

DECISIONS PER CURIAM AND ORDERS FROM
BEGINNING OF OCTOBER TERM, 1951,
THROUGH MARCH 10, 1952.

CASES DISMISSED IN VACATION.

No. 37. *KLOETZER v. LOUISVILLE & NASHVILLE RAILROAD Co.* On petition for writ of certiorari to the Appellate Court of Illinois, Fourth District. June 14, 1951. Dismissed per stipulation pursuant to Rule 35 of the Rules of this Court. *Roberts P. Elam* for petitioner. *William R. Gentry* and *Harold G. Baker* for respondent. Reported below: 341 Ill. App. 478, 95 N. E. 2d 502.

No. 49. *UNITED STATES v. MENOMINEE TRIBE OF INDIANS.* Appeal from the Court of Claims. July 11, 1951. Dismissed per stipulation pursuant to Rule 35 of the Rules of this Court. *Solicitor General Perlman*, *Assistant Attorney General Vanech* and *Roger P. Marquis* for the United States. *Glen A. Wilkinson* for appellee. Reported below: 118 Ct. Cl. 290.

No. 123. *PRIEBE & SONS, INC. v. HUNT, ADMINISTRATRIX, ET AL.* On petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit. August 9, 1951. Dismissed per stipulation pursuant to Rule 35 of the Rules of this Court. *Casper W. Ooms* for petitioner. *F. O. Richey* and *H. F. McNenny* for respondents. Reported below: 188 F. 2d 880.

No. 13. *THOMPSON ET AL. v. WALLIN ET AL.* Appeal from the Court of Appeals of New York. September 12, 1951. Dismissed per stipulation pursuant to Rule 35 of the Rules of this Court. *John J. Abt* for appellants. *Nathaniel L. Goldstein*, Attorney General of New York,

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Wendell P. Brown, Solicitor General, and *Ruth Kessler Toch*, Assistant Attorney General, for appellees. Reported below: 301 N. Y. 476, 95 N. E. 2d 806.

No. 21. GEM MANUFACTURING Co. v. PACKARD MOTOR CAR Co. Certiorari, 341 U. S. 930, to the United States Court of Appeals for the Seventh Circuit. September 28, 1951. Dismissed per stipulation pursuant to Rule 35 of the Rules of this Court. *Charles B. Cannon* and *Geo. H. Wallace* for petitioner. *Harry W. Lindsey, Jr.* and *Lowell C. Noyes* for respondent. Reported below: 187 F. 2d 65.

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Per Curiam Decisions.

No. 31. LOS ANGELES BUILDING & CONSTRUCTION TRADES COUNCIL ET AL. v. LeBARON, REGIONAL DIRECTOR, NATIONAL LABOR RELATIONS BOARD. On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. *Per Curiam*: The petition for writ of certiorari is granted. The judgment of the Court of Appeals is vacated and the case is remanded to the United States District Court for the Southern District of California with directions to vacate its judgment and to dismiss the petition upon the ground that the cause is moot. *Maurice J. Nicoson* for petitioners. *Solicitor General Perlman*, *David P. Findling*, *Mozart G. Ratner* and *Winthrop A. Johns* for respondent. Reported below: 185 F. 2d 405.

Nos. 89 and 90. ALABAMA PUBLIC SERVICE COMMISSION ET AL. v. LOUISVILLE & NASHVILLE RAILROAD Co. Appeals from the United States District Court for the Middle District of Alabama. *Per Curiam*: Judgments reversed. *Alabama Public Service Comm'n v. Southern R. Co.*, 341 U. S. 341. MR. JUSTICE FRANKFURTER and

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MR. JUSTICE JACKSON adhere to the views expressed in their concurring opinion in *Alabama Public Service Comm'n v. Southern R. Co.*, 341 U. S. 341, 351, as to the jurisdictional issue in these cases. *Si Garrett*, Attorney General of Alabama, *M. Roland Nachman, Jr.* and *Wallace L. Johnson*, Assistant Attorneys General, for appellants. *Robert E. Steiner, Jr.* and *Sam Rice Baker* for appellee. Reported below: 94 F. Supp. 892, 893.

No. 92. *THORP v. BOARD OF TRUSTEES, NEWARK COLLEGE OF ENGINEERING.* On petition for writ of certiorari to the Supreme Court of New Jersey. *Per Curiam*: The petition for writ of certiorari is granted. It appearing that the cause has become moot, the judgment of the Supreme Court of New Jersey is vacated and the cause is remanded for such proceedings as by that Court may be deemed appropriate. *Samuel L. Rothbard* for petitioner. *Theodore D. Parsons*, Attorney General of New Jersey, and *Joseph A. Murphy*, Assistant Deputy Attorney General, for respondent. Reported below: 6 N. J. 498, 79 A. 2d 462.

No. 116. *WINN ET AL. v. PITTSTON COMPANY.* Appeal from the Supreme Court of Appeals of Virginia. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for the want of a substantial federal question. *John J. Wicker* and *Harris J. Griston* for appellants. *Robert T. Barton, Jr.* and *Theodore S. Hope, Jr.* for appellee. Reported below: 191 Va. 886, 63 S. E. 2d 34.

No. 163. *NORTH SIDE LAUNDRY CO. v. BOARD OF PROPERTY ASSESSMENT, APPEALS AND REVIEW, ALLEGHENY COUNTY.* Appeal from the Supreme Court of Pennsylvania. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for the want of a substantial

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federal question. *Mahlon E. Lewis* for appellant. *Nathaniel K. Beck* and *Leonard Boreman* for appellee. Reported below: 366 Pa. 636, 79 A. 2d 419.

No. 155. ALLEN ET AL. v. CITY OF LONG BEACH ET AL. Appeal from the District Court of Appeal of California, Second Appellate District. *Per Curiam*: The motion for leave to file brief of American Federation of Labor is denied. The motion to dismiss is granted and the appeal is dismissed for the want of a substantial federal question. *Herbert S. Thatcher* for appellants. *Irving M. Smith* for appellees. Reported below: 101 Cal. App. 2d 15, 224 P. 2d 792.

No. 166. CATES, TRADING AS GLORY BEE PRODUCTS, v. HADERLEIN, POSTMASTER OF CHICAGO. On petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit. *Per Curiam*: The petition for writ of certiorari is granted. Upon consideration of respondent's confession of error and the record, the judgment of the Court of Appeals is reversed and the case is remanded to the District Court with directions to vacate its order dismissing the complaint. *Joseph Rosenbaum* and *Alvin E. Stein* for petitioner. *Solicitor General Perlman* for respondent. Reported below: 189 F. 2d 369.

No. 205. WEINMANN v. McGRATH, ATTORNEY GENERAL, SUCCESSOR TO THE ALIEN PROPERTY CUSTODIAN, 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 the want of a substantial federal question. MR. JUSTICE BLACK dissents. *George T. Goggin* for appellant. *Solicitor General Perlman* for McGrath, Attorney General, appellee. Reported below: 102 Cal. App. 2d 260, 227 P. 2d 564.

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No. 243. *BIRCHAM v. KENTUCKY*. Appeal from the Court of Appeals of Kentucky. *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. *William S. Heidenberg* for appellant. Reported below: 238 S. W. 2d 1008.

Miscellaneous Orders.

No. 79. *DIXON v. DUFFY, WARDEN*. Certiorari, 341 U. S. 938, to the Supreme Court of California. It is ordered that Franklin C. Stark, Esq., of Oakland, California, a member of the bar of this Court, be appointed to serve as counsel for the petitioner in this case.

No. 80. *KEENAN v. BURKE, WARDEN*;

No. 81. *JANKOWSKI v. BURKE, WARDEN*; and

No. 82. *FOULKE v. BURKE, WARDEN*. Certiorari, 341 U. S. 939, to the Supreme Court of Pennsylvania. It is ordered that Archibald Cox, Esq., of Cambridge, Massachusetts, a member of the bar of this Court, be appointed to serve as counsel for the petitioners in these cases.

No. 95. *JENNINGS v. ILLINOIS*; and

No. 96. *LA FRANA v. ILLINOIS*. Certiorari, 341 U. S. 947, to the Supreme Court of Illinois. It is ordered that Nathaniel L. Nathanson, Esq., of Chicago, Illinois, a member of the bar of this Court, be appointed to serve as counsel for the petitioners in these cases. It is further ordered that Calvin P. Sawyer, Esq., of Chicago, Illinois, be appointed to serve as associate counsel for the petitioner in No. 95.

No. 71, Misc. *EX PARTE COGDELL ET AL.* Motion for leave to file petition for writ of mandamus granted. A

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rule is ordered to issue, returnable within thirty days, requiring the respondents to show cause why the petition for writ of mandamus should not be granted. *George E. C. Hayes, James M. Nabrit, Jr. and George M. Johnson* for petitioners. *Vernon E. West, Chester H. Gray and Milton D. Korman* for McGuire et al., respondents.

No. 19, Misc. *SEVERA v. NEW JERSEY*. Supreme Court of New Jersey. Certiorari denied. Motion for leave to file petition for writ of habeas corpus also denied.

No. 33, Misc. *CONNOR v. FLORIDA*;

No. 50, Misc. *LAWSON v. SHUTTLEWORTH, WARDEN*;

No. 62, Misc. *BOWE v. SKEEN, WARDEN*; and

No. 78, Misc. *KERR v. HEINZE, WARDEN*. Motions for leave to file petitions for writs of habeas corpus in these cases severally denied.

No. 77, Misc. *MULVEY v. SUPREME COURT OF MICHIGAN*;

No. 99, Misc. *VAN PELT v. CHICAGO POLICE DEPARTMENT*; and

No. 103, Misc. *JOSLIN v. CHIEF JUSTICE OF THE SUPREME COURT OF MICHIGAN ET AL.* Motions for leave to file petitions for writs of mandamus in these cases severally denied.

No. 6, Misc. *STANDARD OIL CO. OF CALIFORNIA ET AL. v. UNITED STATES*. Leave granted petitioners to withdraw the motion for leave to file petition for writ of certiorari to the United States District Court for the Southern District of California, Central Division. *Marshall P. Madison, Francis R. Kirkham, John M. Hall and Murray Gartner* for the Standard Oil Company of California; *F. F. Thomas, Jr. and James D. Adams* for the Shell Oil Co.; *Oscar John Dorwin and S. A. L. Morgan*

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for the Texas Company; *Jackson W. Chance* for the Richfield Oil Corp.; *Edward D. Lyman* and *Edmund D. Buckley* for the Tide Water Associated Oil Co.; and *Herman Phleger* for the Union Oil Company of California, petitioners.

No. 37, Misc. SMITH *v.* UNITED STATES ET AL. Application denied.

No. 53, Misc. SPADER *v.* BURKE, WARDEN. Motions for leave to file petitions for writs of certiorari and habeas corpus denied.

No. 60, Misc. MACARTHUR MINING Co., INC. *v.* UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT ET AL. Motion for leave to file petition for writ of prohibition denied. *Inghram D. Hook* and *John W. Hoffman, Jr.* for petitioner.

No. 65, Misc. DI STEFANO ET AL. *v.* BEONDY ET AL. Application denied.

No. 66, Misc. ROBERTS *v.* MCGEE, DIRECTOR OF CORRECTIONS OF CALIFORNIA, ET AL. Motions for leave to file petitions for writs of certiorari and habeas corpus denied.

Certiorari Granted. (See also Nos. 31, 92 and 166, *supra.*)

No. 35. CARLSON ET AL. *v.* LANDON, DISTRICT DIRECTOR OF IMMIGRATION & NATURALIZATION SERVICE. C. A. 9th Cir. Certiorari granted. *John W. Porter*, *Carol King* and *A. L. Wirin* for petitioners. *Solicitor General Perlman* filed a memorandum suggesting that certiorari be granted. Reported below: 187 F. 2d 991.

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No. 47. UNITED STATES *v.* SHANNON ET AL. C. A. 4th Cir. Certiorari granted. *Solicitor General Perlman* for the United States. Reported below: 186 F. 2d 430.

No. 85. PERKINS *v.* BENGUET CONSOLIDATED MINING CO. ET AL. Supreme Court of Ohio. Certiorari granted. *Robert N. Gorman* and *Stanley A. Silversteen* for petitioner. *Lucien H. Mercier* and *Charles G. White* for the Benguet Consolidated Mining Co., respondent. Reported below: 155 Ohio St. 116, 98 N. E. 2d 33.

No. 158. LILLY ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 4th Cir. Certiorari granted. *Randolph E. Paul* and *Louis Eisenstein* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Ellis N. Slack*, *Lee A. Jackson* and *I. Henry Kutz* for respondent. Reported below: 188 F. 2d 269.

No. 195. RUTKIN *v.* UNITED STATES. C. A. 3d Cir. Certiorari granted. *Edward Halle* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Stanley M. Silverberg* and *Ellis N. Slack* for the United States. Reported below: 189 F. 2d 431.

No. 209. UNITED STATES *v.* KELLY ET AL. Court of Claims. Certiorari granted. *Solicitor General Perlman* for the United States. *Henry J. Fox* for respondents. Reported below: 119 Ct. Cl. 197, 96 F. Supp. 611.

No. 43. HARISIADES *v.* SHAUGHNESSY, DISTRICT DIRECTOR OF IMMIGRATION & NATURALIZATION. C. A. 2d Cir. Certiorari granted. MR. JUSTICE CLARK took no part in the consideration or decision of this application. *Carol King* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General McInerney* and *Beatrice Rosenberg* for respondent. Reported below: 187 F. 2d 137.

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No. 169. MCGRATH, ATTORNEY GENERAL, SUCCESSOR TO THE ALIEN PROPERTY CUSTODIAN, *v.* NAGANO. C. A. 7th Cir. Certiorari granted. MR. JUSTICE CLARK took no part in the consideration or decision of this application. *Solicitor General Perlman* for petitioner. *Edward R. Johnston* for respondent. Reported below: 187 F. 2d 759.

No. 46. UNITED STATES *v.* JORDAN ET AL. C. A. 6th Cir. Certiorari granted limited to the third question presented by the petition for the writ, *i. e.*:

"Whether assignments of claims against the United States for such timber damage to the leased property are void under the Anti-Assignment Act (31 U. S. C. § 203), where the assignments were voluntarily made by the lessor-owners of the property to their successors in title after the leases had expired and after possession had been returned to them by the United States."

Solicitor General Perlman for the United States. *Sam Costen* for respondents. Reported below: 186 F. 2d 803.

No. 62. HALCYON LINES ET AL. *v.* HAENN SHIP CEILING & REFITTING CORP.; and

No. 197. HAENN SHIP CEILING & REFITTING CORP. *v.* HALCYON LINES ET AL. C. A. 3d Cir. Certiorari granted. *Joseph W. Henderson, Thomas F. Mount and George M. Brodhead* for petitioners in No. 62. *Thomas E. Byrne, Jr.* for petitioner in No. 197. *Edward J. Mingey* was on a memorandum with *Mr. Byrne* for respondent in No. 62. Reported below: 187 F. 2d 403.

No. 118. BEAUHARNAIS *v.* ILLINOIS. Supreme Court of Illinois. Certiorari granted. *Alfred A. Albert* for petitioner. Reported below: 408 Ill. 512, 97 N. E. 2d 343.

No. 126. NATIONAL LABOR RELATIONS BOARD *v.* AMERICAN NATIONAL INSURANCE Co. C. A. 5th Cir. Certio-

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rari granted. *Solicitor General Perlman* for petitioner. *M. L. Cook* for respondent. Reported below: 187 F. 2d 307.

No. 180. KEROTEST MANUFACTURING Co. v. C-O-TWO FIRE EQUIPMENT Co. C. A. 3d Cir. Certiorari granted. *Walter J. Blenko, John F. C. Glenn* and *Aaron Finger* for petitioner. *R. Morton Adams, Arthur G. Connolly* and *Edward T. Connors* for respondent. Reported below: 189 F. 2d 31.

No. 78. VON MOLTKE v. GILLIES, SUPERINTENDENT. C. A. 6th Cir. Certiorari granted. MR. JUSTICE CLARK took no part in the consideration or decision of this application. Petitioner *pro se*. *Solicitor General Perlman, Assistant Attorney General McInerney* and *Beatrice Rosenberg* for respondent. Reported below: 189 F. 2d 56.

No. 136. BUTTERFIELD, DIRECTOR OF THE IMMIGRATION & NATURALIZATION SERVICE, v. ZYDOK. C. A. 6th Cir. Certiorari granted. *Solicitor General Perlman* for petitioner. *Carol King* for respondent. Reported below: 187 F. 2d 802.

No. 173. LYKES v. UNITED STATES. C. A. 5th Cir. Certiorari granted. *Chester H. Ferguson* and *George W. Ericksen* for petitioner. *Solicitor General Perlman, Assistant Attorney General Caudle* and *Ellis N. Slack* for the United States. Reported below: 188 F. 2d 964.

No. 204. GUESSEFELDT v. McGRATH, ATTORNEY GENERAL, SUCCESSOR TO THE ALIEN PROPERTY CUSTODIAN, ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari granted. MR. JUSTICE CLARK took no part in the consideration or decision of this application. *Robert F. Klepinger* and *William W.*

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Barron for petitioner. *Solicitor General Perlman* filed a memorandum suggesting that certiorari be granted. Reported below: 88 U. S. App. D. C. 383, 191 F. 2d 639.

No. 5, Misc. *STROBLE v. CALIFORNIA*. Supreme Court of California. Certiorari granted. *A. L. Wirin* and *Fred Okrand* for petitioner. *Edmund G. Brown*, Attorney General of California, *William V. O'Connor*, Assistant Attorney General, and *Frank W. Richards*, Deputy Attorney General, for respondent. Reported below: 36 Cal. 2d 615, 226 P. 2d 330.

No. 16, Misc. *DICE v. AKRON, CANTON & YOUNGSTOWN RAILROAD Co.* Supreme Court of Ohio. Certiorari granted. *Rice A. Hershey* and *Frederic O. Hatch* for petitioner. *Cletus G. Roetzel* for respondent. Reported below: 155 Ohio St. 185, 98 N. E. 2d 301.

No. 29, Misc. *SHERMAN v. ILLINOIS*. Supreme Court of Illinois. Certiorari granted. Petitioner *pro se*. *Ivan A. Elliott*, Attorney General of Illinois, and *William C. Wines* and *Raymond S. Sarnow*, Assistant Attorneys General, for respondent.

No. 15, Misc. *FAR EAST CONFERENCE ET AL. v. UNITED STATES ET AL.* United States District Court for the District of New Jersey. Motion for leave to file petition for writ of certiorari granted. Certiorari granted. MR. JUSTICE CLARK took no part in the consideration or decision of this application. *John Milton* and *Elkan Turk* for the Far East Conference et al.; and *Josiah Stryker* for the Isthmian Steamship Co., petitioners. *Solicitor General Perlman*, *Assistant Attorney General Morison*, *Charles H. Weston* and *J. Roger Wollenberg* for the United States; and *Francis S. Walker* for the Federal Maritime Board, respondents. Reported below: 94 F. Supp. 900.

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Certiorari Denied. (See also No. 243 and Misc. Nos. 19, 53 and 66, *supra.*)

No. 24. FAY, ADMINISTRATOR, ET AL. *v.* SWICKER ET AL. Supreme Court of Ohio. *Certiorari denied.* *Marvin C. Harrison* for petitioners. *Robert Guinther* for the Republic Mutual Insurance Co., respondents. Reported below: 154 Ohio St. 341, 96 N. E. 2d 196.

No. 27. QUEST-SHON MARK BRASSIERE Co., INC. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 2d Cir. *Certiorari denied.* *Robert T. Murphy* for petitioner. *Solicitor General Perlman, David P. Findling and Mozart G. Ratner* for respondent. Reported below: 185 F. 2d 285.

No. 28. FREMONT CAKE & MEAL Co. *v.* WILSON & Co., INC. Supreme Court of Nebraska. *Certiorari denied.* *Maxwell V. Beghtol and J. Lee Rankin* for petitioner. *J. A. C. Kennedy* for respondent. Reported below: 153 Neb. 160, 43 N. W. 2d 657.

No. 29. KELLY *v.* DELAWARE RIVER JOINT COMMISSION ET AL. C. A. 3d Cir. *Certiorari denied.* *Henry D. O'Connor* for petitioner. *Philip Price* for respondents. Reported below: 187 F. 2d 93.

No. 33. PENNSYLVANIA EX REL. DAVERSE *v.* HOHN, WARDEN, ET AL. Supreme Court of Pennsylvania. *Certiorari denied.* *John W. Cragun* for petitioner.

No. 36. JACKSON ET AL. *v.* NORTHWEST AIRLINES, INC. C. A. 8th Cir. *Certiorari denied.* *Elmer J. Ryan* for petitioners. *Solicitor General Perlman, Assistant Attorney General Baldrige and Samuel D. Slade* for respondent. Reported below: 185 F. 2d 74.

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No. 39. SEAMPRUFE, INC. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 10th Cir. Certiorari denied. *Nathaniel H. Janes* and *Hyman J. Cohen* for petitioner. *Solicitor General Perlman, David P. Findling, Mozart G. Ratner* and *Irving M. Herman* for respondent. Reported below: 186 F. 2d 671.

No. 41. GREENE ET AL. *v.* UNITED STATES. Court of Claims. Certiorari denied. *Robert M. Drysdale* for petitioners. *Solicitor General Perlman, Assistant Attorney General Baldrige* and *Paul A. Sweeney* for the United States. Reported below: 118 Ct. Cl. 248, 94 F. Supp. 666.

No. 42. BRACK *v.* GROSS. C. A. 4th Cir. Certiorari denied. *Jo V. Morgan* and *Jo V. Morgan, Jr.* for petitioner. Reported below: 186 F. 2d 940.

No. 45. MACK *v.* MALES ET AL. C. A. 6th Cir. Certiorari denied. *Harry J. Lippman* for petitioner. Reported below: 187 F. 2d 334.

No. 48. UNITED STATES *v.* LOYAL BAND OR GROUP OF CREEK INDIANS ET AL. Court of Claims. Certiorari denied. *Solicitor General Perlman* for the United States. *Wilfred Hearn* for respondents. Reported below: 118 Ct. Cl. 373, 97 F. Supp. 426.

No. 50. CANADIAN AVIATOR, LTD. *v.* UNITED STATES ET AL. C. A. 2d Cir. Certiorari denied. *Eugene Underwood* for petitioner. *Solicitor General Perlman, Assistant Attorney General Baldrige, Samuel D. Slade, Leavenworth Colby* and *Morton Hollander* for the United States. Reported below: 187 F. 2d 100.

No. 51. HAAS *v.* PALACE HOTEL Co. ET AL. District Court of Appeal of California, First Appellate District.

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Certiorari denied. *Roger Kent* for petitioner. *Lyman Henry* for the Palace Hotel Co.; and *Farnham P. Griffiths* and *Morris M. Doyle* for the Bank of California et al., respondents. Reported below: 101 Cal. App. 2d 108, 224 P. 2d 783.

No. 52. *MAROOSIS v. SMYTH, COLLECTOR OF INTERNAL REVENUE*. C. A. 9th Cir. Certiorari denied. *A. Russell Berti* for petitioner. *Solicitor General Perlman, Assistant Attorney General Caudle, Ellis N. Slack* and *S. Dee Hanson* for respondent. Reported below: 187 F. 2d 228.

No. 53. *RUBINO ET AL. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 9th Cir. Certiorari denied. *Wareham C. Seaman* for petitioners. *Solicitor General Perlman, Assistant Attorney General Caudle, Ellis N. Slack* and *L. W. Post* for respondent. Reported below: 186 F. 2d 304.

No. 55. *CLOUGHERTY v. JAMES VERNOR Co.* C. A. 6th Cir. Certiorari denied. *Arthur J. Hass* for petitioner. *Wilber M. Brucker* for respondent. Reported below: 187 F. 2d 288.

No. 56. *WINROD v. McFADDEN PUBLICATIONS, INC.* C. A. 7th Cir. Certiorari denied. *John F. Eberhardt* for petitioner. *Loy N. McIntosh* and *Frederick Secord* for respondent. Reported below: 187 F. 2d 180.

No. 57. *MORENO v. UNITED STATES*. Court of Claims. Certiorari denied. *LaVern R. Dilweg, T. Bruce Fuller* and *R. H. McNeill* for petitioner. *Solicitor General Perlman, Assistant Attorney General Baldrige, Samuel D. Slade* and *Morton Hollander* for the United States. Reported below: 118 Ct. Cl. 30, 93 F. Supp. 607.

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No. 58. CARRIER CORPORATION *v.* REFRIGERATION ENGINEERING, INC. C. A. 9th Cir. Certiorari denied. *Herman Seid* for petitioner.

No. 59. HALESTON DRUG STORES, INC. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 9th Cir. Certiorari denied. *Wilber Henderson* for petitioner. *Solicitor General Perlman, David P. Findling, Mozart G. Ratner* and *Norton J. Come* for respondent. Reported below: 187 F. 2d 418.

No. 60. SEA VIEW, INC. ET AL. *v.* WEINSTEIN, GUARDIAN, ET AL. C. A. 5th Cir. Certiorari denied. *R. W. Thompson, Jr.* and *Webb M. Mize* for petitioners. *William L. Guice* for Weinstein; and *Albert Sidney Johnston, Jr.* for Coopers, Inc. et al., respondents. Reported below: 188 F. 2d 116.

No. 61. BATES ET AL. *v.* BATTE ET AL. C. A. 5th Cir. Certiorari denied. *Robert L. Carter* and *Thurgood Marshall* for petitioners. *Rufus Creekmore* for respondents. Reported below: 187 F. 2d 142.

No. 63. AUGUSTINE ET AL. *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. *Frederick Bernays Wiener* and *Jacob Kossman* for petitioners. *Solicitor General Perlman, Assistant Attorney General Caudle* and *John Lockley* for the United States. Reported below: 188 F. 2d 359.

No. 64. UNION STARCH & REFINING Co. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 7th Cir. Certiorari denied. *Harry T. Ice* for petitioner. *Solicitor General Perlman, David P. Findling, Mozart G. Ratner* and *Norton J. Come* for respondent. Reported below: 186 F. 2d 1008.

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No. 65. LATVIAN STATE CARGO & PASSENGER STEAMSHIP LINE *v.* McGRATH, ATTORNEY GENERAL, SUCCESSOR TO THE ALIEN PROPERTY CUSTODIAN. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Horace S. Whitman* and *Charles Recht* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Baynton*, *George B. Searls* and *Joseph Laufer* for respondent. Reported below: 88 U. S. App. D. C. 226, 188 F. 2d 1000.

No. 66. NORTH ARLINGTON NATIONAL BANK *v.* KEARNY FEDERAL SAVINGS & LOAN ASSN. C. A. 3d Cir. Certiorari denied. *Fred Herrigel, Jr.* for petitioner. *Frank G. Masini* for respondent. Briefs of *amici curiae* supporting the petition were filed by *Theodore D. Parsons*, Attorney General, and *Oliver T. Somerville*, Deputy Attorney General, for the State of New Jersey; *Fred N. Oliver*, *Willard P. Scott* and *Michael F. McCarthy* for the National Association of Mutual Savings Banks; and *Charles Danzig* for the New Jersey Bankers' Association. Reported below: 187 F. 2d 564.

No. 67. OLDLAND ET AL. *v.* PHILLIPS PETROLEUM Co.; and

No. 107. PHILLIPS PETROLEUM Co. *v.* OLDLAND ET AL. C. A. 10th Cir. Certiorari denied. *Frank Delaney* and *L. H. Larwill* for Oldland et al. *Rayburn L. Foster*, *Harry D. Turner* and *George L. Sneed* for the Phillips Petroleum Co. Reported below: 187 F. 2d 780.

No. 68. UNITED STATES *v.* SIMS. C. A. 3d Cir. Certiorari denied. *Solicitor General Perlman* for the United States. *Abraham E. Freedman* for respondent. Reported below: 186 F. 2d 972.

No. 69. MURRAY *v.* UNITED STATES ET AL. C. A. 6th Cir. Certiorari denied. *Maurine L. Jones* for peti-

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tioner. *Solicitor General Perlman* filed a memorandum for the United States, respondent, stating that the Government, in effect, occupies the role of a stakeholder and takes no position as to whether the writ of certiorari should issue. Reported below: 188 F. 2d 362.

No. 70. *BOYLE v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 3d Cir. Certiorari denied. *Llewellyn A. Luce* for petitioner. *Solicitor General Perlman, Assistant Attorney General Caudle, Ellis N. Slack, A. F. Prescott* and *Irving I. Axelrad* for respondent. Reported below: 187 F. 2d 557.

No. 71. *JONES v. MOTOROLA, INC. ET AL.* C. A. 2d Cir. Certiorari denied. *L. Stewart Gatter* for petitioner. *Foreman L. Mueller* for Motorola, Inc., respondent. Reported below: See 186 F. 2d 707.

No. 72. *HUGO V. LOEWI, INC. v. GESCHWILL*. C. A. 9th Cir. Certiorari denied. *Arthur B. Hyman* for petitioner. *Roy F. Shields* for respondent. Reported below: 188 F. 2d 366.

No. 73. *HUGO V. LOEWI, INC. v. SMITH*. C. A. 9th Cir. Certiorari denied. *Arthur B. Hyman* for petitioner. *Roy F. Shields* for respondent. Reported below: 188 F. 2d 160.

No. 74. *COLUMBIA HOSPITAL FOR WOMEN AND LYING-IN ASYLUM v. UNITED STATES FIDELITY & GUARANTY Co.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Milton W. King, Bernard I. Nordlinger* and *Ellis B. Miller* for petitioner. *Louis M. Denit, Thomas S. Jackson* and *A. Leckie Cox* for respondent. Reported below: 88 U. S. App. D. C. 251, 188 F. 2d 654.

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No. 75. *MOFFETT, EXECUTRIX, v. COMMERCE TRUST Co. ET AL.* C. A. 8th Cir. Certiorari denied. *Martin J. O'Donnell* for petitioner. *Charles M. Blackmar* and *Philip J. Close* for the Commerce Trust Co.; *Orlin A. Weede, Walter A. Raymond* and *R. Carter Tucker* for Weede et al.; and *B. C. Howard* for Kopp et al., respondents. Reported below: 187 F. 2d 242.

No. 76. *TAYLOR ET AL. v. HUBBELL ET AL.* C. A. 9th Cir. Certiorari denied. *Gerald Jones* for petitioners. *J. Nicholas Udall* for respondents. Reported below: 188 F. 2d 106.

No. 84. *JACKSON v. AMERICAN FIRE & CASUALTY Co.* C. A. 5th Cir. Certiorari denied. *J. Y. Sanders, Jr.* and *Ben R. Miller* for petitioner. Reported below: 187 F. 2d 379.

No. 87. *DALTON ET AL. v. MARZALL, COMMISSIONER OF PATENTS.* United States Court of Customs and Patent Appeals. Certiorari denied. *John J. Rogan* and *Charles A. Morton* for petitioners. *Solicitor General Perlman* and *John R. Benney* for respondent. Reported below: 38 C. C. P. A. (Pat.) 953, 188 F. 2d 170.

No. 88. *DORSKY v. BROWN, LICENSE INSPECTOR.* Supreme Court of Alabama. Certiorari denied. *John S. Tucker, Jr.* for petitioner. *Si Garrett*, Attorney General of Alabama, and *H. Grady Tiller* and *William H. Burton*, Assistant Attorneys General, for respondent. Reported below: 255 Ala. 238, 51 So. 2d 360.

No. 93. *GALTER ET AL. v. FEDERAL TRADE COMMISSION.* C. A. 7th Cir. Certiorari denied. *Henry H. Koven* for petitioners. *Solicitor General Perlman*, Assistant Attor-

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*ney General Morison, Charles H. Weston, J. Roger Wol-
lenberg and W. T. Kelley* for respondent. Reported
below: 186 F. 2d 810.

No. 97. *GOODLOE v. UNITED STATES*. United States
Court of Appeals for the District of Columbia Circuit.
Certiorari denied. *Charles E. Ford* for petitioner. *Sol-
licitor General Perlman, Assistant Attorney General
McInerney and Beatrice Rosenberg* for the United States.
Reported below: 88 U. S. App. D. C. 102, 188 F. 2d 621.

No. 98. *BAIRD v. GUARANTY TRUST CO., TRUSTEE, ET
AL.* Court of Appeals of New York. Certiorari denied.
Julius Levy for petitioner. *Theodore Kiendl* for the
Guaranty Trust Co.; *Orville W. Wood* for the Chase
National Bank; *Bernard D. Fischman* for Klorfein; and
John B. Marsh and Edward E. Watts, Jr. for the City
Bank Farmers Trust Co., respondents. Reported below:
302 N. Y. 658, 98 N. E. 2d 474.

No. 99. *HUNTER ET AL. v. SHEPHERD ET AL.* C. A.
7th Cir. Certiorari denied. *Richard E. Westbrooks* for
petitioners. *Jack A. Williamson and Robert McCormick
Adams* for Shepherd et al.; and *R. S. Outlaw and W. J.
Milroy* for the Atchison, T. & S. F. R. Co., respondents.
Reported below: 188 F. 2d 294.

No. 101. *BLUM v. COMMISSIONER OF INTERNAL REV-
ENUE*. C. A. 7th Cir. Certiorari denied. *George L.
Weisbard* for petitioner. *Solicitor General Perlman, As-
sistant Attorney General Caudle, Ellis N. Slack and Hil-
bert P. Zarky* for respondent. Reported below: 187 F.
2d 177.

No. 105. *THORPE ET AL. v. LANDSTROM ET AL.* C. A.
8th Cir. Certiorari denied. *Holton Davenport* for peti-
tioners. *H. F. Fellows* for respondents. Reported be-
low: 189 F. 2d 46.

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No. 108. *KENYON, EXECUTRIX, v. AUTOMATIC INSTRUMENT Co.* C. A. 6th Cir. Certiorari denied. *Eugene C. Knoblock* for petitioner. *Clarence J. Loftus* and *William E. Lucas* for respondent. Reported below: 186 F. 2d 752.

No. 109. *CRANE, DOING BUSINESS AS ASSOCIATED FRUIT DISTRIBUTORS, v. JOSEPH DENUNZIO FRUIT CO. ET AL.* C. A. 9th Cir. Certiorari denied. *Benjamin W. Shipman* for petitioner. *Eli H. Brown, III* for the Joseph Denunzio Fruit Co.; and *G. L. Aynesworth* and *L. Nelson Hayhurst* for Kazanjian, respondents. Reported below: 188 F. 2d 569.

No. 110. *MATTOX ET AL. v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. *William Klein* for petitioners. *Solicitor General Perlman, Ed Dupree, Leon J. Libeau* and *Nathan Siegel* for the United States. Reported below: 187 F. 2d 406.

No. 111. *JACKSONVILLE GAS CORP. v. FLORIDA RAILROAD AND PUBLIC UTILITIES COMMISSION.* Supreme Court of Florida. Certiorari denied. *Elliott Adams* for petitioner. *Lewis W. Petteway* for respondent. Reported below: 50 So. 2d 887.

No. 114. *WABASH CORPORATION ET AL. v. ROSS ELECTRIC CORP. ET AL.* C. A. 2d Cir. Certiorari denied. *Theodore S. Kenyon* and *Arthur G. Connolly* for petitioners. *Alexander C. Neave, Charles H. Walker* and *Harry R. Pugh, Jr.* for respondents. Reported below: 187 F. 2d 577.

No. 115. *WEISS v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. *Sidney Morse* for petitioner. *Solicitor General Perlman, Assistant Attorney General Baldridge* and *Paul A. Sweeney* for the United States. Reported below: 187 F. 2d 610.

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No. 117. BOARD OF COMMISSIONERS FOR THE ATCHAFALAYA BASIN LEVEE DISTRICT *v.* SMYTH ET AL. C. A. 5th Cir. Certiorari denied. *John L. Madden* for petitioner. Reported below: 187 F. 2d 11.

No. 119. SCHOOL DISTRICT OF THE BOROUGH OF SHENANDOAH ET AL. *v.* CITY OF PHILADELPHIA, TRUSTEE. Supreme Court of Pennsylvania. Certiorari denied. *Thomas C. Egan* for petitioners. *David Berger* for respondent. Reported below: 367 Pa. 180, 79 A. 2d 433.

No. 124. BOEING AIRPLANE CO. *v.* AERONAUTICAL INDUSTRIAL DISTRICT LODGE No. 751 OF THE INTERNATIONAL ASSOCIATION OF MACHINISTS ET AL. C. A. 9th Cir. Certiorari denied. *Frank E. Holman* and *Lowell P. Mickelwait* for petitioner. *Lee Olwell* and *Tracy E. Griffin* for respondents. Reported below: 188 F. 2d 356.

No. 125. DOMINION NATIONAL BANK, TRUSTEE, ET AL. *v.* HALE, FORMER COLLECTOR OF INTERNAL REVENUE, ET AL. C. A. 6th Cir. Certiorari denied. *Robert Ash* and *John W. Cragun* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Ellis N. Slack*, *Robert N. Anderson* and *Louise Foster* for respondents. Reported below: 186 F. 2d 374.

No. 127. BAGSBY ET AL. *v.* TRUSTEES OF PLEASANT GROVE INDEPENDENT SCHOOL DISTRICT. Court of Civil Appeals of Texas, Seventh Supreme Judicial District. Certiorari denied. *Austin L. Fickling* for petitioners. *Morris I. Jaffe* for respondent. Reported below: 237 S. W. 2d 750.

No. 129. McANDREWS *v.* E. W. BLISS Co. C. A. 6th Cir. Certiorari denied. *Samuel T. Gaines* for petitioner. *James A. Butler* for respondent. Reported below: 186 F. 2d 499.

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No. 130. *GEORGIA v. WENGER*. C. A. 7th Cir. Certiorari denied. *Eugene Cook*, Attorney General of Georgia, *M. H. Blackshear, Jr.*, Deputy Attorney General, and *Lamar W. Sizemore*, Assistant Attorney General, for petitioner. *Maurice J. Walsh* for respondent. A brief of *amici curiae* supporting petitioner was filed for the States of Alabama, by *Si Garrett*, Attorney General; California, by *Edmund G. Brown*, Attorney General; Connecticut, by *George C. Conway*, Attorney General, and *William L. Beers*, Deputy Attorney General; Delaware, by *H. Albert Young*, Attorney General; Florida, by *Richard W. Ervin*, Attorney General; Illinois, by *Ivan A. Elliott*, Attorney General; Iowa, by *Robert L. Larson*, Attorney General; Kansas, by *Harold R. Fatzner*, Attorney General; Kentucky, by *A. E. Funk*, Attorney General; Mississippi, by *J. P. Coleman*, Attorney General; Nebraska, by *Clarence S. Beck*, Attorney General, and *Walter E. Nolte*, Deputy Attorney General; New Hampshire, by *Gordon N. Tiffany*, Attorney General; New Jersey, by *Theodore D. Parsons*, Attorney General; North Dakota, by *E. T. Christianson*, Attorney General; Oregon, by *George Neuner*, Attorney General; Rhode Island, by *William E. Powers*, Attorney General; South Carolina, by *T. C. Callison*, Attorney General; Tennessee, by *Roy H. Beeler*, Attorney General, and *William F. Barry*, Solicitor General; Texas, by *Price Daniel*, Attorney General; Vermont, by *Clifton G. Parker*, Attorney General; Virginia, by *J. Lindsay Almond, Jr.*, Attorney General; Washington, by *Smith Troy*, Attorney General; and West Virginia, by *William C. Marland*, Attorney General, and *Easton R. Stephenson*, Assistant Attorney General. Reported below: 187 F. 2d 285.

No. 131. *MARACHOWSKY STORES Co. v. O'CONNOR, CUSTODIAN*. C. A. 7th Cir. Certiorari denied. *David A. Canel* for petitioner. Respondent *pro se*. Reported below: 188 F. 2d 686.

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No. 132. *BALES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Byron G. Skelton* for petitioner. *Solicitor General Perlman, Assistant Attorney General McInerney, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 188 F. 2d 472.

No. 133. *KIME v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Francis Heisler* for petitioner. *Solicitor General Perlman, Assistant Attorney General McInerney, Beatrice Rosenberg and Felicia H. Dubrovsky* for the United States. Reported below: 188 F. 2d 677.

No. 140. *ALABAMA MARBLE CO. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 5th Cir. Certiorari denied. *John J. Smith* for petitioner. *Solicitor General Perlman, David P. Findling and Mozart G. Ratner* for respondent. Reported below: 185 F. 2d 1022.

No. 141. *MARKS ET AL., TRUSTEES, v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *J. Garner Anthony* for petitioners. *Solicitor General Perlman and Assistant Attorney General Vanech* for the United States. *Walter D. Ackerman, Jr.*, Attorney General, and *Rhoda V. Lewis*, Deputy Attorney General, filed a brief for the Territory of Hawaii, as *amicus curiae*, supporting the petition. Reported below: 187 F. 2d 724.

No. 142. *SOUTHERN PACIFIC CO. ET AL. v. SMITH, ADMINISTRATRIX, ET AL.* C. A. 9th Cir. Certiorari denied. *Clarence J. Young* for petitioners. Reported below: 187 F. 2d 397.

No. 144. *KURZEN v. MARZALL, COMMISSIONER OF PATENTS*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Hayden C. Covington* for petitioner. *Solicitor General Perlman,*

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Assistant Attorney General Baldrige and Samuel D. Slade for respondent. Reported below: 88 U. S. App. D. C. 274, 188 F. 2d 673.

No. 145. DALTON TELEPHONE CO. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 5th Cir. Certiorari denied. *Marion A. Prowell* for petitioner. *Solicitor General Perlman, David P. Findling, Mozart G. Ratner and Marcel Mallet-Prevost* for respondent. Reported below: 187 F. 2d 811.

No. 146. LUCERO, ADMINISTRATOR, *v.* SAINDON ET AL. C. A. 10th Cir. Certiorari denied. *Louis C. Lujan* for petitioner. *James R. Modrall* for respondents. Reported below: 187 F. 2d 345.

No. 150. EASTERN VENETIAN BLIND CO. *v.* ACME STEEL CO. C. A. 4th Cir. Certiorari denied. *John Vaughan Groner and William H. Webb* for petitioner. *Glen E. Smith and Edward R. Johnston* for respondent. Reported below: 188 F. 2d 247.

No. 152. S. KLEIN ON THE SQUARE, INC. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 2d Cir. Certiorari denied. *Sidney A. Diamond* for petitioner. *Solicitor General Perlman, Assistant Attorney General Caudle, Ellis N. Slack, Lee A. Jackson and Irving I. Axelrad* for respondent. Reported below: 188 F. 2d 127.

No. 154. PIETRZAK *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Perlman, Assistant Attorney General McInerney and Beatrice Rosenberg* for the United States. Reported below: 188 F. 2d 418.

No. 156. DISTILLERS FACTORS CORP. *v.* JACOBS, RECEIVER IN BANKRUPTCY. C. A. 3d Cir. Certiorari de-

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nied. *Archibald Palmer* and *Max L. Rosenstein* for petitioner. *Morris M. Schnitzer* for respondent. Reported below: 187 F. 2d 685.

No. 157. *TERRIO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Sam R. Merrill* and *Philip D. Beall* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General McInerney*, *John F. Davis* and *Felicia H. Dubrovsky* for the United States. Reported below: 188 F. 2d 472.

No. 160. *STRATEGICAL DEMOLITION TORPEDO Co., INC. v. UNITED STATES*. Court of Claims. Certiorari denied. *Frank E. Scrivener* and *Robert C. Hardwerk* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Baldrige* and *Samuel D. Slade* for the United States. Reported below: 119 Ct. Cl. 291, 96 F. Supp. 315.

No. 161. *CLINTON FOODS, INC. v. UNITED STATES ET AL.* C. A. 4th Cir. Certiorari denied. *Mark Candee* and *Stanley C. Morris* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General McInerney*, *Beatrice Rosenberg* and *John T. Grigsby* for the United States, respondent. Reported below: 188 F. 2d 289.

No. 168. *FRIEDMAN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. *William G. Comb* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General McInerney*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 190 F. 2d 364.

No. 170. *ILLINOIS CENTRAL RAILROAD Co. v. ALFORD ET AL.* C. A. 5th Cir. Certiorari denied. *Joseph H. Wright*, *Charles A. Helsell*, *A. B. Freyer* and *M. C. Thompson* for petitioner. Reported below: 187 F. 2d 144.

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No. 171. *ANDERSON-TULLY COMPANY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Lamar Williamson* and *R. L. Dent* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Vanech* and *Roger P. Marquis* for the United States. Reported below: 189 F. 2d 192.

No. 175. *TRAVELERS INSURANCE Co. v. TONER, DEPUTY COMMISSIONER, UNITED STATES EMPLOYEES' COMPENSATION COMMISSION, ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Arthur J. Phelan* and *Frank F. Roberson* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Baldrige* and *Samuel D. Slade* for the Deputy Commissioner, respondent. Reported below: 89 U. S. App. D. C. —, 190 F. 2d 30.

No. 179. *OSTERMAN & HUTNER ET AL. v. GUARANTY TRUST Co., TRUSTEE, ET AL.* Appellate Division of the Supreme Court of New York, First Judicial Department. Certiorari denied. *Percival E. Jackson* for petitioners. *Theodore Kiendl* for the Guaranty Trust Co.; *Bernard D. Fischman* for Klorfein; *John B. Marsh* and *Edward E. Watts, Jr.* for the City Bank Farmers Trust Co.; and *Arthur A. Gammell* for the Chase National Bank, respondents.

No. 181. *KAM KOON WAN v. E. E. BLACK, LTD.* C. A. 9th Cir. Certiorari denied. *Samuel Landau* and *David Previant* for petitioner. Reported below: 188 F. 2d 558.

No. 182. *MILLER ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Al M. Heck* for petitioners. *Solicitor General Perlman*, *Robert L. Stern*, *Ed Dupree*, *Leon J. Libeu* and *Nathan Siegel* for the United States. Reported below: 186 F. 2d 937.

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No. 185. *FARA INVESTORS, INC. v. LOURIE ET AL.* Court of Appeals of New York. Certiorari denied. *Henry N. Rapaport* for petitioner. Reported below: 302 N. Y. 730, 98 N. E. 2d 704.

No. 188. *GILLETTE v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. *Vine H. Smith, Frank E. Hook* and *Otho S. Bowling* for petitioner. *Solicitor General Perlman* and *Assistant Attorney General McInerney* for the United States. Reported below: 189 F. 2d 449.

No. 190. *AMERICAN STORES CO. v. BETTERMAN.* Supreme Court of Pennsylvania. Certiorari denied. *Joseph Gilfillan* for petitioner. *Frank A. Sinon* for respondent. Reported below: 367 Pa. 193, 80 A. 2d 66.

No. 191. *WELDON v. INTERSTATE COMMERCE COMMISSION.* C. A. 6th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Perlman, Assistant Attorney General Morison, James A. Murray* and *Leo H. Pou* for respondent. Reported below: 188 F. 2d 367.

No. 192. *FREIDUS v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. *John McKim Minton* and *Richard T. Davis* for petitioner. *Solicitor General Perlman* and *Assistant Attorney General Caudle* for the United States. Reported below: 190 F. 2d 144.

No. 196. *KIMBELL-DIAMOND MILLING 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 *Lee A. Jackson* for respondent. Reported below: 187 F. 2d 718.

No. 198. *LOUK ET AL. v. FRIEDMAN ET AL.* C. A. 4th Cir. Certiorari denied.

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No. 200. ASSEFF ET AL. *v.* MARZALL, COMMISSIONER OF PATENTS. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *John F. Oberlin* and *Almon S. Nelson* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Baldrige* and *Paul A. Sweeney* for respondent. Reported below: 88 U. S. App. D. C. 358, 189 F. 2d 660.

No. 201. SUNRAY OIL CORP. *v.* ALLBRITTON. C. A. 5th Cir. Certiorari denied. *C. E. Bryson* and *Angus G. Wynne* for petitioner. *Chris J. Dixie* for respondent. Reported below: 188 F. 2d 751.

No. 202. GOVERNMENT SERVICES, INC. *v.* DISTRICT OF COLUMBIA. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *John W. Cross* for petitioner. *Vernon E. West*, *Chester H. Gray* and *George C. Updegraff* for respondent. Reported below: 88 U. S. App. D. C. 360, 189 F. 2d 663.

No. 208. A. B. T. MANUFACTURING CORP. *v.* NATIONAL REJECTORS, INC. C. A. 7th Cir. Certiorari denied. *Oscar E. Bland*, *Charles M. Thomas* and *Clarence E. Threedy* for petitioner. *Clarence J. Loftus* and *William E. Lucas* for respondent. Reported below: 188 F. 2d 706.

No. 210. TUCKER *v.* NEW ORLEANS LAUNDRIES, INC. ET AL. C. A. 5th Cir. Certiorari denied. *William G. McRae* for petitioner. *Sidney A. Wolff* for the New Orleans Laundries, Inc.; and *Leonard B. Levy* for Lob et al., respondents. Reported below: 188 F. 2d 263.

No. 211. TUCKER *v.* NATIONAL LINEN SERVICE CORP. ET AL. C. A. 5th Cir. Certiorari denied. *William G. McRae* for petitioner. *M. F. Goldstein* for the National

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Linen Service Corporation et al.; *James A. Branch* for Vicknair et al.; *Sidney A. Wolff* for the New Orleans Laundries, Inc.; and *Leonard B. Levy* for Lob et al., respondents. Reported below: 188 F. 2d 265.

No. 212. AMERICAN ELASTICS, INC. v. UNITED STATES. C. A. 2d Cir. Certiorari denied. *Leo Brady* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Baldrige* and *Paul A. Sweeney* for the United States. Reported below: 187 F. 2d 109.

No. 213. STROUD v. SWOPE, WARDEN. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Perlman*, *Assistant Attorney General McInerney*, *Robert S. Erdahl* and *Robert G. Maysack* for respondent. Reported below: 187 F. 2d 850.

No. 215. BERNARD REALTY CO. v. UNITED STATES. C. A. 7th Cir. Certiorari denied. *A. W. Richter* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Ellis N. Slack* and *Melva M. Graney* for the United States. Reported below: 188 F. 2d 861.

No. 217. STEIN ET AL., DOING BUSINESS AS REGLOF OF CALIFORNIA, v. EXPERT LAMP Co. C. A. 7th Cir. Certiorari denied. *Will Freeman* and *C. A. Miketta* for petitioners. *Max Richard Kraus* for respondent. Reported below: 188 F. 2d 611.

No. 221. KING ET AL. v. COMMISSIONER OF INTERNAL REVENUE. C. A. 5th Cir. Certiorari denied. *Homer L. Bruce* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Stanley M. Silverberg* and *Ellis N. Slack* for respondent. Reported below: 189 F. 2d 122.

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No. 222. *DIXON v. ATLANTIC COAST LINE RAILROAD Co.* C. A. 5th Cir. Certiorari denied. *Harry M. Wilson* for petitioner. *Charles Cook Howell* for respondent. Reported below: 189 F. 2d 525.

No. 223. *RAILWAY EXPRESS AGENCY, INC. v. KENNEDY ET AL.* C. A. 7th Cir. Certiorari denied. *Kenneth F. Burgess* and *Douglas F. Smith* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Baldrige* and *Samuel D. Slade* for Kennedy et al., respondents. Reported below: 189 F. 2d 801.

No. 225. *PORTO RICO TELEPHONE Co. v. PUERTO RICO COMMUNICATIONS AUTHORITY.* C. A. 1st Cir. Certiorari denied. *John W. Davis* and *S. Hazard Gillespie, Jr.* for petitioner. *Victor Gutierrez Franqui*, Attorney General of Puerto Rico, *A. Torres Braschi* and *Edgar S. Belaval*, Assistant Attorneys General, for respondent. Reported below: 189 F. 2d 39.

No. 226. *DOWDY ET AL. v. HAWFIELD, EXECUTOR, ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Luther Robinson Maddox* for petitioners. *Albert Brick* for respondents. Reported below: 88 U. S. App. D. C. 241, 189 F. 2d 637.

No. 227. *UNITED TRUCK LINES, INC. v. INTERSTATE COMMERCE COMMISSION.* C. A. 9th Cir. Certiorari denied. *Edward J. Reilly* and *B. H. Kizer* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Morison*, *Robert L. Stern*, *J. Roger Wollenberg*, *Daniel W. Knowlton*, *James A. Murray* and *Leo H. Pou* for respondent. Reported below: 189 F. 2d 816.

No. 228. *SCRIPPS-HOWARD RADIO, INC. v. FEDERAL COMMUNICATIONS COMMISSION.* United States Court of Appeals for the District of Columbia Circuit. Certiorari

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denied. *Raymond T. Jackson, George S. Smith and Harry P. Warner* for petitioner. *Solicitor General Perlman, Assistant Attorney General Morison, Ralph S. Spritzer, Benedict P. Cottone and Max Goldman* for respondent. Reported below: 89 U. S. App. D. C. —, 189 F. 2d 677.

No. 235. NORFOLK & WESTERN RAILWAY Co. v. CHARLES. C. A. 7th Cir. Certiorari denied. *Edward R. Adams* for petitioner. *James G. Lemon, Jr.* for respondent. Reported below: 188 F. 2d 691.

No. 255. HICKS v. NORTH CAROLINA. Supreme Court of North Carolina. Certiorari denied. *Claude L. Dawson* for petitioner. *Harry McMullan, Attorney General of North Carolina, and Ralph Moody, Assistant Attorney General,* for respondent. Reported below: 233 N. C. 511, 64 S. E. 2d 871.

No. 102. NEAPOLIDIS ET AL. v. THEOFANA MARITIME Co., LTD. ET AL. Supreme Court of Appeals of Virginia. Certiorari denied. *Jacob L. Morewitz* for petitioners. *Leon T. Seawell and Harry E. McCoy, Jr.* for respondents. Reported below: 192 Va. 90, 63 S. E. 2d 795.

No. 164. SIGURJONNSON ET AL. v. TRANS-AMERICAN TRADERS, INC. C. A. 5th Cir. Certiorari denied. *T. T. Oughterson* for petitioners. Reported below: 188 F. 2d 760.

No. 194. LYNCH ET AL. v. UNITED STATES. C. A. 5th Cir. Certiorari denied. *Frank M. Gleason* for petitioners. *Solicitor General Perlman, Assistant Attorney General McInerney, Beatrice Rosenberg and Sydney Brodie* for the United States. Reported below: 189 F. 2d 476.

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No. 103. SWIFT & Co. v. RECONSTRUCTION FINANCE CORPORATION; and

No. 104. CUDAHY PACKING Co. v. RECONSTRUCTION FINANCE CORPORATION. United States Emergency Court of Appeals. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of these applications. *Edward R. Johnston, Albert E. Jenner, Jr.* and *William N. Strack* for petitioner in No. 103. *Vincent O'Brien* for petitioner in No. 104. *Solicitor General Perlman, Assistant Attorney General Baldrige* and *Paul A. Sweeney* for respondent.

No. 112. ABO ET AL. v. McGRATH, ATTORNEY GENERAL, ET AL.;

No. 113. AOKI ET AL. v. BARBER, DISTRICT DIRECTOR OF IMMIGRATION & NATURALIZATION SERVICE;

No. 121. McGRATH, ATTORNEY GENERAL, ET AL. v. ABO ET AL.; and

No. 122. BARBER, DISTRICT DIRECTOR OF IMMIGRATION & NATURALIZATION SERVICE, v. AOKI ET AL. C. A. 9th Cir. Certiorari denied. MR. JUSTICE CLARK took no part in the consideration or decision of these applications. *Wayne M. Collins* for petitioners in Nos. 112 and 113 and respondents in Nos. 121 and 122. *Solicitor General Perlman* for petitioners in Nos. 121 and 122, and with *Mr. Perlman* for respondents in Nos. 112 and 113 were *Assistant Attorney General Baldrige, Samuel D. Slade* and *Herman Marcuse*. Reported below: 186 F. 2d 766, 775.

No. 128. RISBERG v. DULUTH, MISSABE & IRON RANGE RAILWAY Co. Supreme Court of Minnesota. Certiorari denied. *David W. Louisell* for petitioner. *W. O. Bissonett* and *Donald D. Harries* for respondent. Reported below: 233 Minn. 396, 47 N. W. 2d 113.

No. 148. REMINGTON RAND, INC. v. SOCIETE INTERNATIONALE POUR PARTICIPATIONS INDUSTRIELLES ET COM-

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MERCIALES, S. A., ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. MR. JUSTICE CLARK took no part in the consideration or decision of this application. *William P. MacCracken, Jr., Urban A. Lavery and William W. Barron* for petitioner. *Solicitor General Perlman, Assistant Attorney General Baynton, George B. Searls and David Schwartz* for McGrath et al.; and *John J. Wilson and Donald Hiss* for the Societe Internationale pour Participations Industrielles et Commerciales, S. A., respondents. Reported below: 88 U. S. App. D. C. 275, 188 F. 2d 1011.

No. 149. JOHNSON ET AL. *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. *R. Arthur Jett* for petitioners. *Horace L. Walker and Hewitt Biaett* for respondent. Reported below: 188 F. 2d 458.

No. 153. HOPE BASKET Co. ET AL. *v.* PRODUCT ADVANCEMENT CORP. ET AL.; and

No. 216. DELPHI FROSTED FOODS CORP. *v.* ILLINOIS CENTRAL RAILROAD Co. Petitions for writs of certiorari to the United States Court of Appeals for the Sixth Circuit denied for the reason that applications therefor were not made within the time provided by law. 28 U. S. C. § 2101 (c). *Herbert H. Porter and Edwin T. Bean* for petitioners in No. 153. *Charles Garfinkel* for petitioner in No. 216. *Lloyd C. Root and Frank E. Liverance, Jr.* for respondents in No. 153. *James G. Wheeler* for respondent in No. 216. Reported below: 187 F. 2d 1008; 188 F. 2d 343.

No. 177. HARTMAIER ET AL. *v.* LONG ET AL. Supreme Court of Missouri. Certiorari denied. *Roger C. Slaughter* for petitioners. *Herman M. Langworthy* for respondents. Reported below: 361 Mo. 1151, 238 S. W. 2d 332.

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No. 193. NEMOURS CORPORATION *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. MR. JUSTICE BLACK is of the opinion certiorari should be granted. *Laurence Graves* for petitioner. *Solicitor General Perlman, Assistant Attorney General Caudle, Ellis N. Slack and Melva M. Graney* for the United States. Reported below: 188 F. 2d 745.

No. 266. MASKE *v.* WASHINGTON, MARLBORO & ANNAPOLIS MOTOR LINES, INC. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. MR. JUSTICE BLACK is of the opinion certiorari should be granted. *David G. Bress, Alvin L. Newmyer, Jr. and Sheldon E. Bernstein* for petitioner. *George D. Horning, Jr.* for respondent. Reported below: 89 U. S. App. D. C. —, 190 F. 2d 621.

No. 2, Misc. SCHOLL *v.* TEXAS. Court of Criminal Appeals of Texas. Certiorari denied. Petitioner *pro se. Price Daniel*, Attorney General of Texas, *Charles D. Mathews*, First Assistant Attorney General, and *E. Jacobson*, Assistant Attorney General, for respondent. Reported below: 155 Tex. Cr. R. —, 236 S. W. 2d 499.

No. 3, Misc. LANHAM ET AL. *v.* HOWELL ET AL. Supreme Court of Mississippi. Certiorari denied. *Charles W. Anderson* for petitioners. *Means Johnston* for respondents. Reported below: 210 Miss. 383, 49 So. 2d 701.

No. 4, Misc. JOHNSON *v.* OHIO. Supreme Court of Ohio. Certiorari denied. *E. Guy Hammond* for petitioner. Reported below: 155 Ohio St. 97, 97 N. E. 2d 660.

No. 8, Misc. ARESEN *v.* CALIFORNIA. Supreme Court of California. Certiorari denied.

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No. 10, Misc. THOMPSON *v.* PENNSYLVANIA. Supreme Court of Pennsylvania, Western District. Certiorari denied. *Louis C. Glasso* and *Zeno Fritz* for petitioner. *William S. Rahauser* for respondent. Reported below: 367 Pa. 102, 79 A. 2d 401.

No. 11, Misc. HEWITT *v.* CITY OF JACKSONVILLE. C. A. 5th Cir. Certiorari denied. *Will O. Murrell* for petitioner. Reported below: 188 F. 2d 423.

No. 12, Misc. ROHDE *v.* RAGEN, WARDEN, ET AL. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 13, Misc. GRENYA *v.* CLAUDY, WARDEN. Supreme Court of Pennsylvania, Western District. Certiorari denied.

No. 14, Misc. COBLE *v.* PENNSYLVANIA ET AL. Supreme Court of Pennsylvania, Western District. Certiorari denied.

No. 17, Misc. RIEHL *v.* GACKENBACK, WARDEN. Superior Court of Pennsylvania. Certiorari denied.

No. 18, Misc. BEASON *v.* MISSOURI. Supreme Court of Missouri. Certiorari denied.

No. 20, Misc. EYER *v.* SWENSON, WARDEN. Court of Appeals of Maryland. Certiorari denied. Reported below: — Md. —, 80 A. 2d 19.

No. 21, Misc. MACBLAIN *v.* BURKE, WARDEN. Supreme Court of Pennsylvania, Eastern District. Certiorari denied.

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No. 22, Misc. CRONHOLM *v.* MURPHY, WARDEN. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Nathaniel L. Goldstein*, Attorney General of New York, *Wendell P. Brown*, Solicitor General, and *Herman N. Harcourt* and *Raymond B. Madden*, Assistant Attorneys General, for respondent.

No. 23, Misc. BANDI *v.* CLAUDY, WARDEN. Supreme Court of Pennsylvania, Western District. Certiorari denied. Reported below: 367 Pa. 234, 80 A. 2d 62.

No. 24, Misc. SUPERO *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied. Petitioner *pro se*. *Ivan A. Elliott*, Attorney General of Illinois, and *William C. Wines* and *Raymond S. Sarnow*, Assistant Attorneys General, for respondent.

No. 26, Misc. MAYS, ADMINISTRATRIX, *v.* SOUTHERN RAILWAY Co. Supreme Court of Appeals of Virginia. Certiorari denied. *Paul Whitehead* for petitioner. *Sidney S. Alderman*, *H. G. Hedrick*, *Thomas B. Gay* and *Lewis F. Powell, Jr.* for respondent. Reported below: 192 Va. 68, 63 S. E. 2d 720.

No. 27, Misc. BUTE *v.* RAGEN, WARDEN, ET AL. Supreme Court of Illinois. Certiorari denied.

No. 28, Misc. HOGAN *v.* NEW YORK. Court of Appeals of New York. Certiorari denied.

No. 30, Misc. ASPERO *v.* MEMPHIS AND SHELBY COUNTY BAR ASSOCIATION. Supreme Court of Tennessee. Certiorari denied. Petitioner *pro se*. *Marion G. Evans* for respondent. Reported below: 242 S. W. 2d 319.

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No. 31, Misc. PENNSYLVANIA EX REL. DARCY *v.* CLAUDY, WARDEN. Supreme Court of Pennsylvania, Eastern District. Certiorari denied. *Charles J. Margiotti* and *Joseph B. Keenan* for petitioner. *George W. Keitel*, Deputy Attorney General of Pennsylvania, for respondent. Reported below: 367 Pa. 130, 79 A. 2d 785.

No. 34, Misc. BIELENSKI *v.* BOUND BROOK OIL-LESS BEARING Co. Supreme Court of New Jersey. Certiorari denied. Petitioner *pro se.* *John P. Smith* for respondent. Reported below: 7 N. J. 135, 80 A. 2d 662.

No. 36, Misc. ISRAEL *v.* HEINZE, WARDEN. Supreme Court of California. Certiorari denied.

No. 38, Misc. FRISCO *v.* ALVIS, WARDEN. Court of Appeals of Franklin County, Ohio. Certiorari denied.

No. 39, Misc. BERGER *v.* COLORADO. Supreme Court of Colorado. Certiorari denied. *Isaac Mellman* for petitioner. *Duke W. Dunbar*, Attorney General of Colorado, *H. Lawrence Hinkley*, Deputy Attorney General, and *Norman H. Comstock*, Assistant Attorney General, for respondent. Reported below: 123 Colo. 403, 231 P. 2d 799.

No. 40, Misc. ARMSTRONG *v.* MISSOURI-KANSAS-TEXAS RAILROAD Co. Court of Civil Appeals of Texas, Fifth Supreme Judicial District. Certiorari denied. *Alexander Gullett* for petitioner. *Ralph Elliott* for respondent. Reported below: 233 S. W. 2d 942.

No. 44, Misc. BROOKS *v.* PENNSYLVANIA RAILROAD Co. C. A. 2d Cir. Certiorari denied. Petitioner *pro se.* *Joseph Walker* for respondent. Reported below: 187 F. 2d 869.

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No. 46, Misc. SKINNER *v.* ROBINSON, WARDEN. Circuit Court of Lee County, Illinois. Certiorari denied.

No. 47, Misc. BRINK *v.* CRAWFORD COUNTY COURT OFFICIALS ET AL. C. A. 3d Cir. Certiorari denied.

No. 51, Misc. PITTS *v.* INDIANA. Supreme Court of Indiana. Certiorari denied.

No. 52, Misc. LYLE *v.* EIDSON, WARDEN. Supreme Court of Missouri. Certiorari denied.

No. 54, Misc. RICHARDSON *v.* MICHIGAN. Supreme Court of Michigan. Certiorari denied.

No. 55, Misc. PEKOVITCH *v.* RAGEN, WARDEN. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 56, Misc. BURGMAN *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *James J. Laughlin* for petitioner. *Solicitor General Perlman, Assistant Attorney General McInerney* and *Beatrice Rosenberg* for the United States. Reported below: 88 U. S. App. D. C. 184, 188 F. 2d 637.

No. 57, Misc. BEATTY *v.* CLAUDY, WARDEN. Supreme Court of Pennsylvania, Western District. Certiorari denied.

No. 58, Misc. NASH, ON BEHALF OF HASHIMOTO ET AL., *v.* MACARTHUR, GENERAL OF THE ARMY, ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Simon J. Nash* for petitioner. *Solicitor General Perlman, Assistant Attorney General McInerney* and *Beatrice Rosenberg* for respondents. Reported below: See 87 U. S. App. D. C. 268, 184 F. 2d 606.

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No. 59, Misc. FARRELL *v.* O'BRIEN, WARDEN. C. A. 1st Cir. Certiorari denied. Reported below: 189 F. 2d 540.

No. 61, Misc. WILLIAMS *v.* UNION RAILWAY Co. C. A. 6th Cir. Certiorari denied. *S. Shepherd Tate* for petitioner. *Edward P. Russell* for respondent. Reported below: 187 F. 2d 489.

No. 63, Misc. TERRY *v.* RAGEN, WARDEN. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 64, Misc. BURNS *v.* CRIMINAL COURT OF COOK COUNTY. Criminal Court of Cook County, Illinois. Certiorari denied.

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

No. 68, Misc. HIRONS *v.* WARDEN, MARYLAND PENITENTIARY. Court of Appeals of Maryland. Certiorari denied. Reported below: — Md. —, 80 A. 2d 608.

No. 69, Misc. KENNEDY *v.* EIDSON, WARDEN. Supreme Court of Missouri. Certiorari denied.

No. 70, Misc. O'NEILL *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

No. 72, Misc. COULTER ET AL. *v.* NEW YORK. Court of Appeals of New York. Certiorari denied. *William Richter* and *Robert W. Hicks* for petitioners. *Frank S. Hogan* for respondent.

No. 73, Misc. BORDAY *v.* BURKE, WARDEN. Supreme Court of Pennsylvania, Eastern District. Certiorari denied.

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No. 74, Misc. *BANKS v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied.

No. 75, Misc. *LUKIE v. RAGEN, WARDEN*. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 76, Misc. *JERONIS v. JACQUES, WARDEN*. Supreme Court of Michigan. Certiorari denied.

No. 80, Misc. *WOODSON v. RAGEN, WARDEN*. Circuit Court of Pike County, Illinois. Certiorari denied.

No. 83, Misc. *BRUNO v. TENNESSEE*. Supreme Court of Tennessee. Certiorari denied. *Grover N. McCormick* for petitioner. *Roy H. Beeler*, Attorney General of Tennessee, and *Nat Tipton*, Assistant Attorney General, for respondent. Reported below: 192 Tenn. 244, 240 S. W. 2d 528.

No. 84, Misc. *FRAZIER v. ELLIS, PRISON SYSTEM MANAGER*. Court of Criminal Appeals of Texas. Certiorari denied.

No. 85, Misc. *GEHANT v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied.

No. 86, Misc. *SEELY v. HEINZE, WARDEN*. Supreme Court of California. Certiorari denied.

No. 89, Misc. *IN RE SPRAGUE*. Supreme Court of California. Certiorari denied. Reported below: 37 Cal. 2d 110, 230 P. 2d 633.

No. 90, Misc. *BOONE v. MISSOURI*. Supreme Court of Missouri. Certiorari denied.

No. 91, Misc. *BINDRIN v. RAGEN, WARDEN*. Criminal Court of Cook County, Illinois. Certiorari denied.

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No. 92, Misc. ZEMAN *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

No. 93, Misc. JOHNSON *v.* ILLINOIS SUPREME COURT. Supreme Court of Illinois. Certiorari denied.

No. 95, Misc. BARUTHA, DOING BUSINESS AS R. B. TRUCKING Co., *v.* PRENTICE, TRUSTEE. C. A. 7th Cir. Certiorari denied. *David Previant* for petitioner. *Henry G. Petersen, Jr.* for respondent. Reported below: 189 F. 2d 29.

No. 97, Misc. MARINGER *v.* HEINZE, WARDEN. Supreme Court of California. Certiorari denied.

No. 100, Misc. TIPTON *v.* OHIO. Court of Appeals of Ohio, First Appellate District. Certiorari denied.

No. 102, Misc. PRESECAN *v.* CLAUDY, WARDEN. Supreme Court of Pennsylvania, Western District. Certiorari denied. Reported below: 77 A. 2d 684.

No. 104, Misc. MACK *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

No. 106, Misc. CANNON *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

No. 107, Misc. MILLER *v.* SUPERINTENDENT OF SPRING GROVE STATE HOSPITAL. Court of Appeals of Maryland. Certiorari denied. Reported below: — Md. —, 80 A. 2d 898.

No. 110, Misc. GOLDBERG *v.* MOSES ET AL. Court of Appeals of New York. Certiorari denied. Reported below: 302 N. Y. 834, 100 N. E. 2d 36.

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No. 111, Misc. *ANDERSON v. DUFFY, WARDEN*. Supreme Court of California. Certiorari denied.

No. 112, Misc. *SCHULTZ v. PENNSYLVANIA*. Supreme Court of Pennsylvania, Western District. Certiorari denied.

No. 114, Misc. *MAHURIN v. MISSOURI*. Supreme Court of Missouri. Certiorari denied. Reported below: 240 S. W. 2d 110.

Rehearing Denied.

No. 336, October Term, 1950. *DENNIS ET AL. v. UNITED STATES*, 341 U. S. 494. The motion for leave to file supplemental petition for rehearing is granted. The motion for leave to file brief of Richard E. Westbrooks and Earl B. Dickerson, as *amici curiae*, is denied. The petitions for rehearing are denied. The motion for leave to file petitions for rehearing of order limiting certiorari is denied. MR. JUSTICE BLACK is of the opinion the petition for rehearing of the order limiting certiorari should be granted. MR. JUSTICE CLARK took no part in the consideration or decision of these applications.

No. 656, October Term, 1950. *ANDERSON v. COMMISSIONER OF INTERNAL REVENUE*, 341 U. S. 935. Motion for leave to file petition for rehearing denied.

No. 374, Misc., October Term, 1950. *ROEDEL v. UNITED STATES*, 341 U. S. 917;

No. 458, Misc., October Term, 1950. *PORCH v. GEORGIA*, 341 U. S. 954;

No. 469, Misc., October Term, 1950. *IN RE PHYLE*, 341 U. S. 942; and

No. 521, Misc., October Term, 1950. *GREEN v. UNITED STATES*, 341 U. S. 955. The petitions for rehearing in these cases are severally denied.

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No. 313, October Term, 1950. NATIONAL LABOR RELATIONS BOARD *v.* INTERNATIONAL RICE MILLING CO., INC. ET AL., 341 U. S. 665;

No. 338, October Term, 1950. TENNEY ET AL. *v.* BRANDHOVE, 341 U. S. 367;

No. 387, October Term, 1950. UNITED BROTHERHOOD OF CARPENTERS & JOINERS OF AMERICA, DISTRICT COUNCIL OF KANSAS CITY, MISSOURI, ET AL. *v.* NATIONAL LABOR RELATIONS BOARD, 341 U. S. 947;

No. 399, October Term, 1950. BREARD *v.* ALEXANDRIA, 341 U. S. 622;

No. 421, October Term, 1950. HAMMERSTEIN *v.* SUPERIOR COURT OF CALIFORNIA ET AL., 341 U. S. 491;

No. 453, October Term, 1950. GARNER ET AL. *v.* BOARD OF PUBLIC WORKS OF LOS ANGELES ET AL., 341 U. S. 716;

No. 466, October Term, 1950. WEST TEXAS UTILITIES CO., INC. *v.* NATIONAL LABOR RELATIONS BOARD, 341 U. S. 939;

No. 511, October Term, 1950. SICKMAN, EXECUTRIX, ET AL. *v.* UNITED STATES, 341 U. S. 939;

No. 611, October Term, 1950. MALOY *v.* FLORIDA, 341 U. S. 947;

No. 652, October Term, 1950. RING *v.* SPINA ET AL., 341 U. S. 935;

No. 655, October Term, 1950. CALDERON ET AL. *v.* TOBIN, SECRETARY OF LABOR, ET AL., 341 U. S. 935;

No. 661, October Term, 1950. CARLSON ET AL. *v.* UNITED STATES, 341 U. S. 940;

No. 667, October Term, 1950. ORO FINO CONSOLIDATED MINES, INC. *v.* UNITED STATES, 341 U. S. 948;

No. 680, October Term, 1950. HOLMES *v.* UNITED STATES, 341 U. S. 948;

No. 691, October Term, 1950. SAUCIER *v.* TEXAS, 341 U. S. 949; and

No. 714, October Term, 1950. EASTERN AIR LINES, INC. *v.* CIVIL AERONAUTICS BOARD, 341 U. S. 951. The petitions for rehearing in these cases are severally denied.

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No. 409, Misc., October Term, 1950. *TATE v. CALIFORNIA ET AL.*, 341 U. S. 902. Second petition for rehearing denied.

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Per Curiam Decisions.

No. 147. *MUTH v. AETNA OIL Co. ET AL.* On petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit. *Per Curiam*: The petition for writ of certiorari is granted. The judgment of the Court of Appeals is vacated and the case is remanded to that court for the purpose of determining whether there was jurisdiction by virtue of diversity of citizenship. MR. JUSTICE BLACK dissents. *William C. Welborn, Albert Ward, Milford M. Miller and Palmer K. Ward* for petitioner. *Charles H. Sparrenberger* for respondents. Reported below: 188 F. 2d 844.

No. 159. *FLORIDA RAILROAD & PUBLIC UTILITIES COMMISSION ET AL. v. ATLANTIC COAST LINE RAILROAD Co.* Appeal from the United States District Court for the Northern District of Florida. *Per Curiam*: The judgment is vacated and the case is remanded to the District Court for further consideration in the light of *Alabama Public Service Comm'n v. Southern R. Co.*, 341 U. S. 341. *Lewis W. Petteway* for appellants. *Charles Cook Howell and G. L. Reeves* for appellee. Reported below: 96 F. Supp. 583.

No. 283. *FRANKLIN ET AL. v. BOARD OF COMMISSIONERS OF TENSAS BASIN LEVEE DISTRICT.* Appeal from the Supreme Court of Louisiana. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Eldridge v. Trezevant*, 160 U. S. 452; *Wolfe v. Hurley*, 283 U. S. 801. MR. JUSTICE MINTON took no part in the consideration or decision

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of this case. *Hector G. Spaulding* for appellants. *C. C. Wood* for appellee. Reported below: 219 La. 859, 54 So. 2d 125.

No. 289. CHICAGO, BURLINGTON & QUINCY RAILROAD CO. ET AL. v. UNITED STATES ET AL. Appeal from the United States District Court for the Northern District of Illinois. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. *United States v. American Sheet & Tin Plate Co.*, 301 U. S. 402; *United States v. United States Smelting Co.*, 339 U. S. 186. MR. JUSTICE MINTON took no part in the consideration or decision of this case. *Harry E. Boe, Frank W. Sullivan, Warren H. Wagner* and *Eldon Martin* for appellants. *Solicitor General Perlman* and *Daniel W. Knowlton* for the United States and the Interstate Commerce Commission, appellees. Reported below: 98 F. Supp. 119.

No. 10. UNITED STATES EX REL. GIESE v. CHAMBERLIN, COMMANDING GENERAL, ET AL. Certiorari, 341 U. S. 902, to the United States Court of Appeals for the Seventh Circuit. Argued October 9, 1951. Decided October 15, 1951. *Per Curiam*: The judgment is affirmed by an equally divided Court. MR. JUSTICE MINTON took no part in the consideration or decision of this case. *Albert E. Hallett* argued the cause and filed a brief for petitioner. *John F. Davis* argued the cause for respondents. With him on the brief were *Solicitor General Perlman, Assistant Attorney General McInerney* and *Beatrice Rosenberg*. Reported below: 184 F. 2d 404.

Miscellaneous Orders.

No. 203. UNITED STATES v. PEARSON. Appeal from the United States District Court for the District of Columbia. The appeal is dismissed on motion of counsel for the appellant. *Solicitor General Perlman* for the United States.

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No. —. ADAMS *v.* JENSEN ET AL. Application for leave to docket this case denied. *John W. Anderson* for petitioner.

No. 159, Misc. EX PARTE GRAY ET AL. The motion for leave to file petition for writ of mandamus is granted. A rule is ordered to issue, returnable within 30 days, requiring the respondents to show cause why the petition for writ of mandamus should not be granted. *Z. Alexander Looby, Robert L. Carter* and *Thurgood Marshall* for petitioners. *John J. Hooker* for the Board of Trustees of the University of Tennessee et al., respondents.

No. 125, Misc. GILMORE *v.* STEELE, WARDEN. Motion for leave to file petition for writ of habeas corpus denied.

No. 131, Misc. PRIDGEN *v.* BUBELLA ET AL. Application denied.

No. 145, Misc. JOHNSON *v.* PENNSYLVANIA. Supreme Court of Pennsylvania. Dismissed on motion of petitioner. *Theodore Spaulding* for petitioner.

Certiorari Granted. (See also No. 147, *supra.*)

No. 143. SUTTON *v.* LEIB. C. A. 7th Cir. *Certiorari* granted. *John Alan Appleman* and *Edward D. Bolton* for petitioner. *Arthur M. Fitzgerald* for respondent. Reported below: 188 F. 2d 766.

No. 167. BOYCE MOTOR LINES, INC. *v.* UNITED STATES. C. A. 3d Cir. *Certiorari* granted. *Joseph C. Glavin* and *A. Harry Moore* for petitioner. *Solicitor General Perlman, Assistant Attorney General McInerney, Beatrice Rosenberg* and *J. F. Bishop* for the United States. Reported below: 188 F. 2d 889.

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No. 186. CARSON, COMMISSIONER OF FINANCE & TAXATION, *v.* ROANE-ANDERSON COMPANY ET AL.; and

No. 187. CARSON, COMMISSIONER OF FINANCE & TAXATION, *v.* CARBIDE & CARBON CHEMICALS CORP. ET AL. Supreme Court of Tennessee. Certiorari granted. *Roy H. Beeler*, Attorney General of Tennessee, *William F. Barry*, Solicitor General, and *Allison B. Humphreys, Jr.* for petitioner. *Solicitor General Perlman* and *S. Frank Fowler* for the United States et al., respondents. Briefs of *amici curiae* supporting petitioner were filed by *Eugene Cook*, Attorney General, *W. H. Blackshear, Jr.*, Deputy Assistant Attorney General, and *George E. Sims, Jr.* and *Robert H. Gambrell*, Assistant Attorneys General, for the State of Georgia; and *T. C. Callison*, Attorney General, and *Claude K. Wingate*, Assistant Attorney General, for the State of South Carolina. Reported below: 192 Tenn. 150, 239 S. W. 2d 27.

No. 229. PILLSBURY ET AL., DEPUTY COMMISSIONERS, *v.* UNITED ENGINEERING CO. ET AL. C. A. 9th Cir. Certiorari granted. *Solicitor General Perlman* for petitioners. *Lyman Henry* for respondents. Reported below: 187 F. 2d 987.

No. 231. DESPER, ADMINISTRATRIX, *v.* STARVED ROCK FERRY CO. C. A. 7th Cir. Certiorari granted. *Joseph D. Ryan* for petitioner. *Charles T. Shanner* for respondent. Reported below: 188 F. 2d 177.

No. 172. KAUFMAN ET AL. *v.* SOCIETE INTERNATIONALE POUR PARTICIPATIONS INDUSTRIELLES ET COMMERCIALES, S. A., ET AL.; and

No. 178. UEBERSEE FINANZ-KORPORATION, A. G., *v.* McGRATH, ATTORNEY GENERAL, SUCCESSOR TO THE ALIEN PROPERTY CUSTODIAN. United States Court of Appeals

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for the District of Columbia Circuit. Certiorari granted. MR. JUSTICE CLARK took no part in the consideration or decision of these applications. *William Radner, Odell Kominers and Henry G. Fischer* for petitioners in No. 172. *Thurman Arnold, Edward J. Ennis and Harry M. Plotkin* for petitioner in No. 178. *Solicitor General Perlman, Assistant Attorney General Baynton and George B. Searls* for McGrath et al., respondents in No. 172 and McGrath, respondent in No. 178, and with them were *David Schwartz and Sidney B. Jacoby* in No. 172 and *James L. Morrisson, Myron C. Baum and Joseph Laufer* in No. 178. *Roger J. Whiteford and John J. Wilson* for Societe Internationale pour Participations Industrielles et Commerciales, S. A.; and *William P. MacCracken, Jr., Urban A. Lavery and William W. Barron* for Remington Rand, Inc., respondents in No. 172. Reported below: 88 U. S. App. D. C. 296, 188 F. 2d 1017; 88 U. S. App. D. C. 182, 191 F. 2d 327.

No. 224. PUBLIC UTILITIES COMMISSION ET AL. v. POLLAK ET AL.; and

No. 295. POLLAK ET AL. v. PUBLIC UTILITIES COMMISSION ET AL. United States Court of Appeals for the District of Columbia Circuit. The motion for leave to file brief of Radio Cincinnati, Inc. et al., as *amici curiae* in No. 224, is denied. Certiorari granted. *Vernon E. West and Lloyd B. Harrison* for the Public Utilities Commission; and *Edmund L. Jones, F. Gloyd Awalt, Samuel O. Clark, Jr., Daryal A. Myse and W. V. T. Justis* for the Capital Transit Co., petitioners in No. 224 and respondents in No. 295. *Paul M. Segal and Harry P. Warner* for petitioners in No. 295 and respondents in No. 224; *Franklin S. Pollak, pro se*. Reported below: 89 U. S. App. D. C. —, 191 F. 2d 450.

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Certiorari Denied.

No. 40. *LYNN v. LYNN*. Court of Appeals of New York. Certiorari denied. *Samuel Gottlieb* and *Harold I. Cole* for petitioner. *Herman A. Benjamin* for respondent. Reported below: 302 N. Y. 193, 97 N. E. 2d 748.

No. 137. *BAZZELL v. UNITED STATES*; and

No. 138. *LASBY ET AL. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Morris A. Shenker* for petitioner in No. 137. *A. M. Fitzgerald* for petitioners in No. 138. *Solicitor General Perlman*, *Assistant Attorney General McInerney*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 187 F. 2d 878.

No. 218. *G. RICORDI & Co. v. PARAMOUNT PICTURES, INC.* C. A. 2d Cir. Certiorari denied. *Asher Blum* for petitioner. *Louis Phillips* and *Louis Nizer* for respondent. Reported below: 189 F. 2d 469.

No. 220. *AIR LINE DISPATCHERS ASSOCIATION, A. F. OF L., ET AL. v. NATIONAL MEDIATION BOARD ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *B. F. Napheys, Jr.* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Morison* and *J. Roger Wollenberg* for respondents. Reported below: 89 U. S. App. D. C. —, 189 F. 2d 685.

No. 232. *CITY AND COUNTY OF HONOLULU v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Thomas W. Flynn* for petitioner. *Solicitor General Perlman* and *Assistant Attorney General Vanech* for the United States. Reported below: 188 F. 2d 459.

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No. 233. C. A. DURR PACKING CO., INC. *v.* SHAUGHNESSY, COLLECTOR OF INTERNAL REVENUE. C. A. 2d Cir. Certiorari denied. *Henry T. Dorrance* and *Russell G. Dunmore, Jr.* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Ellis N. Slack*, *Helen Goodner* and *Fred E. Youngman* for respondent. Reported below: 189 F. 2d 260.

No. 234. UNITED STATES *v.* THOMAS. C. A. 6th Cir. Certiorari denied. *Solicitor General Perlman* for the United States. *R. R. Kramer* for respondent. Reported below: 189 F. 2d 494.

No. 236. BLAKE ET AL. *v.* WONDER PRODUCTS, INC. ET AL. Supreme Court of Michigan. Certiorari denied. *Frederic S. Glover, Jr.* for petitioners. *George E. Brand* for respondents. Reported below: 330 Mich. 159, 47 N. W. 2d 61.

No. 237. ROSE ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 9th Cir. Certiorari denied. *George T. Altman* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Ellis N. Slack*, *Helen Goodner* and *S. Dee Hanson* for respondent. Reported below: 188 F. 2d 355.

No. 241. ESTATE OF SOLOWEY ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 2d Cir. Certiorari denied. *E. Paul Yaselli* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Ellis N. Slack* and *Robert N. Anderson* for respondent. Reported below: 189 F. 2d 968.

No. 240. PARTRIDGE, EXECUTOR, *v.* PRESLEY, EXECUTOR. United States Court of Appeals for the District of

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Columbia Circuit. Certiorari denied. *Frederick A. Ballard* for petitioner. Reported below: 84 U. S. App. D. C. 224, 172 F. 2d 275; 88 U. S. App. D. C. 298, 189 F. 2d 645.

No. 106. WEBER *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. MR. JUSTICE JACKSON and MR. JUSTICE CLARK took no part in the consideration or decision of this application. Petitioner *pro se*. *Solicitor General Perlman, Assistant Attorney General McInerney and Robert S. Erdahl* for the United States. Reported below: 188 F. 2d 575.

No. 239. HUDSON ET AL. *v.* LEWIS ET AL. C. A. 5th Cir. Certiorari denied. *Ben F. Cameron* for petitioners. *J. Morgan Stevens* and *W. S. Welch* for Lewis et al.; and *Garner W. Green, Irwin W. Coleman, W. S. Welch, R. E. Wilbourn* and *Archie D. Gray* for the Gulf Refining Co., respondents. Reported below: 188 F. 2d 679.

No. 244. AMERICAN FIDELITY & CASUALTY Co., INC. *v.* ALL AMERICAN BUS LINES, INC. ET AL. C. A. 10th Cir. The motion for leave to file brief of *Rodman W. Keenon* and others, as *amici curiae*, is denied. Certiorari denied. *Welcome D. Pierson* and *Richard W. Galihier* for petitioner. *Gus Rinehart* for respondents. Reported below: 190 F. 2d 234.

No. 94, Misc. DORSEY *v.* ARKANSAS. Supreme Court of Arkansas. Certiorari denied. *James Coates Lear* for petitioner. Reported below: 219 Ark. 101, 240 S. W. 2d 30.

No. 96, Misc. GAUTHIER *v.* MICHIGAN. Supreme Court of Michigan. Certiorari denied.

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NO. 199. KOEHLER ET AL. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. MR. JUSTICE BLACK is of the opinion certiorari should be granted. Dissenting memorandum filed by MR. JUSTICE JACKSON. *Elbert R. Jandt* and *Ben F. Foster* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General McInerney* and *Robert S. Erdahl* for the United States. Reported below: 189 F. 2d 711.

Memorandum by MR. JUSTICE JACKSON, dissenting.

This case involves the power of federal officials to bring state officials to punishment under the remnants of Reconstruction Period legislation.

The state officer in this case, I may observe, richly deserves severe punishment. But the question in the case is one of federal against state power, a line which should not waver with the merits of individuals involved.

The statute, 18 U. S. C. § 242, is vague and general in the extreme. It makes criminal the willful "deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States"

It is apparent from this case that this statute enables a federal administration to hold over all state officers a threat of prosecution whose vagueness is attested by the fact that this Court cannot decide most issues of deprivation of constitutional right without dissent, and often divides five to four.

The constitutionality of this very statute was recently sustained by a margin so narrow that no opinion could muster a Court majority. Even those who sustained it did so only by an interpretation of "willful" to require more than doing of the forbidden act, saying such "narrower" construction had support in the history of the act. It was construed to require a specific intent to deprive

one of constitutional rights in addition to the evil purpose in doing the act itself. The lower courts were reversed because the issue of specific intent to deprive of a constitutional right was not presented to the jury. *Screws v. United States*, 325 U. S. 91.

In this case the trial court properly charged the jury that it must find this specific intent. But it also instructed that "The color of the act determines the complexion of the intent. The intent to injure or defraud is presumed when the unlawful act, which results in loss or injury, is proved to have been knowingly committed. It is a well settled rule, which the law applies to both criminal and civil cases, that the intent is presumed and inferred from the result of the action."

This is wrong even by the test of the *Screws* decision. That opinion, referring to the specific intent, said, "And in determining whether that requisite bad purpose was present the jury would be entitled to consider all the attendant circumstances—the malice of petitioners, the weapons used in the assault, its character and duration, the provocation, if any, and the like." *Screws v. United States, supra*, at 107. In other words, while the *Screws* decision contemplated the decision of this issue on the whole evidence, the charge below presumed it from a single act. This is not a technical difference. Under the trial court's construction, the Government may merely prove the act and rest—the presumption does the work of evidence. Under the *Screws* case, no such presumption was authorized—the Government would have to produce evidence, circumstantial in most cases, to be sure, from which the jury could reasonably infer the specific intent. That, of course, made the way of the Government harder, but it was in this fact that the *Screws* opinion found assurance that the vague generalities of the statute could not become a menace to civil liberties or to

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state officials. This assurance of protection becomes a hoax if the requirement of specific intent is now to be wiped out with a presumption.

And this is no trivial matter. American criminal law heretofore has had little use for presumptions of criminality. It has required proof beyond a reasonable doubt of all matters that were elements of the crimes. Under the normal charge, which I think the *Screws* opinion contemplated, the jury would be instructed that they must, from all the evidence in the case, be satisfied beyond a reasonable doubt that the specific intent to deprive of a constitutional right was present. Under the decision in this case, they can find a defendant guilty without even considering whether the evidence would show specific intent, for the presumption of law takes the place of the evidence. The burden of proof is on the defendant to overcome the presumption and establish his innocence of intent. If this is not a dangerous and novel importation into American criminal law, I do not recognize danger when I see it.

If this decision is allowed to stand, it is a rather earlier fulfillment of the fears of those of us who dissented in *Screws* than I had anticipated. The dissenting opinion of Judge Russell below seems to me the sound view of the law. I think our duty is to grant the writ.

In not joining this dissent, MR. JUSTICE FRANKFURTER wishes to refer to his views as to the meaning of a denial of certiorari. See *Maryland v. Baltimore Radio Show, Inc.*, 338 U. S. 912.

No. 98, Misc. SPEARS ET AL. v. UNITED STATES. C. A. 9th Cir. Certiorari denied. *Isaiah H. Spears* for petitioners. *Solicitor General Perlman, Assistant Attorney General Baldrige and Samuel D. Slade* for the United States.

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No. 101, Misc. SCHECHTER *v.* BURFORD, WARDEN. Criminal Court of Appeals of Oklahoma. Certiorari denied. Reported below: — Okla. Cr. —, 231 P. 2d 411.

No. 108, Misc. SADOWY *v.* MORAN, CHAIRMAN OF NEW YORK STATE BOARD OF PAROLE, ET AL. Court of Appeals of New York. Certiorari denied. Petitioner *pro se.* Nathaniel L. Goldstein, Attorney General of New York, Wendell P. Brown, Solicitor General, and Herman N. Harcourt and Raymond B. Madden, Assistant Attorneys General, for respondents.

No. 109, Misc. WILSON ET AL. *v.* STATE OF WASHINGTON. Supreme Court of Washington. Certiorari denied. Reuben G. Lenske for petitioners. Reported below: 38 Wash. 2d 593, 231 P. 2d 288.

No. 115, Misc. RILEY *v.* TITUS ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se.* Solicitor General Perlman, Assistant Attorney General Baldrige and Paul A. Sweeney for respondents. Reported below: 89 U. S. App. D. C. —, 190 F. 2d 653.

No. 116, Misc. DEAN *v.* MICHIGAN. Supreme Court of Michigan. Certiorari denied.

No. 117, Misc. RIOS *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

No. 118, Misc. MICHALOWSKI *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

No. 119, Misc. MANGAN *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

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No. 120, Misc. TATE *v.* CALIFORNIA ET AL. District Court of Appeal of California, Third Appellate District. Certiorari denied.

No. 122, Misc. SCIALABBA *v.* NEW YORK. Court of Appeals of New York. Certiorari denied.

No. 128, Misc. COOPER *v.* CRANOR, SUPERINTENDENT. Supreme Court of Washington. Certiorari denied.

No. 129, Misc. GADSDEN *v.* UNITED STATES. Court of Claims. Certiorari denied. *Henry Lincoln Johnson, Jr.* for petitioner. Reported below: 119 Ct. Cl. 86, 100 F. Supp. 455.

No. 130, Misc. HOWARD *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

No. 132, Misc. HINLEY *v.* OKLAHOMA. Supreme Court of Oklahoma. Certiorari denied.

No. 137, Misc. BENDER *v.* LAINSON, WARDEN. Supreme Court of Iowa. Certiorari denied.

No. 139, Misc. MANDELL *v.* HEINZE, WARDEN. Supreme Court of California. Certiorari denied.

Rehearing Denied.

No. 274, October Term, 1950. AUTOGRAPHIC REGISTER Co. *v.* UARCO, INC., 340 U. S. 853. Motion for leave to file petition for rehearing denied.

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Miscellaneous Orders.

No. 78. VON MOLTKE *v.* GILLIES, SUPERINTENDENT. Certiorari, *ante*, p. 810, to the United States Court of Appeals for the Sixth Circuit. It is ordered that G. Les-

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lie Field, Esquire, of Detroit, Michigan, a member of the bar of this Court, be appointed to serve as counsel for the petitioner in this case.

No. 375. *SHERMAN v. ILLINOIS*. Certiorari, *ante*, p. 811, to the Supreme Court of Illinois. It is ordered that Nathaniel L. Nathanson, Esquire, of Chicago, Illinois, a member of the bar of this Court, be appointed to serve as counsel for the petitioner in this case.

No. 77. *PACIFIC INSURANCE Co., LTD. v. UNITED STATES*. On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Petition for writ of certiorari in this case dismissed on motion of counsel for the petitioner. *Urban E. Wild* and *J. Russell Cades* for petitioner. *Solicitor General Perlman* for the United States. Reported below: 188 F. 2d 571.

No. 164, Misc. *KARHU v. MICHIGAN*. Supreme Court of Michigan and Circuit Court for the County of Ontonagon, Michigan. Certiorari denied. Motion for leave to file petition for writ of mandamus also denied.

No. 153, Misc. *ALBERTS v. IOWA*. Application denied.

No. 161, Misc. *EX PARTE WEBER*. Motion for leave to file petition for writ of mandamus denied. MR. JUSTICE JACKSON and MR. JUSTICE CLARK took no part in the consideration or decision of this motion.

No. 166, Misc. *WILLIAMS v. UNITED STATES*. Motion for leave to file petition for writ of habeas corpus denied.

Certiorari Granted.

No. 280. *INTERNATIONAL LONGSHOREMEN'S & WAREHOUSEMEN'S UNION ET AL. v. JUNEAU SPRUCE CORP.*

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C. A. 9th Cir. Certiorari granted. *Richard Gladstein* for petitioners. *Charles A. Hart* for respondent. Reported below: 189 F. 2d 177.

No. 87, Misc. BRUNER *v.* UNITED STATES. C. A. 5th Cir. Certiorari granted. *Charles J. Bloch* and *Ellsworth Hall, Jr.* for petitioner. *Solicitor General Perlman* filed a memorandum for the United States stating that the Government does not oppose the granting of the petition. Reported below: 189 F. 2d 255.

No. 201, October Term, 1950. SACHER ET AL. *v.* UNITED STATES. Petition for rehearing granted. The order entered June 4, 1951, denying certiorari, 341 U. S. 952, is vacated and the petition for writ of certiorari to the United States Court of Appeals for the Second Circuit is granted. The sole question for review is: Was the charge of contempt, as and when certified, one which the accusing judge was authorized under Rule 42 (a) [Federal Rules of Criminal Procedure] to determine and punish himself; or was it one to be adjudged and punished under Rule 42 (b) only by a judge other than the accusing one and after notice, hearing, and opportunity to defend? The motion for leave to file brief of National Lawyers Guild, as *amicus curiae*, is denied. MR. JUSTICE CLARK took no part in the consideration or decision of these applications. *Paul L. Ross* and *Martin Popper* for petitioners. Reported below: 182 F. 2d 416.

Certiorari Denied. (See also No. 164, Misc., *supra*.)

No. 219. COMMISSIONER OF INTERNAL REVENUE *v.* VISINTAINER. C. A. 10th Cir. Certiorari denied. *Solicitor General Perlman* for petitioner. *F. R. Carpenter* and *Stephen H. Hart* for respondent. Reported below: 187 F. 2d 519.

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No. 245. INTERNATIONAL LONGSHOREMEN'S & WAREHOUSEMEN'S UNION ET AL. *v.* ACKERMAN, ATTORNEY GENERAL, ET AL. C. A. 9th Cir. Certiorari denied. *Harriet Bouslog* for petitioners. *Walter D. Ackerman, Jr.*, Attorney General of Hawaii, *J. Garner Anthony*, Special Deputy Attorney General, and *Rhoda V. Lewis* and *Richard K. Sharpless*, Deputy Attorneys General, for respondents. Reported below: 187 F. 2d 860.

No. 251. WILSON ET AL., EXECUTORS, *v.* KRAEMER, COLLECTOR OF INTERNAL REVENUE, ET AL. C. A. 2d Cir. Certiorari denied. *Lawrence S. Greenbaum* and *Warner Pyne* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Ellis N. Slack*, *A. F. Prescott* and *L. W. Post* for Kraemer, respondent. Reported below: 190 F. 2d 341.

No. 252. McNABB *v.* SLATER ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Joseph T. Sherier* and *George C. Gertman* for petitioner. *Charles G. Jaquette* for Slater, respondent. Reported below: 88 U. S. App. D. C. 379, 190 F. 2d 608.

No. 254. AMERICAN STEEL FOUNDRIES *v.* HOLLAND COMPANY. C. A. 7th Cir. Certiorari denied. *George I. Haight* for petitioner. *Casper W. Ooms* and *L. B. Mann* for respondent. Reported below: 190 F. 2d 37.

No. 260. ANN ARBOR PRESS, INC. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 6th Cir. Certiorari denied. *George Meader* and *Edward Brown Williams* for petitioner. *Solicitor General Perlman*, *David P. Findling* and *Mozart G. Ratner* for respondent. Reported below: 188 F. 2d 917.

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No. 261. STANDARD PAVING CO. ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 10th Cir. Certiorari denied. *Gentry Lee* for petitioners. *Solicitor General Perlman, Assistant Attorney General Caudle, Ellis N. Slack and Irving I. Axelrad* for respondent. Reported below: 190 F. 2d 330.

No. 263. ARMOUR & CO. ET AL. *v.* CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD CO. ET AL. C. A. 7th Cir. Certiorari denied. *Paul E. Blanchard, Frank W. Sullivan and John P. Staley* for petitioners. *Carson L. Taylor, Albert B. Enoch, S. R. Brittingham, Jr., Bryce L. Hamilton, Edwin R. Eckersall, Elmer W. Freytag, P. F. Gault, James E. Goggin and Joseph H. Wright* for respondents. Reported below: 188 F. 2d 603.

No. 267. SOUTHWEST NATURAL GAS CO. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 5th Cir. Certiorari denied. *Archie O. Dawson* for petitioner. *Solicitor General Perlman, Assistant Attorney General Caudle, Ellis N. Slack and Hilbert P. Zarky* for respondent. Reported below: 189 F. 2d 332.

No. 268. AMERICAN FIDELITY & CASUALTY CO. ET AL. *v.* MANUFACTURERS CASUALTY INSURANCE CO. ET AL. C. A. 6th Cir. Certiorari denied. *S. Bartow Strang and Forrest S. Smith* for petitioners. *Charles A. Noone* for the Manufacturers Casualty Ins. Co., respondent. Reported below: 188 F. 2d 364.

No. 269. MOORE *v.* BRANNAN, SECRETARY OF AGRICULTURE, ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Wm. E. Leahy and Wm. J. Hughes, Jr.* for petitioner. *Solicitor General Perlman, Assistant Attorney General Morison, Charles H. Weston and Neil Brooks* for respondents. Reported below: 89 U. S. App. D. C. —, 191 F. 2d 775.

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NO. 270. PEARSON ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 5th Cir. Certiorari denied. *Stephen L. Mayo* and *J. Edwin Fleming* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Ellis N. Slack*, *A. F. Prescott* and *Harry Baum* for respondent. Reported below: 188 F. 2d 72.

NO. 274. UNITED STATES *v.* 88 CASES OF BIRELEY'S ORANGE BEVERAGE, GENERAL FOODS CORP., CLAIMANT. C. A. 3d Cir. Certiorari denied. *Solicitor General Perlman* for the United States. *Henry S. Drinker* and *Lester E. Waterbury* for respondent. Reported below: 187 F. 2d 967.

NO. 284. FALK *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*, *A. F. Prescott* and *Morton K. Rothschild* for respondent. Reported below: 189 F. 2d 806.

NO. 256. FRANK B. KILLIAN & Co. *v.* ALLIED LATEX CORP. ET AL.; and

NO. 257. YOUNGS RUBBER CORP. *v.* ALLIED LATEX CORP. C. A. 2d Cir. Motions for leave to file briefs of *J. Calvin Brown*, as *amicus curiae*, denied. Certiorari denied. MR. JUSTICE BLACK is of the opinion that the petitions should be granted. *Blythe D. Watts* and *Morris Hirsch* for petitioners. *Asher Blum* and *George E. Middleton* for the Allied Latex Corporation, respondent. Reported below: 188 F. 2d 940, 945.

NO. 258. STEFANIDIS ET AL. *v.* KAKAROUKAS ET AL. Supreme Court of Appeals of Virginia. Certiorari denied. *J. L. Morewitz* for petitioners. *Leon T. Seawell* for respondents.

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No. 259. *CITIES SERVICE OIL Co. v. PARK STEAMSHIP Co., LTD.* C. A. 2d Cir. Motion for leave to file brief of States Marine Corp. et al., as *amici curiae*, denied. Certiorari denied. *Barent Ten Eyck* for petitioner. *Eugene Underwood* for respondent. Reported below: 188 F. 2d 804.

No. 262. *MICHEL v. LOUISVILLE & NASHVILLE RAILROAD Co.* C. A. 5th Cir. Certiorari denied. *Howard W. Lenfant* for petitioner. *Harry McCall* for respondent. Reported below: 188 F. 2d 224.

No. 277. *IN RE CARTER.* 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. *Solicitor General Perlman* for the United States District Court for the District of Columbia et al., petitioners. *James A. Cobb* and *George E. C. Hayes* for Carter, respondent. Reported below: 89 U. S. App. D. C. —, 192 F. 2d 15.

No. 25, Misc. *MIDDLEBROOKS v. ROSS, SHERIFF.* C. A. 9th Cir. Certiorari denied. *A. L. Wirin* and *Thurgood Marshall* for petitioner. *Frank W. Richards*, Deputy Attorney General of California, for respondent. Reported below: 188 F. 2d 308.

No. 146, Misc. *VAN BEEK v. MICHIGAN.* Supreme Court of Michigan. Certiorari denied.

No. 151, Misc. *HOLLY v. PENNSYLVANIA ET AL.* Supreme Court of Pennsylvania, Western District. Certiorari denied. Reported below: 368 Pa. 211, 82 A. 2d 244.

No. 152, Misc. *BAYKEN v. MICHIGAN.* Supreme Court of Michigan. Certiorari denied.

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No. 158, Misc. *CORANATO v. NEW JERSEY*. Supreme Court of New Jersey. Certiorari denied.

No. 160, Misc. *KIRSCH v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied.

Rehearing Granted. (See No. 201, October Term, 1950, *supra.*)

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Per Curiam Decision.

No. 365. *BROOKS v. MISSISSIPPI*; and

No. 366. *BROOKS v. MISSISSIPPI*. Appeals from the Supreme Court of Mississippi. *Per Curiam*: The appeals are dismissed for want of jurisdiction. 28 U. S. C. § 1257 (2). Treating the papers whereon the appeals were allowed as petitions for writs of certiorari as required by 28 U. S. C. § 2103, certiorari is denied. Reported below: 52 So. 2d 609, 616.

Miscellaneous Orders.

No. 1. *GEORGIA RAILROAD & BANKING CO. v. REDWINE, STATE REVENUE COMMISSIONER*. Appeal from the United States District Court for the Northern District of Georgia. This case is restored to the summary docket for reargument.

No. 162. *UNITED STATES v. DAILEY*. Appeal from the United States District Court for the District of Colorado. It is ordered that Bernard Margolius, Esquire, of Washington, D. C., a member of the bar of this Court, be appointed to serve as counsel for the appellee in this case.

No. 321. *GENERAL REINSURANCE CORP. v. COMMISSIONER OF INTERNAL REVENUE*. Petition for writ of certiorari to the United States Court of Appeals for the

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Second Circuit dismissed on motion of counsel for the petitioner. *Cedric A. Major* and *E. Clyde Algire* for petitioner. Reported below: 190 F. 2d 148.

No. 526, October Term, 1947. UNITED STATES *v.* KRUSZEWSKI, 333 U. S. 880. Respondent's petition dated October 19, 1951, denied.

No. 79, Misc. BYERS *v.* HUNTER, WARDEN. Motion for leave to file petition for writ of certiorari denied.

No. 144, Misc. PRICE *v.* CRANOR, SUPERINTENDENT. Application denied.

No. 157, Misc. OWENS *v.* HUNTER, WARDEN. Motion for leave to file petition for writ of habeas corpus denied.

No. 162, Misc. PAPPAS *v.* MICHIGAN DEPARTMENT OF CORRECTIONS ET AL. Application denied.

Certiorari Granted. (See also No. 400, ante, p. 1.)

No. 100. UNITED STATES *v.* BLOOM, GENERAL ASSIGNEE. Court of Appeals of New York. Certiorari granted. *Solicitor General Perlman* for the United States. *Irwin Geiger* for respondent. Reported below: 302 N. Y. 206, 97 N. E. 2d 755.

No. 275. UNITED STATES EX REL. JAEGELER *v.* CARUSI, COMMISSIONER OF IMMIGRATION AND NATURALIZATION, ET AL. C. A. 3d Cir. Certiorari granted. MR. JUSTICE CLARK took no part in the consideration or decision of this application. *George C. Dix* for petitioner. *Solicitor General Perlman, Assistant Attorney General Baldrige* and *Samuel D. Slade* for respondents. Reported below: 187 F. 2d 912.

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No. 299. UNITED STATES *v.* EDENS ET AL., TRUSTEES. C. A. 4th Cir. Certiorari granted. *Solicitor General Perlman* for the United States. *Henry Hammer* for respondents. Reported below: 189 F. 2d 876.

No. 300. UNITED STATES *v.* GENERAL ENGINEERING & MANUFACTURING Co. C. A. 8th Cir. Certiorari granted. *Solicitor General Perlman* for the United States. *George C. Willson* for respondent. Reported below: 188 F. 2d 80.

No. 305. CITIES SERVICE Co. ET AL. *v.* McGRATH, ATTORNEY GENERAL, SUCCESSOR TO THE ALIEN PROPERTY CUSTODIAN. C. A. 2d Cir. Certiorari granted. *Timothy N. Pfeiffer* and *Theodore N. Johnsen* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Baynton*, *Stanley M. Silverberg* and *George B. Searls* for respondent. Reported below: 189 F. 2d 744.

No. 329. MULLANEY, COMMISSIONER OF TAXATION, *v.* ANDERSON ET AL. C. A. 9th Cir. Certiorari granted. *J. Gerald Williams*, Attorney General of Alaska, *John H. Dimond*, Assistant Attorney General, and *Harold J. Butcher*, Special Assistant Attorney General, for petitioner. Reported below: 191 F. 2d 123.

No. 331. FRISBIE, WARDEN, *v.* COLLINS. C. A. 6th Cir. Certiorari granted. *Frank G. Millard*, Attorney General of Michigan, and *Edmund E. Shepherd*, Solicitor General, for petitioner. Respondent *pro se*. Reported below: 189 F. 2d 464.

No. 82, Misc. MADSEN *v.* KINSELLA, WARDEN. C. A. 4th Cir. Certiorari granted. *Joseph S. Robinson*, *Dayton M. Harrington* and *James D. Graham, Jr.* for petitioner. *Solicitor General Perlman*, *Assistant Attorney*

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General McInerney, Robert W. Ginnane, Beatrice Rosenberg and J. F. Bishop for respondent. Reported below: 188 F. 2d 272.

Certiorari Denied. (See also Nos. 365 and 366, and Misc. No. 79, *supra*.)

No. 242. *CADDEL v. CALIFORNIA*. Supreme Court of California. *Certiorari denied.* *Joseph T. Enright* for petitioner. *Edmund G. Brown*, Attorney General of California, *Clarence A. Linn*, Assistant Attorney General, and *Doris H. Maier*, Deputy Attorney General, for respondent.

No. 246. *FRUEHAUF TRAILER CO. v. GUSEWELLE, ADMINISTRATRIX*. C. A. 8th Cir. *Certiorari denied.* *John S. Marsalek* for petitioner. *Joseph N. Hassett* for respondent. Reported below: 190 F. 2d 248.

No. 265. *LOVE v. UNITED STATES*. Court of Claims. *Certiorari denied.* Petitioner *pro se.* *Solicitor General Perlman*, Assistant Attorney General *Baldrige* and *Samuel D. Slade* for the United States. Reported below: 119 Ct. Cl. 486, 98 F. Supp. 770.

No. 276. *CLEMENTS ET AL. v. BRONAUGH ET AL., COMMISSIONERS OF WHITE RIVER DRAINAGE DISTRICT, ET AL.* Supreme Court of Arkansas. *Certiorari denied.* *J. W. House* for petitioners. *J. G. Burke* for respondents. Reported below: 218 Ark. 783, 239 S. W. 2d 1.

No. 278. *PEERSON v. MITCHELL ET AL.* Supreme Court of Oklahoma. *Certiorari denied.* *Harold C. Stuart* and *Harry D. Moreland* for petitioner. *A. L. Emery* for Mitchell, respondent. Reported below: 205 Okla. 530, 239 P. 2d 1028.

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No. 279. *RIO v. STATE OF WASHINGTON*. Supreme Court of Washington. Certiorari denied. *Dale D. Drain* for petitioner. *Smith Troy*, Attorney General of Washington, for respondent. Reported below: 38 Wash. 2d 446, 230 P. 2d 308.

No. 285. *GUTTMANN v. ILLINOIS CENTRAL RAILROAD Co.* C. A. 2d Cir. Certiorari denied. *Lloyd K. Garrison* for petitioner. *John W. Davis*, *Theodore Kiendl*, *S. Hazard Gillespie, Jr.* and *Francis W. Phillips* for respondent. Reported below: 189 F. 2d 927.

No. 290. *PHOTOCHART, A CORPORATION, ET AL. v. PHOTO PATROL, INC. ET AL.* C. A. 9th Cir. Certiorari denied. *Collins Mason* for Photochart et al.; and *Don Marlin* and *William H. Levit* for Del Riccio, petitioners. *Stephen S. Townsend* for respondents. Reported below: 189 F. 2d 625.

No. 291. *FREEDMAN BROTHERS & Co. ET AL. v. ELLIS, TRUSTEE.* C. A. 6th Cir. Certiorari denied. *Isidore G. Stone* for petitioners. *Orland H. Ellis* for respondent. Reported below: 188 F. 2d 364.

No. 292. *COX ET AL. v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. *Edwin Mechem* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Vanech*, *Roger P. Marquis* and *John C. Harrington* for the United States. Reported below: 190 F. 2d 293.

No. 296. *SWITZER ET AL. v. MARZALL, COMMISSIONER OF PATENTS.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Albert L. Ely* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Baldrige*, *John R. Benney* and *Samuel D. Slade* for respondent.

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No. 297. NEW YORK, NEW HAVEN & HARTFORD RAILROAD Co. v. KORTE. C. A. 2d Cir. Certiorari denied. *Edward R. Brumley* for petitioner. *Randolph J. Seifert* for respondent. Reported below: 191 F. 2d 86.

No. 298. CLAUSEN, DOING BUSINESS AS LUZERNE HIDE & TALLOW Co., v. NATIONAL LABOR RELATIONS BOARD. C. A. 3d Cir. Certiorari denied. *James S. Hays* for petitioner. *Solicitor General Perlman, David P. Findling, Mozart G. Ratner* and *Bernard Dunau* for respondent. Reported below: 188 F. 2d 439.

No. 303. WALKER v. UNITED STATES. C. A. 2d Cir. Certiorari denied. *Peter L. F. Sabbatino* for petitioner. *Solicitor General Perlman, Assistant Attorney General McInerney* and *Beatrice Rosenberg* for the United States. Reported below: 190 F. 2d 481.

No. 306. LOCAL UNION No. 12, PROGRESSIVE MINE WORKERS OF AMERICA, DISTRICT 1, v. NATIONAL LABOR RELATIONS BOARD ET AL. C. A. 7th Cir. Certiorari denied. *A. M. Fitzgerald* and *G. W. Horsley* for petitioner. *Solicitor General Perlman, David P. Findling, Mozart G. Ratner* and *Norton J. Come* for the National Labor Relations Board, respondent. Reported below: 189 F. 2d 1.

No. 307. CLARK ESTATE Co. v. GENTRY ET AL. Supreme Court of Missouri. Certiorari denied. *Clarence C. Chilcott* for petitioner. *Armwell L. Cooper* for respondents. Reported below: 362 Mo. 80, 240 S. W. 2d 124.

No. 309. LOUISVILLE & JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT v. B. F. GOODRICH Co. Court of Appeals of Kentucky. Certiorari denied. *Blakey Helm* for petitioner. *Squire R. Ogden* for respondent. Reported below: 240 S. W. 2d 621.

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No. 313. LEWIS *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Otis Beall Kent* for petitioner. *Solicitor General Perlman, Assistant Attorney General Baldridge, Paul A. Sweeney* and *Morton Hollander* for the United States. Reported below: 89 U. S. App. D. C. —, 190 F. 2d 22.

No. 318. DI GIORGIO FRUIT CORP. ET AL. *v.* NATIONAL LABOR RELATIONS BOARD. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Marion B. Plant* for petitioners. *Solicitor General Perlman, David P. Findling, Mozart G. Ratner* and *Bernard Dunau* for respondent. Reported below: 89 U. S. App. D. C. —, 191 F. 2d 642.

No. 319. LEJEUNE, TUTRIX, *v.* EXCESS INSURANCE Co. C. A. 5th Cir. Certiorari denied. *John M. Wisdom* for petitioner. *Moses C. Scharff* for respondent. Reported below: 189 F. 2d 521.

No. 322. UTAH *v.* MONTGOMERY WARD & Co. Supreme Court of Utah. Certiorari denied. *Clinton D. Vernon*, Attorney General of Utah, and *Quentin L. R. Alston*, Assistant Attorney General, for petitioner. *John A. Barr* and *David L. Dickson* for respondent. Reported below: — Utah —, 233 P. 2d 685.

No. 324. BAKER *v.* ANDERSON HOTELS OF OKLAHOMA, INC. ET AL. C. A. 10th Cir. Certiorari denied. *Glenn O. Young* for petitioner. Reported below: 190 F. 2d 741.

No. 327. UNITED STATES ET AL. *v.* ONAN ET AL. C. A. 8th Cir. Certiorari denied. *Harold R. Love*, petitioner, *pro se.* *Benedict Deinard* and *R. H. Fryberger* for respondents. Reported below: 190 F. 2d 1.

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No. 330. RED TOP SUPER MARKETS, INC. ET AL. *v.* FINDLEY. C. A. 5th Cir. Certiorari denied. *E. Albert Pallot* for petitioners. *John P. Booth* and *Frank J. O'Connor* for respondent. Reported below: 188 F. 2d 834.

No. 332. EDWARDS ET AL. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 5th Cir. Certiorari denied. *Fritz Lanham Lyne* for petitioners. *Solicitor General Perlman*, *David P. Findling*, *Mozart G. Ratner* and *Bernard Dunau* for respondent. Reported below: 189 F. 2d 970.

No. 338. CARTER OIL CO. *v.* McCASLAND ET AL. C. A. 10th Cir. Certiorari denied. *Villard Martin*, *Forrest M. Darrough* and *Alfred Stevenson* for petitioner. *C. D. Cund* for respondents. Reported below: 190 F. 2d 887.

No. 340. JULIUS HYMAN & CO. ET AL. *v.* VELSICOL CORPORATION. Supreme Court of Colorado. Certiorari denied. *Claude Pepper* for petitioners. *Floyd E. Thompson*, *Clyde E. Shorey* and *John R. Coen* for respondent. Reported below: 123 Colo. 563, 233 P. 2d 977.

No. 343. EHRHORN *v.* INTERNATIONAL MATCH REALIZATION Co., LTD. C. A. 2d Cir. Certiorari denied. *David M. Palley* for petitioner. *Charles W. McConaughy* for respondent. Reported below: 190 F. 2d 458.

No. 347. ELLIS, RECEIVER, *v.* CATES. C. A. 4th Cir. Certiorari denied. *Charles William Freeman* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Underhill*, *Roger P. Marquis* and *Fred W. Smith* for respondent.

No. 348. ELLIS *v.* GIRARD TRUST Co., TRUSTEE. Supreme Court of Pennsylvania, Eastern District. Certi-

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orari denied. *L. B. Schofield* and *Harry J. Alker, Jr.* for petitioner. *Owen Brooke Rhoads* for respondent. Reported below: 367 Pa. 30, 79 A. 2d 415.

No. 238. QUIRK, ADMINISTRATRIX, *v.* NEW YORK, CHICAGO & ST. LOUIS RAILROAD Co. C. A. 7th Cir. Certiorari denied. MR. JUSTICE BLACK is of the opinion certiorari should be granted. *Roland Obenchain* for petitioner. *Russell P. Harker* for respondent. Reported below: 189 F. 2d 97.

No. 271. MOORE-McCORMACK LINES, INC. *v.* FOLTZ. C. A. 2d Cir. Certiorari denied. MR. JUSTICE REED, MR. JUSTICE JACKSON, and MR. JUSTICE CLARK are of the opinion certiorari should be granted. *Solicitor General Perlman* for petitioner. Reported below: 189 F. 2d 537.

No. 286. MISSOURI EX REL. SOUTHERN RAILWAY Co. *v.* MAYFIELD, CIRCUIT COURT JUDGE; and

No. 287. MISSOURI EX REL. ATCHISON, TOPEKA & SANTA FE RAILWAY Co. *v.* MURPHY, CIRCUIT COURT JUDGE. Supreme Court of Missouri. Certiorari denied. *Sidney S. Alderman*, *Bruce A. Campbell* and *H. G. Hedrick* for petitioner in No. 286. *R. S. Outlaw* and *Thomas J. Barnett* for petitioner in No. 287. *Roberts P. Elam* for respondents. Reported below: 362 Mo. 101, 240 S. W. 2d 106.

No. 308. E. A. LABORATORIES, INC. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 2d Cir. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this application. *Ferdinand Tannenbaum* for petitioner. *Solicitor General Perlman*, *David P. Findling*, *Mozart G. Ratner* and *Frederick U. Reel* for respondent. Reported below: 188 F. 2d 885.

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No. 333. *MCCANN v. CLARK*. 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. Reported below: 89 U. S. App. D. C. —, 191 F. 2d 476.

No. 43, Misc. *TABOR v. HIATT, WARDEN*. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Perlman, Assistant Attorney General McInerney, Beatrice Rosenberg and Felicia H. Dubrovsky* for respondent. Reported below: 188 F. 2d 163.

No. 45, Misc. *MAISLISH v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Perlman, Assistant Attorney General McInerney, Beatrice Rosenberg and Felicia H. Dubrovsky* for the United States.

No. 48, Misc. *BYERS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 81, Misc. *NERO v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Perlman, Assistant Attorney General McInerney and Beatrice Rosenberg* for the United States. Reported below: 189 F. 2d 515.

No. 88, Misc. *MARTIN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. *Hayden C. Covington* for petitioner. *Solicitor General Perlman, Assistant Attorney General McInerney and Beatrice Rosenberg* for the United States. Reported below: 190 F. 2d 775.

No. 126, Misc. *TURPIN v. WARDEN OF THE GREEN HAVEN PRISON*. C. A. 2d Cir. Certiorari denied. *Henry*

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K. Chapman for petitioner. *Nathaniel L. Goldstein*, Attorney General of New York, *Wendell P. Brown*, Solicitor General, and *Herman N. Harcourt* and *Raymond B. Mad-den*, Assistant Attorneys General, for respondent. Reported below: 190 F. 2d 252.

No. 133, Misc. *ODELL v. HUDSPETH, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 189 F. 2d 300.

No. 135, Misc. *FORD v. INDIANA*. Supreme Court of Indiana. Certiorari denied. *Tyrah Ernest Maholm* for petitioner. Reported below: 229 Ind. 516, 98 N. E. 2d 655.

No. 138, Misc. *BYERS v. HUNTER, WARDEN*. C. A. 10th Cir. Certiorari denied.

No. 141, Misc. *EAGLE v. CHERNEY ET AL.* Court of Appeals of New York. Certiorari denied. Reported below: 302 N. Y. 768, 98 N. E. 2d 889.

No. 148, Misc. *HAWTHORNE v. HEINZE, WARDEN*. Supreme Court of California. Certiorari denied.

No. 154, Misc. *SHOLTER v. CLAUDY, WARDEN*. Supreme Court of Pennsylvania, Western District. Certiorari denied.

No. 173, Misc. *KONIGSBERG v. NEW JERSEY*. Supreme Court of New Jersey. Certiorari denied.

No. 175, Misc. *POTTER v. EIDSON, WARDEN*. Supreme Court of Missouri. Certiorari denied.

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No. 123, Misc. McMURRIN *v.* TEXAS. Court of Criminal Appeals of Texas. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion certiorari should be granted. *Thos. H. Dent* for petitioner. *Price Daniel*, Attorney General of Texas, for respondent. Reported below: 155 Tex. Cr. R. —, 239 S. W. 2d 632.

Rehearing Denied.

No. 511, October Term, 1950. SICKMAN, EXECUTRIX, ET AL. *v.* UNITED STATES, 341 U. S. 939. Motion for leave to file a second petition for rehearing denied.

No. 115. WEISS *v.* UNITED STATES, *ante*, p. 820;

No. 130. GEORGIA *v.* WENGER, *ante*, p. 822;

No. 164. SIGURJONNSON ET AL. *v.* TRANS-AMERICAN TRADERS, INC., *ante*, p. 831; and

No. 19, Misc. SEVERA *v.* NEW JERSEY, *ante*, p. 806. The petitions for rehearing in these cases are severally denied.

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Per Curiam Decision.

No. 371. CITY OF NEWARK *v.* NEW JERSEY TURNPIKE AUTHORITY ET AL. Appeal from the Supreme Court of New Jersey. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Charles Handler* for appellant. *Ward J. Herbert* for appellees. Reported below: 7 N. J. 377, 81 A. 2d 705.

Miscellaneous Orders.

No. —, Original. TEXAS *v.* NEW MEXICO ET AL. A rule is ordered to issue, returnable within 30 days, requiring the defendants to show cause why leave to file the complaint should not be granted. *Price Daniel*, Attorney General of Texas, for plaintiff.

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No. 314. *AMERICAN CAN CO. v. BRUCE'S JUICES, INC.* Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit dismissed on motion of counsel for the petitioner. *Charles A. Horsky* and *Gerhart A. Gesell* for petitioner. Reported below: 190 F. 2d 73.

No. 177, Misc. *HACKNEY v. WARREN.* Motion for leave to file petition for writ of habeas corpus denied.

Certiorari Granted.

No. 247. *SAWYER, SECRETARY OF COMMERCE, ET AL. v. DOLLAR ET AL.;* and

No. 248. *IN RE KILLION.* United States Court of Appeals for the District of Columbia Circuit. Certiorari granted. MR. JUSTICE BLACK and MR. JUSTICE CLARK took no part in the consideration or decision of these applications. *Attorney General McGrath* and *Solicitor General Perlman* for petitioners in No. 247. *Arthur B. Dunne* for petitioner in No. 248. *Herman Phleger, Gregory A. Harrison, Moses Lasky, Edmund L. Jones* and *Howard Boyd* for respondents. Reported below: 89 U. S. App. D. C. —, 190 F. 2d 623.

No. 349. *FIRST NATIONAL BANK OF CHICAGO, EXECUTOR, v. UNITED AIR LINES, INC.* C. A. 7th Cir. Certiorari granted. *John H. Bishop* for petitioner. *Howard Ellis* for respondent. Reported below: 190 F. 2d 493.

Certiorari Denied.

No. 315. *ALEUTIAN LIVESTOCK Co., INC. v. UNITED STATES.* Court of Claims. Certiorari denied. *Ernest L. Wilkinson, Ray R. Murdock* and *Keith L. Seegmiller* for petitioner. *Solicitor General Perlman, Assistant Attorney General Baldridge* and *Samuel D. Slade* for the United States. Reported below: 119 Ct. Cl. 326, 96 F. Supp. 626.

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No. 320. BROTHERHOOD OF RAILROAD TRAINMEN ET AL. *v.* CALIFORNIA ET AL. Supreme Court of California. Certiorari denied. *Clifton Hildebrand* for petitioners. *Clarence M. Mulholland* and *Edward J. Hickey, Jr.* filed a brief for the Railway Labor Executives' Association, as *amicus curiae*, supporting the petition. Reported below: 37 Cal. 2d 412, 232 P. 2d 857.

No. 326. LASSITER ET AL. *v.* ROOS ET AL. C. A. 5th Cir. Certiorari denied. *William E. Leahy* and *Wm. J. Hughes, Jr.* for petitioners. Reported below: 188 F. 2d 427.

No. 328. MOORE-McCORMACK LINES, INC. *v.* UNITED STATES. Court of Claims. Certiorari denied. *Melville J. France* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Baldrige*, *John R. Benney*, *Samuel D. Slade* and *Herman Marcuse* for the United States. Reported below: 119 Ct. Cl. 473.

No. 337. NABOB OIL CO. ET AL. *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Petitioners *pro se*. *Solicitor General Perlman*, *Assistant Attorney General McInerney*, *Beatrice Rosenberg* and *J. F. Bishop* for the United States. Reported below: 190 F. 2d 478.

No. 344. B. F. GOODRICH CO. *v.* STATE OF WASHINGTON ET AL.; and

No. 345. STATE OF WASHINGTON ET AL. *v.* B. F. GOODRICH CO. Supreme Court of Washington. Certiorari denied. *John J. Kennett* and *Clifford Hoof* for the B. F. Goodrich Co. *Smith Troy*, Attorney General of Washington, and *C. John Newlands*, Assistant Attorney General, for petitioners in No. 345, and *Mr. Troy* for respondents in No. 344. Reported below: 38 Wash. 2d 663, 231 P. 2d 325.

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No. 339. *BATMAN ET AL. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 5th Cir. Certiorari denied. *George S. McCarthy* for petitioners. *Solicitor General Perlman, Assistant Attorney General Caudle, Ellis N. Slack* and *Harry Baum* for respondent. Reported below: 189 F. 2d 107.

No. 342. *WARREN COUNTY, MISSISSIPPI, v. HESTER, SHERIFF, ET AL.* Supreme Court of Louisiana. Certiorari denied. *L. W. Brooks* for petitioner. *F. G. Hudson, Jr.* for respondents. Reported below: 219 La. 763, 54 So. 2d 12.

No. 350. *MOGIS v. LYMAN RICHEY SAND & GRAVEL CORP.* C. A. 8th Cir. Certiorari denied. *Einar Viren* for petitioner. *J. A. C. Kennedy* for respondent. Reported below: 190 F. 2d 202.

No. 364. *LERMAN ET AL., TRADING AS LERMAN BROTHERS, v. FRUIT PROCESSORS, INC.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Robert L. Wright* and *Carl W. Berueffy* for petitioners. *Leslie C. Garnett* and *Samuel F. Beach* for respondent. Reported below: 89 U. S. App. D. C. —, 191 F. 2d 349.

No. 325. *FLORIDA EX REL. HAWKINS ET AL. v. BOARD OF CONTROL OF FLORIDA ET AL.* Petition for writ of certiorari to the Supreme Court of Florida denied for want of a final judgment. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion certiorari should be granted. *Robert L. Carter* and *Thurgood Marshall* for petitioners. *Richard W. Ervin*, Attorney General of Florida, and *Frank J. Heintz, Ralph M. McLane* and *Howard S. Bailey*, Assistant Attorneys General, for respondents. Reported below: 53 So. 2d 116.

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No. 336. *GISSLER v. UNITED STATES*. Court of Claims. Certiorari denied. Petitioner *pro se*. *Solicitor General Perlman, Assistant Attorney General Baldrige and Samuel D. Slade* for the United States. Reported below: 119 Ct. Cl. 446, 96 F. Supp. 950.

No. 354. *CHRISMOND v. CHRISMOND*. Supreme Court of Mississippi. Certiorari denied. *Ross R. Barnett* for petitioner. *William Harold Cox* for respondent. Reported below: 211 Miss. 746, 52 So. 2d 624.

No. 134, Misc. *DAVIS ET AL. v. CRANOR, SUPERINTENDENT*. Supreme Court of Washington. Certiorari denied.

No. 136, Misc. *TAYLOR v. CRANOR, SUPERINTENDENT*. Supreme Court of Washington. Certiorari denied. Petitioner *pro se*. *Smith Troy, Attorney General of Washington, and Jennings P. Felix, Assistant Attorney General*, for respondent.

No. 142, Misc. *SCOTT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *S. M. Graham and Lester E. Wills* for petitioner. *Solicitor General Perlman, Assistant Attorney General Baldrige, Paul A. Sweeney, Morton Liftin and John R. Benney* for the United States. Reported below: 189 F. 2d 863.

No. 165, Misc. *SMITH ET AL. v. POLLIN ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *David F. Smith* for petitioners. *Louis Ottenberg* for Pollin et al.; *Edmund D. Campbell* for the Riggs Park Land Co., Inc. et al.; *H. Max Ammerman* for Mensh; *M. M. Doyle* for Bucy; *G. Bowdoin Craighill* for Burke; and *Thomas F. Burke* for Evans, respondents. Reported below: 89 U. S. App. D. C. —, 190 F. 2d 657.

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No. 170, Misc. MEDLEY *v.* EIDSON, WARDEN. C. A. 8th Cir. Certiorari denied. Reported below: 191 F. 2d 734.

No. 171, Misc. BRENNAN *v.* MURPHY, WARDEN. C. A. 2d Cir. Certiorari denied.

No. 172, Misc. PRING *v.* ROBINSON, WARDEN. Supreme Court of Illinois. Certiorari denied. Reported below: 409 Ill. 105, 98 N. E. 2d 119.

No. 174, Misc. MURPHY *v.* SMYTH, SUPERINTENDENT. Supreme Court of Appeals of Virginia. Certiorari denied.

No. 176, Misc. STODULSKI *v.* EIDSON, WARDEN. C. A. 8th Cir. Certiorari denied. Reported below: 191 F. 2d 735.

No. 180, Misc. TOMLINSON *v.* MISSOURI. Supreme Court of Missouri. Certiorari denied.

No. 184, Misc. VAN HORN *v.* ROBINSON, WARDEN. Circuit Court of Randolph County, Illinois. Certiorari denied.

No. 185, Misc. COLLINS *v.* RAGEN, WARDEN. Criminal Court of Cook County, Illinois. Certiorari denied.

Rehearing Denied.

No. 10. UNITED STATES EX REL. GIESE *v.* CHAMBERLIN, COMMANDING GENERAL, ET AL., *ante*, p. 845;

No. 75. MOFFETT, EXECUTRIX, *v.* COMMERCE TRUST Co. ET AL., *ante*, p. 818;

No. 141. MARKS ET AL., TRUSTEES, *v.* UNITED STATES, *ante*, p. 823; and

No. 188. GILLETTE *v.* UNITED STATES, *ante*, p. 827. Petitions for rehearing denied.

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No. 106. *WEBER v. UNITED STATES*, *ante*, p. 851. Rehearing denied. MR. JUSTICE JACKSON and MR. JUSTICE CLARK took no part in the consideration or decision of this application.

No. 58, Misc. *NASH, ON BEHALF OF HASHIMOTO ET AL., v. MACARTHUR, GENERAL OF THE ARMY, ET AL.*, *ante*, p. 838;

No. 70, Misc. *O'NEILL v. ILLINOIS*, *ante*, p. 839; and

No. 120, Misc. *TATE v. CALIFORNIA ET AL.*, *ante*, p. 856. Petitions for rehearing in these cases severally denied.

No. 409, Misc., October Term, 1950. *TATE v. CALIFORNIA ET AL.*, 341 U. S. 902. Third petition for rehearing denied.

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Per Curiam Decisions.

No. 403. *LOCAL 333B, UNITED MARINE DIVISION OF INTERNATIONAL LONGSHOREMEN'S ASSOCIATION (A. F. L.), ET AL. v. BATTLE, GOVERNOR OF VIRGINIA*. Appeal from the United States District Court for the Eastern District of Virginia. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. *Joseph L. Rauh, Jr.* for appellants. *J. Lindsay Almond, Jr.*, Attorney General of Virginia, for appellee. Reported below: 101 F. Supp. 650.

No. 376. *HESS ET AL. v. CALIFORNIA*. 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 the want of a substantial federal question. *Russell E. Parsons* and *Morris Lavine* for appellants. *Edmund G. Brown*, Attorney General of California, *T. A. Westphal, Jr.* and *Henry A. Dietz*, Assistant Attorneys General, and *David K. Lener*, Deputy Attorney General, for appellee. Reported below: 104 Cal. App. 2d 642, 234 P. 2d 65.

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MINTON, J., dissenting.

No. 80. KEENAN v. BURKE, WARDEN ;

No. 81. JANKOWSKI v. BURKE, WARDEN ; and

No. 82. FOULKE v. BURKE, WARDEN. Certiorari, 341 U. S. 939, to the Supreme Court of Pennsylvania. Argued November 5, 1951. Decided November 26, 1951. *Per Curiam*: The judgments are reversed. *Townsend v. Burke*, 334 U. S. 736. Dissenting memorandum filed by MR. JUSTICE MINTON. *Archibald Cox*, acting under appointment by the Court, argued the cause and filed a brief for petitioners. *James W. Tracey, Jr.* and *John H. Maurer* submitted on brief for respondent.

Memorandum by MR. JUSTICE MINTON, dissenting.

These cases only illuminate the error of this Court in *Townsend v. Burke*, 334 U. S. 736. I would not compound the error. I would overrule *Townsend* rather than send these petitioners back to be proceeded against nicely. Their guilt is not questioned. They say, "If we had only had a lawyer, *maybe* we would not have received such long sentences." Yet, the sentencing judge gave two of the petitioners much shorter terms than the maximum provided by statute. They complain not so much of the sentences they received but the manner in which they received them.

Admit the sentencing judge was facetious, even that he bulldozed the petitioners—he sentenced them all within the limits authorized by law. Maybe the judge's conduct called for a curtain lecture. At most, that was a matter for the Pennsylvania Supreme Court, and that court did not see even an error of state law in the judge's conduct, let alone a federal constitutional question. We sit only to determine federal constitutional questions, not to scold state trial judges. It is utterly incomprehensible to me how a judge can commit a denial of federal due

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process by being facetious in the sentencing of defendants where the sentences he imposes are within the limits prescribed by statute. I would affirm.

No. 346. *NEW YORK ET AL. v. UNITED STATES ET AL.* Appeal from the United States District Court for the Northern District of New York. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. MR. JUSTICE BLACK dissents to the action of the Court disposing of the case without oral argument. Dissenting memorandum filed by MR. JUSTICE DOUGLAS. *Nathaniel L. Goldstein*, Attorney General of New York, *Lawrence E. Walsh* and *George H. Kenny* for appellants. *Solicitor General Perlman* and *J. Stanley Payne* for appellees. Reported below: 98 F. Supp. 855.

MR. JUSTICE DOUGLAS, dissenting.

The Interstate Commerce Commission has ordered intrastate commuters' fares of the New York, New Haven and Hartford Railroad Company increased in New York to the level of interstate commuters' fares. The Commission found that the transportation conditions surrounding intrastate trains were substantially similar to those surrounding interstate trains. Interstate fares were determined to be reasonable. But present intrastate fares were found not to be producing a reasonable return on investment. The Commission concluded that persons and localities in interstate commerce, and interstate commerce, were being unduly discriminated against. Pursuant to § 13 (4) of the Interstate Commerce Act (49 U. S. C. § 13 (4)), it ordered intrastate fares raised to the level of interstate fares to remove the discrimination. A three-judge district court affirmed the order of the Commission as to the finding of discrimination against interstate commerce, but did not pass on the finding of discrimination against persons and localities in interstate commerce. 98 F. Supp. 855.

We have long insisted that the Interstate Commerce Commission supply us with an adequate basis for its decision. *United States v. Chicago, M., St. P. & P. R. Co.*, 294 U. S. 499, 504-505, 510-511; *United States v. Carolina Carriers Corp.*, 315 U. S. 475, 488-489. When, as here, Commission action constitutes an intrusion on state power, there is a duty on that body clearly to justify its action. *Florida v. United States*, 282 U. S. 194, 211-212; *Yonkers v. United States*, 320 U. S. 685, 690.

To justify its conclusion of discrimination against interstate commerce, the Commission must show that intrastate commutation service is not producing its fair share of the New Haven's revenues. *Wisconsin Railroad Commission v. Chicago, B. & Q. R. Co.*, 257 U. S. 563, 585-586; *United States v. Louisiana*, 290 U. S. 70, 75. Intrastate traffic must, of course, bear a proportionate amount of the burden necessary to meet maintenance and operating costs and yield a fair return on investment. But here, as in *North Carolina v. United States*, 325 U. S. 507, 516, the "Commission made no findings as to what contribution from intrastate traffic would constitute a fair proportion of the railroad's total income." It merely found that the interstate rates were reasonable and fixed intrastate rates at the same level.

We have here no finding as to the necessary relation between interstate and intrastate commutation rates. Perhaps intrastate fares need not be as high as interstate fares to produce intrastate's fair share of total revenue. Perhaps they should be higher. The critical issue is at what rates the two types of commuter traffic will be capable of producing their proper shares of revenue. It is not necessary on this record to equate the two rates in order to prevent diversion of traffic to the lower intrastate fare. *Illinois Commerce Commission v. United States*, 292 U. S. 474, 485. An adequate basis for a conclusion of rate discrimination in this case would require a finding as to the

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amount of revenue expected of the intrastate and interstate commuters and the revenue-producing capacities of the two groups.

Unless we make the requirements for administrative action strict and demanding, *expertise*, the strength of modern government, can become a monster which rules with no practical limits on its discretion. Absolute discretion, like corruption, marks the beginning of the end of liberty. This case is perhaps insignificant in the annals. But the standard set for men of good will is even more useful to the venal.

No. 418. WEBERMAN *v.* AUSTER; and

No. 419. DONNER ET AL. *v.* NEW YORK ON THE COMPLAINT OF SILVERMAN. Appeals from the Court of Appeals of New York. *Per Curiam*: The appeals are dismissed for the want of a substantial federal question. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion probable jurisdiction should be noted. *Thomas Turner Cooke* for appellants. Reported below: 302 N. Y. 855, 857, 883, 100 N. E. 2d 47, 48, 56, 57.

Miscellaneous Orders.

No. 6, Original. UNITED STATES *v.* CALIFORNIA. An order is entered awarding compensation to the Special Master and allowing his expenses to which MR. JUSTICE DOUGLAS dissents. MR. JUSTICE CLARK took no part in the consideration or decision of this question.

No. 188, Misc. LILLY *v.* HEINZE, WARDEN. Motion for leave to file petition for writ of habeas corpus denied.

Certiorari Granted.

No. 361. BLACKMAR *v.* GUERRE, MANAGER, VETERANS' ADMINISTRATION, ET AL. C. A. 5th Cir. Certiorari granted. *Conrad Meyer III* for petitioner. *Solicitor General Perlman, Assistant Attorney General Baldrige,*

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Samuel D. Slade and Benjamin Forman for respondents.
Reported below: 190 F. 2d 427.

Certiorari Denied.

No. 249. NATIONAL LABOR RELATIONS BOARD *v.* ILLINOIS BELL TELEPHONE CO. C. A. 7th Cir. Certiorari denied. *Solicitor General Perlman* for petitioner. *Kenneth F. Burgess* for respondent. Reported below: 189 F. 2d 124.

No. 310. WATSON *v.* SUDDOTH. Supreme Court of Arkansas. Certiorari denied. *Freeman L. Martin* for petitioner. *J. G. Burke* for respondent. Reported below: 218 Ark. 960, 239 S. W. 2d 602.

No. 341. CALIFORNIA ET AL. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Edmund G. Brown*, Attorney General, *Walter L. Bowers*, Assistant Attorney General, and *Bayard Rhone*, Deputy Attorney General, for the State of California; and *Bertrand W. Gearhart* for Petersen et al., petitioners. *Solicitor General Perlman*, *Assistant Attorney General Underhill* and *Roger P. Marquis* for the United States. Reported below: 191 F. 2d 154.

No. 351. ROBERTS ET AL. *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Joseph J. Lyman* and *Josiah Lyman* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General McInerney*, *Beatrice Rosenberg* and *Edward S. Szukelewicz* for the United States. Reported below: 88 U. S. App. D. C. 397, 190 F. 2d 600.

No. 355. PANAMA COCA-COLA BOTTLING CO. *v.* CARMACK ET AL. C. A. 5th Cir. Certiorari denied. *Cicero C. Sessions* and *Richard B. Montgomery, Jr.* for petitioner. Reported below: 190 F. 2d 382.

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No. 356. JONES ET AL. *v.* ST. MARY'S ROMAN CATHOLIC CHURCH, OPERATING AS ST. MARY'S ROMAN CATHOLIC SCHOOL (GRAMMAR). Supreme Court of New Jersey. Certiorari denied. *Sylvester S. Garfield* for petitioners. *Allen Conley Mathias* for respondent. Reported below: 7 N. J. 533, 82 A. 2d 187.

No. 358. KYLE *v.* JONES, COLLECTOR OF INTERNAL REVENUE. C. A. 10th Cir. Certiorari denied. *Charles E. Dierker* and *John E. Marshall* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Caudle*, *Ellis N. Slack*, *Helen Goodner* and *Melva M. Graney* for respondent. Reported below: 190 F. 2d 353.

No. 359. GREDE FOUNDRIES, INC. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 6th Cir. Certiorari denied. *Clark M. Robertson* and *Jackson M. Bruce* for petitioner. *Solicitor General Perlman*, *David P. Findling* and *Mozart G. Ratner* for respondent. Reported below: 189 F. 2d 258.

No. 360. KATZ *v.* R. HOE & Co., INC. ET AL. Appellate Division of the Supreme Court of New York, First Judicial Department. Certiorari denied. *Gustave B. Garfield* for petitioner. *Neil P. Cullom* for respondents. Reported below: 278 App. Div. 766, 104 N. Y. S. 2d 14.

No. 363. KING, SPECIAL ADMINISTRATOR, *v.* NICHOLSON TRANSIT Co. Supreme Court of Michigan. Certiorari denied. *Paul R. Trigg, Jr.* for petitioner. *Sparkman Deats Foster* for respondent. Reported below: 329 Mich. 586, 46 N. W. 2d 389.

No. 367. ACF-BRILL MOTORS Co. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 3d Cir. Certiorari denied. *John E. Hughes* for petitioner. *Solicitor General Perl-*

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man, Assistant Attorney General Caudle, Ellis N. Slack and Hilbert P. Zarky for respondent. Reported below: 189 F. 2d 704.

No. 369. WARFIELD ET AL. *v.* MARKS ET AL. C. A. 5th Cir. Certiorari denied. *L. E. Gwinn* for petitioners. *P. H. Eager, Jr., M. M. Roberts, S. B. Laub* and *Frank E. Everett, Jr.* for respondents. Reported below: 190 F. 2d 178.

No. 377. LEVY *v.* DABNEY, TRUSTEE. C. A. 2d Cir. Certiorari denied. *Herbert Monte Levy* for petitioner. *Harold Harper* for respondent. Reported below: 191 F. 2d 201.

No. 378. UNIVERSAL EQUIPMENT CO. *v.* HARVEY CORPORATION. Supreme Court of Florida. Certiorari denied. *Thomas H. Anderson* for petitioner. *William Gresham Ward* for respondent. Reported below: 53 So. 2d 867.

No. 380. PFISTER ET AL. *v.* COW GULCH OIL CO. ET AL. C. A. 10th Cir. Certiorari denied. *Wendell Berge* for petitioners. *Warwick M. Downing* for the Cow Gulch Oil Co.; and *W. J. Wehrli* and *Ewing T. Kerr* for the Atlantic Refining Co., respondents. Reported below: 189 F. 2d 311.

No. 381. McCARTY ET AL. *v.* NELSON, ADMINISTRATOR, ET AL. Supreme Court of Minnesota. Certiorari denied. *E. Luther Melin* for petitioners. *L. Glenn Fassett, Jr.* for respondents. Reported below: 233 Minn. 362, 47 N. W. 2d 595.

No. 406. FORD MOTOR CO. *v.* PIERCE ET AL. C. A. 4th Cir. Certiorari denied. *Aubrey R. Bowles, Jr.* for peti-

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tioner. *George E. Allen* for respondents. Reported below: 190 F. 2d 910.

No. 174. *HAINES v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Morris Lavine* for petitioner. *Solicitor General Perlman, Assistant Attorney General McInerney and Beatrice Rosenberg* for the United States. Reported below: 188 F. 2d 546.

No. 288. *MULLEN v. FITZ SIMONS & CONNELL DREDGE & DOCK Co.* C. A. 7th Cir. Certiorari denied. *Irving Breakstone* for petitioner. *Edward B. Hayes* for respondent. Reported below: 191 F. 2d 82.

No. 353. *HICKS v. DE BARDELEBEN COAL CORP., DOING BUSINESS AS COYLE LINES, INC.* C. A. 5th Cir. Certiorari denied. Reported below: 188 F. 2d 574.

No. 32, Misc. *HAMILTON v. VIRGINIA*. Supreme Court of Appeals of Virginia. Certiorari denied. Petitioner *pro se*. *J. Lindsay Almond, Jr.*, Attorney General of Virginia, for respondent.

No. 143, Misc. *WOCHNICK v. CALIFORNIA*. District Court of Appeal of California, Second Appellate District. Certiorari denied. *Morris J. Pollack* for petitioner. Reported below: 104 Cal. App. 2d 541, 231 P. 2d 933.

No. 169, Misc. *FORMAN v. WOLFSON*. Supreme Judicial Court of Massachusetts. Certiorari denied. Reported below: 327 Mass. 341, 98 N. E. 2d 615.

No. 178, Misc. *SPEARS v. SUTTON ET AL.* C. A. 6th Cir. Certiorari denied.

No. 179, Misc. *EDDINS v. WEST VIRGINIA*. Supreme Court of Appeals of West Virginia. Certiorari denied.

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No. 181, Misc. RIGGS *v.* EIDSON, WARDEN. Supreme Court of Missouri. Certiorari denied.

No. 186, Misc. HAMILTON *v.* DUFFY, WARDEN, ET AL. Supreme Court of California. Certiorari denied.

No. 187, Misc. SPARKS *v.* CALIFORNIA. Supreme Court of California. Certiorari denied.

Rehearing Denied.

No. 148. REMINGTON RAND, INC. *v.* SOCIETE INTERNATIONALE POUR PARTICIPATIONS INDUSTRIELLES ET COMMERCIALES, S. A., ET AL., *ante*, p. 832; and

No. 277. IN RE CARTER, *ante*, p. 862. The petitions for rehearing are denied. MR. JUSTICE CLARK took no part in the consideration or decision of these applications.

No. 99. HUNTER ET AL. *v.* SHEPHERD ET AL., *ante*, p. 819;

No. 137. BAZZELL *v.* UNITED STATES, *ante*, p. 849;

No. 199. KOEHLER ET AL. *v.* UNITED STATES, *ante*, p. 852;

No. 205. WEINMANN *v.* McGRATH, ATTORNEY GENERAL, SUCCESSOR TO THE ALIEN PROPERTY CUSTODIAN, ET AL., *ante*, p. 804;

No. 237. ROSE ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE, *ante*, p. 850;

No. 283. FRANKLIN ET AL. *v.* BOARD OF COMMISSIONERS OF THE TENSAS BASIN LEVEE DISTRICT, *ante*, p. 844;

No. 50, Misc. LAWSON *v.* SHUTTLEWORTH, WARDEN, *ante*, p. 806;

No. 115, Misc. RILEY *v.* TITUS ET AL., *ante*, p. 855; and

No. 131, Misc. PRIDGEN *v.* BUBELLA ET AL., *ante*, p. 846. Petitions for rehearing in these cases denied.

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Per Curiam Decisions.

No. 398. *HORSMAN DOLLS, INC. v. UNEMPLOYMENT COMPENSATION COMMISSION.* Appeal from and petition for writ of certiorari to the Supreme Court of New Jersey. *Per Curiam:* The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction, 28 U. S. C. § 1257 (2). The petition for writ of certiorari is denied. *Samuel Kaufman* and *Nathan Bilder* for appellant-petitioner. *Theodore D. Parsons*, Attorney General of New Jersey, *Joseph A. Murphy*, Assistant Deputy Attorney General, *Herman D. Ringle* and *Charles A. Malloy* for appellee-respondent. Reported below: 7 N. J. 541, 82 A. 2d 177.

No. 410. *INTERSTATE COMMERCE COMMISSION ET AL. v. NEW YORK CENTRAL RAILROAD CO. ET AL.* Appeal from the United States District Court for the District of Massachusetts. *Per Curiam:* The motion to affirm is granted and the judgment is affirmed. MR. JUSTICE BLACK and MR. JUSTICE REED dissent from the action of the Court in affirming without oral argument. *Daniel W. Knowlton* and *Edward M. Reidy* for the Interstate Commerce Commission; *Harry C. Ames* and *James B. Doak* for the Chamber of Commerce of Philadelphia et al.; and *Paul V. Miller* and *Anthony P. Donadio* for the Baltimore & Ohio Railroad Co. et al., appellants. *Robert J. Fletcher* for the New York Central Railroad Co. et al.; *Timothy J. Murphy*, Assistant Attorney General of Massachusetts, *B. A. Brickley* and *Oliver T. Waite* for the Port of Boston Authority; *Mr. Brickley* and *Mr. Waite* for the Boston Grain & Flour Exchange et al.; *Leander I. Shelley*, *Wilbur La Roe, Jr.*, *Arthur L. Winn* and *Samuel H. Moerman* for the Port of New York Authority; and *William H. Kerr* for the City of Boston, appellees. Reported below: 99 F. Supp. 394.

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Miscellaneous Orders.

No. 6, Original. UNITED STATES *v.* CALIFORNIA. The order of February 12, 1949, appointing William H. Davis, Esquire, of New York City, Special Master herein, is continued and he is directed to conduct hearings and to submit to this Court with all convenient speed his recommended answers to the following questions, with a view to securing from this Court an order for his further guidance in applying the proper principles of law to the seven coastal segments enumerated in Groups I and II of the Master's Report of May 31, 1949, ordered filed June 27, 1949, pp. 1 and 2 of said Report:

Question 1.—What is the status (inland waters or open sea) of particular channels and other water areas between the mainland and offshore islands, and, if inland waters, then by what criteria are the inland water limits of any such channel or other water area to be determined?

Question 2.—Are particular segments in fact bays or harbors constituting inland waters and from what landmarks are the lines marking the seaward limits of bays, harbors, rivers, and other inland waters to be drawn?

Question 3.—By what criteria is the ordinary low water mark on the coast of California to be ascertained?

In holding hearings, the Master is authorized to exclude such evidence as he may deem immaterial or unduly cumulative in arriving at his recommendations. Each party may make proffer of any part of such excluded evidence in written form to this Court. Excluded evidence so proffered shall accompany the record of proceedings upon which the Master acted, but shall not be a part of that record.

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

MR. JUSTICE BLACK is of the opinion that the case should be set for argument with a view to narrowing and

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making more precise the issues upon which evidence is to be heard.

Attorney General McGrath, Solicitor General Perlman, Assistant Attorney General Vanech, Oscar H. Davis, John F. Davis and Robert M. Vaughan for the United States. *Edmund G. Brown*, Attorney General of California, and *Everett W. Mattoon*, Assistant Attorney General, for defendant.

No. 331. FRISBIE, WARDEN, *v.* COLLINS. It is ordered that A. Stewart Kerr, Esquire, of Detroit, Michigan, be appointed to serve as counsel for the respondent in this case.

No. 191, Misc. EKBERG *v.* MCGEE, DIRECTOR, CALIFORNIA DEPARTMENT OF CORRECTIONS, ET AL. Motion for leave to file petition for writ of habeas corpus denied.

No. 202, Misc. CASEY *v.* SUPREME COURT OF INDIANA. Motion for leave to file petition for writ of mandamus denied.

No. 208, Misc. HERZKA *v.* NEW YORK. Application denied.

No. 212, Misc. HOWELL *v.* HANN, WARDEN. Motion for leave to file petition for writ of habeas corpus denied.

Certiorari Granted.

No. 379. CASEY ET AL. *v.* UNITED STATES. C. A. 9th Cir. Certiorari granted. *F. M. Reischling* for petitioners. *Solicitor General Perlman* filed a memorandum for the United States, suggesting remand of the case to the Court of Appeals for further proceedings. Reported below: 191 F. 2d 1.

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Certiorari Denied. (See also No. 398, *supra.*)

No. 370. UNITED STATES *v.* BRANCH BANKING & TRUST CO. ET AL. Court of Claims. *Certiorari denied.* *Solicitor General Perlman* for the United States. *Ward E. Lattin* for respondents. Reported below: 120 Ct. Cl. 72, 98 F. Supp. 757.

No. 383. DOUGLAS HOTEL Co. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 8th Cir. *Certiorari denied.* *William J. Hotz* and *William J. Hotz, Jr.* for petitioner. *Solicitor General Perlman, Acting Assistant Attorney General Slack, A. F. Prescott* and *Fred E. Youngman* for respondent. Reported below: 190 F. 2d 766.

No. 385. MCGIRL ET AL., TRUSTEES, *v.* MINTZ ET AL. C. A. 3d Cir. *Certiorari denied.* *James D. Carpenter* and *Samuel M. Coombs, Jr.* for petitioners. *Solicitor General Perlman, Louis Loss, George Zolotar* and *David Ferber* for the Securities & Exchange Commission; and *Morton Stavis* for Mintz, respondents. Reported below: 190 F. 2d 273.

No. 399. COSTON SUPPLY CO. ET AL. *v.* PABELLON ET AL. C. A. 2d Cir. *Certiorari denied.* *Lowell Wadmond, David Hartfield, Jr., John W. Burke, Jr., Wilbur M. Jones, I. Arnold Ross* and *Walter E. Warner, Jr.* for petitioners. *Vernon Sims Jones* for the Grace Line Inc., respondent. Reported below: 191 F. 2d 169.

No. 402. LEAHY, CHIEF JUDGE OF U. S. DISTRICT COURT FOR DELAWARE, ET AL. *v.* CANISTER COMPANY ET AL. C. A. 3d Cir. *Certiorari denied.* *Wm. S. Potter* and *Edward C. McLean* for petitioners. *Arthur C. Gillette* and *John J. Morris, Jr.* for respondents. Reported below: 191 F. 2d 255.

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No. 382. *McCoy et al. v. Providence Journal Co. et al.* C. A. 1st Cir. Certiorari denied. MR. JUSTICE BLACK is of the opinion certiorari should be granted. *Joseph L. Breen* for petitioners. *William H. Edwards* and *Gerald W. Harrington* for respondents. Reported below: 190 F. 2d 760.

No. 440. *Hammitt et al. v. United States*; and

No. 441. *Field v. United States*. C. A. 2d Cir. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion certiorari should be granted. *Charles Rothenberg* for petitioners in No. 440. *Victor Rabinowitz* for petitioner in No. 441. *Solicitor General Perlman*, *Assistant Attorney General McInerney* and *Beatrice Rosenberg* for the United States. Reported below: 193 F. 2d 92, 109.

No. 167, Misc. *Davis v. Illinois*. Supreme Court of Illinois. Certiorari denied. Petitioner *pro se*. *Ivan A. Elliott*, Attorney General of Illinois, *William C. Wines*, Assistant Attorney General, and *John S. Boyle* for respondent.

No. 192, Misc. *De Leon v. Heinze, Warden*. Supreme Court of California. Certiorari denied.

No. 196, Misc. *Coker v. California*. District Court of Appeal of California, Third Appellate District. Certiorari denied.

No. 197, Misc. *Janiec v. New Jersey*. Supreme Court of New Jersey. Certiorari denied.

No. 199, Misc. *McBride v. New Jersey*. Supreme Court of New Jersey. Certiorari denied.

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No. 210, Misc. BECKER *v.* NEW YORK. Court of Appeals of New York. Certiorari denied.

No. 213, Misc. SWITZER *v.* CIRCUIT COURT OF McDONOUGH COUNTY ET AL. Supreme Court of Illinois. Certiorari denied.

Rehearing Denied.

No. 656, October Term, 1950. ANDERSON *v.* COMMISSIONER OF INTERNAL REVENUE, 341 U. S. 935. Motion for leave to file a second petition for rehearing denied.

No. 128. RISBERG *v.* DULUTH, MISSABE & IRON RANGE RAILWAY Co., *ante*, p. 832. Motion for leave to file brief of Warehouse Employees Union, Local 169, et al., as *amici curiae*, denied. Rehearing denied.

No. 256. FRANK B. KILLIAN & Co. *v.* ALLIED LATEX CORP. ET AL., *ante*, p. 861;

No. 257. YOUNGS RUBBER CORP. *v.* ALLIED LATEX CORP., *ante*, p. 861;

No. 266. MASKE *v.* WASHINGTON, MARLBORO & ANAPOLIS MOTOR LINES, INC., *ante*, p. 834; and

No. 340. JULIUS HYMAN & Co. ET AL. *v.* VELSICOL CORPORATION, *ante*, p. 870. Petitions for rehearing in these cases are severally denied.

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Miscellaneous Orders.

No. 387. REMINGTON *v.* UNITED STATES. On petition for writ of certiorari to the United States Court of Appeals for the Second Circuit. Motion of respondent for leave to apply to the United States District Court for leave to dismiss indictment denied. MR. JUSTICE CLARK took no part in the consideration or decision of this motion. *William C. Chanler* and *Joseph L. Rauh, Jr.* for petitioner. *Solicitor General Perlman* for the United States.

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No. 144, Misc. PRICE *v.* CRANOR, SUPERINTENDENT. Petition dated November 11, 1951, denied.

No. 214, Misc. CALHOUN *v.* ROBINSON, WARDEN. Motion for leave to file petition for writ of habeas corpus denied.

Certiorari Granted.

No. 388. ROBERTSON *v.* UNITED STATES. C. A. 10th Cir. Certiorari granted. *Samuel E. Blackham* and *Clyde D. Sandgren* for petitioner. *Solicitor General Perlman* filed a memorandum for the United States stating that the Government does not oppose the issuance of the writ. Reported below: 190 F. 2d 680.

Certiorari Denied.

No. 183. GANDELMAN *v.* MERCANTILE INSURANCE CO. ET AL. C. A. 9th Cir. Certiorari denied. *Don Marlin* for petitioner. Reported below: 187 F. 2d 654.

No. 293. UNITED STATES *v.* LANCE, INCORPORATED. C. A. 4th Cir. Certiorari denied. *Solicitor General Perlman* for the United States. *Welborn B. Cody* for respondent. Reported below: 190 F. 2d 204.

No. 294. UNITED STATES *v.* LOVKNIT MANUFACTURING Co., INC. ET AL. C. A. 5th Cir. Certiorari denied. *Solicitor General Perlman* for the United States. Reported below: 189 F. 2d 454.

No. 335. PEAY ET AL. *v.* COX. C. A. 5th Cir. Certiorari denied. *Thomas C. Hannah* for petitioners. *M. M. Roberts* for respondent. Reported below: 190 F. 2d 123.

No. 357. UNITED STATES *v.* OSAGE NATION OF INDIANS. Court of Claims. Certiorari denied. *Solicitor General*

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Perlman for the United States. *Wesley E. Disney* and *F. M. Goodwin* for respondent. Reported below: 119 Ct. Cl. 592, 97 F. Supp. 381.

No. 304. *LITTLETON v. DELASHMUTT*. C. A. 4th Cir. *Mathy*, Executor, substituted for *Littleton*. Certiorari denied. *Elmer McClain* for petitioner. *James H. Simmonds* for respondent. Reported below: 188 F. 2d 973.

No. 323. *CRUMMER COMPANY ET AL. v. BARKER*, U. S. DISTRICT JUDGE. C. A. 5th Cir. Certiorari denied. MR. JUSTICE CLARK took no part in the consideration or decision of this application. *Robert J. Pleus*, *Chris Dixie* and *Joseph P. Lea, Jr.* for petitioners. *Richard W. Ervin*, Attorney General of Florida, *Ralph McLane*, Assistant Attorney General, *Charles R. Scott*, *Henry P. Adair*, *Donald Russell* and *H. M. Voorhis* for respondent.

No. 386. *RYAN ET AL. v. SIMONS, PRESIDENT OF NEWSPAPER & MAIL DELIVERERS' UNION OF NEW YORK, ET AL.* Court of Appeals of New York. Certiorari denied. *Arthur G. Warner* and *James E. Birdsall* for petitioners. *Samuel Duker* for the Newspaper & Mail Deliverers' Union of New York; and *Stuart N. Updike* for the News Syndicate Co., respondents.

No. 390. *BROADY v. ILLINOIS CENTRAL RAILROAD Co.* C. A. 7th Cir. Certiorari denied. *Edward J. Fruchtmann* and *Richard F. Watt* for petitioner. *Herbert J. Deany*, *Joseph H. Wright*, *Charles A. Hellsell* and *John W. Freels* for respondent. Reported below: 191 F. 2d 73.

No. 393. *WILSON ET AL. v. KITCHENS*. Supreme Court of Arkansas. Certiorari denied. *J. E. Gaughan*

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for petitioners. *W. H. Kitchens, Jr. and J. R. Wilson* for respondent. Reported below: 218 Ark. 845, 239 S. W. 2d 270.

No. 42, Misc. *DAUER v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Perlman, Assistant Attorney General McInerney, Beatrice Rosenberg and Felicia H. Dubrovsky* for the United States. Reported below: 189 F. 2d 343.

No. 147, Misc. *KIMLER v. CALIFORNIA*. Supreme Court of California. Certiorari denied. Petitioner *pro se*. *Edmund G. Brown, Attorney General of California, and Clarence A. Linn, Assistant Attorney General*, for respondent. Reported below: 37 Cal. 2d 568, 233 P. 2d 902.

No. 182, Misc. *MONAGHAN v. BURKE, WARDEN*. Supreme Court of Pennsylvania. Certiorari denied.

No. 195, Misc. *MEINER v. RAGEN, WARDEN*. Circuit Court of Will County, Illinois. Certiorari denied.

No. 200, Misc. *McDERMITT v. HEINZE, WARDEN*. Supreme Court of California. Certiorari denied.

No. 206, Misc. *HENDERSON v. OKLAHOMA*. Criminal Court of Appeals of Oklahoma. Certiorari denied.

No. 222, Misc. *HANSON v. WARDEN, MARYLAND PENITENTIARY*. Court of Appeals of Maryland. Certiorari denied.

No. 225, Misc. *MATTISON v. CLAUDY, WARDEN, ET AL.* Supreme Court of Pennsylvania. Certiorari denied.

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Rehearing Denied.

No. 155, October Term, 1950. SABIN ET AL. *v.* LEVORSEN; and

No. 156, October Term, 1950. SABIN ET AL. *v.* MIDLAND SAVINGS & LOAN Co., 340 U. S. 833. Motions for leave to file second petitions for rehearing denied.

No. 17. McMAHON *v.* UNITED STATES ET AL., *ante*, p. 25;

No. 303. WALKER *v.* UNITED STATES, *ante*, p. 868;

No. 313. LEWIS *v.* UNITED STATES, *ante*, p. 869;

No. 338. CARTER OIL Co. *v.* McCASLAND ET AL., *ante*, p. 870;

No. 30, Misc. ASPERO *v.* MEMPHIS & SHELBY COUNTY BAR ASSN., *ante*, p. 836;

No. 37, Misc. SMITH *v.* UNITED STATES ET AL., *ante*, p. 807;

No. 81, Misc. NERO *v.* UNITED STATES, *ante*, p. 872; and

No. 141, Misc. EAGLE *v.* CHERNEY ET AL., *ante*, p. 873. Petitions for rehearing in these cases severally denied.

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Per Curiam Decisions.

No. 421. ACHESON, SECRETARY OF STATE, *v.* OKIMURA. Appeal from the United States District Court for the District of Hawaii. *Per Curiam*: The judgment is vacated and the case is remanded to the District Court for specific findings as to the circumstances attending appellee's service in the Japanese Army and voting in the Japanese elections and the reasonable inferences to be drawn therefrom. MR. JUSTICE BLACK is of the opinion the judgment should be affirmed. MR. JUSTICE DOUGLAS, being of the view that the findings are adequate to show that the services of appellee to Japan were rendered under the compulsion

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of military and other sanctions, evidenced in some instances by physical beatings, dissents to vacation and remand. *Solicitor General Perlman* and *Howard K. Hoddick* for appellant. *A. L. Wirin*, *Fred Okrand* and *Katsuo Miho* for appellee. Reported below: 99 F. Supp. 587.

No. 422. *ACHESON, SECRETARY OF STATE, v. MURATA*. Appeal from the United States District Court for the District of Hawaii. *Per Curiam*: The judgment is vacated and the case is remanded to the District Court for specific findings as to the circumstances attending appellee's service in the Japanese Army and the reasonable inferences to be drawn therefrom. MR. JUSTICE BLACK is of the opinion the judgment should be affirmed. MR. JUSTICE DOUGLAS, being of the view that the findings are adequate to show that the services of appellee to Japan were rendered under the compulsion of military and other sanctions, evidenced in some instances by physical beatings, dissents to vacation and remand. *Solicitor General Perlman* and *Howard K. Hoddick* for appellant. *A. L. Wirin*, *Fred Okrand* and *Katsuo Miho* for appellee. Reported below: 99 F. Supp. 591.

No. 427. *BARKER v. LEGGETT, SUPERINTENDENT OF THE INSURANCE DEPARTMENT OF MISSOURI, ET AL.* Appeal from the United States District Court for the Western District of Missouri. *Per Curiam*: The appeal is dismissed for the want of a substantial federal question. *Walter A. Raymond*, *William H. Becker* and *Robert L. Howard* for appellant. *J. E. Taylor*, Attorney General of Missouri, and *Harry H. Kay*, Assistant Attorney General, for appellees. Reported below: 102 F. Supp. 642.

No. 460. *ILLINOIS CENTRAL RAILROAD CO. v. GARNER, COUNTY TRUSTEE OF SHELBY COUNTY, ET AL.* Appeal from the Supreme Court of Tennessee. *Per Curiam*:

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The appeal is dismissed for the want of a substantial federal question. *Charles A. Helsell* for appellant. Reported below: 193 Tenn. 91, 241 S. W. 2d 926.

Miscellaneous Orders.

No. 216, Misc. *MARINGER v. SUPREME COURT OF CALIFORNIA*; and

No. 219, Misc. *ROBERTS v. UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA*. Motions for leave to file petitions for writs of mandamus denied.

No. 227, Misc. *HICKS v. JACKSON, WARDEN, ET AL.*; and

No. 253, Misc. *WORTH v. CALIFORNIA ET AL.* Motions for leave to file petitions for writs of habeas corpus denied.

No. 239, Misc. *SANDERS v. WATERS, WARDEN*. Motion for leave to withdraw petition for writ of mandamus granted.

No. 241, Misc., October Term, 1948. *RODRIGUEZ v. NEW YORK*, 335 U. S. 899. Motion for return of the record to petitioner denied.

Certiorari Granted.

No. 401. *JOHANSEN v. UNITED STATES*. C. A. 2d Cir. Certiorari granted. *William L. Standard* for petitioner. *Solicitor General Perlman* filed a memorandum for the United States stating that the Government does not oppose the granting of the petition. Reported below: 191 F. 2d 162.

No. 414. *MANDEL, ADMINISTRATOR, v. UNITED STATES*. C. A. 3d Cir. Certiorari granted. *Abraham E. Freedman* for petitioner. *Solicitor General Perlman* filed a

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memorandum for the United States stating that the Government does not oppose the granting of the petition. Reported below: 191 F. 2d 164.

Certiorari Denied.

No. 15. UNITED STATES *v.* DUVARNEY. C. A. 1st Cir. Certiorari denied. *Solicitor General Perlman* for the United States. Reported below: 185 F. 2d 612.

No. 139. NICHOLSON TRANSIT CO. *v.* UNITED STATES. Court of Claims. Certiorari denied. *Sparkman Deats Foster* for petitioner. *Solicitor General Perlman, Assistant Attorney General Baldrige* and *Paul A. Sweeney* for the United States. Reported below: 118 Ct. Cl. 344.

No. 207. SEDIVY ET AL. *v.* SUPERIOR HOME BUILDERS, INC. ET AL. C. A. 7th Cir. Certiorari denied. Petitioners *pro se*. *Arthur R. Seelig* for respondents. Reported below: 188 F. 2d 729.

No. 362. MEAD SERVICE CO. ET AL. *v.* MOORE, DOING BUSINESS AS MOORE'S BAKERY. C. A. 10th Cir. Certiorari denied. *Edward W. Napier* and *Howard F. Houk* for petitioners. *Dee C. Blythe* for respondent. Reported below: 190 F. 2d 540.

No. 372. CHERRYWOOD APARTMENTS, INC. ET AL. *v.* UNITED STATES. Court of Claims. Certiorari denied. *Carl L. Shipley* for petitioners. *Solicitor General Perlman, Assistant Attorney General Underhill* and *Roger P. Marquis* for the United States. Reported below: 120 Ct. Cl. 309, 98 F. Supp. 577.

No. 389. FLORIDA EX REL. HICKS-KESSLER FLYING SCHOOL, INC. *v.* HOLT, CIRCUIT COURT JUDGE. Supreme

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Court of Florida. Certiorari denied. *T. J. Blackwell* for petitioner. *William C. Gaither* for respondent.

No. 394. *SGITCOVICH v. SGITCOVICH*. Supreme Court of Texas. Certiorari denied. *W. A. Combs* for petitioner. Reported below: 150 Tex. —, 241 S. W. 2d 142.

No. 397. *UNITED STATES v. STATE ROAD DEPARTMENT OF FLORIDA ET AL.* C. A. 5th Cir. Certiorari denied. *Solicitor General Perlman* for the United States. *Richard W. Ervin, Jr.*, Attorney General of Florida, *T. Paine Kelly*, Assistant Attorney General, and *J. McHenry Jones* for respondents. Reported below: 189 F. 2d 591.

No. 404. *COTTMAN COMPANY ET AL. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. *John H. Skeen, Jr.* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Baldrige*, *Samuel D. Slade* and *Melvin Richter* for the United States. Reported below: 190 F. 2d 805.

No. 407. *KANE v. UNION OF SOVIET SOCIALIST REPUBLICS ET AL.* C. A. 3d Cir. Certiorari denied. *Abraham E. Freedman* for petitioner. Reported below: 189 F. 2d 303.

No. 408. *SAFEWAY STORES, INC. v. DISALLE, PRICE DIRECTOR*. United States Emergency Court of Appeals. Certiorari denied. *Elisha Hanson*, *Arthur B. Hanson*, *Joseph C. Wells* and *Garland Clarke* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Baldrige*, *Samuel D. Slade* and *Herman Marcuse* for respondent.

No. 412. *KALMUS v. KALMUS ET AL.* District Court of Appeal of California, Second Appellate District. Cer-

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tiorari denied. *R. A. Rogers* for petitioner. *Frank B. Belcher* for respondents. Reported below: 103 Cal. App. 2d 405, 230 P. 2d 57.

No. 416. *TEXAS v. GROUP OF INSTITUTIONAL INVESTORS ET AL.* C. A. 8th Cir. Certiorari denied. *Price Daniel*, Attorney General of Texas, and *C. K. Richards*, Assistant Attorney General, for petitioner. *Charles W. McConaughy* for the Group of Institutional Investors; *Sanford H. E. Freund* for the Bondholders Protective Committee; and *Leonard P. Moore* and *Clair B. Hughes* for the Manufacturers Trust Co., respondents. Reported below: 191 F. 2d 265.

No. 424. *FRAD v. COLUMBIAN NATIONAL LIFE INSURANCE Co. ET AL.* C. A. 2d Cir. Certiorari denied. *Harris Jay Griston* for petitioner. *Samuel M. Lane* for the Columbian National Life Insurance Co., respondent. Reported below: 191 F. 2d 22.

No. 425. *STOW MANUFACTURING Co., INC. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 2d Cir. Certiorari denied. *William J. Donovan*, *George G. Coughlin* and *Carbery O'Shea* for petitioner. *Solicitor General Perlman*, *Acting Assistant Attorney General Slack* and *Irving I. Axelrad* for respondent. Reported below: 190 F. 2d 723.

No. 432. *PALUMBO v. GANEY*, U. S. DISTRICT JUDGE. C. A. 3d Cir. Certiorari denied. *Frederick Bernays Wiener* and *Jacob Kossman* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General McInerney* and *Beatrice Rosenberg* for respondent.

No. 435. *LEE v. FINLEY ET AL.* Supreme Court of Illinois. Certiorari denied. *Richard E. Westbrook* for petitioner. *Isaac I. Bender* for respondents. Reported below: 409 Ill. 435, 100 N. E. 2d 606.

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No. 417. *ANCICH ET AL. v. BORCICH ET AL.* C. A. 9th Cir. The motions for leave to file briefs of Atlantic Fishermen's Union et al., and Fishermen and Allied Workers Division, International Longshoremen's and Warehousemen's Union, as *amici curiae*, denied. Certiorari denied. MR. JUSTICE BLACK is of the opinion certiorari should be granted and the judgment reversed. *David A. Fall* and *Arch E. Ekdale* for petitioners. *Claude A. Ferguson* for respondents. Reported below: 191 F. 2d 392.

No. 420. *H. J. HEINZ CO. v. OWENS.* C. A. 9th Cir. Certiorari denied. MR. JUSTICE JACKSON took no part in the consideration or decision of this application. *William H. Parmelee* and *Hector M. Holmes* for petitioner. Reported below: 189 F. 2d 505.

No. 423. *HERWIG v. CRENSHAW, COLLECTOR OF INTERNAL REVENUE, ET AL.* C. A. 4th Cir. Certiorari denied. *L. J. H. Herwig pro se.* *Solicitor General Perlman, Acting Assistant Attorney General Slack, John F. Davis* and *Carolyn R. Just* for respondents. Reported below: 188 F. 2d 572.

No. 7, Misc. *SMITH v. MARYLAND.* Court of Appeals of Maryland. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion certiorari should be granted. Petitioner *pro se.* *Hall Hammond, Attorney General of Maryland, and Kenneth C. Proctor, Assistant Attorney General,* for respondent. Reported below: — Md. —, 80 A. 2d 38.

No. 113, Misc. *TOUHY v. ILLINOIS.* Supreme Court of Illinois. Certiorari denied. MR. JUSTICE CLARK took no part in the consideration or decision of this application. *Robert B. Johnstone* for petitioner. *Ivan A. Elliott, Attorney General of Illinois,* for respondent.

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No. 41, Misc. THOMPSON *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied. Petitioner *pro se.* *Ivan A. Elliott*, Attorney General of Illinois, for respondent.

No. 105, Misc. HAIDAS ET AL. *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied. Petitioners *pro se.* *Ivan A. Elliott*, Attorney General of Illinois, for respondent.

No. 168, Misc. MILANKO ET AL. *v.* AUSTIN ET AL. Supreme Court of Missouri. Certiorari denied. *Frank Mashak* for petitioners. Reported below: 362 Mo. 357, 241 S. W. 2d 881.

No. 193, Misc. ROBERTS *v.* WESTERN PACIFIC RAILROAD Co. District Court of Appeal of California, First Appellate District. Certiorari denied. Petitioner *pro se.* *Harriet P. Tyler* for respondent. Reported below: 104 Cal. App. 2d 816, 232 P. 2d 560.

No. 194, Misc. UNITED STATES EX REL. ROBERTS ET AL. *v.* WESTERN PACIFIC RAILROAD Co. C. A. 9th Cir. Certiorari denied. Petitioners *pro se.* *Harriet P. Tyler* for respondent. Reported below: 190 F. 2d 243.

No. 204, Misc. DOLAN *v.* ALVIS, WARDEN, ET AL. C. A. 6th Cir. Certiorari denied. Reported below: See 186 F. 2d 586.

No. 215, Misc. CASH *v.* NEW JERSEY. Superior Court of New Jersey, Appellate Division. Certiorari denied.

No. 221, Misc. STEELE *v.* JACKSON, WARDEN. C. A. 2d Cir. Certiorari denied.

No. 228, Misc. HIDDEN *v.* UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK. C. A. 2d Cir. Certiorari denied.

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No. 237, Misc. OKULCZYK *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied. Reported below: 410 Ill. 115, 101 N. E. 2d 529.

No. 250, Misc. JONES *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

Rehearing Denied.

No. 25. SUTPHEN ESTATES, INC. *v.* UNITED STATES ET AL., *ante*, p. 19. Rehearing denied. MR. JUSTICE JACKSON and MR. JUSTICE CLARK took no part in the consideration or decision of this application.

No. 290. PHOTOCHART, A CORPORATION, ET AL. *v.* PHOTO PATROL, INC. ET AL., *ante*, p. 867;

No. 315. ALEUTIAN LIVESTOCK CO., INC. *v.* UNITED STATES, *ante*, p. 875; and

No. 336. GIESSLER *v.* UNITED STATES, *ante*, p. 878. Petitions for rehearing in these cases severally denied.

No. 390, October Term, 1948. PROPPER, RECEIVER, *v.* CLARK, ATTORNEY GENERAL, AS SUCCESSOR TO THE ALIEN PROPERTY CUSTODIAN, 337 U. S. 472. The motion for leave to file a second petition for rehearing is denied. THE CHIEF JUSTICE and MR. JUSTICE CLARK took no part in the consideration or decision of this motion.

No. 526, October Term, 1947. UNITED STATES *v.* KRUSZEWSKI, 333 U. S. 880. Rehearing denied.

No. 152, Misc. BAYKEN *v.* MICHIGAN, *ante*, p. 862. Petition for rehearing denied for the reason that the application was not received within the time provided by Rule 33.

No. 165, Misc. SMITH ET AL. *v.* POLLIN ET AL., *ante*, p. 878. Rehearing denied.

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Per Curiam Decision.

No. 464. UNITED AIR LINES, INC. *v.* PUBLIC UTILITIES COMMISSION OF CALIFORNIA; and

No. 465. WESTERN AIR LINES, INC. *v.* PUBLIC UTILITIES COMMISSION OF CALIFORNIA. Appeals from the Supreme Court of California. *Per Curiam*: The motions to dismiss are granted and the appeals are dismissed for the want of a substantial federal question. MR. JUSTICE BLACK and MR. JUSTICE BURTON are of the opinion probable jurisdiction should be noted. *Oscar A. Trippet* and *Paul M. Godehn* for appellant in No. 464. *Hugh W. Darling* for appellant in No. 465. *Everett C. McKeage* for appellee.

Miscellaneous Order.

No. 453. FIELD *v.* UNITED STATES. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit dismissed on motion of counsel for petitioner. *Victor Rabinowitz* for petitioner. Reported below: 193 F. 2d 92.

Certiorari Denied.

No. 384. INTER-CITY ADVERTISING CO. ET AL. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 4th Cir. Certiorari denied. *Whiteford S. Blakeney* for petitioners. *Solicitor General Perlman*, *David P. Findling*, *Mozart G. Ratner* and *Frederick U. Reel* for respondent. Reported below: 190 F. 2d 420.

No. 405. BARBEE *v.* CAPITAL AIRLINES, INC. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Solicitor General Perlman* for petitioner. *Charles H. Murchison* for respondent. Reported below: 89 U. S. App. D. C. —, 191 F. 2d 507.

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No. 434. *GENDELMAN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Charles H. Carr* for petitioner. *Solicitor General Perlman, Acting Assistant Attorney General Slack* and *John Lockley* for the United States. Reported below: 191 F. 2d 993.

No. 438. *CALIFORNIA STATE BOARD OF EQUALIZATION v. GOGGIN, TRUSTEE IN BANKRUPTCY*. C. A. 9th Cir. Certiorari denied. *Edmund G. Brown*, Attorney General of California, *Walter L. Bowers*, Assistant Attorney General, and *James E. Sabine* and *Edward Sumner*, Deputy Attorneys General, for petitioner. Reported below: 191 F. 2d 726.

No. 439. *MILWAUKEE TOWNE CORP. v. LOEW'S INCORPORATED ET AL.*; and

No. 454. *LOEW'S INCORPORATED ET AL. v. MILWAUKEE TOWNE CORP.* C. A. 7th Cir. Certiorari denied. *Thomas C. McConnell* for the Milwaukee Towne Corp. *Miles G. Seeley, Edward R. Johnston, John F. Caskey* and *Vincent O'Brien* for Loew's Incorporated et al. Reported below: 190 F. 2d 561.

No. 445. *UNION PACKING Co. v. CARIBOO LAND & CATTLE Co., LTD.* C. A. 9th Cir. Certiorari denied. *Benjamin W. Shipman* for petitioner. *Charles E. Beardsley* for respondent. Reported below: 191 F. 2d 814.

No. 452. *VILLAGE OF SKOKIE v. FIRST NATIONAL BANK & TRUST Co.* C. A. 7th Cir. Certiorari denied. *Emmett J. McCarthy* and *Joseph J. Witry* for petitioner. *Charles F. Short, Jr.* for respondent. Reported below: 190 F. 2d 791.

No. 463. *SUNBEAM CORPORATION v. CIVIL SERVICE EMPLOYEES COOPERATIVE ASSOCIATION*. C. A. 3d Cir.

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Certiorari denied. *C. Russell Phillips* and *Herman T. Van Mell* for petitioner. *Delbert T. Kirk* for respondent. Reported below: 192 F. 2d 572.

No. 316. *BIGELOW v. CALIFORNIA*. District Court of Appeal of California, Second Appellate District. Certiorari denied. *Morris Lavine* for petitioner. Reported below: 104 Cal. App. 2d 380, 231 P. 2d 881.

No. 437. *PASS v. McGRATH, ATTORNEY GENERAL*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Raoul Berger* for petitioner. *Solicitor General Perlman, Assistant Attorney General Baynton, James D. Hill* and *George B. Searls* for respondent. Reported below: 89 U. S. App. D. C. —, 192 F. 2d 415.

No. 494. *DOLLAR ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE CLARK took no part in the consideration or decision of this application. *Herman Phleger, Gregory A. Harrison, Moses Lasky, Edmund L. Jones* and *Howard Boyd* for petitioners. *Solicitor General Perlman* filed a memorandum for the United States stating that the Government does not oppose the grant of the petition for a writ of certiorari. Reported below: 190 F. 2d 547.

No. 205, Misc. *BRAASCH ET AL. v. UTAH*. Supreme Court of Utah. Certiorari denied. Petitioners *pro se. Clinton D. Vernon, Attorney General of Utah, and Quentin L. R. Alston, Assistant Attorney General*, for respondent. Reported below: — Utah —, 229 P. 2d 289.

No. 240, Misc. *MINUTOLO v. KAUFMAN, U. S. DISTRICT JUDGE*. C. A. 2d Cir. Certiorari denied.

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No. 244, Misc. PAULDING ET AL. *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 191 F. 2d 829.

No. 249, Misc. MARSH *v.* MICHIGAN. C. A. 6th Cir. Certiorari denied.

No. 255, Misc. McDONALD *v.* RAGEN, WARDEN. Criminal Court of Cook County, Illinois. Certiorari denied.

Rehearing Denied.

No. 174. HAINES *v.* UNITED STATES, *ante*, p. 888;

No. 346. NEW YORK ET AL. *v.* UNITED STATES ET AL., *ante*, p. 882;

No. 351. ROBERTS ET AL. *v.* UNITED STATES, *ante*, p. 885;

No. 377. LEVY *v.* DABNEY, TRUSTEE, *ante*, p. 887; and

No. 187, Misc. SPARKS *v.* CALIFORNIA, *ante*, p. 889. Petitions for rehearing denied.

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Per Curiam Decisions.

No. 46. UNITED STATES *v.* JORDAN ET AL. Certiorari, 342 U. S. 809, to the United States Court of Appeals for the Sixth Circuit. Argued November 27, 1951. Decided January 14, 1952. *Per Curiam*: The judgment is affirmed by an equally divided Court. MR. JUSTICE FRANKFURTER is of the opinion the writ should be dismissed as improvidently granted and has expressed his views in a memorandum filed in No. 47, *United States v. Shannon*, decided this day, *ante*, pp. 288, 294. Roger P. Marquis argued the cause for the United States. With him on the brief were Solicitor General Perlman, Assistant Attorney General Underhill and Harold S. Harrison. John D. Martin, Jr. argued the cause for respondents. With him on the brief was Sam Costen. Reported below: 186 F. 2d 803.

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No. 100. UNITED STATES *v.* BLOOM. Certiorari, 342 U. S. 864, to the Court of Appeals of New York;

No. 299. UNITED STATES *v.* EDENS ET AL., TRUSTEES. Certiorari, 342 U. S. 865, to the United States Court of Appeals for the Fourth Circuit; and

No. 300. UNITED STATES *v.* GENERAL ENGINEERING & MANUFACTURING Co. Certiorari, 342 U. S. 865, to the United States Court of Appeals for the Eighth Circuit. Argued January 10, 1952. Decided January 14, 1952. *Per Curiam*: The judgments are affirmed. *City of New York v. Saper*, 336 U. S. 328. *I. Henry Kutz* argued the cause in No. 100, and *John F. Davis* argued the causes in Nos. 299 and 300, for the United States. With them on the briefs were *Solicitor General Perlman* and *Acting Assistant Attorney General Slack*. *Helen Goodner* was also with them on the brief in No. 100. *Henry Hammer* argued the cause and filed a brief for respondents in No. 299. *James S. McClellan* argued the cause, and *George C. Willson* filed a brief, for respondent in No. 300. *Irwin Geiger* submitted on brief for respondent in No. 100. Reported below: No. 100, 302 N. Y. 206, 97 N. E. 2d 755; No. 299, 189 F. 2d 876; No. 300, 188 F. 2d 80.

No. 477. GEUSS ET AL. *v.* PENNSYLVANIA. Appeal from the Supreme Court of Pennsylvania. *Per Curiam*: The appeal is dismissed for the want of a substantial federal question. *Kovacs v. Cooper*, 336 U. S. 77. MR. JUSTICE DOUGLAS dissents. *Hayden C. Covington* for appellants. *Ralph H. Griesemer* and *Joseph B. Walker* for appellee. Reported below: 368 Pa. 290, 81 A. 2d 553.

Miscellaneous Order.

No. 409. UNITED STATES *v.* SHOSO NII. Appeal from the United States District Court for the Territory of Hawaii. Dismissed on motion of counsel for the appellant. *Solicitor General Perlman* for the United States. Reported below: 96 F. Supp. 971.

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Certiorari Granted.

No. 450. UNITED STATES *v.* ATLANTIC MUTUAL INSURANCE CO. ET AL. C. A. 2d Cir. Certiorari granted. *Solicitor General Perlman* for the United States. *Oscar R. Houston* and *Leonard J. Matteson* for respondents. Reported below: 191 F. 2d 370.

Certiorari Denied.

No. 446. LIBBY, McNEILL & LIBBY *v.* ALASKA INDUSTRIAL BOARD ET AL. C. A. 9th Cir. Certiorari denied. *R. E. Robertson* for petitioner. Reported below: 191 F. 2d 260.

No. 447. LIBBY, McNEILL & LIBBY *v.* ALASKA INDUSTRIAL BOARD ET AL. C. A. 9th Cir. Certiorari denied. *R. E. Robertson* for petitioner. Reported below: 191 F. 2d 262.

No. 457. CHIARELLI ET AL. *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. *Wm. Scott Stewart* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General McInerney*, *Beatrice Rosenberg* and *Edward S. Szukelewicz* for the United States. Reported below: 192 F. 2d 528.

No. 459. SCHREYER ET AL. *v.* CASCO PRODUCTS CORP. C. A. 2d Cir. Certiorari denied. *David S. Day* for petitioners. *Stephen H. Philbin* and *David Goldstein* for respondent. Reported below: 190 F. 2d 921.

No. 467. ARMOUR & Co. *v.* LOUISIANA SOUTHERN RAILWAY Co. C. A. 5th Cir. Certiorari denied. *Paul E. Blanchard* and *Harry McCall* for petitioner. *Henry B. Curtis* for respondent. Reported below: 190 F. 2d 925.

No. 198, Misc. COBB *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Herman Phleger*, *Alvin J. Rock-*

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well and *Allan H. Fish* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Baldrige*, *Paul A. Sweeney* and *Herman Marcuse* for the United States. Reported below: 191 F. 2d 604.

No. 207, Misc. *FISHBAUGH v. ARMOUR & Co. ET AL.* C. A. 4th Cir. Certiorari denied. Petitioner *pro se. Hilary W. Gans* and *Charles Markell, Jr.* for *Armour & Co.*, respondent.

No. 209, Misc. *DUNCAN v. ILLINOIS.* Supreme Court of Illinois. Certiorari denied.

No. 217, Misc. *FLETCHER ET AL. v. UNITED STATES ATOMIC ENERGY COMMISSION.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioners *pro se. Solicitor General Perlman*, *Assistant Attorney General Baldrige* and *Paul A. Sweeney* for respondent. Reported below: 89 U. S. App. D. C. —, 192 F. 2d 29.

No. 236, Misc. *SWAIN v. DUFFY, WARDEN, ET AL.* Supreme Court of California. Certiorari denied.

No. 243, Misc. *McKENNA v. NEBRASKA ET AL.* Supreme Court of Nebraska. Certiorari denied.

No. 248, Misc. *KOVACIVICH v. MICHIGAN.* Supreme Court of Michigan. Certiorari denied.

No. 251, Misc. *QUICK v. HARDIEK, CIRCUIT COURT CLERK.* Supreme Court of Illinois. Certiorari denied.

No. 256, Misc. *WOODS v. KING ET AL.* Supreme Court of California. Certiorari denied.

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No. 257, Misc. *WILSON v. CALIFORNIA*. District Court of Appeal of California, First Appellate District. Certiorari denied. Reported below: 106 Cal. App. 2d 716, 236 P. 2d 9.

No. 260, Misc. *ODDO v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

Rehearing Denied.

No. 115. *WEISS v. UNITED STATES*, *ante*, p. 820. Motion for leave to file a second petition for rehearing denied.

No. 293. *UNITED STATES v. LANCE, INCORPORATED*; and

No. 294. *UNITED STATES v. LOVKNIT MANUFACTURING CO., INC. ET AL.*, *ante*, p. 896. The motion for leave to file brief of Congress of Industrial Organizations, as *amicus curiae*, is denied. The petition for rehearing is denied.

MR. JUSTICE FRANKFURTER joins the Court in denying the motion of the Congress of Industrial Organizations for leave to file a brief *amicus curiae*, but desires to add the following:

The United States, like any other party to a litigation, may refuse consent for any reason or no reason, selectively or uniformly, to the filing of a brief here on behalf of an *amicus curiae*. But such action by the Solicitor General is to be deemed to be taken entirely at his discretion, in no wise governed by a rule of this Court or the policy underlying it.

No. 42. *BRACK v. GROSS*, *ante*, p. 813;

No. 310. *WATSON v. SUDDOTH*, *ante*, p. 885;

No. 348. *ELLIS v. GIRARD TRUST CO., TRUSTEE*, *ante*, p. 870; and

No. 89, Misc. *IN RE SPRAGUE*, *ante*, p. 840. Petitions for rehearing denied.

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Per Curiam Decisions.

No. 169. McGRATH, ATTORNEY GENERAL, SUCCESSOR TO THE ALIEN PROPERTY CUSTODIAN, *v.* NAGANO. Certiorari, 342 U. S. 809, to the United States Court of Appeals for the Seventh Circuit. Argued November 29, 1951. Decided January 28, 1952. *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. *James D. Hill* argued the cause for petitioner. With him on the brief were *Solicitor General Perlman*, *Assistant Attorney General Baynton*, *George B. Searls* and *Irwin A. Seibel*. *Edward R. Johnston* argued the cause and filed a brief for respondent. Reported below: 187 F. 2d 759.

No. 503. REMMEY ET AL. *v.* SMITH, SECRETARY OF PENNSYLVANIA, ET AL. Appeal from the United States District Court for the Eastern District of Pennsylvania. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for the want of a substantial federal question. MR. JUSTICE BLACK is of the opinion that probable jurisdiction should be noted. *S. Lloyd Moore* and *A. L. Wheeler* for appellants. *Robert E. Woodside*, Attorney General of Pennsylvania, *Robert M. Mountenay*, Deputy Attorney General, and *H. F. Stambaugh* for appellees. Reported below: 102 F. Supp. 708.

Miscellaneous Orders.

No. 242, Misc. DOMAKO *v.* NEW JERSEY;

No. 277, Misc. IN RE KING;

No. 278, Misc. KOENIG *v.* CRANOR, SUPERINTENDENT;
and

No. 301, Misc. WILLIAMS *v.* UNITED STATES. Applications denied.

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No. 254, Misc. IN RE THORBUS; and

No. 288, Misc. MULVEY *v.* JACQUES, WARDEN. Motions for leave to file petitions for writs of habeas corpus denied.

No. 263, Misc. CARROLL *v.* SUPREME COURT OF APPEALS OF WEST VIRGINIA. Motion for leave to file petition for writ of mandamus denied.

Certiorari Granted.

No. 442. BRUNNER *v.* UNITED STATES. C. A. 9th Cir. Certiorari granted. *A. L. Wirin* for petitioner. *Solicitor General Perlman, Assistant Attorney General McInerney, Robert S. Erdahl and John R. Wilkins* for the United States. Reported below: 190 F. 2d 167.

No. 448. FEDERAL TRADE COMMISSION *v.* RUBEROID COMPANY; and

No. 504. RUBEROID COMPANY *v.* FEDERAL TRADE COMMISSION. C. A. 2d Cir. Certiorari granted. *Solicitor General Perlman* for the Federal Trade Commission. *Cyrus Austin* for the Ruberoid Co. Reported below: 191 F. 2d 294.

No. 456. UNITED STATES *v.* HENNING ET AL. C. A. 1st Cir. Certiorari granted. *Solicitor General Perlman* for the United States. Reported below: 191 F. 2d 588.

No. 461. GREENBERG *v.* UNITED STATES. C. A. 3d Cir. Certiorari granted. *Frederick Bernays Wiener and Jacob Kossman* for petitioner. *Solicitor General Perlman, Assistant Attorney General McInerney, John F. Davis, Beatrice Rosenberg and John R. Wilkins* for the United States. Reported below: 192 F. 2d 201.

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Certiorari Denied.

No. 54. PARRY NAVIGATION CO., INC. *v.* TODD SHIPYARDS CORP. C. A. 2d Cir. Certiorari denied. *Raymond Parmer* and *Irving L. Evans* for petitioner. *James I. Cuff* for respondent. Reported below: 187 F. 2d 257.

No. 311. CAMINOS *v.* TERRITORY OF HAWAII. C. A. 9th Cir. Certiorari denied. *O. P. Soares* for petitioner. Reported below: 191 F. 2d 148.

No. 368. MASSACHUSETTS, DIVISION OF EMPLOYMENT SECURITY, *v.* THOMPSON, RECEIVER. C. A. 1st Cir. Certiorari denied. *Francis E. Kelly*, Attorney General of Massachusetts, and *John A. Brennan* for petitioner. *Lee M. Friedman* for respondent. Reported below: 190 F. 2d 10.

No. 415. MORRIS ET AL. *v.* GROUP OF INSTITUTIONAL INVESTORS ET AL. C. A. 8th Cir. Certiorari denied. *Lemuel Skidmore* and *Carl H. McClure III* for the Protective Committee for Holders of Missouri Pacific Gold Bonds; *De Lancey C. Smith* for Smith et al.; and *Fred N. Oliver* and *Willard P. Scott* for Morris, petitioners. *Carroll C. Gilpin* of counsel for petitioners. *Charles W. McConaughy* for the Group of Institutional Investors; *Sanford H. E. Freund* for the Protective Committee for Holders of General Mortgage Bonds; and *Leonard P. Moore* and *Clair B. Hughes* for the Manufacturers Trust Co., Trustee, respondents. Reported below: 191 F. 2d 265.

No. 433. GIFFEN ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 9th Cir. Certiorari denied. *Gilbert H. Jertberg* for petitioners. *Solicitor General Perlman*, *Acting Assistant Attorney General Slack* and *Robert N. Anderson* for respondent. Reported below: 190 F. 2d 188.

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No. 449. *FOSTER v. UNITED STATES*. Court of Claims. Certiorari denied. *Nathan L. Silberberg* for petitioner. *Solicitor General Perlman, Assistant Attorney General Baldrige, Paul A. Sweeney* and *Herman Marcuse* for the United States. Reported below: 120 Ct. Cl. 93, 98 F. Supp. 349.

No. 462. *LUCAS v. INDIANA EX REL. BOARD OF MEDICAL REGISTRATION AND EXAMINATION*. Supreme Court of Indiana. Certiorari denied. *Dan C. Flanagan* for petitioner. *J. Emmett McManamon*, Attorney General of Indiana, and *Thomas L. Webber*, Deputy Attorney General, for respondent. Reported below: 229 Ind. 633, 99 N. E. 2d 419.

No. 469. *MILEY v. LOVETT, SECRETARY OF DEFENSE, ET AL.* C. A. 4th Cir. Certiorari denied. *Edmund D. Campbell* and *Grant W. Wiprud* for petitioner. *Solicitor General Perlman, Assistant Attorney General McInerney, Beatrice Rosenberg* and *Robert G. Maysack* for respondents.

No. 472. *MITCHELL v. TRIBUNE COMPANY*. Appellate Court of Illinois, First District, and Supreme Court of Illinois. Certiorari denied. Reported below: 343 Ill. App. 446, 99 N. E. 2d 397.

No. 475. *CONFERENCE OF STUDIO UNIONS ET AL. v. LOEW'S, INCORPORATED ET AL.* C. A. 9th Cir. Certiorari denied. *Robert W. Kenny* for petitioners. *Harold F. Collins, Homer I. Mitchell* and *William W. Alsup* for Loew's, Incorporated et al.; and *Henry G. Bodkin, George M. Breslin* and *Michael G. Luddy* for Walsh et al., respondents. Reported below: 193 F. 2d 51.

No. 478. *NU-CAR CARRIERS, INC. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 3d Cir. Certiorari denied. *Jacob S. Spiro* for petitioner. *Solicitor General Perlman,*

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David P. Findling and *Mozart G. Ratner* for respondent. Reported below: 189 F. 2d 756.

No. 481. HUMBLY OIL & REFINING CO. ET AL. *v.* SUN OIL Co. C. A. 5th Cir. Certiorari denied. *Gordon Boone, Robert H. Kelley, R. E. Seagler, Rex G. Baker* and *Nelson Jones* for petitioners. *Chas. D. Turner, Fritz L. Lyne* and *Martin A. Row* for respondent. *Price Daniel*, Attorney General, and *Jesse P. Luton, Jr.*, Assistant Attorney General, filed a brief for the State of Texas, as *amicus curiae*, supporting respondent. Reported below: 191 F. 2d 705.

No. 482. BARSHOP *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Sylvan Lang, Bernard Ladon, Leslie Byrd* and *Dan Moody* for petitioner. *Solicitor General Perlman, Acting Assistant Attorney General Slack, Meyer Rothwacks* and *Fred G. Folsom* for the United States. Reported below: 192 F. 2d 699.

No. 488. HEAGNEY *v.* BROOKLYN EASTERN DISTRICT TERMINAL. C. A. 2d Cir. Certiorari denied. *Carlton A. Walls* and *B. Nathaniel Richter* for petitioner. *Henry A. Mulcahy* for respondent. Reported below: 190 F. 2d 976.

No. 4. UNITED STATES *v.* COPLON. C. A. 2d Cir. Certiorari denied. MR. JUSTICE CLARK took no part in the consideration or decision of this application. *Solicitor General Perlman* for the United States. *Leonard B. Boudin, Samuel A. Neuburger* and *Sidney S. Berman* for respondent. Reported below: 185 F. 2d 629.

No. 9, Misc. BARNES *v.* HUNTER, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 188 F. 2d 86.

Opinion of FRANKFURTER, J.

No. 413. BONDHOLDERS, INC. v. POWELL ET AL., RECEIVERS, ET AL. C. A. 4th Cir. Certiorari denied. MR. JUSTICE FRANKFURTER has filed an opinion in connection with the denial of the petition for writ of certiorari. *Frank B. Gary, Jr.* and *Aubrey R. Bowles, Jr.* for petitioner. *James B. McDonough, Jr.*, *Harold J. Gallagher*, *Leonard D. Adkins* and *W. R. C. Cocke* for respondents. Reported below: 190 F. 2d 74.

Opinion of MR. JUSTICE FRANKFURTER in connection with the denial of the petition for writ of certiorari.

On more than one occasion I have indicated the inherent bars to stating, however briefly, the reasons for denying petitions for certiorari. See, *e. g.*, *Maryland v. Baltimore Radio Show*, 338 U. S. 912, 917-918. The practical administration of justice, not any interest of secrecy, precludes. Since the denials of petitions for certiorari cannot be accompanied with explanations, a public recording of a dissent from such a denial cannot, without more, fairly disclose to what such dissent is directed. The ambiguous and unrevealing information afforded by noting such dissent is rendered still more dubious if dissent is not noted systematically, but only in selected cases. For these and reinforcing reasons it has been my unbroken practice not to note when I have dissented from the denial of petitions by the Court.

It has also been my view, however, that it becomes appropriate from time to time to set forth some of the issues that may be involved in a case in which a petition for review here is denied. This is such an instance.

In December 1930 the Seaboard Air Line Railway Company, operator of railway lines in the southeastern States, defaulted on its debts as they fell due. It applied to the Federal District Court in Virginia for a moratorium. This was granted and the control and management of the road were thereupon transferred to the Dis-

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trict Court, functioning through receivers. In December 1943 the District Court announced its readiness to give up control upon terms drawn from doctrines of this Court. See *Ecker v. Western Pacific R. Corp.*, 318 U. S. 448; *Group of Institutional Investors v. Chicago, M., St. P. & P. R. Co.*, 318 U. S. 523.

The District Court required drastic changes in the ownership of the property and in the respective rights of the beneficial owners as between themselves. Only some of the Seaboard securities were to be permitted to share in the ownership of the railroad; others were to be eliminated. The removal of the junior securities from the Seaboard scene and the delivery of the entire property to the senior securities deprived the junior securities of nothing—so it was assumed. The District Court concluded that the dispossessed securities, both bonds and stock, were worthless on the forecast that the Seaboard would never earn enough to yield an income on these junior securities. The District Court assumed, as did this Court in 1943, that the future earnings of a railroad could be estimated with substantial accuracy. Any error in such computation was deemed to be insubstantial, so that the amount of the destroyed junior securities that might have been saved had error been avoided would likewise be negligible.

The elimination of the junior securities was naturally reflected in an alteration of the financial structure of the Seaboard. This was deemed desirable in any event in order to simplify that structure. It became impossible to preserve intact the respective positions of the holdings that survived the reorganization plan, that is, the rights as between themselves fixed in the terms of the old securities. But it was thought that substantially fair substitutes for those older securities and those rights would be afforded by the new financial structure. Thus, in the case of senior securities which had a senior claim on the

income of specified portions of the Seaboard property, the amount of the future income of each of these portions could be computed in advance by the District Court and the new securities offered in exchange for the old would be based on such computation. Such a view obviously assumed the practicability of computing with substantial accuracy the future earnings of different portions of the Seaboard system, just as the doctrine justifying the abolition of junior securities assumed the practicability of computing with substantial accuracy future earnings of the whole Seaboard system.

The presuppositions of this judicial attitude toward railroad financial problems in the depression and post-depression eras were applied by the federal courts in a number of railroad cases. The validity of these principles came under criticism, both in and out of Congress, in part by comparing the estimates of future earnings made by experts whose views District Courts had followed, with the subsequent actual earnings of the roads. Extensive studies of this nature were made by the Senate Committee on Interstate Commerce in 1945 and 1946. Since these Senate investigations, six more years of actual earnings furnish the means of testing the earlier estimates. The facts now available as to the Seaboard are illuminating.

The doctrines formulated by this Court on the basis of abnormal depression and early war years—before the implications of the accelerated momentum of economic expansion were generally appreciated—require District Courts to make two basic prophecies: a road's future earnings and the income rate on bonds and other securities appropriate for the future. From these two figures is derived, largely, the total amount of new securities under a new capitalization of a reorganized railroad. Put in over-simplified terms, the procedure for determining a new financial structure is something like this. The face

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amount of a security, say \$1,000, is settled and the interest rate of that security, say 4%. The annual income of such a bond is therefore computed to be \$40. Reversing the sequence, by taking first the income yield of \$40 and the interest rate of 4% it is deduced that the face amount of the bond is \$1,000. This is arrived at by using the multiplier 25, fixed by the interest rate, and multiplying the dollar yield and the multiplier to ascertain the capital amount of the security.

In the estimate of the two basic figures errors may enter in either or both. The highest probability of error and the largest amount of possible error is with respect to the estimate of future earnings. Thus, assuming a 4% interest rate and therefore a multiplier of 25, and estimating the average annual earnings of the Seaboard at \$7,500,000, the formula would lead to a capitalization of \$187,500,000. This amount of securities would then be distributed to the owners of the Seaboard's pre-receiver-ship securities in the order of the seniority or priority of their old securities. If the amount of new securities is insufficient to provide anything for the old junior bondholders and stockholders, their old securities, being thus proved worthless, would be wiped out.

If, however, the future average earnings were estimated not at \$7,500,000 but at \$16,500,000 per year, the same multiplier as before, 25, would produce a capitalization of \$412,500,000. The difference between the capitalizations based on two different estimates of earnings would be \$225,000,000. This amount would be the measure of the old junior securities saved by the higher estimate of earnings but destroyed as valueless by the lower estimate. In many reorganizations older methods of valuation are given some, usually minor, weight, *e. g.*, book figures on which the Interstate Commerce Commission approved the issue of securities, reproduction cost less depreciation, etc., etc.

When the District Court in 1943 approved the destruction of junior Seaboard securities, it did so by accepting the estimate of \$7,500,000 as the future annual earnings of the road. Since that estimate was made and judicially decreed, the average annual earnings for almost a decade have been \$16,500,000. (The figures of earnings for 1943-1951 are reported earnings; real earnings may be higher, even though accounting technique may not wholly reflect them. The figures here given for estimated and actual earnings are in round sums.)

On such a showing, what amount of the old Seaboard securities were unjustly destroyed? This might be computed by indulging in a new estimate, comparing it with the \$7,500,000 estimate and multiplying the difference by the multiplier of 25. Or the computation can be based on the earnings in fact made since the original estimate. On the latter basis we find that at least \$81,000,000 of old Seaboard securities were destroyed on an invalidated guess. All valuations based on estimates of future earnings are bound to be guesses in the sense of reaching into the future. That is a reason against, not for, turning guesswork into dogma and a reason for correcting bad guesses as much as is reasonably practical by hindsight. In view of the impressive demonstration afforded by the Seaboard as to the frailty of pretentious guessing which causes ruthless, however unintended, destruction of property, perhaps District Courts should today be far more reluctant to sanction destruction of massive proportions of securities on the basis of such illusory estimates.

For what the Seaboard situation proves is not the mischance of a mere guess. It calls into question the whole process of dealing with this problem. The estimates that have been so vastly negated by the event were the product of four years of intensive study by a Special Master, qualified as a specialist in railroad affairs, with special knowledge of the Seaboard, estimates confirmed by a vast

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judicial apparatus. And the Seaboard is not an isolated case. In other railroad cases post-prediction earnings over a substantial period are far above the estimates on which extinction was decreed against junior securities. Indeed, the records of these railroad reorganizations at the hands of the Interstate Commerce Commission and special masters and courts have inevitably aroused deep scepticism as to expertise in this field, or, at least, as to reliance in decreeing drastic forfeitures on the basis of it. It is not to be wondered that both the Executive and the Congress have recorded dissatisfaction with the heavy incidence of forfeiture decreed by courts, not by virtue of specific authorization but as a matter of judicial administration.

No. 214. UNITED STATES *v.* COPLON. 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. *Solicitor General Perlman* for the United States. *Leonard B. Boudin* for respondent. Reported below: 89 U. S. App. D. C. —, 191 F. 2d 749.

No. 272. COPLON *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. *Leonard B. Boudin* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General McInerney* and *Robert S. Erdahl* filed a memorandum for the United States. Reported below: 89 U. S. App. D. C. —, 191 F. 2d 749.

No. 392. DIPSON THEATRES, INC. *v.* BUFFALO THEATRES, INC. ET AL. C. A. 2d Cir. Certiorari denied. MR. JUSTICE JACKSON took no part in the consideration or decision of this application. *Robert L. Wright* for

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petitioner. *Frank G. Raichle, Edward C. Raftery and John F. Caskey* for respondents. *Solicitor General Perlman* filed a memorandum for the United States, as *amicus curiae*, in support of the petitioner. Reported below: 190 F. 2d 951.

No. 455. *KROCH ET AL. v. McGRATH, ATTORNEY GENERAL, ET AL.* 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. *George Eric Rosden* for petitioners. *Solicitor General Perlman, Assistant Attorney General Baynton, James D. Hill and George B. Searls* for respondents. Reported below: 89 U. S. App. D. C. —, 192 F. 2d 416.

No. 473. *COYNE ELECTRICAL SCHOOL, INC. v. BUCKLEY ET AL., DOING BUSINESS AS F. J. BUCKLEY & Co.* Appellate Court of Illinois, First District. Certiorari denied. MR. JUSTICE CLARK took no part in the consideration or decision of this application. *Irwin N. Walker, Peter B. Atwood and Urban A. Lavery* for petitioner. *Vincent O'Brien* for respondents. Reported below: 343 Ill. App. 420, 99 N. E. 2d 370.

No. 470. *ADERMAN v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. *O. John Rogge and Murray A. Gordon* for petitioner. *Solicitor General Perlman, Assistant Attorney General McInerney, Robert S. Erdahl and J. F. Bishop* for the United States. Reported below: 191 F. 2d 980.

No. 127, Misc. *HATHEWAY v. EIDSON, WARDEN.* Supreme Court of Missouri. Certiorari denied. Petitioner *pro se.* *J. E. Taylor, Attorney General of Missouri, and Gordon P. Weir and Samuel M. Watson, Assistant Attorneys General,* for respondent.

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No. 149, Misc. DUNCAN ET AL. *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *William E. Owen* for petitioners. *Solicitor General Perlman, Assistant Attorney General McInerney, Beatrice Rosenberg and Edward S. Szukelewicz* for the United States. Reported below: 89 U. S. App. D. C. —, 191 F. 2d 779.

No. 150, Misc. LOUISIANA EX REL. WASHINGTON *v.* CLANCY, SHERIFF. Twenty-fourth Judicial District Court of the Parish of Jefferson, Louisiana, and/or Supreme Court of Louisiana. Certiorari denied. *James T. Wright* for petitioner. *Bolivar E. Kemp, Jr., Attorney General of Louisiana, M. E. Culligan, Assistant Attorney General, Frank H. Langridge and John E. Fleury* for respondent.

No. 156, Misc. FOUQUETTE *v.* NEVADA. Supreme Court of Nevada. Certiorari denied. *Charles E. Catt* for petitioner. *W. T. Mathews, Attorney General of Nevada, Geo. P. Annand and Thomas A. Foley, Deputy Attorneys General, and Alan Bible* for respondent. Reported below: 68 Nev. —, 233 P. 2d 859.

No. 189, Misc. POWERS *v.* MICHIGAN. Circuit Court for the County of Allegan, in the Twentieth Judicial Circuit, Michigan. Certiorari denied. *Leo W. Hoffman* for petitioner. *Frank G. Millard, Attorney General of Michigan, Edmund E. Shepherd, Solicitor General, and Daniel J. O'Hara, Assistant Attorney General, for respondent.*

No. 224, Misc. BUCKOWSKI *v.* CALIFORNIA. Supreme Court of California. Certiorari denied. *Morris Lavine* for petitioner. *Edmund G. Brown, Attorney General of*

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California, and *Frank W. Richards*, Deputy Attorney General, for respondent. Reported below: 37 Cal. 2d 629, 233 P. 2d 912.

No. 226, Misc. *SAMPELL v. CALIFORNIA ET AL.* C. A. 9th Cir. Certiorari denied. *P. Bateman Ennis* for petitioner. Reported below: 191 F. 2d 721.

No. 245, Misc. *THOMPSON v. PENNSYLVANIA.* Supreme Court of Pennsylvania. Certiorari denied. *Louis C. Glasso* and *Zeno Fritz* for petitioner.

No. 259, Misc. *SANDERS v. WATERS, WARDEN.* Criminal Court of Appeals of Oklahoma. Certiorari denied. Reported below: — Okla. Cr. —, 238 P. 2d 840.

No. 262, Misc. *EDWARDS v. SWENSON, WARDEN.* Court of Appeals of Maryland. Certiorari denied.

No. 264, Misc. *BALDRIDGE v. ILLINOIS.* Supreme Court of Illinois. Certiorari denied.

No. 265, Misc. *HOLT v. MICHIGAN.* Supreme Court of Michigan. Certiorari denied.

No. 266, Misc. *CROMBIE v. ILLINOIS.* Supreme Court of Illinois. Certiorari denied.

No. 269, Misc. *PARKER v. MARYLAND.* Court of Appeals of Maryland. Certiorari denied.

No. 270, Misc. *PRIDGEN v. BUBELLA ET AL.* Supreme Court of Texas. Certiorari denied.

No. 272, Misc. *ROBINSON v. ILLINOIS.* Supreme Court of Illinois. Certiorari denied.

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No. 273, Misc. GRAHAM *v.* WARDEN, NEW JERSEY STATE PRISON. Supreme Court of New Jersey. Certiorari denied.

No. 275, Misc. CLARK *v.* SKEEN, WARDEN. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 276, Misc. PEER *v.* SKEEN, WARDEN. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 280, Misc. ZIPKIN *v.* NEW YORK ET AL. C. A. 2d Cir. Certiorari denied.

No. 292, Misc. DIXON *v.* ROBINSON, WARDEN. Circuit Court of Randolph County, Illinois. Certiorari denied.

No. 295, Misc. CORDTS *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

No. 297, Misc. FARLEY *v.* RAGEN, WARDEN. Criminal Court of Cook County, Illinois. Certiorari denied.

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Per Curiam Decisions.

No. 497. ILLINOIS ET AL. *v.* UNITED STATES ET AL.; and

No. 498. CHICAGO *v.* UNITED STATES ET AL. Appeals from the United States District Court for the Northern District of Illinois. *Per Curiam*: The motions to affirm, in No. 497, are granted and the judgment is affirmed. *Ivan A. Elliott*, Attorney General, *William R. Ming, Jr.*, Special Assistant Attorney General, and *Milton Mallin*, Assistant Attorney General, for the State of Illinois et al.; and *Walter E. Wiles* for the Village of Flossmoor et al., appellants in No. 497. *Joseph F. Grossman* for appellant in No. 498. He also filed a brief for the City of Chi-

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cago, as *amicus curiae*, supporting appellants in No. 497. *Daniel W. Knowlton* and *J. Stanley Payne* for the Interstate Commerce Commission; and *Erle J. Zoll, Jr.*, *Charles A. Helsell*, *John W. Freels* and *Herbert J. Deany* for the Illinois Central Railroad Co., appellees in No. 497. Reported below: 101 F. Supp. 36.

Miscellaneous Orders.

No. 273. *BRIGGS ET AL. v. ELLIOTT ET AL.*, *ante*, p. 350. The mandate is ordered to issue forthwith on motion of appellants, appellees not objecting.

No. 427. *BARKER v. LEGGETT, SUPERINTENDENT OF THE INSURANCE DEPARTMENT OF MISSOURI, ET AL.*, *ante*, p. 900. Petition for rehearing denied. Motion to modify and supplement the order of January 2, 1952, also denied.

No. 293, Misc. *BYERS v. HUNTER, WARDEN, ET AL.*; and

No. 298, Misc. *BYERS ET AL. v. UNITED STATES*. Applications denied.

Certiorari Granted.

No. 428. *PENNSYLVANIA WATER & POWER CO. ET AL. v. FEDERAL POWER COMMISSION ET AL.*; and

No. 429. *PENNSYLVANIA PUBLIC UTILITY COMMISSION v. FEDERAL POWER COMMISSION*. United States Court of Appeals for the District of Columbia Circuit. Certiorari granted. *Wilkie Bushby*, *Randall J. LeBoeuf, Jr.*, *James Piper*, *Raymond Sparks*, *William J. Grove* and *Thomas M. Kerrigan* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Baldrige*, *Robert L. Stern*, *Paul A. Sweeney*, *Melvin Richter*, *Bradford Ross*, *Howard Wahrenbrock*, *Reuben Goldberg* and *Theodore French* for the Federal Power Commission; *Charles D. Harris* for the Public Service Commission of Mary-

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land; and *Alfred P. Ramsey* for the Consolidated Gas Electric Light & Power Co. of Baltimore, respondents. Reported below: 89 U. S. App. D. C. —, 193 F. 2d 230.

No. 220, Misc. *KAWAKITA v. UNITED STATES*. C. A. 9th Cir. Certiorari granted. MR. JUSTICE CLARK took no part in the consideration or decision of this application. *Morris Lavine*, *A. L. Wirin* and *Fred Okrand* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General McInerney* and *Beatrice Rosenberg* for the United States. Reported below: 190 F. 2d 506.

Certiorari Denied.

No. 352. *REED ET AL. v. NEW MEXICO*. Supreme Court of New Mexico. Certiorari denied. Motion to tax certain printing costs against respondent also denied. *Robert B. Bennett* for petitioners. *Joe L. Martinez*, Attorney General of New Mexico, *James B. Cooney* and *Willard F. Kitts*, Assistant Attorneys General, and *Richard M. Krannawitter* for respondent. Reported below: 55 N. M. 231, 230 P. 2d 966.

No. 430. *COMMUNITY SERVICES, INC. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. *Fleming Bomar* for petitioner. *Solicitor General Perlman* filed a memorandum for the United States stating that the Government does not oppose the issuance of a writ of certiorari in this case. Reported below: 189 F. 2d 421.

No. 471. *TEXAS EMPLOYERS' INSURANCE ASSOCIATION ET AL. v. VORIS, DEPUTY COMMISSIONER, EIGHTH COMPENSATION DISTRICT, ET AL.* C. A. 5th Cir. Certiorari denied. *M. L. Cook* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General Baldrige*, *Paul A. Sweeney* and *Herman Marcuse* for the Deputy Commissioner, respondent. Reported below: 190 F. 2d 929.

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No. 480. *PATERSON PARCHMENT PAPER CO. v. INTERNATIONAL BROTHERHOOD OF PAPER MAKERS ET AL.* C. A. 3d Cir. Certiorari denied. *George E. Beechwood* for petitioner. *Warren Woods* for respondents. Reported below: 191 F. 2d 252.

No. 484. *UNITED STATES v. R-B FREIGHT LINES, INC.* Petition for writ of certiorari to the United States Motor Carrier Claims Commission denied. *Solicitor General Perlman* for the United States. *Clark M. Clifford* filed a brief for respondent stating that it acquiesces in the prayer of petitioner that the writ of certiorari be issued.

No. 516. *NATIONAL BELLAS HESS, INC. v. KALIS.* C. A. 8th Cir. Certiorari denied. *R. B. Caldwell, John W. Oliver* and *Herman A. Benjamin* for petitioner. *Harry L. Jacobs* for respondent. Reported below: 191 F. 2d 739.

No. 183, Misc. *SHELL v. MISSOURI.* Supreme Court of Missouri. Certiorari denied. Petitioner *pro se.* *J. E. Taylor*, Attorney General of Missouri, and *Gordon P. Weir* and *Samuel M. Watson*, Assistant Attorneys General, for respondent.

No. 223, Misc. *LEWIS ET AL. v. MCDANIEL.* Supreme Court of Tennessee, Western Division. Certiorari denied. *Scott P. Fitzhugh* for petitioners. *Harold R. Ratcliff* for respondent.

No. 234, Misc. *WHITEHEAD v. HENRY.* Court of Appeals of Georgia. Certiorari denied. *John A. Dunaway* for petitioner. Reported below: 84 Ga. App. 495, 66 S. E. 2d 448.

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No. 247, Misc. WILLIAMS *v.* ILLINOIS. Criminal Court of Cook County, Illinois, and/or Supreme Court of Illinois. Certiorari denied. *George M. Johnson, Frank D. Reeves* and *Charles W. Quick* for petitioner. *Ivan A. Elliott*, Attorney General of Illinois, *William C. Wines*, Assistant Attorney General, and *John S. Boyle* for respondent.

No. 285, Misc. MILLER ET AL. *v.* NEW JERSEY ET AL. Supreme Court of New Jersey. Certiorari denied.

No. 294, Misc. TYSON *v.* SWENSON, WARDEN. Court of Appeals of Maryland. Certiorari denied.

Rehearing Denied. (See also No. 427, *supra.*)

No. 231. DESPER, ADMINISTRATRIX, *v.* STARVED ROCK FERRY Co., *ante*, p. 187;

No. 417. ANCICH ET AL. *v.* BORCICH ET AL., *ante*, p. 905;

No. 423. HERWIG *v.* CRENSHAW, COLLECTOR OF INTERNAL REVENUE, ET AL., *ante*, p. 905;

No. 445. UNION PACKING Co. *v.* CARIBOO LAND & CATTLE Co., LTD., *ante*, p. 909; and

No. 460. ILLINOIS CENTRAL RAILROAD Co. *v.* GARNER, COUNTY TRUSTEE OF SHELBY COUNTY, ET AL., *ante*, p. 900. Petitions for rehearing denied.

No. 420. H. J. HEINZ Co. *v.* OWENS, *ante*, p. 905. Rehearing denied. MR. JUSTICE JACKSON took no part in the consideration or decision of this application.

No. 249, Misc. MARSH *v.* MICHIGAN, *ante*, p. 911. Rehearing denied.

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Per Curiam Decisions.

No. 189. *SQUIRE v. WHEELING & LAKE ERIE RAILWAY Co.* On petition for writ of certiorari to the Supreme Court of Ohio. *Per Curiam*: The petition for writ of certiorari is granted and the judgment is reversed. *Dice v. Akron, C. & Y. R. Co.*, 342 U. S. 359. MR. JUSTICE REED, MR. JUSTICE FRANKFURTER, MR. JUSTICE JACKSON, and MR. JUSTICE BURTON concur, adhering to the views expressed in *Dice v. Akron, C. & Y. R. Co.*, 342 U. S. 359, 364. *Melvin L. Griffith* and *Francis H. Monek* for petitioner. Reported below: 155 Ohio St. 201, 98 N. E. 2d 313.

No. 476. *NATIONAL FURNITURE TRAFFIC CONFERENCE, INC. v. UNITED STATES ET AL.* Appeal from the United States District Court for the District of Massachusetts. *Per Curiam*: The motions to affirm are granted and the judgment is affirmed. *Board of Trade v. United States*, 314 U. S. 534. *Henry E. Foley* for appellant. *Solicitor General Perlman* and *Edward M. Reidy* for the United States and the Interstate Commerce Commission; and *Francis L. Brown*, *R. J. Fletcher* and *John Dickinson* for the Pennsylvania Railroad Co. et al., appellees.

No. 506. *CENTRAL RAILROAD CO. OF NEW JERSEY v. UNITED STATES ET AL.* Appeal from the United States District Court for the District of New Jersey. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. *Alexander H. Elder*, *Edward A. Markley* and *Judson C. McLester, Jr.* for appellant. *Solicitor General Perlman* and *J. Stanley Payne* for the United States and the Interstate Commerce Commission; and

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Augustus C. Studer, Jr., Theodore H. Burgess and Parker Fulton for the Akron, Canton & Youngstown Railroad Co. et al., appellees. Reported below: 99 F. Supp. 564.

No. 581. *PYEATTE v. BOARD OF REGENTS OF THE UNIVERSITY OF OKLAHOMA ET AL.* Appeal from the United States District Court for the Western District of Oklahoma. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. *Paul W. Updegraff* for appellant. *Mac Q. Williamson*, Attorney General of Oklahoma, and *Fred Hansen*, First Assistant Attorney General, for appellees. Reported below: 102 F. Supp. 407.

No. 520. *CENTRAL RAILROAD CO. OF NEW JERSEY v. DIRECTOR, DIVISION OF TAX APPEALS OF THE DEPARTMENT OF THE TREASURY.* Appeal from the Supreme Court of New Jersey. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for the want of a substantial federal question. THE CHIEF JUSTICE, MR. JUSTICE JACKSON, and MR. JUSTICE BURTON are of the opinion that probable jurisdiction should be noted. *James D. Carpenter* and *Judson C. McLester, Jr.* for appellant. *Theodore D. Parsons*, Attorney General of New Jersey, and *Benjamin C. Van Tine*, Deputy Attorney General, for appellee. Reported below: 8 N. J. 15, 83 A. 2d 527.

No. 540. *COX v. PETERS ET AL.* Appeal from the Supreme Court of Georgia. *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. *W. S. Allen, Hamilton Douglas, Jr., C. Baxter Jones, Jr.* and *David L. Mincey* for appellant. *Eugene Cook*, Attorney General of Georgia, *M. H. Blackshear, Jr.*, Deputy Assistant Attorney

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General, *B. D. Murphy, Edward E. Dorsey* and *M. F. Goldstein* for appellees. Reported below: 208 Ga. 498, 67 S. E. 2d 579.

No. 541. *RISS & CO., INC. v. UNITED STATES ET AL.* Appeal from the United States District Court for the Western District of Missouri. *Per Curiam*: The motions to affirm are granted and the judgment is affirmed. MR. JUSTICE BLACK, MR. JUSTICE REED, and MR. JUSTICE DOUGLAS are of the opinion that probable jurisdiction should be noted and the case set down for argument. *John B. Gage, Wendell Berge* and *A. Alvis Layne, Jr.* for appellant. *Solicitor General Perlman* and *Daniel W. Knowlton* for the United States and the Interstate Commerce Commission; *Carl L. Steiner* for the Spector Motor Service, Inc.; and *John R. Norris* for the Interstate Common Carrier Council of Maryland, Inc. et al., appellees. Reported below: 100 F. Supp. 468.

No. 545. *MUTUAL BENEFIT HEALTH & ACCIDENT ASSOCIATION v. OWEN.* Appeal from the Supreme Court of Kansas. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for the want of a substantial federal question. *Henry I. Eager, E. S. Hampton* and *Philip E. Horan* for appellant. *John T. Barker* for appellee. Reported below: 171 Kan. 457, 233 P. 2d 706.

No. 557. *LORD ET AL. v. HENDERSON, DIRECTOR OF THE MOTOR VEHICLE DEPARTMENT, 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 the want of a substantial federal question. *Warren E. Libby* for appellants. *Edmund G. Brown*, Attorney General of California, and *Frank W. Richards*, Deputy Attorney General, for appellees. Reported below: 105 Cal. App. 2d 426, 234 P. 2d 197.

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No. 569. *ANDERSON-PRICHARD OIL CORP. v. CORPORATION COMMISSION OF OKLAHOMA 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. *W. H. Brown* for appellant. *Ralph W. Garrett* for the Sinclair Oil & Gas Co.; and *Paul Pinson* for the Oklahoma Natural Gas Co., appellees. Reported below: 205 Okla. 672, 241 P. 2d 363.

No. 552. *TERRA ET AL. v. NEW YORK.* Appeal from the Court of Appeals of New York. *Per Curiam*: The appeal is dismissed for the want of a substantial federal question. *Ira H. Morris* for appellants. Reported below: 303 N. Y. 332, 102 N. E. 2d 576.

No. 555. *MORTGAGE FINANCE CORP. ET AL. v. WATSON, REAL ESTATE COMMISSIONER.* Appeal from the District Court of Appeal of California, First Appellate District. *Per Curiam*: The appeal is dismissed for the want of a substantial federal question. *Arthur L. Johnson* for appellants.

No. 565. *SHELL OIL Co., INC. v. BOARD OF COUNTY COMMISSIONERS OF GRANT COUNTY ET AL.* Appeal from the Supreme Court of Kansas. *Per Curiam*: The appeal is dismissed for the want of a substantial federal question. *Geo. W. Cunningham* and *Kirke W. Dale* for appellant. Reported below: 171 Kan. 595, 237 P. 2d 257.

No. 574. *EACHUS v. COLORADO.* Appeal from the Supreme Court of Colorado. *Per Curiam*: The appeal is dismissed for the want of a substantial federal question. *C. J. Moynihan* for appellant. Reported below: 124 Colo. —, 238 P. 2d 885.

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No. 560. *COMBS v. SNYDER, SECRETARY OF THE TREASURY, ET AL.* Appeal from the United States District Court for the District of Columbia. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. MR. JUSTICE BLACK, MR. JUSTICE JACKSON, and MR. JUSTICE BURTON are of the opinion that probable jurisdiction should be noted and the case set down for argument. *Myron G. Ehrlich* for appellant. *Solicitor General Perlman* for appellees. Reported below: 101 F. Supp. 531.

No. 35, Misc. *GEACH v. ILLINOIS*; and

No. 49, Misc. *SMITH v. ILLINOIS*. On petitions for writs of certiorari to the Supreme Court of Illinois. *Per Curiam*: The petitions for writs of certiorari are granted. The judgments are vacated and the cases are remanded to the Illinois Supreme Court for further proceedings. *Jennings v. Illinois*, 342 U. S. 104. Petitioners *pro se*. *Ivan A. Elliott*, Attorney General of Illinois, for respondent.

Miscellaneous Orders.

No. —, Original. *TEXAS v. NEW MEXICO ET AL.* This case is set down for argument on the motion for leave to file the complaint. *Price Daniel*, Attorney General of Texas, *Jesse P. Luton, Jr.* and *K. B. Watson*, Assistant Attorneys General, and *Eugene T. Edwards* for plaintiff. *Joe L. Martinez*, Attorney General, and *Fred E. Wilson*, Special Assistant Attorney General, for the State of New Mexico; and *D. A. Macpherson, Jr.* for the Middle Rio Grande Conservancy District et al., defendants.

No. 310, Misc. *GARCIA v. UNITED STATES*;

No. 315, Misc. *HARRIS v. ROBINSON, WARDEN*;

No. 323, Misc. *EX PARTE VON POSERN*; and

No. 325, Misc. *MONGAR v. MICHIGAN*. Motions for leave to file petitions for writs of habeas corpus denied.

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No. 261, Misc. ROBINETTE ET AL. *v.* CAMPBELL, U. S. DISTRICT JUDGE;

No. 311, Misc. KARHU *v.* MICHIGAN; and

No. 329, Misc. LANE *v.* MUNICIPAL COURT OF CHICAGO. Motions for leave to file petitions for writs of mandamus denied. *Walter E. Wiles* for petitioners in No. 261.

No. 312, Misc. RIVERS *v.* SWYGERT, U. S. DISTRICT JUDGE. Petition for writ of mandate denied.

Certiorari Granted. (See also No. 189 and Misc. Nos. 35 and 49, *supra*.)

No. 458. BROTHERHOOD OF RAILROAD TRAINMEN ET AL. *v.* HOWARD ET AL. C. A. 8th Cir. *Certiorari* granted. *Wayland K. Sullivan* and *Charles R. Judge* for petitioners. *Victor Packman* and *Joseph C. Waddy* for Howard, respondent. Reported below: 191 F. 2d 442.

No. 474. STEMBRIDGE *v.* GEORGIA. Court of Appeals of Georgia and Supreme Court of Georgia. *Certiorari* granted. Reported below: See 84 Ga. App. 413, 65 S. E. 2d 819.

No. 493. ISBRANDTSEN COMPANY, INC. *v.* JOHNSON. C. A. 3d Cir. *Certiorari* granted. *Thomas E. Byrne, Jr.* for petitioner. Reported below: 190 F. 2d 991.

No. 479. FEDERAL TRADE COMMISSION *v.* MINNEAPOLIS-HONEYWELL REGULATOR CO. C. A. 7th Cir. *Certiorari* granted. Counsel are requested to discuss on briefs and oral argument the question as to the timeliness of the application for the writ. *Solicitor General Perlman* for petitioner. *Albert R. Connelly* and *Will Freeman* for respondent. Reported below: 191 F. 2d 786.

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No. 483. FEDERAL POWER COMMISSION *v.* IDAHO POWER Co. United States Court of Appeals for the District of Columbia Circuit. Certiorari granted. MR. JUSTICE BURTON took no part in the consideration or decision of this application. *Solicitor General Perlman* for petitioner. *A. C. Inman* and *Harry A. Poth, Jr.* for respondent. Reported below: 89 U. S. App. D. C. —, 189 F. 2d 665.

No. 543. ON LEE *v.* UNITED STATES. C. A. 2d Cir. Certiorari granted. *Henry K. Chapman* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General McInerney* and *Beatrice Rosenberg* for the United States. Reported below: 193 F. 2d 306.

No. 271, Misc. DANIELS ET AL. *v.* ALLEN, WARDEN. C. A. 4th Cir. Certiorari granted. *O. John Rogge*, *Murray A. Gordon* and *Herman L. Taylor* for petitioners. *Harry McMullan*, Attorney General of North Carolina, and *Ralph Moody*, Assistant Attorney General, for respondent. Reported below: 192 F. 2d 763.

Certiorari Denied.

No. 16. JOHNSON *v.* JOHNSON. Supreme Court of Florida. Certiorari denied. *Karl F. Steinmann* for petitioner. *L. J. Cushman* for respondent. Reported below: 49 So. 2d 340.

No. 486. SOMERVILLE *v.* CAPITAL TRANSIT Co. ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Dorsey K. Offutt* for petitioner. Reported below: 89 U. S. App. D. C. —, 192 F. 2d 413.

No. 487. UNITED STATES *v.* AMERICAN-HAWAIIAN STEAMSHIP Co. C. A. 2d Cir. Certiorari denied. *So-*

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licitor General Perlman for the United States. *Clement C. Rinehart* for respondent. Reported below: 191 F. 2d 26.

No. 489. ERNEST M. LOEB CO., INC. ET AL. *v.* AVOYELLES DRAINAGE DISTRICT NUMBER 8. C. A. 5th Cir. Certiorari denied. *Robert A. Ainsworth, Jr.* for petitioners. Reported below: 189 F. 2d 965.

No. 490. COLUMBIA AUTO LOAN, INC., TRADING AS COLUMBIA CREDIT CO., *v.* DISTRICT OF COLUMBIA. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Samuel F. Beach* and *Leslie C. Garnett* for petitioner. *Vernon E. West, Chester H. Gray* and *Milton D. Korman* for respondent. Reported below: 90 U. S. App. D. C. —, 193 F. 2d 34.

No. 491. PHIPPS *v.* PHIPPS. Supreme Court of Pennsylvania. Certiorari denied. *David Berger* for petitioner. *Raymond T. Law* for respondent. Reported below: 368 Pa. 291, 81 A. 2d 523.

No. 492. KUNIYUKI *v.* ACHESON, SECRETARY OF STATE. C. A. 9th Cir. Certiorari denied. *A. L. Wirin* and *Fred Okrand* for petitioner. *Solicitor General Perlman, Assistant Attorney General McInerney, Stanley M. Silverberg, Beatrice Rosenberg* and *John R. Wilkins* for respondent. Reported below: 190 F. 2d 897.

No. 496. THOMPSON *v.* LEARNED. United States Court of Customs and Patent Appeals. Certiorari denied. *D. Gordon Angus* for petitioner. *Solicitor General Perlman, Assistant Attorney General Baldrige, Paul A. Sweeney* and *John R. Benney* for respondent. Reported below: 39 C. C. P. A. (Pat.) 730, 191 F. 2d 409.

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No. 499. COLEMAN COMPANY, INC. *v.* GRAY ET AL. C. A. 10th Cir. Certiorari denied. *Howard T. Fleeson* and *Wayne Coulson* for petitioner. *Emmet A. Blaes* for respondents. Reported below: 192 F. 2d 265.

No. 502. ANHEUSER-BUSCH, INC. *v.* DU BOIS BREWING Co. C. A. 3d Cir. Certiorari denied. *Wallace H. Martin*, *Minturn de S. Verdi* and *Walter J. Halliday* for petitioner. *Elder W. Marshall* and *John C. Bane, Jr.* for respondent. Reported below: 191 F. 2d 733.

No. 507. SYLVANUS ET AL. *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. *Roger Sherman*, *Henry F. Tenney* and *S. Ashley Guthrie* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General McInerney*, *Beatrice Rosenberg* and *Edward S. Szukelewicz* for the United States. Reported below: 192 F. 2d 96.

No. 511. CARROLL *v.* OHIO. Supreme Court of Ohio. Certiorari denied. *E. Guy Hammond* for petitioner.

No. 512. GENTILA *v.* PACE, SECRETARY OF THE ARMY. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Cornelius H. Doherty* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Baldrige*, *Samuel D. Slade* and *Herman Marcuse* for respondent. Reported below: 90 U. S. App. D. C. —, 193 F. 2d 924.

No. 514. LEISHMAN *v.* GENERAL MOTORS CORP. C. A. 9th Cir. Certiorari denied. *John Flam* for petitioner. *Leonard S. Lyon* for respondent. Reported below: 191 F. 2d 522.

No. 515. WYCHE ET AL. *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Myron G. Ehrlich* for petitioners. *Solicitor General Perlman*, *Assistant Attorney*

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General McInerney and *Beatrice Rosenberg* for the United States. Reported below: 90 U. S. App. D. C. —, 193 F. 2d 703.

No. 518. *GOOGINS v. E. W. HABLE & SONS*. Court of Civil Appeals of Texas, Tenth Supreme Judicial District. Certiorari denied. *Cecil C. Rotsch* for petitioner. *J. Chryst Dougherty*, *Joe R. Greenhill* and *Ireland Graves* for respondent. Reported below: 237 S. W. 2d 705.

No. 519. *RAAB v. STATE MEDICAL BOARD*. Supreme Court of Ohio. Certiorari denied. *M. L. Bernsteen* for petitioner. *C. William O'Neill*, Attorney General of Ohio, *Robert E. Leach*, Chief Counsel, and *Hugh A. Sherer*, Assistant Attorney General, for respondent. Reported below: 156 Ohio St. 158, 101 N. E. 2d 294.

No. 521. *KEPHART v. KEPHART*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *John F. Lillard*, *John F. Lillard, Jr.* and *N. Meyer Baker* for petitioner. Reported below: 89 U. S. App. D. C. —, 193 F. 2d 677.

No. 523. *ILLINOIS EX REL. LOUGHRY v. BOARD OF EDUCATION OF CHICAGO*. Supreme Court of Illinois. Certiorari denied. Petitioner *pro se*. *Frank R. Schneberger* and *Frank S. Righeimer* for respondent.

No. 531. *BUFFUM v. CHASE NATIONAL BANK*. C. A. 7th Cir. Certiorari denied. *Walter F. Dodd* and *Harry G. Fins* for petitioner. *Kenneth F. Burgess* and *Walter J. Cummings, Jr.* for respondent. Reported below: 192 F. 2d 58.

No. 534. *UNITED STATES TRUST CO. OF NEW YORK, TRUSTEE, ET AL. v. ZELLE, TRUSTEE, ET AL.* C. A. 8th Cir. Certiorari denied. *George W. Morgan* and *M'Cready*

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Sykes for the United States Trust Co.; and *Reese D. Alsop* for the Gaston Group of Holders of Mortgage Bonds, petitioners. *Leland W. Scott* for *Zelle*; *Henry S. Mitchell* for the Canadian Pacific R. Co.; *Thomas P. Helme* for the Empire Trust Co.; *James L. Hetland* for the Minneapolis, St. Paul & Sault Ste. Marie R. Co.; *Josiah E. Brill* for the Mortgage Bondholders Protective Committee; and *Abraham K. Weber* for the Wisconsin Central R. Co., respondents. Reported below: 191 F. 2d 822.

No. 535. *LOBEL v. AMERICAN AIRLINES, INC.* C. A. 2d Cir. Certiorari denied. *Jay Leo Rothschild* for petitioner. *William J. Junkerman* for respondent. Reported below: 192 F. 2d 217.

No. 536. *MCCLELLAND ET AL. v. FRUCO CONSTRUCTION Co.* C. A. 8th Cir. Certiorari denied. *Arnot L. Shepard* for petitioners. *Jacob M. Lashly* for respondent. Reported below: 192 F. 2d 241.

No. 537. *DAVIS, TRUSTEE, v. B. F. AVERY & SONS Co.* C. A. 5th Cir. Certiorari denied. *J. Madden Hatcher* and *Theo J. McGee* for petitioner. *Max F. Goldstein* and *Leonard Farkas* for respondent. Reported below: 192 F. 2d 255.

No. 539. *NORMAN v. SPOKANE, PORTLAND & SEATTLE RAILWAY Co.* C. A. 9th Cir. Certiorari denied. *Elton Watkins* for petitioner. *Charles A. Hart*, *Hugh L. Biggs* and *Cleveland C. Cory* for respondent. Reported below: 192 F. 2d 1020.

No. 542. *CREAMETTE COMPANY v. CONLIN ET AL.* C. A. 5th Cir. Certiorari denied. *Frank A. Whiteley* for petitioner. *Willard Ayres* for respondent. Reported below: 191 F. 2d 108.

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No. 544. *RICHARDS v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Josiah Lyman* and *Sophie B. Lyman* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General McInerney*, *Beatrice Rosenberg* and *J. F. Bishop* for the United States. Reported below: 89 U. S. App. D. C. —, 192 F. 2d 602.

No. 546. *HUFF ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Myer I. Goldberg* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General McInerney*, *Beatrice Rosenberg* and *Murry Lee Randall* for the United States. Reported below: 192 F. 2d 911.

No. 547. *HOROWITZ ET AL. v. KAPLAN ET AL., TRUSTEES*. C. A. 1st Cir. Certiorari denied. *Milton Pollack* for petitioners. *Jacob J. Kaplan* and *C. Keeffe Hurley* for Kaplan et al., Trustees; and *LaRue Brown* for the Common Stockholders Protective Committee, respondents. Reported below: 193 F. 2d 64.

No. 551. *STOVES, INCORPORATED v. TENNESSEE ENAMEL MANUFACTURING Co.* C. A. 6th Cir. Certiorari denied. *Albert Williams* for petitioner. *William Waller* and *George H. Armistead, Jr.* for respondent. Reported below: 192 F. 2d 863.

No. 451. *RICE v. ARNOLD, SUPERINTENDENT OF THE MIAMI SPRINGS COUNTRY CLUB*. The petition for writ of certiorari to the Supreme Court of Florida is denied for the reason that the judgment of the court below is based upon a nonfederal ground adequate to support it. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion certiorari should be granted. *Robert L. Carter*,

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John D. Johnson and *Thurgood Marshall* for petitioner.
J. W. Watson, Jr. and *John D. Marsh* for respondent.
Reported below: 54 So. 2d 114.

No. 468. *COHEN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. MR. JUSTICE BLACK is of the opinion certiorari should be granted. *Morris Lavine* for petitioner. *Solicitor General Perlman, Acting Assistant Attorney General Slack, Meyer Rothwacks* and *John Lockley* for the United States. Reported below: 192 F. 2d 933.

No. 485. *LEE ON ET AL. v. LONG, SHERIFF*. Supreme Court of California. Certiorari denied. MR. JUSTICE BLACK is of the opinion certiorari should be granted. *Ivan C. Sperbeck* for petitioners. Reported below: 37 Cal. 2d 499, 234 P. 2d 9.

No. 495. *WEIGERT-DAGEN ET AL. v. UNITED STATES*. United States Court of Customs and Patent Appeals. Motion for leave to file brief of National Council of American Importers, Inc., as *amicus curiae*, denied. Certiorari denied. *Allerton de Cormis Tompkins* for petitioners. *Solicitor General Perlman* and *John R. Benney* for the United States. Reported below: 39 C. C. P. A. (Cust.) 58.

No. 501. *HOSKINS COAL & DOCK CORP. v. TRUAX TRAEER COAL CO. ET AL.* C. A. 7th Cir. Motion for leave to file brief of Seymour F. Simon et al., as *amici curiae*, denied. Certiorari denied. *Anthony Bradley Eben, Edward Atlas* and *Richard F. Watt* for petitioner. *Harold A. Smith* and *Thomas A. Reynolds* for the Truax Traer Coal Co.; and *Weymouth Kirkland, Howard Ellis, A. Leslie Hodson* and *John C. Butler* for the United Electric Coal Companies, respondents. Reported below: 191 F. 2d 912.

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No. 505. DURYEE, TRUSTEE, *v.* ERIE RAILROAD CO. ET AL. C. A. 6th Cir. Certiorari denied. MR. JUSTICE BURTON took no part in the consideration or decision of this application. *Richard Swan Buell* for petitioner. *John A. Hadden* and *John S. Beard, Jr.* for respondents. Reported below: 191 F. 2d 855.

No. 530. MACHADO *v.* McGRATH, ATTORNEY GENERAL, ET AL. 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. *Jack Wasserman* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General McInerney*, *Beatrice Rosenberg* and *John R. Wilkins* for respondents. Reported below: 90 U. S. App. D. C. —, 193 F. 2d 706.

No. 532. CLEMENT *v.* WOODS, HOUSING EXPEDITER. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Perlman*, *Ed Dupree*, *A. M. Edwards, Jr.* and *Nathan Siegel* for respondent. Reported below: 191 F. 2d 855.

No. 121, Misc. JAMES ET AL. *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Henry Lincoln Johnson, Jr.* and *Frank D. Reeves* for petitioners. *Solicitor General Perlman*, *Assistant Attorney General McInerney*, *Beatrice Rosenberg* and *Felicia H. Dubrovsky* for the United States. Reported below: 89 U. S. App. D. C. —, 191 F. 2d 472.

No. 267, Misc. BEALE *v.* MISSISSIPPI. Supreme Court of Mississippi. Certiorari denied. Reported below: — Miss. —, 54 So. 2d 921.

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No. 279, Misc. *STEMEN v. OHIO*. Court of Appeals of Darke County, Ohio. Certiorari denied. *George A. Meekison* for petitioner. *Howard G. Eley* for respondent. Reported below: 90 Ohio App. 309.

No. 281, Misc. *VAN ANTWERP v. KAVANAGH, COLLECTOR OF INTERNAL REVENUE*. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Perlman, Acting Assistant Attorney General Slack, Lee A. Jackson* and *Homer R. Miller* for respondent.

No. 283, Misc. *BOURKE v. JACKSON, WARDEN*. Court of Appeals of New York. Certiorari denied.

No. 287, Misc. *MULKEY v. UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT*. C. A. 6th Cir. Certiorari denied.

No. 304, Misc. *MARKS v. WATERS, WARDEN*. Criminal Court of Appeals of Oklahoma. Certiorari denied.

No. 307, Misc. *CAREY v. COUNTY OF NEW YORK ET AL.* C. A. 2d Cir. Certiorari denied.

No. 317, Misc. *HOWINGTON v. WATERS, WARDEN*. Criminal Court of Appeals of Oklahoma. Certiorari denied.

No. 330, Misc. *VAN PELT v. RAGEN, WARDEN*. Circuit Court of Du Page County, Illinois, at Wheaton, Illinois. Certiorari denied.

No. 336, Misc. *LAWRENCE v. MISSOURI*. Supreme Court of Missouri. Certiorari denied.

No. 373, Misc. *DUSSELDORF v. TEETS, WARDEN*. Supreme Court of California. Certiorari denied.

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Rehearing Denied.

No. 413. BONDHOLDERS, INC. *v.* POWELL ET AL., RECEIVERS, ET AL., *ante*, p. 921;

No. 457. CHIARELLI ET AL. *v.* UNITED STATES, *ante*, p. 913;

No. 470. ADERMAN *v.* UNITED STATES, *ante*, p. 927;

No. 207, Misc. FISHBAUGH *v.* ARMOUR & CO. ET AL., *ante*, p. 914;

No. 270, Misc. PRIDGEN *v.* BUBELLA ET AL., *ante*, p. 929; and

No. 292, Misc. DIXON *v.* ROBINSON, WARDEN, *ante*, p. 930. Petitions for rehearing denied.

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Per Curiam Decisions.

No. 134. A/S J. LUDWIG MOWINCKELS REDERI ET AL. *v.* ISBRANDTSEN CO., INC. ET AL.; and

No. 135. FEDERAL MARITIME BOARD *v.* UNITED STATES ET AL. Appeals from the United States District Court for the Southern District of New York. Argued January 29–30, 1952. Decided March 10, 1952. *Per Curiam*: The judgment is affirmed by an equally divided Court. MR. JUSTICE CLARK took no part in the consideration or decision of these cases. *Roscoe H. Hupper* argued the cause for appellants in No. 134. With him on the brief was *Burton H. White*. *Arthur M. Boal* argued the cause for appellant in No. 135. With him on the brief were *Francis S. Walker* and *George F. Galland*. *J. Roger Wollenberg* argued the cause for the United States and the Secretary of Agriculture, appellees. With him on the brief were *Solicitor General Perlman*, *Assistant Attorney General Morison*, *W. Carroll Hunter* and *Neil Brooks*. *William L. McGovern* argued the cause for the Isbrandtsen Co., Inc., appellee. With him on the brief was *John J. O'Connor*. Reported below: 96 F. Supp. 883.

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No. 312. L'HOMMEDIEU ET AL. *v.* BOARD OF REGENTS OF THE UNIVERSITY OF THE STATE OF NEW YORK ET AL. Appeal from the Court of Appeals of New York. *Per Curiam*: The judgment is affirmed. *Adler v. Board of Education*, 342 U. S. 485, decided March 3, 1952. MR. JUSTICE BLACK, MR. JUSTICE FRANKFURTER, and MR. JUSTICE DOUGLAS dissent for the reasons stated in their respective dissenting opinions in *Adler v. Board of Education, supra*, at pp. 496, 497, 508. *Edward J. Ennis* for appellants. *Nathaniel L. Goldstein*, Attorney General of New York, for appellees. Reported below: 301 N. Y. 476, 95 N. E. 2d 806.

No. 579. INTERSTATE COMMERCE COMMISSION ET AL. *v.* JAMES McWILLIAMS BLUE LINE, INC. ET AL. Appeal from the United States District Court for the Southern District of New York. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. *Interstate Commerce Commission v. Mechling*, 330 U. S. 567. *Daniel W. Knowlton, H. L. Underwood, Hewitt Biaett, Martin A. Meyer, Jr., H. Merle Mulloy, John R. Wall* and *J. P. Fishwick* for the Interstate Commerce Commission et al.; and *Bernard Sobol* for the Chesapeake & Ohio R. Co. et al., appellants. *Parker McColleston* for the James McWilliams Blue Line, Inc. et al.; and *Robert W. Knox* for Wyatt, Inc. et al., appellees. Reported below: 100 F. Supp. 66.

Miscellaneous Orders.

No. 319, Misc. BIRCHAM *v.* BUCHANAN, WARDEN, ET AL.; and

No. 320, Misc. BIRCHAM *v.* KENTUCKY. Petitions for writs of certiorari to the Court of Appeals of Kentucky dismissed on motions of counsel for petitioner. *William M. Burkhalter* and *Rodes K. Myers* for petitioner. Reported below: No. 319, 245 S. W. 2d 934.

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No. 357, Misc. PRITCHETT *v.* UNITED STATES. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit dismissed on motion of counsel for petitioner. *James J. Laughlin* for petitioner.

No. 345, Misc. HICKS *v.* JACKSON, WARDEN. C. A. 2d Cir. Certiorari denied. Motion for leave to file petition for writ of habeas corpus also denied.

No. 313, Misc. CHAPMAN *v.* LAMNECK ET AL. Petition for writ of quo warranto dismissed on motion of petitioner.

No. 314, Misc. EX PARTE PHILADELPHIA & NORFOLK STEAMSHIP CO. ET AL. Motion for leave to file petition for writ of prohibition and/or mandamus denied. *Leon T. Seawell, Jr.* and *Thomas E. Byrne, Jr.* for petitioners.

No. 331, Misc. EX PARTE PAQUETTE. Motion for leave to file petition for writs of mandamus and habeas corpus denied.

No. 334, Misc. EX PARTE UNRECHT; and

No. 370, Misc. WILLIAMS *v.* OVERHOLSER, SUPERINTENDENT. Motions for leave to file petitions for writs of habeas corpus denied.

No. 359, Misc. PORTER *v.* MUNICIPAL COURT OF CHICAGO, ILLINOIS. Motion for leave to file petition for writ of mandamus denied.

Certiorari Granted.

No. 517. MCGEE, DIRECTOR, CALIFORNIA DEPARTMENT OF CORRECTIONS, ET AL. *v.* EKBERG. C. A. 9th Cir. Certi-

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orari granted. *Edmund G. Brown*, Attorney General of California, *Clarence A. Linn*, Assistant Attorney General, and *Doris H. Maier*, Deputy Attorney General, for petitioners. Respondent *pro se*. Reported below: 191 F. 2d 625.

No. 274, Misc. *SPELLER v. ALLEN, WARDEN*. C. A. 4th Cir. Certiorari granted. *Herman L. Taylor* for petitioner. *Harry McMullan*, Attorney General of North Carolina, and *Ralph Moody*, Assistant Attorney General, for respondent. Reported below: 192 F. 2d 477.

Certiorari Denied. (See also No. 345, Misc., *supra*.)

No. 281. *MACINNIS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion certiorari should be granted. MR. JUSTICE CLARK took no part in the consideration or decision of this application. Petitioner *pro se*. *Solicitor General Perlman*, *Assistant Attorney General McInerney* and *Beatrice Rosenberg* for the United States. Reported below: 191 F. 2d 157.

No. 466. *UNITED STATES v. GREAT LAKES DREDGE & DOCK Co.* Court of Claims. Certiorari denied. *Solicitor General Perlman* for the United States. *Joseph J. Cotter* and *Arthur J. Phelan* for respondent. Reported below: 119 Ct. Cl. 504, 96 F. Supp. 923.

No. 500. *PARISH, DOING BUSINESS AS ALLEGHANY ASPHALT & PAVING Co., v. UNITED STATES*. Court of Claims. Certiorari denied. *Godfrey L. Munter* and *Charles H. Sachs* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General Baldrige* and *Paul A. Sweeney* for the United States. Reported below: 120 Ct. Cl. 100, 98 F. Supp. 347.

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No. 548. CENTURY ELECTRIC Co. v. COMMISSIONER OF INTERNAL REVENUE. C. A. 8th Cir. Certiorari denied. *Abraham Lowenhaupt* and *Henry C. Lowenhaupt* for petitioner. *Solicitor General Perlman, Acting Assistant Attorney General Slack, Lee A. Jackson* and *Melva M. Graney* for respondent. Reported below: 192 F. 2d 155.

No. 549. MUTH v. AETNA OIL Co. ET AL. C. A. 7th Cir. Certiorari denied. *William C. Welborn, Albert Ward, Milford M. Miller* and *Palmer K. Ward* for petitioner. *Charles H. Sparrenberger* for respondents. Reported below: 192 F. 2d 1014.

No. 558. EVERLASTING DEVELOPMENT CORP. ET AL. v. DESCARTES ET AL. C. A. 1st Cir. Certiorari denied. *Joseph B. Keenan, Alvin O. West, Walter L. Newsom, Jr.* and *William G. Grant* for petitioners. *Victor Gutierrez Franqui, Attorney General of Puerto Rico, José Trias Monge* and *Abe Fortas, Special Assistant Attorneys General, and Norman Diamond* for respondents. Reported below: 192 F. 2d 1.

No. 563. POOLE FOUNDRY & MACHINE Co. v. NATIONAL LABOR RELATIONS BOARD. C. A. 4th Cir. Certiorari denied. *John H. Hessey* and *John H. Herold* for petitioner. *Solicitor General Perlman, David P. Findling, Mozart G. Ratner* and *Frederick U. Reel* for respondent. Reported below: 192 F. 2d 740.

No. 572. THOMPSON ET AL. v. AMERICAN POWER & LIGHT Co. C. A. 5th Cir. Certiorari denied. *Elijah Crippen* and *Webster Atwell* for petitioners. *Lucian Touchstone* and *Dan Moody* for respondent. Reported below: 192 F. 2d 651.

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No. 155, Misc. *LOWE v. OVERLADE, WARDEN*. C. A. 7th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Perlman* for respondent.

No. 201, Misc. *REEVES v. HEINZE, WARDEN, ET AL.* Supreme Court of California. Certiorari denied. Petitioner *pro se*. *Edmund G. Brown*, Attorney General of California, *Clarence A. Linn*, Assistant Attorney General, and *Doris H. Maier*, Deputy Attorney General, for respondent.

No. 211, Misc. *SPENCER v. STEELE, WARDEN*. C. A. 8th Cir. Certiorari denied.

No. 230, Misc. *GRIZZANTI v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *William Charles Brown* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General McInerney*, *Beatrice Rosenberg* and *J. F. Bishop* for the United States. Reported below: 192 F. 2d 259.

No. 231, Misc. *LANOVARA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *William Charles Brown* for petitioner. *Solicitor General Perlman*, *Assistant Attorney General McInerney*, *Beatrice Rosenberg* and *J. F. Bishop* for the United States. Reported below: 192 F. 2d 259.

No. 268, Misc. *HOWARD v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 290, Misc. *ANTHONY v. KAUFMAN, U. S. DISTRICT JUDGE, ET AL.* C. A. 2d Cir. Certiorari denied. *Louis B. Davidson* and *David Haar* for petitioner. *Roy W. McDonald* for Kaufman, respondent. Reported below: 193 F. 2d 85.

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No. 308, Misc. *KILL v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied.

No. 309, Misc. *FREAPANE v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied.

No. 338, Misc. *CUBBLER v. NEW JERSEY*. Supreme Court of New Jersey. Certiorari denied.

No. 340, Misc. *RIPPE, EXECUTRIX, v. STAHLHUTH ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 192 F. 2d 952.

No. 344, Misc. *BYARS v. SWENSON, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 192 F. 2d 739.

No. 349, Misc. *BERRY v. McDONNELL, WARDEN*. Court of Appeals of New York. Certiorari denied.

No. 363, Misc. *MINER v. RAGEN, WARDEN*. Supreme Court of Illinois. Certiorari denied.

No. 366, Misc. *HOLLY v. PENNSYLVANIA*. Supreme Court of Pennsylvania, Western District. Certiorari denied.

Rehearing Denied.

No. 300, October Term, 1950. *HALLINAN v. UNITED STATES*, 341 U. S. 952. Rehearing denied. MR. JUSTICE CLARK took no part in the consideration or decision of this application.

No. 381. *MCCARTY ET AL. v. NELSON, ADMINISTRATOR, ET AL.*, *ante*, p. 887; and

No. 480. *PATERSON PARCHMENT PAPER CO. v. INTERNATIONAL BROTHERHOOD OF PAPER MAKERS ET AL.*, *ante*, p. 933. Petitions for rehearing denied.