCIATION v. CHICAGO, ROCK ISLAND & PACIFIC RAILROAD CO. ET AL.* C. A. 10th Cir. Certiorari denied. *Guy W. Green* for petitioner. *W. F. Peter* for respondents. Reported below: 180 F. 2d 900.

October 9, 1950.

340 U. S.

No. 88. *GULF OIL CORP. v. NEWTON ET AL.* C. A. 3d Cir. Certiorari denied. *Thomas E. Byrne, Jr.* for petitioner. *Abraham E. Freedman* for respondents. Reported below: 180 F. 2d 491.

No. 90. *COMMISSIONER OF INTERNAL REVENUE v. BROWN ET VIR.* C. A. 3d Cir. Certiorari denied. *Solicitor General Perlman* for petitioner. *Geo. E. H. Goodner* and *Scott P. Crampton* for respondents. Reported below: 180 F. 2d 926.

No. 91. *MAY, STERN & Co. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 3d Cir. Certiorari denied. *Louis Caplan* and *Charles C. MacLean, Jr.* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Ellis N. Slack*, *Lee A. Jackson* and *Irving I. Axelrad* for respondent. Reported below: 181 F. 2d 407.

No. 92. *ATLANTIC COAST LINE RAILROAD Co. v. HILL.* Supreme Court of North Carolina. Certiorari denied. *Charles Cook Howell* and *F. S. Spruill* for petitioner. *Harold D. Cooley*, *Hubert E. May* and *Francis E. Winslow* for respondent. Reported below: 231 N. C. 499, 57 S. E. 2d 781.

No. 94. *TRUST COMPANY OF GEORGIA v. ALLEN, COLLECTOR OF INTERNAL REVENUE.* C. A. 5th Cir. Certiorari denied. *Furman Smith* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Ellis N. Slack*, *Lee A. Jackson* and *Fred E. Youngman* for respondent. Reported below: 180 F. 2d 527.

No. 95. *HOLLY STORES, INC. v. JUDIE ET AL.* C. A. 7th Cir. Certiorari denied. *S. J. Crumpacker, Sr.* for petitioner. Reported below: 179 F. 2d 730.

340 U. S.

October 9, 1950.

No. 97. WALLACE *v.* FOSTER, SHERIFF. Supreme Court of Georgia. Certiorari denied. *Allen Lumpkin Henson* for petitioner. *Eugene Cook*, Attorney General of Georgia, *M. H. Blackshear, Jr.*, Deputy Assistant Attorney General, and *Edward E. Dorsey* for respondent. Reported below: 206 Ga. 561, 57 S. E. 2d 920.

No. 98. REPUBLIC STEEL CORP. *v.* UNITED STATES. Court of Claims. Certiorari denied. *Luther Day* and *Thomas F. Patton* for petitioner. *Acting Solicitor General Raum*, *Assistant Attorney General Caudle*, *Ellis N. Slack* and *Hilbert P. Zarky* for the United States. Reported below: 114 Ct. Cl. 516, 86 F. Supp. 146.

No. 100. WATSON BROS. TRANSPORTATION CO., INC. *v.* CENTRAL STATES COOPERATIVES, INC. C. A. 7th Cir. Certiorari denied. *Julius L. Sherwin* and *Theodore R. Sherwin* for petitioner. *Thomas G. McBride* for respondent. Reported below: 180 F. 2d 689.

No. 101. SOUTH WESTERN RAILROAD CO. ET AL. *v.* BENTON ET AL. Supreme Court of Georgia. Certiorari denied. *Wallace Miller*, *A. R. Lawton*, *Walter A. Harris* and *T. M. Cunningham* for petitioners. *Charles J. Bloch* and *Ellsworth Hall, Jr.* for respondents. Reported below: 206 Ga. 770, 58 S. E. 2d 905.

No. 102. SULLIVAN *v.* NEW YORK. Court of Appeals of New York. Certiorari denied. *Francis A. McGurk* for petitioner. *Burton C. Meighan* for respondent.

No. 103. CREAM-O PRODUCTS CORP. *v.* HOFFMAN, RECEIVER AND TRUSTEE. C. A. 2d Cir. Certiorari denied. *A. Walter Socolow* and *Joseph M. Cohen* for petitioner. *Max Schwartz* for respondent. Reported below: 180 F. 2d 649.

October 9, 1950.

340 U. S.

No. 105. *DAVISON CHEMICAL CORP. v. JOLIET CHEMICALS, INC. ET AL.* C. A. 7th Cir. Certiorari denied. *Harold W. Norman* for petitioner. *Jules L. Brady* and *John Rex Allen* for respondents. Reported below: 179 F. 2d 793.

No. 106. *SHIPPERS PRE-COOLING SERVICE v. MACKS.* C. A. 5th Cir. Certiorari denied. *F. W. Davies* for petitioner. *J. Kirkman Jackson* for respondent. Reported below: 181 F. 2d 510.

No. 107. *KREHER ET AL., TRUSTEES, v. UNITED STATES.* Court of Claims. Certiorari denied. *Robert C. Handwerk* and *Frank E. Scrivener* for petitioners. *Acting Solicitor General Raum*, *Assistant Attorney General Morison* and *Samuel D. Slade* for the United States. Reported below: 115 Ct. Cl. 355, 87 F. Supp. 881.

No. 112. *DE CRIGNIS VON WEDEL v. MCGRATH, ATTORNEY GENERAL, SUCCESSOR TO THE ALIEN PROPERTY CUSTODIAN.* C. A. 3d Cir. Certiorari denied. *Robert P. Patterson* and *Francis J. Sypher* for petitioner. *Solicitor General Perlman*, *Harold I. Baynton* and *George B. Searls* for respondent. Reported below: 180 F. 2d 716.

No. 113. *CHICAGO PNEUMATIC TOOL Co. v. HUGHES TOOL Co.* C. A. 10th Cir. Certiorari denied. *Floyd H. Crews* and *Raymond G. Mullee* for petitioner. *George I. Haight* and *Robert F. Campbell* for respondent. Reported below: 180 F. 2d 97.

No. 115. *DALL v. JOHNSON, ADMINISTRATOR.* Appellate Court of Illinois, First District. Certiorari denied. *Alexander Kahan*, *John J. O'Connor* and *Harry J. Pasternak* for petitioner. *W. H. F. Millar* and *Egbert Robertson* for respondent. Reported below: 339 Ill. App. 110, 88 N. E. 2d 886.

340 U. S.

October 9, 1950.

No. 116. *OGDEN CORPORATION v. FIELDING ET AL.* C. A. 2d Cir. Certiorari denied. *Richard Joyce Smith* for petitioner. *Mortimer Hays* for respondents. Reported below: 181 F. 2d 163.

No. 118. *JOHNSTON v. MCINTEE ET AL.* C. A. 7th Cir. Certiorari denied. *Charles Ralph Johnston* and *Hector A. Brouillet* for petitioner. *Claude A. Roth*, *Harry E. Smoot*, *Louis M. Mantynband* and *George L. Siegel* for respondents. Reported below: 179 F. 2d 789.

No. 119. *LOCKHART v. IOWA.* Supreme Court of Iowa. Certiorari denied. *Eugene Cotton* and *Edward J. Dahms* for petitioner. Reported below: 241 Iowa 635, 39 N. W. 2d 636.

No. 120. *PORTER v. BENNISON ET AL.* C. A. 10th Cir. Certiorari denied. *I. H. Spears* for petitioner. Reported below: 180 F. 2d 523.

No. 121. *BENEDUM ET AL. v. GRANGER, COLLECTOR OF INTERNAL REVENUE.* C. A. 3d Cir. Certiorari denied. *C. L. Wallace* and *Wm. Alvah Stewart* for petitioners. *Acting Solicitor General Raum*, *Assistant Attorney General Caudle*, *Ellis N. Slack* and *Morton K. Rothschild* for respondent. Reported below: 180 F. 2d 564.

No. 123. *DENISON v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 6th Cir. Certiorari denied. *Edward S. Reid, Jr.* and *Emmett E. Eagan* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Caudle* and *Ellis N. Slack* for respondent. Reported below: 180 F. 2d 938.

No. 124. *SMILEY v. UNITED STATES*; and

No. 213. *UNITED STATES v. SMILEY.* C. A. 9th Cir. Certiorari denied. *Otto Christensen* for petitioner in No.

October 9, 1950.

340 U. S.

124. *Acting Solicitor General Raum* for the United States. With *Mr. Raum* in No. 124 were *Assistant Attorney General McInerney* and *Robert S. Erdahl*. Reported below: 181 F. 2d 505.

No. 126. *ORDER OF RAILROAD TELEGRAPHERS v. NEW YORK CENTRAL RAILROAD CO.* C. A. 2d Cir. Certiorari denied. *Lester P. Schoene* and *John F. Davis* for petitioner. *Frederick L. Wheeler* and *Gerald E. Dwyer* for respondent. Reported below: 181 F. 2d 113.

No. 127. *KELLER ET AL. v. HALL.* C. A. 5th Cir. Certiorari denied. *Leonard S. Lyon* for petitioners. *Thomas E. Scofield* and *Philip Subkow* for respondent. Reported below: 180 F. 2d 753.

No. 128. *DILL MANUFACTURING CO. ET AL. v. J. W. SPEAKER CORP.* C. A. 7th Cir. Certiorari denied. *Arthur J. Hudson* and *Watts T. Estabrook* for petitioners. *Ira Milton Jones* for respondent. Reported below: 179 F. 2d 278.

No. 129. *CHARLES R. ALLEN, INC. ET AL. v. UNITED STATES.* United States Court of Customs and Patent Appeals. Certiorari denied. *John F. Kavanagh* for petitioners. *Acting Solicitor General Raum*, *Assistant Attorney General Edelstein* and *John R. Benney* for the United States. Reported below: 37 C. C. P. A. (Cust.) 110, 184 F. 2d 846.

No. 130. *NORTHWESTERN MUTUAL LIFE INSURANCE CO. v. GILBERT.* C. A. 9th Cir. Certiorari denied. *Charles A. Hart* for petitioner. Reported below: 180 F. 2d 581.

No. 131. *FEDERAL TRADE COMMISSION v. ALBERTY ET AL.* United States Court of Appeals for the District of

340 U. S.

October 9, 1950.

Columbia Circuit. Certiorari denied. *Solicitor General Perlman* for petitioner. *Carl McFarland* and *Kenneth L. Kimble* for respondents. Reported below: 86 U. S. App. D. C. 238, 182 F. 2d 36.

No. 135. *BLANCH ET AL. v. CORDERO, AUDITOR OF PUERTO RICO, ET AL.* C. A. 1st Cir. Certiorari denied. *F. Fernandez Cuyar* for petitioners. *Acting Solicitor General Raum, Assistant Attorney General Morison, Paul A. Sweeney* and *Melvin Richter* for respondents. Reported below: 180 F. 2d 856.

No. 137. *NEW BRUNSWICK TRUST CO. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 3d Cir. Certiorari denied. *Martin W. Meyer* and *Robert Holt Myers* for petitioner. *Solicitor General Perlman, Assistant Attorney General Caudle, Ellis N. Slack* and *Irving I. Axelrad* for respondent. Reported below: 180 F. 2d 959.

No. 138. *UNITED STATES ET AL. v. PRESTON ET AL.* C. A. 9th Cir. Certiorari denied. *Solicitor General Perlman* for petitioners. *John W. Preston* and *Oliver O. Clark* for respondents. Reported below: 181 F. 2d 69.

No. 139. *UNITED STATES ET AL. v. PRESTON ET AL.* C. A. 9th Cir. Certiorari denied. *Solicitor General Perlman* for petitioners. *John W. Preston* and *Oliver O. Clark* for respondents. Reported below: 181 F. 2d 62.

No. 140. *JONES ET AL. v. MEDLOCK ET AL.* C. A. 10th Cir. Certiorari denied. *Sid White* for petitioners. Reported below: 180 F. 2d 658.

No. 141. *SUNSHINE PACKING CORP. v. PORTER, PRICE ADMINISTRATOR, NOW UNITED STATES.* C. A. 3d Cir. Certiorari denied. *S. Y. Rossiter* for petitioner. *Acting*

October 9, 1950.

340 U. S.

Solicitor General Raum, Assistant Attorney General McInerney, Robert S. Erdahl and Felicia H. Dubrovsky for respondent. Reported below: 181 F. 2d 348.

No. 143. MARINE MAINTENANCE CORP. *v.* MCGLYNN, TRUSTEE. C. A. 3d Cir. Certiorari denied. *Thomas P. Mesick* for petitioner. *Aaron Lasser* for respondent. Reported below: 181 F. 2d 119.

No. 144. HONOLULU PLANTATION CO. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *C. Nils Tavares* for petitioner. *Acting Solicitor General Raum, Assistant Attorney General Vanech and Roger P. Marquis* for the United States. Reported below: 182 F. 2d 172.

No. 148. WATCHTOWER BIBLE & TRACT SOCIETY, INC. *v.* COUNTY OF LOS ANGELES ET AL. C. A. 9th Cir. Certiorari denied. *Hayden C. Covington* for petitioner. *Harold W. Kennedy* for respondents. Reported below: 181 F. 2d 739.

No. 149. OHIO EX REL. GREISIGER ET AL. *v.* GRAND RAPIDS BOARD OF EDUCATION ET AL. Supreme Court of Ohio. Certiorari denied. *Hayden C. Covington* for petitioners. *Martin L. Hanna* for respondents.

No. 150. TRAILMOBILE COMPANY *v.* BRITT ET AL. C. A. 6th Cir. Certiorari denied. *Morison R. Waite and Philip J. Schneider* for petitioner. *Solicitor General Perlman* filed a memorandum stating that respondents (represented by the Government as statutory counsel) do not oppose the granting of the petition. Reported below: 179 F. 2d 569.

No. 151. TEXAS & NEW ORLEANS RAILROAD CO. *v.* FLETCHER L. YARBROUGH & CO. Court of Civil Appeals

340 U. S.

October 9, 1950.

of Texas, Fifth Supreme Judicial District. Certiorari denied. *William Claude Williams* for petitioner. Reported below: 226 S. W. 2d 257.

No. 154. *STANDARD OIL Co. (N. J.) v. CARR*. C. A. 2d Cir. Certiorari denied. *Walter X. Connor* and *Vernon Sims Jones* for petitioner. *Bertram J. Dembo* and *Jacob Rassner* for respondent. Reported below: 181 F. 2d 15.

No. 158. *DRESCHER v. UNITED STATES*; and

No. 198. *UNITED STATES v. DRESCHER*. C. A. 2d Cir. Certiorari denied. *T. Carl Nixon*, *Hugh Satterlee* and *Rollin Browne* for petitioner in No. 158. *Solicitor General Perlman* for the United States. With *Mr. Perlman* in No. 158 were *Assistant Attorney General Caudle*, *Ellis N. Slack* and *Hilbert P. Zarky*. Reported below: 179 F. 2d 863.

No. 160. *REYNOLDS SPRING Co. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 6th Cir. Certiorari denied. *Thomas G. Long* for petitioner. *Acting Solicitor General Raum*, *Assistant Attorney General Caudle*, *Ellis N. Slack* and *Hilbert P. Zarky* for respondent. Reported below: 181 F. 2d 638.

No. 161. *CONRAD v. PENNSYLVANIA RAILROAD Co.*; and

No. 162. *DAMIANO v. PENNSYLVANIA RAILROAD Co.* C. A. 3d Cir. Certiorari denied. *Lois G. Forer* and *Leo Gitlin* for petitioners. *Philip Price* and *Hugh B. Cox* for respondent.

No. 165. *DEAUVILLE ASSOCIATES, INC. v. MURRELL ET AL., RECEIVERS*. C. A. 5th Cir. Certiorari denied. *Harold Leventhal* for petitioner. *R. H. Ferrell*, *John M. Murrell* and *D. H. Redfearn* for respondents. Reported below: 180 F. 2d 275.

October 9, 1950.

340 U. S.

No. 166. GARDEN SUBURBS GOLF & COUNTRY CLUB, INC. *v.* MURRELL ET AL., RECEIVERS. C. A. 5th Cir. Certiorari denied. *A. Frank Katzentine* for petitioner. *R. H. Ferrell* for respondents. Reported below: 180 F. 2d 435.

No. 167. NATIONAL BANK OF COMMERCE *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. *John R. Stivers* and *Hamilton E. Little* for petitioner. *Acting Solicitor General Raum*, *Assistant Attorney General Caudle*, *Ellis N. Slack* and *Lee A. Jackson* for the United States. Reported below: 180 F. 2d 356.

No. 172. CAVANAUGH ET AL. *v.* GELDER ET AL., CONSTITUTING THE PENNSYLVANIA LIQUOR CONTROL BOARD. Supreme Court of Pennsylvania. Certiorari denied. *Abraham J. Levinson* for petitioners. *Charles J. Margiotti*, Attorney General of Pennsylvania, *Horace A. Segelbaum*, Deputy Attorney General, and *Harry F. Stambaugh* for respondents. Reported below: 364 Pa. 361, 72 A. 2d 85.

No. 173. MCDANIEL ET VIR *v.* CALIFORNIA-WESTERN STATES LIFE INSURANCE Co. C. A. 5th Cir. Certiorari denied. *Lloyd E. Elliott* for petitioners. *C. E. Bryson* for respondent. Reported below: 181 F. 2d 606.

No. 174. TERRELL *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 7th Cir. Certiorari denied. *Raymond E. Hackett* and *William H. Timbers* for petitioner. *Acting Solicitor General Raum*, *Assistant Attorney General Caudle*, *Ellis N. Slack*, *Lee A. Jackson* and *Morton K. Rothschild* for respondent. Reported below: 179 F. 2d 838.

No. 175. EL CAMPO RICE MILLING Co. *v.* MIRAVALLE SUPPLY Co., INC. C. A. 8th Cir. Certiorari denied.

340 U. S.

October 9, 1950.

John S. Leahy and *Roberts P. Elam* for petitioner.
Walter H. Pollmann for respondent. Reported below:
181 F. 2d 679.

No. 178. NORTH LITTLE ROCK TRANSPORTATION CO.,
INC. *v.* CASUALTY RECIPROCAL EXCHANGE ET AL. C. A.
8th Cir. Certiorari denied. *A. F. House* for petitioner.
James B. Donovan and *Edward L. Wright* for respond-
ents. Reported below: 181 F. 2d 174.

No. 179. WALTON ET AL. *v.* CITY OF ATLANTA ET AL.
C. A. 5th Cir. Certiorari denied. *John M. Slaton* for
petitioners. *J. C. Murphy* and *Henry L. Bowden* for re-
spondents. Reported below: 181 F. 2d 693.

No. 180. BROTHERHOOD OF RAILROAD TRAINMEN *v.*
TEMPLETON ET AL. C. A. 8th Cir. Certiorari denied.
R. Carter Tucker for petitioner. *James P. Aylward* and
Terence M. O'Brien for Templeton; and *R. S. Outlaw* and
W. J. Milroy for the Atchison, T. & S. F. R. Co. et al.,
respondents. Reported below: 181 F. 2d 527.

No. 181. RED ARROW FREIGHT LINES, INC. ET AL. *v.*
NATIONAL LABOR RELATIONS BOARD. C. A. 5th Cir. Cer-
tiorari denied. *Sam R. Sayers* for petitioners. *Acting*
Solicitor General Raum, *Robert N. Denham*, *David P.*
Findling and *Mozart G. Ratner* for respondent. Re-
ported below: 180 F. 2d 585.

No. 182. LEWYT CORPORATION *v.* HEALTH-MOR, INC.
ET AL. C. A. 7th Cir. Certiorari denied. *Carlton Hill*
and *Casper W. Ooms* for petitioner. *Max W. Zabel* and
Benton Baker for respondents. Reported below: 181 F.
2d 855.

No. 183. FINNEGAN, COLLECTOR OF INTERNAL REV-
ENUE, *v.* DIMMITT-RICKHOFF-BAYER REAL ESTATE CO.

October 9, 1950.

340 U. S.

C. A. 8th Cir. Certiorari denied. *Solicitor General Perlman* for petitioner. *William H. Armstrong* for respondent. Reported below: 179 F. 2d 882.

No. 184. NANGLE, CIRCUIT COURT JUDGE, *v.* MISSOURI EX REL. TAYLOR, ATTORNEY GENERAL. Supreme Court of Missouri. Certiorari denied. *Morris A. Shenker* for petitioner. *J. E. Taylor*, Attorney General of Missouri, *Arthur M. O'Keefe* and *Robert R. Welborn*, Assistant Attorneys General, for respondent. Reported below: 360 Mo. 122, 227 S. W. 2d 655.

No. 185. BAKER-CAMMACK HOSIERY MILLS, INC. ET AL. *v.* DAVIS COMPANY. C. A. 4th Cir. Certiorari denied. *James F. Byrnes*, *Henry N. Paul, Jr.*, *Ernest F. Mechlin* and *Thornton H. Brooks* for petitioners. *James P. Burns*, *Charles A. Noone* and *Welch Jordan* for respondent. Reported below: 181 F. 2d 550.

No. 187. INDIAN TRAILS, INC. *v.* HYNES. C. A. 7th Cir. Certiorari denied. *Lawrence C. Mills* for petitioner. *Joseph F. Elward* for respondent. Reported below: 181 F. 2d 668.

No. 188. SURPRISE, TRUSTEE IN BANKRUPTCY, *v.* FLETCHER. C. A. 7th Cir. Certiorari denied. *George Cohan* for petitioner. *Harry Long* for respondent. Reported below: 180 F. 2d 669.

No. 189. LANSDEN ET AL. *v.* HART, U. S. ATTORNEY, ET AL. C. A. 7th Cir. Certiorari denied. *John F. Donegan* for petitioners. *Acting Solicitor General Raum*, *Assistant Attorney General Vanech* and *Roger P. Marquis* for Hart et al., respondents. Reported below: 180 F. 2d 679.

340 U. S.

October 9, 1950.

No. 192. SCHARF, DOING BUSINESS AS PARAMOUNT PHOTO SERVICE, ET AL. *v.* FORGETT, DOING BUSINESS AS SERVICE WELDING CO. C. A. 3d Cir. Certiorari denied. *Samuel Milberg* for petitioners. *Robert L. Hood* and *Charles B. McGroddy, Jr.* for respondent. Reported below: 181 F. 2d 754.

No. 193. WHITE BROTHERS CO. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 5th Cir. Certiorari denied. *Frank S. Normann* for petitioner. *Acting Solicitor General Raum, Assistant Attorney General Caudle, Ellis N. Slack* and *Hilbert P. Zarky* for respondent. Reported below: 180 F. 2d 451.

No. 194. KERNER ET AL. *v.* FISHER. C. A. 7th Cir. Certiorari denied. *John A. Looby, Jr.* for petitioners. *John S. Miller* for respondent. Reported below: 179 F. 2d 361.

No. 196. PISCIOTTA *v.* CITY OF NEW YORK ET AL. Court of Appeals of New York. Certiorari denied. *Howard A. Ameli* for petitioner. *John P. McGrath* and *Stanley Buchsbaum* for respondents.

No. 197. PORHOWNIK ET AL. *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Albert Viault* and *Lyman Stansky* for petitioners. *Solicitor General Perlman, Ed Dupree, Leon J. Libeu* and *Benjamin Freidson* for the United States. Reported below: 182 F. 2d 829.

No. 200. TERMINAL RAILROAD ASSOCIATION OF ST. LOUIS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. *Warner Fuller* and *Arnot L. Sheppard* for petitioner. *Acting Solicitor General Raum, Assistant Attorney General Morison, Paul A. Sweeney* and *Morton Hollander* for the United States. Reported below: 182 F. 2d 149.

October 9, 1950.

340 U. S.

No. 202. *BURNHAM CHEMICAL CO. v. CHAPMAN, SECRETARY OF THE INTERIOR, ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Elden McFarland* for petitioner. *Acting Solicitor General Raum* and *Assistant Attorney General Vanech* for respondents. Reported below: 86 U. S. App. D. C. 412, 181 F. 2d 288.

No. 203. *WOLFGANG, PRINCE OF HESSE, ET AL. v. BURROWS.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Joseph S. Robinson, Dayton M. Harrington* and *James D. Graham, Jr.* for petitioners. *Charles F. McKay, Jr.* for respondent. Reported below: 86 U. S. App. D. C. 340, 181 F. 2d 630.

No. 206. *UNITED STATES v. CALIFORNIA.* C. A. 9th Cir. Certiorari denied. *Acting Solicitor General Raum* for the United States. *Fred N. Howser*, Attorney General of California, and *Hartwell H. Linney*, Chief Assistant Attorney General, for respondent. Reported below: 180 F. 2d 596, 181 F. 2d 598.

No. 207. *ROSENBLUM ET AL. v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. *Albert Ward* and *Palmer K. Ward* for petitioners. *Acting Solicitor General Raum*, *Assistant Attorney General Caudle*, *Ellis N. Slack* and *George R. Gallagher* for the United States. Reported below: 182 F. 2d 956.

No. 208. *GOOD ET AL. v. CATE, TRUSTEE IN BANKRUPTCY.* C. A. 3d Cir. Certiorari denied. *Samuel Kagle* and *Oscar Brown* for petitioners. *Bertram Bennett* for respondent. Reported below: 181 F. 2d 146.

No. 210. *BUTLER ET AL. v. DISTRICT OF COLUMBIA.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Henry F. Butler* for

340 U. S.

October 9, 1950.

petitioners. *Vernon E. West, Chester H. Gray and George C. Updegraff* for respondent. Reported below: 86 U. S. App. D. C. 207, 181 F. 2d 790.

No. 214. *FRUEHAUF TRAILER CO. v. MYERS*. C. A. 9th Cir. Certiorari denied. *Arthur W. Dickey* for petitioner. *Michael F. Mulcahy* for respondent. Reported below: 181 F. 2d 1008.

No. 215. *VALIER COMPANY v. MONTANA ET AL.* Supreme Court of Montana. Certiorari denied. *Forrest H. Anderson* for petitioner. *William Meyer* for respondents. Reported below: 123 Mont. 329, 215 P. 2d 966.

No. 216. *UNITED GAS PIPE LINE CO. v. FEDERAL POWER COMMISSION*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *C. Huffman Lewis* and *W. Scott Wilkinson* for petitioner. *Solicitor General Perlman, Assistant Attorney General Morison, Paul A. Sweeney, Melvin Richter, Bradford Ross and Bernard A. Foster, Jr.* for respondent. Reported below: 86 U. S. App. D. C. 314, 181 F. 2d 796.

No. 219. *BYRD, PRESIDENT OF THE UNIVERSITY OF MARYLAND, ET AL. v. MCCREADY*. Court of Appeals of Maryland. Certiorari denied. *Hall Hammond*, Attorney General of Maryland, and *Kenneth C. Proctor*, Assistant Attorney General, for petitioners. Reported below: — Md. —, 73 A. 2d 8.

No. 222. *SCHATTE ET AL. v. INTERNATIONAL ALLIANCE OF THEATRICAL STAGE EMPLOYEES AND MOVING PICTURE MACHINE OPERATORS ET AL.* C. A. 9th Cir. The motion for leave to file brief of Conference of Studio Unions et al., as *amici curiae*, is denied. Certiorari denied. *Zach Lamar Cobb* for petitioners. *Henry G. Bodkin, George M. Breslin and Michael G. Luddy* for the International

October 9, 1950.

340 U. S.

Alliance of Theatrical Stage Employees and Moving Picture Machine Operators et al.; and *Homer I. Mitchell* for the Association of Motion Picture Producers, Inc. et al., respondents. *Robert W. Kenney* filed the motion for leave to file a brief for the Conference of Studio Unions et al., as *amici curiae*. Reported below: 182 F. 2d 158.

No. 223. STUDIO CARPENTERS LOCAL UNION No. 946 v. LOEW'S, INC. ET AL. C. A. 9th Cir. Certiorari denied. *Zach Lamar Cobb* for petitioner. *Homer I. Mitchell* for Loew's, Inc. et al.; and *Henry G. Bodkin*, *George M. Breslin* and *Michael G. Luddy* for Brewer et al., respondents. Reported below: 182 F. 2d 168.

No. 224. MACKAY ET AL. v. LOEW'S, INC. ET AL. C. A. 9th Cir. Certiorari denied. *Zach Lamar Cobb* for petitioners. *Homer I. Mitchell* for respondents. Reported below: 182 F. 2d 170.

No. 225. JOHNSON v. MATTHEWS, U. S. MARSHAL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Joseph L. Rauh, Jr.* and *Irving J. Levy* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General McInerney*, *James L. Morrisson*, *Robert S. Erdahl* and *Robert G. Maysack* for respondent. Reported below: 86 U. S. App. D. C. 376, 182 F. 2d 677.

No. 227. LYONS v. BAKER ET AL. C. A. 5th Cir. Certiorari denied. *John Wattawa* for petitioner. *T. T. Oughterson* and *M. G. Littman* for respondents. Reported below: 180 F. 2d 893.

No. 228. ARROW AIRWAYS, INC. ET AL. v. CIVIL AERONAUTICS BOARD. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Dayton M. Harrington* for petitioners. *Solicitor General*

340 U. S.

October 9, 1950.

Perlman, Assistant Attorney General Morison, Paul A. Sweeney, Melvin Richter and Emory T. Nunneley, Jr. for respondent. Reported below: 87 U. S. App. D. C. —, 182 F. 2d 705.

No. 230. STATES MARINE CORP. *v.* AABY ET AL. C. A. 2d Cir. Certiorari denied. *Charles R. Hickox and Cletus Keating* for petitioner. *Kenneth Gardner and James McKown, Jr.* for respondents. Reported below: 181 F. 2d 383.

No. 231. THATCHER *v.* TENNESSEE GAS TRANSMISSION Co. C. A. 5th Cir. Certiorari denied. *Thos. W. Leigh* for petitioner. *Clyde R. Brown* for respondent. Reported below: 180 F. 2d 644.

No. 235. CHICAGO & SOUTHERN AIR LINES, INC. *v.* CIVIL AERONAUTICS BOARD ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Roger J. Whiteford, Hubert A. Schneider and Philip S. Peyser* for petitioner. *Solicitor General Perlman, Assistant Attorney General Bergson, Charles H. West and Richard E. Guggenheim* for the Civil Aeronautics Board; and *L. Welch Pogue* for the Resort Airlines, Inc., respondents.

No. 236. ROBERTS, ADMINISTRATRIX, *v.* ALABAMA GREAT SOUTHERN RAILROAD Co. Supreme Court of Alabama. Certiorari denied. *Francis H. Hare* for petitioner. *Sidney S. Alderman, Borden Burr, and H. G. Hedrick* for respondent. Reported below: 253 Ala. 636, 46 So. 2d 213.

No. 237. STEFFNER *v.* SAVORETTI, DISTRICT DIRECTOR OF IMMIGRATION AND NATURALIZATION. C. A. 5th Cir. Certiorari denied. *Louis A. Sabatino* for petitioner. *Solicitor General Perlman, Assistant Attorney General Mc-*

October 9, 1950.

340 U. S.

Inerney, Robert S. Erdahl and Felicia H. Dubrovsky for respondent. Reported below: 183 F. 2d 19.

No. 238. *ESTATE OF LOUGHRIDGE v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 10th Cir. Certiorari denied. *Thomas F. Boyle* for petitioner. *Solicitor General Perlman, Assistant Attorney General Caudle, Ellis N. Slack and Helen Goodner* for respondent. Reported below: 183 F. 2d 294.

No. 239. *SCHWARZ v. WEST*. C. A. 7th Cir. Certiorari denied. *Alphonse Cerza* for petitioner. *Meyer J. Myer* for respondent. Reported below: 182 F. 2d 721.

No. 241. *KOUTSKY-BRENNAN-VANA Co. v. DANEBO LUMBER Co., INC. ET AL.* C. A. 9th Cir. Certiorari denied. *S. L. Winters* for petitioner. *Carl E. Davidson* for respondents. Reported below: 182 F. 2d 489.

No. 242. *KOUTSKY-BRENNAN-VANA Co. ET AL. v. FURROW*. C. A. 9th Cir. Certiorari denied. *S. L. Winters* for petitioners. *Carl E. Davidson* for respondent. Reported below: 182 F. 2d 496.

No. 244. *VIENI v. NEW YORK*. Court of Appeals of New York. Certiorari denied. *Henry K. Chapman* for petitioner. *Frank S. Hogan* for respondent.

No. 273. *MACCABEES ET AL. v. CARTER*. C. A. 6th Cir. Certiorari denied. *Thomas G. Watkins, David A. Hersh and George G. Perrin* for petitioners. *John J. Hooker* for respondent. Reported below: 181 F. 2d 595.

No. 43. *ILLINOIS EX REL. WOODS v. TUOHY, PRESIDING JUSTICE, ET AL.*; and

No. 125. *WOODS v. NEW YORK, CHICAGO & ST. LOUIS RAILROAD Co.* Supreme Court of Illinois. The motions

340 U. S.

October 9, 1950.

to strike petitioner's reply briefs are denied. Certiorari denied. *Harry G. Fuerst* and *Harry P. Warner* for petitioner. *Harold A. Smith* for respondents.

No. 52. PRUDENCE-BONDS CORP. *v.* SILBIGER ET AL. C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion the petition should be granted. *Charles M. McCarty* for petitioner. *Solicitor General Perlman* filed a memorandum for the Reconstruction Finance Corporation, respondent, and for the Securities & Exchange Commission, as *amicus curiae*, supporting the petition. *Samuel Silbiger, pro se*; *Frank L. Weil* for Weil; and *Lester H. Marks* for Miller, respondents. Reported below: 180 F. 2d 917.

No. 86. CHENERY CORPORATION ET AL. *v.* SECURITIES & EXCHANGE COMMISSION ET AL. C. A. 3d Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application. *Spencer Gordon* and *Charles A. Horsky* for petitioners. *Solicitor General Perlman, Robert L. Stern, Roger S. Foster* and *Ellwood L. Englander* for the Securities & Exchange Commission; *Allen S. Hubbard* for the Federal Water & Gas Corporation; and *Percival E. Jackson* for the Federal Water & Gas Corporation Common Stockholders' Committee, respondents.

No. 99. EMMICK *v.* BALTIMORE & OHIO RAILROAD CO. Appellate Court of Illinois, First District. The motion to amend the petition is granted. Certiorari denied. *Edward J. Bradley* for petitioner. *Edwin H. Burgess* and *James F. Wright* for respondent. Reported below: 339 Ill. App. 147, 88 N. E. 2d 739.

No. 104. VISIC *v.* DEVER, OFFICER IN CHARGE, MIAMI OFFICE, IMMIGRATION AND NATURALIZATION SERVICE. C. A. 5th Cir. Savoretti, present District Director of the

October 9, 1950.

340 U. S.

Immigration and Naturalization Service for the Miami District, substituted as party respondent. Certiorari denied. MR. JUSTICE CLARK took no part in the consideration or decision of these applications. *Ralph C. Busser* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General McInerney*, *Philip R. Monahan* and *Robert G. Maysack* for respondent. Reported below: 180 F. 2d 924.

No. 69. SHOTKIN v. COLORADO EX REL. ATTORNEY GENERAL OF COLORADO. Supreme Court of Colorado. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion the petition should be granted. *Walter F. Dodd* for petitioner. *John W. Metzger*, Attorney General of Colorado, and *Vincent Cristiano*, Assistant Attorney General, for respondent. Reported below: 212 P. 2d 1007.

No. 111. TAYLOR v. CITY OF BIRMINGHAM. Supreme Court of Alabama. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion the petition should be granted. *Earl B. Dickerson*, *Arthur D. Shores* and *John J. Abt* for petitioner. *Thomas E. Huey, Jr.* for respondent. *Thurgood Marshall* filed a brief for the National Association for the Advancement of Colored People, as *amicus curiae*, supporting the petition. Reported below: 253 Ala. 369, 45 So. 2d 60.

No. 164. ROBERTS v. MISSOURI-KANSAS-TEXAS RAILROAD Co. Court of Civil Appeals, Fifth Supreme Judicial District, of Texas. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion the petition should be granted. *F. Neilson Rogers* for petitioner. *Ralph Elliott* for respondent. Reported below: 225 S. W. 2d 198.

340 U. S.

October 9, 1950.

No. 232. *TURNER v. ALTON BANKING & TRUST Co., EXECUTOR*. C. A. 8th Cir. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion the petition should be granted. *Lon Hocker* for petitioner. Reported below: 181 F. 2d 899.

No. 155. *SABIN ET AL. v. LEVORSEN*. Supreme Court of Oklahoma. Certiorari denied. Reported below: 202 Okla. 468, 214 P. 2d 449.

No. 156. *SABIN ET AL. v. MIDLAND SAVINGS & LOAN Co.* C. A. 10th Cir. Certiorari denied. Petitioners *pro se*. *Ernest B. Fowler* for respondent. Reported below: 178 F. 2d 923.

No. 171. *LARSSON v. COASTWISE (PACIFIC FAR EAST) LINE*. C. A. 9th Cir. Certiorari denied. *John Paul Jennings* for petitioner. *Lyman Henry* for respondent. Reported below: 181 F. 2d 6.

No. 186. *SIMS v. IOWA*. Supreme Court of Iowa. Certiorari denied. *J. R. McManus* for petitioner. Reported below: 241 Iowa 641, 40 N. W. 2d 463.

No. 226. *TENNESSEE EX REL. HUNTER v. ROBINSON, SHERIFF, ET AL.* Supreme Court of Tennessee. Certiorari denied. *Howard F. Butler* for petitioner. *Roy H. Beeler*, Attorney General of Tennessee, *W. F. Barry, Jr.*, Solicitor General, and *J. Malcolm Shull*, Assistant Attorney General, for respondents.

No. 190. *KLEIN'S OUTLET, INC. ET AL. v. LIPTON*. C. A. 2d Cir. The motion to strike respondent's brief is denied. Certiorari denied. Petitioners *pro se*. *Harold L. Lipton* for respondent. Reported below: 181 F. 2d 713.

October 9, 1950.

340 U. S.

No. 191. *WILLUMEIT v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. MR. JUSTICE CLARK took no part in the consideration or decision of this application. *Joseph W. Solomon* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General McInerney*, *Robert S. Erdahl* and *Robert G. Maysack* for the United States.

No. 220. *COMMON STOCKHOLDERS COMMITTEE OF LONG ISLAND LIGHTING CO. v. SECURITIES & EXCHANGE COMMISSION ET AL.*; and

No. 221. *GORDON v. SECURITIES & EXCHANGE COMMISSION ET AL.* C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of these applications. *Harold G. Aron*, *Lynne A. Warren* and *Charles B. McGroddy, Jr.* for petitioner in No. 220. *Donald Havens* for petitioner in No. 221. *Solicitor General Perlman*, *John F. Davis*, *Roger S. Foster*, *Harry G. Slater*, *Solomon Freedman* and *Ellwood L. Englander* for the Securities & Exchange Commission; *Charles G. Blakeslee* and *David K. Kadane* for the Long Island Lighting Co. et al.; and *Milton Pollack* and *Richard F. Wolfson* for the Committee of Preferred Stockholders of the Long Island Lighting Co., respondents. Reported below: 183 F. 2d 45.

No. 249. *HALSTED ET AL. v. SECURITIES & EXCHANGE COMMISSION*. 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. *Harold G. Aron*, *Lynne A. Warren* and *Charles B. McGroddy, Jr.* for petitioners. *Solicitor General Perlman*, *John F. Davis*, *Roger S. Foster*, *Harry G. Slater*, *Solomon Freedman* and *Ellwood L. Englander* for respondent. Reported below: 86 U. S. App. D. C. 352, 182 F. 2d 660.

340 U. S.

October 9, 1950.

No. 5, Misc. *GRIFFEN v. BURFORD, WARDEN*. Criminal Court of Appeals of Oklahoma. Certiorari denied. Reported below: — Okla. Cr. —, 216 P. 2d 597.

No. 6, Misc. *GLASGOW v. MAYO, FLORIDA STATE PRISON CUSTODIAN*. Supreme Court of Florida. Certiorari denied. Reported below: 41 So. 2d 766.

No. 7, Misc. *HAYES v. HUDSPETH, WARDEN*. Supreme Court of Kansas. Certiorari denied. Reported below: 169 Kan. 248, 217 P. 2d 904.

No. 8, Misc. *LUCAS v. CRANOR, SUPERINTENDENT*. Supreme Court of Washington. Certiorari denied.

No. 12, 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. *Grover C. Spillers* for Du Pont de Nemours & Co., Inc., respondent. *Solicitor General Perlman* for the United States. Reported below: 181 F. 2d 641.

No. 14, Misc. *SPELLER v. NORTH CAROLINA*. Supreme Court of North Carolina. Certiorari denied. *Herman L. Taylor, C. J. Gates* and *Charles W. Williamson* for petitioner. *Harry McMullan*, Attorney General of North Carolina, and *Hughes J. Rhodes*, Assistant Attorney General, for respondent. Reported below: 231 N. C. 549, 57 S. E. 2d 759.

No. 15, Misc. *GENSBURG v. SMITH, SUPERINTENDENT*. Supreme Court of Washington. Certiorari denied. Reported below: 35 Wash. 2d 849, 215 P. 2d 880.

No. 17, Misc. *PETITT v. ROBINSON, WARDEN*. Circuit Court of Sangamon County, Illinois. Certiorari denied.

October 9, 1950.

340 U. S.

No. 18, Misc. GREGORY *v.* NEVADA. Supreme Court of Nevada. Certiorari denied. *Richard R. Hanna* for petitioner. *Alan Bible*, Attorney General of Nevada, *Geo. P. Annand* and *Robert L. McDonald*, Deputy Attorneys General, for respondent. Reported below: 66 Nev. 317, 212 P. 2d 701.

No. 19, Misc. SCHECTMAN *v.* NEW YORK. County Court of Kings County, New York. Certiorari denied.

No. 20, Misc. MEYER *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied. Reported below: 405 Ill. 487, 91 N. E. 2d 425.

No. 22, Misc. HANSON *v.* WISCONSIN. Supreme Court of Wisconsin. Certiorari denied.

No. 24, Misc. DUNCAN *v.* CRANOR, SUPERINTENDENT. C. A. 9th Cir. Certiorari denied. Reported below: 182 F. 2d 258.

No. 25, Misc. ROBERTS *v.* MICHIGAN. Supreme Court of Michigan. Certiorari denied.

No. 26, Misc. KING *v.* CRANOR, SUPERINTENDENT. C. A. 9th Cir. Certiorari denied. Reported below: 182 F. 2d 257.

No. 27, Misc. BRAKEFIELD *v.* NEW YORK. Court of Appeals of New York. Certiorari denied. Petitioner *pro se*. *David Diamond* for respondent.

No. 29, Misc. TAYLOR *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Perlman* for the United States. Reported below: 182 F. 2d 473.

340 U. S.

October 9, 1950.

No. 30, Misc. *BROOKS v. TENNESSEE*. Supreme Court of Tennessee. Certiorari denied. *Grover N. McCormick* for petitioner. *Roy H. Beeler*, Attorney General of Tennessee, *W. F. Barry, Jr.*, Solicitor General, and *J. Malcolm Shull*, Assistant Attorney General, for respondent.

No. 31, Misc. *MULKEY v. BREakey*, CIRCUIT JUDGE, ET AL. Supreme Court of Michigan. Certiorari denied.

No. 32, Misc. *HUBBARD v. MICHIGAN*. Supreme Court of Michigan. Certiorari denied.

No. 36, Misc. *FIFE v. GREAT ATLANTIC & PACIFIC TEA Co.* Supreme Court of Pennsylvania. Certiorari denied. *John D. Meyer* for petitioner. *William H. Eckert* for respondent.

No. 40, Misc. *HEIN v. SMITH*, SUPERINTENDENT. Supreme Court of Washington. Certiorari denied. *Graham K. Betts* for petitioner. Reported below: 35 Wash. 2d 688, 215 P. 2d 403.

No. 41, Misc. *FARRANT v. IOWA*. Supreme Court of Iowa. Certiorari denied.

No. 42, Misc. *LYLE v. EIDSON*, WARDEN. C. A. 8th Cir. Certiorari denied. Reported below: 182 F. 2d 344.

No. 44, Misc. *HOLDER v. TEXAS*. Court of Criminal Appeals of Texas. Certiorari denied. Reported below: 154 Tex. Cr. R. —, 227 S. W. 2d 807.

No. 45, Misc. *CHICK v. MOORE*, WARDEN. Court of Criminal Appeals of Texas. Certiorari denied. Reported below: 154 Tex. Cr. R. —, 228 S. W. 2d 513.

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

October 9, 1950.

340 U. S.

No. 47, Misc. BRENNAN *v.* NEW YORK. Court of Appeals of New York. Certiorari denied.

No. 48, Misc. PRIESTER *v.* ASHE, WARDEN. C. A. 3d Cir. Certiorari denied. Reported below: 182 F. 2d 941.

No. 50, Misc. POWERS *v.* IOWA. Supreme Court of Iowa. Certiorari denied.

No. 51, Misc. RAVALLI *v.* JACKSON, 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 *Raymond B. Madden*, Assistant Attorneys General, for respondent.

No. 53, Misc. KIRSCH *v.* ILLINOIS. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 54, Misc. ADKINS *v.* SMYTH, SUPERINTENDENT. Supreme Court of Appeals of Virginia. Certiorari denied. *William Alfred Hall, Jr.* for petitioner.

No. 57, Misc. MATTHEWS ET AL. *v.* NORTH CAROLINA. Supreme Court of North Carolina. Certiorari denied. *Robert S. Cahoon* for petitioners. *Harry McMullan*, Attorney General of North Carolina, and *T. W. Bruton*, Assistant Attorney General, for respondent. Reported below: 231 N. C. 617, 58 S. E. 2d 625.

No. 58, Misc. BAERCHUS *v.* BURKE, WARDEN. Supreme Court of Pennsylvania. Certiorari denied.

No. 63, Misc. STINCHCOMB *v.* CALIFORNIA. Supreme Court of California. Certiorari denied.

340 U.S.

October 9, 1950.

No. 64, Misc. PASCAL *v.* BURKE, WARDEN. Supreme Court of Pennsylvania. Certiorari denied.

No. 67, Misc. HILL *v.* RAGEN, WARDEN. Circuit Court of Will County, Illinois. Certiorari denied.

No. 69, Misc. BUNK ET AL. *v.* NEW JERSEY. Supreme Court of New Jersey. Certiorari denied. *James L. McKenna, Louis Auerbacher, Jr. and Edward J. Gilhooly* for petitioners. *Duane E. Minard* for respondent. Reported below: 4 N. J. 461, 73 A. 2d 249.

No. 70, Misc. DI NAPOLI *v.* NEW YORK. Appellate Division of the Supreme Court of New York. Certiorari denied. Petitioner *pro se*. *Frank S. Hogan and Whitman Knapp* for respondent.

No. 72, Misc. LYNCH *v.* NYGAARD. Supreme Court of North Dakota. Certiorari denied.

No. 73, Misc. CAREY *v.* ASHE, WARDEN. Supreme Court of Pennsylvania. Certiorari denied.

No. 78, Misc. LAYTON *v.* LOUISIANA. Supreme Court of Louisiana. Certiorari denied. Reported below: 217 La. 57, 46 So. 2d 37.

No. 83, Misc. BRIGGS *v.* MICHIGAN. Supreme Court of Michigan. Certiorari denied.

No. 85, Misc. MONTGOMERY *v.* NEW YORK. Appellate Division of the Supreme Court of New York. Certiorari denied.

October 9, 1950.

340 U. S.

No. 86, Misc. *PERRY v. RAGEN, WARDEN*. Circuit Court of Will County, Illinois. Certiorari denied.

No. 87, Misc. *WATKINS v. INDIANA*. Supreme Court of Indiana. Certiorari denied. Reported below: 228 Ind. 277, 91 N. E. 2d 845.

No. 88, Misc. *WITTJE v. RAGEN, WARDEN*. Circuit Court of Will County, Illinois. Certiorari denied.

No. 89, Misc. *EX PARTE NIX*. Supreme Court of Texas. Certiorari denied. Reported below: 149 Tex. —, 231 S. W. 2d 411.

No. 90, Misc. *CARR v. OKLAHOMA*. Criminal Court of Appeals of Oklahoma. Certiorari denied. Reported below: — Okla. Cr. —, 216 P. 2d 333.

No. 95, Misc. *BOONE v. EIDSON, WARDEN*. Supreme Court of Missouri. Certiorari denied.

No. 97, Misc. *DELANO v. ARMSTRONG RUBBER Co.* Supreme Court of Errors of Connecticut. Certiorari denied. *William L. Beers* for petitioner. Reported below: 136 Conn. 663, 73 A. 2d 828.

No. 98, Misc. *CHESSMAN v. CALIFORNIA ET AL.* Supreme Court of California. Certiorari denied.

No. 99, Misc. *RUTLEDGE v. HUDSPETH, WARDEN*. Supreme Court of Kansas. Certiorari denied.

No. 104, Misc. *PETRUCELLI v. NEW JERSEY*. Supreme Court of New Jersey. Certiorari denied.

340 U. S.

October 9, 1950.

No. 106, Misc. WILLIAMS *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied. Reported below: 405 Ill. 574, 92 N. E. 2d 120.

No. 107, Misc. LILLY *v.* CALIFORNIA ET AL. Supreme Court of California. Certiorari denied.

No. 108, Misc. CARPENTER *v.* ROHM & HAAS Co., INC. C. A. 3d Cir. Certiorari denied. Petitioner *pro se.* James R. Morford for respondent.

No. 109, Misc. COOPER *v.* CRANOR, SUPERINTENDENT. C. A. 9th Cir. Certiorari denied. Reported below: 182 F. 2d 256.

No. 110, Misc. VAN EPS *v.* MICHIGAN. Supreme Court of Michigan. Certiorari denied.

No. 111, Misc. TIMMONS *v.* DANIELS. Supreme Court of South Carolina. Certiorari denied. Reported below: 216 S. C. 539, 59 S. E. 2d 149.

No. 113, Misc. CAREY *v.* BURKE, WARDEN. Supreme Court of Pennsylvania. Certiorari denied.

No. 114, Misc. CUMMINGS *v.* BURKE, WARDEN. Supreme Court of Pennsylvania. Certiorari denied.

No. 115, Misc. MAHURIN *v.* EIDSON, WARDEN, ET AL. Supreme Court of Missouri. Certiorari denied.

No. 116, Misc. ODDO *v.* NEW YORK. First Judicial Department of the Appellate Division of the Supreme Court of New York. Certiorari denied.

October 9, 1950.

340 U. S.

No. 117, Misc. HUGHES *v.* MICHIGAN PAROLE BOARD.
Supreme Court of Michigan. Certiorari denied.

No. 118, Misc. MCCARTHY *v.* HUDSPETH, WARDEN.
Supreme Court of Kansas. Certiorari denied.

No. 120, Misc. ARNOLD *v.* MICHIGAN. Supreme
Court of Michigan. Certiorari denied.

No. 121, Misc. STELLOH *v.* WISCONSIN STATE SUPREME
COURT. Supreme Court of Wisconsin. Certiorari de-
nied.

No. 122, Misc. RAZUTIS *v.* DUFFY, WARDEN. Supreme
Court of California. Certiorari denied.

No. 123, Misc. DI STEFANO ET AL. *v.* BEONDY. Su-
preme Court of Florida. Certiorari denied.

No. 125, Misc. DUNLEVY *v.* BAREIS ET AL. Circuit
Court of Randolph County, Illinois. Certiorari denied.

No. 126, Misc. OLIVER *v.* MICHIGAN. Supreme Court
of Michigan. Certiorari denied.

No. 127, Misc. BRUCE *v.* HUDSPETH, WARDEN, ET AL.
Supreme Court of Kansas. Certiorari denied.

No. 128, Misc. MURPHY *v.* JACKSON, WARDEN. Clin-
ton County Court of New York. Certiorari denied. Pe-
titioner *pro se.* Nathaniel L. Goldstein, Attorney Gen-
eral of New York, Wendell P. Brown, Solicitor General,

340 U. S.

October 9, 1950.

Herman N. Harcourt and Raymond B. Madden, Assistant Attorneys General, for respondent.

No. 132, Misc. *FLICKINGER v. PENNSYLVANIA*. Supreme Court of Pennsylvania. Certiorari denied. *D. M. Garrahan* for petitioner. Reported below: 365 Pa. 59, 73 A. 2d 652.

No. 133, Misc. *FRAZIER v. ASHE, WARDEN*. Supreme Court of Pennsylvania. Certiorari denied.

No. 136, Misc. *KERR v. HEINZE, WARDEN*. Supreme Court of California. Certiorari denied.

No. 137, Misc. *HARINCAR v. HEINZE, WARDEN*. Supreme Court of California. Certiorari denied.

No. 141, Misc. *BEATTY v. ASHE, WARDEN*. Supreme Court of Pennsylvania. Certiorari denied.

No. 142, Misc. *RANDELL v. ASHE, WARDEN*. Supreme Court of Pennsylvania. Certiorari denied.

No. 143, Misc. *HOSHOR v. CALIFORNIA*. Supreme Court of California. Certiorari denied.

No. 144, Misc. *DANIELS v. MICHIGAN*. Supreme Court of Michigan. Certiorari denied.

No. 145, Misc. *SCHUMAN v. HEINZE, WARDEN, ET AL.* Supreme Court of California. Certiorari denied.

No. 147, Misc. *ERSKINE v. HEINZE, WARDEN*. Supreme Court of California. Certiorari denied.

Memorandum of FRANKFURTER, J.

340 U. S.

No. 148, Misc. PANKOLA *v.* WARDEN, PHILADELPHIA COUNTY PRISON. Supreme Court of Pennsylvania. Certiorari denied.

No. 153, Misc. PAYNE *v.* ASHE, WARDEN. Supreme Court of Pennsylvania. Certiorari denied.

No. 59, Misc. AGOSTON *v.* PENNSYLVANIA. Supreme Court of Pennsylvania. Certiorari denied. MR. JUSTICE FRANKFURTER has filed a memorandum respecting the denial of the petition for writ of certiorari. Petitioner *pro se.* William N. Trinkle for respondent. Reported below: 364 Pa. 464, 72 A. 2d 575.

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

The Court has stated again and again what the denial of a petition for writ of certiorari means and more particularly what it does not mean. Such a denial, it has been repeatedly stated, "imports no expression of opinion upon the merits of the case." *United States v. Carver*, 260 U. S. 482, 490, and see, *e. g.*, *House v. Mayo*, 324 U. S. 42, 48; *Sunal v. Large*, 332 U. S. 174, 181. A denial simply means that as a matter of "sound judicial discretion" fewer than four members of the Court deemed it desirable to review a decision of a lower court. Rule 38, par. 5. See *Maryland v. Baltimore Radio Show*, 338 U. S. 912. But it is not merely the laity that fails to appreciate that by denying leave for review here of a lower court decision this Court lends no support to the decision of the lower court. Obviously it does not imply approval of anything that may have been said by the lower court in support of its decision.

At the risk of redundancy, it seems to me important to reiterate our settled rule as to the meaning of a denial

340 U. S.

DOUGLAS, J., dissenting.

of certiorari in its application to this case. The denial of the petition seeking to bring here the decision of the Supreme Court of Pennsylvania carries with it no support of the decision in that case, nor of any of the views in the opinion supporting it. 364 Pa. 464, 72 A. 2d 575.

MR. JUSTICE DOUGLAS, with whom MR. JUSTICE BLACK concurs, dissenting.

This case is close on its facts to *Turner v. Pennsylvania*, 338 U. S. 62, also from the Supreme Court of Pennsylvania, and its companion cases, *Watts v. Indiana*, 338 U. S. 49, and *Harris v. South Carolina*, 338 U. S. 68. In the *Turner* case a majority of this Court (Justices Black, Frankfurter, Douglas, Murphy and Rutledge) held that, where a prisoner was not brought before a magistrate for a prompt hearing as required by Pennsylvania law but was held by the police until prolonged questioning resulted in a confession, such confession was obtained by a denial of due process. In this case the Supreme Court of Pennsylvania, in sustaining a judgment of conviction based on a confession obtained under like circumstances, relied on the dissent in the *Turner* case. See 364 Pa. 464, 483, 72 A. 2d 575, 585. The principle basic to the *Turner* decision is that the police may not be allowed to substitute their system of inquisition or protective custody for the safeguards of a hearing before a magistrate. My conviction is that only by consistent application of that principle can we uproot in this country the third-degree methods of the police.

Rehearing Denied.

No. 2, October Term, 1949. GRAVER TANK & MFG. CO., INC. ET AL. v. LINDE AIR PRODUCTS CO., 339 U. S. 605. Rehearing denied. MR. JUSTICE MINTON took no part in the consideration or decision of this application.

October 9, 1950.

340 U. S.

No. 12, October Term, 1949. *OSMAN ET AL. v. DOUDS, REGIONAL DIRECTOR OF THE NATIONAL LABOR RELATIONS BOARD*, 339 U. S. 846. Rehearing denied. MR. JUSTICE CLARK took no part in the consideration or decision of this application.

No. 33, October Term, 1949. *QUICKSALL v. MICHIGAN*, 339 U. S. 660. Motion for leave to file petition for rehearing denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application.

No. 44, October Term, 1949. *SWEATT v. PAINTER ET AL.*, 339 U. S. 629. Rehearing denied.

No. 455, October Term, 1949. *AUTOMATIC RADIO MANUFACTURING Co., INC. v. HAZELTINE RESEARCH, INC.*, 339 U. S. 827. Rehearing denied. MR. JUSTICE JACKSON took no part in the consideration or decision of this application.

No. 570, October Term, 1949. *LORD MANUFACTURING Co. v. UNITED STATES*, 339 U. S. 956. Rehearing denied.

No. 716, October Term, 1949. *HENDERSON v. UNITED STATES*, 339 U. S. 963;

No. 717, October Term, 1949. *WILDMAN v. UNITED STATES*, 339 U. S. 963;

No. 718, October Term, 1949. *SHUFFLEBARGER v. UNITED STATES*, 339 U. S. 963;

No. 719, October Term, 1949. *FRANTZ v. UNITED STATES*, 339 U. S. 963; and

No. 828, October Term, 1949. *WIXOM v. UNITED STATES*, 339 U. S. 981. The petition for rehearing in these cases is denied.

340 U. S.

October 9, 1950.

No. 737, October Term, 1949. *YATES v. BALL*, 339 U. S. 964;

No. 742, October Term, 1949. *THE ARLINGTON, INC. ET AL. v. MAYER*, 339 U. S. 965;

No. 745, October Term, 1949. *MAHANA v. UNITED STATES*, 339 U. S. 978;

No. 752, October Term, 1949. *DUNAWAY ET AL. v. STANDARD OIL Co. (NEW JERSEY) ET AL.*, 339 U. S. 965;

No. 779, October Term, 1949. *HUNTINGTON PALISADES PROPERTY OWNERS CORP., LTD. v. METROPOLITAN FINANCE CORP.*, 339 U. S. 980;

No. 781, October Term, 1949. *CONNELLY v. HURLEY ET AL.*, CIVIL SERVICE COMMISSIONERS OF CHICAGO, 339 U. S. 983; and

No. 792, October Term, 1949. *GLISSMANN v. CITY OF OMAHA ET AL.*, 339 U. S. 960. The petitions for rehearing in these cases are severally denied.

No. 236, Misc., October Term, 1949. *SANDERS v. SWOPE, WARDEN*, 339 U. S. 985;

No. 415, Misc., October Term, 1949. *POWERS v. HUNTER, WARDEN*, 339 U. S. 986;

No. 474, Misc., October Term, 1949. *LOOMIS v. EDWARDS, JUDGE*, 339 U. S. 970;

No. 486, Misc., October Term, 1949. *HACKWORTH v. HIATT, WARDEN*, 339 U. S. 962;

No. 506, Misc., October Term, 1949. *LEDER v. CALIFORNIA*, 339 U. S. 962;

No. 527, Misc., October Term, 1949. *KADANS v. COLEMAN*, 339 U. S. 976;

No. 534, Misc., October Term, 1949. *SPRUILL v. BROOKS*, 339 U. S. 989; and

No. 550, Misc., October Term, 1949. *SIEGEL ET AL. v. RAGEN, WARDEN*, 339 U. S. 990. The petitions for rehearing in these cases are severally denied.

October 9, 16, 1950.

340 U. S.

No. 237, Misc., October Term, 1948. *WILLIAMS v. UNITED MINE WORKERS OF AMERICA*, 335 U. S. 897. Second petition for rehearing denied.

OCTOBER 16, 1950.

Per Curiam Decision.

No. 145. *RICE v. ARNOLD*, SUPERINTENDENT OF MIAMI SPRINGS COUNTRY CLUB. On petition for writ of certiorari to the Supreme Court of Florida. *Per Curiam*: The petition for writ of certiorari is granted. The judgment is vacated and the cause is remanded to the Supreme Court of Florida for reconsideration in the light of subsequent decisions of this Court in *Sweatt v. Painter*, 339 U. S. 629, and *McLaurin v. Oklahoma State Regents*, 339 U. S. 637. *Franklin H. Williams* for petitioner. *J. W. Watson, Jr.* and *John D. Marsh* for respondent. Reported below: 45 So. 2d 195.

Miscellaneous Orders.

No. 13, Original. *UNITED STATES v. TEXAS*. The opinion of this Court, 339 U. S. 707, is amended as follows:

1. On page 713, substitute for the quotation in line 19 the following: "on an equal footing with the original States in all respects whatever."⁶

2. On page 713, amend footnote 6 to read, "See Joint Resolution approved December 29, 1845, 9 Stat. 108."

3. On page 714, amend footnote 7 to read, "Joint Resolution approved March 1, 1845, 5 Stat. 797."

4. In the next to the last line on page 715, substitute "admitting" for "annexing".

The petition for rehearing is denied. MR. JUSTICE JACKSON and MR. JUSTICE CLARK took no part in the consideration or decision of this application.

[This opinion is reported, as amended, in the bound volume of 339 U. S. at pages 713, 714, 715.]

340 U. S.

October 16, 1950.

No. 155, Misc. JEFFRIES *v.* DUFFY, WARDEN;
No. 158, Misc. TAYLOR *v.* SQUIER, WARDEN;
No. 163, Misc. FLEENOR *v.* HUNTER, WARDEN;
No. 169, Misc. POLESKI *v.* OHIO ET AL.; and
No. 176, Misc. PENTZ *v.* STEELE, WARDEN. The motions for leave to file petitions for writs of habeas corpus in these cases are severally denied. Petitioners *pro se. Solicitor General Perlman* for respondent in No. 158, Misc.

No. 183, Misc. MUNOZ *v.* CALIFORNIA SUPREME COURT. The motion for leave to file petition for writ of mandamus is denied.

No. 186, Misc. WESLEY *v.* VIRGINIA. The application is denied.

Certiorari Granted. (See also No. 145, *supra.*)

No. 26. UNITED STATES *v.* WILLIAMS ET AL. C. A. 5th Cir. *Certiorari* granted. *Solicitor General Perlman* for the United States. Reported below: 179 F. 2d 644.

No. 66. DOWD, WARDEN, *v.* UNITED STATES EX REL. COOK. C. A. 7th Cir. *Certiorari* granted. *J. Emmett McManamon*, Attorney General of Indiana, *Merl M. Wall* and *Charles F. O'Connor*, Deputy Attorneys General, for petitioner. Reported below: 180 F. 2d 212.

No. 252. AMERICAN FIRE & CASUALTY CO. *v.* FINN. C. A. 5th Cir. *Certiorari* granted. *M. L. Cook* for petitioner. Reported below: 181 F. 2d 845.

No. 267. O'LEARY, DEPUTY COMMISSIONER, FOURTEENTH COMPENSATION DISTRICT, *v.* BROWN-PACIFIC-MAXON, INC. ET AL. C. A. 9th Cir. *Certiorari* granted. *Solicitor General Perlman* for petitioner. Reported below: 182 F. 2d 772.

October 16, 1950.

340 U. S.

No. 1, Misc. WILLIAMS *v.* UNITED STATES. C. A. 5th Cir. Certiorari granted. *Bart. A. Riley* for petitioner. *Solicitor General Perlman, Assistant Attorney General McInerney* and *Philip R. Monahan* for the United States. Reported below: 179 F. 2d 656.

Certiorari Denied.

No. 75. EL RIO OILS (CANADA) LTD. *v.* PACIFIC COAST ASPHALT Co., INC. ET AL. District Court of Appeal of California, Second Appellate District. Certiorari denied. *Kenneth Dobson Miller* for petitioner. *Don Petty* for the Pacific Coast Asphalt Co., Inc., respondent. Reported below: 95 Cal. App. 2d 186, 213 P. 2d 1.

No. 159. UNIVERSAL OIL PRODUCTS Co. *v.* CAMPBELL ET AL. C. A. 7th Cir. Certiorari denied. *Ralph S. Harris, William W. Owens* and *Adam M. Byrd* for petitioner. *Solicitor General Perlman, Assistant Attorney General Caudle, Ellis N. Slack* and *Harry Baum* for respondents. Reported below: 181 F. 2d 451.

No. 199. JONES *v.* NEW YORK CENTRAL RAILROAD Co. ET AL. C. A. 6th Cir. Certiorari denied. *Marvin C. Harrison* for petitioner. *Parker Fulton* for respondents. Reported below: 182 F. 2d 326.

No. 233. STEADMAN *v.* SOUTH CAROLINA. Supreme Court of South Carolina. Certiorari denied. *C. T. Graydon* for petitioner. *John M. Daniel, Attorney General of South Carolina, T. C. Callison* and *R. Hoke Robinson, Assistant Attorneys General*, for respondent. Reported below: 216 S. C. 579, 59 S. E. 2d 168.

No. 234. KELLY, DOING BUSINESS AS KELLY DAIRIES, *v.* UNITED STATES. Court of Claims. Certiorari denied. *Robert F. Klepinger* for petitioner. *Solicitor General*

340 U. S.

October 16, 1950.

Perlman, Assistant Attorney General Morison, Samuel D. Slade and Joseph Kovner for the United States. Reported below: 116 Ct. Cl. 811, 91 F. Supp. 305.

No. 240. ROSE ET AL. *v.* BROTHERHOOD OF RAILWAY & STEAMSHIP CLERKS, FREIGHT HANDLERS, EXPRESS & STATION EMPLOYEES ET AL. C. A. 4th Cir. Certiorari denied. *James B. Swails* for petitioners. *I. M. Bailey, Clarence M. Mulholland, Richard R. Lyman* and *Edward J. Hickey, Jr.* for respondents. Reported below: 181 F. 2d 944.

No. 243. EVANS *v.* MANNING. Supreme Court of South Carolina. Certiorari denied. Reported below: 217 S. C. 10, 59 S. E. 2d 341.

No. 246. FORD MOTOR CO. ET AL. *v.* RYAN, U. S. DISTRICT JUDGE, ET AL. C. A. 2d Cir. Certiorari denied. *Whitney North Seymour, William T. Gossett, Bruce Bromley* and *Samuel A. Pleasants* for petitioners. *John T. Cahill, James A. Fowler, Jr.* and *John F. Sonnett* for respondents. Reported below: 182 F. 2d 329.

No. 247. KALMIA REALTY & INSURANCE CO. ET AL. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *L. Barrett Jones* and *Garner W. Green* for petitioners. *Solicitor General Perlman* and *Assistant Attorney General Vanech* for the United States. Reported below: 181 F. 2d 598.

No. 248. BERG, DOING BUSINESS AS BERG TRUCK & PARTS CO., *v.* SCHREIBER ET AL., DOING BUSINESS AS SCHREIBER TRUCKING CO. Supreme Court of Illinois. Certiorari denied. *Alfred Kamin* for petitioner. *Lawrence C. Mills* for respondents. Reported below: 405 Ill. 528, 92 N. E. 2d 88.

October 16, 1950.

340 U. S.

No. 253. ARGONNE CO., INC. *v.* HITAFFER. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *H. Mason Welch* for petitioner. *W. Gwynn Gardiner* for respondent. Reported below: 87 U. S. App. D. C. —, 183 F. 2d 811.

No. 257. WILLINGHAM, COLLECTOR OF INTERNAL REVENUE, ET AL. *v.* HOME OIL MILL ET AL. C. A. 5th Cir. Certiorari denied. *Solicitor General Perlman* for Willingham, petitioner. *Chas. H. Eyster* for respondents. Reported below: 181 F. 2d 9.

No. 259. GEORGE KEMP REAL ESTATE CO. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 2d Cir. Certiorari denied. *Alexander S. Andrews* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Ellis N. Slack*, *Lee A. Jackson* and *Harry Marselli* for respondent. Reported below: 182 F. 2d 847.

No. 262. CAROLIN *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 6th Cir. Certiorari denied. *William A. Alfs* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Ellis N. Slack* and *Lee A. Jackson* for respondent. Reported below: 181 F. 2d 186.

No. 265. WORLD FIRE & MARINE INS. CO. *v.* PALMER ET AL. C. A. 5th Cir. Certiorari denied. *Wm. H. Watkins*, *P. H. Eager, Jr.*, *Thos. H. Watkins* and *Elizabeth Hulen* for petitioner. *William Harold Cox* for respondents. Reported below: 182 F. 2d 707.

No. 266. UNITED STATES *v.* BEAL ET AL. C. A. 6th Cir. Certiorari denied. *Solicitor General Perlman* for the United States. *Monroe Oppenheimer*, *Robert E. Sher* and *Harry B. Miller* for respondents. Reported below: 182 F. 2d 565.

340 U.S.

October 16, 1950.

No. 269. *ROSPIGLIOSI v. CLOGHER*. Supreme Court of Florida. Certiorari denied. *Milton M. Ferrell, Joseph Edward Casey and Edward P. Troxell* for petitioner. *Henry G. Simmonite* for respondent. Reported below: 46 So. 2d 170.

No. 274. *AUTOGRAPHIC REGISTER CO. v. UARCO, INC.* C. A. 7th Cir. Certiorari denied. *Casper W. Ooms and Thomas J. Byrne* for petitioner. *Bernard A. Schroeder* for respondent. Reported below: 182 F. 2d 353.

No. 277. *ISLAND CREEK FUEL & TRANSPORTATION CO. v. REEVES, COMMISSIONER OF REVENUE, ET AL.* Court of Appeals of Kentucky. Certiorari denied. *Rolla D. Campbell* for petitioner. *A. E. Funk*, Attorney General of Kentucky, *Hal O. Williams*, Assistant Attorney General, *Henry M. Johnson* and *Lucian L. Johnson* for Reeves, respondent. Reported below: 313 Ky. 400, 230 S. W. 2d 924.

No. 283. *GENTRY v. SEABOARD AIR LINE RAILROAD CO.* Supreme Court of Florida. Certiorari denied. *Chester Bedell and Thomas J. Lewis* for petitioner. *Charles R. Scott* for respondent. Reported below: 46 So. 2d 485.

No. 285. *ESTATE OF STRAUSS v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 2d Cir. Certiorari denied. *Timothy N. Pfeiffer* for petitioner. *Solicitor General Perlman, Assistant Attorney General Caudle, Ellis N. Slack, Robert N. Anderson and Carlton Fox* for respondent. Reported below: 183 F. 2d 288.

No. 256. *RD-DR CORPORATION v. SMITH ET AL.* C. A. 5th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion the petition should be granted. *Samuel I. Rosenman, Richard S. Salant and Ambrose Doskow* for

October 16, 1950.

340 U. S.

petitioner. *J. C. Murphy* and *Henry L. Bowden* for respondents. Reported below: 183 F. 2d 562.

No. 37, Misc. *ROUZER v. ASHE, WARDEN*. Supreme Court of Pennsylvania. Certiorari denied.

No. 71, Misc. *PHYLE v. SUPERIOR COURT OF CALIFORNIA IN AND FOR THE COUNTY OF MARIN*. Supreme Court of California. Certiorari denied. *Morris Lavine* for petitioner.

No. 100, Misc. *EDMISTON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 105, Misc. *SISKIND v. UNITED STATES*. Court of Claims. Certiorari denied. Petitioner *pro se*. *Solicitor General Perlman, Assistant Attorney General Morison, Samuel D. Slade* and *Melvin Richter* for the United States. Reported below: 116 Ct. Cl. 809.

No. 139, Misc. *FULLUM v. KEENAN, SUPERINTENDENT*. Supreme Court of Pennsylvania. Certiorari denied. *Carl Blanchfield* for petitioner.

No. 146, Misc. *CROGHAN v. UNITED STATES*. Court of Claims. Certiorari denied. *Ernest Woodward* for petitioner. *Solicitor General Perlman, Assistant Attorney General Morison, Samuel D. Slade* and *Joseph Kovner* for the United States. Reported below: 116 Ct. Cl. 577, 89 F. Supp. 1002.

No. 152, Misc. *DUNNE v. RAILROAD RETIREMENT BOARD*. C. A. 7th Cir. Certiorari denied. Reported below: 183 F. 2d 366.

No. 154, Misc. *JOHNSON v. LAWRENCE, SUPERINTENDENT*. Supreme Court of Louisiana. Certiorari denied.

340 U. S.

October 16, 1950.

No. 156, Misc. *LEVY v. SAWYER, SECRETARY OF COMMERCE, ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Perlman* for respondents.

No. 160, Misc. *FARMER v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 183 F. 2d 328.

No. 165, Misc. *ROY ET AL. v. OFFICE OF THE HOUSING EXPEDITER.* United States Emergency Court of Appeals. Certiorari denied.

No. 166, Misc. *CAINE v. CAINE.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Stanley B. Frosh* for petitioner. *Albert E. Conradis* for respondent. Reported below: 86 U. S. App. D. C. 404, 182 F. 2d 246.

No. 171, Misc. *HARRIS v. NEW YORK.* Appellate Division of the Supreme Court of New York, Second Judicial Department. Certiorari denied.

No. 172, Misc. *GAGLIO v. NEW YORK.* Court of Appeals of New York. Certiorari denied.

No. 173, Misc. *BUTZ v. REDNOUR.* Circuit Court of Williamson County, Illinois. Certiorari denied.

No. 175, Misc. *SHAW v. UTECHT, WARDEN.* Supreme Court of Minnesota. Certiorari denied. Reported below: 232 Minn. 82, 43 N. W. 2d 781.

No. 177, Misc. *LEIMER v. REEVES,* U. S. DISTRICT JUDGE. C. A. 8th Cir. Certiorari denied. Reported below: 180 F. 2d 891.

October 16, 1950.

340 U. S.

No. 178, Misc. SCHNEIDER *v.* CALIFORNIA ET AL. Supreme Court of California. Certiorari denied. Reported below: 35 Cal. 2d 396, 217 P. 2d 934.

No. 182, Misc. SULLIVAN *v.* SCHNECKLOTH, ASSOCIATE WARDEN. Supreme Court of California. Certiorari denied.

No. 184, Misc. LOVELL *v.* ROBINSON, WARDEN. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 185, Misc. WALLACE *v.* ALVIS, WARDEN. Supreme Court of Ohio. Certiorari denied.

No. 187, Misc. SHOTKIN *v.* PERKINS ET AL. C. A. 10th Cir. Certiorari denied. *Walter F. Dodd* for petitioner. *John W. Metzger*, Attorney General of Colorado, and *Vincent Cristiano*, Assistant Attorney General, for respondents.

No. 192, Misc. WASHINGTON *v.* LOUISIANA. Supreme Court of Louisiana. Certiorari denied. *Victor Rabowitz* for petitioner. Reported below: 217 La. 687, 47 So. 2d 46.

No. 174, Misc. DOWDY ET AL. *v.* LOUISIANA. Supreme Court of Louisiana. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion the petition should be granted. Reported below: — La. —, 47 So. 2d 496.

Rehearing Denied. (See also No. 13, *Original*, *supra*.)

No. 12, Original. UNITED STATES *v.* LOUISIANA, 339 U. S. 699. Rehearing denied. MR. JUSTICE JACKSON and MR. JUSTICE CLARK took no part in the consideration or decision of this application.

340 U. S.

October 16, 23, 1950.

No. 568, October Term, 1949. EWING, FEDERAL SECURITY ADMINISTRATOR, ET AL. *v.* MYTINGER & CASSELL-BERRY, INC., 339 U. S. 594. Rehearing denied. MR. JUSTICE CLARK took no part in the consideration or decision of this application.

No. 739, October Term, 1949. ELLIS, RECEIVER, *v.* CATES, 339 U. S. 964. Rehearing denied.

No. 844, October Term, 1949. LOEW'S, INC. *v.* UNITED STATES;

No. 845, October Term, 1949. WARNER BROS. PICTURES, INC. ET AL. *v.* UNITED STATES; and

No. 846, October Term, 1949. TWENTIETH CENTURY-FOX FILM CORP. ET AL. *v.* UNITED STATES, 339 U. S. 974. The petitions for rehearing are denied. MR. JUSTICE JACKSON and MR. JUSTICE CLARK took no part in the consideration or decision of these applications.

No. 79, Misc., October Term, 1949. CHAMBERS *v.* UNITED STATES, 338 U. S. 894. Rehearing denied.

OCTOBER 23, 1950.

Per Curiam Decisions.

No. 19. GARA *v.* UNITED STATES. Certiorari, 339 U. S. 927, to the United States Court of Appeals for the Sixth Circuit. Argued October 13, 16, 1950. Decided October 23, 1950. *Per Curiam*: The judgment is affirmed by an equally divided Court. MR. JUSTICE CLARK took no part in the consideration or decision of this case. *Francis Heisler* argued the cause for petitioner. With him on the brief was *Stanley U. Robinson, Jr.* *John W. MacDonald* was also of counsel. *Philip R. Monahan* argued the cause for the United States. With him on the brief

October 23, 1950.

340 U. S.

were *Solicitor General Perlman*, *Assistant Attorney General McInerney*, *Stanley M. Silverberg* and *Robert S. Erdahl*. Reported below: 178 F. 2d 38.

No. 293. *WENNING v. PEOPLES BANK CO. ET AL.* Appeal from, and petition for writ of certiorari to, the Supreme Court of Ohio. *Per Curiam*: The motions to dismiss are granted and the appeal is dismissed. The petition for writ of certiorari is denied. MR. JUSTICE BLACK, MR. JUSTICE REED, and MR. JUSTICE DOUGLAS are of the opinion that this case should be set down for argument and that further consideration of the question of jurisdiction should be postponed to the hearing of the case on the merits. *Elmer McClain* for appellant-petitioner. *Kahl K. Spriggs* for the Peoples Bank Co. et al.; and *Carleton Carl Reiser* and *Alexander M. Heron* for Davis et al., appellees-respondents. Reported below: 153 Ohio St. 583, 92 N. E. 2d 689.

Miscellaneous Orders.

No. 2, Original. *WISCONSIN ET AL. v. ILLINOIS ET AL.*;

No. 3, Original. *MICHIGAN v. ILLINOIS ET AL.*; and

No. 4, Original. *NEW YORK v. ILLINOIS ET AL.* The motion of the States of Wisconsin et al. to dismiss the petition of the State of Illinois and the Sanitary District of Chicago for an interpretation and clarification of the decree of April 21, 1930, 281 U. S. 696, is granted. *Ivan A. Elliott*, Attorney General, *Robert J. Burdett*, Assistant Attorney General, and *Ernst Buehler* were on the petition of the State of Illinois and the Sanitary District of Chicago. On the motion to dismiss the petition were *Thomas E. Fairchild*, Attorney General, for the State of Wisconsin; *J. A. A. Burnquist*, Attorney General, for the State of Minnesota; *Herbert S. Duffy*, Attorney General, for the State of Ohio; *Charles J. Margiotti*, Attorney General, and *M. Vashti Burr*, Deputy Attorney General, for the

340 U. S.

October 23, 1950.

State of Pennsylvania; *Stephen J. Roth*, Attorney General, *Edmund E. Shepherd*, Solicitor General, and *Graydon G. Withey*, Deputy Attorney General, for the State of Michigan; *Nathaniel L. Goldstein*, Attorney General, and *Edward L. Ryan*, Assistant Attorney General, for the State of New York; and *Herbert H. Naujoks*, Special Assistant to Attorneys General.

No. 8, Original. KANSAS *v.* MISSOURI. Upon consideration of the joint motion of counsel for the parties in this case to amend the decree of this Court (322 U. S. 654), it is ordered that the joint motion be, and it is hereby, granted and the decree is amended to read as follows:

"This cause was argued by counsel at the October Term, 1943, upon the pleadings and exceptions to the Report of the Special Master. On June 5, 1944, this Court entered a decree establishing a boundary between the States. Since the entry of the decree the States of Kansas and Missouri through their legislatures have agreed upon a boundary and such agreement has been ratified by joint resolution of the Congress of the United States and the resolution approved by the President of the United States. Public Law 637, approved August 3, 1950. [64 Stat. 397.] Therefore, in order to conform this Court's decree to the agreement of the parties as ratified by the Congress of the United States,

"It is Ordered, Adjudged, and Decreed that the boundary line between the States of Kansas and Missouri, which extends from the intersection of the Missouri River with the 40th parallel, north latitude, southward to the middle of the mouth of the Kaw or Kansas River, be and it is hereby established as the middle line of the main navigable channel of the Missouri River as said river flows throughout its entire course from its intersection with the 40th parallel, north latitude, southward to the middle

October 23, 1950.

340 U. S.

of the mouth of the Kaw or Kansas River, subject only to changes which may occur by the natural processes of accretion and reliction, but not by avulsion.

"The costs of this suit are equally divided between the two States, Complainant and Defendant."

Harold R. Fatzer, Attorney General of Kansas, for complainant. *T. E. Taylor*, Attorney General of Missouri, and *Frank W. Hayes*, Assistant Attorney General, for defendant.

No. 200, Misc. *SPITZER v. MAYO, CUSTODIAN*. Supreme Court of Florida. Certiorari denied. Motion for leave to file petition for writ of habeas corpus also denied.

No. 191, Misc. *ALLEN v. ASHE, WARDEN*. Petition for writ of certiorari to the Supreme Court of Pennsylvania dismissed on motion of petitioner.

No. 134, Misc. *ENOS ET AL. v. CHAPMAN, SECRETARY OF THE INTERIOR, ET AL.* Motion for leave to file petition for writ of certiorari denied.

No. 168, Misc. *MACKEY ET AL. v. NATIONAL LABOR RELATIONS BOARD ET AL.* Motion for leave to file petition for writs of mandamus and prohibition denied. *Zach Lamar Cobb* for petitioners. *Solicitor General Perlman* for respondents.

No. 190, Misc. *PHYSIOC v. SUPREME COURT OF CALIFORNIA ET AL.*; and

No. 195, Misc. *HOMLERY v. UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS*. Motions for leave to file petitions for writs of mandamus denied.

No. 198, Misc. *IN RE SHENKIN*. Motion for leave to file petition for writ of habeas corpus denied.

340 U. S.

Order.

No. 371. SHUB v. SIMPSON, SECRETARY OF STATE OF MARYLAND. Appeal from the Court of Appeals of Maryland; and

No. 372. SIMPSON, SECRETARY OF STATE OF MARYLAND, v. GERENDE. On petition for writ of certiorari to the Court of Appeals of Maryland. *I. Duke Avnet* for appellant in No. 371. *Hall Hammond*, Attorney General of Maryland, *J. Edgar Harvey*, Deputy Attorney General, and *Harrison L. Winter*, Assistant Attorney General, for petitioner in No. 372 and appellee in No. 371. Reported below: — Md. —, 75 A. 2d 842.

No. 371 is a motion to advance and expedite the hearing of an appeal from a decision of the Court of Appeals of the State of Maryland affirming the denial of a petition for writ of mandamus.

Appellant, petitioner below, was nominated by the Progressive Party for Governor of Maryland at a convention held on August 7, 1950. On August 18, nine days before the last date permitted by law, he tendered a certificate of nomination to the Secretary of State, a prerequisite to appearing on the ballot for the election on November 7. On the same day, August 18, the tender was rejected for failure to file an affidavit required by the Maryland Subversive Activities Act of 1949, Md. Laws 1949, c. 96, § 1, par. 15. On September 14, petitioner obtained from the Circuit Court of Anne Arundel County an order to show cause why a writ of mandamus should not be issued to compel the Secretary of State to accept the certificate. The Secretary, on September 27, demurred to the petition; and on October 9, after a hearing, the court sustained the demurrer and dismissed the petition. On appeal to the Maryland Court of Appeals argument was heard on October 12. That court entered a *per curiam* order, two judges dissenting, the same day, affirming the judgment

Dissent.

340 U. S.

against the petitioner and, obviously deeming an exposition of the statute necessary, stated that an opinion would thereafter be filed. On October 18 petitioner filed an appeal from this order. In this situation the motion to advance and expedite is denied.

No. 372 is a petition for writ of certiorari from the same order of the Court of Appeals insofar as it reversed the dismissal by the Circuit Court of the petition for writ of mandamus brought by a Progressive Party nominee for the United States House of Representatives. The petition is denied.

THE CHIEF JUSTICE, MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS, dissenting in No. 371.

The order denying the motion to advance and expedite No. 371 in all probability deprives this appellant of an opportunity to have a final decision on the grave constitutional questions which he presents. This means that before the Court can consider the case in the course of ordinary procedure, the election in which he desires to run for Governor will undoubtedly have been held and the controversy thus rendered moot. We cannot agree to deny appellant a hearing in this manner.

The nature of typical election laws is such that only a limited time is available for judicial review. This fact has presented difficulties in this Court before, see *Colegrove v. Green*, 328 U. S. 549, 565; *MacDougall v. Green*, 335 U. S. 281, 285; *Cook v. Fortson*, *Turman v. Duckworth*, 329 U. S. 675, 677, and generally advancement has had to be requested in cases of this nature. *MacDougall v. Green*, *supra*; *Cook v. Fortson*, *Turman v. Duckworth*, *supra*; *South v. Peters*, 339 U. S. 276. Where, as here, a justiciable controversy and substantial federal questions co-exist, the Court can and should advance a determination of the case. There is no showing of lack of diligence

340 U. S.

October 23, 1950.

on appellant's part. Under the present circumstances the absence of an opinion by the Maryland Court of Appeals is no reason for refusing consideration here. Whatever the Maryland court may later say, appellant has been deprived of his opportunity to become a candidate in the election.

Certiorari Granted.

No. 297. KIEFER-STEWART CO. *v.* JOSEPH E. SEAGRAM & SONS, INC. ET AL. C. A. 7th Cir. Certiorari granted. MR. JUSTICE MINTON took no part in the consideration or decision of this application. *Joseph J. Daniels* and *Paul A. Porter* for petitioner. *Thomas Kiernan* and *Paul Y. Davis* for respondents. Reported below: 182 F. 2d 228.

No. 336. DENNIS ET AL. *v.* UNITED STATES. C. A. 2d Cir. Certiorari granted, limited to questions 1 and 2 presented by the petition for the writ, *viz.*:

"1. Whether either Section 2 or Section 3 of the Smith Act, inherently or as construed and applied in the instant case, violates the First Amendment and other provisions of the Bill of Rights.

"2. Whether either Section 2 or Section 3 of the Act, inherently or as construed and applied in the instant case, violates the First and Fifth Amendments because of indefiniteness."

MR. JUSTICE CLARK took no part in the consideration or decision of this application.

George W. Crockett, Jr., Richard Gladstein, Abraham J. Isserman and *Harry Sacher* for petitioners. *Solicitor General Perlman, Irving H. Saypol, Robert W. Ginnane* and *Irving S. Shapiro* for the United States. Reported below: 183 F. 2d 201.

October 23, 1950.

340 U. S.

No. 140, Misc. *WILSON v. LOUISIANA*. Supreme Court of Louisiana. Certiorari granted. *Henry P. Viering* for petitioner. Reported below: 217 La. 470, 46 So. 2d 738.

Certiorari Denied. (See also Nos. 293 and 372 and Misc. Nos. 134 and 200, *supra*.)

No. 245. *TODD CO., INC. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 2d Cir. Certiorari denied. *Justin J. Doyle* for petitioner. *Solicitor General Perlman, David P. Findling, Mozart G. Ratner* and *Marcel Mallet-Prevost* for respondent.

No. 250. *TEMPLE OF LIGHT, A MICHIGAN ECCLESIASTICAL CORPORATION, ET AL. v. BOSTON EDISON PROTECTIVE ASSOCIATION ET AL.* Supreme Court of Michigan. Certiorari denied. *Edward N. Barnard* for petitioners. *Henry R. Bishop* for respondents.

No. 255. *WARD v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. *Earl Boyd Pierce* for petitioner. *Solicitor General Perlman, Assistant Attorney General McInerney, Robert S. Erdahl* and *Felicia H. Dubrovsky* for the United States. Reported below: 183 F. 2d 270.

No. 264. *STOPPELLI v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Jacob W. Friedman* for petitioner. *Solicitor General Perlman, Assistant Attorney General McInerney, Robert S. Erdahl* and *Felicia H. Dubrovsky* for the United States. Reported below: 183 F. 2d 391.

No. 275. *BROWN v. EASTERN STATES CORP. ET AL.* C. A. 4th Cir. Certiorari denied. *David I. Shivitz* and *Edmund B. Hennefeld* for petitioner. *Horace R. Lamb* for respondents. Reported below: 181 F. 2d 26.

340 U. S.

October 23, 1950.

No. 279. *PEOPLE EX REL. MOFFETT v. BATES ET AL.*, CONSTITUTING THE STATE TAX COMMISSION. Court of Appeals of New York. Certiorari denied. *Lee McCannliss* for petitioner. *Nathaniel L. Goldstein*, Attorney General of New York, *Wendell P. Brown*, Solicitor General, and *John C. Crary, Jr.*, Assistant Attorney General, for respondents. Reported below: 301 N. Y. 597, 93 N. E. 2d 494.

No. 289. *BURNS STEAMSHIP CO. v. NATIONAL BULK CARRIERS, INC.* C. A. 2d Cir. Certiorari denied. *Chauncey I. Clark* for petitioner. *John C. Prizer* for respondent. Reported below: 183 F. 2d 405.

No. 290. *BRENNAN v. HAWLEY PRODUCTS CO.* C. A. 7th Cir. Certiorari denied. *Luther Day* and *Curtis C. Williams, Jr.* for petitioner. *Richard L. Johnston* and *Lloyd C. Root* for respondent. Reported below: 182 F. 2d 945.

No. 291. *HANSEN v. SAINT JOSEPH FUEL OIL & MANUFACTURING CO. ET AL.* C. A. 8th Cir. Certiorari denied. *Charles M. Miller* for petitioner. *R. A. Brown, Jr.* for respondents. Reported below: 181 F. 2d 880.

No. 326. *REILLY v. REILLY.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *James J. Laughlin* for petitioner. *John L. Ingoldsby, Jr.* for respondent. Reported below: 86 U. S. App. D. C. 345, 182 F. 2d 108.

No. 260. *BRUSZEWSKI v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. *Abraham E. Freedman* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Morison*, *Samuel D. Slade*, *Leavenworth Colby* and *Morton Hollander* for the United States. Reported below: 181 F. 2d 419.

October 23, 1950.

340 U. S.

No. 271. PENNSYLVANIA EX REL. MASTER *v.* BALDI, SUPERINTENDENT. Superior Court of Pennsylvania. Certiorari denied. *David Berger* for petitioner.

No. 276. STORY, TRADING AS STORY & Co., *v.* SNYDER ET AL., TRUSTEES OF THE LIBRARY OF CONGRESS TRUST FUND BOARD. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this application. *Hugh H. Obear* and *Edmund D. Campbell* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Vanech*, *Roger P. Marquis* and *Harold S. Harrison* for respondents. Reported below: 87 U. S. App. D. C. —, 184 F. 2d 454.

No. 288. FLEISCHMAN 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. *O. John Rogge* and *Benedict Wolf* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General McInerney*, *Philip R. Monahan* and *Robert G. Maysack* for the United States. Reported below: 87 U. S. App. D. C. —, 183 F. 2d 996.

No. 303. NEFF *v.* KANSAS. Supreme Court of Kansas. Certiorari denied. *W. L. Cunningham* for petitioner. *Harold R. Fatzer*, Attorney General of Kansas, *C. Harold Hughes*, Assistant Attorney General, and *Ford Harbaugh* for respondent. Reported below: 169 Kan. 116, 218 P. 2d 248.

No. 325. PAWLEY *v.* PAWLEY. Supreme Court of Florida. Certiorari denied. MR. JUSTICE CLARK took no part in the consideration or decision of this application. *W. G. Ward*, *D. H. Redfearn* and *R. H. Ferrell* for peti-

340 U. S.

October 23, 1950.

tioner. *Paul R. Scott, A. L. McCarthy, Robert H. Anderson and Scott M. Loftin* for respondent. Reported below: 46 So. 2d 464.

No. 66, Misc. *SOULIA v. O'BRIEN, WARDEN*. Superior Court of Hampden County, Massachusetts. Certiorari denied. *Joseph J. McGovern and Margaret F. McGovern* for petitioner. *Francis E. Kelly*, Attorney General of Massachusetts, and *Henry P. Fielding*, Assistant Attorney General, for respondent.

No. 101, Misc. *PICKETT v. TEXAS*. Court of Criminal Appeals of Texas. Certiorari denied. *M. Gabriel Nahas, Jr.* for petitioner. *Price Daniel*, Attorney General of Texas, and *David B. Irons*, Administrative Assistant Attorney General, for respondent. Reported below: 154 Tex. Cr. R. —, 228 S. W. 2d 516.

No. 124, Misc. *SEGER ET AL. v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied.

No. 130, Misc. *PENNSYLVANIA EX REL. ALMEIDA v. BALDI, SUPERINTENDENT*. Supreme Court of Pennsylvania. Certiorari denied. Petitioner *pro se*. *Charles J. Margiotti*, Attorney General of Pennsylvania, *Randolph C. Ryder, Harrington Adams, George W. Keitel*, Deputy Attorneys General, *Colbert C. McClain* and *John H. Maurer* for respondent.

No. 164, Misc. *WATWOOD v. BRADFORD ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied.

No. 180, Misc. *LENOBLE v. KANE, NOW HALPIN, ADMINISTRATRIX*. C. A. 2d Cir. Certiorari denied. *Jacob W. Friedman* for petitioner. *Robert D. Marcus* for respondent. Reported below: 182 F. 2d 1020.

October 23, November 6, 1950.

340 U.S.

No. 193, Misc. SKINNER *v.* ROBINSON, WARDEN. Supreme Court of Illinois. Certiorari denied.

No. 194, Misc. ANDERSON *v.* MISSOURI. Supreme Court of Missouri. Certiorari denied.

No. 196, Misc. LYNCH *v.* NORTH DAKOTA. Supreme Court of North Dakota. Certiorari denied.

No. 197, Misc. O'NEAL *v.* CALIFORNIA. Supreme Court of California. Certiorari denied.

No. 199, Misc. BOSALAVICH *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

NOVEMBER 6, 1950.

Per Curiam Decisions.

No. 304. TREICHLER, EXECUTOR, *v.* WISCONSIN. Appeal from the Supreme Court of Wisconsin. *Per Curiam*: Insofar as the appeal attacks the validity of the computation of appellant's tax under the Wisconsin Emergency Tax on Inheritances, Wis. Stat. (1947) § 72.74 (2), the judgment of the Wisconsin Supreme Court is affirmed. *Treichler v. Wisconsin*, 338 U. S. 251 (1949). Insofar as the appeal attacks the validity of the computation of appellant's tax under the Wisconsin Estate Tax, Wis. Stat. (1947) § 72.50, the appeal is dismissed, that portion of the judgment of the Wisconsin Supreme Court resting on an adequate nonfederal ground. *A. W. Schutz* for appellant. *Thomas E. Fairchild*, Attorney General of Wisconsin, *Harold H. Persons*, Assistant Attorney General, and *Neil Conway* for appellee. *J. Gilbert Hardgrove* filed a brief, as *amicus curiae*, supporting appellant. Reported below: 257 Wis. 439, 43 N. W. 2d 428.

340 U. S.

November 6, 1950.

No. 349. PUBLIC SERVICE COMPANY OF OKLAHOMA *v.* TOWN OF SKIATOOK ET AL. Appeal from the Supreme Court of Oklahoma. *Per Curiam*: The motion for leave to file motion to dismiss or affirm is granted. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Harry D. Moreland* for appellant. *John H. Poe* for appellee. Reported below: 203 Okla. 316, 220 P. 2d 273.

Final Order and Decree.

No. 9, Original. ILLINOIS *v.* INDIANA ET AL.

The Fifth Special Report of the Special Master is approved. The Amended Bill of Complaint is dismissed as to (1) American Maize Products Company, pursuant to a joint motion of complainant State of Illinois, and defendants State of Indiana, City of Hammond, and American Maize Products Company; (2) Carnegie-Illinois Steel Corporation, pursuant to a joint motion of complainant State of Illinois, and defendants State of Indiana, City of Gary, and Carnegie-Illinois Steel Corporation; (3) City of Whiting, pursuant to a joint motion of complainant State of Illinois, and defendants State of Indiana and City of Whiting; (4) Standard Oil Company, pursuant to a joint motion of complainant State of Illinois, and defendants State of Indiana, City of Whiting, and Standard Oil Company; (5) The Youngstown Sheet and Tube Company, pursuant to a joint motion of complainant State of Illinois, and defendants State of Indiana, City of East Chicago, and The Youngstown Sheet and Tube Company; (6) State of Indiana, pursuant to a joint motion of complainant State of Illinois, and defendants State of Indiana, City of East Chicago, City of Gary, and City of Hammond; (7) City of East Chicago, pursuant to a joint motion of complainant State of Illinois, and defendants State of Indiana, City

November 6, 1950.

340 U. S.

of East Chicago, City of Gary, and City of Hammond; (8) City of Gary, pursuant to a joint motion of complainant State of Illinois, and defendants State of Indiana, City of East Chicago, City of Gary, and City of Hammond; (9) City of Hammond, pursuant to a joint motion of complainant State of Illinois, and defendants State of Indiana, City of East Chicago, City of Gary, and City of Hammond.

The Fifth and Final Report of the Special Master dated October 18, 1950, is approved.

The Court finds that the Amended Bill of Complaint has been dismissed as to all parties defendant who have heretofore stipulated herein to perform certain work as follows: Shell Oil Company, Incorporated, and The Texas Company dismissed by order of February 17, 1947 (330 U. S. 799); American Bridge Company, Carbide and Carbon Chemicals Corporation, E. I. du Pont de Nemours and Company, Fruit Growers Express Company, and Universal Atlas Cement Company dismissed by order of November 17, 1947 (332 U. S. 822); Bates Expanded Steel Corporation, an Indiana corporation (as well as its predecessor, Bates Expanded Steel Corporation, a Delaware corporation, now known as East Chicago Expanded Steel Company), Rogers Galvanizing Company, and U. S. S. Lead Refinery, Inc., dismissed by order of October 25, 1948 (335 U. S. 850); Cities Service Oil Company, Cudahy Packing Company, Inland Steel Company, National Tube Company, Sinclair Refining Company, and Socony-Vacuum Oil Company dismissed by order of October 24, 1949 (338 U. S. 856); and American Maize Products Company, Carnegie-Illinois Steel Corporation, City of Whiting, Standard Oil Company, and The Youngstown Sheet and Tube Company dismissed hereinbefore by this order. The Court further finds that with the dismissal of the aforesaid defendants no acts remain to

340 U.S.

November 6, 1950.

be performed by the other named defendants, namely, State of Indiana, City of East Chicago, City of Gary, and City of Hammond, and that the Amended Bill of Complaint be, and it is hereby, dismissed as to all parties defendant.

The Court further orders that the recommendations of the Special Master as to the apportionment of costs be adopted and costs for the period from September 8, 1949, to the date of this decree, inclusive, shall be taxed as recommended in the Fifth and Final Report.

The fees of the Clerk of this Court shall be taxed and divided equally between the complainant and defendants.

The Court finds that the Special Master has performed all duties required of him by the Court's order dated March 7, 1944, appointing him Special Master and the Court's orders of February 17, 1947, November 17, 1947, October 25, 1948, and October 24, 1949, approving the procedure and practice which has been followed in this cause. The Court orders that upon the payment of compensation and expenses, the Special Master be dismissed and relieved of any further duty in this cause.

For the State of Illinois: *Ivan A. Elliott*, Attorney General, *George F. Barrett*, then Attorney General, *Albert E. Hallett*, *Albert J. Meserow*, *William C. Wines* and *Mary V. Neff*, Assistant Attorneys General.

For the State of Indiana: *J. Emmett McManamon*, Attorney General, *James A. Emmert*, then Attorney General, *Cleon H. Foust*, then Attorney General, *Urban C. Stover*, *Robert Hollowell, Jr.*, *Joseph W. Hutchinson* and *Maurice E. Tennant*, Deputy Attorneys General.

For the City of Hammond: *Harry H. Stilley*, *Timothy P. Galvin* and *Edmond J. Leeney*.

For the City of East Chicago: *Lloyd J. Cohen*, *Allen P. Twyman* and *Robert G. Estill*.

November 6, 1950.

340 U. S.

For the City of Gary: *John E. Roszkowski, Samuel S. Dubin and Richard H. MacCracken.*

For the City of Whiting: *James S. McCarthy and Timothy P. Galvin.*

For the American Bridge Co., Carnegie-Illinois Steel Corp., National Tube Co. and Universal Atlas Cement Co.: *R. M. Blough and R. C. Stevenson.*

For the American Maize Products Co., Inc.: *Richard P. Tinkham.*

For the Bates Expanded Steel Corp., now known as the East Chicago Expanded Steel Co.: *R. L. Hackbert, R. C. Stevenson and David A. Watts.*

For the Carbide & Carbon Chemicals Corp.: *Homer A. Holt.*

For the Cities Service Oil Co.: *Lester F. Murphy.*

For E. I. du Pont de Nemours & Co.: *Timothy P. Galvin.*

For the Fruit Growers Express Co.: *William G. Brantley and Carl H. Richmond.*

For the Inland Steel Co.: *Paul M. Godehn and Donald M. Graham.*

For the Rogers Galvanizing Co.: *John P. Hart and Barnabas F. Sears.*

For the Shell Oil Co., Inc.: *Cyrus S. Gentry and Philip M. Payne.*

For the Sinclair Refining Co.: *James W. Reid.*

For the Socony-Vacuum Oil Co., Inc.: *J. F. Dammann.*

For the Standard Oil Co.: *Gordon E. Tappan, Buell F. Jones, Thomas E. Sunderland and Charles Henry Austin.*

For The Texas Company: *Harold K. Norton.*

For the U. S. S. Lead Refinery, Inc.: *David A. Watts.*

For The Youngstown Sheet & Tube Co.: *J. C. Argetsinger and R. C. Stevenson.*

340 U.S.

November 6, 1950.

Miscellaneous Orders.

No. 371. *SHUB v. SIMPSON, SECRETARY OF STATE OF MARYLAND, ante*, p. 861. The motion to reconsider the motion to advance is denied.

No. 61, Misc. *MYERS v. UNITED STATES*. Motion for leave to file petition for writ of certiorari denied.

No. 202, Misc. *MATTISON v. PENNSYLVANIA*. Application denied.

No. 203, Misc. *GERRISH v. LOVELL, WARDEN*. Motion for leave to file petition for writ of habeas corpus denied.

No. 207, Misc. *BRINK v. PENNSYLVANIA*. Application denied.

No. 213, Misc. *HARRIS v. SWENSON, WARDEN*. Motion for leave to file petition for writ of habeas corpus denied.

Certiorari Granted.

No. 281. *UNITED STATES v. ALCEA BAND OF TILLAMOOKS ET AL.* Court of Claims. Certiorari granted, limited to the first question presented by the petition for the writ, *i. e.*:

"Whether the respondents are entitled to interest since 1855 on the value of the tribal lands. This depends on whether their claimed compensation rests on the Constitution or on the special jurisdictional act."

Solicitor General Perlman for the United States. *L. A. Gravelle, Edward F. Howrey, Douglas Whitlock* and *John G. Mullen* for respondents. Reported below: 115 Ct. Cl. 463, 87 F. Supp. 938.

November 6, 1950.

340 U. S.

No. 296. *JOHNSON v. MUELBERGER*. Court of Appeals of New York. Certiorari granted. *William E. Leahy* and *William J. Hughes, Jr.* for petitioner. *Louis Flato* for respondent. Reported below: 301 N. Y. 13, 92 N. E. 2d 44.

No. 318. *MOORE, ADMINISTRATRIX, v. CHESAPEAKE & OHIO RAILWAY Co.* C. A. 4th Cir. Certiorari granted. *Geo. E. Allen* for petitioner. *Walter Leake* and *Meade T. Spicer, Jr.* for respondent. Reported below: 184 F. 2d 176.

No. 329. *AMALGAMATED ASSOCIATION OF STREET, ELECTRIC RAILWAY AND MOTOR COACH EMPLOYEES OF AMERICA, DIVISION 998, ET AL. v. WISCONSIN EMPLOYMENT RELATIONS BOARD; and*

No. 330. *AMALGAMATED ASSOCIATION OF STREET, ELECTRIC RAILWAY AND MOTOR COACH EMPLOYEES OF AMERICA, DIVISION 998, ET AL. v. WISCONSIN EMPLOYMENT RELATIONS BOARD ET AL.* Supreme Court of Wisconsin. Certiorari granted. *David Previant* for petitioners. *Thomas E. Fairchild*, Attorney General of Wisconsin, *Stewart G. Honeck*, Deputy Attorney General, and *Malcolm L. Riley*, Assistant Attorney General, for the Wisconsin Employment Relations Board et al., respondents. *Van B. Wake* for the Milwaukee Electric Railway & Transport Co., respondent in No. 330. *Stephen J. Roth*, Attorney General, *Edmund E. Shepherd*, Solicitor General, and *Daniel J. O'Hara*, Assistant Attorney General, filed a brief for the State of Michigan, as *amicus curiae*, in support of respondents. Reported below: 257 Wis. 43, 53, 42 N. W. 2d 471, 477.

Certiorari Denied. (See also No. 61, Misc., supra.)

No. 176. *HARDING v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. *Alexander W. Parker* for petitioner.

340 U. S.

November 6, 1950.

Solicitor General Perlman, Assistant Attorney General McInerney, Robert S. Erdahl and Felicia H. Dubrovsky for the United States. Reported below: 182 F. 2d 524.

No. 270. BLACKHAWK-PERRY CORPORATION *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 8th Cir. Certiorari denied. *Wayne G. Cook and W. A. Sutherland* for petitioner. *Solicitor General Perlman, Assistant Attorney General Caudle, Ellis N. Slack, Lee A. Jackson and Carlton Fox* for respondent. Reported below: 182 F. 2d 319.

No. 278. BROWN *v.* WATT CAR & WHEEL CO. C. A. 6th Cir. Certiorari denied. *Solicitor General Perlman* for petitioner. *Parker Fulton* for respondent. Reported below: 182 F. 2d 570.

No. 280. CAPITAL AIRLINES, INC. *v.* UNITED STATES. Court of Claims. Certiorari denied. *Charles H. Murchison and William A. Carter* for petitioner. *Solicitor General Perlman, Assistant Attorney General Morison, Samuel D. Slade and Melvin Richter* for the United States. Reported below: 116 Ct. Cl. 850, 90 F. Supp. 926.

No. 294. CARMACK ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 5th Cir. Certiorari denied. *J. B. Lewright* for petitioners. *Solicitor General Perlman, Assistant Attorney General Caudle, Ellis N. Slack and A. F. Prescott* for respondent. Reported below: 183 F. 2d 1.

No. 305. FARINA ET AL. *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Vine H. Smith and Peter L. F. Sabbatino* for petitioners. *Solicitor General Perlman, Assistant Attorney General McInerney, Irving S. Shapiro and Felicia H. Dubrovsky* for the United States. Reported below: 184 F. 2d 18.

November 6, 1950.

340 U. S.

No. 306. STERN *v.* TEEVAL CO., INC.;

No. 307. NEW YORK *v.* TEEVAL CO., INC.; and

No. 321. TEEVAL CO., INC. *v.* STERN. Court of Appeals of New York. Certiorari denied. *Eugene J. Morris* for petitioner in No. 306. *Nathaniel L. Goldstein*, Attorney General, *Wendell P. Brown*, Solicitor General, and *Abe Wagman*, Special Assistant Attorney General, for the State of New York. *Robert S. Fougner* and *Frank S. Ketcham* for the Teeval Co., Inc. *John P. McGrath* filed a brief for New York City, as *amicus curiae*, supporting the petition in No. 306. Reported below: 301 N. Y. 346, 93 N. E. 2d 884.

No. 346. JAWROWER *v.* LEIGHTON ET AL.; and

No. 350. LEIGHTON ET AL. *v.* JAWROWER. Court of Appeals of New York. Certiorari denied. *Barney Rosenstein* for Jawrower. *Barnet Kaprow* for petitioners in No. 350 and respondents in No. 346. *John P. McGrath* filed a brief for New York City, as *amicus curiae*, supporting the petition in No. 346. Reported below: 301 N. Y. 346, 93 N. E. 2d 884.

No. 308. DEAN MILK CO. *v.* NATIONAL DAIRYMEN ASSOCIATION, INC. C. A. 7th Cir. Certiorari denied. *Fred A. Gariepy* and *Owen Rall* for petitioner. *Daniel M. Schuyler* for respondent. Reported below: 183 F. 2d 349.

No. 309. BROTHERHOOD OF RAILROAD TRAINMEN *v.* PENNSYLVANIA-READING SEASHORE LINES ET AL. Supreme Court of New Jersey. Certiorari denied. *Lester A. Drenk* and *James M. Davis, Jr.* for petitioner. *James D. Carpenter* for the Pennsylvania-Reading Seashore Lines, respondent. Reported below: 5 N. J. 114, 74 A. 2d 265.

340 U.S.

November 6, 1950.

No. 311. *GOGGIN, RECEIVER, v. BANK OF AMERICA NATIONAL TRUST & SAVINGS ASSOCIATION*. C. A. 9th Cir. Certiorari denied. *Martin Gendel* for petitioner. *Hugo A. Steinmeyer, Robert H. Fabian* and *Samuel B. Stewart, Jr.* for respondent. Reported below: 183 F. 2d 322.

No. 317. *RYLES v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. *Jack T. Conn* for petitioner. *Solicitor General Perlman, Assistant Attorney General McInerney, Irving S. Shapiro* and *Robert G. Maysack* for the United States. Reported below: 183 F. 2d 944.

No. 319. *EM. H. METTLER & SONS v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 9th Cir. Certiorari denied. *George H. Zeutzius* and *A. P. G. Steffes* for petitioner. *Solicitor General Perlman, Assistant Attorney General Caudle, Ellis N. Slack* and *Hilbert P. Zarky* for respondent. Reported below: 181 F. 2d 848.

No. 320. *WINBERRY v. SALISBURY*. Supreme Court of New Jersey. Certiorari denied. *Frank G. Schlosser* for petitioner. *Theodore D. Parsons*, Attorney General of New Jersey, *Warren Dixon, Jr.*, Deputy Attorney General, and *Joseph A. Murphy*, Assistant Deputy Attorney General, for respondent. Reported below: 5 N. J. 240, 74 A. 2d 406.

No. 327. *KENT v. CANFIELD ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Austin F. Canfield, pro se*, and *Lester Wood, pro se*.

No. 333. *BECK ET AL., TRADING AS MITCHEL BECK CO., v. THE VIZCAYA ET AL.* C. A. 3d Cir. Certiorari denied. *Thomas E. Byrne, Jr.* for petitioners. *Joseph W. Henderson* for respondents. Reported below: 182 F. 2d 942.

November 6, 1950.

340 U. S.

No. 337. PUETT ELECTRICAL STARTING GATE CORP. *v.* HARFORD AGRICULTURAL & BREEDERS' ASSOCIATION ET AL. C. A. 4th Cir. Certiorari denied. *Daniel L. Morris, Edward G. Curtis, Truman S. Safford and Joseph V. Meigs* for petitioner. *W. Brown Morton and J. Cookman Boyd, Jr.* for respondents. Reported below: 182 F. 2d 608.

No. 340. ANGLIN ET AL. *v.* BENDER. Supreme Court of Georgia. Certiorari denied. *J. C. Murphy and Henry L. Bowden* for petitioners. *Harold Sheats* for respondent. Reported below: 207 Ga. 108, 60 S. E. 2d 756.

No. 272. MORFORD *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. *Abraham J. Isserman, David Rein and Joseph Forer* for petitioner. *Solicitor General Perlman* for the United States. Reported below: 87 U. S. App. D. C. —, 184 F. 2d 864.

No. 316. SWIFT & Co. *v.* RECONSTRUCTION FINANCE CORP. C. A. 7th Cir. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this application. *Edward R. Johnston, Albert E. Jenner, Jr., Edgar Byron Kixmiller and William N. Strack* for petitioner. *Solicitor General Perlman, Assistant Attorney General Morison, Samuel D. Slade and Morton Hollander* for respondent. Reported below: 183 F. 2d 456.

No. 34, Misc. KUNKLE *v.* ASHE, WARDEN. Supreme Court of Pennsylvania. Certiorari denied.

No. 138, Misc. DORSEY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Bart. A. Riley* for petitioner. *Solicitor General Perlman, Assistant Attorney General McInerney, Robert S. Erdahl and Robert G. Maysack* for the United States.

340 U. S.

November 6, 1950.

No. 151, Misc. REED *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Morris Lavine* for petitioner. Reported below: 181 F. 2d 141.

No. 162, Misc. COOPER ET AL. *v.* RUST ENGINEERING Co. C. A. 6th Cir. Certiorari denied. *James G. Wheeler* for petitioners. *J. D. Inman* and *E. Palmer James* for respondent. *Solicitor General Perlman* and *William S. Tyson* filed a memorandum for the United States, as *amicus curiae*, supporting the petition. Reported below: 181 F. 2d 107.

No. 188, Misc. GOLDSTEIN *v.* JOHNSON, SECRETARY OF DEFENSE. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Reported below: 87 U. S. App. D. C. —, 184 F. 2d 342.

No. 201, Misc. PENSKI *v.* ROBINSON, WARDEN. Supreme Court of Illinois. Certiorari denied.

No. 204, Misc. KNOWLES *v.* CALIFORNIA. Supreme Court of California. Certiorari denied. *Rosalind G. Bates* for petitioner. Reported below: 35 Cal. 2d 175, 217 P. 2d 1.

No. 209, Misc. BALLES *v.* BURKE, WARDEN. Supreme Court of Pennsylvania. Certiorari denied.

No. 212, Misc. HANSON *v.* WARDEN, MARYLAND PENITENTIARY. Court of Appeals of Maryland. Certiorari denied. Reported below: — Md. —, 75 A. 2d 924.

No. 214, Misc. JENKOT *v.* GREEN ET AL. C. A. 7th Cir. Certiorari denied.

November 6, 13, 1950.

340 U. S.

No. 215, Misc. PERKINS *v.* UTECHT, WARDEN. Supreme Court of Minnesota. Certiorari denied. Reported below: 232 Minn. 116, 44 N. W. 2d 113.

NOVEMBER 13, 1950.

Per Curiam Decisions.

No. 5. COMPAGNA ET AL. *v.* HIATT, WARDEN. Certiorari, 339 U. S. 955, to the United States Court of Appeals for the Fifth Circuit. Argued October 9-10, 1950. Decided November 13, 1950. *Per Curiam*: The judgment is affirmed by an equally divided Court. MR. JUSTICE CLARK took no part in the consideration or decision of this case. *Wm. Scott Stewart* argued the cause for petitioners. With him on the brief was *A. Walton Nall*. *Stanley M. Silverberg* argued the cause for respondent. With him on the brief were *Solicitor General Perlman*, *Assistant Attorney General McInerney*, *Robert S. Erdahl* and *Philip R. Monahan*. Reported below: 178 F. 2d 42.

No. 292. MOLSSEN *v.* YOUNG, INSPECTOR IN CHARGE, U. S. IMMIGRATION AND NATURALIZATION SERVICE. On petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. *Per Curiam*: The petition for writ of certiorari is granted. The joint motion of petitioner and the Solicitor General for remand of this case is granted. The judgments of the Court of Appeals and the District Court are vacated and the cause is remanded to the District Court for consideration of the effect of § 25 of the Subversive Activities Control Act of 1950, 64 Stat. 987, 1013, with leave to each party to present further evidence upon the material issues of the case. *Searcy L. Johnson* for petitioner. *Solicitor General Perlman* for respondent. Reported below: 182 F. 2d 480.

340 U. S.

November 13, 1950.

No. 371. *SHUB v. SIMPSON, SECRETARY OF STATE OF MARYLAND*. Appeal from the Court of Appeals of Maryland. *Per Curiam*: The appeal is dismissed on the ground that the federal questions have become moot. *I. Duke Avnet* for appellant. *Hall Hammond*, Attorney General of Maryland, *J. Edgar Harvey*, Deputy Attorney General, and *Harrison L. Winter*, Assistant Attorney General, for appellee. Reported below: 76 A. 2d 332.

No. 373. *BOREN ET AL. v. STATE OF WASHINGTON ET AL.* Appeal from the Supreme Court of Washington. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Jeffrey Heiman* for appellants. *John J. Sullivan* for appellees. Reported below: 36 Wash. 2d 522, 219 P. 2d 566.

No. 381. *BOARD OF SUPERVISORS OF ELIZABETH CITY COUNTY ET AL. v. STATE MILK COMMISSION*. Appeal from the Supreme Court of Appeals of Virginia. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Henry H. Fowler* for appellants. *J. Lindsay Almond, Jr.*, Attorney General of Virginia, for appellee. Reported below: 191 Va. 1, 60 S. E. 2d 35.

No. 181, Misc. *JOHNSON v. PENNSYLVANIA*. On petition for writ of certiorari to the Supreme Court of Pennsylvania. *Per Curiam*: The petition for writ of certiorari is granted and the judgment is reversed. *Turner v. Pennsylvania*, 338 U. S. 62. MR. JUSTICE REED and MR. JUSTICE JACKSON are of opinion that this Court should not reverse the highest court of a State without hearing and that the circumstances of this case differ from those of the

November 13, 1950.

340 U.S.

Turner case. Milford J. Meyer for petitioner. Colbert C. McClain and John H. Maurer for respondent. Reported below: 365 Pa. 303, 74 A. 2d 144.

Certiorari Granted. (See also No. 292 and Misc. No. 181, supra.)

No. 298. ZITTMAN (WITH WHOM THE CHASE NATIONAL BANK WAS IMPEADED BELOW) *v.* McGRATH, ATTORNEY GENERAL, SUCCESSOR TO THE ALIEN PROPERTY CUSTODIAN;

No. 299. ZITTMAN (WITH WHOM THE FEDERAL RESERVE BANK OF NEW YORK WAS IMPEADED BELOW) *v.* McGRATH, ATTORNEY GENERAL, SUCCESSOR TO THE ALIEN PROPERTY CUSTODIAN;

No. 314. MCCARTHY (WITH WHOM THE CHASE NATIONAL BANK WAS IMPEADED BELOW) *v.* McGRATH, ATTORNEY GENERAL, SUCCESSOR TO THE ALIEN PROPERTY CUSTODIAN;

No. 315. MCCARTHY (WITH WHOM THE FEDERAL RESERVE BANK OF NEW YORK WAS IMPEADED BELOW) *v.* McGRATH, ATTORNEY GENERAL, SUCCESSOR TO THE ALIEN PROPERTY CUSTODIAN; and

No. 324. McCLOSKEY, SHERIFF, *v.* McGRATH, ATTORNEY GENERAL, SUCCESSOR TO THE ALIEN PROPERTY CUSTODIAN. C. A. 2d Cir. Certiorari granted. *Joseph M. Cohen* for Zittman. *Henry I. Fillman* and *Otto C. Sommerich* for McCarthy. *Sidney Posner* for McCloskey, Sheriff. *Solicitor General Perlman*, *Assistant Attorney General Baynton* and *George B. Searls* for respondent. Reported below: 182 F. 2d 349.

Certiorari Denied.

No. 261. CANAVERAL PORT AUTHORITY *v.* 1329.25 ACRES OF LAND, MORE OR LESS, IN BREVARD COUNTY, FLORIDA, ET AL. Supreme Court of Florida. Certiorari

340 U. S.

November 13, 1950.

denied. The motion of respondents to tax costs is also denied. *William D. Jones, Jr.* for petitioner. *L. C. Crofton* for respondents. Reported below: 46 So. 2d 611.

No. 287. *SUDAMETAL SOCIEDAD ANONIMA SUD AMERICANA DE METALES Y MINERALES v. UNITED STATES*. Court of Claims. Certiorari denied. *Harry T. Zucker* for petitioner. *Solicitor General Perlman, Assistant Attorney General Morison, Samuel D. Slade* and *Joseph Kovner* for the United States. Reported below: 116 Ct. Cl. 789, 90 F. Supp. 551.

No. 312. *HOLLOWAY ET AL. v. PURCELL, DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS, ET AL.* Supreme Court of California. Certiorari denied. *Darold D. DeCoe* for petitioners. Reported below: 35 Cal. 2d 220, 217 P. 2d 665.

No. 322. *TRANSAMERICA CORPORATION ET AL. v. BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM*; and

No. 323. *BANK OF AMERICA NATIONAL TRUST & SAVINGS ASSOCIATION ET AL. v. BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM*. C. A. 9th Cir. Certiorari denied. *Samuel B. Stewart, Jr.* and *Gerhard A. Gesell* for petitioners in No. 322. *Thurman Arnold, Abe Fortas, Paul A. Porter, Milton V. Freeman* and *Luther E. Birdzell* for petitioners in No. 323. *Solicitor General Perlman* and *Robert L. Stern* for respondent. Reported below: See 184 F. 2d 311, 319, 326.

No. 332. *CLAWSON & BALS, INC. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Harold T. Halfpenny* and *E. S. D. Butterfield* for petitioner. *Solicitor General Perlman, Assistant Attorney General Caudle, Ellis N. Slack* and *A. F. Prescott* for the United States. Reported below: 182 F. 2d 402.

November 13, 1950.

340 U. S.

No. 353. *LAND ET AL. v. DOLLAR ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE CLARK took no part in the consideration or decision of this application. *Solicitor General Perlman* for petitioners. *Herman Phleger, Maurice E. Harrison, Gregory A. Harrison, Moses Lasky, Clinton M. Hester and Michael M. Kearney* for respondents. Reported below: 87 U. S. App. D. C. —, 184 F. 2d 245.

No. 13, Misc. *CUCKOVICH v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 181 F. 2d 187.

No. 52, Misc. *STRINGER v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 210, Misc. *CARNEY v. REDNOUR, SUPERINTENDENT.* Circuit Court of Sangamon County, Illinois. Certiorari denied.

No. 211, Misc. *MASON v. STATE OF WASHINGTON.* Supreme Court of Washington. Certiorari denied.

Rehearing Denied.

No. 16, Misc. *BERG v. UNITED STATES, ante*, p. 805;

No. 31, Misc. *MULKEY v. BREAKEY, CIRCUIT JUDGE, ET AL., ante*, p. 837;

No. 42, Misc. *LYLE v. EIDSON, WARDEN, ante*, p. 837;

No. 105, Misc. *SISKIND v. UNITED STATES, ante*, p. 854;

No. 123, Misc. *DI STEFANO ET AL. v. BEONDY, ante*, p. 842; and

No. 156, Misc. *LEVY v. SAWYER, SECRETARY OF COMMERCE, ET AL., ante*, p. 855. The petitions for rehearing in these cases are denied.

340 U. S.

November 13, 1950.

- No. 53. BEVIS *v.* ARMCO STEEL CORP., *ante*, p. 810;
No. 69. SHOTKIN *v.* COLORADO EX REL. ATTORNEY
GENERAL OF COLORADO, *ante*, p. 832;
No. 118. JOHNSTON *v.* MCINTEE ET AL., *ante*, p. 817;
No. 124. SMILEY *v.* UNITED STATES, *ante*, p. 817;
No. 152. EL DORADO OIL WORKS *v.* MCCOLGAN, FRAN-
CHISE TAX COMMISSIONER, *ante*, p. 801;
No. 155. SABIN ET AL. *v.* LEVORSEN, *ante*, p. 833;
No. 156. SABIN ET AL. *v.* MIDLAND SAVINGS & LOAN
Co., *ante*, p. 833;
No. 164. ROBERTS *v.* MISSOURI-KANSAS-TEXAS RAIL-
ROAD Co., *ante*, p. 832;
No. 180. BROTHERHOOD OF RAILROAD TRAINMEN *v.*
TEMPLETON ET AL., *ante*, p. 823;
No. 197. PORHOWNIK ET AL. *v.* UNITED STATES, *ante*,
p. 825;
No. 214. FRUEHAUF TRAILER Co. *v.* MYERS, *ante*,
p. 827;
No. 222. SCHATTE ET AL. *v.* INTERNATIONAL ALLIANCE
OF THEATRICAL STAGE EMPLOYEES AND MOVING PICTURE
MACHINE OPERATORS OF THE UNITED STATES AND CANADA
ET AL., *ante*, p. 827;
No. 223. STUDIO CARPENTERS LOCAL UNION No. 946 *v.*
LOEW'S, INC. ET AL., *ante*, p. 828;
No. 224. MACKAY ET AL. *v.* LOEW'S, INC. ET AL., *ante*,
p. 828;
No. 232. TURNER *v.* ALTON BANKING & TRUST Co.,
EXECUTOR, *ante*, p. 833;
No. 235. CHICAGO & SOUTHERN AIR LINES, INC. *v.*
CIVIL AERONAUTICS BOARD ET AL., *ante*, p. 829. The peti-
tions for rehearing in these cases are denied.

No. 191. WILLUMEIT *v.* UNITED STATES, *ante*, p. 834.
Rehearing denied. MR. JUSTICE CLARK took no part in
the consideration or decision of this application.

November 25, 27, 1950.

340 U. S.

NOVEMBER 25, 1950.

Certiorari Denied.

No. 253, Misc. *McGARTY v. MASSACHUSETTS*. Supreme Judicial Court of Massachusetts. The motion for a stay of execution of sentence of death is denied. *Certiorari* denied. *William C. Crossley* for petitioner. Reported below: 326 Mass. 413, 95 N. E. 2d 158.

NOVEMBER 27, 1950.

Per Curiam Decision.

No. 402. *KAISER COMPANY, INC. ET AL. v. BASKIN*. Appeal from the District Court of Appeal, First Appellate District, of California. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. *Baskin v. Industrial Accident Commission*, 338 U. S. 854; *Bethlehem Steel Co. v. Moores*, 335 U. S. 874; *Davis v. Department of Labor*, 317 U. S. 249. *Allan P. Matthew* for appellants. *Franklin C. Stark* and *Samuel B. Horovitz* for appellee. Reported below: 97 Cal. App. 2d 257, 217 P. 2d 733.

Miscellaneous Orders.

No. 163. *O'DONOVAN, U. S. MARSHAL, v. UNITED STATES EX REL. DE LUCIA*. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit dismissed on motion of counsel for the petitioner. MR. JUSTICE CLARK took no part in the consideration or decision of this application. *Solicitor General Perlman* for petitioner. *Wm. Scott Stewart* and *George Callaghan* for respondent. Reported below: 178 F. 2d 876.

No. 216, Misc. *SMITH v. FRISBIE, WARDEN*. Motion for leave to file petition for writ of habeas corpus denied.

340 U. S.

Statement of FRANKFURTER, J.

No. 336. DENNIS ET AL. v. UNITED STATES, *ante*, p. 863. C. A. 2d Cir. The motion of petitioners for a postponement of oral argument is denied. The motion of petitioners for a member of the English Bar to participate in oral argument *pro hac vice* is granted. The motion of petitioners to grant an aggregate of two hours for oral argument, divided among three attorneys, is granted. MR. JUSTICE CLARK took no part in the consideration or decision of these motions. An individual statement was filed by MR. JUSTICE FRANKFURTER. *Harry Sacher* and *Abraham J. Isserman* were on the motions for petitioners. *Solicitor General Perlman* for the United States. Reported below: 183 F. 2d 201.

Individual Statement of MR. JUSTICE FRANKFURTER.

The petition for certiorari in this case was granted on October 23. 340 U. S. 863. For obvious reasons, criminal cases should be heard with every expedition. In view of the nature and range of the issues here involved, the case was set for argument on December 4, 1950. On November 17, the petitioners moved the Court to postpone the argument until January 22, 1951, in order to make possible participation in the argument by an English barrister.

Adequate presentation by qualified counsel of issues relevant to a litigation is indispensable to the adjudicatory process of this Court. To that end, litigants have the unquestioned right to make their choice from the members of the bar of this Court, or even to be represented by nonmembers of this bar who are given special leave under appropriate circumstances to appear *pro hac vice*. If a party is unable to secure representation, this Court, on cause shown, appoints qualified counsel. Intrinsic professional competence alone matters. The name or fame of counsel plays no part whatever in the attention

paid to argument, and is wholly irrelevant to the outcome of a case.

If this were a case in which the Court were duly advised that the petitioners were without adequate legal representation and were unable to secure competent counsel, the Court would of course appoint counsel qualified to press upon the Court the arguments on behalf of the petitioners. There is not the remotest suggestion that the counsel who have thus far appeared in the Court of Appeals and here are not in every way fully equipped to present the cause of the petitioners. There is no suggestion that these lawyers will not in every way meet their duties to their clients as well as to the Court. Indeed it is clear that they are especially qualified for this professional task. These five lawyers argued these questions at length before the Court of Appeals and submitted full briefs to that court. They are the same five lawyers who successfully presented the motion for admission to bail to Circuit Justice Jackson, 184 F. 2d 280, and on whose petition and brief this Court granted a review of the decision of the Court of Appeals. They are the same five lawyers who on November 20 filed a brief on behalf of the petitioners constituting a volume of 280 pages, which, even on a cursory examination, is disclosed as an able piece of advocacy.

Solicitous regard for every interest of the petitioners is part of the due administration of justice. In these circumstances their interests will be fully safeguarded if the case proceeds to argument as originally set, on December 4. If, on that day, counsel for petitioners deem it desirable to associate with themselves any other counsel, whether a member of the bar of this Court or, *pro hac vice*, a member of the bar of England or Australia, they are of course free to do so. See Rule 2 of the Rules of this Court, as amended.

340 U. S.

November 27, 1950.

No. 10, Original. *GEORGIA v. PENNSYLVANIA RAILROAD Co. ET AL.* Upon consideration of the motions of the defendants to dismiss and the joinder therein by the complainant,

It is ordered that the amended bill of complaint be, and the same is hereby, dismissed.

Costs, including the fee of the Special Master and his expenses, not satisfied by moneys advanced by the parties during the course of the case, are to be taxed against the defendants.

Eugene Cook, Attorney General of Georgia, and *William L. McGovern*, Deputy Assistant Attorney General, for complainant. *John Dickinson*, *Hugh B. Cox*, *J. Aronson*, *E. H. Burgess*, *D. O. Mathews*, *James B. Osborne*, *W. T. Pierson*, *Harold A. Smith*, *E. Randolph Williams*, *D. Lynch Younger*, *Thomas M. Woodward*, *Sidney S. Alderman*, *William H. Swiggart*, *W. L. Grubbs*, *W. R. C. Cocke*, *Vernon W. Foster*, *Richard B. Gwathmey* and *R. V. Fletcher* for the Pennsylvania Railroad Co. et al.; and *Robert W. Purcell* and *Horace L. Walker* for the Chesapeake & Ohio Railway Co., defendants.

No. 217, Misc. *JERONIS v. SUPREME COURT OF MICHIGAN.* Motion for leave to file petition for writ of mandamus denied.

No. 225, Misc. *SGRO v. BURKE, WARDEN.* Motion for leave to file petition for writ of habeas corpus denied.

Certiorari Granted.

No. 295. *ROBERTSON, PRESIDENT, ARMY REVIEW BOARD, v. CHAMBERS.* United States Court of Appeals for the District of Columbia Circuit. *Certiorari granted. Solicitor General Perlman* for petitioner. *H. Russell Bishop* for respondent. Reported below: 87 U. S. App. D. C. —, 183 F. 2d 144.

November 27, 1950.

340 U. S.

No. 344. UNITED STATES *v.* MOORE ET UX. C. A. 5th Cir. Certiorari granted. *Solicitor General Perlman* and *Ed Dupree* for the United States. *Frank Cusack* for respondents. Reported below: 182 F. 2d 332.

No. 348. JORDAN, DISTRICT DIRECTOR OF IMMIGRATION AND NATURALIZATION, *v.* DE GEORGE. C. A. 7th Cir. Certiorari granted. *Solicitor General Perlman* for petitioner. *Thomas F. Dolan* for respondent. Reported below: 183 F. 2d 768.

No. 363. 62 CASES OF JAM ET AL. *v.* UNITED STATES. C. A. 10th Cir. Certiorari granted. *Clarence L. Ireland* and *Benjamin F. Stapleton, Jr.* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General McInerney*, *Robert S. Erdahl* and *John T. Grigsby* for the United States. Reported below: 183 F. 2d 1014.

No. 189, Misc. SHEPHERD ET AL. *v.* FLORIDA. Supreme Court of Florida. Certiorari granted. *Franklin H. Williams*, *Thurgood Marshall* and *Robert L. Carter* for petitioners. *Richard W. Ervin*, Attorney General of Florida, *Howard S. Bailey* and *Reeves Bowen*, Assistant Attorneys General, for respondent. Reported below: 46 So. 2d 880.

Certiorari Denied.

No. 251. DUISBERG *v.* UNITED STATES. Court of Claims. Certiorari denied. *Eugene L. Garey* and *Abraham Hornstein* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Morison* and *Paul A. Sweeney* for the United States. Reported below: 116 Ct. Cl. 861, 89 F. Supp. 1019.

No. 339. KAMEN *v.* GRAY, SHERIFF. Supreme Court of Kansas. Certiorari denied. *Mark H. Adams* for petitioner. *Harold R. Fatzer*, Attorney General of Kansas,

340 U. S.

November 27, 1950.

C. Harold Hughes, Assistant Attorney General, and *John F. Eberhardt* for respondent. Reported below: 169 Kan. 664, 220 P. 2d 160.

No. 343. *KARRELL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *John W. Preston* for petitioner. *Solicitor General Perlman*, Assistant Attorney General *McInerney*, *Robert S. Erdahl* and *Felicia H. Dubrovsky* for the United States. Reported below: 181 F. 2d 981.

No. 341. *SMITH ET AL. v. FLORENCE-MAYO NUWAY CO. ET AL.* C. A. 4th Cir. Certiorari denied. *Clarence M. Fisher* and *W. Brown Morton* for petitioners. *J. Hanson Boyden* and *Bernard F. Garvey* for respondents. Reported below: 182 F. 2d 507.

No. 354. *CALIFORNIA STATE BOARD OF EQUALIZATION v. GOGGIN, RECEIVER IN BANKRUPTCY*. C. A. 9th Cir. Certiorari denied. *Fred N. Howser*, Attorney General of California, *Walter L. Bowers*, Assistant Attorney General, and *James E. Sabine* and *Edward Sumner*, Deputy Attorneys General, for petitioner. Reported below: 183 F. 2d 489.

No. 361. *SIMMS ET AL. v. COUNTY OF LOS ANGELES ET AL.* Supreme Court of California. Certiorari denied. *W. Sumner Holbrook, Jr.* and *Edmund Nelson* for petitioners. *Harold W. Kennedy* for respondents. Briefs of *amici curiae* supporting the petition were filed by *Solicitor General Perlman* for the United States, and *William L. Holloway* and *C. Coolidge Kreis* for the California Bankers Association. Reported below: 35 Cal. 2d 303, 217 P. 2d 936.

No. 362. *SECURITY-FIRST NATIONAL BANK OF LOS ANGELES v. COUNTY OF LOS ANGELES ET AL.* Supreme Court of California. Certiorari denied. *W. Sumner Holbrook*,

November 27, 1950.

340 U. S.

Jr. and Edmund Nelson for petitioner. *Harold W. Kennedy* for respondents. *William L. Holloway* and *C. Coolidge Kreis* filed a brief for the California Bankers Association, as *amicus curiae*, supporting the petition. Reported below: 35 Cal. 2d 319, 217 P. 2d 946.

No. 369. CARROLL ET UX. *v.* KELLY, ADMINISTRATRIX. Supreme Court of Washington. Certiorari denied. *Clarence C. Dill* for petitioners. *Harry T. Davenport* for respondent. Reported below: 36 Wash. 2d 482, 219 P. 2d 79.

No. 370. KNAUTH ET AL. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Arnold W. Knauth* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Morison*, *Samuel D. Slade* and *Joseph Kovner* for the United States. Reported below: 183 F. 2d 874.

No. 377. STANDARD OIL CO. *v.* CITY OF TALLAHASSEE. C. A. 5th Cir. Certiorari denied. *Lawrence A. Truett* and *Charles G. Middleton* for petitioner. *James Messer, Jr.* for respondent. Reported below: 183 F. 2d 410.

No. 38, Misc. RICHTER *v.* UNITED STATES; and

No. 39, Misc. CANNON *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *A. L. Wirin* and *Fred Okrand* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General McInerney*, *Philip R. Monahan* and *Robert G. Maysack* for the United States. Reported below: 181 F. 2d 354, 591.

No. 60, Misc. ALLEN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 79, Misc. MARTIN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 182 F. 2d 225.

340 U. S.

November 27, 1950.

No. 96, Misc. KIMBALL *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 183 F. 2d 327.

No. 208, Misc. STAUFFER *v.* WARDEN, MARYLAND HOUSE OF CORRECTION. Court of Appeals of Maryland. Certiorari denied.

No. 220, Misc. COUCHOIS *v.* MICHIGAN. Supreme Court of Michigan. Certiorari denied.

No. 224, Misc. HOLT *v.* HEINZE, WARDEN. Supreme Court of California. Certiorari denied.

No. 229, Misc. HARDING *v.* HEINZE, WARDEN. Supreme Court of California. Certiorari denied.

No. 230, Misc. WASHBURN *v.* UTECHT, WARDEN. Supreme Court of Minnesota. Certiorari denied.

No. 231, Misc. TIMMONS *v.* FAGAN. Supreme Court of South Carolina. Certiorari denied. Reported below: 217 S. C. 432, 60 S. E. 2d 863.

No. 232, Misc. IN RE WALKER. Supreme Court of Appeals of Virginia. Certiorari denied.

Rehearing Denied.

No. 19. GARA *v.* UNITED STATES, *ante*, p. 857. Rehearing denied. MR. JUSTICE CLARK took no part in the consideration or decision of this application.

No. 165. DEAUVILLE ASSOCIATES, INC. *v.* MURRELL ET AL., RECEIVERS, *ante*, p. 821. Motion for leave to file petition for rehearing denied.

November 27, December 4, 1950.

340 U. S.

No. 76. SWARZ *v.* GOOLSBY, *ante*, p. 813;

No. 114. HENDRICKS *v.* SMITH, AUDITOR OF BUTLER COUNTY, ET AL., *ante*, p. 801;

No. 159. UNIVERSAL OIL PRODUCTS CO. *v.* CAMPBELL ET AL., *ante*, p. 850;

No. 189. LANSDEN ET AL. *v.* HART, U. S. ATTORNEY, ET AL., *ante*, p. 824;

No. 209. EMICH MOTORS CORP. ET AL. *v.* GENERAL MOTORS CORP. ET AL., *ante*, p. 808;

No. 233. STEADMAN *v.* SOUTH CAROLINA, *ante*, p. 850;

No. 243. EVANS *v.* MANNING, *ante*, p. 851;

No. 263. HINTON *v.* MISSISSIPPI, *ante*, p. 802; and

No. 281. UNITED STATES *v.* ALCEA BAND OF TILLAMOOKS ET AL., *ante*, p. 873. Petitions for rehearing in these cases denied.

No. 45, Misc. CHICK *v.* MOORE, WARDEN, *ante*, p. 837;

No. 80, Misc. GIBBS *v.* BUSHONG, SUPERINTENDENT, *ante*, p. 804;

No. 152, Misc. DUNNE *v.* RAILROAD RETIREMENT BOARD, *ante*, p. 854;

No. 165, Misc. ROY ET AL. *v.* OFFICE OF THE HOUSING EXPEDITER, *ante*, p. 855;

No. 171, Misc. HARRIS *v.* NEW YORK, *ante*, p. 855; and

No. 187, Misc. SHOTKIN *v.* PERKINS ET AL., *ante*, p. 856. Petitions for rehearing in these cases denied.

DECEMBER 4, 1950.

Miscellaneous Orders.

No. 238, Misc. KEITH *v.* WYOMING ET AL. The motion for leave to file petition for writ of habeas corpus is denied.

No. 241, Misc. JONES *v.* HOOPER ET AL., U. S. DISTRICT JUDGES. The motion for leave to file petition for writ of mandamus is denied.

340 U. S.

December 4, 1950.

No. 246, Misc. *SESI v. REID*, SUPERINTENDENT, WASHINGTON ASYLUM AND JAIL. The motion for leave to file petition for writ of habeas corpus is denied. *James K. Hughes* and *T. Emmett McKenzie* for petitioner.

No. 247, Misc. *CROSS v. BOYLES*, CHIEF JUSTICE OF THE SUPREME COURT OF MICHIGAN. The motion for leave to file petition for writ of mandamus is denied.

No. 249, Misc. *HACKWORTH v. HIATT*, WARDEN; and No. 251, Misc. *STINCHCOMB v. CALIFORNIA ET AL.* The motions for leave to file petitions for writs of habeas corpus are denied.

Certiorari Granted.

No. 364. *UNITED STATES v. ALLIED OIL CORP. ET AL.* C. A. 7th Cir. Certiorari granted. *Solicitor General Perlman* for the United States. *Thomas J. Downs, Julius L. Sherwin, Theodore R. Sherwin, Michael F. Mulcahy* and *Henry W. Dieringer* for respondents. Reported below: 183 F. 2d 453.

Certiorari Denied.

No. 356. *GENERAL STEEL CASTINGS CORP. ET AL. v. MISSISSIPPI RIVER FUEL CORP. ET AL.*;

No. 357. *ALTON BOX BOARD CO. ET AL. v. MISSISSIPPI RIVER FUEL CORP. ET AL.*; and

No. 360. *ILLINOIS COMMERCE COMMISSION v. MISSISSIPPI RIVER FUEL CORP. ET AL.* C. A. 5th Cir. Certiorari denied. *Fred E. Fuller, Leslie Henry, William R. Bascom* and *Milton H. Tucker* for petitioners in No. 356 and the General Steel Castings Corporation et al., respondents in No. 360. *George A. McNulty* for petitioners in No. 357. *Ivan A. Elliott*, Attorney General of Illinois, *William R.*

December 4, 1950.

340 U. S.

Ming, Jr., Special Assistant Attorney General, and *Milton Mallin*, Assistant Attorney General, for petitioner in No. 360. *William A. Dougherty*, *James Lawrence White* and *Henry F. Lippitt, II*, for the Mississippi River Fuel Corporation, respondent. Reported below: 181 F. 2d 833.

No. 366. *KLAPPROTT v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. MR. JUSTICE CLARK took no part in the consideration or decision of this application. *P. Bateman Ennis*, *Frederick M. P. Pearse* and *Morton Singer* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General McInerney*, *Robert S. Erdahl* and *Robert G. Maysack* for the United States. Reported below: 183 F. 2d 474.

No. 378. *HESSEY ET AL., CONSTITUTING THE PUBLIC SERVICE COMMISSION OF MARYLAND, ET AL. v. BALTIMORE TRANSIT CO. ET AL.* Court of Appeals of Maryland. Certiorari denied. *Charles D. Harris* for petitioners. *Clarence W. Miles*, *Henry H. Waters* and *William B. Rafferty* for respondents. Reported below: — Md. —, 75 A. 2d 76.

No. 380. *M. H. JACOBS CO., INC. ET AL. v. STAHLY, INC.* C. A. 7th Cir. Certiorari denied. *Sidney Neuman* and *Arthur B. Seibold, Jr.* for petitioners. *Jules L. Brady* and *John Rex Allen* for respondent. Reported below: 183 F. 2d 914.

No. 386. *ADMIRAL CORPORATION v. HAZELTINE RESEARCH, INC.* C. A. 7th Cir. Certiorari denied. *Floyd H. Crews*, *Morris Relson* and *Francis H. Uriell* for petitioner. *Laurence B. Dodds*, *Miles D. Pillars*, *Philip F. LaFollette*, *Leonard A. Watson* and *M. Hudson Rathburn* for respondent. Reported below: 183 F. 2d 953.

340 U. S.

December 4, 1950.

No. 3, Misc. *BARRETT v. HUNTER*, WARDEN. C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Perlman*, Assistant Attorney General *McInerney*, *Philip R. Monahan* and *Robert G. Maysack* for respondent. Reported below: 180 F. 2d 510.

No. 49, Misc. *SPADAFORA v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Perlman*, Assistant Attorney General *McInerney*, *Robert S. Erdahl* and *Robert G. Maysack* for the United States. Reported below: 181 F. 2d 957.

No. 93, Misc. *GOMEZ v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 119, Misc. *ANDERSON v. LAINSON*, WARDEN. Supreme Court of Iowa. Certiorari denied. Petitioner *pro se*. *Robert L. Larson*, Attorney General of Iowa, and *Don Hise*, First Assistant Attorney General, for respondent.

No. 157, Misc. *WOOLLOMES v. HEINZE*, WARDEN. Supreme Court of California. Certiorari denied. Petitioner *pro se*. *Fred N. Howser*, Attorney General of California, and *Clarence A. Linn*, Deputy Attorney General, for respondent.

No. 223, Misc. *IN RE BYRER*. C. A. 4th Cir. Certiorari denied.

No. 243, Misc. *CLIFTON v. BURFORD*, WARDEN. Criminal Court of Appeals of Oklahoma. Certiorari denied.

No. 244, Misc. *DUTTON v. ROBINSON*, WARDEN. Circuit Court of Adams County, Illinois. Certiorari denied.

No. 252, Misc. *TINNIN v. HEINZE*, WARDEN. Supreme Court of California. Certiorari denied.

December 4, 11, 1950.

340 U. S.

Rehearing Denied.

No. 234. KELLY, TRADING AS KELLY DAIRIES, *v.* UNITED STATES, *ante*, p. 850. Rehearing denied.

No. 264. STOPPELLI *v.* UNITED STATES, *ante*, p. 864. The motion for leave to file petition for rehearing is denied.

No. 311. GOGGIN, RECEIVER, *v.* BANK OF AMERICA NATIONAL TRUST & SAVINGS ASSOCIATION, *ante*, p. 877;

No. 337. PUETT ELECTRICAL STARTING GATE CORP. *v.* HARFORD AGRICULTURAL & BREEDERS' ASSOCIATION ET AL., *ante*, p. 878;

No. 47, Misc. BRENNAN *v.* NEW YORK, *ante*, p. 838; and

No. 188, Misc. GOLDSTEIN *v.* JOHNSON, SECRETARY OF DEFENSE, *ante*, p. 879. Petitions for rehearing in these cases denied.

DECEMBER 11, 1950.

Per Curiam Decisions.

No. 170. UNITED STATES *v.* PENNER INSTALLATION CORP. Certiorari, 340 U. S. 808, to the Court of Claims. Argued November 30, 1950. Decided December 11, 1950. *Per Curiam*: The judgment is affirmed by an equally divided Court. THE CHIEF JUSTICE took no part in the consideration or decision of this case. *Paul A. Sweeney* argued the cause for the United States. With him on the brief were *Solicitor General Perlman* and *Acting Assistant Attorney General Clapp*. *Albert Foreman* argued the cause for respondent. With him on the brief was *M. Carl Levine*. Reported below: 116 Ct. Cl. 550, 89 F. Supp. 545.

No. 195. HOWARD *v.* UNITED STATES. On petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit. *Per Curiam*: The petition for

340 U. S.

December 11, 1950.

writ of certiorari is granted. The judgment of the Court of Appeals is vacated and the cause is remanded to the District Court with directions to vacate its judgment and to dismiss the proceeding upon the ground that the cause is moot. *Roy St. Lewis* for petitioner. *Solicitor General Perlman* for the United States. Reported below: 182 F. 2d 908.

Decrees.

No. 12, Original. UNITED STATES *v.* LOUISIANA. A decree is entered as follows:

"This cause came on to be heard on the motion for judgment filed by the plaintiff and was argued by counsel.

"For the purpose of carrying into effect the conclusions of this Court as stated in its opinion announced June 5, 1950, 339 U. S. 699, it is ordered, adjudged, and decreed as follows:

"1. The United States is now, and has been at all times pertinent hereto, possessed of paramount rights in, and full dominion and power over, the lands, minerals and other things underlying the Gulf of Mexico, lying seaward of the ordinary low-water mark on the coast of Louisiana, and outside of the inland waters, extending seaward twenty-seven marine miles and bounded on the east and west, respectively, by the eastern and western boundaries of the State of Louisiana. The State of Louisiana has no title thereto or property interest therein.

"2. The State of Louisiana, its privies, assigns, lessees, and other persons claiming under it, are hereby enjoined from carrying on any activities upon or in the submerged area described in paragraph 1 hereof for the purpose of taking or removing therefrom any petroleum, gas, or other valuable mineral products, and from taking or removing therefrom any petroleum, gas, or other valuable mineral products, except under authorization first obtained from the United States. On appropriate showing, the United

December 11, 1950.

340 U. S.

States may obtain the other injunctive relief prayed for in the complaint.

"3. The United States is entitled to a true, full, and accurate accounting from the State of Louisiana of all or any part of the sums of money derived by the State from the area described in paragraph 1 hereof subsequent to June 5, 1950, which are properly owing to the United States under the opinion entered in this case on June 5, 1950, this decree, and the applicable principles of law.

"4. Jurisdiction is reserved by this Court to enter such further orders and to issue such writs as may from time to time be deemed advisable or necessary to give full force and effect to this decree."

MR. JUSTICE JACKSON and MR. JUSTICE CLARK took no part in the consideration or decision of this case.

Solicitor General Perlman for the United States. *Bolivar E. Kemp, Jr.*, Attorney General, *John L. Madden*, Assistant Attorney General, *L. H. Perez*, *Bailey Walsh*, *F. Trowbridge vom Baur* and *Cullen R. Liskow* for the State of Louisiana.

No. 13, Original. UNITED STATES *v.* TEXAS. A decree is entered as follows:

"This cause came on to be heard on the motion for judgment filed by the plaintiff and was argued by counsel.

"For the purpose of carrying into effect the conclusions of this Court as stated in its opinion announced June 5, 1950, 339 U. S. 707, it is ordered, adjudged, and decreed as follows:

"1. The United States of America is now, and has been at all times pertinent hereto, possessed of paramount rights in, and full dominion and power over, the lands, minerals and other things underlying the Gulf of Mexico, lying seaward of the ordinary low-water mark on the coast of Texas, and outside of the inland waters, extending seaward to the outer edge of the continental shelf and bounded on the east and southwest, respectively, by the

340 U. S.

December 11, 1950.

eastern boundary of the State of Texas and the boundary between the United States and Mexico. The State of Texas has no title thereto or property interest therein.

"2. The State of Texas, its privies, assigns, lessees, and other persons claiming under it, are hereby enjoined from carrying on any activities upon or in the submerged area described in paragraph 1 hereof for the purpose of taking or removing therefrom any petroleum, gas, or other valuable mineral products, and from taking or removing therefrom any petroleum, gas, or other valuable mineral products, except under authorization first obtained from the United States. On appropriate showing, the United States may obtain the other injunctive relief prayed for in the complaint.

"3. The United States is entitled to a true, full, and accurate accounting from the State of Texas of all or any part of the sums of money derived by the State from the area described in paragraph 1 hereof subsequent to June 5, 1950, which are properly owing to the United States under the opinion entered in this case on June 5, 1950, this decree, and the applicable principles of law.

"4. Jurisdiction is reserved by this Court to enter such further orders and to issue such writs as may from time to time be deemed advisable or necessary to give full force and effect to this decree."

MR. JUSTICE JACKSON and MR. JUSTICE CLARK took no part in the consideration or decision of this case.

Solicitor General Perlman for the United States. *Price Daniel*, Attorney General, and *J. Chrys Dougherty*, *Jesse P. Luton, Jr.*, *K. Bert Watson*, *Dow Heard* and *B. Thomas McElroy*, Assistant Attorneys General, for the State of Texas.

Miscellaneous Orders.

No. 227, Misc. *BOYCE v. CALIFORNIA*. Application denied.

December 11, 1950.

340 U. S.

No. 234, Misc. *MARVICH v. HEINZE, WARDEN*. The motion for leave to file petition for writ of habeas corpus is denied.

No. 258, Misc. *CAREY v. BURKE, WARDEN*. The motion for leave to file petition for writ of certiorari is denied.

Certiorari Granted. (See also No. 195, *supra*.)

No. 85. *LOCAL 74, UNITED BROTHERHOOD OF CARPENTERS & JOINERS OF AMERICA, A. F. OF L., ET AL. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 6th Cir. Certiorari granted. *Charles H. Tuttle and Francis X. Ward* for petitioners. *Solicitor General Perlman, Robert N. Denham, David P. Findling, Mozart G. Ratner and Marcel Mallet-Prevost* for respondent. Reported below: 181 F. 2d 126.

No. 108. *INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 501, A. F. OF L., ET AL. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 2d Cir. Certiorari granted. *Sydney A. Syme, Louis Sherman and Philip R. Collins* for petitioners. *Solicitor General Perlman, Robert N. Denham, David P. Findling, Mozart G. Ratner and Marcel Mallet-Prevost* for respondent. Reported below: 181 F. 2d 34.

No. 313. *NATIONAL LABOR RELATIONS BOARD v. INTERNATIONAL RICE MILLING Co., INC. ET AL.* C. A. 5th Cir. Certiorari granted. *Solicitor General Perlman and David P. Findling* for petitioner. Reported below: 183 F. 2d 21.

No. 393. *NATIONAL LABOR RELATIONS BOARD v. DENVER BUILDING & CONSTRUCTION TRADES COUNCIL ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari granted. *Solicitor General Perlman* for petitioner. *Louis Sherman, Martin F. O'Don-*

340 U. S.

December 11, 1950.

oghue, Philip Hornbein, Jr., William E. Leahy and Wm. J. Hughes, Jr. for respondents. Reported below: 87 U. S. App. D. C. —, 186 F. 2d 326.

No. 338. TENNEY ET AL. *v.* BRANDHOVE. C. A. 9th Cir. Certiorari granted. *Fred N. Howser*, Attorney General of California, *C. J. Scott*, Assistant Attorney General, and *Harold C. Faulkner* for petitioners. *George Olshausen* for respondent. Reported below: 183 F. 2d 121.

No. 347. UNITED STATES *v.* LEWIS. Court of Claims. Certiorari granted. *Solicitor General Perlman* for the United States. *Sigmund W. David* for respondent. Reported below: 117 Ct. Cl. 336, 91 F. Supp. 1017.

No. 438. UNITED GAS, COKE AND CHEMICAL WORKERS OF AMERICA, C. I. O., ET AL. *v.* WISCONSIN EMPLOYMENT RELATIONS BOARD. Supreme Court of Wisconsin. Certiorari granted. *Arthur J. Goldberg* and *Thomas E. Harris* for petitioners. Reported below: 258 Wis. 1, 44 N. W. 2d 547.

Certiorari Denied. (See also No. 258, Misc., *supra.*)

No. 33. OSTRANDER, ADMINISTRATRIX, *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *David H. Moses* for petitioner. *Solicitor General Perlman* for the United States.

No. 334. EASTERN (EMIGRANT) CHEROKEE INDIANS EX REL. NASH ET AL. *v.* UNITED STATES. Court of Claims. Certiorari denied. *Wilfred Hearn* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Vanech* and *Roger P. Marquis* for the United States. Reported below: 116 Ct. Cl. 665, 89 F. Supp. 1006.

December 11, 1950.

340 U. S.

No. 335. WESTERN (OLD SETTLER) CHEROKEE INDIANS EX REL. OWEN ET AL. *v.* UNITED STATES. Court of Claims. Certiorari denied. *Wilfred Hearn* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Vanech* and *Roger P. Marquis* for the United States. Reported below: 116 Ct. Cl. 665, 89 F. Supp. 1006.

No. 351. PITTSBURGH TERMINAL REALIZATION CORP. *v.* HEINER, TRUSTEE. C. A. 3d Cir. Certiorari denied. *Leonard H. Levenson* for petitioner. *James I. Marsh* for respondent. *Solicitor General Perlman*, *Roger S. Foster*, *George Zolotar*, *David Ferber* and *Ellwood L. Englander* filed a brief for the Securities & Exchange Commission opposing the petition. Reported below: 183 F. 2d 520.

No. 367. MARTIN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. *C. Carter Lee* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General McInerney*, *Robert S. Erdahl* and *J. F. Bishop* for the United States. Reported below: 183 F. 2d 436.

No. 368. COMMISSIONER OF INTERNAL REVENUE *v.* TOBIN ET AL. C. A. 5th Cir. Certiorari denied. *Solicitor General Perlman* for petitioner. *Leroy G. Denman, Jr.* for respondents. Reported below: 183 F. 2d 919.

No. 375. STANBACK ET AL. *v.* ROBERTSON, COLLECTOR OF INTERNAL REVENUE. C. A. 4th Cir. Certiorari denied. *H. Gardner Hudson* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Ellis N. Slack*, *Carlton Fox* and *John R. Benney* for respondent. Reported below: 183 F. 2d 889.

No. 379. FREUND *v.* GULF, MOBILE & OHIO RAILROAD Co. C. A. 8th Cir. Certiorari denied. *Chelsea O. Inman* for petitioner. *Wayne Ely* for respondent. Reported below: 183 F. 2d 1005.

340 U. S.

December 11, 1950.

No. 382. *UNIVERSAL CARLOADING & DISTRIBUTING Co., INC. v. PEDRICK, ADMINISTRATRIX, ET AL.* C. A. 2d Cir. Certiorari denied. *Homer S. Cummings, Max O'Rell Truitt, William D. Donnelly* and *Herbert J. Patrick* for petitioner. *Solicitor General Perlman, Assistant Attorney General Caudle, Robert L. Stern, Ellis N. Slack* and *Fred E. Youngman* for Pedrick; and *Clarence M. Mulholland* and *Edward J. Hickey, Jr.* for the Brotherhood of Railway & Steamship Clerks, etc., et al., respondents. Reported below: 184 F. 2d 64.

No. 383. *DEAUVILLE ASSOCIATES, INC. v. LOJOY CORPORATION ET AL.* C. A. 5th Cir. Certiorari denied. *Harold Leventhal* for petitioner. *Albert B. Bernstein* for the Lojoy Corporation, respondent. Reported below: 181 F. 2d 5.

No. 385. *CAPITAL COMPRESSED STEEL Co. v. CHICAGO, ROCK ISLAND & PACIFIC RAILROAD Co. ET AL.* C. A. 10th Cir. Certiorari denied. *Herman Merson* and *Duke Duvall* for petitioner. Reported below: 183 F. 2d 691.

No. 390. *ALLBAUGH ET AL. v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. *George M. Tunison* for petitioners. *Solicitor General Perlman, Assistant Attorney General Vanech, Roger P. Marquis* and *John C. Harrington* for the United States. Reported below: 184 F. 2d 109.

No. 391. *BAILEY v. WEST VIRGINIA.* Supreme Court of Appeals of West Virginia. Certiorari denied. *W. Hayes Pettry* for petitioner. *William C. Marland, Attorney General of West Virginia, Eston B. Stephenson, Assistant Attorney General, and Herbert W. Bryan* for respondent.

December 11, 1950.

340 U. S.

No. 396. SUTHERLAND PAPER CO. *v.* GRANT PAPER BOX CO. ET AL. C. A. 3d Cir. Certiorari denied. *Raymond F. Adams, Mahlon E. Lewis and Curt Von Boetticher, Jr.* for petitioner. *Wm. H. Parmelee and Carl E. Glock* for respondents. Reported below: 183 F. 2d 926.

No. 400. CRANE COMPANY *v.* CARSON, COMMISSIONER OF FINANCE AND TAXATION. Supreme Court of Tennessee. Certiorari denied. *Charles L. Claunch* for petitioner. *William F. Barry* for respondent. Reported below: 191 Tenn. 353, 234 S. W. 2d 644.

No. 404. WESTERN PACIFIC RAILROAD CO. *v.* PACIFIC PORTLAND CEMENT CO. C. A. 9th Cir. Certiorari denied. *Harriet P. Tyler* for petitioner. *Eugene M. Prince and Eugene D. Bennett* for respondent. *Daniel W. Knowlton and Charlie H. Johns* filed a brief for the Interstate Commerce Commission, as *amicus curiae*, supporting the petition. Reported below: 184 F. 2d 34.

No. 418. CONSOLIDATED GAS ELECTRIC LIGHT & POWER CO. *v.* PENNSYLVANIA WATER & POWER CO. ET AL.; and

No. 424. HESSEY ET AL., CONSTITUTING THE PUBLIC SERVICE COMMISSION OF MARYLAND, *v.* PENNSYLVANIA WATER & POWER CO. ET AL. C. A. 4th Cir. Certiorari denied. *Harry N. Baetjer, Alfred P. Ramsey and John Henry Lewin* for petitioner in No. 418. *Charles D. Harris* for petitioners in No. 424. *James Piper and Wilkie Bushby* for the Pennsylvania Water & Power Co.; and *Thomas M. Kerrigan and Charles E. Thomas* for the Pennsylvania Public Utility Commission, respondents. Reported below: 184 F. 2d 552.

No. 94, Misc. CROSBY *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. *John A. Johnson and Duke Duvall* for petitioner. *Solicitor General Perlman, Assistant*

340 U.S.

December 11, 1950.

Attorney General McInerney, Philip R. Monahan and Robert G. Maysack for the United States. Reported below: 183 F. 2d 373.

No. 219, Misc. *ROY v. LOUISIANA*. Supreme Court of Louisiana. Certiorari denied. Reported below: 217 La. 1074, 47 So. 2d 915.

No. 250, Misc. *TURK v. CLAUDY, WARDEN*. Supreme Court of Pennsylvania. Certiorari denied.

No. 257, Misc. *MORRIS v. CLAUDY, WARDEN*. Supreme Court of Pennsylvania. Certiorari denied.

No. 262, Misc. *HOVERMALE v. CALIFORNIA*. Supreme Court of California. Certiorari denied.

Rehearing Denied.

No. 12, Original. *UNITED STATES v. LOUISIANA*, 339 U. S. 699. The motion for leave to file a second petition for rehearing is denied. MR. JUSTICE JACKSON and MR. JUSTICE CLARK took no part in the consideration or decision of this application.

No. 13, Original. *UNITED STATES v. TEXAS*, 339 U. S. 707. Rehearing denied. MR. JUSTICE JACKSON and MR. JUSTICE CLARK took no part in the consideration or decision of this application.

No. 5. *COMPAGNA ET AL. v. HIATT, WARDEN*, *ante*, p. 880. Rehearing denied. MR. JUSTICE CLARK took no part in the consideration or decision of this application.

No. 322. *TRANSAMERICA CORPORATION ET AL. v. BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM*; and

No. 323. *BANK OF AMERICA NATIONAL SAVINGS & TRUST ASSOCIATION ET AL. v. BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM*, *ante*, p. 883. Rehearing denied.

January 2, 1951.

340 U. S.

JANUARY 2, 1951.

Per Curiam Decisions.

No. 345. SECURITIES & EXCHANGE COMMISSION *v.* HARRISON ET AL. 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. The judgments of the Court of Appeals are vacated and the cause is remanded to the District Court with directions to vacate its orders and to dismiss the proceeding upon the ground that the cause is moot. *United States v. Munsingwear, Inc.*, 340 U. S. 36; *Howard v. United States*, 340 U. S. 898. *Solicitor General Perlman* and *Louis Loss* for petitioner. *Thurman Arnold*, *Abe Fortas* and *Milton V. Freeman* for respondents. Reported below: 87 U. S. App. D. C. —, 184 F. 2d 691.

No. 406. ICENHOUR *v.* UNITED STATES. On petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. *Per Curiam*: The petition for writ of certiorari is granted. The Government having conceded that petitioner moved for an instructed verdict, the judgment of the Court of Appeals is vacated and the case is remanded to that court for further consideration. *Benjamin E. Pierce, Sr.* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General McInerney*, *Robert S. Erdahl* and *Felicia H. Dubrovsky* for the United States. Reported below: 174 F. 2d 574.

No. 426. CITY OF LOS ANGELES ET AL. *v.* WOODS, HOUSING EXPEDITER, ET AL. 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. The judgment of the Court of Appeals is vacated and the cause is remanded to the

340 U. S.

January 2, 1951.

District Court with directions to vacate its judgment and to dismiss the complaint upon the ground that the cause is moot. *Ray L. Cheseboro, Bourke Jones and Charles S. Rhyne* for petitioners. *Solicitor General Perlman and Ed Dupree* for Woods; and *Hardy K. Maclay, Alexander H. Schullman, David S. Smith, Wallace M. Cohen, Herbert S. Thatcher, Arthur J. Goldberg and M. S. Ryder* for Miller et al., respondents. *William H. Emerson, Alexander G. Brown, Walter J. Mattison and David M. Proctor* filed a brief for the National Institute of Municipal Law Officers, as *amicus curiae*, supporting the petition. Reported below: 87 U. S. App. D. C. —, 185 F. 2d 508.

NO. 436. BOARD OF SUPERVISORS OF LOUISIANA STATE UNIVERSITY AND AGRICULTURAL AND MECHANICAL COLLEGE ET AL. *v.* WILSON. Appeal from the United States District Court for the Eastern District of Louisiana. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. *Sweatt v. Painter*, 339 U. S. 629; *McLaurin v. Oklahoma State Regents*, 339 U. S. 637. *Bolivar E. Kemp, Jr.*, Attorney General of Louisiana, *Carroll Buck*, First Assistant Attorney General, *C. V. Porter* and *L. W. Brooks* for appellants. *A. P. Tureaud and Thurgood Marshall* for appellee. Reported below: 92 F. Supp. 986.

Miscellaneous Orders.

NO. 30. UNITED STATES *v.* UNITED STATES GYPSUM CO. ET AL., 340 U. S. 76. The motion of appellant for an amendment of the opinion is denied. MR. JUSTICE JACKSON and MR. JUSTICE CLARK took no part in the consideration or decision of this motion. *Solicitor General Perlman* for the United States. *Bruce Bromley* for the United States Gypsum Co.

January 2, 1951.

340 U. S.

No. 132. SPECTOR MOTOR SERVICE, INC. *v.* McLAUGHLIN, TAX COMMISSIONER, O'CONNOR, SUBSTITUTED DEFENDANT. This case is ordered restored to the docket for reargument.

No. 268. WERNER *v.* SOUTHERN CALIFORNIA ASSOCIATED NEWSPAPERS. Appeal from the Supreme Court of California. Dismissed on motion of counsel for the appellant. *Morris Lavine* for appellant. Reported below: 35 Cal. 2d 121, 216 P. 2d 825.

No. 275, Misc. MUSTERS *v.* SUPREME COURT OF INDIANA. Marion County Criminal Court, Indianapolis, Indiana. Certiorari denied. The motion for leave to file petition for writ of mandamus is also denied.

No. 75, Misc. McCANN *v.* KAUFMAN, U. S. DISTRICT JUDGE. The motion for leave to file petition for writ of mandamus and/or certiorari is denied.

No. 77, Misc. McCANN *v.* KEECH, U. S. DISTRICT JUDGE. The motion for leave to file petition for writ of mandamus is denied.

No. 269, Misc. IN RE LAKE. The motion for leave to file petition for writ of habeas corpus is denied.

No. 270, Misc. SMITH *v.* DOWD, WARDEN. The motion for leave to file petition for writ of certiorari is denied.

No. 280, Misc. WILLIAMS *v.* OVERHOLSER. The motion for leave to file petition for writ of habeas corpus is denied.

Certiorari Granted. (See also Nos. 345, 406 and 426, *supra.*)

No. 301. MOSER *v.* UNITED STATES. C. A. 2d Cir. Certiorari granted. *Jack Wasserman* for petitioner. So-

340 U.S.

January 2, 1951.

licitor General Perlman, Assistant Attorney General McInerney and Philip R. Monahan for the United States. Reported below: 182 F. 2d 734.

Certiorari Denied. (See also Misc. Nos. 75 and 275, supra.)

No. 342. FIRST NATIONAL BANK OF MOBILE, EXECUTOR, *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 5th Cir. *Certiorari denied. Geo. E. H. Goodner and Scott P. Crampton for petitioner. Solicitor General Perlman for respondent. Reported below: 183 F. 2d 172.*

No. 359. McHUGH ET AL. *v.* MASSACHUSETTS. Superior Court of Suffolk County, Massachusetts. *Certiorari denied. A. C. Webber and Henry Wise for petitioners. Francis E. Kelly, Attorney General of Massachusetts, and Timothy J. Murphy, Assistant Attorney General, waived the right to file a brief for respondent.*

No. 374. LARSEN, SPECIAL ADMINISTRATRIX, *v.* SWITZER, U. S. DISTRICT JUDGE. C. A. 8th Cir. *Certiorari denied. Irving H. Green and Chester D. Johnson for petitioner. Warren Newcome, Nye F. Morehouse and Lowell Hastings for respondent. Reported below: 183 F. 2d 850.*

No. 392. SCHNITZER ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 9th Cir. *Certiorari denied. Solomon J. Bischoff for petitioners. Solicitor General Perlman, Assistant Attorney General Caudle, Ellis N. Slack, I. Henry Kutz and John R. Benney for respondent. Reported below: 183 F. 2d 70.*

No. 398. MURPHY ET AL., TRUSTEES, ET AL. *v.* SCHNEIDER. C. A. 5th Cir. *Certiorari denied. D. H. Culton*

January 2, 1951.

340 U. S.

for petitioners. *Armwell L. Cooper, Ellison A. Neel and Wm. Q. Boyce* for respondent. Reported below: 183 F. 2d 777.

No. 401. *WALDON v. SWOPE, WARDEN*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Perlman, Assistant Attorney General McInerney, Robert S. Erdahl and Philip R. Monahan* for respondent. Reported below: 184 F. 2d 185.

No. 413. *ESTATE OF FARRELL ET AL. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 2d Cir. Certiorari denied. *Neile F. Towner and Theodore Pearson* for petitioners. Reported below: 182 F. 2d 903.

No. 416. *COMMISSIONER OF INTERNAL REVENUE v. SWIRIN*. C. A. 7th Cir. Certiorari denied. *Solicitor General Perlman* for petitioner. *Ben W. Heineman* for respondent. Reported below: 183 F. 2d 656.

No. 417. *A. B. T. MANUFACTURING CORP. v. NATIONAL REJECTORS, INC.* C. A. 7th Cir. Certiorari denied. *Clarence E. Threedy* for petitioner. *Clarence J. Loftus and William E. Lucas* for respondent. Reported below: 184 F. 2d 612.

No. 403. *RAFFINGTON v. CALIFORNIA*. District Court of Appeal for the Second Appellate District of California. Certiorari denied. *Morris Lavine* for petitioner. *Fred N. Howser, Attorney General of California, and Dan Kaufmann and Frank W. Richards, Deputy Attorneys General*, for respondent. Reported below: 98 Cal. App. 2d 455, 220 P. 2d 967.

No. 412. *BOYER ET AL. v. GARRETT ET AL.* The petition for writ of certiorari to the United States Court of Appeals

340 U. S.

January 2, 1951.

for the Fourth Circuit is denied for the reason that application therefor was not made within the time provided by law. 28 U. S. C. § 2101 (c). *I. Duke Avnet* for petitioners. *Allen A. Davis* for respondents. Reported below: 183 F. 2d 582.

No. 65, Misc. GALLAGHER *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Perlman*, *Assistant Attorney General McInerney*, *Robert S. Erdahl* and *Robert G. Maysack* for the United States. Reported below: 183 F. 2d 342.

No. 74, Misc. UNITED STATES EX REL. McCANN *v.* ADAMS, WARDEN, ET AL. C. A. 2d Cir. Certiorari denied.

No. 76, Misc. UNITED STATES EX REL. McCANN *v.* ADAMS, WARDEN, ET AL. C. A. 2d Cir. Certiorari denied.

No. 103, Misc. PENNSYLVANIA EX REL. BEARRINGER *v.* ASHE, WARDEN. Supreme Court of Pennsylvania. Certiorari denied.

No. 221, Misc. NOLLEY *v.* CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD Co. C. A. 8th Cir. Certiorari denied. *Irving H. Green* for petitioner. *Arthur C. Erdall*, *A. N. Whitlock* and *M. L. Bluhm* for respondent. Reported below: 183 F. 2d 566.

No. 228, Misc. FINKEL *v.* CALIFORNIA. Supreme Court of California. Certiorari denied.

No. 233, Misc. BUTNER *v.* NEVADA. Supreme Court of Nevada. Certiorari denied. Petitioner *pro se*. *Alan Bible*, *Attorney General of Nevada*, *W. T. Mathews*, *Special Assistant Attorney General*, and *Geo. P. Annand* and *Robert L. McDonald*, *Deputy Attorneys General*, for respondent.

January 2, 1951.

340 U. S.

No. 235, Misc. TAGGS *v.* HERETIS. Supreme Court of South Carolina. Certiorari denied. *Renah F. Camalier* and *H. Stewart McDonald* for petitioner. Reported below: 217 S. C. 369, 60 S. E. 2d 689.

No. 236, Misc. HANNAN ET AL. *v.* ADMINISTRATOR, CONNECTICUT UNEMPLOYMENT COMPENSATION LAW. Supreme Court of Errors of Connecticut. Certiorari denied. *James F. Rosen* for petitioners. Reported below: 137 Conn. 240, 75 A. 2d 483.

No. 239, Misc. BECK *v.* NEW YORK. Court of Appeals of New York. Certiorari denied. *Herbert E. Rosenberg* and *Edward Norwalk* for petitioner. *Frank A. Gulotta* and *Philip Huntington* for respondent. Reported below: See 301 N. Y. 302, 93 N. E. 2d 859.

No. 240, Misc. FERNANDEZ *v.* NEW YORK. Court of Appeals of New York. Certiorari denied. *William Richter* for petitioner. *Frank A. Gulotta* and *Philip Huntington* for respondent. Reported below: See 301 N. Y. 302, 93 N. E. 2d 859.

No. 245, Misc. HAMPTON ET AL. *v.* SMYTH, SUPERINTENDENT. Supreme Court of Appeals of Virginia. Certiorari denied. *Martin A. Martin* and *Thurgood Marshall* for petitioners. *J. Lindsay Almond, Jr.*, Attorney General of Virginia, for respondent.

No. 255, Misc. NOVAK *v.* BURKE, WARDEN. Supreme Court of Pennsylvania. Certiorari denied.

No. 256, Misc. MONAGHAN *v.* BURKE, WARDEN. Supreme Court of Pennsylvania. Certiorari denied.

340 U. S.

January 2, 1951.

No. 261, Misc. *TOWNSEND v. BURKE, WARDEN.* Supreme Court of Pennsylvania. Certiorari denied. Reported below: See 167 Pa. Super. 71, 74 A. 2d 746.

No. 266, Misc. *WILLIS ET AL. v. UTECHT, WARDEN.* C. A. 8th Cir. Certiorari denied. Reported below: 185 F. 2d 210.

No. 267, Misc. *MAINELLO v. MARTIN, WARDEN.* C. A. 2d Cir. Certiorari denied.

No. 268, Misc. *IN RE CASDORF.* Urbana Circuit Court, Urbana, Illinois. Certiorari denied.

No. 272, Misc. *MURRAY v. NEW YORK.* Court of Appeals of New York. Certiorari denied.

No. 274, Misc. *CHAPMAN v. ASHE, WARDEN.* Supreme Court of Pennsylvania. Certiorari denied.

No. 276, Misc. *HASHAGEN v. CRANOR, SUPERINTENDENT.* Supreme Court of Washington. Certiorari denied.

No. 277, Misc. *ENTRICAN v. MICHIGAN.* Supreme Court of Michigan. Certiorari denied.

No. 278, Misc. *WITTENMEYER v. DUFFY, WARDEN, ET AL.* Supreme Court of California. Certiorari denied.

No. 281, Misc. *CONWAY v. CRANOR, SUPERINTENDENT.* Supreme Court of Washington. Certiorari denied. Reported below: 37 Wash. 2d 303, 223 P. 2d 452.

No. 282, Misc. *MINER v. RAGEN, WARDEN.* Supreme Court of Illinois. Certiorari denied.

January 2, 8, 1951.

340 U. S.

Rehearing Denied.

No. 142. GOSSMAN *v.* CALIFORNIA ET AL., *ante*, p. 801;

No. 269. ROSPIGLIOSI *v.* CLOGHER, *ante*, p. 853;

No. 361. SIMMS ET AL. *v.* COUNTY OF LOS ANGELES ET AL., *ante*, p. 891;

No. 362. SECURITY-FIRST NATIONAL BANK OF LOS ANGELES *v.* COUNTY OF LOS ANGELES ET AL., *ante*, p. 891;

No. 386. ADMIRAL CORPORATION *v.* HAZELTINE RESEARCH, INC., *ante*, p. 896;

No. 49, Misc. SPADAFORA *v.* UNITED STATES, *ante*, p. 897;

No. 217, Misc. JERONIS *v.* SUPREME COURT OF MICHIGAN, *ante*, p. 889; and

No. 231, Misc. TIMMONS *v.* FAGAN, *ante*, p. 893. The petitions for rehearing in these cases are severally denied.

JANUARY 8, 1951.

Miscellaneous Orders.

No. 69. SHOTKIN *v.* COLORADO EX REL. ATTORNEY GENERAL OF COLORADO, *ante*, p. 832. The motion of petitioner for a refund of Clerk's fees is denied.

No. 318. MOORE, ADMINISTRATRIX, *v.* CHESAPEAKE & OHIO RAILWAY Co. This case is ordered restored to the docket for reargument.

No. 37. LIBBY, McNEILL & LIBBY *v.* UNITED STATES, 340 U. S. 71. The opinion of the Court is amended by striking from the 17th line of the slip opinion the words "There was evidence to support this finding." The petition for rehearing is denied.

[The opinion is reported as amended, *ante*, p. 71, the change being at p. 72.]

340 U.S.

January 8, 1951.

No. 292, Misc. BAILEY *v.* WARDEN, MARYLAND PENITENTIARY. Motion for leave to file petition for writ of habeas corpus denied.

Certiorari Denied.

No. 397. GAUNT *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. *William L. McGovern* and *Bert B. Rand* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Ellis N. Slack*, *Fred G. Folsom* and *John R. Benney* for the United States. Reported below: 184 F. 2d 284.

No. 408. CENTRAL STATES ELECTRIC CORP. *v.* AUSTRIAN ET AL., TRUSTEES, ET AL.;

No. 409. CHASE *v.* AUSTRIAN ET AL., TRUSTEES, ET AL.;

No. 410. BERNER *v.* AUSTRIAN ET AL., TRUSTEES, ET AL.; and

No. 411. KELLY COMMITTEE FOR HOLDERS OF 6% PREFERRED STOCK OF THE CENTRAL STATES ELECTRIC CORP. *v.* AUSTRIAN ET AL., TRUSTEES, ET AL. C. A. 4th Cir. Certiorari denied. *Thomas B. Gay* for petitioner in No. 408. *George E. Allen* for petitioner in No. 409. *T. Roland Berner, pro se*, petitioner in No. 410. *Thomas F. Boyle* for petitioner in No. 411. *Solicitor General Perlman*, *John F. Davis*, *Roger S. Foster* and *Manuel F. Cohen* for the Securities & Exchange Commission; and *Saul J. Lance*, *Walter H. Brown, Jr.*, *Lewis C. Williams*, *Thomas C. Egan*, *George Rosier*, *Victor Brudney* and *Francis E. Walter* for Austrian et al., respondents. Reported below: 183 F. 2d 879.

No. 419. DUBAN, EXECUTRIX, ET AL. *v.* FEDERAL DEPOSIT INSURANCE CORPORATION. C. A. 3d Cir. Certiorari denied. *A. D. Bruce*, *Edwin Hall, 2nd*, and *Harry J.*

January 8, 1951.

340 U. S.

Alker, Jr. for petitioners. *Allen S. Olmsted, 2nd*, and *Edwin C. Emhardt* for respondent. Reported below: 183 F. 2d 429.

No. 441. *RIGGS DEVELOPMENT CO. ET AL. v. DISTRICT OF COLUMBIA*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Jacob N. Halper* for petitioners. *Vernon E. West, Chester H. Gray* and *Harry L. Walker* for respondent. Reported below: 87 U. S. App. D. C. —, 184 F. 2d 698.

No. 405. *TAYLOR v. TENNESSEE*. Supreme Court of Tennessee. Certiorari denied. *L. E. Gwinn* for petitioner. *Roy H. Beeler*, Attorney General of Tennessee, *W. F. Barry, Jr.*, Solicitor General, and *J. Malcolm Schull*, Assistant Attorney General, for respondent. Reported below: 191 Tenn. 670, 235 S. W. 2d 818.

No. 263, Misc. *LA COCO v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. *Charles A. Bellows* for petitioner. Reported below: 406 Ill. 303, 94 N. E. 2d 178.

No. 287, Misc. *GOODMAN v. SWENSON, WARDEN*. Court of Appeals of Maryland. Certiorari denied.

No. 290, Misc. *ODDO v. FOSTER, WARDEN*. C. A. 2d Cir. Certiorari denied.

Rehearing Denied. (See also No. 37, *supra*.)

No. 32. *GREAT ATLANTIC & PACIFIC TEA CO. v. SUPERMARKET EQUIPMENT CORP.*, *ante*, p. 147. Rehearing denied.

No. 391. *BAILEY v. WEST VIRGINIA*, *ante*, p. 905. Rehearing denied.

No. 81, Misc., October Term, 1949. *EAGLE v. CHERNEY ET AL.*, 338 U. S. 837. Fourth petition for rehearing denied.

340 U.S.

January 15, 1951.

JANUARY 15, 1951.

Miscellaneous Orders.

No. 226, Misc. KOENIG *v.* CRANOR, SUPERINTENDENT. Application denied.

No. 284, Misc. HURST *v.* HUNTER, WARDEN; and

No. 295, Misc. SPENCER *v.* PENNSYLVANIA ET AL. Motions for leave to file petitions for writs of habeas corpus denied.

No. 297, Misc. SGRO *v.* WISCONSIN ET AL. Motion for leave to file petition for writ of habeas corpus and for other relief denied.

No. 307, Misc. IN RE WYBACK. Application for injunction denied.

Certiorari Granted.

No. 421. HAMMERSTEIN *v.* SUPERIOR COURT OF CALIFORNIA, IN AND FOR THE COUNTY OF LOS ANGELES, ET AL. District Court of Appeal of California, Second Appellate District, and the Supreme Court of California. Certiorari granted. *Robert E. Kopp* for petitioner. *Harold W. Kennedy* and *Saul Ross* for respondents.

No. 435. BOWMAN DAIRY CO. ET AL. *v.* UNITED STATES ET AL. C. A. 7th Cir. Certiorari granted. MR. JUSTICE CLARK took no part in the consideration or decision of this application. *Leo F. Tierney, Herman A. Fischer, Kenneth F. Burgess, Walter J. Cummings, Jr., Isidore Fried* and *Louis E. Hart* for petitioners. *Solicitor General Perlman, Assistant Attorney General Morison* and *J. Roger Wollenberg* for respondents. Reported below: 185 F.2d 159.

January 15, 1951.

340 U. S.

Certiorari Denied.

No. 136. UNITED STATES *v.* KASINOWITZ ET AL. C. A. 9th Cir. Certiorari denied. MR. JUSTICE CLARK took no part in the consideration or decision of this application. *Solicitor General Perlman* for the United States. *John T. McTernan* for respondents. Reported below: 181 F. 2d 632.

No. 286. POTTER, U. S. ATTORNEY, ET AL. *v.* ESTES. C. A. 5th Cir. Certiorari denied. MR. JUSTICE CLARK took no part in the consideration or decision of this application. *Solicitor General Perlman* for petitioners. Reported below: 183 F. 2d 865.

No. 389. WILCOX *v.* WOODS, HOUSING EXPEDITER. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Perlman* for respondent. Reported below: 181 F. 2d 1012.

No. 394. MILLER *v.* KOSLING. Supreme Court of Ohio. Certiorari denied. Reported below: 154 Ohio St. 207, 94 N. E. 2d 1.

No. 422. CAVU CLOTHES, INC. ET AL. *v.* SQUIRES, INC. C. A. 6th Cir. Certiorari denied. *Robert S. Marx, Frank Zugelter and Gerald B. Tjoflat* for petitioners. *Warren C. Horton* for respondent. Reported below: 184 F. 2d 30.

No. 428. SUNBEAM CORPORATION *v.* SUNBEAM LIGHTING CO. ET AL. C. A. 9th Cir. Certiorari denied. *William T. Woodson and Beverly W. Pattishall* for petitioner. *Collins Mason* for respondents. Reported below: 183 F. 2d 969.

No. 467. STEBCO INCORPORATED *v.* GILLMOUTHE, SHERIFF. Supreme Court of Oregon. Certiorari denied. *Charles A. Hart, Hugh L. Biggs and Cleveland C. Cory*

340 U. S.

January 15, 1951.

for petitioner. *Wilber Henderson* and *Dean H. Dickinson* for respondent. Reported below: 189 Ore. 427, 221 P. 2d 914.

No. 131, Misc. *LEVINE v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 182 F. 2d 556.

No. 150, Misc. *NEWAGON v. SWOPE, WARDEN*. C. A. 9th Cir. Certiorari denied. *A. J. Zirpoli* for petitioner. *Solicitor General Perlman, Assistant Attorney General McInerney, John R. Benney* and *Felicia H. Dubrovsky* for respondent. Reported below: 183 F. 2d 340.

No. 167, Misc. *NOELL ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 183 F. 2d 334.

No. 206, Misc. *SANDERS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 183 F. 2d 748.

No. 222, Misc. *NEWMAN v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Reported below: 87 U. S. App. D. C. —, 184 F. 2d 275.

No. 242, Misc. *McINTOSH v. STEELE, WARDEN*. C. A. 8th Cir. Certiorari denied. Reported below: 184 F. 2d 721.

No. 248, Misc. *FOSTER v. SHERIFF OF LOS ANGELES COUNTY*. Supreme Court of California. Certiorari denied. *Loren Miller, Fred Okrand* and *A. L. Wirin* for petitioner.

No. 254, Misc. *McGEE v. MISSISSIPPI*. Supreme Court of Mississippi. Certiorari denied. *Aubrey Grossman* for petitioner.

January 15, 1951.

340 U. S.

No. 271, Misc. *KUMITIS v. PENNSYLVANIA*. Supreme Court of Pennsylvania. Certiorari denied.

No. 285, Misc. *CRONHOLM v. NEW YORK*. Appellate Division of the Supreme Court of New York, Second Judicial Department. Certiorari denied. Petitioner *pro se*. *William I. Siegel* for respondent.

No. 286, Misc. *McINTOSH v. UNITED STATES*. United States District Court for the Southern District of Ohio. Certiorari denied.

No. 293, Misc. *PHILLIPS v. NEW YORK COURT OF APPEALS ET AL.* Court of Appeals of New York. Certiorari denied.

No. 296, Misc. *KOENIG v. CRANOR, SUPERINTENDENT*. C. A. 9th Cir. Certiorari denied.

No. 299, Misc. *BANKS v. CLAUDY, WARDEN*. Supreme Court of Pennsylvania. Certiorari denied.

No. 300, Misc. *CALVIN v. CLAUDY, WARDEN*. Supreme Court of Pennsylvania. Certiorari denied.

No. 301, Misc. *STODULSKI v. EIDSON, WARDEN*. Supreme Court of Missouri. Certiorari denied.

No. 306, Misc. *THOMAS v. SIMPSON, JUDGE*. Supreme Court of Indiana. Certiorari denied. Reported below: 228 Ind. 572, 94 N. E. 2d 485.

No. 321, Misc. *JACKSON v. CALIFORNIA ET AL.* Supreme Court of California. Motion for stay of execution denied. Certiorari denied.

340 U.S.

January 15, February 26, 1951.

Rehearing Denied.

No. 486, October Term, 1949. ROBERTSON ROCK BIT CO., INC. ET AL. *v.* HUGHES TOOL CO., 338 U. S. 948; and

No. 109. WHELCHER *v.* McDONALD, WARDEN, *ante*, p. 122. Petitions for rehearing in these cases denied.

No. 170. UNITED STATES *v.* PENNER INSTALLATION CORP., *ante*, p. 898. Rehearing denied. THE CHIEF JUSTICE took no part in the consideration or decision of this application.

FEBRUARY 26, 1951.

Per Curiam Decisions.

No. 423. PALERMO *v.* GANEY, U. S. DISTRICT JUDGE. 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. The order of the Court of Appeals is vacated and the case is remanded to that court with directions to dismiss the proceeding upon the ground that the cause is moot. *Fredrick Bernays Wiener* and *Jacob Kossman* for petitioner. *Solicitor General Perlman* for respondent.

No. 488. KEMP *v.* SOUTH DAKOTA. Appeal from the Supreme Court of South Dakota. *Per Curiam*: The appeal is dismissed for the want of a substantial federal question. MR. JUSTICE DOUGLAS dissents. *Holton Davenport* for appellant. *Sigurd Anderson*, Attorney General of South Dakota, *E. D. Barron*, Assistant Attorney General, and *Ray F. Drewry* for appellee. Reported below: 73 S. D. —, 44 N. W. 2d 214.

No. 494. ANTHONY ET AL. *v.* VEATCH ET AL. Appeal from the Supreme Court of Oregon. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed

February 26, 1951.

340 U.S.

for the want of a substantial federal question. *George W. Mead* for appellants. *George Neuner*, Attorney General of Oregon, and *Cecil H. Quesseth* and *Carlisle B. Roberts*, Assistant Attorneys General, for *Veatch et al.*; and *Ben Anderson* for the Columbia River Fishermen's Protective Union et al., appellees. Reported below: 189 Ore. 462, 221 P. 2d 575.

Nos. 498, 499 and 500. *BARTLETT, TRUSTEE, v. GROSS INCOME TAX DIVISION ET AL.* Appeals from the Supreme Court of Indiana. *Per Curiam*: The motions to dismiss are granted and the appeals are dismissed for the want of a substantial federal question. *Raymond Harkrider* and *Owen W. Crumpacker* for appellant. *J. Emmett McManamon*, Attorney General of Indiana, and *John J. McShane*, *Lloyd C. Hutchinson* and *Joseph E. Nowak*, Deputy Attorneys General, for the Gross Income Tax Division, appellee. Reported below: 228 Ind. 505, 93 N. E. 2d 174.

No. 503. *GLANTZ v. MICHIGAN CORPORATION & SECURITIES COMMISSION ET AL.* Appeal from the Supreme Court of Michigan. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for the want of a substantial federal question. Appellant *pro se*. *Frank G. Millard*, Attorney General of Michigan, *Edmund E. Shepherd*, Solicitor General, and *Daniel J. O'Hara*, Assistant Attorney General, for appellees.

No. 504. *ROSECRANS ET AL. v. WEST EDMOND SALT WATER DISPOSAL ASSOCIATION ET AL.* Appeal from the Supreme Court of Oklahoma. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for the want of a substantial federal question. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion that probable jurisdiction should be noted. *John H. Cantrell*

340 U.S.

February 26, 1951.

and *B. H. Carey* for appellants. *David A. Richardson, T. Murray Robinson, Wallace Hawkins, Robert W. Richards, Russell G. Lowe, Ralph W. Garrett, Don Emery, Rayburn L. Foster, R. M. Williams, Harry D. Turner* and *W. H. Brown* for appellees. Reported below: 204 Okla. 9, 226 P. 2d 965.

No. 508. CONSUMER MAIL ORDER ASSOCIATION OF AMERICA ET AL. *v. McGrath, Attorney General*. Appeal from the United States District Court for the District of Columbia. *Per Curiam*: The judgment is affirmed. *Thurman Arnold* and *Milton V. Freeman* for appellants. Reported below: 94 F. Supp. 705.

No. 517. BROOKS TRANSPORTATION CO., INC. ET AL. *v. UNITED STATES ET AL.* Appeal from the United States District Court for the Eastern District of Virginia. *Per Curiam*: The motions to affirm are granted and the judgment is affirmed. *John T. Grigsby, Walter L. Baumgartner* and *Albert B. Rosenbaum* for appellants. *Solicitor General Perlman* and *Daniel W. Knowlton* for the United States and the Interstate Commerce Commission; and *Charles Pickett* for Schenley Industries, Inc., appellees. Reported below: 93 F. Supp. 517.

No. 534. CROSS *v. STATE BAR OF CALIFORNIA*. Appeal from the Supreme Court of California. *Per Curiam*: The appeal is dismissed for the want of a substantial federal question.

Miscellaneous Orders.

No. 310. CALIFORNIA STATE AUTOMOBILE ASSOCIATION INTER-INSURANCE BUREAU *v. DOWNEY, Insurance Commissioner*. *Maloney*, present Insurance Commissioner, substituted as the party appellee.

February 26, 1951.

340 U. S.

No. 45. ALABAMA GREAT SOUTHERN RAILROAD CO. ET AL. *v.* UNITED STATES ET AL.;

No. 46. GALVESTON CHAMBER OF COMMERCE ET AL. *v.* UNITED STATES ET AL.;

No. 47. RAILROAD COMMISSION OF TEXAS *v.* UNITED STATES ET AL.; and

No. 48. SAVANNAH SUGAR REFINING CORP. *v.* UNITED STATES ET AL. The opinion of this Court, 340 U. S. 216, is amended as follows:

1. On page 228, substitute for the last sentence: "The only points urged by these appellants not answered in No. 45 are that the order gives a preference to the port of New Orleans over certain ports of Georgia and Texas, in violation of the Interstate Commerce Act and of Art. I, § 9, cl. 6, of the Federal Constitution."

2. On page 229, substitute for lines 1, 2, and 3: "With respect to the constitutional argument, this Court in *Louisiana Public Service Commission v. Texas & N. O. R. Co.*, 284 U. S. 125, 131, stated:"

3. On page 229, substitute for the first sentence of the last paragraph: "And we are clear that whatever preference there is to New Orleans is the result of geography and not of any action of the Commission."

The petition of the Texas Interests, appellants in Nos. 46 and 47, for rehearing is denied.

[The opinion is reported as amended, *ante*, p. 216.]

No. 191, Misc. ALLEN *v.* ASHE, WARDEN, *ante*, p. 860. The motion to reinstate the petition for writ of certiorari is denied.

No. 345, Misc. SILVERS *v.* SQUIER, WARDEN. The motion for leave to file petition for writ of habeas corpus is denied.

340 U. S.

February 26, 1951.

- No. 310, Misc. HOSHOR *v.* HEINZE, WARDEN, ET AL.;
No. 311, Misc. CONNOR *v.* MAYO, PRISON CUSTODIAN;
No. 318, Misc. IN RE RUTHVEN;
No. 319, Misc. SEALS *v.* HIATT, WARDEN;
No. 335, Misc. IN RE DEBINSKI;
No. 340, Misc. IN RE JAMES;
No. 350, Misc. ST. JEAN *v.* MAYO, STATE PRISON CUSTODIAN; and
No. 356, Misc. CONN *v.* RAGEN, WARDEN. The motions for leave to file petitions for writs of habeas corpus in these cases are severally denied.

No. 312, Misc. ATWOOD ET AL. *v.* HANNAY, U. S. DISTRICT JUDGE, ET AL. The motion for leave to file petition for writ of mandamus, prohibition, or certiorari is denied. *Lloyd A. Faxon* for petitioners.

No. 313, Misc. SHIPLEY *v.* MISSOURI. Application denied.

No. 322, Misc. PATTEN *v.* UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA ET AL. The motion for leave to file petition for writ of certiorari is denied.

No. 337, Misc. SHEPPARD *v.* MAYO, CUSTODIAN OF THE FLORIDA STATE PRISON. The motion for leave to file petition for writ of habeas corpus or certiorari is denied.

Certiorari Granted. (See also No. 423, *supra.*)

No. 425. NATIONAL LABOR RELATIONS BOARD *v.* HIGHLAND PARK MANUFACTURING CO. C. A. 4th Cir. Certiorari granted. *Solicitor General Perlman* for petitioner. *Whiteford S. Blakeney* for respondent. Reported below: 184 F. 2d 98.

February 26, 1951.

340 U. S.

No. 442. SCHWEGMANN BROTHERS ET AL. *v.* CALVERT DISTILLERS CORP.; and

No. 443. SCHWEGMANN BROTHERS ET AL. *v.* SEAGRAM-DISTILLERS CORP. C. A. 5th Cir. Certiorari granted. *John Minor Wisdom* for petitioners. *J. Blanc Monroe, Monte M. Lemann, Walter J. Suthon, Jr. and Robert G. Polack* for respondents. *Solicitor General Perlman* filed a memorandum for the United States, as *amicus curiae*, supporting the petition. Reported below: 184 F. 2d 11.

No. 473. BRANNAN, SECRETARY OF AGRICULTURE, *v.* ELDER ET AL.; and

No. 474. ELDER ET AL. *v.* BRANNAN, SECRETARY OF AGRICULTURE. United States Court of Appeals for the District of Columbia Circuit. Certiorari granted. *Solicitor General Perlman* for the Secretary of Agriculture. With him on a memorandum in No. 474 were *Acting Assistant Attorney General Clapp* and *Paul A. Sweeney*. *C. L. Dawson and Greene Chandler Furman* for petitioners in No. 474 and respondents in No. 473. Reported below: 87 U. S. App. D. C. —, 184 F. 2d 219.

No. 446. CREST SPECIALTY, A LIMITED PARTNERSHIP, *v.* TRAGER, DOING BUSINESS AS TOPIC TOYS, ET AL. C. A. 7th Cir. Certiorari granted. *Clarence E. Threedy* for petitioners. *Sidney Neuman* for respondents. Reported below: 184 F. 2d 577.

No. 461. MOSSER, SUCCESSOR TRUSTEE, ET AL. *v.* DARROW, FORMER TRUSTEE, ET AL. C. A. 7th Cir. Certiorari granted. MR. JUSTICE BURTON took no part in the consideration or decision of this application. *Carl W. Mulfinger, J. Edgar Kelly, Jacob B. Courshon* and *Stanley A. Kaplan* for petitioners. *Urban A. Lavery* and *Irving Herriott* for Darrow, respondent. *Solicitor General Perl-*

340 U. S.

February 26, 1951.

man, John F. Davis and Roger S. Foster filed a memorandum for the Securities & Exchange Commission supporting the petition. Reported below: 184 F. 2d 1.

No. 476. *WOODWARD v. UNITED STATES ET AL.* C. A. 8th Cir. Certiorari granted, limited to the question whether a brother by adoption is within the permissible class of beneficiaries under § 602 (g) of the National Service Life Insurance Act of 1940. *Claude T. Wood* for petitioner. *Solicitor General Perlman* filed a memorandum stating that the United States was not opposed to the grant of the petition in this case, in view of a conflict between the Third and Eighth Circuits. *Jean Paul Bradshaw* for *Haizlip*, respondent. Reported below: 185 F. 2d 134.

Certiorari Denied. (See also *Misc. Nos. 322, 337 and 345, supra.*)

No. 415. *KNIGHT v. COMMONWEALTH & SOUTHERN CORP. ET AL.* C. A. 3d Cir. Certiorari denied. *T. Roland Berner, M. Victor Leventritt and Aaron Lewittes* for petitioner. *Solicitor General Perlman* and *Roger S. Foster* filed a memorandum for the Securities & Exchange Commission; and *George Roberts* filed a memorandum for the Commonwealth & Southern Corporation, respondents. Reported below: 184 F. 2d 81.

No. 430. *CARROLL ET AL. v. ALLEN B. DUMONT LABORATORIES, INC. ET AL.* C. A. 3d Cir. Certiorari denied. *Charles J. Margiotti*, then Attorney General of Pennsylvania, *Harry F. Stambaugh* and *Abraham J. Levy*, Special Deputy Attorney General, for petitioners. *Wm. A. Schnader, Earl G. Harrison, W. Theodore Pierson, Henry B. Weaver, Jr., Thad H. Brown and George O. Sutton* for respondents. Reported below: 184 F. 2d 153.

February 26, 1951.

340 U.S.

No. 434. SUPERIOR ENGRAVING CO. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 7th Cir. Certiorari denied. *George B. Christensen, Otto A. Jaburek and Harold A. Smith* for petitioner. *Solicitor General Perlman, John F. Davis, David P. Findling, Mozart G. Ratner and Dominick L. Manoli* for respondent. Reported below: 183 F. 2d 783.

No. 437. E. T. RENFRO DRUG CO. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 5th Cir. Certiorari denied. *R. B. Cannon* for petitioner. *Solicitor General Perlman, Assistant Attorney General Caudle, Ellis N. Slack and Irving I. Axelrad* for respondent. Reported below: 183 F. 2d 846.

No. 439. AMERICAN POTATO DRYERS, INC. ET AL. *v.* PETERS. C. A. 4th Cir. Certiorari denied. *Jane Elizabeth Newton Dew* for petitioners. *Charles F. Meroni* for respondent. Reported below: 184 F. 2d 165.

No. 440. SAMUEL DUNKEL & CO., INC. ET AL. *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Isidor Enselman and Richard F. Wolfson* for petitioners. *Solicitor General Perlman, Assistant Attorney General McInerney, Robert S. Erdahl and J. F. Bishop* for the United States. Reported below: 184 F. 2d 894.

No. 444. BELL *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. *G. C. A. Anderson and George L. Hart* for petitioner. *Solicitor General Perlman, Assistant Attorney General Caudle and Ellis N. Slack* for the United States. Reported below: 185 F. 2d 302.

No. 445. ENGEL ET AL. *v.* RECORDER'S COURT OF THE CITY OF DETROIT ET AL. Supreme Court of Michigan. Certiorari denied. *Craig Thompson* for petitioners. *James H. Lee* for Skillman, Judge, respondent.

340 U. S.

February 26, 1951.

No. 447. SMITHER *v.* UNITED STATES. Court of Claims. Certiorari denied. Petitioner *pro se*. *Solicitor General Perlman*, *Assistant Attorney General Vanech* and *Roger P. Marquis* for the United States. Reported below: 117 Ct. Cl. 574, 91 F. Supp. 582.

No. 448. ETTEN *v.* KAUFFMAN ET AL. C. A. 3d Cir. Certiorari denied. *Charles F. Meroni* and *Isaac J. Silin* for petitioner. *Ralph Hammar* and *Frank Zugelster* for respondents. Reported below: 184 F. 2d 737.

No. 449. PETRONE *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *J. Vincent Keogh* and *Anthony A. Calandra* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General McInerney*, *Robert S. Erdahl* and *Felicia H. Dubrovsky* for the United States. Reported below: 185 F. 2d 334.

No. 450. GARRETT ET AL. *v.* FAUST ET AL. C. A. 3d Cir. Certiorari denied. *Arthur H. Bartelt* for petitioners. Reported below: 183 F. 2d 625.

No. 454. UNDERWOOD *v.* CAPITAL TRANSIT CO. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Foster Wood* for petitioner. Reported below: 87 U. S. App. D. C. —, 183 F. 2d 822.

No. 456. MERRITT-CHAPMAN & SCOTT CORP. *v.* NEW YORK TRUST CO., TRUSTEE, ET AL. C. A. 2d Cir. Certiorari denied. *John J. Manning* for petitioner. *Joseph M. Hartfield* and *Jesse E. Waid* for respondents. Reported below: 184 F. 2d 954.

No. 457. BROOKLYN WATERFRONT TERMINAL CORP. *v.* UNITED STATES. Court of Claims. Certiorari denied. *Chester T. Lane* for petitioner. *Solicitor General Perl-*

February 26, 1951.

340 U.S.

man, Assistant Attorney General Vanech, Roger P. Marquis and Harold S. Harrison for the United States. Reported below: 117 Ct. Cl. 62, 90 F. Supp. 943.

No. 459. LAZAROV, DOING BUSINESS AS TENNESSEE METAL PRODUCTS CO. ET AL., *v.* ARNOLD SCHWINN & Co. C. A. 6th Cir. Certiorari denied. *Lovick P. Miles* for petitioner. *Hamilton E. Little* for respondent. Reported below: 183 F. 2d 673.

No. 460. McKILLOP *v.* IOWA. Supreme Court of Iowa. Certiorari denied. *Clarence I. Spencer* for petitioner. Reported below: 241 Iowa 988, 42 N. W. 2d 381.

No. 468. MOLETON *v.* UNION PACIFIC RAILROAD CO. ET AL. Supreme Court of Utah. Certiorari denied. *Calvin W. Rawlings* and *Parnell Black* for petitioner. *T. W. Bockes* for respondents. Reported below: — Utah —, 219 P. 2d 1080.

No. 470. ADRIAANSE *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Jacob Rassner* for petitioner. *Solicitor General Perlman, Acting Assistant Attorney General Clapp* and *Paul A. Sweeney* for the United States. Reported below: 184 F. 2d 968.

No. 471. DAVIS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Clifton Hildebrand* for petitioner. *Solicitor General Perlman, Assistant Attorney General McInerney, Robert S. Erdahl* and *Robert G. Maysack* for the United States. Reported below: 185 F. 2d 938.

No. 478. MINE HILL & SCHUYLKILL HAVEN RAILROAD CO. *v.* SMITH, COLLECTOR OF INTERNAL REVENUE. C. A. 3d Cir. Certiorari denied. *Morse Garwood* and *Harold*

340 U. S.

February 26, 1951.

Evans for petitioner. *Solicitor General Perlman, Assistant Attorney General Caudle, Ellis N. Slack and Harry Baum* for respondent. Reported below: 184 F. 2d 422.

No. 480. *HANNA ET AL., DOING BUSINESS AS HERCULES COMPANY, v. THE METEOR ET AL.* C. A. 2d Cir. Certiorari denied. *William R. Furlong* for petitioners. *Bernard Tompkins* for respondents. Reported below: 184 F. 2d 439.

No. 482. *TUCKER ET AL. v. CUTLER.* C. A. 6th Cir. Certiorari denied. Petitioners *pro se.* *Henry J. Cook, Carl H. Ebert and Walter J. Burke* for respondent. Reported below: 185 F. 2d 853.

No. 485. *QUINCY v. TEXAS COMPANY ET AL.* C. A. 10th Cir. Certiorari denied. *H. A. Ledbetter* for petitioner. *B. W. Griffith and A. Camp Bonds* for respondents. Reported below: 185 F. 2d 139.

No. 487. *EDMONDSTON v. MOORE (MOHR) ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se.* *Solicitor General Perlman, Acting Assistant Attorney General Clapp, Paul A. Sweeney and Herman Marcuse* for *Moore (Mohr) et al., respondents.*

No. 489. *BOARD OF ZONING APPEALS OF HEMPSTEAD ET AL. v. CLARK ET AL.* Court of Appeals of New York. Certiorari denied. *Louis A. D'Agosto* for petitioners. *Theodore L. Bailey* for respondents. Reported below: 301 N. Y. 86, 92 N. E. 2d 903.

No. 491. *SMOOT SAND & GRAVEL CORP. v. DISTRICT OF COLUMBIA.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *David R. Shelton and Aaron L. Ford* for petitioner. *Vernon E.*

February 26, 1951.

340 U. S.

West, Chester H. Gray and George C. Updegraff for respondent. Reported below: 87 U. S. App. D. C. —, 184 F. 2d 987.

No. 492. *FOUNTAIN ET AL. v. GEORGIA POWER Co.* Supreme Court of Georgia. Certiorari denied. *Victor Davidson* for petitioners. *Wallace Miller* for respondent. Reported below: 207 Ga. 361, 61 S. E. 2d 454.

No. 497. *INTERNATIONAL UNION, UNITED MINE WORKERS OF AMERICA, ET AL. v. NATIONAL LABOR RELATIONS BOARD.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Welly K. Hopkins, Harrison Combs and M. E. Boiarsky* for petitioners. *Solicitor General Perlman, David P. Findling, Mozart G. Ratner and William J. Avrutis* for respondent. Reported below: 87 U. S. App. D. C. —, 184 F. 2d 392.

No. 506. *ZIMMERMAN ET AL. v. CHICAGO GREAT WESTERN RAILWAY Co.* C. A. 7th Cir. Certiorari denied. *Ben W. Heineman and Alex Elson* for petitioners. *Harold A. Smith and Bryce L. Hamilton* for respondent. Reported below: 185 F. 2d 399.

No. 525. *ALLEN ET AL. v. BROTHERHOOD OF RAILROAD TRAINMEN.* Supreme Court of Texas. Certiorari denied. *Edward C. Fritz* for petitioners. *J. Hart Willis* for respondent. Reported below: 148 Tex. 629.

No. 407. *FARMERS' UNION EDUCATIONAL & CO-OPERATIVE ASSOCIATION ET AL. v. NORTHWESTERN BELL TELEPHONE Co.* Supreme Court of South Dakota. Certiorari denied. *Carl W. Berueffy* for petitioners. *Douglas F. Smith and T. J. Peycke* for respondent. Reported below: 73 S. D. —, 43 N. W. 2d 553.

340 U.S.

February 26, 1951.

No. 427. *HEALY, ADMINISTRATRIX, v. PENNSYLVANIA RAILROAD Co.* C. A. 3d Cir. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion certiorari should be granted. *John H. Hoffman* for petitioner. *Philip Price, Hugh B. Cox* and *James G. Johnson, Jr.* for respondent. Reported below: 184 F. 2d 209.

No. 432. *WALTER G. HOUGLAND, INC. ET AL. v. MUSCOVALLEY.* C. A. 6th Cir. Certiorari denied. *James G. Wheeler* for petitioners. *Edward B. Hayes* for respondent. Reported below: 184 F. 2d 530.

No. 455. *DOWLING v. ISTHMIAN STEAMSHIP CORP.* C. A. 3d Cir. Certiorari denied. *Paul M. Goldstein* for petitioner. *Thomas E. Byrne, Jr.* for respondent. Reported below: 184 F. 2d 758.

No. 462. *HERWIG v. SCHOENEMAN, COMMISSIONER OF INTERNAL REVENUE, ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *L. J. H. Herwig, pro se.* *Solicitor General Perlman, Acting Assistant Attorney General Clapp, Samuel D. Slade* and *Herman Marcuse* for respondents.

No. 463. *CHAFFIN v. CHESAPEAKE & OHIO RAILWAY Co.* C. A. 4th Cir. Certiorari denied. MR. JUSTICE REED took no part in the consideration or decision of this application. *Horace S. Meldahl* for petitioner. *C. W. Strickling* for respondent. Reported below: 184 F. 2d 948.

No. 465. *COOKINGHAM v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. *Abraham E. Freedman* for petitioner. *Solicitor General Perlman, Acting Assistant Attorney General Clapp* and *Samuel D. Slade* for the United States. Reported below: 184 F. 2d 213.

February 26, 1951.

340 U. S.

No. 469. *MELISH ET AL. v. THE RECTOR, CHURCH WARDENS AND VESTRYMEN OF THE CHURCH OF THE HOLY TRINITY IN THE CITY OF BROOKLYN ET AL.* Court of Appeals of New York. Certiorari denied. *Raphael H. Weissman* for petitioners. *Theodore Kiendl* and *William R. Meagher* for the Church of the Holy Trinity et al.; and *Jackson A. Dykman* for De Wolfe, respondents. Reported below: 301 N. Y. 679, 95 N. E. 2d 43.

No. 477. *SMART v. WOODS, HOUSING EXPEDITER, ET AL.* C. A. 6th Cir. Certiorari denied. *Stuart E. Fletcher* and *John W. Cowell* for petitioner. *Solicitor General Perlman*, *John R. Benney*, *Ed Dupree*, *Leon J. Libeu*, *Nathan Siegel* and *Walter A. Rochow* for respondents. Reported below: 184 F. 2d 714.

No. 501. *HARTFORD ACCIDENT & INDEMNITY Co. v. CASALINO.* Court of Appeals of New York. Certiorari denied. *William J. Junkerman* for petitioner. *Bernard A. Grossman* for respondent.

No. 218, Misc. *MARKHAM v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 184 F. 2d 512.

No. 237, Misc. *TASHKOFF v. HUDSPETH, WARDEN.* Supreme Court of Kansas. Certiorari denied. Petitioner *pro se.* *Harold R. Fatzer*, Attorney General of Kansas, and *Willis H. McQueary*, Assistant Attorney General, for respondent.

No. 259, Misc. *PETILLO v. INDIANA.* Supreme Court of Indiana. Certiorari denied. Reported below: 228 Ind. 97, 89 N. E. 2d 623.

No. 283, Misc. *SMITH v. CALIFORNIA ET AL.* Supreme Court of California. Certiorari denied. Petitioner *pro*

340 U. S.

February 26, 1951.

se. *Edmund G. Brown*, Attorney General of California, and *Clarence A. Linn*, Deputy Attorney General, for respondents.

No. 289, Misc. JACKSON *v.* HUMPHREY, WARDEN. C. A. 3d Cir. Certiorari denied. Reported below: 185 F. 2d 407.

No. 309, Misc. RUDNIK *v.* MICHIGAN. Supreme Court of Michigan. Certiorari denied.

No. 316, Misc. NEAL *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Henry Lincoln Johnson, Jr.* for petitioner. Reported below: 87 U. S. App. D. C. —, 185 F. 2d 441.

No. 317, Misc. CUMMINGS *v.* COOK COUNTY CIRCUIT COURT ET AL. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 324, Misc. WELLS *v.* CALIFORNIA. Supreme Court of California. Certiorari denied. *George Olshausen* for petitioner. Reported below: 35 Cal. 2d 889, 221 P. 2d 947.

No. 326, Misc. SCHECTMAN *v.* NEW YORK. Appellate Division of the Supreme Court of New York, Second Judicial Department. Certiorari denied.

No. 329, Misc. HALL *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied. Reported below: 407 Ill. 137, 94 N. E. 2d 873.

No. 331, Misc. TYLER *v.* WISCONSIN ET AL. Supreme Court of Wisconsin. Certiorari denied.

February 26, 1951.

340 U.S.

No. 332, Misc. JONES *v.* CRANOR, SUPERINTENDENT. Supreme Court of Washington. Certiorari denied.

No. 333, Misc. PRYOR *v.* CALIFORNIA ET AL. C. A. 9th Cir. Certiorari denied.

No. 338, Misc. HAWKS *v.* ROBINSON, WARDEN. Supreme Court of Illinois. Certiorari denied.

No. 343, Misc. SWAIN *v.* DUFFY, WARDEN. Supreme Court of California. Certiorari denied.

No. 344, Misc. QUEVREAUX *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied. Reported below: 407 Ill. 176, 95 N. E. 2d 62.

No. 346, Misc. BERTRAND *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

No. 348, Misc. BRES *v.* CALIFORNIA ET AL. Supreme Court of California. Certiorari denied.

No. 351, Misc. SULLIVAN *v.* NEW YORK. Court of Appeals of New York. Certiorari denied.

No. 353, Misc. CLAYCOMB *v.* CLAUDY, WARDEN. Supreme Court of Pennsylvania. Certiorari denied.

No. 354, Misc. DEL PINO *v.* NEW YORK. Court of Appeals of New York. Certiorari denied.

No. 355, Misc. HOOPER *v.* SCHNECKLOTH, WARDEN. Supreme Court of California. Certiorari denied.

No. 369, Misc. RAY *v.* INDIANA. Supreme Court of Indiana. Certiorari denied. Reported below: 228 Ind. 706, 95 N. E. 2d 212.

340 U. S.

February 26, 1951.

No. 359, Misc. KUBESH *v.* MICHIGAN. Supreme Court of Michigan. Certiorari denied.

No. 161, Misc. BEST *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. MR. JUSTICE CLARK took no part in the consideration or decision of this application. Petitioner *pro se*. *Solicitor General Perlman, Assistant Attorney General McInerney, Philip R. Monahan and Robert G. Maysack* for the United States. Reported below: 184 F. 2d 131.

No. 288, Misc. BAKER, ADMINISTRATRIX, *v.* ATLANTIC COAST LINE RAILROAD Co. Supreme Court of North Carolina. Certiorari denied. MR. JUSTICE REED took no part in the consideration or decision of this application. *Douglas B. Maggs* for petitioner. *Charles Cook Howell* for respondent. Reported below: 232 N. C. 523, 61 S. E. 2d 621.

Rehearing Denied. (See also Nos. 46 and 47, *supra*, p. 926.)

No. 486, October Term, 1949. ROBERTSON ROCK BIT Co., INC. ET AL. *v.* HUGHES TOOL Co., 338 U. S. 948. Second petition for rehearing denied.

No. 12, Original. UNITED STATES *v.* LOUISIANA, *ante*, p. 899. The petition for rehearing is denied. MR. JUSTICE JACKSON and MR. JUSTICE CLARK took no part in the consideration or decision of this application.

No. 297. KIEFER-STEWART Co. *v.* JOSEPH E. SEAGRAM & SONS, INC. ET AL., *ante*, p. 211;

No. 397. GAUNT *v.* UNITED STATES, *ante*, p. 917;

No. 419. DuBAN, EXECUTRIX, ET AL. *v.* FEDERAL DEPOSIT INSURANCE CORPORATION, *ante*, p. 917; and

No. 436. BOARD OF SUPERVISORS OF LOUISIANA STATE UNIVERSITY AND AGRICULTURAL AND MECHANICAL COL-

February 26, March 3, 5, 1951.

340 U. S.

LEGE ET AL. *v.* WILSON, *ante*, p. 909. The petitions for rehearing in these cases are severally denied.

No. 81, Misc., October Term, 1949. *EAGLE v. CHERNEY ET AL.*, 338 U. S. 837. Fifth petition for rehearing denied.

MARCH 3, 1951.

No. 240, Misc. *FERNANDEZ v. NEW YORK*, *ante*, p. 914. The petition for rehearing is denied.

MARCH 5, 1951.

Per Curiam Decisions.

No. 551. *MARSH ET AL. v. CITY OF EL DORADO*. Appeal from the Supreme Court of Arkansas. *Per Curiam*: The appeal is dismissed for the want of a substantial federal question. *Henry B. Whitley* for appellants. *J. A. O'Connor, Jr.* for appellee. Reported below: 217 Ark. 838, 233 S. W. 2d 536.

No. 89. *UNITED STATES EX REL. KNAUFF v. McGRATH, ATTORNEY GENERAL, ET AL.* 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 cause is remanded to the District Court with directions to vacate its order and to dismiss the proceeding upon the ground that the cause is moot. MR. JUSTICE CLARK took no part in the consideration or decision of this case. *Gunther Jacobson* for petitioner. *Solicitor General Perlman, Assistant Attorney General McInerney, Robert S. Erdahl* and *Philip R. Monahan* for respondents.

Miscellaneous Orders.

No. 376, Misc. *FOSTER v. HUDSPETH, WARDEN*. Petition for writ of certiorari to the Supreme Court of Kansas dismissed on motion of petitioner.

340 U. S.

March 5, 1951.

No. 302, Misc. *DeVane*, U. S. DISTRICT JUDGE, *v.* U. S. COURT OF APPEALS FOR THE FIFTH CIRCUIT ET AL. The motion for leave to file petition for writ of prohibition, mandamus, and certiorari is denied. *Harry G. Fuerst* and *William Paul Allen* for petitioner. *Charles Cook Howell* for the Atlantic Coast Line Railroad Company, respondent.

No. 366, Misc. *MURPHY v. ROBINSON*, WARDEN. The motion for leave to file petition for writ of habeas corpus is denied.

No. 377, Misc. *JOHNSON v. LAWRENCE*, SUPERINTENDENT. The motion for leave to file petition for writ of certiorari is denied.

Certiorari Granted. (See also No. 89, *supra.*)

No. 453. *GARNER ET AL. v. BOARD OF PUBLIC WORKS OF THE CITY OF LOS ANGELES ET AL.* District Court of Appeal of California, Second Appellate District. Certiorari granted. *John T. McTernan* for petitioners. *Ray L. Chesebro* and *Bourke Jones* for respondents. Reported below: 98 Cal. App. 2d 493, 220 P. 2d 958.

Certiorari Denied. (See also Misc. Nos. 302 and 377, *supra.*)

No. 328. *GROSS INCOME TAX DIVISION, INDIANA DEPARTMENT OF STATE REVENUE, v. W. B. CONKEY Co.* Supreme Court of Indiana. Certiorari denied. *J. Emmett McManamon*, Attorney General of Indiana, and *John J. McShane*, *Lloyd C. Hutchinson* and *Joseph E. Nowak*, Deputy Attorneys General, for petitioner. Reported below: 228 Ind. 352, 90 N. E. 2d 805.

No. 429. *SPARKS ET AL. v. CIVIL AERONAUTICS BOARD ET AL.* C. A. 2d Cir. Certiorari denied. *Hardy K. Mac-*

March 5, 1951.

340 U. S.

lay for petitioners. *Solicitor General Perlman*, *Acting Assistant Attorney General Clapp*, *James L. Morrisson* and *Samuel D. Slade* for the Civil Aeronautics Board; *Henry J. Friendly* for Pan American World Airways, Inc.; and *Howard C. Westwood* and *Malcolm A. MacIntyre* for American Airlines et al., respondents. Reported below: 184 F. 2d 66.

No. 451. KOONS ET AL. v. KAISER ET AL.; and

No. 452. KOONS ET AL. v. KAUFMAN, U. S. DISTRICT JUDGE. C. A. 2d Cir. Certiorari denied. *William H. Timbers* for petitioners. *Samuel I. Rosenman*, *Godfrey Goldmark* and *Max Freund* for respondents.

No. 490. STANDARD BRANDS, INC. v. BATEMAN ET AL.; and

No. 496. MIDWEST REFRIGERATION, INC. v. BATEMAN ET AL. C. A. 8th Cir. Certiorari denied. *Fowler Hamilton* for Standard Brands, Inc., petitioner in No. 490 and respondent in No. 496. *Oliver J. Miller* for petitioner in No. 496. *Cornelius Roach* for respondents in No. 490. Reported below: 184 F. 2d 1002.

No. 495. HAYES ET AL. v. UNION PACIFIC RAILROAD CO. ET AL. C. A. 9th Cir. Certiorari denied. *Harold M. Sawyer* and *Richard Gladstein* for petitioners. *T. W. Bockes*, *Elmer Collins*, *Edward C. Renwick* and *Malcolm Davis* for the Union Pacific Railroad Company; and *Marion B. Plant* for the Dining Car Employees' Union Local 372, respondents. Reported below: 184 F. 2d 337.

No. 502. FIORELLA v. CITY OF BIRMINGHAM. Court of Appeals of Alabama. Certiorari denied. *James T. Gibson, Jr.* for petitioner. *Charles S. Rhyne* for respondent. Reported below: — Ala. App. —, 48 So. 2d 768.

340 U. S.

March 5, 1951.

No. 509. SUCKOW BORAX MINES CONSOLIDATED, INC. ET AL. *v.* BORAX CONSOLIDATED, LTD. ET AL. C. A. 9th Cir. Certiorari denied. *Sterling Carr* for petitioners. *Herman Phleger, Moses Lasky, John L. Reith and Michael F. McCarthy* for respondents. Reported below: 185 F. 2d 196.

No. 510. STEPOVICH, EXECUTRIX, *v.* KUPOFF ET AL. C. A. 9th Cir. Certiorari denied. *Francis R. Kirkham and Southall R. Pfund* for petitioner. *George B. Grigsby* for respondents. Reported below: 184 F. 2d 705.

No. 514. GAMBLE, ADMINISTRATOR, *v.* GAMBLE ET AL. Supreme Court of Georgia. Certiorari denied. *William G. McRae* for petitioner. *James K. Rankin* for respondents. Reported below: 207 Ga. 380, 61 S. E. 2d 836.

No. 516. BENTLEY ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 2d Cir. Certiorari denied. *Howe P. Cochran* for petitioners. *Solicitor General Perlman, Assistant Attorney General Caudle, Ellis N. Slack and Harry Baum* for respondent. Reported below: 184 F. 2d 668.

No. 481. MACARTHUR MINING CO., INC. *v.* RECONSTRUCTION FINANCE CORPORATION. C. A. 8th Cir. Certiorari denied. MR. JUSTICE CLARK took no part in the consideration or decision of this application. *Inghram D. Hook and John W. Hoffman, Jr.* for petitioner. *Solicitor General Perlman, Acting Assistant Attorney General Clapp, Samuel D. Slade and Morton Hollander* for respondent. Reported below: 184 F. 2d 913.

No. 205, Misc. GILBERT *v.* MICHIGAN. Supreme Court of Michigan. Certiorari denied. Petitioner *pro se.* *Edmund E. Shepherd*, Solicitor General of Michigan, for respondent.

March 5, 12, 1951.

340 U. S.

No. 264, Misc. HACKWORTH *v.* HIATT, WARDEN. C. A. 5th Cir. Certiorari denied. Reported below: 184 F. 2d 517.

No. 314, Misc. MCGUIRE *v.* INDIANA. Supreme Court of Indiana. Certiorari denied. *Tyrah E. Maholm* for petitioner. Reported below: 228 Ind. 696, 94 N. E. 2d 589.

No. 315, Misc. HANSBROUGH *v.* INDIANA. Supreme Court of Indiana. Certiorari denied. *Tyrah E. Maholm* for petitioner. Reported below: 228 Ind. 688, 94 N. E. 2d 534.

No. 330, Misc. ALLOWAY *v.* SIMPSON, SUPERINTENDENT. Supreme Court of Wisconsin. Certiorari denied.

No. 352, Misc. RUSSELL *v.* CLAUDY, WARDEN. Supreme Court of Pennsylvania. Certiorari denied.

No. 361, Misc. BYARS *v.* WARDEN OF THE MARYLAND PENITENTIARY. Court of Appeals of Maryland. Certiorari denied.

No. 368, Misc. WHITE *v.* INDIANA ET AL. Supreme Court of Indiana. Certiorari denied.

No. 379, Misc. WOJDAKOWSKI *v.* BURKE, WARDEN. Supreme Court of Pennsylvania. Certiorari denied.

MARCH 12, 1951.

Per Curiam Decision.

No. 294, Misc. MOORE, DOING BUSINESS AS MOORE'S BAKERY, *v.* MEAD SERVICE CO. ET AL. On petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit. *Per Curiam*: The petition for writ

340 U. S.

March 12, 1951.

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 *Kiefer-Stewart Co. v. Joseph E. Seagram & Sons*, ante, p. 211. *Dee C. Blythe* for petitioner. *Edward W. Napier, Howard F. Houk* and *Leslie Humphrey* for respondents. Reported below: 184 F. 2d 338.

Miscellaneous Orders.

No. 209. *EMICH MOTORS CORP. ET AL. v. GENERAL MOTORS CORP. ET AL.* It is ordered that the concluding paragraph of the opinion of this Court in this case be amended to read as follows: "The case is remanded to the Court of Appeals with directions to modify its judgment to conform with this opinion." It is further ordered that the judgment of this Court entered on February 26, 1951, be amended accordingly. MR. JUSTICE MINTON took no part in the consideration or decision of this question.

[The opinion is reported as amended, ante, p. 558, the change being at p. 572.]

No. 414. *McMAKIN ET AL., TRUSTEES, v. CITY OF RICHLAWN ET AL.* Petition for writ of certiorari to the Court of Appeals of Kentucky dismissed for failure to comply with the rules. Reported below: 313 Ky. 265, 230 S. W. 2d 902.

No. 320, Misc. *IN RE JERONIS.* The motion for leave to file petition for writ of habeas corpus and certiorari and the petition for appeal are denied.

No. 358, Misc. *BIGGS v. SULLIVAN ET AL.* The motion for leave to file petition for writ of mandamus and the petition for temporary restraining order are denied.

No. 370, Misc. *HULL v. FRISBIE, WARDEN.* The motion for leave to file petition for writ of certiorari is denied.

March 12, 1951.

340 U. S.

No. 391, Misc. *BROADUS v. UNITED STATES*. Application denied.

Certiorari Granted. (See also No. 294, Misc., *supra.*)

No. 513. *HOFFMAN v. UNITED STATES*. C. A. 3d Cir. *Certiorari* granted. *Lester J. Schaffer* and *William A. Gray* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General McInerney*, *Philip R. Monahan* and *Robert G. Maysack* for the United States. Reported below: 185 F. 2d 617.

No. 364, Misc. *ROSS v. TEXAS*. Court of Criminal Appeals of Texas. *Certiorari* granted. *W. J. Durham* for petitioner. *Price Daniel*, Attorney General of Texas, *Charles D. Mathews*, First Assistant Attorney General, and *E. Jacobson*, Assistant Attorney General, for respondent. Reported below: 154 Tex. Cr. R. —, 233 S. W. 2d 126.

Certiorari Denied. (See also No. 414 and Misc. Nos. 320 and 370, *supra.*)

No. 472. *LAFAYETTE STEEL CO., INC. v. LUSTRON CORPORATION ET AL.* C. A. 7th Cir. *Certiorari* denied. *Louis M. Mantynband*, *Sidney R. Zatz* and *Benjamin H. Schwartz* for petitioner. *William S. Collen* and *Jacob Cohen* for respondents. Reported below: 184 F. 2d 798.

No. 507. *RECONSTRUCTION FINANCE CORPORATION v. LUSTRON CORPORATION ET AL.* C. A. 7th Cir. *Certiorari* denied. *Solicitor General Perlman* for petitioner. *Michael Gesas*, *William S. Collen* and *Jacob Cohen* for respondents. Reported below: 184 F. 2d 789.

No. 475. *BORG-WARNER CORPORATION, AS SUCCESSOR TO THE MARVEL CARBURETOR CO., v. UNITED STATES*. Court of Claims. *Certiorari* denied. *Charles D. Hamel*,

340 U. S.

March 12, 1951.

Lee I. Park and Clarence F. Rothenburg for petitioner. *Solicitor General Perlman, Acting Assistant Attorney General Clapp and Samuel D. Slade* for the United States. Reported below: 117 Ct. Cl. 1, 89 F. Supp. 1013.

No. 512. *REYNOLDS v. BALTIMORE & OHIO RAILROAD Co.* C. A. 7th Cir. Certiorari denied. *Frank E. Lorch and Evan A. McLinn* for petitioner. *E. H. Burgess and Kenneth H. Ekin* for respondent. Reported below: 185 F. 2d 27.

No. 518. *MONTANA POWER Co. v. FEDERAL POWER COMMISSION.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *J. E. Corette, Jr., S. B. Chase, Jr., John C. Hauck, Herbert M. Bingham and H. Donald Kistler* for petitioner. *Solicitor General Perlman, Acting Assistant Attorney General Clapp, Paul A. Sweeney, Melvin Richter, Herman Marcuse, Bradford Ross, Willard W. Gatchell and Bernard A. Foster, Jr.* for respondent. Reported below: 87 U. S. App. D. C. —, 185 F. 2d 491.

No. 521. *HART ET AL. v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. *Donald S. Caruthers and Howard W. Smith, Jr.* for petitioners. *Solicitor General Perlman, Ed Dupree, Leon J. Libeu and Nathan Siegel* for the United States.

No. 523. *GOLDMAN v. GENERAL MILLS, INC.* C. A. 8th Cir. Certiorari denied. *David W. Louisell and Irving H. Green* for petitioner. *Frank J. Morley, D. E. Balch, A. Lyman Beardsley and Edward K. Thode* for respondent. Reported below: 184 F. 2d 359.

No. 484. *VRILIUM PRODUCTS CO. ET AL. v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. *Leslie E. Salter* for petitioners. *Solicitor General Perlman, Assist-*

March 12, 1951.

340 U. S.

ant Attorney General McInerney, Philip R. Monahan and Felicia H. Dubrovsky for the United States. Reported below: 185 F. 2d 3.

No. 520. *HISS v. UNITED STATES*. 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. *Robert M. Benjamin, Harold Rosenwald and Chester T. Lane* for petitioner. *Solicitor General Perlman, Assistant Attorney General McInerney and Philip R. Monahan* for the United States. Reported below: 185 F. 2d 822.

No. 528. *MOFFETT v. ARABIAN AMERICAN OIL CO., INC., FORMERLY KNOWN AS CALIFORNIA ARABIAN STANDARD OIL CO., INC.* C. A. 2d Cir. Certiorari denied. MR. JUSTICE BLACK is of the opinion certiorari should be granted. MR. JUSTICE CLARK took no part in the consideration or decision of this application. *William Power Maloney and Raymond N. Beebe* for petitioner. *Joseph M. Proskauer* for respondent. Reported below: 184 F. 2d 859.

No. 532. *OTTLEY v. ST. LOUIS-SAN FRANCISCO RAILWAY Co.* Supreme Court of Missouri. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion certiorari should be granted. *Guy W. Green* for petitioner. *C. H. Skinker, Jr.* for respondent. Reported below: 360 Mo. 1189, 232 S. W. 2d 966.

Nos. 353 and 552. *LAND ET AL. v. DOLLAR ET AL.* The petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit in No. 552 is denied. The motion for leave to file petition for rehearing in No. 353 is denied. MR. JUSTICE BLACK and MR. JUSTICE CLARK took no part in the consideration or decision of these applications. *Solicitor General Perl-*

340 U. S.

March 12, 1951.

man for petitioners. *Gregory A. Harrison, Moses Lasky* and *Clinton M. Hester* for respondents in No. 552. Reported below: No. 552, 88 U. S. App. D. C. —, 188 F. 2d 629.

No. 265, Misc. *BYERS v. HUNTER ET AL.* C. A. 10th Cir. Certiorari denied.

No. 291, Misc. *GEORGE v. LOUISIANA.* Supreme Court of Louisiana. Certiorari denied. Petitioner *pro se. Bolivar E. Kemp, Jr.*, Attorney General of Louisiana, and *M. E. Culligan*, Assistant Attorney General, for respondent. Reported below: 218 La. 18, 48 So. 2d 265.

No. 305, Misc. *DONNELLY v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 185 F. 2d 559.

No. 325, Misc. *MAHLER v. MICHIGAN.* Supreme Court of Michigan. Certiorari denied. Reported below: 329 Mich. 155, 45 N. W. 2d 14.

No. 363, Misc. *BUDERUS v. NEW YORK.* Court of Appeals of New York. Certiorari denied. Petitioner *pro se. George Tilzer* for respondent.

No. 375, Misc. *COLBERT v. CLAUDY, WARDEN.* Supreme Court of Pennsylvania. Certiorari denied.

No. 381, Misc. *STATE EX REL. BAILEY v. SKEEN, WARDEN.* Supreme Court of Appeals of West Virginia. Certiorari denied. *W. Hayes Pettry* for petitioner.

No. 382, Misc. *LORENZO v. PENNSYLVANIA ET AL.* Supreme Court of Pennsylvania. Certiorari denied.

Rehearing Denied. (See No. 353, *supra.*)

March 26, 1951.

340 U.S.

MARCH 26, 1951.

Per Curiam Decision.

No. 585. PRUNK ET AL. *v.* INDIANAPOLIS REDEVELOPMENT COMMISSION ET AL. Appeal from the Supreme Court of Indiana. *Per Curiam*: The appeal is dismissed for the want of a substantial federal question. *Edwin M. S. Steers* for appellants. Reported below: 228 Ind. 579, 93 N. E. 2d 171.

Miscellaneous Orders.

No. —. COMMUNIST PARTY OF THE UNITED STATES *v.* McGRATH, ATTORNEY GENERAL. The petition for an extension of the stay order is denied. *John J. Abt* and *Joseph Forer* for petitioner. *Solicitor General Perlman*, *Robert L. Stern*, *Robert W. Ginnane*, *Edward H. Hickey* and *Howard C. Wood* for respondent.

No. 511. SICKMAN ET AL. *v.* UNITED STATES. Beatrice Sickman, Executrix, substituted as a party petitioner for Charles Sickman.

No. 392, Misc. SCHNEIDER *v.* CALIFORNIA ET AL.; and
No. 400, Misc. WILLIAMS *v.* OVERHOLSER. The motions for leave to file petitions for writs of habeas corpus in these cases are denied.

No. 402, Misc. WHETSTONE *v.* O'DONOVAN, U. S. MARSHAL, ET AL. The motion for leave to file petition for writ of mandamus is denied.

No. 417, Misc. MCGEE *v.* JONES, SHERIFF, ET AL. The motion for leave to file petition for writs of habeas corpus and/or certiorari is denied. *James T. Wright* for petitioner. *J. P. Coleman*, Attorney General of Mississippi, for respondents.

340 U. S.

March 26, 1951.

Certiorari Granted.

No. 519. UNITED STATES *v.* JEFFERS. United States Court of Appeals for the District of Columbia Circuit. Certiorari granted. *Solicitor General Perlman* for the United States. Reported below: 88 U. S. App. D. C. —, 187 F. 2d 498.

Certiorari Denied. (See also No. 417, Misc., *supra*.)

No. 505. OBERMEIER *v.* UNITED STATES; and

No. 557. UNITED STATES *v.* OBERMEIER. C. A. 2d Cir. Certiorari denied. *Paul O'Dwyer* for Obermeier. *Solicitor General Perlman* for the United States. *Assistant Attorney General McInerney* and *Robert S. Erdahl* were with him on the brief in No. 505. Reported below: 186 F. 2d 243.

No. 515. REILLY *v.* GODDARD, U. S. DISTRICT JUDGE. C. A. 2d Cir. Certiorari denied. *John T. Cahill* for petitioner. *Edward C. Wallace* for respondent.

No. 524. LYDON ET UX. *v.* CARNEY ET UX. Supreme Court of Washington. Certiorari denied. Petitioners *pro se*. *Lane Summers* for respondents. Reported below: 36 Wash. 2d 881, 224 P. 2d 634.

No. 526. PARR ET AL. *v.* SCOFIELD, COLLECTOR OF INTERNAL REVENUE. C. A. 5th Cir. Certiorari denied. *J. B. Lewright* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Ellis N. Slack*, *Helen Goodner* and *John R. Benney* for respondent. Reported below: 185 F. 2d 535.

No. 527. GEER ET AL., DOING BUSINESS AS LARRY GEER BALLROOMS, *v.* BIRMINGHAM ET AL., EXECUTORS. C. A. 8th Cir. Certiorari denied. *Thomas B. Roberts* and

March 26, 1951.

340 U. S.

Clyde B. Charlton for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Ellis N. Slack*, *A. F. Prescott*, *Carlton Fox* and *John R. Benney* for respondents. Reported below: 185 F. 2d 82.

No. 531. DALLAS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 3 ET AL. *v.* CITY OF DALLAS ET AL. Supreme Court of Texas. Certiorari denied. *Victor W. Bouldin* and *Marie McCutcheon* for petitioners. *H. P. Kucera* for respondents. Reported below: 149 Tex. —, 233 S. W. 2d 291.

No. 533. SOKOL BROTHERS FURNITURE CO. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 5th Cir. Certiorari denied. *Crampton Harris* for petitioner. *Solicitor General Perlman* for respondent. Reported below: 185 F. 2d 677.

No. 539. CRAVEN *v.* ATLANTIC COAST LINE RAILROAD CO. C. A. 4th Cir. Certiorari denied. *George E. Allen* for petitioner. *Collins Denny, Jr.* and *J. M. Townsend* for respondent. Reported below: 185 F. 2d 176.

No. 540. WASHINGTON GAS LIGHT CO. *v.* BAKER; and
No. 548. PUBLIC UTILITIES COMMISSION OF THE DISTRICT OF COLUMBIA *v.* BAKER. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Stoddard M. Stevens*, *C. Oscar Berry* and *Houston H. Wasson* for petitioner in No. 540. *Vernon E. West* and *Lloyd B. Harrison* for petitioner in No. 548. *Herbert P. Leeman*, *William A. Roberts*, *Jerome M. Alper*, *Francis J. Ortman* and *Irene Kennedy* for respondent. Reported below: 88 U. S. App. D. C. —, 188 F. 2d 11.

No. 542. MINKOFF ET AL. *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Jesse Climenko* and *George Trosk* for petitioners. *Solicitor General Perlman*, *Assist-*

340 U. S.

March 26, 1951.

ant Attorney General *McInerney*, *Philip R. Monahan* and *Robert G. Maysack* for the United States. Reported below: 186 F. 2d 144.

No. 543. *RODNEY*, U. S. DISTRICT JUDGE, ET AL. *v.* *PARAMOUNT PICTURES, INC. ET AL.* C. A. 3d Cir. Certiorari denied. *Thurman Arnold* and *Clair J. Killoran* for petitioners. *Roy W. McDonald*, *Robert E. Sher*, *George S. Wright* and *Jos. Irion Worsham* for respondents. Reported below: 186 F. 2d 111.

No. 544. *STECKEL v. LURIE ET AL., DOING BUSINESS AS LURIE & ALPER.* C. A. 6th Cir. Certiorari denied. *Frederrick Bernays Wiener* for petitioner. *John J. Adams* for respondents. Reported below: 185 F. 2d 921.

No. 545. *CHARLES E. SMITH & SONS CO. ET AL. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 6th Cir. Certiorari denied. *Sol Goodman* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Ellis N. Slack* and *Harry Marselli* for respondent. Reported below: 184 F. 2d 1011.

No. 549. *JENNINGS-WATTS OIL CO., INC. v. GILBERT, DOING BUSINESS AS GILBERT STORAGE & TRANSFER CO., ET AL.* C. A. 4th Cir. Certiorari denied. *Mac Asbill* for petitioner. *Max J. Gwertzman* and *William S. Mundy, Jr.* for respondents.

No. 553. *MORAN TRANSPORTATION CORP. v. ADMINISTRATRIX OF MELLINO ET AL.* C. A. 2d Cir. Certiorari denied. *Edward Ash* for petitioner. *Jacquin Frank* for respondents. Reported below: 185 F. 2d 386.

No. 555. *R. H. OSWALD CO., INC. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 7th Cir. Certiorari denied. *Walter E. Barton* for petitioner. *Solicitor General Perl-*

March 26, 1951.

340 U. S.

man, Assistant Attorney General Caudle, Ellis N. Slack, Helen Goodner and Morton K. Rothschild for respondent. Reported below: 185 F. 2d 6.

No. 563. MERRICK ET AL., DOING BUSINESS AS BROOKFIELD LABORATORIES, *v.* SHARP & DOHME, INC. C. A. 7th Cir. Certiorari denied. *Cyril A. Soans and William E. Anderson* for petitioners. *George E. Middleton and L. B. Mann* for respondent. Reported below: 185 F. 2d 713.

No. 570. LEVOY *v.* STYL-RITE OPTICAL CORP. ET AL. C. A. 2d Cir. Certiorari denied. *Eugene L. Bondy* for petitioner. *Irving F. Goodfriend* for respondents. Reported below: 185 F. 2d 240.

No. 572. DELTA DRILLING CO. ET AL. *v.* ARNETT. C. A. 6th Cir. Certiorari denied. *Charles G. Middleton, Louis Seelbach, Leo T. Wolford, Ralph W. Garrett, Jack B. Blalock, Clarence Lohman, Edward Kliewer, Jr. and F. J. Pentecost* for petitioners. *Thomas E. Sandidge and Edwin M. Slote* for respondent. Reported below: 186 F. 2d 481.

No. 582. REDWINE, REVENUE COMMISSIONER, *v.* DAN RIVER MILLS, INC. Supreme Court of Georgia. Certiorari denied. *Eugene Cook, Attorney General of Georgia, M. H. Blackshear, Jr., Deputy Assistant Attorney General, and Lamar W. Sizemore, Assistant Attorney General,* for petitioner. *William K. Meadow and Robert B. Troutman* for respondent. Reported below: 207 Ga. 381, 61 S. E. 2d 771.

No. 522. COLE *v.* LOEW'S INCORPORATED. C. A. 9th Cir. Certiorari denied. MR. JUSTICE CLARK took no part in the consideration or decision of this application. *Robert W. Kenny and Bartley C. Crum* for petitioner. *Irving M. Walker* for respondent. Reported below: 185 F. 2d 641.

340 U. S.

March 26, 1951.

No. 260, Misc. CLARK *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. *Herbert K. Hyde* for petitioner. *Solicitor General Perlman, Assistant Attorney General McInerney* and *Robert S. Erdahl* for the United States. Reported below: 184 F. 2d 952.

No. 279, Misc. TACOMA *v.* HIATT, WARDEN. C. A. 5th Cir. Certiorari denied. Reported below: 184 F. 2d 569.

No. 298, Misc. SLAVIK *v.* MILLER, COMMISSIONER OF IMMIGRATION AND NATURALIZATION. C. A. 3d Cir. Certiorari denied. *Paul J. Winschel* for petitioner. Reported below: 184 F. 2d 575.

No. 327, Misc. TAYLOR *v.* McGRATH, ATTORNEY GENERAL, ET AL. United States District Court for the Western District of Missouri. Certiorari denied.

No. 336, Misc. CALDWELL *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 342, Misc. MARINO *v.* WEST VIRGINIA. Intermediate Court of Kanawha County, West Virginia. Certiorari denied. *Horace S. Meldahl* for petitioner.

No. 371, Misc. O'HARA *v.* BURFORD, WARDEN. Criminal Court of Appeals of Oklahoma. Certiorari denied. Reported below: — Okla. Cr. —, 226 P. 2d 327.

No. 378, Misc. POTTER TITLE & TRUST CO., ADMINISTRATOR, *v.* OHIO BARGE LINE, INC. C. A. 3d Cir. Certiorari denied. *William S. Doty* for petitioner. Reported below: 184 F. 2d 432.

No. 383, Misc. LAWRENCE *v.* EIDSON, WARDEN. Supreme Court of Missouri. Certiorari denied.

March 26, 1951.

340 U. S.

No. 384, Misc. *JOHNSON v. COOK COUNTY CRIMINAL COURT ET AL.* Criminal Court of Cook County, Illinois. Certiorari denied.

No. 389, Misc. *JENNINGS v. RAGEN, WARDEN.* Circuit Court of Will County, Illinois. Certiorari denied.

No. 394, Misc. *KING v. CRANOR, SUPERINTENDENT.* Supreme Court of Washington. Certiorari denied.

No. 396, Misc. *MEDLEY v. EIDSON, WARDEN.* Supreme Court of Missouri. Certiorari denied.

No. 397, Misc. *VAN HORN v. ROBINSON, WARDEN.* Circuit Court of Clay County, Illinois. Certiorari denied.

No. 401, Misc. *HARRIS v. ROBINSON, WARDEN.* Circuit Court of Sangamon County, Illinois. Certiorari denied.

No. 405, Misc. *SMYTHE v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 186 F. 2d 507.

No. 385, Misc. *FRANKLIN v. MAXWELL, JUDGE, ET AL.* The petition for writ of certiorari to the Circuit Court of Washington County, Nashville, 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 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." Ill. Laws 1949, p. 722.

340 U. S.

March 27, 1951.

MARCH 27, 1951.

Miscellaneous Orders.

No. 554. UNITED STATES NATIONAL BANK OF DENVER ET AL., EXECUTORS, *v.* BARTGES. Petition for writ of certiorari to the Supreme Court of Colorado dismissed on motion of counsel for the petitioners. *Karl F. Crass, John P. Akolt, Harold D. Roberts, Robert E. More and Milton J. Keegan* for petitioners.

No. 565. RADIO CORPORATION OF AMERICA ET AL. *v.* UNITED STATES ET AL. Upon consideration of the motion of the appellants for an extension of the stay granted by the District Court, it is ordered that the order of the Federal Communications Commission entered herein be, and the same is hereby, stayed pending the issuance of the mandate of this Court. *John T. Cahill, Simon H. Rifkind, B. C. Schiff, John J. Kelly, Jr., Frank S. Righeimer, Jr., Alfred Kamin and Gerald Ratner* for appellants. *Solicitor General Perlman, Stanley M. Silverberg, Benedict P. Cottone, Max Goldman, Samuel I. Rosenman and Richard S. Salant* for appellees.

