
DECISIONS PER CURIAM AND ORDERS
FROM MARCH 9, 1953, THROUGH
JUNE 15, 1953.

MARCH 9, 1953.

Per Curiam Decision.

No. 451. ALLEN *v.* MISSISSIPPI. On appeal from, and petition for writ of certiorari to, the Supreme Court of Mississippi. *Per Curiam*: The appeal is dismissed for the want of jurisdiction. 28 U. S. C. § 1257 (2). The petition for writ of certiorari is denied. *Forrest B. Jackson* for appellant-petitioner. Reported below: 56 So. 2d 61.

Miscellaneous Orders.

No. 203. CITY OF NEW YORK *v.* NEW YORK, NEW HAVEN & HARTFORD RAILROAD Co., 344 U. S. 293. The motion to modify the judgment is denied.

No. 338, Misc. LOPER *v.* COURT OF CRIMINAL APPEALS OF TEXAS. Motion for leave to file petition for writ of mandamus denied.

No. 340, Misc. CONNOR *v.* MAYO, CUSTODIAN OF FLORIDA STATE PRISON; and

No. 350, Misc. WATKINS *v.* DOWD, WARDEN. Motions for leave to file petitions for writs of habeas corpus denied.

March 9, 1953.

345 U. S.

Certiorari Granted.

No. 371. GAYNOR NEWS CO., INC. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 2d Cir. Certiorari granted. *Harry S. Bandler* and *Julius Kass* for petitioner. *Acting Solicitor General Stern, George J. Bott, David P. Findling, Mozart G. Ratner* and *Frederick U. Reel* for respondent. Reported below: 197 F. 2d 719.

No. 498. MARYLAND CASUALTY CO. ET AL. *v.* CUSHING ET AL. C. A. 5th Cir. Certiorari granted. *Eberhard P. Deutsch* for petitioners. *James J. Morrison* for respondents. 198 F. 2d 536, 1021.

No. 517. BARROWS ET AL. *v.* JACKSON. District Court of Appeal of California, Second Appellate District. Certiorari granted. *Charles Leland Bagley* for petitioners. *Loren Miller* and *Franklin H. Williams* for respondent. Briefs of *amici curiae* urging that the petition be granted were filed by *G. L. Seegers* for the Marcus Avenue Improvement Association et al.; and by *John W. Preston* for Affiliated Neighbors et al. Reported below: 112 Cal. App. 2d 534, 247 P. 2d 99.

No. 567. FEDERAL COMMUNICATIONS COMMISSION *v.* RCA COMMUNICATIONS, INC.; and

No. 568. MACKAY RADIO & TELEGRAPH CO., INC. *v.* RCA COMMUNICATIONS, INC. United States Court of Appeals for the District of Columbia Circuit. Certiorari granted. *Solicitor General Cummings* and *Benedict P. Cottone* for petitioner in No. 567. *John W. Davis, James A. Kennedy, John F. Gibbons, Burton K. Wheeler, Ralph M. Carson* and *Robert G. Seats* for petitioner in No. 568. *John T. Cahill* and *Howard R. Hawkins* for respondent. Reported below: 91 U. S. App. D. C. 289, 201 F. 2d 694.

345 U. S.

March 9, 1953.

No. 512. SECURITIES & EXCHANGE COMMISSION *v.* RALSTON PURINA Co. C. A. 8th Cir. Certiorari granted. *Solicitor General Cummings* and *Roger S. Foster* for petitioner. *Thomas S. McPheeters* for respondent. Reported below: 200 F. 2d 85.

No. 521. CENTRAL BANK *v.* UNITED STATES. Court of Claims. Certiorari granted. *Llewellyn A. Luce* and *George H. Koster* for petitioner. *Solicitor General Cummings*, *Assistant Attorney General Holland*, *Ellis N. Slack* and *John R. Benney* for the United States. Reported below: 123 Ct. Cl. 237, 105 F. Supp. 992.

No. 525. NEW YORK, NEW HAVEN & HARTFORD RAILROAD Co. *v.* NOTHNAGLE ET AL. Supreme Court of Errors of Connecticut. Certiorari granted. *H. L. Filer* for petitioner. *John A. Danaher* for Nothnagle, respondent. Reported below: 139 Conn. 278, 93 A. 2d 165.

No. 566. HARRISON, COLLECTOR OF INTERNAL REVENUE, *v.* BOHNEN, EXECUTOR, ET AL. C. A. 7th Cir. Certiorari granted. *Solicitor General Cummings* for petitioner. *George S. Stansell* for respondents. Reported below: 199 F. 2d 492.

No. 533. IRVINE *v.* CALIFORNIA. District Court of Appeal of California, Second Appellate District. Certiorari granted. *Morris Lavine* for petitioner. Reported below: 113 Cal. App. 2d 460, 248 P. 2d 502.

No. 102, Misc. AVERY *v.* GEORGIA. Supreme Court of Georgia. Certiorari granted. *Frank M. Gleason* for petitioner. *Eugene Cook*, Attorney General of Georgia, *M. H. Blackshear, Jr.*, Deputy Assistant Attorney General, and *Lamar W. Sizemore*, Assistant Attorney General, for respondent. Reported below: 209 Ga. 116, 70 S. E. 2d 716.

March 9, 1953.

345 U. S.

No. 548. BRIDGES ET AL. *v.* UNITED STATES. C. A. 9th Cir. Certiorari granted, limited to questions 1 and 2 presented by the petition for the writ, *viz.*:

“(1) Whether, in view of prior adjudications (including the determination of this Court in *Bridges v. Wixon*, 326 U. S. 135), this proceeding is barred, in whole or in part, by the principles of *res judicata*, or estoppel, or the due process clause of the Fifth Amendment.

“(2) Whether this proceeding is barred by the statute of limitations.”

Motions for leave to file briefs of International Longshoremen's & Warehousemen's Union and Local 8, International Longshoremen's & Warehousemen's Union, and others, as *amici curiae*, are denied. MR. JUSTICE CLARK took no part in the consideration or decision of these applications.

Telford Taylor and *Norman Leonard* for petitioners. *Solicitor General Cummings*, *John F. Davis*, *Beatrice Rosenberg*, *Carl H. Imlay* and *John R. Wilkins* filed a memorandum for the United States. Reported below: 199 F. 2d 811.

Certiorari Denied. (See also No. 451, *supra.*)

No. 264. BALDI, SUPERINTENDENT, PHILADELPHIA COUNTY PRISON, ET AL. *v.* UNITED STATES EX REL. ALMEIDA. C. A. 3d Cir. Certiorari denied. *Robert E. Woodside*, Attorney General of Pennsylvania, *Randolph C. Ryder* and *Francis J. Gafford*, Deputy Attorneys General, and *Frank P. Lawley, Jr.*, Assistant Deputy Attorney General, for petitioners. *Thomas D. McBride* for respondent. Reported below: 195 F. 2d 815.

No. 427. WILLIAMS *v.* VIRGINIA MILITARY INSTITUTE ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Austin F. Canfield*, *Clarence E. Martin* and *Clarence E. Martin, Jr.* for

345 U. S.

March 9, 1953.

petitioner. *J. Lindsay Almond, Jr.*, Attorney General of Virginia, and *Frederick T. Gray*, Assistant Attorney General, for the Virginia Military Institute, respondent. Reported below: 91 U. S. App. D. C. 206, 198 F. 2d 980.

No. 445. BENEVOLENT AND PROTECTIVE ORDER OF ELKS OF THE UNITED STATES OF AMERICA *v.* JOSLYN ET AL.; and

No. 501. NEW JERSEY EQUITIES CO. ET AL. *v.* JOSLYN ET AL. C. A. 7th Cir. Certiorari denied. *John S. Miller*, *Gerald G. Barry* and *Horace A. Young* for petitioners. *Alvin Glen Hubbard* for Joslyn; *Edward J. Metzdorf* for Fetzer et al.; and *Karl Edwin Seyfarth* for Hillmer, respondents. Reported below: 198 F. 2d 673.

No. 471. HALL *v.* UNITED STATES; and

No. 522. UNITED STATES *v.* HALL. C. A. 2d Cir. Certiorari denied. *Harry Sacher* for Hall. *Solicitor General Cummings*, *Assistant Attorney General Murray*, *Beatrice Rosenberg* and *Edward S. Szukelewicz* in No. 471, and *Mr. Cummings* in No. 522, for the United States. Reported below: 198 F. 2d 726.

No. 476. JOHNSON ET AL. *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. *Kyle Hayes* for petitioners. *Solicitor General Cummings*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 199 F. 2d 231.

No. 515. BONWIT TELLER, INC. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 2d Cir. Certiorari denied. *Sidney Orenstein* and *Mortimer Horowitz* for petitioner. *Solicitor General Cummings*, *George J. Bott*, *David P. Findling* and *Bernard Dunau* for respondent. Reported below: 197 F. 2d 640.

March 9, 1953.

345 U. S.

No. 500. UNITED STATES *v.* ONE 1948 PLYMOUTH SEDAN. C. A. 3d Cir. Certiorari denied. *Solicitor General Cummings* for the United States. Reported below: 198 F. 2d 399.

No. 518. DEENA ARTWARE, INC. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 6th Cir. Certiorari denied. *James G. Wheeler* for petitioner. *Solicitor General Cummings, George J. Bott, David P. Findling, Bernard Dunau* and *Samuel M. Singer* for respondent. Reported below: 198 F. 2d 645.

No. 524. PENNSYLVANIA THRESHERMEN & FARMERS' MUTUAL CASUALTY INSURANCE CO. *v.* V. L. PHILLIPS & CO., INC. ET AL. C. A. 4th Cir. Certiorari denied. *Walter E. Hoffman, Robert Lewis Young* and *H. A. Toulmin, Jr.* for petitioner. Reported below: 199 F. 2d 244.

No. 528. DUKE *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 2d Cir. Certiorari denied. *John G. Jackson, Jr.* for petitioner. *Solicitor General Cummings, Assistant Attorney General Lyon, Ellis N. Slack* and *Joseph F. Goetten* for respondent. Reported below: 200 F. 2d 82.

No. 529. SAULSBURY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *James A. Dixon* and *John G. Rauch* for petitioner. *Solicitor General Cummings, Assistant Attorney General Holland, Ellis N. Slack* and *Cecelia H. Goetz* for the United States. *Edwin K. Steers*, Attorney General, and *Robert Hollowell*, Chief Counsel, filed a brief for the State of Indiana, as *amicus curiae*, supporting petitioner. Reported below: 199 F. 2d 578.

345 U. S.

March 9, 1953.

No. 534. *CEFARATTI v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *B. Dabney Fox* and *William Beasley Harris* for petitioner. *Solicitor General Cummings* filed a memorandum suggesting that the petition for a writ of certiorari was filed out of time. Reported below: 91 U. S. App. D. C. 297, 202 F. 2d 13.

No. 539. *BYERS ET AL. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 8th Cir. Certiorari denied. *James J. Waters* and *Leo B. Parker* for petitioners. *Solicitor General Cummings*, *Assistant Attorney General Holland*, *Ellis N. Slack* and *Louise Foster* for respondent. Reported below: 199 F. 2d 273.

No. 543. *GRIFFIN v. MARYLAND*. Court of Appeals of Maryland. Certiorari denied. *R. Palmer Ingram* for petitioner. *Edward D. E. Rollins*, Attorney General of Maryland, and *Kenneth C. Proctor* and *Ambrose T. Hartman*, Assistant Attorneys General, for respondent. Reported below: — Md. —, 92 A. 2d 743.

No. 545. *LEWIS ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *William F. White* for petitioners. *Solicitor General Cummings*, *Assistant Attorney General McInerney* and *Roger P. Marquis* for the United States. Reported below: 200 F. 2d 183.

No. 546. *CALDWELL FURNITURE CO. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 4th Cir. Certiorari denied. *Whiteford S. Blakeney* for petitioner. *Solicitor General Cummings*, *George J. Bott*, *David P. Findling*, *Dominick L. Manoli*, *Marcel Mallet-Prevost* and *Margaret M. Farmer* for respondent. Reported below: 199 F. 2d 267.

March 9, 1953.

345 U. S.

No. 547. REDDITT ET AL. *v.* HALE ET AL. C. A. 8th Cir. Certiorari denied. *Edward P. Russell* for petitioners. *Joe C. Barrett* for respondents. Reported below: 199 F. 2d 386.

No. 550. UNITED STATES *v.* CHICAGO, BURLINGTON & QUINCY RAILROAD CO. ET AL. C. A. 7th Cir. Certiorari denied. *Solicitor General Cummings* and *Robert L. Stern*, then Acting Solicitor General, for the United States. *Eldon Martin* and *Andrew C. Scott* for the Chicago, Burlington & Quincy Railroad Co.; and *Edmund Burke* for the Gulf, Mobile & Ohio Railroad Co., respondents. Reported below: 199 F. 2d 223.

No. 552. MID-STATES FREIGHT LINES, INC. ET AL. *v.* BATES ET AL. Court of Appeals of New York. Certiorari denied. *Hyman N. Glickstein* for petitioners. *Nathaniel L. Goldstein*, Attorney General of New York, *Wendell P. Brown*, Solicitor General, and *John C. Crary, Jr.* and *Robert W. Bush*, Assistant Attorneys General, for respondents. Reported below: 304 N. Y. 700, 788, 107 N. E. 2d 603, 109 N. E. 2d 82.

No. 553. SMITH ET AL. *v.* THE MORMACDALE ET AL. C. A. 3d Cir. Certiorari denied. *Abraham E. Freedman* and *Charles Lakatos* for petitioners. *Mark D. Alspach* and *T. E. Byrne, Jr.* for respondents. Reported below: 198 F. 2d 849.

No. 554. BROTHERHOOD OF LOCOMOTIVE FIREMEN & ENGINEMEN *v.* CENTRAL OF GEORGIA RAILWAY CO. ET AL. C. A. 5th Cir. Certiorari denied. *Harold C. Heiss* and *Russell B. Day* for petitioner. *A. R. Lawton* and *James N. Frazer* for the Central of Georgia Railway Co.; and *Clarence E. Weisell* and *W. Colquitt Carter* for the Grand International Brotherhood of Locomotive Engineers et al., respondents. Reported below: 199 F. 2d 384.

345 U. S.

March 9, 1953.

No. 557. PAN AMERICAN PETROLEUM & TRANSPORT Co. v. SEABOARD AIR LINE RAILROAD Co. C. A. 5th Cir. Certiorari denied. *T. M. Cunningham* and *A. R. Lawton* for petitioner. *E. Ormonde Hunter* for respondent. Reported below: 199 F. 2d 761.

No. 560. LOVE TRACTOR, INC. v. CONTINENTAL FARM EQUIPMENT Co., INC. C. A. 8th Cir. Certiorari denied. *Eugene C. Knoblock* for petitioner. *I. Joseph Farley* for respondent. Reported below: 199 F. 2d 202.

No. 561. RUPERT v. EMPIRE DISTRICT ELECTRIC Co. C. A. 8th Cir. Certiorari denied. *William G. Boatright* for petitioner. *Wilbur H. Hecht* for respondent. Reported below: 199 F. 2d 941.

No. 562. SPRING PACKING CORP. v. NATIONAL WASTE Co., INC. C. A. 7th Cir. Certiorari denied. *Stephen A. Mitchell*, *Charles J. Merriam* and *William I. Conway* for petitioner. *Bartholomew A. Diggins* and *Jack I. Levy* for respondent. Reported below: 200 F. 2d 14.

No. 564. MILWAUKEE TOWNE CORP. v. LOEW'S INC. ET AL. C. A. 7th Cir. Certiorari denied. *Thomas C. McConnell* and *Hubert Van Hook* for petitioner. *Miles G. Seeley* for Loew's Incorporated, *Edward R. Johnston* for Paramount Pictures, Inc., *Francis E. Matthews* for Twentieth Century-Fox Film Corporation, and *Vincent O'Brien* for Warner Bros. Pictures Distributing Corporation et al., respondents. Reported below: 200 F. 2d 17.

No. 569. MILES SHOES INC. v. R. H. MACY & Co., INC. C. A. 2d Cir. Certiorari denied. *Eugene Eisenmann* for petitioner. *Francis C. Browne*, *William E. Schuyler, Jr.* and *Andrew B. Beveridge* for respondent. Reported below: 199 F. 2d 602.

March 9, 1953.

345 U. S.

No. 571. *MATTSON ET AL. v. BIRKETT ET AL.* C. A. 7th Cir. Certiorari denied. *James E. Markham, James W. Faulkner and Thomas P. Faulkner* for petitioners. *Hubert L. Will* for respondents. Reported below: 200 F. 2d 351.

No. 579. *BACOM v. SULLIVAN, SHERIFF.* C. A. 5th Cir. Certiorari denied. *Robert H. Givens, Jr.* for petitioner. *Richard W. Ervin*, Attorney General of Florida, and *Reeves Bowen*, Assistant Attorney General, for respondent. Reported below: 200 F. 2d 70.

No. 601. *RANDOLPH LABORATORIES, INC. v. SPECIALTIES DEVELOPMENT CORP.* C. A. 3d Cir. Certiorari denied. *Ralph M. Snyder* and *W. Brown Morton* for petitioner. *Floyd H. Crews* for respondent. Reported below: 199 F. 2d 680.

No. 487. *HEAD v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. *J. B. Tietz* for petitioner. *Solicitor General Cummings* and *Beatrice Rosenberg* for the United States. Reported below: 199 F. 2d 337.

No. 526. *UNITED STATES v. UNITED STATES CARTRIDGE CO.* C. A. 8th 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. *Solicitor General Cummings* for the United States. *Robert H. McRoberts* for respondent. Reported below: 198 F. 2d 456.

No. 536. *TYRRELL v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. *Victor E. Cappa* for petitioner. *Solicitor General Cummings, Beatrice Rosenberg* and *J. F. Bishop* for the United States. Reported below: 200 F. 2d 8.

345 U. S.

March 9, 1953.

No. 541. McGRANERY, ATTORNEY GENERAL, SUCCESSOR TO THE ALIEN PROPERTY CUSTODIAN, *v.* VORT ET AL., TRUSTEES; and

No. 542. VORT ET AL., TRUSTEES, *v.* McGRANERY, ATTORNEY GENERAL. United States Court of Appeals for the District of Columbia Circuit. Brownell, present Attorney General, substituted for McGranery. Certiorari denied. MR. JUSTICE CLARK took no part in the consideration or decision of these applications. *Solicitor General Cummings* in No. 541, and *Mr. Cummings, Assistant Attorney General Kirks, James D. Hill and George B. Searls* in No. 542, for the Attorney General. *Raoul Berger* for petitioners in No. 542 and respondents in No. 541. Reported below: 199 F. 2d 782.

No. 563. JOINT ANTI-FASCIST REFUGEE COMMITTEE ET AL. *v.* McGRANERY, ATTORNEY GENERAL, ET AL. United States Court of Appeals for the District of Columbia Circuit. Brownell, present Attorney General, substituted for McGranery. Certiorari denied. MR. JUSTICE CLARK took no part in the consideration or decision of these applications. *Benedict Wolf, David Rein and Joseph Forer* for petitioners. *Solicitor General Cummings, Assistant Attorney General Burger, Samuel D. Slade and Benjamin Forman* for respondents.

No. 239, Misc. ALEXANDER *v.* UNITED STATES. United States District Court for the District of Kansas. Certiorari denied.

No. 245, Misc. BISHOP *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Cummings, Assistant Attorney General Murray, Beatrice Rosenberg and Robert G. Maysack* for the United States.

March 9, 1953.

345 U. S.

No. 290, Misc. FOUQUETTE *v.* BERNARD, WARDEN. C. A. 9th Cir. Certiorari denied. *Ray L. Jenkins* for petitioner. *W. T. Mathews*, Attorney General of Nevada, *Geo. P. Annand*, *William N. Dunseath* and *John W. Barrett*, Deputy Attorneys General, and *Alan Bible* for respondent. Reported below: 198 F. 2d 860.

No. 291, Misc. LYNN *v.* LYNN. Supreme Court of Nevada and Second Judicial District Court of Nevada, Washoe County. Certiorari denied. *Samuel Gottlieb* for petitioner. *Herman A. Benjamin* and *Samuel Platt* for respondent.

No. 319, Misc. LEE *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Cummings*, *Beatrice Rosenberg* and *Robert Maysack* for the United States. Reported below: 91 U. S. App. D. C. 284, 200 F. 2d 134.

No. 327, Misc. GAWRON *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

No. 334, Misc. MAUGHS *v.* ROYSTER, SUPERINTENDENT OF STATE PRISON FARM. Supreme Court of Appeals of Virginia. Certiorari denied.

No. 337, Misc. DARCY *v.* HEINZE, WARDEN. Supreme Court of California. Certiorari denied.

No. 339, Misc. CARPENTER *v.* CALIFORNIA. C. A. 9th Cir. Certiorari denied.

No. 342, Misc. GILMORE *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

No. 343, Misc. HUMES *v.* MAINE. Supreme Judicial Court of Maine. Certiorari denied.

345 U. S.

March 9, 1953.

No. 344, Misc. *STELLOH v. WISCONSIN*. Supreme Court of Wisconsin. Certiorari denied.

No. 348, Misc. *BRENNAN v. NEW JERSEY*. Supreme Court of New Jersey. Certiorari denied.

No. 351, Misc. *CANNADY v. RAGEN, WARDEN*. Circuit Court of Will County, Illinois. Certiorari denied.

No. 365, Misc. *BROWN v. FLORIDA*. Supreme Court of Florida. Certiorari denied. *William H. Maness* and *T. E. Byrne, Jr.* for petitioner. Reported below: 61 So. 2d 640.

Rehearing Denied.

No. 35. *EASTERN MOTOR EXPRESS, INC. ET AL. v. UNITED STATES ET AL.*, 344 U. S. 298; and

No. 37. *LLOYD A. FRY ROOFING CO. v. WOOD ET AL., MEMBERS OF THE ARKANSAS PUBLIC SERVICE COMMISSION*, 344 U. S. 157. Petitions for rehearing denied.

No. 60. *PENNSYLVANIA RAILROAD Co. v. O'ROURKE*, 344 U. S. 334. The motion for leave to file brief of Order of Railway Conductors, Pennsylvania Railroad Lines East et al., as *amici curiae*, is denied. Rehearing denied.

No. 204, Misc. *FRANKFELD ET AL. v. UNITED STATES*, 344 U. S. 922. Motion for leave to file brief of Sam Houston Allen, and others, as *amici curiae*, denied. Rehearing denied.

No. 294, Misc. *CAMPBELL v. PENNSYLVANIA ET AL.*, 344 U. S. 926; and

No. 328, Misc. *WALLACE v. HECK, AS ASSEMBLYMAN AND SPEAKER OF THE STATE ASSEMBLY OF NEW YORK*, 344 U. S. 931. Petitions for rehearing denied.

March 9, 16, 1953.

345 U. S.

No. 75. FEDERAL TRADE COMMISSION *v.* MOTION PICTURE ADVERTISING SERVICE CO., INC., 344 U. S. 392;

No. 102. BRATBURD ET AL. *v.* MARYLAND, 344 U. S. 908;

No. 320. STONE *v.* NEW YORK, CHICAGO & ST. LOUIS RAILROAD CO., 344 U. S. 407;

No. 365. DRAGNA *v.* CALIFORNIA, 344 U. S. 921;

No. 425. HOLMES PROJECTOR CO. *v.* UNITED STATES, 344 U. S. 912;

No. 465. AIR TRANSPORT ASSOCIATES, INC. *v.* CIVIL AERONAUTICS BOARD, 344 U. S. 922;

No. 481. CLAWSON *v.* UNITED STATES, 344 U. S. 929;

No. 485. PENN. *v.* COMMISSIONER OF INTERNAL REVENUE, 344 U. S. 927;

No. 491. HOXSEY CANCER CLINIC ET AL. *v.* UNITED STATES, 344 U. S. 928;

No. 503. HERRIN TRANSPORTATION CO., INC. ET AL. *v.* UNITED STATES ET AL., 344 U. S. 925;

No. 505. MALONE FREIGHT LINES, INC. *v.* UNITED STATES, 344 U. S. 925; and

No. 507. WEISS *v.* UNITED STATES, 344 U. S. 934.
Petitions for rehearing denied.

No. 80, Misc., October Term, 1950. GIBBS *v.* BUSHONG, SUPERINTENDENT, 340 U. S. 804. Motion for leave to file petition for rehearing denied.

MARCH 16, 1953.

Miscellaneous Orders.

No. 10, Original. ARIZONA *v.* CALIFORNIA ET AL. The motion of Sidney Kartus et al. for leave to intervene is denied. *Samuel Langerman* was on the motion to intervene. *Ross F. Jones*, Attorney General of Arizona, *John Hanley Eversole*, Chief Assistant Attorney General, *John H. Moeur*, *Burr Sutter* and *Perry M. Ling* were on a brief for complainant in opposition to the motion to intervene.

345 U. S.

March 16, 1953.

No. 367, Misc. BYERS *v.* UNITED STATES. Motion for leave to file petition for writ of certiorari denied.

No. 384, Misc. BYERS *v.* CURTIS. Application for injunction denied.

No. 389, Misc. PULLINS *v.* OHIO ET AL. Motion for leave to file petition for writ of habeas corpus denied.

No. 406, Misc. EX PARTE INTERNATIONAL WORKERS ORDER, INC. ET AL. Motion for leave to file petition for writ of mandamus denied. *Royal W. France* for the International Workers Order, Inc. et al., petitioners. *John P. McGrath* and *Martin D. Jacobs* for the New York City Housing Authority et al., respondents.

Certiorari Granted.

No. 540. UNITED STATES *v.* NUGENT; and

No. 573. UNITED STATES *v.* PACKER. C. A. 2d Cir. Certiorari granted. *Solicitor General Cummings* for the United States. *Herman Adlerstein* and *Hayden C. Covington* for respondents. Reported below: 200 F. 2d 46, 540.

Certiorari Denied. (See also No. 367, Misc., *supra.*)

No. 336. JOHNSON ET AL., DOING BUSINESS AS THE BRAMHALL COMPANY, *v.* DURKIN, SECRETARY OF LABOR. C. A. 8th Cir. Certiorari denied. *Dupuy G. Warrick* for petitioners. *Acting Solicitor General Stern, William S. Tyson* and *Bessie Margolin* filed a memorandum stating that respondent does not oppose issuance of a writ of certiorari in this case. Reported below: 198 F. 2d 130.

No. 380. PENNINGTON-WINTER CONSTRUCTION Co. *v.* DURKIN, SECRETARY OF LABOR. C. A. 10th Cir. Certio-

March 16, 1953.

345 U. S.

rari denied. *Sylvanus G. Felix* for petitioner. *Acting Solicitor General Stern, William S. Tyson* and *Bessie Margolin* filed a memorandum stating that respondent does not oppose the petition for certiorari. Reported below: 198 F. 2d 334.

No. 474. BLOOM ET AL. *v.* WILLIS ET AL. Supreme Court of Louisiana. Certiorari denied. *W. T. Saye* for petitioners. *Geo. Gunby, M. C. Thompson, W. D. Cotton* and *Wm. H. Bronson* for respondents. Reported below: 221 La. 803, 60 So. 2d 415.

No. 497. SEATRAN LINES, INC. *v.* PENNSYLVANIA RAILROAD CO. ET AL. C. A. 3d Cir. Certiorari denied. *Carl E. Newton* and *Theodore S. Hope, Jr.* for petitioner. *John B. Prizer, Hugh B. Cox* and *Joseph F. Eshelman* for the Pennsylvania Railroad Co., *Charles Cook Howell, Francis M. Shea* and *U. B. Ellis* for the Atlantic Coast Line Railroad Co., *Sidney S. Alderman, Henry L. Walker, Waldron M. Ward, Mr. Shea* and *Warner W. Gardner* for the Southern Railway Co., *Mr. Cox* and *L. James Huegel* for the Baltimore & Ohio Railroad Co., *Harold J. Gallagher, James B. McDonough, Jr., W. R. C. Cocke* and *Chas. T. Abeles* for the Seaboard Air Line Railroad Co., *W. T. Pierson* and *Duane E. Minard* for the Erie Railroad Co., *J. Carter Fort, Thomas L. Preston, Mr. Ward* and *Gerald D. Finney* for the Association of American Railroads; and *Robert Carey* and *H. T. Lively* for the Louisville & Nashville Railroad Co., respondents.

No. 502. ATLANTIC COAST LINE RAILROAD CO. *v.* SOUTH CAROLINA EX REL. PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA ET AL. Supreme Court of South Carolina. Certiorari denied. *Douglas McKay, Wm. P. Baskin, C. C. Howell* and *R. B. Gwathmey* for petitioner. *T. C. Callison*, Attorney General of South Carolina, *Irvine*

345 U. S.

March 16, 1953.

F. Belser, Assistant Attorney General, and *R. McC. Figg, Jr.* for respondents. *Edward M. Reidy* filed a brief for the Interstate Commerce Commission, as *amicus curiae*. Reported below: — S. C. —, 72 S. E. 2d 438.

No. 544. *PARK & TILFORD DISTILLERS CORP. v. UNITED STATES*. Court of Claims. Certiorari denied. *Roswell Magill* for petitioner. *Solicitor General Cummings*, *Assistant Attorney General Holland* and *Ellis N. Slack* for the United States. Reported below: 123 Ct. Cl. 509, 107 F. Supp. 941.

No. 551. *UNITED STATES v. MARTELL*. C. A. 3d Cir. Certiorari denied. *Solicitor General Cummings* for the United States. Reported below: 199 F. 2d 670.

No. 565. *TURINI v. ALLENS MANUFACTURING CO., INC.* C. A. 1st Cir. Certiorari denied. *Floyd H. Crews* for petitioner. Reported below: 198 F. 2d 491.

No. 572. *PADUA ALARM SYSTEMS, INC. v. GENERAL TIME CORP. ET AL.* C. A. 2d Cir. Certiorari denied. *Herbert W. Kenway* for petitioner. *Charles P. Bauer* for respondents. Reported below: 199 F. 2d 351.

No. 582. *NEW YORK, NEW HAVEN & HARTFORD RAILROAD Co. v. ZERMANI, ADMINISTRATRIX*. C. A. 1st Cir. Certiorari denied. *Paul F. Perkins* for petitioner. *Thomas J. O'Neill* and *John V. Higgins* for respondent. Reported below: 200 F. 2d 240.

No. 585. *J. I. CASE Co. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 8th Cir. Certiorari denied. *Clark M. Robertson* for petitioner. *Solicitor General Cummings*, *George J. Bott*, *David P. Findling* and *Dominick L. Manoli* for respondent. Reported below: 198 F. 2d 919.

March 16, 1953.

345 U. S.

No. 494. MILLER *v.* GUTHRIE ET AL. C. A. 2d Cir. Certiorari denied. Petitioner *pro se.* *Hugh M. Alcorn* for the Town of Suffield, respondent. Reported below: 198 F. 2d 267.

No. 578. MANNERFRID *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. MR. JUSTICE CLARK took no part in the consideration or decision of this application. *Jack Wasserman* for petitioner. *Acting Solicitor General Stern, Beatrice Rosenberg* and *John R. Wilkins* for the United States. Reported below: 200 F. 2d 730.

No. 598. NEW YORK *v.* CARDINAL, DOING BUSINESS AS CARDINAL ENGINEERING Co. Petition for writ of certiorari to the Court of Appeals of New York denied for the reason that application therefor was not made within the time provided by law. 28 U. S. C. § 2101 (c). *Nathaniel L. Goldstein*, Attorney General of New York, *Wendell P. Brown*, Solicitor General, and *Henry S. Manley*, Assistant Attorney General, for petitioner. *Daniel McNamara* for respondent. Reported below: 304 N. Y. 400, 107 N. E. 2d 569.

No. 259, Misc. CLARK *v.* SKEEN, WARDEN. Supreme Court of Appeals of West Virginia. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion the petition should be granted. Petitioner *pro se.* *John G. Fox*, Attorney General of West Virginia, and *T. D. Kauffelt*, Assistant Attorney General, for respondent.

No. 331, Misc. LEYRA *v.* NEW YORK. Court of Appeals of New York. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion the petition should be granted. *Harry G. Anderson* and

345 U. S.

March 16, 1953.

Frederick W. Scholem for petitioner. *Miles F. McDonald* and *William I. Siegel* for respondent. Reported below: 304 N. Y. 468, 108 N. E. 2d 673.

No. 345, Misc. *RUSHKOWSKI v. BURKE, WARDEN, ET AL.* Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied for the reason that application therefor was not made within the time provided by law. 28 U. S. C. § 2101 (c).

No. 349, Misc. *HIRONS v. SWENSON, WARDEN.* Court of Appeals of Maryland. Certiorari denied.

No. 353, Misc. *PARSONS v. MOORE, WARDEN.* C. A. 5th Cir. Certiorari denied. Reported below: 199 F. 2d 952.

No. 354, Misc. *BROWN v. FLORIDA.* Supreme Court of Florida. Certiorari denied.

No. 360, Misc. *MATHEWS v. ILLINOIS.* Supreme Court of Illinois. Certiorari denied.

No. 364, Misc. *COKER v. CALIFORNIA.* District Court of Appeal of California, Third Appellate District. Certiorari denied.

No. 377, Misc. *DENNY v. INDIANA.* Circuit Court of Clay County, Indiana. Certiorari denied.

Rehearing Denied.

No. 66. *LUTWAK ET AL. v. UNITED STATES*, 344 U. S. 604;

No. 490. *WHETSTONE v. SAUBER, DIRECTOR OF INTERNAL REVENUE*, 344 U. S. 928; and

No. 325, Misc. *GADSDEN v. UNITED STATES*, 344 U. S. 935. Petitions for rehearing denied.

April 6, 1953.

345 U. S.

APRIL 6, 1953.

Miscellaneous Orders.

It is ordered that Leland L. Tolman, of Washington, D. C., be, and he hereby is, appointed a member of the Advisory Committee, appointed by the order of June 3, 1935, 295 U. S. 774, and designated as a continuing Committee to advise the Court with respect to amendments or additions to the Rules of Civil Procedure for the District Courts of the United States, by the order of January 5, 1942, 314 U. S. 720.

No. 548. BRIDGES ET AL. *v.* UNITED STATES. Certiorari, 345 U. S. 904, to the United States Court of Appeals for the Ninth Circuit. The petition for enlargement of the scope of review is denied. MR. JUSTICE CLARK took no part in the consideration or decision of this application. *Telford Taylor* and *Norman Leonard* for petitioners. *Acting Solicitor General Stern* filed a memorandum for the United States in opposition. Reported below: 199 F. 2d 811.

No. 293, Misc. BURKHOLDER *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Motion for leave to file petition for writ of habeas corpus also denied. Petitioner *pro se*. *Solicitor General Cummings* for the United States.

No. 363, Misc. DEJORDY *v.* MICHIGAN ET AL. Application denied.

No. 366, Misc. IN RE JERONIS. Motion for preliminary injunction denied.

No. 409, Misc. MARSHALL *v.* UNITED STATES. Motion for leave to file petition for writ of mandamus denied.

345 U. S.

April 6, 1953.

No. 357, Misc. MILLER *v.* EIDSON, WARDEN;

No. 362, Misc. BERGEN *v.* WARDEN, MARYLAND STATE PENITENTIARY;

No. 370, Misc. BOYDEN *v.* MCGEE, DIRECTOR, DEPARTMENT OF CORRECTIONS OF CALIFORNIA, ET AL.;

No. 371, Misc. TARVER *v.* FAY, WARDEN;

No. 376, Misc. DUNCAN *v.* WARDEN, NEBRASKA STATE PENITENTIARY;

No. 379, Misc. WHITE *v.* HIATT, WARDEN; and

No. 393, Misc. IN RE OPPEDISANO. Motions for leave to file petitions for writs of habeas corpus denied.

Certiorari Granted.

No. 527. UNITED STATES *v.* KLINGER ET AL. C. A. 2d Cir. Certiorari granted. The motions of Stanley M. Klinger and William Cantor for leave to proceed *in forma pauperis* are granted and it is ordered that Louis Bender, Esquire, of New York City, be appointed to serve as counsel for those respondents. *Solicitor General Cummings* for the United States. *Eugene H. Nickerson* for Sandler, respondent. Reported below: 199 F. 2d 645.

No. 617. DISTRICT OF COLUMBIA *v.* JOHN R. THOMPSON Co., INC. United States Court of Appeals for the District of Columbia Circuit. Certiorari granted. *Vernon E. West, Chester H. Gray and Edward A. Beard* for petitioner. *Ringgold Hart, John J. Wilson and Jo V. Morgan, Jr.* for respondent. *Attorney General Brownell, Acting Solicitor General Stern and Philip Elman* filed a brief for the United States, as *amicus curiae*, in support of the petition for a writ of certiorari. Reported below: 92 U. S. App. D. C. —, 203 F. 2d 579.

Certiorari Denied. (See also No. 293, Misc., *supra.*)

No. 289. CONNELLY ET AL., DOING BUSINESS AS HARBAR DRILLING Co., *v.* JENNINGS. Supreme Court of Okla-

April 6, 1953.

345 U. S.

homa. Certiorari denied. *Peyton Ford* for petitioners. *Ernest W. McFarland* for respondent. Reported below: 207 Okla. 554, 252 P. 2d 133.

No. 446. INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, LOCAL UNION NUMBER 406, ET AL. *v.* POSTMA, DOING BUSINESS AS HAROLD F. POSTMA GRAVEL CO., ET AL. Supreme Court of Michigan. Certiorari denied. *David Previant* and *George S. Fitzgerald* for petitioners. *Jay W. Linsey* for respondents. Reported below: 334 Mich. 347, 54 N. W. 2d 681.

No. 555. BROWN ET AL. *v.* CONTINENTAL CASUALTY Co. C. A. 7th Cir. Certiorari denied. *Kellam Foster* for petitioners. *Albert H. Gavit* for respondent.

No. 559. UNITED STATES *v.* AMERICAN CONSTRUCTION Co. Court of Claims. Certiorari denied. *Solicitor General Cummings* for the United States. *William R. Brown* for respondent. Reported below: 123 Ct. Cl. 408, 107 F. Supp. 858.

No. 577. McCRANIE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *J. Alton Hosch* and *John L. Green* for petitioner. *Acting Solicitor General Stern*, *Assistant Attorney General Burger*, *Samuel D. Slade* and *Cornelius J. Peck* for the United States. Reported below: 199 F. 2d 581.

No. 580. PACIFIC ATLANTIC STEAMSHIP Co. *v.* HOLIDAY, ADMINISTRATRIX. C. A. 3d Cir. Certiorari denied. *Thomas E. Byrne, Jr.* for petitioner. *Abraham E. Freedman* and *Henry A. Wise, Jr.* for respondent. Reported below: 197 F. 2d 610.

345 U. S.

April 6, 1953.

No. 581. VAHLBERG *v.* OKLAHOMA. Criminal Court of Appeals of Oklahoma. Certiorari denied. *John B. Ogden* for petitioner. *Mac Q. Williamson*, Attorney General of Oklahoma, and *Owen J. Watts*, Assistant Attorney General, for respondent. Reported below: — Okla. Cr. —, 249 P. 2d 736.

No. 583. LYONS ET AL., DOING BUSINESS AS LYONS ELECTRICAL DISTRIBUTING CO., *v.* WESTINGHOUSE ELECTRIC CORP. C. A. 2d Cir. Certiorari denied. *Copal Mintz* for petitioners. *Albert R. Connelly* for respondent. Reported below: 201 F. 2d 510.

No. 584. GLYCO PRODUCTS CO., INC. *v.* FEDERAL SECURITY ADMINISTRATOR; and

No. 610. ATLAS POWDER CO. *v.* EWING, FEDERAL SECURITY ADMINISTRATOR. C. A. 3d Cir. Certiorari denied. *Michael F. Markel* for petitioner in No. 584. *Oscar Cox*, *C. C. Gammons*, *Lloyd N. Cutler* and *Louis F. Oberdorfer* for petitioner in No. 610. *Acting Solicitor General Stern*, *Beatrice Rosenberg* and *William W. Goodrich* for respondent. Reported below: 201 F. 2d 347.

No. 586. KNISELY *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. *Roy H. Lambert* and *Harry H. Peterson* for petitioner. *Acting Solicitor General Stern*, *Assistant Attorney General Holland*, *Ellis N. Slack* and *Joseph M. Howard* for the United States. Reported below: 200 F. 2d 559.

No. 587. JOHNSON *v.* HALPIN, ACTING DIRECTOR OF THE DEPARTMENT OF REVENUE OF ILLINOIS, ET AL. Supreme Court of Illinois. Certiorari denied. *Albert J. Meserow* for petitioner. *Latham Castle*, Attorney General of Illinois, and *William C. Wines*, Assistant Attorney General, for respondents. Reported below: 413 Ill. 257, 108 N. E. 2d 429.

April 6, 1953.

345 U. S.

No. 588. *WARNER & SWASEY CO. v. WAR CONTRACTS PRICE ADJUSTMENT BOARD ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Sturgis Warner, John S. Walker, Luther Day* and *Curtis C. Williams, Jr.* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Burger, Samuel D. Slade* and *Benjamin Forman* for respondents. Reported below: 91 U. S. App. D. C. 330, 201 F. 2d 201.

No. 589. *McCONKEY ET UX. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 4th Cir. Certiorari denied. *Robert Ash* for petitioners. *Acting Solicitor General Stern, Assistant Attorney General Holland, Ellis N. Slack, A. F. Prescott* and *Fred E. Youngman* for respondent. Reported below: 199 F. 2d 892.

No. 590. *KOCMOND ET AL. v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. *Charles A. Bellows* for petitioners. *Acting Solicitor General Stern, Beatrice Rosenberg* and *Murry Lee Randall* for the United States. Reported below: 200 F. 2d 370.

No. 597. *MALETIS v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. *George Black, Jr.* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Holland, Ellis N. Slack, Robert N. Anderson* and *S. Dee Hanson* for the United States. Reported below: 200 F. 2d 97.

No. 605. *REMELIUS ET AL. v. JOSEPH, COMPTROLLER OF THE CITY OF NEW YORK, ET AL.* Supreme Court of New York. Certiorari denied. *Roy P. Monahan* for petitioners. *Denis M. Hurley* and *W. Bernard Richland* for respondents. Reported below: See 304 N. Y. 172, 106 N. E. 2d 593.

345 U. S.

April 6, 1953.

No. 600. *CONFORTI v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *William C. Wines* for petitioner. *Acting Solicitor General Stern, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 200 F. 2d 365.

No. 603. *NELSON RADIO & SUPPLY Co., INC. v. MOTOROLA, INC.* C. A. 5th Cir. Certiorari denied. *Samuel M. Johnston* for petitioner. *Thomas A. Reynolds and Marion R. Vickers* for respondent. Reported below: 200 F. 2d 911.

No. 604. *ISTHMIAN STEAMSHIP Co. v. COMPANIA DE NAVEGACION CEBACO, S. A.* C. A. 4th Cir. Certiorari denied. *William A. Grimes* for petitioner. *Wilbur E. Dow, Jr. and Frederick Fish* for respondent. Reported below: 200 F. 2d 643.

No. 606. *A. B. MOTORS, INC. ET AL. v. FREEHILL, DIRECTOR OF PRICE STABILIZATION*. United States Emergency Court of Appeals. Certiorari denied. *Dan Moody* for petitioners. *Acting Solicitor General Stern, Assistant Attorney General Burger, John R. Benney, Samuel D. Slade and Hubert H. Margolies* for respondent.

No. 611. *STAREGO v. SOBOLISKI ET AL.* Supreme Court of New Jersey. Certiorari denied. *Paul C. Kemeny* for petitioner. *David Goldsmith* for respondents. Reported below: 11 N. J. 29, 93 A. 2d 169.

No. 613. *PANG-TSU MOW ET AL. v. REPUBLIC OF CHINA*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *William A. Roberts, Warren Woods and Irene Kennedy* for petitioners. *William E. Leahy and Wm. J. Hughes, Jr.* for respondent. Reported below: 91 U. S. App. D. C. 324, 201 F. 2d 195.

April 6, 1953.

345 U. S.

No. 615. WILSON, SECRETARY OF DEFENSE, ET AL. v. REYNOLDS ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Solicitor General Cummings* for the Secretary of Defense et al., petitioners. *Claude L. Dawson* for respondents. Reported below: 91 U. S. App. D. C. 276, 201 F. 2d 181.

No. 618. FRIEDMAN ET AL. v. UNITED STATES. C. A. 8th Cir. Certiorari denied. *James H. Nudelman* for petitioners. *Acting Solicitor General Stern, Robert S. Erdahl* and *Murry Lee Randall* for the United States. Reported below: 200 F. 2d 690.

No. 619. MOULTHROPE v. MATUS. Supreme Court of Errors of Connecticut. Certiorari denied. *William S. Gordon, Jr.* for petitioner. *Joseph F. Berry* for respondent. Reported below: 139 Conn. 272, 93 A. 2d 149.

No. 620. BUCKEYE STEAMSHIP Co. v. McDONOUGH, ADMINISTRATOR. C. A. 6th Cir. Certiorari denied. *Lucian Y. Ray* for petitioner. *Marvin C. Harrison* for respondent. Reported below: 200 F. 2d 558.

No. 621. HENDRICKSON v. UNITED STATES. C. A. 7th Cir. Certiorari denied. Petitioner *pro se*. *Acting Solicitor General Stern, Robert S. Erdahl* and *J. F. Bishop* for the United States. Reported below: 200 F. 2d 137.

No. 633. JENSEN v. PEOPLES FINANCE Co. C. A. 7th Cir. Certiorari denied. *Hector A. Brouillet* for petitioner. *Thomas J. Downs* for respondent. Reported below: 200 F. 2d 58.

No. 638. POTLATCH OIL & REFINING Co. ET AL. v. OHIO OIL Co. C. A. 9th Cir. Certiorari denied. *E. J. McCabe* for petitioners. *W. H. Everett* for respondent. Reported below: 199 F. 2d 766.

No. 348. ISSERMAN v. ETHICS COMMITTEE OF THE ESSEX COUNTY BAR ASSOCIATION. Motion for leave to file brief of National Lawyers Guild, as *amicus curiae*, denied. Petition for writ of certiorari to the Supreme Court of New Jersey denied. Memorandum filed by MR. JUSTICE BLACK. MR. JUSTICE CLARK took no part in the consideration or decision of these applications. *Leonard B. Boudin* for petitioner. *Frederick C. Vonhof* for respondent. Reported below: 9 N. J. 269, 316, 87 A. 2d 903, 88 A. 2d 199.

MR. JUSTICE BLACK, with whom MR. JUSTICE DOUGLAS agrees.

I would grant this certiorari. It involves an order of the New Jersey Supreme Court permanently disbarring petitioner from the practice of law in that state. The Court's order rests on petitioner's conviction of contempt in a federal district court, affirmed by this Court in *Sacher v. United States*, 343 U. S. 1. The record of the New Jersey proceedings before us leaves me with the belief that the state failed to afford petitioner the kind of a hearing required by the Due Process Clause of the Fourteenth Amendment. Although petitioner was allowed to appear before a local bar committee and to present a formal answer and make oral argument before the State Supreme Court, the full record persuades me that he was denied an adequate opportunity to confront witnesses against him and to offer evidence in his behalf. Instead of hearing evidence and making its own findings the state court's order was based on findings made by a federal district judge who had summarily convicted petitioner of contempt without a hearing. I believe that a lawyer is denied due process when he is expelled from his profession without ever having been afforded an opportunity to confront his accusers and present evidence to deny, explain or extenuate the charges against him. See *Ex parte Robinson*, 19 Wall. 505, 512-513, and *In re Oliver*, 333 U. S. 257.

April 6, 1953.

345 U. S.

No. 576. UNITED STATES EX REL. DOLENZ *v.* SHAUGHNESSY, DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE. C. A. 2d Cir. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion certiorari should be granted. *Alfred Feingold* and *Aloysius C. Falussy* for petitioner. *Acting Solicitor General Stern, Beatrice Rosenberg* and *J. F. Bishop* for respondent. Reported below: 200 F. 2d 288.

No. 72, Misc. SUKOWSKI *v.* RAGEN, WARDEN. Criminal Court of Cook County, Illinois. Certiorari denied. Petitioner *pro se.* *Ivan A. Elliott*, Attorney General of Illinois, and *William C. Wines*, Assistant Attorney General, for respondent.

No. 307, Misc. CRAMER *v.* ILLINOIS. Circuit Court of Randolph County, Illinois. Certiorari denied.

No. 336, Misc. JOHNSON *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se.* *Solicitor General Cummings, Beatrice Rosenberg* and *Robert G. Maysack* for the United States.

No. 347, Misc. KING *v.* CALIFORNIA. District Court of Appeal of California, First Appellate District. Certiorari denied. Reported below: 114 Cal. App. 2d 95, 249 P. 2d 563.

No. 355, Misc. NITCH *v.* SUPERINTENDENT OF NORWICH STATE HOSPITAL ET AL. Supreme Court of Errors of Connecticut. Certiorari denied.

No. 356, Misc. BERNATOWICZ *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied. Reported below: 413 Ill. 181, 108 N. E. 2d 479.

345 U. S.

April 6, 1953.

No. 358, Misc. *BAYLESS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cummings, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 200 F. 2d 113.

No. 359, Misc. *McCUTCHEON ET AL. v. TEXAS*. Court of Criminal Appeals of Texas. Certiorari denied. *Bernard A. Golding* for petitioners. Reported below: — Tex. Cr. R. —, 252 S. W. 2d 175.

No. 361, Misc. *BURTON ET AL. v. WATERS, WARDEN*. Criminal Court of Appeals of Oklahoma. Certiorari denied. Reported below: — Okla. Cr. —, 250 P. 2d 227.

No. 368, Misc. *GOODMAN ET AL. v. McMILLAN, TRUSTEE, ET AL.* Supreme Court of Alabama. Certiorari denied. Reported below: 258 Ala. 125, 61 So. 2d 55.

No. 369, Misc. *OLSEN v. MICHIGAN*. Supreme Court of Michigan. Certiorari denied.

No. 372, Misc. *SEVERA v. NEW JERSEY*. Supreme Court of New Jersey. Certiorari denied.

No. 373, Misc. *SKINNER v. MUNIE, WARDEN*. Supreme Court of Illinois. Certiorari denied.

No. 374, Misc. *O'BRIEN v. MISSOURI*. Supreme Court of Missouri. Certiorari denied. Reported below: 252 S. W. 2d 357.

No. 375, Misc. *WILLIAMS v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied.

No. 378, Misc. *MINER v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied.

April 6, 1953.

345 U.S.

No. 380, Misc. STRZEP *v.* JACKSON, WARDEN. Court of Appeals of New York. Certiorari denied.

No. 383, Misc. ATKINS *v.* MOORE, WARDEN, ET AL. Court of Criminal Appeals of Texas. Certiorari denied.

No. 388, Misc. HOURIHAN *v.* NATIONAL LABOR RELATIONS BOARD ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se.* *Acting Solicitor General Stern, George J. Bott, David P. Findling, Dominick L. Manoli and Irving M. Herman* for respondents. Reported below: 91 U. S. App. D. C. 316, 201 F. 2d 187.

No. 391, Misc. MILLER *v.* NORTH CAROLINA. Supreme Court of North Carolina. Certiorari denied. *Herman L. Taylor* for petitioner. *Harry McMullan*, Attorney General of North Carolina, and *Ralph Moody*, Assistant Attorney General, for respondent. Reported below: 237 N. C. 29, 74 S. E. 2d 513.

No. 392, Misc. NICKERSON *v.* NEW JERSEY. Supreme Court of New Jersey. Certiorari denied.

No. 395, Misc. DEVENY *v.* TEETS, WARDEN, ET AL. Supreme Court of California. Certiorari denied.

No. 400, Misc. BRINK *v.* PENNSYLVANIA ET AL. C. A. 3d Cir. Certiorari denied.

No. 420, Misc. PENNSYLVANIA EX REL. CAREY *v.* KEEPER OF THE MONTGOMERY COUNTY PRISON. C. A. 3d Cir. Certiorari denied. Petitioner *pro se.* *Robert E. Woodside*, Attorney General of Pennsylvania, and *Randolph C. Ryder*, Deputy Attorney General, for respondent. Reported below: 202 F. 2d 267.

345 U. S.

April 6, 13, 1953.

No. 411, Misc. SHOTKIN *v.* STANGARD-DICKERSON CORP. ET AL. C. A. 3d Cir. Certiorari denied.

Rehearing Denied.

No. 167. UNITED STATES *v.* KAHRIGER, *ante*, p. 22;

No. 278. RAMSPECK ET AL. *v.* FEDERAL TRIAL EXAMINERS CONFERENCE ET AL., *ante*, p. 128;

No. 444. ORLOFF *v.* WILLOUGHBY, COMMANDANT, *ante*, p. 83; and

No. 524. PENNSYLVANIA THRESHERMEN & FARMERS' MUTUAL CASUALTY INSURANCE CO. *v.* V. L. PHILLIPS & Co., INC. ET AL., *ante*, p. 906. Petitions for rehearing denied.

No. 218. MARTINEZ *v.* NEELLY, SUCCESSOR TO JORDAN, DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE, 344 U. S. 916; and

No. 274. CO-ORDINATED TRANSPORT, INC. ET AL. *v.* BARRETT, SECRETARY OF STATE, ET AL., 344 U. S. 583. Petitions for rehearing denied. MR. JUSTICE CLARK took no part in the consideration or decision of these applications.

No. 252, Misc. TATE *v.* CALIFORNIA, 344 U. S. 910. Second petition for rehearing denied.

No. 299, Misc., October Term, 1951. IVA IKUKO TOGURI D'AQUINO *v.* UNITED STATES, 343 U. S. 935. Motion for leave to file a second petition for rehearing denied. MR. JUSTICE CLARK took no part in the consideration or decision of this application.

APRIL 13, 1953.

Per Curiam Decisions.

No. 511. CENTRAL RAILROAD CO. OF NEW JERSEY ET AL. *v.* DEPARTMENT OF PUBLIC UTILITIES, BOARD OF PUBLIC UTILITY COMMISSIONERS, OF NEW JERSEY. Appeal from

April 13, 1953.

345 U. S.

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. *Judson C. McLester, Jr.* for appellants. *Theodore D. Parsons*, Attorney General of New Jersey, and *Joseph Harrison*, Special Deputy Attorney General, for appellee. Reported below: 10 N. J. 255, 90 A. 2d 1.

No. 648, October Term, 1951. BRADLEY MINING CO. *v.* BOICE. On petition for rehearing. *Per Curiam*: The petition for rehearing is granted. The order entered May 5, 1952, denying certiorari, 343 U. S. 941, is vacated and the petition for writ of certiorari is granted. The order of the division of the Court of Appeals denying petition for rehearing *en banc* is vacated and the case is remanded to the Court of Appeals for further proceedings in the light of *Western Pacific Railroad Corp. v. Western Pacific Railroad Co.*, 345 U. S. 247, decided April 6, 1953. *John Parks Davis*, *Oscar W. Worthwine* and *Arthur B. Dunne* for petitioner. *William H. Langroise* for respondent.

No. 266. WILLIAM H. BANKS WAREHOUSES, INC. ET AL. *v.* WATT ET AL. 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 order of the division of the Court of Appeals denying petition for rehearing *en banc* is vacated and the case is remanded to the Court of Appeals for further proceedings in the light of *Western Pacific Railroad Corp. v. Western Pacific Railroad Co.*, 345 U. S. 247, decided April 6, 1953. *L. Duncan Lloyd* for petitioners. *Clifford E. Fix* for respondents. Reported below: 196 F. 2d 1018.

Miscellaneous Orders.

It is ordered that Professor James William Moore, of Yale University, be, and he is hereby, appointed a mem-

345 U. S.

April 13, 1953.

ber of the Advisory Committee, appointed by the order of June 3, 1935, 295 U. S. 774, and designated as a continuing Committee to advise the Court with respect to amendments or additions to the Rules of Civil Procedure for the District Courts of the United States, by order of January 5, 1942, 314 U. S. 720.

No. —, Original. *MISSISSIPPI v. LOUISIANA*. A rule is ordered to issue returnable within forty days, requiring the defendant to show cause why leave to file the bill of complaint should not be granted. *J. P. Coleman*, Attorney General of Mississippi, and *G. H. Brandon* for complainant.

No. 397, Misc. *ELLIOTT v. DOWD, WARDEN*. Motion for leave to file petition for writ of habeas corpus denied.

Certiorari Granted. (See also No. 648, October Term, 1951, and No. 266, *supra*.)

No. 614. *BANKERS LIFE & CASUALTY CO. v. HOLLAND, CHIEF JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA, ET AL.* The petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit is granted limited to question 1 presented by the petition for the writ, *i. e.*:

"1. Is mandamus an appropriate remedy to vacate the order of severance and transfer as an unwarranted renunciation of jurisdiction which would compel needless duplicity of trials and appeals to enforce the right to a single trial against all defendants in a proper forum?"

Charles F. Short, Jr. and *Miller Walton* for petitioner. *Eugene Cook*, Attorney General of Georgia, *M. H. Blackshear, Jr.*, Deputy Assistant Attorney General, and *Lamar W. Sizemore*, Assistant Attorney General, for respondents. Reported below: 199 F. 2d 593.

April 13, 1953.

345 U. S.

Certiorari Denied.

No. 291. WISCONSIN MICHIGAN POWER CO. *v.* FEDERAL POWER COMMISSION; and

No. 294. WISCONSIN ET AL. *v.* FEDERAL POWER COMMISSION. C. A. 7th Cir. Certiorari denied. *Martin R. Paulsen* and *Van B. Wake* for petitioner in No. 291. *Vernon W. Thomson*, Attorney General, and *Stewart G. Honeck*, Deputy Attorney General, for the State of Wisconsin, and *William E. Torkelson* for the Public Service Commission of Wisconsin, petitioners in No. 294. *Acting Solicitor General Stern*, *Assistant Attorney General Baldrige*, *Paul A. Sweeney*, *Melvin Richter*, *Bradford Ross* and *Howard E. Wahrenbrock* filed a memorandum for respondent. Reported below: 197 F. 2d 472.

No. 495. CALIFORNIA ELECTRIC POWER CO. *v.* FEDERAL POWER COMMISSION ET AL. C. A. 9th Cir. Certiorari denied. *Henry W. Coil* and *Donald J. Carman* for petitioner. *Solicitor General Cummings* filed a memorandum for the United States and the Federal Power Commission, respondents. Reported below: 199 F. 2d 206.

No. 574. WISCONSIN ET AL. *v.* FEDERAL POWER COMMISSION; and

No. 575. WISCONSIN POWER & LIGHT CO. *v.* FEDERAL POWER COMMISSION. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Vernon W. Thomson*, Attorney General, and *Stewart G. Honeck*, Deputy Attorney General, for the State of Wisconsin, and *William E. Torkelson* for the Public Service Commission of Wisconsin, petitioners in No. 574. *William Ryan* for petitioner in No. 575. *Acting Solicitor General Stern* filed a memorandum for respondent. Reported below: 91 U. S. App. D. C. 307, 201 F. 2d 183.

345 U.S.

April 13, 1953.

No. 599. DEMKO, ADMINISTRATRIX, ET AL. v. LAUDERDALE-BY-THE-SEA. Supreme Court of Florida. Certiorari denied. *Alfred P. Draper* and *Joseph A. Fitzsimmons* for petitioners. Reported below: 60 So. 2d 619.

No. 608. HOWLAND v. STITZER. Supreme Court of North Carolina. Certiorari denied. *David L. Krooth* for petitioner. *Welch Jordan* for respondent. Reported below: 236 N. C. 230, 72 S. E. 2d 583.

No. 612. BLOCH v. UNITED STATES. C. A. 2d Cir. Certiorari denied. *William A. Patty* for petitioner. *Acting Solicitor General Stern, Ellis N. Slack, Lee A. Jackson* and *Melva M. Graney* for the United States. Reported below: 200 F. 2d 63.

No. 623. BINION v. UNITED STATES. C. A. 9th Cir. Certiorari denied. *William A. Roberts, Warren Woods* and *Nash R. Adams* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Holland, Philip Elman, Ellis N. Slack* and *Joseph M. Howard* for the United States. Reported below: 201 F. 2d 498.

No. 624. TAYLOR v. MARCELLE, COLLECTOR OF INTERNAL REVENUE. C. A. 2d Cir. Certiorari denied. *Walter R. Kuhn* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Holland, Ellis N. Slack* and *I. Henry Kutz* for respondent. Reported below: 199 F. 2d 759.

No. 625. FERNANDEZ v. UNITED FRUIT Co. C. A. 2d Cir. Certiorari denied. *Henry Fogler* for petitioner. *Eugene Underwood* for respondent. Reported below: 200 F. 2d 414.

April 13, 1953.

345 U. S.

No. 628. *SHER v. DEHAVEN ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Walter J. Cahill* and *Charles O. Pratt* for petitioner. *Richard H. Love* for respondents. Reported below: 91 U. S. App. D. C. 257, 199 F. 2d 777.

No. 537. *CORNETT v. NEBRASKA.* Supreme Court of Nebraska. Certiorari denied. MR. JUSTICE BLACK is of the opinion certiorari should be granted. *Eugene D. O'Sullivan* for petitioner. Reported below: 155 Neb. 766, 53 N. W. 2d 747.

No. 602. *THEODORAKIS v. XILAS ET AL.* C. A. 4th Cir. Certiorari denied. *J. L. Morewitz* for petitioner. *Harry E. McCoy, Jr.* for respondents. Reported below: 200 F. 2d 107.

No. 273, Misc. *WORD v. UNITED STATES.* Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied for the reason that application therefor was not made within the time provided by law. Rule 37 (b) (2) of the Rules of Criminal Procedure. Reported below: 199 F. 2d 625.

No. 381, Misc. *LUNDBERG v. JACQUES, WARDEN.* Supreme Court of Michigan. Certiorari denied.

No. 390, Misc. *MALONE v. KING.* Supreme Court of California. Certiorari denied.

No. 401, Misc. *ON LEE v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. *Gilbert S. Rosenthal* for petitioner. *Acting Solicitor General Stern, Beatrice Rosenberg* and *Carl H. Imlay* for the United States. Reported below: 201 F. 2d 722.

345 U. S.

April 13, 27, 1953.

No. 413, Misc. SYKES *v.* SWENSON, WARDEN. Court of Appeals of Maryland. Certiorari denied. Reported below: — Md. —, 93 A. 2d 549.

No. 415, Misc. ENOCHS *v.* TEETS, WARDEN. Supreme Court of California. Certiorari denied.

No. 416, Misc. WAGNER *v.* RAGEN, WARDEN. Circuit Court of Madison County, Illinois. Certiorari denied.

No. 418, Misc. WEBB *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

No. 419, Misc. RAWLINGS *v.* MARION COUNTY CRIMINAL COURT ET AL. Marion County Criminal Court of Indiana. Certiorari denied.

Rehearing Granted. (See No. 648, October Term, 1951, *supra.*)

Rehearing Denied.

No. 325, Misc. GADSDEN *v.* UNITED STATES, 344 U. S. 935. Second petition for rehearing denied.

No. 345, Misc. RUSHKOWSKI *v.* BURKE, WARDEN, ET AL., *ante*, p. 919. Petition for rehearing denied for the reason that the application was not received within the time provided by Rule 33.

APRIL 27, 1953.

Per Curiam Decisions.

No. 662. DARBY *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. *Bates Booth* for appellant. *Edmund G.*

April 27, 1953.

345 U. S.

Brown, Attorney General of California, *Frank W. Richards*, Assistant Attorney General, and *Dan Kaufmann*, Deputy Attorney General, for appellee. Reported below: 114 Cal. App. 2d 412, 250 P. 2d 743.

No. 675. *PETTY ET AL. v. IDAHO*. Appeal from the Supreme Court of Idaho. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for the want of a final judgment. 28 U. S. C. § 1257. *Edward S. Franklin* for appellants. *Robert E. Smylie*, Attorney General of Idaho, and *William H. Bakes*, Assistant Attorney General, for appellee. Reported below: 73 Idaho 136, 248 P. 2d 218.

Miscellaneous Orders.

No. 283, Misc. *STARNES v. DOWD, WARDEN*;

No. 399, Misc. *JERONIS v. JACQUES, WARDEN*;

No. 407, Misc. *SIMEONE v. WARDEN, U. S. PENITENTIARY, LEWISBURG, PA.*;

No. 410, Misc. *BALDWIN v. HIATT, WARDEN*; and

No. 425, Misc. *SCHRADER v. RAGEN, WARDEN*. Motions for leave to file petitions for writs of habeas corpus denied.

Certiorari Denied.

No. 454. *STONER ET AL. v. BELLOWS ET AL.* C. A. 3d Cir. Certiorari denied. *Jacob W. Friedman* for petitioners. *Warren H. Young* for respondents. Reported below: 196 F. 2d 918.

No. 482. *ROSICRUCIAN FELLOWSHIP ET AL. v. ROSICRUCIAN FELLOWSHIP NON-SECTARIAN CHURCH ET AL.* Supreme Court of California. Certiorari denied. *Rollin L. McNitt* and *Edythe Jacobs* for petitioners. *William L. Murphey* for respondents. Reported below: 39 Cal. 2d 121, 245 P. 2d 481.

345 U. S.

April 27, 1953.

No. 531. *S. BUCHSBAUM & Co., INC. v. UNITED STATES*. Court of Claims. Certiorari denied. *Edwin J. McDermott* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Burger, Paul A. Sweeney and Hubert H. Margolies* for the United States. Reported below: 123 Ct. Cl. 262, 105 F. Supp. 821.

No. 607. *HEITSCH, EXECUTOR, v. KAVANAGH, COLLECTOR OF INTERNAL REVENUE*. C. A. 6th Cir. Certiorari denied. *Robert Dawson Heitsch* for petitioner. *Acting Solicitor General Stern and Assistant Attorney General Holland* for respondent. Reported below: 200 F. 2d 178.

No. 616. *MORRISTOWN TRUST Co., EXECUTOR, v. MANNING, INTERNAL REVENUE COLLECTOR*. C. A. 3d Cir. Certiorari denied. *Benjamin Harrow* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Holland, Ellis N. Slack, Lee A. Jackson and Joseph F. Goetten* for respondent. Reported below: 200 F. 2d 194.

No. 622. *COMMISSIONER OF INTERNAL REVENUE v. GOLONSKY ET AL.* C. A. 3d Cir. Certiorari denied. *Solicitor General Cummings* for petitioner. Reported below: 200 F. 2d 72.

No. 626. *WYNNE v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 2d Cir. Certiorari denied. *Mark H. Johnson* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Holland, Ellis N. Slack, A. F. Prescott and Cecelia H. Goetz* for respondent. Reported below: 199 F. 2d 958.

No. 627. *H. J. LEWIS OYSTER Co. v. UNITED STATES ET AL.* Court of Claims. Certiorari denied. *Curtiss*

April 27, 1953.

345 U. S.

K. Thompson and John H. Weir for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Burger, Paul A. Sweeney and Hubert H. Margolies* for the United States, respondent. Reported below: 123 Ct. Cl. 358, 107 F. Supp. 570.

No. 630. *SELLAS v. KIRK, RANGE MANAGER, BUREAU OF LAND MANAGEMENT*. C. A. 9th Cir. Certiorari denied. *Clel Georgetta* for petitioner. *Acting Solicitor General Stern, Acting Assistant Attorney General Williams, Roger P. Marquis and John C. Harrington* for respondent. Reported below: 200 F. 2d 217.

No. 632. *MIMS v. METROPOLITAN LIFE INSURANCE Co.* C. A. 5th Cir. Certiorari denied. *Crampton Harris* for petitioner. *Lucien D. Gardner, Jr.* for respondent. Reported below: 200 F. 2d 800.

No. 637. *MARINE MIDLAND TRUST Co. v. McGIRL, TRUSTEE, ET AL.* C. A. 3d Cir. Certiorari denied. *Charles Danzig* for petitioner. *Acting Solicitor General Stern and Roger S. Foster* for the Securities and Exchange Commission; and *Samuel M. Coombs, Jr.* for McGirl, Trustee, respondents. Reported below: 200 F. 2d 327.

No. 639. *SANFORD SERVICE Co. v. CASWELL*. C. A. 5th Cir. Certiorari denied. *Eberhard P. Deutsch* for petitioner. *J. McHenry Jones* for respondent. Reported below: 200 F. 2d 830.

No. 640. *HAMMERMILL PAPER Co. v. CITY OF ERIE*. Supreme Court of Pennsylvania. Certiorari denied. *M. E. Graham* for petitioner. *Maurice J. Coughlin* for respondent. Reported below: 372 Pa. 85, 92 A. 2d 422.

345 U. S.

April 27, 1953.

No. 642. HOOD ET AL. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *W. S. Henley, R. W. Thompson, Jr., Albert Sidney Johnston, Jr., Ben F. Cameron, W. W. Dent* and *T. J. Wills* for petitioners. *Acting Solicitor General Stern, Beatrice Rosenberg* and *Felicia Dubrovsky* for the United States. Reported below: 200 F. 2d 639.

No. 645. MINES & METALS CORP. ET AL. *v.* SECURITIES AND EXCHANGE COMMISSION. C. A. 9th Cir. Certiorari denied. *Morris Lavine* for petitioners. *Acting Solicitor General Stern, Roger S. Foster* and *Myer Feldman* for respondent. Reported below: 200 F. 2d 317.

No. 650. ROTHSCHILD, TRADING AS GEN-O-PAK CO., *v.* FEDERAL TRADE COMMISSION. C. A. 7th Cir. Certiorari denied. *Samuel E. Hirsch* for petitioner. *Acting Solicitor General Stern, Acting Assistant Attorney General Hodges, Daniel M. Friedman* and *W. T. Kelley* for respondent. Reported below: 200 F. 2d 39.

No. 652. WATERMAN STEAMSHIP CORP. *v.* SHIPOWNERS & MERCHANTS TOWBOAT CO., LTD. ET AL. C. A. 9th Cir. Certiorari denied. *Clarence G. Morse* for petitioner. *Lloyd M. Tweedt* for the Shipowners & Merchants Towboat Co., Ltd., respondent. Reported below: 199 F. 2d 600.

No. 653. LONDON & LANCASHIRE INSURANCE CO., LTD. *v.* GAS SERVICE CO. C. A. 8th Cir. Certiorari denied. *Flavius B. Freeman* for petitioner. *Jerome T. Duggan* for respondent. Reported below: 200 F. 2d 783.

No. 657. ODELL ET AL. *v.* HUMBLE OIL & REFINING CO. C. A. 10th Cir. Certiorari denied. *W. D. Girand, Jr.* for

April 27, 1953.

345 U. S.

petitioners. *Hiram M. Dow, Nelson Jones and Rex G. Baker* for respondent. Reported below: 201 F. 2d 123.

No. 659. *FARGO GLASS & PAINT CO. v. GLOBE AMERICAN CORP. ET AL.* C. A. 7th Cir. Certiorari denied. *Edward Atlas and Harry G. Fins* for petitioner. *Hubert Hickam, Alan W. Boyd and Ralph L. Read* for respondents. Reported below: 201 F. 2d 534.

No. 665. *LICHTER ET UX. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 6th Cir. Certiorari denied. *Paul W. Steer* for petitioners. *Acting Solicitor General Stern, Assistant Attorney General Holland, Ellis N. Slack and Alexander F. Prescott* for respondent. Reported below: 201 F. 2d 49.

No. 672. *BIEVER MOTOR CAR CO. v. CHRYSLER CORPORATION.* C. A. 2d Cir. Certiorari denied. *Sterling P. Harrington and Frederick A. Ballard* for petitioner. *Nicholas Kelley, Raymond E. Hackett, Francis S. Bensel and William H. Timbers* for respondent. Reported below: 199 F. 2d 758.

No. 629. *HISS v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. MR. JUSTICE REED, MR. JUSTICE FRANKFURTER, and MR. JUSTICE CLARK took no part in the consideration or decision of this application. *Chester T. Lane and Robert M. Benjamin* for petitioner. *Acting Solicitor General Rankin, Beatrice Rosenberg and Edward S. Szukelewicz* for the United States. Reported below: 201 F. 2d 372.

No. 644. *BANKS & RUMBAUGH v. TOBIN, SECRETARY OF LABOR.* C. A. 5th Cir. Durkin, present Secretary of Labor, substituted for Tobin. Certiorari denied. *James*

345 U. S.

April 27, 1953.

O. Marberry, Jr. for petitioner. *Acting Solicitor General Stern, Harry N. Routzohn* and *Bessie Margolin* for respondent. Reported below: 201 F. 2d 223.

No. 238, Misc. *WARD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Petitioner *pro se*. *Acting Solicitor General Stern, Beatrice Rosenberg* and *J. F. Bishop* for the United States. Reported below: 199 F. 2d 270.

No. 352, Misc. *WALLACE v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Petitioner *pro se*. *Acting Solicitor General Stern, Beatrice Rosenberg* and *Felicia Dubrovsky* for the United States. Reported below: 199 F. 2d 282.

No. 396, Misc. *MANGO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 403, Misc. *ELCHIBEGOFF v. UNITED STATES*. Court of Claims. Certiorari denied. Petitioner *pro se*. *Acting Solicitor General Stern, Assistant Attorney General Burger, Samuel D. Slade* and *Benjamin Forman* for the United States. Reported below: 123 Ct. Cl. 709.

No. 405, Misc. *CURRENT v. HUDSPETH, WARDEN*. Supreme Court of Kansas. Certiorari denied.

No. 408, Misc. *MAHLER v. MICHIGAN*. Supreme Court of Michigan. Certiorari denied.

No. 412, Misc. *DARMAN v. NEW YORK*. C. A. 2d Cir. Certiorari denied.

No. 414, Misc. *OLIVER v. MOORE, WARDEN*. Court of Criminal Appeals of Texas. Certiorari denied.

April 27, 1953.

345 U. S.

No. 423, Misc. CORVINO *v.* NEW JERSEY. Supreme Court of New Jersey. Certiorari denied.

No. 424, Misc. LAWRENCE *v.* EIDSON, WARDEN. Supreme Court of Missouri. Certiorari denied.

No. 426, Misc. EPHRAIM *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

No. 427, Misc. SIMPSON *v.* NYGAARD, WARDEN. Supreme Court of North Dakota. Certiorari denied.

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

No. 429, Misc. KUNKLE *v.* CLAUDY, WARDEN. Supreme Court of Pennsylvania, Western District. Certiorari denied.

No. 430, Misc. DARRIN *v.* CAPITAL TRANSIT CO. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Edwin A. Swingle* for respondent.

No. 442, Misc. DRAPER *v.* NEW YORK. Court of Appeals of New York. Certiorari denied. *J. Paul Brennan* for petitioner.

No. 432, Misc. DE SANTIS *v.* NEW YORK. Court of Appeals of New York. Certiorari denied. Petitioner *pro se*. *Frank A. Gulotta* and *Philip Huntington* for respondent. Reported below: 305 N. Y. 44, 110 N. E. 2d 549.

345 U. S.

April 27, 1953.

No. 446, Misc. FITZGERALD *v.* HEINZE, WARDEN. Supreme Court of California. Certiorari denied.

No. 386, Misc. WATERMAN *v.* NEW YORK. Petition for writ of certiorari to the Court of Special Sessions of the City of New York, New York, denied for the reason that application therefor was not made within the time provided by law. 28 U. S. C. § 2101 (c). Petitioner *pro se.* *George Tilzer* for respondent.

No. 387, Misc. WATERMAN *v.* SCHATTEN ET AL. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied for the reason that application therefor was not made within the time provided by law. 28 U. S. C. § 2101 (c). Petitioner *pro se.* *Leo E. Berson* for respondents.

No. 398, Misc. MILLER *v.* STANDARD OIL CO. C. A. 7th Cir. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion the petition should be granted. Petitioner *pro se.* *Stuart B. Bradley* for respondent. Reported below: 199 F. 2d 457.

No. 402, Misc. KUNZ ET AL. *v.* NEW YORK. Court of Special Sessions of the City of New York, New York, Appellate Part. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion the petition should be granted. *Emanuel Redfield* for petitioners.

Rehearing Denied.

No. 188, October Term, 1951. GILLETTE *v.* UNITED STATES, 342 U. S. 827. Motion for leave to file a second petition for rehearing denied.

April 27, May 4, 1953.

345 U. S.

No. 20. DANIELS ET AL. *v.* ALLEN, WARDEN, 344 U. S. 443;

No. 22. SPELLER *v.* ALLEN, WARDEN, 344 U. S. 443;

No. 32. BROWN *v.* ALLEN, WARDEN, 344 U. S. 443;

No. 129. BABB *v.* BENJAMIN, CHIEF OF THE CHICAGO AREA, SOCIAL SECURITY ADMINISTRATION, ET AL., 344 U. S. 807;

No. 264. BALDI, SUPERINTENDENT, PHILADELPHIA COUNTY PRISON, ET AL., *v.* UNITED STATES EX REL. ALMEIDA, *ante*, p. 904;

No. 426. HEIKKILA *v.* BARBER, DISTRICT DIRECTOR OF THE IMMIGRATION AND NATURALIZATION SERVICE, ET AL., *ante*, p. 229;

No. 474. BLOOM ET AL. *v.* WILLIS ET AL., *ante*, p. 916;

No. 586. KNISELY *v.* UNITED STATES, *ante*, p. 923;

No. 364, Misc. COKER *v.* CALIFORNIA, *ante*, p. 919;

No. 372, Misc. SEVERA *v.* NEW JERSEY, *ante*, p. 929;

No. 420, Misc. PENNSYLVANIA EX REL. CAREY *v.* KEEPER OF THE MONTGOMERY COUNTY PRISON, *ante*, p. 930; and

No. 331, Misc. LEYRA *v.* NEW YORK, *ante*, p. 918.
Petitions for rehearing denied.

MAY 4, 1953.

Per Curiam Decisions.

No. 566. HARRISON, COLLECTOR OF INTERNAL REVENUE, *v.* BOHNEN, EXECUTOR, ET AL. Certiorari, 345 U. S. 903, to the United States Court of Appeals for the Seventh Circuit. Argued April 29, 1953. Decided May 4, 1953. *Per Curiam*: The judgment is affirmed by an equally divided Court. MR. JUSTICE JACKSON took no part in the consideration or decision of this case. *Lee A. Jackson* argued the cause for petitioner. With him on the brief were *Acting Solicitor General Stern*, *Assistant*

345 U. S.

May 4, 1953.

Attorney General Holland, Ellis N. Slack and Hilbert P. Zarky. George S. Stansell argued the cause and filed a brief for respondents. Reported below: 199 F. 2d 492.

No. 341, Misc. *CHRISTOFFEL v. UNITED STATES*. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. *Per Curiam*: The petition for writ of certiorari is granted. The judgment of the Court of Appeals is vacated and the case is remanded to the United States District Court for the District of Columbia for resentencing under 18 U. S. C. (1946 ed.) § 231. MR. JUSTICE CLARK took no part in the consideration or decision of this case. *David Rein and Arthur Kinoy* for petitioner. *Solicitor General Cummings, Beatrice Rosenberg and Murry Lee Randall* for the United States. Reported below: 91 U. S. App. D. C. 241, 200 F. 2d 734.

Miscellaneous Orders.

No. 417, Misc. *ANSELMI v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Motion for leave to file a petition for writ of habeas corpus also denied.

No. 449, Misc. *NUNELEY v. RAGEN, WARDEN*. Motion for leave to file a petition for writ of prohibition denied.

No. 451, Misc. *TILLMAN v. RANDOLPH, WARDEN*. Motion for leave to file a petition for writ of certiorari denied.

No. 455, Misc. *HALL v. SKEEN, WARDEN*. Motion for leave to file a petition for writ of habeas corpus denied.

Certiorari Granted. (See also No. 341, Misc., supra.)

No. 609. *NATIONAL LABOR RELATIONS BOARD v. LOCAL UNION No. 1229, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS*. United States Court of Appeals for

May 4, 1953.

345 U. S.

the District of Columbia Circuit. Certiorari granted. The motion of Jefferson Standard Broadcasting Company for leave to intervene is denied. *Solicitor General Cummings* and *George J. Bott* for petitioner. *Louis Sherman* and *Philip R. Collins* for respondent. Reported below: 91 U. S. App. D. C. 333, 202 F. 2d 186.

No. 670. ST. JOE PAPER CO. ET AL. *v.* ATLANTIC COAST LINE RAILROAD CO.;

No. 702. LYNCH ET AL. *v.* ATLANTIC COAST LINE RAILROAD CO.;

No. 705. AIRD ET AL., TRUSTEES, *v.* ATLANTIC COAST LINE RAILROAD CO.; and

No. 710. WELBON ET AL. *v.* ATLANTIC COAST LINE RAILROAD CO. C. A. 5th Cir. Certiorari granted limited to question "I" presented by the petition for writ of certiorari in No. 670, *i. e.*:

"I. It being clear that Section 77 of the Bankruptcy Act, as enacted in 1933, did not authorize the Interstate Commerce Commission to present a plan of reorganization of a railroad involving a 'forced' merger of the debtor Railway with another railroad, the question is whether amendments to the 1933 Act, made in 1935, do authorize forced mergers.

"The Act of 1933 for railroad reorganizations in bankruptcy contained in subdivision (b) a so called consistency clause which qualified the powers of the Commission in respect of mergers, by expressly providing that a merger would have to be brought about by compliance with 'provisions' of the Interstate Commerce Act which allowed mergers *only* if requested and agreed to by the carrier and then approved by the Commission, after notice to the Governors of the states, and after hearing communities and shippers served by the carriers. This 'consistency' provision in this legislation was repeated in

345 U. S.

May 4, 1953.

subd. (e) of the 1933 Act, where it was said that transfers of property or consolidations or mergers may be made 'to the extent contemplated by the plan *consistent with the purposes* of the Interstate Commerce Act as amended'. It will be noted that the clause in (b) used the word 'provisions' and the clause in (e) used the word 'purposes'. By amendments in 1935 these two 'consistency' clauses were consolidated and transplanted from (b) and (e) to subdivision (f).

"In the 1935 Act, subd. (f), the clause allowing transfer and mergers had the qualification 'to the extent contemplated by the plan' and 'not inconsistent with the provisions and purposes of Chapter 1 of Title 49 as on August 27, 1935 or thereafter amended.'

"The narrow question is therefore whether the mere transfer of the 'consistency' clauses from subdivisions (b) and (e) to subdivision (f) altered the meaning of the clauses and gave to the Interstate Commerce Commission a power to force mergers, which was withheld from it under the Act of 1933."

William D. Mitchell and *Edward E. Watts, Jr.* for petitioners in No. 670. With them on the petition were *Harold J. Gallagher*, *Walter H. Brown, Jr.* and *James B. McDonough, Jr.* for the Seaboard Air Line Railroad Co., *Clarence M. Mulholland* and *Edward J. Hickey, Jr.* for the Railway Labor Executives Association, *Sidney S. Alderman* and *Henry L. Walker* for the Southern Railway System, and *Henry P. Adair* and *Donald Russell* for the Trustees under duPont Will, also petitioners in No. 670. *J. Turner Butler*, *Fred N. Oliver* and *Willard P. Scott* for petitioners in No. 702. *Clifton S. Thomson* for petitioners in No. 705. *Miller Walton* for petitioners in No. 710. *Edward W. Bourne*, *Charles Cook Howell*, *Richard B. Gwathmey* and *Charles Cook Howell, Jr.* for respondent. Reported below: 201 F. 2d 325.

May 4, 1953.

345 U. S.

No. 683. *OLBERDING, DOING BUSINESS AS VESS TRANSFER CO., ET AL. v. ILLINOIS CENTRAL RAILROAD CO., INC.* C. A. 6th Cir. Certiorari granted. *William C. Welborn* and *Milford M. Miller* for petitioners. *James G. Wheeler*, *Joseph H. Wright* and *Chas. A. Helsell* for respondent. Reported below: 201 F. 2d 582.

Certiorari Denied. (See also *Misc. Nos. 417 and 451, supra.*)

No. 651. *SCHENNAULT v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. *George F. Callaghan* for petitioner. *Acting Solicitor General Stern*, *Beatrice Rosenberg* and *J. F. Bishop* for the United States. Reported below: 201 F. 2d 1.

No. 655. *BIGELOW ET AL. v. LOEW'S INCORPORATED.* C. A. 7th Cir. Certiorari denied. *Thomas C. McConnell* for petitioners. *Miles G. Seeley* for respondent. Reported below: 201 F. 2d 25.

No. 664. *NATIONAL FRUIT PRODUCTS CO., INC. v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. *John W. Riely* for petitioner. *Acting Solicitor General Stern*, *Assistant Attorney General Holland*, *Ellis N. Slack* and *Helen Goodner* for the United States. Reported below: 199 F. 2d 754.

No. 666. *MARTIN WUNDERLICH CO. ET AL. v. SECRETARY OF WAR OF THE UNITED STATES.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Joseph A. Maun*, *Ronald S. Hazel* and *Harry D. Ruddiman* for petitioners. *Acting Solicitor General Stern*, *Assistant Attorney General Burger*, *Paul A. Sweeney* and *Benjamin Forman* for respondent.

345 U. S.

May 4, 1953.

No. 669. *FIORIVANTI v. FIORIVANTI*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Nathan M. Lubar* for petitioner. *Alvin L. Newmyer* and *Alvin L. Newmyer, Jr.* for respondent. Reported below: 91 U. S. App. D. C. 418, 200 F. 2d 750.

No. 698. *WELCH v. ATLANTIC GULF & WEST INDIES STEAMSHIP LINES*. C. A. 2d Cir. Certiorari denied. *Arthur D. Condon* for petitioner. *Frederick F. Greenman* for respondent. Reported below: 200 F. 2d 199.

No. 538. *MORRIS v. TEXAS*. Court of Criminal Appeals of Texas. Certiorari denied. *Thos. H. Dent* and *W. J. Durham* for petitioner. *John Ben Shepperd*, Attorney General of Texas, and *J. Milton Richardson*, *Ed Reichelt* and *David B. Irons*, Assistant Attorneys General, for respondent. Reported below: — Tex. Cr. R. —, 251 S. W. 2d 731.

No. 646. *COHEN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Morris Lavine* for petitioner. *Acting Solicitor General Stern*, *Assistant Attorney General Holland*, *Ellis N. Slack*, *Joseph M. Howard* and *John R. Benney* for the United States. Reported below: 201 F. 2d 386.

No. 656. *MILWAUKEE TOWNE CORP. v. LOEW'S INCORPORATED ET AL.* C. A. 7th Cir. Motion for leave to file brief of Allied States Association of Motion Picture Exhibitors, as *amicus curiae*, denied. Certiorari denied. *Thomas C. McConnell* for petitioner. *Miles G. Seeley* for Loew's Incorporated et al., *Edward R. Johnston* for Paramount Pictures, Inc., *John F. Caskey* and *Francis E. Matthews* for Twentieth Century-Fox Film Corp., and *Vincent O'Brien* for Warner Bros. Pictures Distributing Corp. et al., respondents. Reported below: 201 F. 2d 19.

May 4, 1953.

345 U. S.

- No. 591. MALLONEE ET AL. *v.* FAHEY ET AL.;
No. 592. WILMINGTON FEDERAL SAVINGS & LOAN ASSOCIATION ET AL. *v.* HOME LOAN BANK BOARD ET AL.;
No. 593. HOME INVESTMENT CO. *v.* FAHEY ET AL.;
No. 594. UTLEY *v.* FAHEY ET AL.;
No. 595. WALLIS ET AL. *v.* FAHEY ET AL.;
No. 596. TITLE SERVICE CO., TRUSTEE, *v.* FAHEY ET AL.; and

No. 658. WILLHOIT *v.* FAHEY ET AL. C. A. 9th Cir. Certiorari denied. MR. JUSTICE CLARK took no part in the consideration or decision of these applications. *Wyckoff Westover* for Mallonee et al., and *Charles K. Chapman* for the Long Beach Federal Savings & Loan Association, petitioners in No. 591; *W. I. Gilbert, Jr.* for the Wilmington Federal Savings & Loan Association et al., petitioners in No. 592, and for petitioner in No. 594; *F. Henry NeCasek* for petitioner in No. 593; *Raymond Tremaine* for Wallis, and *Mr. NeCasek* for Turner, petitioners in No. 595; *Frederic A. Shaffer* and *Lyman B. Sutter* for petitioner in No. 596; and *Emmett E. Doherty* for petitioner in No. 658. *Acting Solicitor General Stern*, *Assistant Attorney General Burger*, *Samuel D. Slade* and *Herman Marcuse* for Fahey et al.; and *Sylvester Hoffmann* for the Federal Home Loan Bank of San Francisco, respondents. Reported below: 196 F. 2d 336; 200 F. 2d 420.

No. 422, Misc. WELDON *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied.

No. 435, Misc. HILDERBRAND *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 436, Misc. LUTZ *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

345 U. S.

May 4, 1953.

No. 431, Misc. SANDRO *v.* GRABER, CHIEF JUSTICE OF THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS. Supreme Court of Illinois. Certiorari denied.

No. 437, Misc. NORECROSS *v.* CRANOR, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY. Supreme Court of Washington. Certiorari denied.

No. 438, Misc. HODGES *v.* HEINZE, WARDEN. District Court of Appeal of California, Third Appellate District. Certiorari denied.

No. 439, Misc. JOHNSON *v.* FLORIDA. Supreme Court of Florida. Certiorari denied.

No. 444, Misc. HARMAN *v.* BURKE, WARDEN. Supreme Court of Pennsylvania, Middle District. Certiorari denied.

No. 447, Misc. SPEARS *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

No. 460, Misc. BRYANT *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied.

No. 481, Misc. DEWOLF *v.* WATERS, WARDEN. Criminal Court of Appeals of Oklahoma. Certiorari denied. *C. A. Summers* for petitioner. Reported below: — Okla. Cr. —, 256 P. 2d 191.

No. 394, Misc. GRAZIANO *v.* CRIMINAL COURT OF COOK COUNTY, ILLINOIS. Petition for writ of certiorari to the Supreme Court of Illinois denied for the reason that application therefor was not made within the time provided by law. 28 U. S. C. § 2101 (c).

May 18, 1953.

345 U. S.

MAY 18, 1953.

Per Curiam Decision.

No. 723. WALES, DOING BUSINESS AS WALES TRUCKING Co., ET AL. *v.* UNITED STATES ET AL. Appeal from the United States District Court for the Northern District of Texas. *Per Curiam*: The motions to affirm are granted and the judgment is affirmed. *United States v. Tucker Truck Lines*, 344 U. S. 33; *United States v. Detroit Navigation Co.*, 326 U. S. 236, 241. *T. S. Christopher* for appellants. *Solicitor General Cummings* and *Edward M. Reidy* for the United States and the Interstate Commerce Commission; *R. E. Kidwell* for the Newsom Truck Line et al.; *Reagan Sayers* for Tex-O-Kan Transportation Co.; and *Ewell H. Muse, Jr.* for E. L. Farmer & Co. et al., appellees. Reported below: 108 F. Supp. 928.

Miscellaneous Orders.

No. —, Original. ARKANSAS *v.* TEXAS ET AL. A rule is ordered to issue, returnable within 40 days, requiring the defendants to show cause why leave to file the complaint should not be granted. *Tom Gentry*, Attorney General of Arkansas, *Kay Matthews*, Assistant Attorney General, and *E. J. Ball*, Special Assistant to the Attorney General, for complainant.

No. 454, Misc. WILLIAMS *v.* HUMPHREY, WARDEN, ET AL.;

No. 474, Misc. BANNING *v.* HUMPHREY, WARDEN; and

No. 487, Misc. BRINK *v.* CLAUDY, WARDEN, ET AL. Motions for leave to file petitions for writs of habeas corpus denied.

345 U. S.

May 18, 1953.

Certiorari Granted. (See also No. 244, ante, p. 528.)

No. 661. *VORIS, DEPUTY COMMISSIONER, BUREAU OF EMPLOYEES' COMPENSATION, U. S. DEPARTMENT OF LABOR, v. EIKEL ET AL., DOING BUSINESS AS SOUTHERN STEVEDORING & CONTRACTING Co., ET AL.* C. A. 5th Cir. *Certiorari granted. Acting Solicitor General Stern* for petitioner. *John R. Brown* for respondents. Reported below: 200 F. 2d 724.

No. 691. *FEDERAL POWER COMMISSION v. NIAGARA MOHAWK POWER CORP.* United States Court of Appeals for the District of Columbia Circuit. *Certiorari granted. Acting Solicitor General Stern* for petitioner. *John W. Davis, Randall J. LeBoeuf, Jr., Lauman Martin* and *Taggart Whipple* for respondent. Reported below: 91 U. S. App. D. C. 395, 202 F. 2d 190.

No. 703. *HOWELL CHEVROLET Co. v. NATIONAL LABOR RELATIONS BOARD.* C. A. 9th Cir. *Certiorari granted. Frederick A. Potruch* for petitioner. *Acting Solicitor General Stern* and *George J. Bott* filed a memorandum stating that respondent does not oppose the granting of a writ of certiorari. Reported below: 204 F. 2d 79.

Certiorari Denied.

No. 570. *SULLIVAN ET AL. v. CALIFORNIA.* District Court of Appeal of California, Fourth Appellate District. *Certiorari denied. Kenyon C. Keller* for petitioners. *Edmund G. Brown, Attorney General of California, Frank W. Richards, Assistant Attorney General, and William E. James, Deputy Attorney General,* for respondent. Reported below: 113 Cal. App. 2d 510, 248 P. 2d 520.

No. 643. *SCARLETT v. MARYLAND.* Court of Appeals of Maryland. *Certiorari denied. R. Palmer Ingram* for

May 18, 1953.

345 U. S.

petitioner. *Edward D. E. Rollins*, Attorney General of Maryland, and *Kenneth C. Proctor*, Assistant Attorney General, for respondent. Reported below: — Md. —, 93 A. 2d 753.

No. 654. UNITED STATES *v.* MARR, ADMINISTRATRIX, ET AL. Court of Claims. Certiorari denied. *Acting Solicitor General Stern* for the United States. *Eugene Meacham* for Marr; and *Nicholas J. Chase* for Littlejohn, respondents. Reported below: 123 Ct. Cl. 474, 106 F. Supp. 204.

No. 671. WASHINGTON ET AL. *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Frank D. Reeves*, *B. Dabney Fox* and *William B. Harris* for petitioners. *Acting Solicitor General Stern*, *Beatrice Rosenberg* and *Murry Lee Randall* for the United States. Reported below: 92 U. S. App. D. C. —, 202 F. 2d 214.

No. 673. TERMINAL RAILROAD ASSOCIATION OF SAINT LOUIS *v.* BARNETT. C. A. 8th Cir. Certiorari denied. *Richard Wayne Ely* for petitioner. Reported below: 200 F. 2d 893.

No. 677. NEEMAN (FORMERLY CONKLIN) *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 2d Cir. Certiorari denied. *Lawrence R. Condon* for petitioner. *Acting Solicitor General Stern*, *Assistant Attorney General Holland*, *Ellis N. Slack*, *L. W. Post* and *John R. Benney* for respondent. Reported below: 200 F. 2d 560.

No. 678. WILLIAMS *v.* RANKIN, ARKANSAS COMMISSIONER OF STATE LANDS. Supreme Court of Arkansas. Certiorari denied. *Bruce T. Bullion* for petitioner. *Tom Gentry*, Attorney General of Arkansas, and *Lamar Wil-*

345 U. S.

May 18, 1953.

liamson, Special Assistant to the Attorney General, for respondent. Reported below: 221 Ark. —, 252 S. W. 2d 551.

No. 682. COOPER *v.* PEAK ET AL. Supreme Court of Alabama. Certiorari denied. *Walter J. Knabe* for petitioner. *Douglas Arant* for Peak, respondent. Reported below: 258 Ala. 167, 61 So. 2d 62.

No. 686. TEAMSTERS & TRUCK DRIVERS LOCAL NO. 164, AMERICAN FEDERATION OF LABOR, ET AL. *v.* WAY BAKING Co. Supreme Court of Michigan. Certiorari denied. *David Previant* and *George S. Fitzgerald* for petitioners. *Maxwell F. Badgley* and *David W. Kendall* for respondent. Reported below: 335 Mich. 478, 56 N. W. 2d 357.

No. 689. HALPERT, TRUSTEE IN BANKRUPTCY, *v.* ENGINE AIR SERVICE, INC. ET AL. C. A. 2d Cir. Certiorari denied. *Max Schwartz* for petitioner. *James G. Moore* for respondents. Reported below: 202 F. 2d 75.

No. 692. ALLEN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *David A. Fall* for petitioner. *Acting Solicitor General Stern*, *Assistant Attorney General Burger*, *Paul A. Sweeney* and *Hubert H. Margolies* for the United States. Reported below: 201 F. 2d 263.

No. 701. CAPITOL MOTOR COURTS ET AL. *v.* LEBLANC CORPORATION ET AL. C. A. 2d Cir. Certiorari denied. *George C. Levin*, *Sydney Krause* and *George J. Hirsch* for petitioners. *Robert G. Zeller* for Rosenthal, Trustee, *Carlos L. Israels* for the LeBlanc Corporation et al., and *Leonard G. Bisco* for Hailparn et al., respondents. Reported below: 201 F. 2d 356.

May 18, 1953.

345 U. S.

No. 709. FRANK ADAM ELECTRIC CO. *v.* FEDERAL ELECTRIC PRODUCTS CORP. C. A. 8th Cir. Certiorari denied. *John H. Sutherland* for petitioner. *Edwin Levisohn* and *Joseph J. Gravely* for respondent. Reported below: 200 F. 2d 210.

No. 713. McINNIS, TRUSTEE, *v.* WEEKS ET AL. C. A. 6th Cir. Certiorari denied. *Jason L. Honigman* for petitioner. *Nelson S. Shapero* for respondents. Reported below: 200 F. 2d 611.

No. 714. RED TOP BREWING CO. *v.* MAZZOTTI ET AL. C. A. 2d Cir. Certiorari denied. *Jesse Climenko* for petitioner. *Walter B. Hall* for respondents. Reported below: 202 F. 2d 481.

No. 421, Misc. RILEY *v.* DEPARTMENT OF THE AIR FORCE ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Acting Solicitor General Stern*, *Assistant Attorney General Burger*, *Paul A. Sweeney* and *Benjamin Forman* for respondents. Reported below: 91 U. S. App. D. C. 343, 201 F. 2d 203.

No. 433, Misc. McKENNA *v.* HANN, WARDEN. Supreme Court of Nebraska. Certiorari denied.

No. 440, Misc. PICKWELL *v.* BURKE, WARDEN. Supreme Court of Pennsylvania, Eastern District. Certiorari denied. Reported below: 372 Pa. 450, 93 A. 2d 482.

No. 441, Misc. BURNS *v.* INDIANA. Supreme Court of Indiana. Certiorari denied. *Tyrah Ernest Maholm* for petitioner. Reported below: 231 Ind. 563, 108 N. E. 2d 626.

345 U. S.

May 18, 1953.

No. 443, Misc. *LIVINGSTON v. SOUTH CAROLINA*. Supreme Court of South Carolina. Certiorari denied. *Hugo S. Sims, Jr.* for petitioner. *T. C. Callison*, Attorney General of South Carolina, *James S. Verner* and *William A. Dallis*, Assistant Attorneys General, and *Julian S. Wolfe* for respondent. Reported below: — S. C. —, 73 S. E. 2d 850.

No. 448, Misc. *SPARKS v. CALIFORNIA ET AL.* District Court of Appeal of California, Third Appellate District. Certiorari denied.

No. 452, Misc. *VANDERWYDE v. NEW YORK*. Court of Appeals of New York. Certiorari denied. *Rudolph Stand* for petitioner. *Frank S. Hogan* and *Charles W. Manning* for respondent. Reported below: 304 N. Y. 937, 110 N. E. 2d 882.

No. 453, Misc. *JOHNSON v. PENNSYLVANIA*. Supreme Court of Pennsylvania, Eastern District. Certiorari denied. *Joseph K. Fornance* for petitioner. *C. Howard Harry, Jr.* for respondent. Reported below: 372 Pa. 266, 93 A. 2d 691.

No. 457, Misc. *HARRISON v. EIDSON, WARDEN*. Supreme Court of Missouri. Certiorari denied.

No. 459, Misc. *STINGLEY v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. Reported below: 414 Ill. 398, 111 N. E. 2d 548.

No. 461, Misc. *REED v. CRANOR, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY*. Supreme Court of Washington. Certiorari denied.

May 18, 1953.

345 U. S.

No. 465, Misc. GRIFFIN *v.* ILLINOIS ET AL. Supreme Court of Illinois. Certiorari denied.

No. 472, Misc. MARRON *v.* RAGEN, WARDEN. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 473, Misc. TUCKER *v.* CALIFORNIA. District Court of Appeal of California, Second Appellate District. Certiorari denied.

No. 476, Misc. JACKSON *v.* MORHOUS, WARDEN. Court of Appeals of New York. Certiorari denied.

No. 477, Misc. CASCIO *v.* NEW YORK. Appellate Division of the Supreme Court of New York, Second Judicial Department. Certiorari denied.

No. 485, Misc. BRUNSTOUN ET AL. *v.* GROW ET AL. Supreme Court of Appeals of Virginia. Certiorari denied.

No. 489, Misc. FRANNEY *v.* FLORIDA. Supreme Court of Florida. Certiorari denied.

No. 490, Misc. THOMPSON *v.* DYE, WARDEN. C. A. 3d Cir. Certiorari denied. *Louis C. Glasso and Zeno Fritz* for petitioner. Reported below: 203 F. 2d 429.

Rehearing Denied.

No. 98. WATWOOD *v.* STONE'S MERCANTILE AGENCY, INC., 344 U. S. 821. Motion for leave to file petition for rehearing denied.

No. 253. UNITED STATES *v.* CERTAIN PARCELS OF LAND IN THE COUNTY OF FAIRFAX, VIRGINIA, ET AL., *ante*, p. 344. Rehearing denied. MR. JUSTICE JACKSON took no part in the consideration or decision of this application.

345 U. S.

May 18, 1953.

No. 138. COMMISSIONER OF INTERNAL REVENUE *v.* SMITH, *ante*, p. 278;

No. 205. UNITED STATES *v.* PUBLIC UTILITIES COMMISSION OF CALIFORNIA ET AL., *ante*, p. 295;

No. 206. COUNTY OF MINERAL, NEVADA, *v.* PUBLIC UTILITIES COMMISSION OF CALIFORNIA ET AL., *ante*, p. 295;

No. 446. INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, LOCAL UNION NUMBER 406, ET AL. *v.* POSTMA, DOING BUSINESS AS HAROLD F. POSTMA GRAVEL CO., ET AL., *ante*, p. 922;

No. 495. CALIFORNIA ELECTRIC POWER CO. *v.* FEDERAL POWER COMMISSION ET AL., *ante*, p. 934;

No. 581. VAHLBERG *v.* OKLAHOMA, *ante*, p. 923;

No. 618. FRIEDMAN ET AL. *v.* UNITED STATES, *ante*, p. 926;

No. 623. BINION *v.* UNITED STATES, *ante*, p. 935;

No. 72, Misc. SUKOWSKI *v.* RAGEN, WARDEN, *ante*, p. 928;

No. 334, Misc. MAUGHS *v.* ROYSTER, SUPERINTENDENT OF STATE PRISON FARM, *ante*, p. 912;

No. 336, Misc. JOHNSON *v.* UNITED STATES, *ante*, p. 928;

No. 368, Misc. GOODMAN ET AL. *v.* McMILLAN, *ante*, p. 929; and

No. 388, Misc. HOURIHAN *v.* NATIONAL LABOR RELATIONS BOARD ET AL., *ante*, p. 930. Petitions for rehearing denied.

No. 345, Misc. RUSHKOWSKI *v.* BURKE, WARDEN, ET AL., *ante*, p. 919. Second petition for rehearing denied.

No. 475, Misc., October Term, 1951. AYERS *v.* PARRY ET AL., 343 U. S. 980. Rehearing denied.

May 25, 1953.

345 U. S.

MAY 25, 1953.

Per Curiam Decisions.

No. 694. GORMAN ET AL. *v.* CITY OF NEW YORK ET AL. Appeal from the Court of Appeals of New York. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for the want of a substantial federal question. *James H. Tully* and *Truman H. Luhrman* for appellants. *Denis M. Hurley* and *W. Bernard Richland* for appellees. Reported below: 304 N. Y. 865, 109 N. E. 2d 881.

No. 711. POCKMAN *v.* LEONARD ET AL. Appeal from the Supreme Court of California. *Per Curiam*: 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. *Wayne M. Collins* for appellant. Reported below: 39 Cal. 2d 676, 249 P. 2d 267.

Miscellaneous Orders.

No. 230. RADIO OFFICERS' UNION OF THE COMMERCIAL TELEGRAPHERS UNION, AFL, *v.* NATIONAL LABOR RELATIONS BOARD;

No. 301. NATIONAL LABOR RELATIONS BOARD *v.* INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA ET AL.; and

No. 371. GAYNOR NEWS CO., INC. *v.* NATIONAL LABOR RELATIONS BOARD. These cases are ordered restored to the docket for reargument.

No. 482, Misc. HOLLOWAY *v.* MICHIGAN. Motion for leave to file petition for writ of mandamus denied.

345 U. S.

May 25, 1953.

Certiorari Granted.

No. 641. PARTMAR CORPORATION ET AL. *v.* PARAMOUNT PICTURES THEATRES CORP. ET AL. C. A. 9th Cir. Certiorari granted limited to the issue of dismissal of the counterclaims. *Russell Hardy, James Wallace Kemp and Henry Schaefer, Jr.* for petitioners. *Jackson W. Chance* for respondents. Reported below: 200 F. 2d 561.

No. 649. THEATRE ENTERPRISES, INC. *v.* PARAMOUNT FILM DISTRIBUTING CORP. ET AL. C. A. 4th Cir. Certiorari granted. *Edwin P. Rome and Sol C. Berenholtz* for petitioner. *J. Cookman Boyd, Jr.* for Loew's Incorporated, respondent. Reported below: 201 F. 2d 306.

No. 647. TOOLSON *v.* NEW YORK YANKEES, INC. ET AL. C. A. 9th Cir. Certiorari granted. *Gene M. Harris* for petitioner. *Norman S. Sterry* for respondents. Reported below: 200 F. 2d 198.

No. 668. KOWALSKI *v.* CHANDLER, COMMISSIONER OF BASEBALL, ET AL. C. A. 6th Cir. Certiorari granted. *Frederic A. Johnson* for petitioner. *Raymond T. Jackson, Benjamin F. Fiery and Louis F. Carroll* for respondents. Reported below: 202 F. 2d 413.

No. 674. CORBETT ET AL. *v.* CHANDLER, COMMISSIONER OF BASEBALL, ET AL. C. A. 6th Cir. Certiorari granted. *Frederic A. Johnson* for petitioners. *Raymond T. Jackson, Benjamin F. Fiery and Louis F. Carroll* for respondents. Reported below: 202 F. 2d 428.

No. 704. MADRUGA *v.* SUPERIOR COURT OF CALIFORNIA, IN AND FOR THE COUNTY OF SAN DIEGO. Supreme Court of California. Certiorari granted. *Thomas M. Hamilton* for petitioner. Reported below: 40 Cal. 2d 65, 251 P. 2d 1.

May 25, 1953.

345 U. S.

Certiorari Denied.

No. 496. QUINN, ADMINISTRATRIX, ET AL. *v.* SIMONDS ABRASIVE Co., SUCCESSOR TO ABRASIVE COMPANY OF PHILADELPHIA. C. A. 3d Cir. Certiorari denied. *Ernest Ray White* for petitioners. *Philip Price* for respondent. Reported below: 199 F. 2d 416.

No. 680. HARVEY ALUMINUM, INC. ET AL. *v.* AMERICAN CYANAMID Co. ET AL. C. A. 2d Cir. Certiorari denied. *Hyman I. Fischbach* for petitioners. *George S. Leisure* for the American Cyanamid Co. et al., and *Walter C. Lundgren* for the Reynolds Metals Co., respondents. Reported below: 203 F. 2d 105.

No. 690. UNITED STATES *v.* ROLLAND. C. A. 5th Cir. Certiorari denied. *Acting Solicitor General Stern* for the United States. Reported below: 200 F. 2d 678.

No. 708. FANCHON & MARCO, INC. *v.* PARAMOUNT PICTURES, INC. ET AL. C. A. 9th Cir. Certiorari denied. *Russell Hardy, James Wallace Kemp* and *Henry Schaefer, Jr.* for petitioner. *Homer I. Mitchell* for Paramount Pictures, Inc. et al., and *Gurney E. Newlin* and *Hudson B. Cox* for Twentieth Century-Fox Film Corporation et al., respondents.

No. 716. AMALGAMATED ASSOCIATION OF STREET, ELECTRIC RAILWAY, AND MOTOR COACH EMPLOYEES OF AMERICA, DIVISION No. 1127, ET AL. *v.* SOUTHERN BUS LINES, INC. C. A. 5th Cir. Certiorari denied. *L. Barrett Jones* for petitioners. *Carl B. Callaway* for respondent. Reported below: 201 F. 2d 53.

No. 717. AMALGAMATED ASSOCIATION OF STREET, ELECTRIC RAILWAY, AND MOTOR COACH EMPLOYEES OF AMERICA, DIVISION No. 1127, ET AL. *v.* SOUTHERN BUS

345 U. S.

May 25, 1953.

LINES, INC. C. A. 5th Cir. Certiorari denied. *L. Barrett Jones* for petitioners. *Carl B. Callaway* for respondent. Reported below: 201 F. 2d 53.

No. 719. SOBELL *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Howard N. Meyer* for petitioner. *Acting Solicitor General Stern, Beatrice Rosenberg and John R. Wilkins* for the United States. Reported below: 200 F. 2d 666.

No. 748. PATTERSON *v.* ANDERSON, ADMINISTRATRIX. Supreme Court of Appeals of Virginia. Certiorari denied. *Belford V. Lawson, Jr.* for petitioner. *Roy G. Allman* for respondent. Reported below: 194 Va. 557, 74 S. E. 2d 195.

No. 761. COMPANIA SUD-AMERICANA DE VAPORES, SUED HEREIN AS "CHILEAN LINE," ALSO KNOWN AS SUD-AMERICANA DE VAPORES OF VALPARAISO, *v.* MOLLIKA. C. A. 2d Cir. Certiorari denied. *Edmund F. Lamb* for petitioner. *Jacob Rassner* for respondent. Reported below: 202 F. 2d 25.

No. 684. MARACHOWSKY *v.* UNITED STATES; and

No. 685. MARACHOWSKY *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. *William D. Donnelly* for petitioners. *Acting Solicitor General Stern, Beatrice Rosenberg and J. F. Bishop* for the United States. Reported below: 201 F. 2d 5.

No. 687. ROSENBERG ET AL. *v.* UNITED STATES. C. A. 2d Cir. Motions for leave to file briefs of National Lawyers Guild and Joseph Brainin et al., as *amici curiae*, denied. Certiorari denied. The order of the United States Court of Appeals of February 17, 1953, granting a stay of execution is vacated. MR. JUSTICE BLACK and

May 25, 1953.

345 U. S.

MR. JUSTICE FRANKFURTER referring to the positions they took when these cases were here last November, adhere to them. 344 U. S. 889. MR. JUSTICE DOUGLAS is of the opinion the petition for certiorari should be granted. *Emanuel H. Bloch* and *John F. Finerty* for petitioners. *Acting Solicitor General Stern*, *Beatrice Rosenberg* and *John R. Wilkins* for the United States. Reported below: 200 F. 2d 666.

No. 699. FORGIONE ET AL. v. UNITED STATES ET AL. C. A. 3d Cir. Certiorari denied. *Paul M. Goldstein* and *Herman Moskowitz* for petitioners. *Acting Solicitor General Stern*, *Assistant Attorney General Burger*, *John R. Benney* and *Samuel D. Slade* for the United States and the United States Maritime Commission, respondents. Reported below: 202 F. 2d 249.

No. 721. SCHOLLA v. SCHOLLA ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Elizabeth R. Young* for petitioner. Reported below: 92 U. S. App. D. C. —, 201 F. 2d 211.

No. 464, Misc. SCHOLLA v. SCHOLLA. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Frederick A. Ballard* for petitioner. *Elizabeth R. Young* for respondent. Reported below: 92 U. S. App. D. C. —, 201 F. 2d 211.

No. 450, Misc. SMITH v. CALIFORNIA. Supreme Court of California. Certiorari denied.

No. 466, Misc. SNELL v. FLORIDA. Supreme Court of Florida. Certiorari denied.

No. 467, Misc. PENNSYLVANIA EX REL. BAERCHUS v. BURKE, WARDEN. Supreme Court of Pennsylvania, Eastern District. Certiorari denied.

345 U. S.

May 25, 1953.

No. 468, Misc. *IN RE TINKOFF*. Supreme Court of Illinois. Certiorari denied.

No. 475, Misc. *LILYROTH v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied.

No. 478, Misc. *BYRD v. NEW YORK CENTRAL RAILROAD CO. ET AL.* Court of Appeals of New York. Certiorari denied. *Melvel W. Snitow* and *Sydney Snitow* for petitioner. *Gerald E. Dwyer* and *C. Austin White* for the New York Central Railroad Company, respondent. Reported below: 304 N. Y. 769, 980, 109 N. E. 2d 75, 110 N. E. 2d 899.

No. 479, Misc. *BERG v. CRANOR, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY*. Supreme Court of Washington. Certiorari denied.

No. 483, Misc. *PETTUS v. CRANOR, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY*. Supreme Court of Washington. Certiorari denied. Reported below: 41 Wash. 2d 567, 250 P. 2d 542.

No. 484, Misc. *MOUNT OLIVE FIRE BAPTIZED HOLINESS CHURCH OF GOD OF THE AMERICAS ET AL. v. GROW ET AL.* Supreme Court of Appeals of Virginia. Certiorari denied.

No. 486, Misc. *KOALSKA v. SWENSON, WARDEN*. Supreme Court of Minnesota. Certiorari denied.

No. 488, Misc. *HINKLE v. SKEEN, WARDEN*. Supreme Court of Appeals of West Virginia. Certiorari denied. Reported below: 138 W. Va. —, 75 S. E. 2d 223.

No. 491, Misc. *CONWAY v. WATERS, WARDEN*. Criminal Court of Appeals of Oklahoma. Certiorari denied. Reported below: — Okla. Cr. —, 256 P. 2d 189.

May 25, June 1, 1953.

345 U. S.

No. 493, Misc. HOTIANOVICH ET AL. *v.* MICHIGAN. Supreme Court of Michigan. Certiorari denied.

No. 494, Misc. CROWDER *v.* BURKE, WARDEN, ET AL. Supreme Court of Wisconsin. Certiorari denied.

No. 497, Misc. HEATH *v.* NORTH CAROLINA. Supreme Court of North Carolina. Certiorari denied.

JUNE 1, 1953.

Per Curiam Decision.

No. 688. GORDON ET AL. *v.* UNITED STATES. On petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit. *Per Curiam*: The petition for writ of certiorari is granted. The judgment is vacated and the case is remanded to the Court of Appeals for consideration in the light of the Government's confession of error. *John S. Boyden* and *Allen H. Tibbals* for petitioners. *Acting Solicitor General Stern* for the United States. Reported below: 203 F. 2d 248.

Miscellaneous Orders.

No. 10, Original. ARIZONA *v.* CALIFORNIA ET AL. The answer to the bill of complaint is received and filed and leave is granted the complainant to reply thereto on or before September 1, next. The motion for leave to file brief of Colter Water Project Association, Inc., as *amicus curiae*, is denied.

No. 498. MARYLAND CASUALTY CO. ET AL. *v.* CUSHING ET AL. This case is ordered restored to the docket for reargument.

No. 513, Misc. DUNBAR *v.* CRANOR, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY. Motion for leave to file petition for writ of certiorari denied.

345 U. S.

June 1, 1953.

Certiorari Granted. (See also No. 688, *supra.*)

No. 695. LOBER ET AL., EXECUTORS, *v.* UNITED STATES. Court of Claims. *Certiorari* granted. *David Stock* for petitioners. *Acting Solicitor General Stern*, *Assistant Attorney General Holland*, *Ellis N. Slack* and *Elizabeth B. Davis* for the United States. Reported below: 124 Ct. Cl. 44, 108 F. Supp. 731.

No. 715. WILKO *v.* SWAN ET AL., DOING BUSINESS AS HAYDEN STONE & CO., ET AL. C. A. 2d Cir. *Certiorari* granted. *Henry E. Mills* and *Richard H. Wels* for petitioner. *Leonard P. Moore* and *Francis E. Koch* for respondents. *Acting Solicitor General Stern*, *Roger S. Foster* and *Alexander Cohen* filed a brief for the Securities and Exchange Commission, as *amicus curiae*, urging that the petition for a writ of *certiorari* be granted. Reported below: 201 F. 2d 439.

Certiorari Denied. (See also No. 513, *Misc.*, *supra.*)

No. 697. McDUGALL *v.* UNITED STATES CIVIL SERVICE COMMISSION ET AL. United States Court of Appeals for the District of Columbia Circuit. *Certiorari* denied. Petitioner *pro se*. *Acting Solicitor General Stern*, *Assistant Attorney General Burger* and *Samuel D. Slade* for respondents. Reported below: 92 U. S. App. D. C. —, 202 F. 2d 361.

No. 706. MAYS *v.* BOWERS, COLLECTOR OF INTERNAL REVENUE. C. A. 4th Cir. *Certiorari* denied. *John H. Lumpkin* and *John C. Bruton* for petitioner. *Acting Solicitor General Stern*, *Assistant Attorney General Holland*, *Ellis N. Slack* and *Helen Goodner* for respondent. Reported below: 201 F. 2d 401.

No. 722. JAMES *v.* SHAUGHNESSY, DISTRICT DIRECTOR OF IMMIGRATION AND NATURALIZATION SERVICE. C. A. 2d

June 1, 1953.

345 U. S.

Cir. Certiorari denied. *Robert Markewich* and *Herbert Monte Levy* for petitioner. *Acting Solicitor General Stern, Beatrice Rosenberg* and *Carl H. Imlay* for respondent. Reported below: 202 F. 2d 519.

No. 724. *ESTEP ET UX. v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. *James D. Lynch* for petitioners. Reported below: 413 Ill. 437, 109 N. E. 2d 762.

No. 727. *ATWOOD ET AL. v. HUMBLE OIL & REFINING CO. ET AL.* Supreme Court of Texas. Certiorari denied. *William C. Wines* and *Horace A. Young* for petitioners. *R. E. Seagler, Felix A. Raymer* and *Rex G. Baker* for respondents. Reported below: — Tex. —, 253 S. W. 2d 656.

No. 729. *WILLIAMSON ET AL. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 4th Cir. Certiorari denied. *John C. Bruton* and *H. Hayne Crum* for petitioners. *Acting Solicitor General Stern, Assistant Attorney General Holland, Ellis N. Slack* and *Helen Goodner* for respondent. Reported below: 201 F. 2d 564.

No. 735. *ROMINE, ADMINISTRATOR, v. SOUTHERN PACIFIC Co.* Supreme Court of Arizona. Certiorari denied. *Gerald Jones* and *Fred W. Fickett* for petitioner. *Harold C. Warnock* for respondent. Reported below: 75 Ariz. 98, 251 P. 2d 908.

No. 463, Misc. *UNITED STATES EX REL. MILLS v. DILWORTH, DISTRICT ATTORNEY, ET AL.* C. A. 3d Cir. and the United States District Court for the Eastern District of Pennsylvania. Certiorari denied. *David Levinson* and *Ralph E. Powe* for petitioner. *Richardson Dilworth, pro se*, respondent.

345 U. S.

June 1, 8, 1953.

Rehearing Denied.

No. 303. CALMAR STEAMSHIP CORP. *v.* SCOTT ET AL.,
ante, p. 427;

No. 494. MILLER *v.* GUTHRIE ET AL., *ante*, p. 918;

No. 602. THEODORAKIS *v.* XILAS ET AL., *ante*, p. 936;
and

No. 642. HOOD ET AL. *v.* UNITED STATES, *ante*, p. 941.
Petitions for rehearing denied.

No. 372, Misc. SEVERA *v.* NEW JERSEY, *ante*, p. 929.
Second petition for rehearing denied.

No. 386, Misc. WATERMAN *v.* NEW YORK; and

No. 387, Misc. WATERMAN *v.* SCHATTEN ET AL., *ante*,
p. 945. Petition for rehearing and for other relief denied.

No. 398, Misc. MILLER *v.* STANDARD OIL Co., *ante*, p.
945; and

No. 430, Misc. DARRIN *v.* CAPITAL TRANSIT Co., *ante*,
p. 944. Petitions for rehearing denied.

JUNE 8, 1953.

Per Curiam Decision.

No. 818. ROBINSON *v.* BARROW-PENN & Co., INC.
Appeal from the Supreme Court of Appeals of Virginia.
Per Curiam: The appeal is dismissed for the 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, certio-
rari is denied. *Thomas J. Surface* and *R. H. McNeill* for
appellant. *Frank W. Rogers* for appellee. Reported
below: 194 Va. 632, 74 S. E. 2d 175.

June 8, 1953.

345 U. S.

Miscellaneous Orders.

No. 8. BROWN ET AL. *v.* BOARD OF EDUCATION OF TOPEKA ET AL.;

No. 101. BRIGGS ET AL. *v.* ELLIOTT ET AL., MEMBERS OF BOARD OF TRUSTEES OF SCHOOL DISTRICT #22, ET AL.;

No. 191. DAVIS ET AL. *v.* COUNTY SCHOOL BOARD OF PRINCE EDWARD COUNTY ET AL.;

No. 413. BOLLING ET AL. *v.* SHARPE ET AL.; and

No. 448. GEBHART ET AL. *v.* BELTON ET AL.

Each of these cases is ordered restored to the docket and is assigned for reargument on Monday, October 12, next. In their briefs and on oral argument counsel are requested to discuss particularly the following questions insofar as they are relevant to the respective cases:

1. What evidence is there that the Congress which submitted and the State legislatures and conventions which ratified the Fourteenth Amendment contemplated or did not contemplate, understood or did not understand, that it would abolish segregation in public schools?

2. If neither the Congress in submitting nor the States in ratifying the Fourteenth Amendment understood that compliance with it would require the immediate abolition of segregation in public schools, was it nevertheless the understanding of the framers of the Amendment

(a) that future Congresses might, in the exercise of their power under section 5 of the Amendment, abolish such segregation, or

(b) that it would be within the judicial power, in light of future conditions, to construe the Amendment as abolishing such segregation of its own force?

3. On the assumption that the answers to questions 2 (a) and (b) do not dispose of the issue, is it within the judicial power, in construing the Amendment, to abolish segregation in public schools?

345 U. S.

June 8, 1953.

4. Assuming it is decided that segregation in public schools violates the Fourteenth Amendment

(a) would a decree necessarily follow providing that, within the limits set by normal geographic school districting, Negro children should forthwith be admitted to schools of their choice, or

(b) may this Court, in the exercise of its equity powers, permit an effective gradual adjustment to be brought about from existing segregated systems to a system not based on color distinctions?

5. On the assumption on which questions 4 (a) and (b) are based, and assuming further that this Court will exercise its equity powers to the end described in question 4 (b),

(a) should this Court formulate detailed decrees in these cases;

(b) if so, what specific issues should the decrees reach;

(c) should this Court appoint a special master to hear evidence with a view to recommending specific terms for such decrees;

(d) should this Court remand to the courts of first instance with directions to frame decrees in these cases, and if so what general directions should the decrees of this Court include and what procedures should the courts of first instance follow in arriving at the specific terms of more detailed decrees?

The Attorney General of the United States is invited to take part in the oral argument and to file an additional brief if he so desires.

No. 523, Misc. GARTNER *v.* OVERHOLSER, SUPERINTENDENT, ST. ELIZABETHS HOSPITAL. Motion for leave to file petition for writ of habeas corpus denied.

June 8, 1953.

345 U. S.

Certiorari Granted.

No. 696. UNITED STATES *v.* MORGAN. C. A. 2d Cir. Certiorari granted. *Acting Solicitor General Stern* for the United States. Reported below: 202 F. 2d 67.

No. 744. AVONDALE MARINE WAYS, INC. *v.* HENDERSON, DEPUTY COMMISSIONER, ET AL. C. A. 5th Cir. Certiorari granted. *Frank A. Bull* and *Ashton Phelps* for petitioner. *Acting Solicitor General Stern*, *Assistant Attorney General Burger*, *Hubert H. Margolies* and *Paul A. Sweeney* filed a memorandum for Henderson, respondent. Reported below: 201 F. 2d 437.

Certiorari Denied. (See also No. 818, supra.)

No. 720. CHARLES ET AL. *v.* CITY OF CHICAGO. Supreme Court of Illinois. Certiorari denied. *LeRoy G. Charles* for petitioners. *John J. Mortimer* and *L. Louis Karton* for respondent. Reported below: 413 Ill. 428, 109 N. E. 2d 790.

No. 725. SEDLACEK *v.* HANN, WARDEN. Supreme Court of Nebraska. Certiorari denied. Reported below: 156 Neb. 340, 56 N. W. 2d 138.

No. 728. SINCLAIR *v.* UNITED STATES. Court of Claims. Certiorari denied. *Edward L. P. O'Connor* for petitioner. *Acting Solicitor General Stern*, *Assistant Attorney General Burger* and *Samuel D. Slade* for the United States. Reported below: 124 Ct. Cl. 182, 109 F. Supp. 529.

No. 734. ESTATE OF COCHRAN ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 9th Cir. Certiorari denied. *Eli Freed* for petitioners. *Acting Solicitor General Stern*, *Assistant Attorney General Holland*, *Ellis N. Slack* and *Fred E. Youngman* for respondent. Reported below: 201 F. 2d 365.

345 U. S.

June 8, 1953.

No. 737. TOOR ET AL. *v.* WESTOVER. C. A. 9th Cir. Certiorari denied. *Leo V. Silverstein* for petitioners. *Acting Solicitor General Stern, Assistant Attorney General Holland, Ellis N. Slack* and *S. Dee Hanson* for respondent. Reported below: 200 F. 2d 713.

No. 743. UNITED STATES EX REL. SPINELLA *v.* SAVORETTI, DISTRICT DIRECTOR OF UNITED STATES IMMIGRATION AND NATURALIZATION SERVICE. C. A. 5th Cir. Certiorari denied. *Edward J. Hayes* for petitioner. *Acting Solicitor General Stern, Beatrice Rosenberg* and *John R. Wilkins* for respondent. Reported below: 201 F. 2d 364.

No. 745. ALLEN *v.* NATIONAL TUBE Co. Supreme Court of Ohio. Certiorari denied. *Jacob Levin* for petitioner. *Frank Harrison* for respondent. Reported below: 158 Ohio St. 584, 110 N. E. 2d 488.

No. 660. VICTRYLITE CANDLE Co. *v.* BRANNAN, SECRETARY OF AGRICULTURE, ET AL. United States Court of Appeals for the District of Columbia Circuit. Benson, present Secretary of Agriculture, substituted for Brannan. Brownell, present Attorney General, substituted for McGranery. Certiorari denied. *Edward Brodkey, Frank E. Gettleman, Arthur Gettleman* and *Albert Brick* for petitioner. *Acting Solicitor General Stern* for Benson et al., respondents. Reported below: 91 U. S. App. D. C. 386, 201 F. 2d 206.

No. 718. JAPAN-ATLANTIC AND GULF FREIGHT CONFERENCE ET AL. *v.* UNITED STATES ET AL.; and

No. 774. FEDERAL MARITIME BOARD *v.* UNITED STATES ET AL. United States Court of Appeals for the District of Columbia Circuit. The motions in No. 718 for a stay and to advance, and for leave to file brief of A/S J. Lud-

June 8, 1953.

345 U. S.

wig Mowinckels Rederi and others, as *amici curiae*, are denied. Certiorari denied. *Herman Goldman, Elkan Turk and George F. Galland* for petitioners in No. 718. *Francis T. Greene and Joseph A. Klausner* for petitioner in No. 774. *Acting Solicitor General Stern and Ralph S. Spritzer* for the United States, respondent. *John J. O'Connor, Thurman Arnold, Paul A. Porter and William L. McGovern* for Isbrandtsen Co., Inc., respondent.

No. 732. *DE VITA v. NEW JERSEY*; and

No. 733. *GRILLO v. NEW JERSEY*. Supreme Court of New Jersey. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion that the petitions should be granted. *Harry Kay* for petitioner in No. 732. *George R. Sommer* for petitioner in No. 733. *Edward Gaulkin and C. William Caruso* for respondent. Reported below: 11 N. J. 173, 93 A. 2d 328.

No. 740. *CLY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Morris Lavine* for petitioner. *Acting Solicitor General Stern, Beatrice Rosenberg and Edward S. Szukelewicz* for the United States. Reported below: 201 F. 2d 806.

No. 788. *LOPEZ v. AMERICAN-HAWAIIAN STEAMSHIP Co.* C. A. 3d Cir. Certiorari denied. *Paul M. Goldstein and Herman Moskowitz* for petitioner. *Thomas E. Byrne, Jr.* for respondent. Reported below: 201 F. 2d 418.

No. 462, Misc. *TATUM v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 499, Misc. *PENNSYLVANIA EX REL. ELLIOTT v. BALDI, SUPERINTENDENT, PHILADELPHIA COUNTY PRISON*.

345 U.S.

June 8, 1953.

Supreme Court of Pennsylvania, Eastern District. Certiorari denied. Petitioner *pro se*. *Randolph C. Ryder* for respondent. Reported below: 373 Pa. 489, 96 A. 2d 122.

No. 501, Misc. *BOZELL v. UNITED STATES ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 203 F. 2d 711.

No. 502, Misc. *MALLOW v. NEW YORK.* Court of Appeals of New York. Certiorari denied.

No. 504, Misc. *UNITED STATES EX REL. MORGAN v. MARTIN, 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. Reported below: 202 F. 2d 67.

No. 507, Misc. *McHARNESSE v. MISSOURI.* Supreme Court of Missouri. Certiorari denied. *Walter A. Raymond* for petitioner. Reported below: 255 S. W. 2d 826.

No. 508, Misc. *LAMARR v. MICHIGAN.* Supreme Court of Michigan. Certiorari denied.

No. 509, Misc. *BERNOVICH v. ILLINOIS.* Supreme Court of Illinois. Certiorari denied.

No. 512, Misc. *GILBERT v. ILLINOIS.* Supreme Court of Illinois. Certiorari denied.

June 8, 1953.

345 U. S.

No. 519, Misc. STALEY *v.* MAYO, STATE PRISON CUSTODIAN. Supreme Court of Florida. Certiorari denied.

No. 522, Misc. VAN DYKE *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied. Reported below: 414 Ill. 251, 111 N. E. 2d 165.

No. 530, Misc. HERSHEY *v.* PENNSYLVANIA BOARD OF PAROLE ET AL. Supreme Court of Pennsylvania, Eastern District. Certiorari denied.

Rehearing Denied.

No. 341. POULOS *v.* NEW HAMPSHIRE, *ante*, p. 395;

No. 488. CALLANAN ROAD IMPROVEMENT Co. *v.* UNITED STATES ET AL., *ante*, p. 507; and

No. 508. UNITED STATES *v.* INTERNATIONAL BUILDING Co., *ante*, p. 502. Petitions for rehearing denied.

No. 566. HARRISON, COLLECTOR OF INTERNAL REVENUE, *v.* BOHNEN, EXECUTOR, *ante*, p. 946. Rehearing denied. MR. JUSTICE JACKSON took no part in the consideration or decision of this application.

No. 591. MALLONEE ET AL. *v.* FAHEY ET AL.;

No. 592. WILMINGTON FEDERAL SAVINGS & LOAN ASSOCIATION ET AL. *v.* HOME LOAN BANK BOARD ET AL.;

No. 593. HOME INVESTMENT Co. *v.* FAHEY ET AL.;

No. 594. UTLEY, RECEIVER, *v.* FAHEY ET AL.;

No. 595. WALLIS ET AL. *v.* FAHEY ET AL.;

No. 596. TITLE SERVICE Co., TRUSTEE, *v.* FAHEY ET AL.; and

No. 658. WILLHOIT *v.* FAHEY ET AL., *ante*, p. 952. Rehearing denied. MR. JUSTICE CLARK took no part in the consideration or decision of this application.

345 U. S.

June 15, 1953.

JUNE 15, 1953.

Per Curiam Decisions. (See also No. 235, Misc., 346 U. S. 270.)

No. 527. UNITED STATES *v.* KLINGER ET AL. Certiorari, 345 U. S. 921, to the United States Court of Appeals for the Second Circuit. Argued May 5, 1953. Decided June 15, 1953. *Per Curiam*: The judgment is affirmed by an equally divided Court. MR. JUSTICE JACKSON took no part in the consideration or decision of this case. *Beatrice Rosenberg* argued the cause for the United States. With her on the brief were *Acting Solicitor General Stern* and *Carl H. Imlay*. *Louis Bender*, acting under appointment by the Court, argued the cause and filed a brief for respondents. Reported below: 199 F. 2d 645.

No. 549. BRIDGES *v.* UNITED STATES. On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. *Per Curiam*: The petition for writ of certiorari is granted. The judgment is reversed and the case is remanded to the District Court with directions to dismiss the proceedings. THE CHIEF JUSTICE, MR. JUSTICE REED, and MR. JUSTICE MINTON dissent for the reasons given in MR. JUSTICE REED's dissenting opinion in *Bridges v. United States*, 346 U. S. 209, decided this day. MR. JUSTICE JACKSON and MR. JUSTICE CLARK took no part in the consideration or decision of this case. *Telford Taylor* and *Norman Leonard* for petitioner. *Solicitor General Cummings*, *Beatrice Rosenberg* and *John R. Wilkins* for the United States. Reported below: 199 F. 2d 845.

No. 750. UNITED STATES *v.* BERMAN ET AL. Appeal from the United States District Court for the Northern District of California. *Per Curiam*: Judgment reversed.

June 15, 1953.

345 U. S.

United States v. Grainger, 346 U. S. 235, decided this day. MR. JUSTICE BLACK, MR. JUSTICE FRANKFURTER, and MR. JUSTICE DOUGLAS, adopting the reasoning in the opinion of Judge Learned Hand in *United States v. Klinger*, 199 F. 2d 645, would affirm the District Court in dismissing this indictment. MR. JUSTICE JACKSON took no part in the consideration or decision of this case. *Acting Solicitor General Stern* for the United States.

No. 676. SERVE YOURSELF GASOLINE STATIONS ASSOCIATION, INC. ET AL. *v.* BROCK, DIRECTOR OF THE DEPARTMENT OF AGRICULTURE OF CALIFORNIA, ET AL. Appeal from the Supreme Court of California; and

No. 757. DELAY ET AL. *v.* CALIFORNIA. Appeal from the Superior Court in and for the County of Los Angeles, California. *Per Curiam*: The motions to dismiss are granted and the appeals are dismissed for the want of a substantial federal question. *Edward S. Shattuck* for appellants. *Edmund G. Brown*, Attorney General of California, and *Frank J. Mackin*, Assistant Attorney General, for appellees. *John F. Hassler*, Deputy Attorney General, was also of counsel for appellees in No. 676. Reported below: No. 676, 39 Cal. 2d 813, 249 P. 2d 545.

No. 800. DART TRANSIT CO. *v.* INTERSTATE COMMERCE COMMISSION ET AL. Appeal from the United States District Court for the District of Minnesota. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion probable jurisdiction should be noted and the case set down for oral argument. *Lee Loevinger* and *David W. Louisell* for appellant. *Acting Solicitor General Stern* and *Edward M. Reidy* for the United States and the Interstate Commerce Commission, appellees. Reported below: 110 F. Supp. 876.

345 U. S.

Order Modifying Decree.

Order Modifying and Supplementing Decree.

No. 5, Original. NEBRASKA v. WYOMING (COLORADO, IMPLEADED DEFENDANT, AND THE UNITED STATES, INTERVENOR).

The joint motion for approval of a stipulation and to modify and supplement the decree is granted and the following order is entered in compliance with the stipulation:

The parties to this cause having filed a stipulation, dated January 14, 1953, and a joint motion for approval of the stipulation and to modify and supplement the decree entered on October 8, 1945 (325 U. S. 665) and the Court being fully advised:

The stipulation dated January 14, 1953, is approved; and

IT IS ORDERED that the decree of October 8, 1945, is hereby modified and supplemented as follows:

1. In paragraph I (a) of the decree the figure "145,000" is substituted for the figure "135,000."
2. Paragraph XIII is amended by striking the first sentence and substituting for it the following:

Any of the parties may apply at the foot of this decree for its amendment or for further relief, except that for a period of five years from and after June 15, 1953, the State of Colorado shall not institute any proceedings for the amendment of the decree or for further relief. In the event that within said period of five years any other party applies for an amendment of the decree or for further relief, then the State of Colorado may assert any and all rights, claims or defenses available to it under the decree as amended.

3. Two new paragraphs, as follows, are added to the decree:

XVI. Whatever claims or defenses the parties or any of them may have in respect to the application,

June 15, 1953.

345 U. S.

interpretation or construction of the Act of August 9, 1937 (50 Stat. 564-595) shall be determined without prejudice to any party arising because of any development of the Kendrick Project occurring subsequent to October 1, 1951.

XVII. When Glendo Dam and Reservoir are constructed, the following provisions shall be effective:

(a) The construction and operation of the Glendo Project shall not impose any demand on areas at or above Seminoe Reservoir which will prejudice any rights that the States of Colorado or Wyoming might have to secure a modification of the decree permitting an expansion of water uses in the natural basin of the North Platte River in Colorado or above Seminoe Reservoir in Wyoming.

(b) The construction and operation of Glendo Reservoir shall not affect the regimen of the natural flow of the North Platte River above Pathfinder Dam. The regimen of the natural flow of the North Platte River below Pathfinder Dam shall not be changed, except that not more than 40,000 acre feet of the natural flow of the North Platte River and its tributaries which cannot be stored in upstream reservoirs under the provisions of this decree may be stored in the Glendo Reservoir during any water year, in addition to evaporation losses on such storage, and, further, the amount of such storage water that may be held in storage at any one time, including carryover storage, shall never exceed 100,000 acre feet. Such storage water shall be disposed of in accordance with contracts to be hereafter executed, and it may be used for the irrigation of lands in the basin of the North Platte River in western Nebraska to the extent

of 25,000 acre feet annually, and for the irrigation of lands in the basin of the North Platte River in southeastern Wyoming below Guernsey Reservoir to the extent of 15,000 acre feet annually, provided that it shall not be used as a substitute for storage water contracted for under any existing permanent arrangements. The above limitation on storage of natural flow does not apply to flood water which may be temporarily stored in any capacity allocated for flood control in the Glendo Reservoir, nor to water originally stored in Pathfinder Reservoir which may be temporarily re-stored in Glendo Reservoir after its release from Pathfinder and before its delivery pursuant to contract; nor to water which may be impounded behind Glendo Dam, as provided in the Bureau of Reclamation Definite Plan Report for the Glendo Unit dated December 1952, for the purpose of creating a head for the development of water power.

(c) Paragraph III of the decree is amended to read as follows:

III. The State of Wyoming, its officers, attorneys, agents and employees, be and they are hereby severally enjoined from storing or permitting the storage of water in Pathfinder, Guernsey, Seminoe, Alcova and Glendo Reservoirs otherwise than in accordance with the relative storage rights, as among themselves, of such reservoirs, which are hereby defined and fixed as follows:

- First, Pathfinder Reservoir;
- Second, Guernsey Reservoir;
- Third, Seminoe Reservoir;
- Fourth, Alcova Reservoir; and
- Fifth, Glendo Reservoir;

June 15, 1953.

345 U. S.

Provided, however that water may be impounded in or released from Seminoe Reservoir, contrary to the foregoing rule of priority operation for use in the generation of electric power when and only when such storage or release will not materially interfere with the administration of water for irrigation purposes according to the priority decreed for the French Canal and the State Line Canals.

Storage rights of Glendo Reservoir shall be subject to the provisions of this paragraph III.

(d) Paragraph IV of the decree is amended to read as follows:

IV. The State of Wyoming, its officers, attorneys, agents and employees be and they are hereby severally enjoined from storing or permitting the storage of water in Pathfinder, Guernsey, Seminoe, Alcova and Glendo Reservoirs, and from the diversion of natural flow water through the Casper Canal for the Kendrick Project between and including May 1 and September 30 of each year otherwise than in accordance with the rule of priority in relation to the appropriations of the Nebraska lands supplied by the French Canal and by the State Line Canals, which said Nebraska appropriations are hereby adjudged to be senior to said five reservoirs and said Casper Canal, and which said Nebraska appropriations are hereby identified and defined, and their diversion limitations in second feet and seasonal limitations in acre feet fixed as follows:

Lands	Canal	Limitation in Sec. Feet	Seasonal Limitation in Acre Ft.
Tract of 1025 acres	French	15	2,227
Mitchell Irrigation District	Mitchell	195	35,000
Gering Irrigation District	Gering	193	36,000
Farmers Irrigation District	Tri-State	748	183,050
Ramshorn Irrigation District	Ramshorn	14	3,000

(e) Paragraph V of the decree is amended to read as follows:

V. The natural flow in the Guernsey Dam to Tri-State Dam section between and including May 1 and September 30 of each year, including the contribution of Spring Creek, be and the same hereby is apportioned between Wyoming and Nebraska on the basis of twenty-five per cent to Wyoming and seventy-five per cent to Nebraska, with the right granted Nebraska to designate from time to time the portion of its share which shall be delivered into the Interstate, Fort Laramie, French and Mitchell Canals for use on the Nebraska lands served by these canals. The State of Nebraska, its officers, attorneys, agents and employees, and the State of Wyoming, its officers, attorneys, agents and employees, are hereby enjoined and restrained from diversion or use contrary to this apportionment, provided that in the apportionment of water in this section the flow for each day, until ascertainable, shall be assumed to be the same as that of the preceding day, as shown by the measurements and computations for that day, and provided further, that unless and until Nebraska, Wyoming and the United States agree upon a modification thereof, or upon another formula, reservoir evaporation and transportation losses in the segregation of natural flow and storage shall be computed in accordance with the following formula taken from United States' Exhibit 204A and the stipulation of the parties dated January 14, 1953, and filed on January 30, 1953:

Reservoir Evaporation Losses.

Seminole, Pathfinder and Alcova Reservoirs.

Evaporation will be computed daily based upon evaporation from Weather Bureau Stand-

June 15, 1953.

345 U. S.

ard 4 foot diameter Class "A" pan located at Pathfinder Reservoir. Daily evaporation will be multiplied by area of water surface of reservoir in acres and by co-efficient of 70% to reduce pan record to open water surface.

Glendo and Guernsey Reservoirs.

Compute same as above except use pan evaporation at Whalen Dam.

River Carriage Losses.

River carriage losses will be computed upon basis of area of river water surface as determined by aerial surveys made in 1939 and previous years and upon average monthly evaporation at Pathfinder reservoir for the period 1921 to 1939, inclusive, using a co-efficient of 70% to reduce pan records to open water surface.

Daily evaporation losses in second-feet for various sections of the river are shown in the following table:

River Section	Area Acres	Daily Loss—Second Feet				
		May	June	July	Aug.	Sept.
Alcova to Glendo Reservoir	6,740	43	61	70	61	45
Guernsey Reservoir to Whalen	560	4	5	6	5	4
Whalen to State Line	2,430	16	22	25	22	16

Above table is based upon mean evaporation at Pathfinder as follows: May .561 ft.; June .767 ft.; July .910 ft.; Aug. .799 ft.; Sept. .568 ft. Co-efficient of 70% to reduce pan record to open water surface.

Above table does not contain computed loss for section of river from Glendo Dam to head of Guernsey Reservoir (area 680 acres) because this area is less than submerged area of original river bed (940

acres) in Glendo Reservoir and is, therefore, considered as off-set.

Above table does not contain computed loss for section of river from Pathfinder Dam to head of Alcova Reservoir (area 170 acres) because this area is less than submerged area of original river bed in Alcova Reservoir and is, therefore, considered as off-set.

Likewise the area between Seminoe Dam and head of Pathfinder Reservoir is less than area of original river bed through Pathfinder Reservoir—considered as off-set. Evaporation losses will be divided between natural flow and storage water flowing in any section of river channel upon a proportional basis. This proportion will ordinarily be determined at the upper end of the section except under conditions of intervening accruals or diversions that materially change the ratio of storage to natural flow at the lower end of the section. In such event the average proportion for the section will be determined by using the mean ratio for the two ends of the section.

In the determination of transportation losses for the various sections of the stream, such time intervals for the passage of water from point to point shall be used as may be agreed upon by Nebraska, Wyoming and the United States, or in the absence of such agreement, as may be decided upon from day to day by the manager of the government reservoirs, with such adjustments to be made by said manager from time to time as may be necessary to make as accurate a segregation as is possible.

Clarence S. Beck, Attorney General, and *Bert L. Overcash*, Assistant Attorney General, for the State of Nebraska, *Howard B. Black*, Attorney General, for the

June 15, 1953.

345 U. S.

State of Wyoming, *Duke W. Dunbar*, Attorney General, *H. Lawrence Hinkley*, Deputy Attorney General, and *Jean S. Breitenstein* for the State of Colorado, and *Acting Solicitor General Stern* for the United States.

Miscellaneous Orders.

No. 11, Original. *MISSISSIPPI v. LOUISIANA*. The motion for leave to file a bill of complaint is granted and process is ordered to issue returnable within 60 days. *J. P. Coleman*, Attorney General of Mississippi, and *G. H. Brandon* for plaintiff. *Fred S. LeBlanc*, Attorney General of Louisiana, *W. C. Perrault*, First Assistant Attorney General, *Carroll Buck*, Second Assistant Attorney General, and *John L. Madden*, Assistant Attorney General, for defendant.

No. —. *NORBACK ET AL. v. GRAND CENTRAL AIRCRAFT Co.* The application for a stay of the interlocutory injunction is denied. *THE CHIEF JUSTICE* and *MR. JUSTICE BURTON* are of the opinion the application should be granted. *MR. JUSTICE JACKSON* took no part in the consideration or decision of this application. *Acting Solicitor General Stern* for *Norback et al.* *Dana Latham* for respondent.

No. 287. *POLIZZI v. COWLES MAGAZINES, INC.* The petition for clarification of the opinion is denied. *MR. JUSTICE FRANKFURTER* and *MR. JUSTICE DOUGLAS* took no part in the consideration or decision of this application.

No. 787. *MISSISSIPPI RIVER FUEL CORP. v. FEDERAL POWER COMMISSION*. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit dismissed on motion of counsel for the petitioner. *William A. Dougherty*, *James Lawrence White* and *Charles E. McGee* for petitioner. Reported below: 202 F. 2d 899.

345 U. S.

June 15, 1953.

No. —. ROSENBERG ET AL. v. UNITED STATES. An application for stay of execution was filed herein on June 12, 1953. It was referred to MR. JUSTICE JACKSON, the appropriate Circuit Justice. MR. JUSTICE JACKSON referred it to the Court for consideration and action, with the recommendation "that it be set for oral hearing on Monday, June 15, 1953, at which time the parties have agreed to be ready for argument."

Upon consideration of the recommendation, the Court declined to hear oral argument on the application.

MR. JUSTICE FRANKFURTER and MR. JUSTICE BURTON, agreeing with MR. JUSTICE JACKSON'S recommendation, believe that the application should be set for hearing on Monday, June 15, 1953.

Thereupon, the Court gave consideration to the application for the stay, and denies it, MR. JUSTICE BURTON joining in such denial.

MR. JUSTICE FRANKFURTER and MR. JUSTICE JACKSON, believing that the application for a stay should not be acted upon without a hearing before the full Court, do not agree that the stay should be denied.

MR. JUSTICE BLACK is of the opinion that the Court should grant a rehearing and a stay pending final disposition of the case. But since a sufficient number do not vote for a rehearing, he is willing to join those who wish to hear argument on the question of a stay.

MR. JUSTICE DOUGLAS would grant a stay and hear the case on the merits, as he thinks the petition for certiorari and the petition for rehearing present substantial questions. But since the Court has decided not to take the case, there would be no end served by hearing oral argument on the motion for a stay. For the motion presents no new substantial question not presented by the petition for certiorari and by the petition for rehearing.

Emanuel H. Bloch and John F. Finerty for petitioners.
Acting Solicitor General Stern for the United States.

June 15, 1953.

345 U. S.

No. 545, Misc. *KADO v. PENNSYLVANIA ET AL.* Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied. Motion for leave to file petition for writ of habeas corpus also denied.

No. 458, Misc. *WORK v. LOONEY*;

No. 516, Misc. *IN RE JERONIS*;

No. 517, Misc. *DEL'MARMOL v. HEINZE, WARDEN*;

No. 528, Misc. *EX PARTE BAUMGARTEN*;

No. 531, Misc. *WHITING v. LOONEY, WARDEN*;

No. 533, Misc. *SULLIVAN v. TEETS, WARDEN*;

No. 539, Misc. *SWANSON v. HANN, WARDEN*; and

No. 544, Misc. *BURKHOLDER v. UNITED STATES.* Motions for leave to file petitions for writs of habeas corpus denied.

No. 548, Misc. *SEVERA v. McCORKLE, ACTING WARDEN.* Motion for leave to file petition for writ of habeas corpus and for other relief denied.

No. 506, Misc. *CROSS v. SUPREME COURT OF CALIFORNIA.* Motion for leave to file petition for writ of mandamus denied.

No. 527, Misc. *IN RE WILSON.* Application denied.

Certiorari Granted. (See also No. 549, *supra*, and No. 235, Misc., 346 U. S. 270.)

No. 535. *POPE & TALBOT, INC. v. HAWN ET AL.* C. A. 3d Cir. Certiorari granted. *Mark D. Alspach* for petitioner. *Charles Lakatos* for Hawn; and *Thomas F. Mount* and *Joseph W. Henderson* for Haenn Ship Ceiling & Refitting Corporation, respondents. Reported below: 198 F. 2d 800.

No. 764. *PEREIRA ET AL. v. UNITED STATES.* C. A. 5th Cir. Certiorari granted. *Charles L. Sylvester* and *Wil-*

345 U. S.

June 15, 1953.

liam H. Fryer for petitioners. *Acting Solicitor General Stern* and *Beatrice Rosenberg* for the United States. Reported below: 202 F. 2d 830.

No. 765. UNITED STATES *v.* DEBROW;

No. 766. UNITED STATES *v.* WILKINSON;

No. 767. UNITED STATES *v.* BRASHIER;

No. 768. UNITED STATES *v.* ROGERS; and

No. 769. UNITED STATES *v.* JACKSON. C. A. 5th Cir. Certiorari granted. *Acting Solicitor General Stern* for the United States. *W. S. Henley, R. W. Thompson, Jr., Albert Sidney Johnston, Jr., Ben F. Cameron, W. W. Dent* and *T. J. Wills* for respondents. Reported below: 203 F. 2d 699.

No. 773. GARNER ET AL., TRADING AS CENTRAL STORAGE & TRANSFER CO., *v.* TEAMSTERS, CHAUFFEURS, AND HELPERS LOCAL UNION No. 776 (A. F. L.) ET AL. Supreme Court of Pennsylvania, Middle District. Certiorari granted. *James H. Booser* for petitioners. Reported below: 373 Pa. 19, 94 A. 2d 893.

No. 777. DICKINSON *v.* UNITED STATES. C. A. 9th Cir. Certiorari granted. *Hayden C. Covington* for petitioner. *Acting Solicitor General Stern, Beatrice Rosenberg* and *Carl Imlay* for the United States. Reported below: 203 F. 2d 336.

No. 784. NEVADA AND NEW YORK *v.* STACHER. Seventh Judicial District Court in and for the County of White Pine, Nevada. Certiorari granted. *William T. Matthews*, Attorney General, and *Jack Streeter* and *George M. Dickerson*, Special Assistant Attorneys General, for the State of Nevada, and *Nathaniel L. Goldstein*, Attorney General, *Wendell P. Brown*, Solicitor General,

June 15, 1953.

345 U. S.

Paul W. Williams, Special Assistant Attorney General, and *Edward L. Ryan*, Assistant Attorney General, for the State of New York, petitioners.

No. 480, Misc. *WALDER v. UNITED STATES*. C. A. 8th Cir. Certiorari granted. Petitioner *pro se*. *Acting Solicitor General Stern* for the United States. Reported below: 201 F.2d 715.

Certiorari Denied. (See also No. 545, Misc., *supra*.)

No. 506. *ACCINANTO, LTD. ET AL. v. A/S J. LUDWIG MOWINCKELS REDERI ET AL.* C. A. 4th Cir. Certiorari denied. *Henry N. Longley* and *George W. P. Whip* for petitioners. *Harold S. Deming*, *William A. Grimes* and *Wharton Poor* for respondents. Reported below: 199 F.2d 134.

No. 631. *CONTINENTAL CASUALTY CO. v. THE BENNY SKOU*. C. A. 4th Cir. Certiorari denied. *R. Arthur Jett* for petitioner. *Thos. M. Johnston* for respondent. Reported below: 200 F.2d 246.

No. 707. *SCOTT PUBLISHING CO. ET AL. v. GAFFNEY*. Supreme Court of Washington. Certiorari denied. *J. Kennard Cheadle* for petitioners. Reported below: 41 Wash. 2d 191, 248 P.2d 390.

No. 738. *SPIKINGS v. WABASH RAILROAD CO.* C. A. 7th Cir. Certiorari denied. *William C. Wines* for petitioner. *Elmer W. Freytag* for respondent. Reported below: 201 F.2d 492.

No. 741. *ATLANTIC COAST LINE RAILROAD CO. v. BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS, FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES, ET AL.* C. A. 4th Cir. Certiorari denied. *Charles Cook*

345 U. S.

June 15, 1953.

Howell, M. V. Barnhill, Jr., F. S. Spruill, Donald R. Richberg and Delmar W. Holloman for petitioner. *Clarence M. Mulholland and Edward J. Hickey, Jr.* for respondents. Reported below: 201 F. 2d 36.

No. 746. *SCHNEIDER v. GALLAGHER, SHERIFF*. Supreme Court of California. Certiorari denied. *Lloyd E. McMurray* for petitioner.

No. 751. *PEARCE v. PREVIEWS, INCORPORATED*. C. A. 5th Cir. Certiorari denied. *Claude Pepper* for petitioner. *Manley P. Caldwell, Madison F. Pacetti and H. Elmo Robinson* for respondent. Reported below: 201 F. 2d 385.

No. 752. *YGLESIAS v. GULFSTREAM PARK RACING ASSOCIATION, INC.* C. A. 5th Cir. Certiorari denied. *Claude Pepper and J. M. Flowers* for petitioner. *William Gresham Ward* for respondent. Reported below: 201 F. 2d 817.

No. 753. *YGLESIAS v. GULFSTREAM PARK RACING ASSOCIATION, INC.* C. A. 5th Cir. Certiorari denied. *Claude Pepper and J. M. Flowers* for petitioner. *William Gresham Ward* for respondent. Reported below: 201 F. 2d 819.

No. 754. *POLLOCK v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Llewellyn A. Luce and Walter H. Maloney* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Holland, Ellis N. Slack and Joseph M. Howard* for the United States. Reported below: 202 F. 2d 281.

No. 755. *REPORTER PUBLISHING Co., INC. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 10th Cir. Certiorari denied. *James M. Barnes* for petitioner. *Acting*

June 15, 1953.

345 U. S.

Solicitor General Stern, Assistant Attorney General Holland, Ellis N. Slack and Cecelia H. Goetz for respondent. Reported below: 201 F. 2d 743.

No. 756. *BASCOM LAUNDRER CORP. ET AL. v. TELECOIN CORPORATION*. C. A. 2d Cir. Certiorari denied. *Arnold Malkan and Cyrus Austin* for petitioners. *Clarence Fried* for respondent. Reported below: 204 F. 2d 331.

No. 759. *SKOVGAARD v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Claude L. Dawson* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Burger, Paul A. Sweeney and Hubert H. Margolies* for the United States. Reported below: 92 U. S. App. D. C. —, 202 F. 2d 363.

No. 760. *TRENTON CHEMICAL CO. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. *Selden S. Dickinson and Glenn D. Curtis* for petitioner. *Acting Solicitor General Stern, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 201 F. 2d 776.

No. 770. *UNITED STATES v. THOMAS*;

No. 771. *UNITED STATES v. RAMSEY*; and

No. 772. *UNITED STATES v. FRAME*. Court of Claims. Certiorari denied. *Acting Solicitor General Stern* for the United States. *Paul R. Harmel* for respondents in Nos. 770 and 771, and *Thomas H. King* for respondent in No. 772. Reported below: Nos. 770, 771 and 772, 124 Ct. Cl. 557, 830, 833; No. 771, 107 F. Supp. 957.

No. 775. *BRIER CREEK HUNTING & FISHING CLUB, INC. v. SCREVEN COUNTY ET AL.* C. A. 5th Cir. Certiorari denied. *Benjamin E. Pierce and W. Inman Curry* for petitioner. Reported below: 202 F. 2d 369.

345 U. S.

June 15, 1953.

No. 776. INGRAM, ADMINISTRATIVE OFFICER AND COUNTY JUDGE OF CRITTENDEN COUNTY, ET AL. *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. *Joe C. Barrett* for petitioners. *Acting Solicitor General Stern, Acting Assistant Attorney General Williams* and *Roger P. Marquis* for the United States. Reported below: 203 F. 2d 91.

No. 780. SCHALLERER *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 7th Cir. Certiorari denied. *Isaac I. Bender* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Holland, Ellis N. Slack* and *Hilbert P. Zarky* for respondent. Reported below: 203 F. 2d 100.

No. 781. PAINTERS DISTRICT COUNCIL No. 6, BROTHERHOOD OF PAINTERS, DECORATORS, AND PAPERHANGERS OF AMERICA, AFL, ET AL. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 6th Cir. Certiorari denied. *Mortimer Riemer* and *Samuel H. Jaffee* for petitioners. *Acting Solicitor General Stern, George J. Bott, David P. Findling, Dominick L. Manoli* and *Owsley Vose* for respondent. Reported below: 202 F. 2d 957.

No. 783. RATETT *v.* KAPLAN, TRUSTEE IN BANKRUPTCY. C. A. 2d Cir. Certiorari denied. *Archibald Palmer* for petitioner. *Benjamin Weintraub* and *Harris Levin* for respondent. Reported below: 201 F. 2d 889.

No. 786. JACK SMITH BEVERAGES, INC. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 6th Cir. Certiorari denied. *J. Adrian Rosenburg* for petitioner. *Acting Solicitor General Stern, George J. Bott, David P. Findling, Dominick L. Manoli* and *Frederick U. Reel* for respondent. Reported below: 202 F. 2d 100.

June 15, 1953.

345 U. S.

No. 791. NEAL *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Hayden C. Covington* for petitioner. *Acting Solicitor General Stern* and *Beatrice Rosenberg* for the United States. Reported below: 203 F. 2d 111.

No. 792. DAVIS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. *Hayden C. Covington* for petitioner. *Acting Solicitor General Stern*, *Beatrice Rosenberg* and *J. F. Bishop* for the United States. Reported below: 203 F. 2d 853.

No. 793. WISMILLER *v.* ESTATE OF GARRETT. Supreme Court of Pennsylvania, Eastern District. Certiorari denied. Petitioner *pro se*. *Robert E. Woodside*, Attorney General, and *Harry F. Stambaugh* for the State of Pennsylvania, opposing the petition for writ of certiorari. Reported below: 372 Pa. 438, 94 A. 2d 357.

No. 808. PATTISON ET AL. *v.* UNION CENTRAL LIFE INSURANCE Co. Supreme Court of Ohio. Certiorari denied. *Sol Goodman* for petitioners. *Frank F. Dinsmore* and *Virgil D. Parish* for respondent. Reported below: 158 Ohio St. 563, 110 N. E. 2d 487.

No. 812. GENERAL MOTORS CORP. ET AL. *v.* ACKERMANS. C. A. 4th Cir. Certiorari denied. *Duward C. Staley* and *John H. Bruninga* for petitioners. *William D. Hall* for respondent. Reported below: 202 F. 2d 642.

No. 816. CANTRALL ET AL., DOING BUSINESS AS J. R. CANTRALL Co., ET AL. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 9th Cir. Certiorari denied. *Maurice J. Nicoson* for petitioners. *Acting Solicitor General Stern*, *George J. Bott*, *David P. Findling*, *Dominick L. Manoli* and *Frederick U. Reel* for respondent. Reported below: 201 F. 2d 853.

345 U. S.

June 15, 1953.

No. 820. U. S. A. C. TRANSPORT, INC., ALSO DOING BUSINESS AS U. S. AIRPLANE TRANSPORT, INC., *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. *J. Ninian Beall* for petitioner. *Acting Solicitor General Stern* and *Daniel M. Friedman* for the United States. Reported below: 203 F. 2d 878.

No. 821. UNITED STATES EX REL. BECK *v.* NEELLY, DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE. C. A. 7th Cir. Certiorari denied. *Albert W. Dilling* and *Kirkpatrick W. Dilling* for petitioner. *Acting Solicitor General Stern*, *Beatrice Rosenberg* and *Felicia Dubrovsky* for respondent. Reported below: 202 F. 2d 221.

No. 825. REILLY *v.* CHICAGO & NORTH WESTERN RAILWAY CO. ET AL. C. A. 7th Cir. Certiorari denied. *Edward J. Bradley* for petitioner. *Otis Lowell Hastings* and *Drennan J. Slater* for the Chicago & North Western Railway Co.; and *Louis Johnson* and *Stephen Ailes* for the Baltimore & Ohio Chicago Terminal Railroad Company, respondents. Reported below: 201 F. 2d 473.

No. 826. GREAT WESTERN FOOD DISTRIBUTORS, INC. ET AL. *v.* BENSON (SUCCESSOR TO BRANNAN), SECRETARY OF AGRICULTURE, ET AL. C. A. 7th Cir. Certiorari denied. *George L. Siegel* and *Bernard Tomson* for petitioners. *Acting Solicitor General Stern*, *Ralph S. Spritzer*, *Karl D. Loos* and *Neil Brooks* for respondents. Reported below: 201 F. 2d 476.

No. 843. KRAUSE ET AL. *v.* BUCHER. C. A. 7th Cir. Certiorari denied. *John J. Mortimer*, *L. Louis Karton* and *Arthur Magid* for petitioners. *Andrew J. Dallstream* for respondent. Reported below: 200 F. 2d 576.

June 15, 1953.

345 U. S.

No. 836. 24 DIGGER MERCHANDISING MACHINES ET AL. *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. *Morris A. Shenker* for petitioners. *Acting Solicitor General Stern, Beatrice Rosenberg* and *Edward S. Szukelewicz* for the United States. Reported below: 202 F. 2d 647.

No. 845. FERGUSON *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. *G. W. Horsley* for petitioner. *Acting Solicitor General Stern* for the United States. Reported below: 202 F. 2d 621.

No. 681. CAMMARATA *v.* OHIO. Supreme Court of Ohio. Certiorari denied. *Edward T. Kelley* and *Patrick J. Melillo* for petitioner. *Frank G. Millard*, Attorney General of Michigan, *Edmund E. Shepherd*, Solicitor General, and *Daniel J. O'Hara* and *Perry A. Maynard*, Assistant Attorneys General, for respondent.

No. 726. GORDON *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *William Strong* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Holland, Ellis N. Slack* and *Joseph M. Howard* for the United States. Reported below: 202 F. 2d 596.

No. 742. PATTERSON *v.* SAUNDERS ET AL. Supreme Court of Appeals of Virginia. Motion to defer consideration denied. Certiorari denied. Reported below: 194 Va. 607, 74 S. E. 2d 204.

No. 840. GONZALEZ-MARTINEZ *v.* LANDON, DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE, ET AL. C. A. 9th Cir. Certiorari denied. *Frank Pomeranz* for petitioner. *Acting Solicitor General Stern* and *Beatrice Rosenberg* for respondents. Reported below: 203 F. 2d 196.

345 U. S.

June 15, 1953.

No. 382, Misc. *NORMANDALE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Acting Solicitor General Stern* and *Beatrice Rosenberg* for the United States. Reported below: 201 F. 2d 463.

No. 385, Misc. *GRASS v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. Petitioner *pro se*. *Latham Castle*, Attorney General of Illinois, for respondent.

No. 404, Misc. *WHITE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Acting Solicitor General Stern*, *Beatrice Rosenberg* and *Edward S. Szukelewicz* for the United States. Reported below: 200 F. 2d 509, 514.

No. 434, Misc. *MCCANN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Acting Solicitor General Stern*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States.

No. 445, Misc. *WORK v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Acting Solicitor General Stern*, *Beatrice Rosenberg* and *Felicia Dubrovsky* for the United States. Reported below: 201 F. 2d 510.

No. 471, Misc. *ELDER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *J. B. Tietz* for petitioner. *Acting Solicitor General Stern* and *Beatrice Rosenberg* filed a memorandum for the United States. Reported below: 202 F. 2d 465.

No. 492, Misc. *ROBINSON v. GEORGIA*. Supreme Court of Georgia. Certiorari denied. *Jesse T. Edwards* for petitioner. *Eugene Cook*, Attorney General of Georgia, and *Lamar W. Sizemore*, Assistant Attorney General, for respondent. Reported below: 209 Ga. 650, 75 S. E. 2d 9.

June 15, 1953.

345 U.S.

No. 495, Misc. THOMAS *v.* CALIFORNIA. Supreme Court of California. Certiorari denied.

No. 498, Misc. PICKING ET AL. *v.* PENNSYLVANIA RAILROAD CO. ET AL. C. A. 3d Cir. Certiorari denied. Petitioners *pro se.* Robert E. Woodside, Attorney General of Pennsylvania, and H. F. Stambaugh for James et al.; and James A. Strite for Kell et al., respondents.

No. 500, Misc. JORDAN *v.* RAGEN, WARDEN. Supreme Court of Illinois. Certiorari denied.

No. 503, Misc. LAUGHTON *v.* CRANOR, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY. Supreme Court of Washington. Certiorari denied.

No. 510, Misc. UNITED STATES EX REL. WELLS *v.* RAGEN, WARDEN. Circuit Court of Madison County, Illinois. Certiorari denied.

No. 514, Misc. COLLIE *v.* HEINZE, WARDEN. Supreme Court of California. Certiorari denied.

No. 515, Misc. BARNETT *v.* DOERFLER, SHERIFF. Supreme Court of Illinois. Certiorari denied.

No. 518, Misc. LUKE *v.* WASHINGTON. Supreme Court of Washington. Certiorari denied. Reported below: 42 Wash. 2d 260, 254 P. 2d 718.

No. 520, Misc. KELLS *v.* ELLIS, GENERAL MANAGER, TEXAS PRISON SYSTEM. Court of Criminal Appeals of Texas. Certiorari denied.

No. 521, Misc. LEE *v.* KINDELAN, WARDEN. Supreme Court of Rhode Island. Certiorari denied. Reported below: — R. I. —, 95 A. 2d 51.

345 U. S.

June 15, 1953.

No. 524, Misc. CROSBY *v.* RAGEN, WARDEN. Supreme Court of Illinois. Certiorari denied.

No. 525, Misc. BRINK *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Acting Solicitor General Stern, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 202 F. 2d 4.

No. 526, Misc. WHITNEY *v.* CALIFORNIA. Supreme Court of California. Certiorari denied.

No. 529, Misc. SCHELL *v.* EIDSON, WARDEN. C. A. 8th Cir. Certiorari denied. Reported below: 203 F. 2d 902.

No. 532, Misc. TABOR *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 203 F. 2d 948.

No. 534, Misc. SANDERS, ADMINISTRATRIX, *v.* SOUTHERN RAILWAY Co. C. A. 6th Cir. Certiorari denied. *Hughie Ragan* for petitioner. *Caruthers Ewing* for respondent. Reported below: 203 F. 2d 568.

No. 536, Misc. ALLEN *v.* SKEEN, WARDEN. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 537, Misc. PEER *v.* SKEEN, WARDEN. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 542, Misc. LANDGRAVER *v.* RAGEN, WARDEN. Supreme Court of Illinois. Certiorari denied.

No. 543, Misc. GAWRON *v.* RAGEN, WARDEN. Criminal Court of Cook County, Illinois. Certiorari denied.

June 15, 1953.

345 U. S.

No. 546, Misc. KOENIG *v.* CRANOR, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY. Supreme Court of Washington. Certiorari denied.

No. 547, Misc. ESKRIDGE *v.* CRANOR, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY. Supreme Court of Washington. Certiorari denied.

No. 549, Misc. BUTLER *v.* RANDOLPH, WARDEN. Supreme Court of Illinois. Certiorari denied.

No. 552, Misc. RUPOLI *v.* NEW YORK. Supreme Court of New York, Appellate Division, Second Judicial Department. Certiorari denied.

No. 553, Misc. WALDEN *v.* BURKE, WARDEN. Supreme Court of Pennsylvania, Eastern District. Certiorari denied.

No. 469, Misc. BOWEN *v.* COUNTY OF LOS ANGELES ET AL. Supreme Court of California. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion the petition should be granted. *A. L. Wirin* and *Fred Okrand* for petitioner. *Harold W. Kennedy* and *Gerald G. Kelly* for respondents. Reported below: 39 Cal. 2d 714, 249 P. 2d 285.

No. 470, Misc. PETHERBRIDGE ET AL. *v.* COUNTY OF LOS ANGELES ET AL. Supreme Court of California. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion the petition should be granted. *A. L. Wirin* and *Fred Okrand* for Petherbridge; and *Ben Margolis* for Hirschman et al., petitioners. *Harold W. Kennedy* and *Gerald G. Kelly* for respondents. Reported below: 39 Cal. 2d 698, 249 P. 2d 287.

345 U. S.

June 15, 1953.

No. 505, Misc. *HOUSTON v. MISSOURI*. Petition for writ of certiorari to the Supreme Court of Missouri denied for the reason that application therefor was not made within the time provided by law. 28 U. S. C. § 2101 (d); Rule 38½ of the Rules of this Court.

No. 511, Misc. *LEE v. TENNESSEE*. Petition for writ of certiorari to the Supreme Court of Tennessee denied for the reason that application therefor was not made within the time provided by law. 28 U. S. C. § 2101 (d); Rule 38½ of the Rules of this Court. Reported below: 194 Tenn. 652, 254 S. W. 2d 747.

No. 540, Misc. *WILLIAMS v. UNITED STATES*. C. A. 9th Cir. Motion to enlarge time denied. Certiorari denied. Reported below: 203 F. 2d 85.

Rehearing Denied.

No. 52. *TERRY ET AL. v. ADAMS ET AL.*, *ante*, p. 461;

No. 290. *WATSON ET AL. v. COMMISSIONER OF INTERNAL REVENUE*, *ante*, p. 544;

No. 671. *WASHINGTON ET AL. v. UNITED STATES*, *ante*, p. 956; and

No. 719. *SOBELL v. UNITED STATES*, *ante*, p. 965. Petitions for rehearing denied.

No. 314. *McRAE v. WOODS, ACTING HOUSING EXPEDITER*, 344 U. S. 892. Motion for leave to file a second petition for rehearing denied.

No. 687. *ROSENBERG ET AL. v. UNITED STATES*, *ante*, p. 965. Petition for rehearing denied. MR. JUSTICE FRANKFURTER deems it appropriate to state once more that the reasons that preclude publication by the Court, as a general practice, of votes on petition for certiorari guide him

June 15, 1953.

345 U.S.

in all cases, so that it has been his "unbroken practice not to note dissent from the Court's disposition of petitions for certiorari." *Chemical Bank Co. v. Investors*, 343 U. S. 982; *Maryland v. Baltimore Radio Show, Inc.*, 338 U. S. 912; *Darr v. Burford*, 339 U. S. 200, 227; *Agoston v. Pennsylvania*, 340 U. S. 844; *Bondholders, Inc. v. Powell*, 342 U. S. 921; *Rosenberg v. United States*, 344 U. S. 889, 345 U. S. 965. Partial disclosure of votes on successive stages of a certiorari proceeding does not present an accurate picture of what took place. MR. JUSTICE BLACK is of the opinion the petition for rehearing should be granted.

No. 368, Misc. GOODMAN ET AL. *v.* McMILLAN, *ante*, p. 929. Second petition for rehearing denied.

No. 421, Misc. RILEY *v.* DEPARTMENT OF THE AIR FORCE ET AL., *ante*, p. 958;

No. 452, Misc. VANDERWYDE *v.* NEW YORK, *ante*, p. 959; and

No. 460, Misc. BRYANT *v.* UNITED STATES, *ante*, p. 953. Petitions for rehearing denied.