

DECISIONS PER CURIAM AND ORDERS FROM  
BEGINNING OF OCTOBER TERM, 1953,  
THROUGH JANUARY 18, 1954.\*

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CASE DISMISSED IN VACATION.

NO. 147. *SAWYER v. WISCONSIN*. On petition for writ of certiorari to the Supreme Court of Wisconsin, August 28, 1953. Dismissed per stipulation pursuant to Rule 35 of the Rules of this Court. *Alfons B. Landa, Arthur D. Condon, Warren E. Magee* and *Delmar W. Holloman* for petitioner. *William J. McCauley* for respondent. Reported below: 263 Wis. 218, 56 N. W. 2d 811.

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*Miscellaneous Order.*

NO. 121. *WALDER v. UNITED STATES*. Certiorari, 345 U. S. 992, to the United States Court of Appeals for the Eighth Circuit. It is ordered that *Paul A. Porter*, of Washington, D. C., a member of the Bar of this Court, be appointed to serve as counsel for the petitioner in this case.

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MR. CHIEF JUSTICE WARREN made the following statement:

"THE CHIEF JUSTICE having taken office on the day the matters to be reported on today were considered by the Court in conference, and having no familiarity with the records, did not participate in consideration of them.

"MR. JUSTICE BLACK will speak for the Court."

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\*For decisions *per curiam* and orders announced on June 8 and 15, 1953, see 345 U. S. 971 *et seq.*

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*Per Curiam Decisions.*

NO. 49. UNITED STATES *v.* CARROLL CONSTRUCTION CO. ET AL. On petition for writ of certiorari to the Supreme Court of Washington. *Per Curiam*: The petition for writ of certiorari is granted. The judgment is vacated and the case is remanded for consideration in the light of *United States v. Gilbert Associates*, 345 U. S. 361. MR. JUSTICE REED and MR. JUSTICE JACKSON dissent. They are of the opinion that *United States v. Gilbert Associates* is not pertinent. *Acting Solicitor General Stern* for the United States. Reported below: 41 Wash. 2d 317, 249 P. 2d 234.

NO. 71. ARENDER ET AL. *v.* KINGWOOD OIL CO. ET AL. Appeal from the Supreme Court of Louisiana. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for the want of a substantial federal question. *Clyde R. Brown* for appellants. *Geo. Gunby* for appellees. Reported below: 222 La. 383, 62 So. 2d 615.

NO. 151. SIMPSON ET AL. *v.* CITY OF LOS ANGELES ET AL. Appeal from the Supreme Court of California. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for the want of a substantial federal question. *Morris Lavine* for appellants. *Roger Arnebergh, William H. Neal, Bourke Jones and Alan G. Campbell* for appellees. Reported below: 40 Cal. 2d 271, 253 P. 2d 464.

NO. 123. KALMANE *v.* GREEN, EXECUTOR. Appeal from the Court of Appeals of New York. *Per Curiam*: The appeal is dismissed for want of a substantial federal question. *Martin Popper* for appellant. Reported below: 305 N. Y. 148, 691, 111 N. E. 2d 424, 112 N. E. 2d 774.

NO. 238. MCGEE *v.* NORTH CAROLINA. Appeal from the Supreme Court of North Carolina. *Per Curiam*: The

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appeal is dismissed for want of a substantial federal question. *Maurice A. Weinstein* and *Richard M. Welling* for appellant. Reported below: 237 N. C. 633, 75 S. E. 2d 783.

No. 131. *COLLINS v. CALIFORNIA*. Appeal from the District Court of Appeal of California, Second Appellate District. *Per Curiam*: The appeal is dismissed for want of jurisdiction. 28 U. S. C. § 1257 (2). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari as required by 28 U. S. C. § 2103, certiorari is denied. Reported below: 117 Cal. App. 2d 175, 255 P. 2d 59.

No. 144. *POND CREEK POCAHONTAS CO. ET AL. v. ALEXANDER, CHIEF OF THE DEPARTMENT OF MINES OF WEST VIRGINIA, ET AL.* Appeal from the Supreme Court of Appeals of West Virginia. *Per Curiam*: Bierer, present Chief of the Department of Mines of West Virginia, substituted as a party appellee for Alexander. The appeal is dismissed for the want of a substantial federal question. *Don Rose* for appellants. Reported below: 137 W. Va. 864, 74 S. E. 2d 590.

No. 183. *HOUSTON FIRE & CASUALTY INSURANCE CO. v. UNITED STATES ET AL.* Appeal from the United States District Court for the Northern District of Texas. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. MR. JUSTICE BLACK is of the opinion that probable jurisdiction should be noted and the case set down for oral argument. *Reagan Sayers* for appellant. *Acting Solicitor General Stern* and *E. M. Reidy* for the United States and the Interstate Commerce Commission, appellees. Reported below: 115 F. Supp. 579.

No. 256. *DENNY ET AL. v. WATSON, REAL ESTATE COMMISSIONER OF CALIFORNIA, ET AL.* Appeal from the

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District Court of Appeal of California, Second Appellate District. *Per Curiam*: The appeal is dismissed. *Morris Lavine* for appellants. *Edmund G. Brown*, Attorney General of California, *Howard Seymour Goldin* and *Lee B. Stanton*, Deputy Attorneys General, for appellees. Reported below: 114 Cal. App. 2d 491, 250 P. 2d 692.

No. 268. *BROWN v. ILLINOIS*. Appeal from the Supreme Court of Illinois. *Per Curiam*: The appeal is dismissed for the want of a substantial federal question. Reported below: 415 Ill. 23, 112 N. E. 2d 122.

*Miscellaneous Orders.*

No.—, Original. *ARKANSAS v. TEXAS ET AL.* This case is set for hearing on the motion for leave to file the complaint and return to rule to show cause, 345 U. S. 954, each side to be allowed thirty minutes for oral argument. *Tom Gentry*, Attorney General of Arkansas, for complainant. *John Ben Shepperd*, Attorney General of Texas, and *William H. Holloway* and *Marietta McGregor Creel*, Assistant Attorneys General, for defendants.

No. 39. *WILKO v. SWAN ET AL., DOING BUSINESS AS HAYDEN, STONE & Co., ET AL.* Certiorari, 345 U. S. 969, to the United States Court of Appeals for the Second Circuit. The motion of the Solicitor General, on behalf of the Securities and Exchange Commission, for leave to appear and present oral argument, as *amicus curiae*, is granted.

No. 195. *INTERNATIONAL LONGSHOREMEN'S & WAREHOUSEMEN'S UNION, LOCAL 37, ET AL. v. BOYD, DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE.* Appeal from the United States District Court for the Western District of Washington. Further consideration of the question of the jurisdiction of this Court in this case

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is postponed to the hearing of the case on the merits. The appellants are requested to discuss on brief and oral argument the right of the union to sue for an injunction upon behalf of its members. *Norman Leonard* for appellants. Reported below: 111 F. Supp. 802.

No. 198. MICHIGAN-WISCONSIN PIPE LINE CO. v. CALVERT, COMPTROLLER OF PUBLIC ACCOUNTS, ET AL.; and

No. 200. PANHANDLE EASTERN PIPE LINE CO. v. CALVERT, COMPTROLLER OF PUBLIC ACCOUNTS, ET AL. Appeals from the Court of Civil Appeals of Texas, Third Supreme Judicial District. Further consideration of the motions to dismiss or affirm and of the jurisdiction of this Court in these cases is postponed to the hearing of the cases on the merits. *D. H. Culton, Everett L. Looney* and *R. Dean Moorhead* for appellants. With them were *S. A. L. Morgan* in No. 198, and *Edward H. Lange* and *Gene Woodfin* in No. 200. *John Ben Shepperd*, Attorney General of Texas, and *W. V. Geppert* and *C. K. Richards*, Assistant Attorneys General, for appellees. Reported below: 255 S. W. 2d 535.

No. 199. MICHIGAN-WISCONSIN PIPE LINE CO. v. CALVERT, COMPTROLLER OF PUBLIC ACCOUNTS, ET AL.; and

No. 201. PANHANDLE EASTERN PIPE LINE CO. v. CALVERT, COMPTROLLER OF PUBLIC ACCOUNTS, ET AL. Appeals from the Supreme Court of Texas. Further consideration of the motions to dismiss or affirm and of the jurisdiction of this Court in these cases is postponed to the hearing of the cases on the merits. *D. H. Culton, Everett L. Looney* and *R. Dean Moorhead* for appellants. With them were *S. A. L. Morgan* in No. 199, and *Edward H. Lange* and *Gene Woodfin* in No. 201. *John Ben Shepperd*, Attorney General of Texas, and *W. V. Geppert* and *C. K. Richards*, Assistant Attorneys General, for appellees.

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No. 515, Misc., October Term, 1952. *BARNETT v. DOERFLER, SHERIFF*. Motion to vacate the order denying certiorari, 345 U. S. 1000, denied.

No. 62, Misc. *BAKER v. ELLIS, GENERAL MANAGER, TEXAS PRISON SYSTEM*. Court of Criminal Appeals of Texas. Certiorari denied. Motion for leave to file petition for writ of habeas corpus also denied.

No. 11, Misc. *HOPWOOD v. STEELE, WARDEN*;

No. 17, Misc. *GRAYSON v. WARDEN, FEDERAL CORRECTIONAL INSTITUTION*;

No. 19, Misc. *SPENCER v. DICKEY ET AL.*;

No. 41, Misc. *TAYLOR v. SWOPE, WARDEN*;

No. 46, Misc. *DAVIDSON v. KILPATRICK, DIRECTOR, HUDSON RIVER STATE HOSPITAL*;

No. 52, Misc. *DAVIS v. ELLIS, GENERAL MANAGER, TEXAS PRISON SYSTEM*;

No. 54, Misc. *NELSON v. LOONEY, WARDEN*;

No. 57, Misc. *BURKHOLDER v. UNITED STATES*; and

No. 74, Misc. *ELLIOTT v. MICHIGAN*. Motions for leave to file petitions for writs of habeas corpus denied.

No. 132, Misc. *TAYLOR v. SWOPE, WARDEN*. Petition for writ of mandamus dismissed on motion of petitioner.

No. 45, Misc. *EX PARTE COOPER*;

No. 56, Misc. *TAYLOR v. BROWNELL, UNITED STATES ATTORNEY GENERAL*; and

No. 81, Misc. *TAYLOR v. UNITED STATES COURT OF CLAIMS*. Motions for leave to file petitions for writs of mandamus denied.

No. 13, Misc. *AMERICAN AIRLINES, INC. ET AL. v. SLICK AIRWAYS, INC.* Motion for leave to file petition for writ of certiorari to the United States District Court for

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the District of New Jersey denied. *Samuel E. Gates* and *John W. Griggs* for American Airlines, Inc., *Josiah Stryker* for United Air Lines, Inc., *Gerald B. Brophy*, *Horace G. Hitchcock* and *George Gildea* for Transcontinental & Western Air, Inc., and *Waldron M. Ward* for Air Cargo, Inc., petitioners. *Stephen Ailes*, *William E. Miller*, *Paul A. Porter* and *Walton Hamilton* for respondent. Reported below: See 107 F. Supp. 199.

No. 86, Misc. *HENDRICKSON v. BALDI*, SUPERINTENDENT, PHILADELPHIA COUNTY PRISON, PENNSYLVANIA. Motion for leave to file petition for writ of certiorari denied.

No. 44, Misc. *SETTLER v. MICHIGAN STATE PAROLE BOARD ET AL.* Motion for leave to file petition for writ of prohibition and other relief denied.

No. 49, Misc. *VETTERLI v. UNITED STATES.* Petition for allowance of an appeal denied.

*Probable Jurisdiction Noted.* (See also Nos. 195, 198, 199, 200 and 201, *supra.*)

No. 69. *BARSKY v. BOARD OF REGENTS OF THE UNIVERSITY OF NEW YORK.* Appeal from the Court of Appeals of New York. Probable jurisdiction noted. The motion for leave to file brief of Haven Emerson and others, as *amici curiae*, is denied. *Abraham Fishbein* for appellant. *Nathaniel L. Goldstein*, Attorney General of New York, *Wendell P. Brown*, Solicitor General, and *Henry S. Manley*, Assistant Attorney General, for appellee. Reported below: 305 N. Y. 89, 691, 111 N. E. 2d 222, 112 N. E. 2d 773.

No. 115. *KERN-LIMERICK, INC. ET AL. v. PARKER, COMMISSIONER OF REVENUES FOR ARKANSAS.* Appeal from the Supreme Court of Arkansas. Probable juris-

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diction noted. *A. F. House* for Kern-Limerick, Inc., and *Acting Solicitor General Stern* for the United States, appellants. Reported below: 221 Ark. 439, 254 S. W. 2d 454.

No. 163. RAILWAY EXPRESS AGENCY, INC. *v.* VIRGINIA. Appeal from the Supreme Court of Appeals of Virginia. Probable jurisdiction noted. *J. H. Mooers*, *Thomas B. Gay* and *William H. Waldrop, Jr.* for appellant. *J. Lindsay Almond, Jr.*, Attorney General of Virginia, *Frederick T. Gray*, Assistant Attorney General, and *Henry T. Wickham* for appellee. Reported below: 194 Va. 757, 75 S. E. 2d 61.

No. 117. FEDERAL COMMUNICATIONS COMMISSION *v.* AMERICAN BROADCASTING CO., INC.;

No. 118. FEDERAL COMMUNICATIONS COMMISSION *v.* NATIONAL BROADCASTING CO., INC.; and

No. 119. FEDERAL COMMUNICATIONS COMMISSION *v.* COLUMBIA BROADCASTING SYSTEM, INC. Appeals from the United States District Court for the Southern District of New York. Probable jurisdiction noted. *Benedict P. Cottone*, *Richard A. Solomon*, *J. Roger Wollenberg* and *Daniel R. Ohlbaum* for appellant. *Alfred McCormack* and *George B. Turner* for appellee in No. 117; *Paul W. Williams* for appellee in No. 118; and *Maz Freund* and *Stanley M. Silverberg* for appellee in No. 119. Reported below: 110 F. Supp. 374.

No. 128. COUNTY BOARD OF ARLINGTON COUNTY ET AL. *v.* STATE MILK COMMISSION. Appeal from the Supreme Court of Appeals of Virginia. Probable jurisdiction noted. *Malcolm D. Miller* for appellants. *J. Lindsay Almond, Jr.*, Attorney General of Virginia, *Thomas M. Miller*, Assistant Attorney General, and *Roger J. Whitesford*, Special Assistant to the Attorney General, for appellee.

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No. 160. MILLER BROTHERS CO. v. MARYLAND. Appeal from the Court of Appeals of Maryland. Probable jurisdiction noted. *James Piper, William L. Marbury, William Poole* and *James L. Latchum* for appellant. *Edward D. E. Rollins*, Attorney General of Maryland, *J. Edgar Harvey*, Deputy Attorney General, and *Francis D. Murnaghan, Jr.*, Assistant Attorney General, for appellee. Reported below: 201 Md. 535, 95 A. 2d 286.

No. 217. SUPERIOR FILMS, INC. v. DEPARTMENT OF EDUCATION OF OHIO, DIVISION OF FILM CENSORSHIP, HISSONG, SUPERINTENDENT. Appeal from the Supreme Court of Ohio. Probable jurisdiction noted. *Francis J. Wright, Michael Gesas, Earl F. Morris* and *John C. Harlor* for appellant. *C. William O'Neill*, Attorney General of Ohio, *Robert E. Leach*, Chief Counsel, and *Gwynne B. Myers*, Assistant Attorney General, for appellee. Reported below: 159 Ohio St. 315, 112 N. E. 2d 311.

*Certiorari Granted.* (See also No. 109, ante, p. 325, No. 114, ante, p. 327, and No. 49, ante, p. 802.)

No. 65. UNITED STATES v. BINGHAMTON CONSTRUCTION Co., INC. Court of Claims. *Certiorari granted.* *Acting Solicitor General Stern* for the United States. *Malcolm A. MacIntyre* for respondent. Reported below: 123 Ct. Cl. 804, 107 F. Supp. 712.

No. 92. UNITED STATES v. CITY OF NEW BRITAIN ET AL. Supreme Court of Errors of Connecticut. *Certiorari granted.* *Acting Solicitor General Stern* for the United States. *William S. Gordon, Jr.* for the City of New Britain, respondent. Reported below: 139 Conn. 363, 94 A. 2d 10.

No. 67. EMSPAK v. UNITED STATES. United States Court of Appeals for the District of Columbia Circuit.

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Certiorari granted, except as to question No. 4 presented by the petition for the writ. *David Scribner, Frank J. Donner, Arthur Kinoy and Allan R. Rosenberg* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Olney, Beatrice Rosenberg, Carl H. Imlay and John R. Wilkins* for the United States. Reported below: 91 U. S. App. D. C. 378, 203 F. 2d 54.

No. 94. UNITED STATES *v.* LINDSAY ET AL. C. A. 1st Cir. Certiorari granted. *Acting Solicitor General Stern* for the United States. *Edward C. Park* for respondents. Reported below: 202 F. 2d 239.

No. 174. WHITE *v.* BALTIMORE & OHIO RAILROAD CO. C. A. 6th Cir. Certiorari granted. *Paul M. Herbert* for petitioner. *E. H. Burgess and Kenneth H. Ekin* for respondent. Reported below: 203 F. 2d 567.

No. 209. CHICAGO, ROCK ISLAND & PACIFIC RAILROAD CO. *v.* STUDE ET AL. C. A. 8th Cir. Certiorari granted. *Ralph L. Read and Alden B. Howland* for petitioner. *Raymond A. Smith* for respondents. Reported below: 204 F. 2d 954.

No. 184. GENERAL PROTECTIVE COMMITTEE FOR THE HOLDERS OF OPTION WARRANTS OF THE UNITED CORPORATION *v.* SECURITIES AND EXCHANGE COMMISSION ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari granted limited to the question as to the jurisdiction of a court of appeals or a district court to review orders of the Securities and Exchange Commission. *M. Quinn Shaughnessy, Thomas Reath and Henry S. Drinker* for petitioner. *Acting Solicitor General Stern, Roger S. Foster and Aaron Levy* for the Securities and Exchange Commission; and *Richard Joyce Smith* for the United Corporation, respondents. Reported below: 92 U. S. App. D. C. 172, 203 F. 2d 611.

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No. 222. CIVIL AERONAUTICS BOARD *v.* SUMMERFIELD, POSTMASTER GENERAL, ET AL.;

No. 223. DELTA AIR LINES, INC. *v.* SUMMERFIELD, POSTMASTER GENERAL, ET AL.;

No. 224. CIVIL AERONAUTICS BOARD *v.* SUMMERFIELD, POSTMASTER GENERAL, ET AL.; and

No. 225. WESTERN AIR LINES, INC. *v.* CIVIL AERONAUTICS BOARD ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari granted. *Emory T. Nunneley, Jr.* and *O. D. Ozment* for the Civil Aeronautics Board. *L. Welch Pogue* for Delta Air Lines, Inc. *Hugh W. Darling* and *D. P. Renda* for Western Air Lines, Inc. *Acting Solicitor General Stern* filed memorandums stating that the United States and the Postmaster General do not oppose the petitions. *Hubert A. Schneider* for Braniff Airlines, Inc., *C. Edward Leasure* for Northwest Airlines, Inc., and *Gerald B. Brophy* for Trans World Airlines, Inc. filed a brief, as *amici curiae*, supporting the petition in No. 222. Reported below: 92 U. S. App. D. C. 248, 256, 207 F. 2d 200, 207.

No. 228. MAZER ET AL., DOING BUSINESS AS JUNE LAMP MANUFACTURING CO., *v.* STEIN ET AL., DOING BUSINESS AS REGLOR OF CALIFORNIA. C. A. 4th Cir. Certiorari granted. The Solicitor General is invited to file a brief setting forth, along with other matters he deems pertinent, the views of the Copyright Office and a statement of its relevant practice. *Max R. Kraus* and *Robert L. Kahn* for petitioners. Reported below: 204 F. 2d 472.

No. 2, Misc. HERNANDEZ *v.* TEXAS. Court of Criminal Appeals of Texas. Certiorari granted. Petitioner *pro se.* *John Ben Shepperd*, Attorney General of Texas, and *Rudy G. Rice*, *Milton Richardson* and *Horace Wimberly*, Assistant Attorneys General, for respondent. Reported below: 159 Tex. Cr. R. —, 251 S. W. 2d 531.

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No. 6, Misc. GALVAN *v.* PRESS, OFFICER IN CHARGE, IMMIGRATION AND NATURALIZATION SERVICE. C. A. 9th Cir. Certiorari granted. *Harry Wolpin* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Olney, Beatrice Rosenberg and Murry Lee Randall* for respondent. Reported below: 201 F. 2d 302.

*Certiorari Denied.* (See also No. 181, ante, p. 803, and Misc. Nos. 13, 62 and 86, ante, pp. 806, 807.)

No. 26. IN RE WRIGHT. Supreme Court of Nevada. Certiorari denied. *Warren E. Miller* for petitioner. *Toy R. Gregory* for the State Bar of Nevada, respondent. Reported below: 69 Nev. 259, 248 P. 2d 1080.

No. 42. GRAVES, INCORPORATED *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 5th Cir. Certiorari denied. *William Saunders Henley* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Holland, Ellis N. Slack, S. Dee Hanson and John R. Benney* for respondent. Reported below: 202 F. 2d 286.

No. 45. NEW PITTSBURGH COAL CO. *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. *Chalmers M. Parker* for petitioner. *Acting Solicitor General Davis, Assistant Attorney General Holland, Ellis N. Slack and Fred E. Youngman* for the United States. Reported below: 200 F. 2d 146.

No. 46. McCORMICK *v.* LEWIS ET AL. C. A. 5th Cir. Certiorari denied. *John M. Coe* for petitioner. *E. Dixie Beggs* for respondents. Reported below: 201 F. 2d 861.

No. 58. PENNSYLVANIA MUTUAL LIFE INSURANCE CO. *v.* HARDING. Supreme Court of Pennsylvania, Eastern District. Certiorari denied. *M. Stuart Goldin* for petitioner. Reported below: 373 Pa. 270, 95 A. 2d 221.

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NO. 59. *ETERPEN FINANCIERA SOCIEDAD DE RESPONSABILIDAD LIMITADA (FORMERLY ETERPEN, S. A.) v. UNITED STATES*. Court of Claims. Certiorari denied. *William A. Patty* for petitioner. *Acting Solicitor General Davis, Assistant Attorney General Holland, Ellis N. Slack and Melva M. Graney* for the United States. Reported below: 124 Ct. Cl. 20, 108 F. Supp. 100.

NO. 60. *TINSLEY v. KENTUCKY*. Court of Appeals of Kentucky. Certiorari denied. *Chat Chancellor* for petitioner. *J. D. Buckman, Jr.*, Attorney General of Kentucky, and *Zeb A. Stewart*, Assistant Attorney General, for respondent. Reported below: 26 S. W. 2d 11.

NO. 62. *OWENS ET AL. v. WILLIAM H. BANKS WAREHOUSES, INC.* C. A. 5th Cir. Certiorari denied. *W. Dewey Lawrence* for petitioners. *Thomas B. Ramey and L. Duncan Lloyd* for respondent. Reported below: 202 F. 2d 689.

NO. 63. *LAUGHLIN v. LOFTIN ET AL., TRUSTEES*. Supreme Court of Florida. Certiorari denied. *William C. Gaither* for petitioner. *Russell L. Frink and Robert H. Anderson* for respondents. Reported below: 62 So. 2d 745.

NO. 64. *FEHSENFELD ET AL. v. WHIPPLE ET AL.* Supreme Court of Kansas. Certiorari denied. *Preston Pope Reynolds* for petitioners. Reported below: 173 Kan. 427, 249 P. 2d 638.

NO. 68. *BIGGS v. CITY OF CHICAGO ET AL.* Supreme Court of Illinois. Certiorari denied. Petitioner *pro se*. *John J. Mortimer, L. Louis Karton and Arthur Magid* for respondents. Reported below: See 411 Ill. 566, 104 N. E. 2d 611.

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NO. 70. COLONIAL FABRICS, INC. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 2d Cir. Certiorari denied. *Mark M. Horblit* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Holland, Ellis N. Slack* and *I. Henry Kutz* for respondent. Reported below: 202 F. 2d 105.

NO. 72. SWINERTON ET AL., DOING BUSINESS AS SWINERTON & WALBERG CO., ET AL. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 9th Cir. Certiorari denied. *Gardiner Johnson* for petitioners. *Acting Solicitor General Stern, George J. Bott, David P. Findling, Dominick L. Manoli* and *Elizabeth Weston* for respondent. Briefs of *amici curiae* supporting petitioners were filed by *William E. Leahy, William J. Hughes, Jr.* and *Cornelius R. Gray* for the Building & Construction Trades Department of the American Federation of Labor; and by *Lewis T. Gardiner* for the National Constructors Association. Reported below: 202 F. 2d 511.

NO. 74. FEITLER ET AL., TRADING AS GARDNER & CO., *v.* FEDERAL TRADE COMMISSION. C. A. 9th Cir. Certiorari denied. *George E. Lindelof, Jr.* for petitioners. *Acting Solicitor General Stern, Assistant Attorney General Barnes, Daniel M. Friedman, William T. Kelley* and *Robert B. Dawkins* for respondent. Reported below: 201 F. 2d 790.

NO. 75. AMERICAN HARDWARE & EQUIPMENT CO. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 4th Cir. Certiorari denied. *Joseph J. O'Connell, Jr.* for petitioner. *Acting Solicitor General Davis, Assistant Attorney General Holland, Ellis N. Slack* and *Harry Marselli* for respondent. Reported below: 202 F. 2d 126.

NO. 76. DORTCH *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. *Rodes K. Myers* for petitioner. *Act-*

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*ing Solicitor General Davis, Assistant Attorney General Olney, Beatrice Rosenberg and Robert G. Maysack for the United States. Reported below: 203 F. 2d 709.*

No. 77. *COOKE v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 10th Cir. Certiorari denied. *John H. Cantrell and Edward M. Box* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Holland, Ellis N. Slack, Carlton Fox and John R. Benney* for respondent. Reported below: 203 F. 2d 258.

No. 79. *COLORADO RIVER MUNICIPAL WATER DISTRICT ET AL. v. BOARD OF WATER ENGINEERS OF TEXAS ET AL.* Supreme Court of Texas. Certiorari denied. *Victor W. Bouldin* for petitioners. *John Ben Shepperd*, Attorney General of Texas, *Burnell Waldrep*, Executive Assistant Attorney General, *Thomas Black*, Assistant Attorney General, and *Joe R. Greenhill*, Special Assistant Attorney General, for respondents. Reported below: 152 Tex. —, 254 S. W. 2d 369.

No. 80. *CAGLE v. MCQUEEN ET AL., DOING BUSINESS AS MCQUEEN & STOUT, ET AL.* C. A. 5th Cir. Certiorari denied. *Warren E. Miller* for petitioner. *Emil C. Rassman* for respondents. Reported below: 200 F. 2d 186.

No. 82. *PORTNER v. CENTRAL-PENN NATIONAL BANK*. C. A. 3d Cir. Certiorari denied. *Harry Norman Ball* for petitioner. *Ira Jewell Williams, Thomas Raeburn White, Joseph W. Henderson and Ira Jewell Williams, Jr.* for respondent. Reported below: 201 F. 2d 607.

No. 83. *PALACE CORPORATION v. UNITED STATES*. Court of Claims. Certiorari denied. *Leo Fixler* for petitioner. *Acting Solicitor General Davis, Assistant*

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*Attorney General Burger and Samuel D. Slade* for the United States. Reported below: 124 Ct. Cl. 545, 110 F. Supp. 476.

No. 86. *TOPPS CHEWING GUM, INC. v. HAELAN LABORATORIES, INC.* C. A. 2d Cir. Certiorari denied. *George E. Middleton* for petitioner. *Jonas J. Shapiro* for respondent. Reported below: 202 F. 2d 866.

No. 89. *GILL v. PENNSYLVANIA RAILROAD CO.* C. A. 3d Cir. Certiorari denied. *Joseph G. Feldman* for petitioner. *Philip Price, Hugh B. Cox* and *Theodore Voorhees* for respondent. Reported below: 201 F. 2d 718.

No. 90. *KUSHELEWITZ ET AL., DOING BUSINESS AS ELKAY TEXTILE CO., v. NATIONAL CITY BANK OF NEW YORK ET AL.* C. A. 2d Cir. Certiorari denied. *Jacob E. Heller* for petitioners. Reported below: 202 F. 2d 588.

No. 91. *SMITH v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 2d Cir. Certiorari denied. *Robert J. Lansdowne* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Holland, Ellis N. Slack, Helen Goodner* and *Walter Akerman, Jr.* for respondent. Reported below: 203 F. 2d 310.

No. 95. *HELTON v. TENNESSEE.* Supreme Court of Tennessee. Certiorari denied. *John J. Hooker* for petitioner. *Roy H. Beeler*, Attorney General of Tennessee, and *Nat Tipton* for respondent. Reported below: 195 Tenn. 36, 255 S. W. 2d 694.

No. 96. *THOMPSON, TRUSTEE, v. AMERICAN ABRASIVE METALS Co.* Court of Civil Appeals of Texas, First Supreme Judicial District. Certiorari denied. *Walter F. Woodul* for petitioner. *John Leroy Jeffers* for respondent. Reported below: 253 S. W. 2d 83.

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NO. 97. *TUCKER v. NATIONAL LINEN SERVICE CORP. ET AL.* C. A. 5th Cir. Certiorari denied. *William G. McKrae* for petitioner. *B. D. Murphy, James N. Frazer* and *Max F. Goldstein* for the National Linen Service Corporation et al.; and *James A. Branch* for Souers et al., respondents. Reported below: 200 F. 2d 858.

NO. 98. *KOHN, DOING BUSINESS AS EDWARD KOHN CO., v. FREEHILL, DIRECTOR OF PRICE STABILIZATION.* United States Emergency Court of Appeals. Certiorari denied. *Edward D. Feinberg, Raymond K. Fried* and *Isadore Fried* for petitioner. *Acting Solicitor General Davis, Assistant Attorney General Burger* and *Samuel D. Slade* for respondent. Reported below: 203 F. 2d 958.

NO. 101. *MISSISSIPPI RIVER SAND & GRAVEL CO. v. WILKES, ADMINISTRATOR, ET AL.* C. A. 6th Cir. Certiorari denied. *L. E. Gwinn* and *James M. Reeves* for petitioner. *Fred L. Henley* for respondents. Reported below: 202 F. 2d 383.

NO. 102. *MUTUAL LIFE INSURANCE CO. v. UNITED STATES.* Court of Claims. Certiorari denied. *Joseph V. Lane, Jr.* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Holland, Ellis N. Slack, Robert N. Anderson* and *H. S. Fessenden* for the United States. Reported below: 124 Ct. Cl. 626, 110 F. Supp. 606.

NO. 103. *TENDLER v. JAFFE ET AL., TRADING AS NEW YORK DECORATING CO.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *John P. Burke* for petitioner. Reported below: 92 U. S. App. D. C. 2, 203 F. 2d 14.

NO. 106. *ILLINOIS EX REL. KENNEDY v. HURLEY ET AL., CIVIL SERVICE COMMISSIONERS OF THE CITY OF CHICAGO.* Appellate Court of Illinois, First District. Certiorari de-

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nied. *Daniel D. Glasser* and *Eugene R. Ward* for petitioner. *John J. Mortimer*, *L. Louis Karton* and *Arthur Magid* for respondents. Reported below: 348 Ill. App. 265, 108 N. E. 2d 808.

No. 107. UNITED STATES COLD STORAGE CORP. v. NATIONAL LABOR RELATIONS BOARD. C. A. 5th Cir. Certiorari denied. *H. Bascom Thomas, Jr.* for petitioner. *Acting Solicitor General Davis*, *George J. Bott*, *David P. Findling* and *Dominick L. Manoli* for respondent. Reported below: 203 F. 2d 924.

No. 108. ADWOOD CORPORATION v. COMMISSIONER OF INTERNAL REVENUE. C. A. 6th Cir. Certiorari denied. *Richard Bentley* for petitioner. *Acting Solicitor General Davis*, *Assistant Attorney General Holland*, *Ellis N. Slack* and *Melva M. Graney* for respondent. Reported below: 200 F. 2d 552.

No. 110. FOSTER ET AL., DOING BUSINESS AS J. M. FOSTER & Co., v. BUCKNER. C. A. 6th Cir. Certiorari denied. *William J. Eggenberger* for petitioners. *James A. Markle* for respondent. Reported below: 203 F. 2d 527.

No. 111. SECURITIES AND EXCHANGE COMMISSION v. MASTERSON. C. A. 3d Cir. Certiorari denied. *Acting Solicitor General Stern* and *Roger S. Foster* for petitioner. *E. Ennalls Berl* for respondent. Reported below: 202 F. 2d 638.

No. 112. ROCKWELL MANUFACTURING CO. v. THE STANLEY WORKS. C. A. 3d Cir. Certiorari denied. *William A. Strauch* and *J. Matthews Neale* for petitioner. *T. Clay Lindsey* for respondent. Reported below: 203 F. 2d 846.

No. 116. ATKINS v. UNITED STATES. C. A. 10th Cir. Certiorari denied. *Hayden C. Covington* for petitioner.

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*Acting Solicitor General Davis, Assistant Attorney General Olney, Beatrice Rosenberg and Edward S. Szukelwicz for the United States. Reported below: 204 F. 2d 269.*

NO. 122. WEISBROD *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. *Philip B. Kurland* for petitioner. *Acting Solicitor General Davis, Assistant Attorney General Burger and Samuel D. Slade* for the United States. Reported below: 202 F. 2d 629.

NO. 124. GRENADA INDUSTRIES, INC. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 5th Cir. Certiorari denied. *Robert A. Littleton, Philip B. Perlman, Arthur L. Gilliom and Elbert R. Gilliom* for petitioner. *Acting Solicitor General Davis, Assistant Attorney General Holland, Ellis N. Slack and I. Henry Kutz* for respondent. Reported below: 202 F. 2d 873.

NO. 126. NATIONAL LABOR RELATIONS BOARD *v.* MARINE ENGINEERS BENEFICIAL ASSOCIATION, No. 13. C. A. 3d Cir. Certiorari denied. *Acting Solicitor General Stern and George J. Bott* for petitioner. *Abraham E. Freedman, Clifford D. O'Brien and Ruth Weyand* for respondent. Reported below: 202 F. 2d 546.

NO. 127. CHROMIUM PRODUCTS CORP. *v.* RECONSTRUCTION FINANCE CORP. C. A. 9th Cir. Certiorari denied. *Burton K. Wheeler, Robert G. Seaks and Horace S. Davis* for petitioner. *Acting Solicitor General Davis* for respondent. Reported below: 202 F. 2d 664.

NO. 132. HOGAN *v.* CITY OF MIAMI BEACH. Supreme Court of Florida. Certiorari denied. *Carl T. Hoffman* for petitioner. *Thos. H. Anderson* for respondent. Reported below: 63 So. 2d 493.

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NO. 135. *GEHMAN v. SMITH, COLLECTOR OF INTERNAL REVENUE*. C. A. 3d Cir. Certiorari denied. *Henry D. O'Connor* for petitioner. *Acting Solicitor General Davis, Assistant Attorney General Holland, Ellis N. Slack, A. F. Prescott* and *John J. Kelley, Jr.* for respondent. Reported below: 203 F. 2d 953.

NO. 136. *VAUGHAN NOVELTY MFG. CO. v. G. G. GREENE MFG. CORP.* C. A. 3d Cir. Certiorari denied. *Warren C. Horton* for petitioner. *William Glassman* for respondent. Reported below: 202 F. 2d 172.

NO. 137. *ELSALTO REAL ESTATE, INC. v. CITY OF MIAMI BEACH*. Supreme Court of Florida. Certiorari denied. *Carl T. Hoffman* for petitioner. *Thos. H. Anderson* for respondent. Reported below: 63 So. 2d 495.

NO. 138. *PENNSYLVANIA MUTUAL LIFE INSURANCE CO. v. BELEY*. Supreme Court of Pennsylvania, Western District. Certiorari denied. *W. Denning Stewart* for petitioner. *Samuel J. Goldstein* for respondent. Reported below: 373 Pa. 231, 95 A. 2d 202.

NO. 140. *WALLET v. JEFFERSON LAKE SULPHUR CO.* C. A. 5th Cir. Certiorari denied. *James G. Schillin* for petitioner. *Eberhard P. Deutsch* for respondent. Reported below: 202 F. 2d 433.

NO. 141. *NEW WRINKLE, INC. ET AL. v. WATSON, COMMISSIONER OF PATENTS*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *H. A. Toulmin, Jr.* and *F. E. Drummond* for petitioners. *Acting Solicitor General Davis, Assistant Attorney General Burger* and *Samuel D. Slade* for respondent. Reported below: 92 U. S. App. D. C. 143, 204 F. 2d 35.

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No. 142. *MILLER v. JONES*. C. A. 3d Cir. Certiorari denied. *Grover C. Ladner* for petitioner. *Carl E. Glock* for respondent. Reported below: 203 F. 2d 131.

No. 143. *JAMAICA WATER SUPPLY CO. v. CITY OF NEW YORK*. Court of Appeals of New York. Certiorari denied. *John J. Donohue* for petitioner. *Denis M. Hurley* and *Seymour B. Quel* for respondent. Reported below: 305 N. Y. 560, 111 N. E. 2d 437.

No. 145. *SWITZER BROTHERS, INC. ET AL. v. TEXAS-MILLER HAT CORP. ET AL.* C. A. 5th Cir. Certiorari denied. *Albert L. Ely, Jr.* for petitioners. *George B. Finnegan, Jr.* for respondents. Reported below: 201 F. 2d 824.

No. 146. *FINNEGAN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. *Morris A. Shenker* for petitioner. *Acting Solicitor General Davis*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 204 F. 2d 105.

No. 149. *CARLSON & SULLIVAN, INC. v. BIGELOW & DOWSE CO. ET AL.* C. A. 1st Cir. Certiorari denied. *Daniel L. Morris*, *Edward G. Curtis* and *Marshall M. Holcombe* for petitioner. *T. Clay Lindsey* for respondents. Reported below: 202 F. 2d 654.

No. 150. *RUSSELL BOX CO. v. GRANT PAPER BOX CO.* C. A. 1st Cir. Certiorari denied. *Herbert A. Baker* and *Richard G. Radue* for petitioner. *Hector M. Holmes* and *William H. Parmelee* for respondent. Reported below: 203 F. 2d 177.

No. 152. *CARLOR CO., INC. v. CITY OF MIAMI*. Supreme Court of Florida. Certiorari denied. *Charles A. Brind, Jr.* for petitioner. *Miller Walton* for respondent. Reported below: 62 So. 2d 897.

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No. 153. *WILLIAMS ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Coleman Gangel* and *Joseph E. Brill* for petitioners. *Acting Solicitor General Stern*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Carl H. Imlay* for the United States. Reported below: 203 F. 2d 572.

No. 155. *ESTATE STOVE CO. ET AL. v. GENERAL MOTORS CORP. ET AL.* C. A. 6th Cir. Certiorari denied. *Morris Kirschstein* for petitioners. *Harry W. Lindsey, Jr.* for respondents. Reported below: 203 F. 2d 912.

No. 157. *BURGESS BATTERY CO. v. MARZALL (WATSON SUBSTITUTED), COMMISSIONER OF PATENTS*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *George I. Haight* and *Clarence M. Fisher* for petitioner. *Acting Solicitor General Davis*, *Assistant Attorney General Burger*, *Paul A. Sweeney* and *Herman Marcuse* for respondent. Reported below: 92 U. S. App. D. C. 398, 204 F. 2d 35.

No. 158. *LOWDERMILK v. OHIO OIL CO.* C. A. 7th Cir. Certiorari denied. *Garrett W. Olds* and *Asa J. Smith* for petitioner. *Hubert Hickam* and *Thomas M. Scanlon* for respondent. Reported below: 203 F. 2d 399.

No. 161. *GAZAN v. CORBETT ET AL., CONSTITUTING THE ZONING BOARD OF APPEALS OF THE TOWN OF BROOKHAVEN*. Court of Appeals of New York. Certiorari denied. *Simone N. Gazan* and *Charles A. Ellis* for petitioner. *Robert H. Pelletreau* for respondents. Reported below: 305 N. Y. 693, 112 N. E. 2d 775.

No. 162. *ECK ET AL. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 2d Cir. Certiorari denied. *Milton Gould* for petitioners. *Acting Solicitor General Stern*,

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*Assistant Attorney General Holland, Ellis N. Slack, S. Dee Hanson and Murray L. Schwartz* for respondent. Reported below: 202 F. 2d 750.

NO. 165. *PROPST ET AL. V. BOARD OF EDUCATIONAL LANDS AND FUNDS OF NEBRASKA ET AL.* Supreme Court of Nebraska. Certiorari denied. *Wendell Berge* for petitioners. *Clarence S. Beck*, Attorney General of Nebraska, and *Robert A. Nelson*, Assistant Attorney General, for respondents. Reported below: 156 Neb. 226, 55 N. W. 2d 653.

NO. 166. *ONEIDA, LTD. V. GRAYSON-ROBINSON STORES, INC.* Supreme Court of Georgia. Certiorari denied. *Wallace H. Martin, Walter J. Halliday, Robert B. Troutman* and *William K. Meadow* for petitioner. Reported below: 209 Ga. 613, 75 S. E. 2d 161.

NO. 168. *CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD CO. V. BOARD OF RAILROAD COMMISSIONERS OF MONTANA ET AL.* Supreme Court of Montana. Certiorari denied. *H. C. Pauly* for petitioner. *Arnold H. Olsen*, Attorney General of Montana, *Vera Jean Heckathorn*, Assistant Attorney General, and *Edwin S. Booth* for the Board of Railroad Commissioners; and *Lester H. Loble* for the Railroad Brotherhoods of Railroad Trainmen, Engineers, Firemen and Conductors et al., respondents. Reported below: 126 Mont. 568, 255 P. 2d 346.

NO. 170. *MAXWELL V. COMMISSIONER OF INTERNAL REVENUE.* C. A. 6th Cir. Certiorari denied. *Geo. E. H. Goodner* and *Dewey R. Roark, Jr.* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Holland* and *Ellis N. Slack* for respondent. Reported below: 203 F. 2d 567.

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No. 171. MARYLAND EX REL. CHANNELL *v.* MURPHY. Court of Appeals of Maryland. Certiorari denied. *Harry O. Levin* and *Marshall A. Levin* for petitioner. *Edward D. E. Rollins*, Attorney General of Maryland, *J. Edgar Harvey*, Deputy Attorney General, and *Ambrose T. Hartman*, Assistant Attorney General, for respondent. Reported below: 202 Md. 650, 96 A. 2d 473.

No. 173. JOLIET CONTRACTORS ASSOCIATION ET AL. *v.* NATIONAL LABOR RELATIONS BOARD ET AL. C. A. 7th Cir. Certiorari denied. *Charles M. Price* and *Charles B. Mahin* for petitioners. *Acting Solicitor General Stern*, *David P. Findling*, *Dominick L. Manoli* and *Norton J. Come* for the National Labor Relations Board; and *Daniel D. Carmell* and *Lester Asher* for the Glaziers' Union, Local No. 27, Brotherhood of Painters, Decorators and Paper Hangers, respondents. Reported below: 202 F. 2d 606.

No. 178. DAVIS FROZEN FOODS, INC. *v.* NORFOLK SOUTHERN RAILWAY Co. C. A. 4th Cir. Certiorari denied. *Murray Allen* for petitioner. *Robert N. Simms* for respondent. Reported below: 204 F. 2d 839.

No. 179. COLEMAN, ATTORNEY GENERAL, *v.* TRUNK-LINE GAS Co. Supreme Court of Mississippi. Certiorari denied. *J. P. Coleman*, Attorney General of Mississippi, *J. H. Sumrall* and *Dugas Shands* for petitioner. *Gene M. Woodfin* for respondent. Reported below: 218 Miss. 285, 63 So. 2d 73.

No. 185. O'LOUGHLIN *v.* O'LOUGHLIN. Supreme Court of New Jersey. Certiorari denied. *Lionel P. Kristeller*, *Saul J. Zucker* and *Alan Y. Cole* for petitioner. *Harry Cohn* for respondent. Reported below: 12 N. J. 222, 96 A. 2d 410.

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No. 186. *GILL v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *George F. Callaghan* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Olney, Robert S. Erdahl and Robert G. Maysack* for the United States. Reported below: 204 F. 2d 740.

No. 187. *VAN HOOK v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Hubert Van Hook, pro se.* *Acting Solicitor General Stern, Assistant Attorney General Holland, Ellis N. Slack, Hilbert P. Zarky and Morton K. Rothschild* for the United States. Reported below: 204 F. 2d 25.

No. 192. *WILLIAM H. BANKS WAREHOUSES, INC. ET AL. v. WATT ET AL.* C. A. 9th Cir. Certiorari denied. *L. Duncan Lloyd and William R. Wallace, Jr.* for petitioners. *Clifford E. Fix* for respondents. Reported below: 205 F. 2d 44.

No. 193. *MCCLELLAN, TRUSTEE IN BANKRUPTCY, ET AL. v. MONTANA-DAKOTA UTILITIES CO.* C. A. 8th Cir. Certiorari denied. *George W. Tackabury* for petitioners. *John C. Benson and Rodger L. Nordbye* for respondent. Reported below: 204 F. 2d 166.

No. 194. *HYDROCARBON PRODUCTION Co., INC. v. VALLEY ACRES WATER DISTRICT ET AL.* C. A. 5th Cir. Certiorari denied. *Victor W. Bouldin* for petitioner. *John D. McCall and Harry L. Hall* for respondents. Reported below: 204 F. 2d 212.

No. 197. *LIEBERMAN v. NEW JERSEY*. Supreme Court of New Jersey. Certiorari denied. *George R. Sommer* for petitioner. *Hyman Isaac* for respondent. Reported below: 13 N. J. 137, 98 A. 2d 295.

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No. 202. WEIDLICH *v.* ESTATE OF WEIDLICH ET AL. Supreme Court of Errors of Connecticut. Certiorari denied. *Clifton F. Weidlich* for petitioner. *David Goldstein* for respondents. Reported below: 139 Conn. 652, 96 A. 2d 547.

No. 203. CITY OF KANSAS CITY, MISSOURI, ET AL. *v.* WILLIAMS ET AL. C. A. 8th Cir. Certiorari denied. *David M. Proctor* for petitioners. *Robert L. Carter* and *Thurgood Marshall* for respondents. Reported below: 205 F. 2d 47.

No. 204. SPRIGGS *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *H. Clifford Alder* for petitioner. *Acting Solicitor General Stern*, *Assistant Attorney General Olney*, *Robert S. Erdahl* and *Robert G. Maysack* for the United States. Reported below: 92 U. S. App. D. C. 399, 205 F. 2d 885.

No. 205. KENT, PRESIDENT OF FLIGHT ENGINEER OFFICERS' ASSOCIATION, *v.* CIVIL AERONAUTICS BOARD ET AL. C. A. 2d Cir. Certiorari denied. *Frank S. Ketcham* for petitioner. *Acting Solicitor General Stern*, *Assistant Attorney General Barnes*, *Ralph S. Spritzer*, *Emory T. Nunneley, Jr.* and *O. D. Ozment* for the Civil Aeronautics Board; and *Daniel Kornblum* for Former AOA Flight Engineers et al., respondents. Reported below: 204 F. 2d 263.

No. 206. REYNOLDS *v.* UNITED STATES. Court of Claims. Certiorari denied. *Frank F. Reynolds, pro se.* *Acting Solicitor General Stern*, *Assistant Attorney General Burger*, *Samuel D. Slade* and *Cornelius J. Peck* for the United States. Reported below: 125 Ct. Cl. 108, 111 F. Supp. 881.

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No. 207. *WATERHOUSE v. HOOVER ET AL.* C. A. 6th Cir. Certiorari denied. *Robert Adair Black* and *John L. Vest* for petitioner. *Edward Hoover* for Hoover et al., respondents. Reported below: 203 F. 2d 171.

No. 208. *HYDE PARK CLOTHES, INC. v. HYDE PARK FASHIONS, INC.* C. A. 2d Cir. Certiorari denied. *Truman A. Herron* for petitioner. *Harold L. Tipton* for respondent. Reported below: 204 F. 2d 223.

No. 212. *FORT DODGE, DES MOINES & SOUTHERN RAILROAD CO. ET AL. v. GILLESPIE, EXECUTRIX.* C. A. 8th Cir. Certiorari denied. *Neill Garrett* and *Walter W. Selvy* for petitioners. *Paul Ahlers* for respondent. Reported below: 203 F. 2d 119.

No. 214. *DAUGHERTY v. CALIFORNIA.* Supreme Court of California. Certiorari denied. *Edward T. Mancuso* for petitioner. *Edmund G. Brown*, Attorney General of California, and *Doris H. Maier*, Deputy Attorney General, for respondent. Reported below: 40 Cal. 2d 876, 256 P. 2d 911.

No. 215. *MACIAS v. OAKLAND TRUCK SALES, INC.* C. A. 3d Cir. Certiorari denied. Reported below: 203 F. 2d 205.

No. 216. *FRITO COMPANY v. GENERAL MILLS, INC.* C. A. 5th Cir. Certiorari denied. *J. L. Johannes* for petitioner. *Charles L. Byron* for respondent. Reported below: 202 F. 2d 936.

No. 218. *UNITED STATES v. NELSON ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Acting Solicitor General Davis* for the United States. *T. Edward O'Connell* and *Edward Bennett Williams* for respondents. Reported below: 93 U. S. App. D. C. —, 208 F. 2d 505.

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No. 219. UNITED STATES *v.* ARCADE COMPANY ET AL. C. A. 6th Cir. Certiorari denied. *Acting Solicitor General Davis* for the United States. *F. A. Berry* for respondents. Reported below: 203 F. 2d 230.

No. 221. ATLANTIC FREIGHT LINES, INC. *v.* SUMMERFIELD, POSTMASTER GENERAL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Edward Dumbauld* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Burger, Samuel D. Slade* and *Benjamin Forman* for respondent. Reported below: 92 U. S. App. D. C. 195, 204 F. 2d 64.

No. 227. DORAN *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Robert Sheriffs Moss, F. Trowbridge vom Baur* and *Louis P. Haffer* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Olney, Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 92 U. S. App. D. C. 305, 205 F. 2d 717.

No. 231. BUTZMAN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. *Michael Leo Looney* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Holland, Ellis N. Slack* and *Fred G. Folsom* for the United States. Reported below: 205 F. 2d 343.

No. 233. SAINT MATTHEWS GAS & ELECTRIC SHOP, INC. *v.* VERKAMP CORPORATION. C. A. 6th Cir. Certiorari denied. *Henry J. Burt, Jr.* for petitioner. Reported below: 207 F. 2d 502.

No. 239. GREAGER *v.* R. H. LINDSAY Co. C. A. 10th Cir. Certiorari denied. *Alden T. Hill* for petitioner. *Charles J. Moynihan* for respondent. Reported below: 204 F. 2d 129.

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NO. 240. SEARS, ROEBUCK & CO. v. MARZALL (WATSON SUBSTITUTED), COMMISSIONER OF PATENTS. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Frank H. Marks, C. Willard Hayes and Ivan P. Tashof* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Burger, Samuel D. Slade and Benjamin Forman* for respondent. Reported below: 92 U. S. App. D. C. 134, 204 F. 2d 32.

NO. 242. SHIPOWNERS & MERCHANTS TUGBOAT CO. v. UNITED STATES. C. A. 9th Cir. Certiorari denied. *Lloyd M. Tweedt* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Burger, Samuel D. Slade, Leavenworth Colby and Benjamin Forman* for the United States. Reported below: 205 F. 2d 352.

NO. 251. BRUNE v. NEW JERSEY. Supreme Court of New Jersey. Certiorari denied. *Frank B. Bozza* for petitioner. *Edward Gaulkin and C. William Caruso* for respondent. Reported below: 12 N. J. 445, 97 A. 2d 201.

NO. 261. GROSS INCOME TAX DIVISION, INDIANA DEPARTMENT OF STATE REVENUE, ET AL. v. SURFACE COMBUSTION CORP. Supreme Court of Indiana. Certiorari denied. *Edwin K. Steers, Attorney General of Indiana, and John J. McShane, Lloyd C. Hutchinson, Earl E. Schmadel and George B. Hall, Deputy Attorneys General, for petitioners. Arthur L. Gilliom, Robert D. Armstrong and Elbert R. Gilliom* for respondent. Reported below: 232 Ind. 100, 111 N. E. 2d 50.

NO. 262. GROSS INCOME TAX DIVISION, INDIANA DEPARTMENT OF STATE REVENUE, ET AL. v. SURFACE COMBUSTION CORP. Supreme Court of Indiana. Certiorari

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denied. *Edwin K. Steers*, Attorney General of Indiana, and *John J. McShane*, *Lloyd C. Hutchinson*, *Earl E. Schmadel* and *George B. Hall*, Deputy Attorneys General, for petitioners. *Arthur L. Gilliom*, *Robert D. Armstrong* and *Elbert R. Gilliom* for respondent. Reported below: 232 Ind. 100, 111 N. E. 2d 50.

NO. 273. U. S. PRINTING & NOVELTY CO., INC, ET AL. v. FEDERAL TRADE COMMISSION. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Horace J. Donnelly, Jr.* for petitioners. *Acting Solicitor General Stern*, *Assistant Attorney General Barnes* and *Earl W. Kintner* for respondent. Reported below: 92 U. S. App. D. C. 298, 204 F. 2d 737.

NO. 21. SINCLAIR ET AL. v. TEXAS. Court of Criminal Appeals of Texas. Certiorari denied. *James H. Martin* for petitioners. *John Ben Shepperd*, Attorney General of Texas, and *J. Milton Richardson*, *John Atchison* and *William M. King*, Assistant Attorneys General, for respondent. Reported below: 159 Tex. Cr. R. —, 261 S. W. 2d 167.

NO. 88. JONES v. TEXAS. Court of Criminal Appeals of Texas. Certiorari denied. *James H. Martin* and *Travis Kirk* for petitioner. *John Ben Shepperd*, Attorney General of Texas, *John Davenport* and *David Beerbower*, Assistant Attorneys General, and *Henry Wade* for respondent. Reported below: 159 Tex. Cr. R. —, 261 S. W. 2d 161.

NO. 134. BUSCH JEWELRY CO. ET AL. v. STATE BOARD OF OPTOMETRY. Supreme Court of Mississippi. Certiorari denied. *M. B. Montgomery* for petitioners. *Richard A. Billups, Jr.* for respondent. Reported below: 216 Miss. 475, 62 So. 2d 770.

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No. 148. *SICA v. CALIFORNIA*. District Court of Appeal of California, Second Appellate District. Certiorari denied. *Russell E. Parsons* for petitioner. Reported below: 116 Cal. App. 2d 59, 253 P. 2d 75.

No. 164. *GOLDBAUM ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Irvin Goldstein* for petitioners. *Acting Solicitor General Stern, Assistant Attorney General Holland, Ellis N. Slack, Meyer Rothwacks and Joseph M. Howard* for the United States. Reported below: 204 F. 2d 74.

No. 73. *FELLER v. BROWNELL, ATTORNEY GENERAL, SUCCESSOR TO THE ALIEN PROPERTY CUSTODIAN*. C. A. 3d Cir. Certiorari denied. MR. JUSTICE CLARK took no part in the consideration or decision of this application. *Daniel S. Ring, Thomas N. Griggs and Harry S. Barger* for petitioner. *Acting Solicitor General Davis, Assistant Attorney General Townsend, James D. Hill and George B. Searls* for respondent. Reported below: 201 F. 2d 670.

No. 99. *NATIONAL MACHINE WORKS, INC. ET AL. v. UNITED STATES*. Court of Claims. Certiorari denied. MR. JUSTICE CLARK took no part in the consideration or decision of this application. *Donald O. Lincoln* for petitioners. *Acting Solicitor General Davis, Assistant Attorney General Burger, Samuel D. Slade and Cornelius J. Peck* for the United States. Reported below: 124 Ct. Cl. 95, 109 F. Supp. 402.

No. 84. *NETZER v. NORTHERN PACIFIC RAILWAY CO.* Supreme Court of Minnesota. Motion for leave to file brief of Brotherhood of Railroad Trainmen, as *amicus curiae*, denied. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion that the mo-

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tion and petition should be granted. *Harry H. Peterson* and *William A. Tautges* for petitioner. *M. L. Countryman, Jr.* for respondent. Reported below: 238 Minn. 416, 57 N. W. 2d 247.

No. 93. *TOBIN, SECRETARY OF LABOR, ET AL. v. LITTLE ROCK PACKING CO. ET AL.* C. A. 8th Cir. Durkin substituted as a party petitioner for Tobin. Certiorari denied. *Acting Solicitor General Stern* and *Jeter S. Ray* for petitioners. *Grover T. Owens* and *E. L. McHaney, Jr.* for respondents. Reported below: 202 F. 2d 234.

No. 220. *PERKO ET AL. v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion that the petition for writ of certiorari should be granted. *Edward L. Boyle* for petitioners. *Acting Solicitor General Stern, Assistant Attorney General Morton* and *Thomas L. McKevitt* for the United States. Reported below: 204 F. 2d 446.

No. 125. *GRAHAM v. ALCOA STEAMSHIP CO., INC.* C. A. 3d Cir. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion certiorari should be granted. *Paul M. Goldstein* for petitioner. Reported below: 201 F. 2d 423.

No. 133. *MASTERSON ET AL. v. PERGAMENT ET AL.* C. A. 6th Cir. Motion for leave to file brief of Kaiser-Frazer Stockholders Protective Committee, as *amicus curiae*, denied. Certiorari denied. *Lemuel B. Schofield, Lewis M. Dabney, Jr.* and *Murray C. Bernays* for Master-son et al., *Samuel Marion* for Lefker, *Robert S. Marx* for Otis & Co., and *Clair John Killoran* for Lefker et al., petitioners. *Theodore E. Rein* and *Bernard T. Hecht* for Pergament et al.; *George E. Brand* and *Gordon Johnson* for the Kaiser Aluminum & Chemical Corpora-

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tion; *Rockwell T. Gust* for Frazer et al., and *Harold J. Gallagher* for the Kaiser-Frazer Corporation, respondents. Reported below: 203 F. 2d 315.

NO. 113. CORONA DAILY INDEPENDENT ET AL. v. CITY OF CORONA. District Court of Appeal of California, Fourth Appellate District. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion that the petition for writ of certiorari should be granted. Memorandum filed by MR. JUSTICE DOUGLAS with whom MR. JUSTICE BLACK concurs. *Frank Taylor Cotter* for petitioners. *John T. Ganahl* for respondent. Reported below: 115 Cal. App. 2d 382, 252 P. 2d 56.

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

I dissent from a denial of certiorari in this case.

Petitioners publish a newspaper in Corona, California. The city has by ordinance imposed a license tax for the privilege of engaging in any business in the city, including the business of publishing a newspaper. Petitioners refused to pay the license fee, and the California courts have held that they may be compelled to do so.

We said in *Murdock v. Pennsylvania*, 319 U. S. 105, 113, that "A state may not impose a charge for the enjoyment of a right granted by the Federal Constitution. Thus, it may not exact a license tax for the privilege of carrying on interstate commerce (*McGoldrick v. Berwind-White Co.*, 309 U. S. 33, 56-58), although it may tax the property used in, or the income derived from, that commerce, so long as those taxes are not discriminatory. *Id.*, p. 47 and cases cited. A license tax applied to activities guaranteed by the First Amendment would have the same destructive effect. It is true that the First Amendment, like the commerce clause, draws no distinction between license taxes, fixed sum taxes, and other kinds of taxes. But

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that is no reason why we should shut our eyes to the nature of the tax and its destructive influence. The power to impose a license tax on the exercise of these freedoms is indeed as potent as the power of censorship which this Court has repeatedly struck down."

The license tax involved here is a privilege tax in fact as well as in form—"a flat tax imposed on the exercise of a privilege granted by the Bill of Rights." 319 U. S., at p. 113. No government can exact a price for the exercise of a privilege which the Constitution guarantees.

No. 139. *BERTEL ET AL. v. PANAMA TRANSPORT CO. ET AL.* C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS and MR. JUSTICE JACKSON are of the opinion certiorari should be granted. *Robert M. Benjamin* and *Abraham Fishbein* for petitioners. *Ira A. Campbell* for respondents. Reported below: 202 F. 2d 247.

No. 159. *JOHNS v. ASSOCIATED AVIATION UNDERWRITERS ET AL.* C. A. 5th Cir. Certiorari denied. *Fred W. Moore* for petitioner. *Denman Moody* for respondents. Reported below: 203 F. 2d 208.

No. 172. *CHESAPEAKE & OHIO RAILWAY CO. v. VAN LIEROP.* Supreme Court of Michigan. Certiorari denied. MR. JUSTICE REED took no part in the consideration or decision of this application. *William E. Miller* for petitioner. *H. Clair Jackson* and *William L. Fitzgerald* for respondent. Reported below: 335 Mich. 702, 57 N. W. 2d 431.

No. 175. *HOTEL AND RESTAURANT EMPLOYEES AND BARTENDERS INTERNATIONAL UNION, LOCAL No. 181, ET AL. v. BLUE BOAR CAFETERIA CO., INC.* Court of Appeals of Kentucky. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that the petition for writ of certiorari

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should be granted. *J. W. Brown* for petitioners. *Robert E. Hatton* for respondent. Reported below: 254 S. W. 2d 335.

NO. 191. FRANCIS *v.* CRAFTS. C. A. 1st Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that the petition for writ of certiorari should be granted. *Isadore H. Y. Muchnick* for petitioner. *W. Barton Leach* for respondent. Reported below: 203 F. 2d 809.

NO. 181. DARGEL ET AL. *v.* BARR, ACTING DIRECTOR OF RENT STABILIZATION, ET AL. United States Emergency Court of Appeals. Sherrard, Director of Defense Rental Areas Division, Office of Defense Mobilization, substituted as a party respondent for Barr, Acting Director of Rent Stabilization. Certiorari denied. *Robert A. Kahn* for petitioners. *Acting Solicitor General Stern* and *Charles P. Liff* filed a memorandum for the Director of Defense Rental Areas Division, Office of Defense Mobilization, suggesting that the case has become moot. Reported below: 204 F. 2d 697.

NO. 211. PRUDENCE-BONDS CORPORATION (NEW CORPORATION), SUCCESSOR TRUSTEE, ET AL. *v.* STATE STREET TRUST CO., TRUSTEE. C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS and MR. JUSTICE JACKSON took no part in the consideration or decision of this application. *Charles M. McCarty* and *Geo. C. Wildermuth* for the Prudence-Bonds Corporation, *Samuel Silbiger* for Eddy, and *Aaron Schwartz* for Beardsley, petitioners. *John Graham Brooks*, *A. Donald MacKinnon* and *William Eldred Jackson* for respondent. Reported below: 202 F. 2d 555.

NO. 234. STRUCK *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. MR. JUSTICE BLACK is of the opinion

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certiorari should be granted. *David T. Berman* for petitioner. *Acting Solicitor General Stern*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States.

No. 7, Misc. *JONES v. TEXAS*. Court of Criminal Appeals of Texas. Certiorari denied. *Frank C. Biggs* for petitioner. *John Ben Shepperd*, Attorney General of Texas, and *Horace Wimberly*, Assistant Attorney General, for respondent. Reported below: 159 Tex. Cr. R. —, 261 S. W. 2d 317.

No. 10, Misc. *DEWEESE v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied.

No. 12, Misc. *FLOWERS v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied.

No. 15, Misc. *NEAL v. RANDOLPH, WARDEN*. Circuit Court of Randolph County, Illinois. Certiorari denied.

No. 16, Misc. *MEINER v. RAGEN, WARDEN*. Circuit Court of Will County, Illinois. Certiorari denied.

No. 18, Misc. *REHAK v. KEENAN, SUPERINTENDENT, ALLEGHENY COUNTY WORKHOUSE, ET AL.* Supreme Court of Pennsylvania, Western District. Certiorari denied.

No. 20, Misc. *MAHURIN v. MISSOURI*. Supreme Court of Missouri. Certiorari denied.

No. 21, Misc. *MARTIN v. SKEEN, WARDEN*. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 22, Misc. *SHAMERY v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. Reported below: 415 Ill. 177, 112 N. E. 2d 466.

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No. 24, Misc. KOALSKA *v.* SWENSON, WARDEN. Supreme Court of Minnesota. Certiorari denied.

No. 25, Misc. TINGLEY *v.* McDOWELL, SHERIFF. Court of Appeals of Alabama. Certiorari denied. *G. Ernest Jones, Jr.* and *G. Ernest Jones, Sr.* for petitioner. Reported below: 36 Ala. App. 665, 63 So. 2d 712.

No. 26, Misc. HALL *v.* SKEEN, WARDEN. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 29, Misc. DEWOLF *v.* WATERS, WARDEN. C. A. 10th Cir. Certiorari denied. *C. A. Summers* for petitioner. Reported below: 205 F. 2d 234.

No. 30, Misc. KALAN *v.* NEW YORK. Court of Appeals of New York. Certiorari denied.

No. 31, Misc. HOBSON *v.* CRANOR, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY. Supreme Court of Washington. Certiorari denied.

No. 32, Misc. WEST *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

No. 33, Misc. DAVIS *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied. Reported below: 415 Ill. 234, 112 N. E. 2d 484.

No. 34, Misc. SWEENEY *v.* NEW YORK. Court of Appeals of New York. Certiorari denied. Petitioner *pro se.* *John J. O'Brien* for respondent.

No. 35, Misc. TILGHMAN *v.* FLORIDA. Supreme Court of Florida. Certiorari denied. Reported below: 64 So. 2d 555.

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No. 36, Misc. *CONGRO v. NEW JERSEY*. Supreme Court of New Jersey. Certiorari denied. Reported below: 12 N. J. 378, 97 A. 2d 10.

No. 38, Misc. *CANLER v. INDIANA*. Supreme Court of Indiana. Certiorari denied. Reported below: 232 Ind. 209, 111 N. E. 2d 710.

No. 39, Misc. *MARTIN v. WALKER, WARDEN*. C. A. 2d Cir. Certiorari denied. Reported below: 203 F. 2d 563.

No. 47, Misc. *ADAMS v. RANDOLPH, WARDEN*. Circuit Court of Randolph County, Illinois. Certiorari denied.

No. 48, Misc. *ALVIN v. MICHIGAN*. Supreme Court of Michigan. Certiorari denied.

No. 50, Misc. *NOR WOODS v. TEETS, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 51, Misc. *YELVINGTON v. LOONEY, WARDEN*. C. A. 10th Cir. Certiorari denied.

No. 53, Misc. *MORRIS v. SKEEN, WARDEN*. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 55, Misc. *SISK v. INDIANA*. Supreme Court of Indiana. Certiorari denied. Reported below: 232 Ind. 214, 110 N. E. 2d 627.

No. 58, Misc. *SMITH, ADMINISTRATRIX, v. BALTIMORE & OHIO RAILROAD Co.* C. A. 6th Cir. Certiorari denied. *Paul M. Herbert* for petitioner. *E. H. Burgess* and *Kenneth H. Ekin* for respondent. Reported below: 204 F. 2d 162.

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No. 60, Misc. COOPER *v.* CRANOR, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY. C. A. 9th Cir. Certiorari denied. Reported below: 203 F. 2d 833.

No. 66, Misc. MUNHOE *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

No. 68, Misc. SHIELDS *v.* MICHIGAN. Supreme Court of Michigan. Certiorari denied.

No. 69, Misc. BAYER *v.* NEW YORK. Court of Appeals of New York. Certiorari denied.

No. 70, Misc. HARMON *v.* CRANOR, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY. Supreme Court of Washington. Certiorari denied.

No. 71, Misc. TERRY *v.* TEETS, WARDEN. Supreme Court of California. Certiorari denied.

No. 72, Misc. BARR *v.* WARDEN OF THE MARYLAND HOUSE OF CORRECTION. Court of Appeals of Maryland. Certiorari denied. Reported below: 202 Md. 643, 96 A. 2d 494.

No. 75, Misc. CLARK *v.* SKEEN, WARDEN. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 79, Misc. PETZ *v.* NEW YORK. County Court of Kings County, New York. Certiorari denied.

No. 80, Misc. JOHNSON *v.* TEETS, WARDEN. Supreme Court of California. Certiorari denied.

No. 83, Misc. CONNOLLY *v.* CRANOR, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY. Supreme Court of Washington. Certiorari denied.

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No. 84, Misc. *BROWN v. WASHINGTON*. Supreme Court of Washington. Certiorari denied.

No. 85, Misc. *COATES v. MICHIGAN*. Supreme Court of Michigan. Certiorari denied. Reported below: 337 Mich. 56, 59 N. W. 2d 83.

No. 87, Misc. *SHUBERT v. RANDOLPH, WARDEN*. Circuit Court of Randolph County, Illinois. Certiorari denied.

No. 88, Misc. *BUTZ v. REDNOUR*. Circuit Court of Williamson County, Illinois. Certiorari denied.

No. 89, Misc. *WESTBERRY v. FLORIDA*. Supreme Court of Florida. Certiorari denied.

No. 90, Misc. *LESSER v. NEW YORK*. Court of Appeals of New York. Certiorari denied. Reported below: 305 N. Y. 569, 111 N. E. 2d 442.

No. 91, Misc. *CURTIS v. SKEEN, WARDEN*. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 4, Misc. *DARGAN v. YELLOW CAB CO. ET AL.* C. A. 3d Cir. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion certiorari should be granted. *Leslie S. Perry* for petitioner. *Charles K. Robinson* for the Yellow Cab Company, respondent. Reported below: 200 F. 2d 302.

No. 27, Misc. *STAPLES v. RANDOLPH, WARDEN*. Petition for writ of certiorari to the Circuit Court of Randolph County, Illinois, denied for the reason that the application therefor was not made within the time provided by law.

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No. 40, Misc. *YOUNG v. MAY, SUPERINTENDENT, ILLINOIS SECURITY HOSPITAL*. Petition for writ of certiorari to the Circuit Court of Randolph County, Illinois, denied for the reason that the application therefor was not made within the time provided by law.

No. 43, Misc. *READER v. ILLINOIS*. Petition for writ of certiorari to the Supreme Court of Illinois denied for the reason that the application therefor was not made within the time provided by law.

No. 63, Misc. *CLARK v. MICHIGAN*. Petition for writ of certiorari to the Supreme Court of Michigan denied for the reason that the application therefor was not made within the time provided by law.

No. 78, Misc. *BARTHOLOMEW v. ILLINOIS*. Petition for writ of certiorari to the Supreme Court of Illinois denied for the reason that the application therefor was not made within the time provided by law.

*Rehearing Denied.*

No. 517, October Term, 1952. *BARROWS ET AL. v. JACKSON*, 346 U. S. 249. Rehearing denied. MR. JUSTICE REED and MR. JUSTICE JACKSON took no part in the consideration or decision of this application.

No. 602, October Term, 1952. *THEODORAKIS v. XILAS ET AL.*, 345 U. S. 936. Second petition for rehearing denied.

No. 308, October Term, 1952. *DALEHITE ET AL. v. UNITED STATES*, 346 U. S. 15. Petitions for rehearing denied. MR. JUSTICE DOUGLAS and MR. JUSTICE CLARK took no part in the consideration or decision of these applications.

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No. 391, October Term, 1952. *STEIN v. NEW YORK*, 346 U. S. 156;

No. 393, October Term, 1952. *COOPER v. NEW YORK*, 346 U. S. 156;

No. 392, October Term, 1952. *WISSNER v. NEW YORK*, 346 U. S. 156;

No. 681, October Term, 1952. *CAMMARATA v. OHIO*, 345 U. S. 998;

No. 682, October Term, 1952. *COOPER v. PEAK ET AL.*, 345 U. S. 957;

No. 724, October Term, 1952. *ESTEP ET UX. v. ILLINOIS*, 345 U. S. 970;

No. 742, October Term, 1952. *PATTERSON v. SAUNDERS ET AL.*, 345 U. S. 998;

No. 759, October Term, 1952. *SKOVGAARD v. UNITED STATES*, 345 U. S. 994;

No. 791, October Term, 1952. *NEAL v. UNITED STATES*, 345 U. S. 996;

No. 792, October Term, 1952. *DAVIS v. UNITED STATES*, 345 U. S. 996;

No. 793, October Term, 1952. *WISMILLER v. ESTATE OF GARRETT*, 345 U. S. 996;

No. 808, October Term, 1952. *PATTISON ET AL. v. UNION CENTRAL LIFE INSURANCE CO.*, 345 U. S. 996;

No. 812, October Term, 1952. *GENERAL MOTORS CORP. ET AL. v. ACKERMANS*, 345 U. S. 996;

No. 820, October Term, 1952. *U. S. A. C. TRANSPORT, INC., ALSO DOING BUSINESS AS U. S. AIRPLANE TRANSPORT, INC., v. UNITED STATES*, 345 U. S. 997;

No. 836, October Term, 1952. *24 DIGGER MERCHANDISING MACHINES ET AL. v. UNITED STATES*, 345 U. S. 998; and

No. 843, October Term, 1952. *KRAUSE ET AL. v. BUCHER*, 345 U. S. 997. Petitions for rehearing denied.

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No. 634, October Term, 1952. *UNITED STATES v. GRAINGER*;

No. 635, October Term, 1952. *UNITED STATES v. CLAVERE ET AL.*; and

No. 636, October Term, 1952. *UNITED STATES v. CLAVERE ET AL.*, 346 U. S. 235. Rehearing denied. MR. JUSTICE JACKSON took no part in the consideration or decision of this application.

No. 404, Misc., October Term, 1952. *WHITE v. UNITED STATES*, 345 U. S. 999;

No. 495, Misc., October Term, 1952. *THOMAS v. CALIFORNIA*, 345 U. S. 1000;

No. 498, Misc., October Term, 1952. *PICKING ET AL. v. PENNSYLVANIA RAILROAD CO. ET AL.*, 345 U. S. 1000;

No. 501, Misc., October Term, 1952. *BOZELL v. UNITED STATES ET AL.*, 345 U. S. 977;

No. 506, Misc., October Term, 1952. *CROSS v. SUPREME COURT OF CALIFORNIA*, 345 U. S. 990;

No. 511, Misc., October Term, 1952. *LEE v. TENNESSEE*, 345 U. S. 1003;

No. 516, Misc., October Term, 1952. *IN RE JERONIS*, 345 U. S. 990;

No. 529, Misc., October Term, 1952. *SHELL v. EIDSON, WARDEN*, 345 U. S. 1001; and

No. 548, Misc., October Term, 1952. *SEVERA v. MCCORKLE, ACTING WARDEN*, 345 U. S. 990. Petitions for rehearing denied.

No. 372, Misc., October Term, 1952. *SEVERA v. NEW JERSEY*, 345 U. S. 929. Third and fourth petitions for rehearing denied.

No. 388, Misc., October Term, 1952. *HOURIHAN v. NATIONAL LABOR RELATIONS BOARD ET AL.*, 345 U. S. 930. Second petition for rehearing denied.

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No. 422, October Term, 1952. *BURNS ET AL. v. WILSON, SECRETARY OF DEFENSE, ET AL.*, 346 U. S. 137. Rehearing denied. Separate opinion filed by MR. JUSTICE FRANKFURTER.

Opinion of MR. JUSTICE FRANKFURTER.

Further study and reflection have reinforced the conviction I expressed last June—and on even broader grounds than I then indicated—that this case should be set down for reargument. Fundamental issues which have neither been argued by counsel nor considered by the Court are here involved. On such important questions, the military authorities, the bar, and the lower courts (including the Court of Military Appeals) ought not to be left with the inconclusive determination which our disposition of the case last June implies. One has a right to assume that there is greater likelihood of securing agreement of views for a Court opinion at the beginning than at the end of a term.

*First.* One of these problems concerns the effect of recent developments in the scope of inquiry on habeas corpus upon the relationship of the federal district courts in their habeas corpus jurisdiction to courts-martial. If the main opinion stands, matters which are open for inquiry on collateral attack upon a judgment of conviction entered in a United States District Court, a constitutional tribunal, will be foreclosed from inquiry when the judgment of conviction collaterally assailed is that of a court-martial, an executive tribunal of limited jurisdiction *ad hoc* in nature. This has not been the law up to now; and the assertion that “in military habeas corpus the inquiry, the scope of matters open for review, has always been more narrow than in civil cases” (346 U. S., at 139), is, I respectfully submit, demonstrably incorrect.

1. The first case in this Court involving the collateral attack, by habeas corpus, on the judgment of a court-martial was *Ex parte Reed*, 100 U. S. 13. Here is the test there laid down (100 U. S., at 23):

"The court had jurisdiction over the person and the case. It is the organism provided by law and clothed with the duty of administering justice in this class of cases. Having had such jurisdiction, its proceedings cannot be collaterally impeached for any mere error or irregularity, if there were such, committed within the sphere of its authority. Its judgments, when approved as required, rest on the same basis, and are surrounded by the same considerations which give conclusiveness to the judgments of other legal tribunals, including as well the lowest as the highest, under like circumstances. The exercise of discretion, within authorized limits, cannot be assigned for error and made the subject of review by an appellate court."

It was thus clearly stated that the standard for collateral consideration of judgments of courts-martial is the same as that applied on collateral consideration of judgments of other tribunals. Once "jurisdiction" is shown to exist, the inquiry ends; the question is not whether that jurisdiction was well or wisely exercised, or whether error was committed, it is only whether there was power to act at all.

This was always the traditional scope of inquiry when the judgment sought to be examined on habeas corpus was that of a federal or territorial or District of Columbia court. *E. g.*, *Matter of Moran*, 203 U. S. 96 (Oklahoma territorial court; opinion by Holmes, J.); *Harlan v. McGourin*, 218 U. S. 442 (U. S. circuit court; opinion by Day, J.); *Matter of Gregory*, 219 U. S. 210 (District of Columbia court; opinion by Hughes, J., with copious citation of authority).

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And so, in the earlier cases scrutinizing military sentences by habeas corpus, it was similarly laid down that "The single inquiry, the test, is jurisdiction." *In re Grimley*, 137 U. S. 147, 150. "Courts martial are lawful tribunals, with authority to finally determine any case over which they have jurisdiction, and their proceedings, when confirmed as provided, are not open to review by the civil tribunals, except for the purpose of ascertaining whether the military court had jurisdiction of the person and subject-matter, and whether, though having such jurisdiction, it had exceeded its powers in the sentence pronounced." *Carter v. Roberts*, 177 U. S. 496, 498; *Carter v. McClaughry*, 183 U. S. 365, 380-381; *Grafton v. United States*, 206 U. S. 333, 347-348. Allegations of irregularity or illegality in the composition of courts-martial were, of course, rigorously scrutinized (*e. g.*, *McCloughry v. Deming*, 186 U. S. 49; *cf. Kahn v. Anderson*, 255 U. S. 1); but apart from this obvious amenability to judicial inquiry, the judgment of a court-martial meeting the test above quoted was unassailable even by the most extreme allegations of prejudice, unfairness, and use of perjured testimony. See *Carter v. Woodring*, 67 App. D. C. 393, 92 F. 2d 544.

Thus, up to December 6, 1937, when the Court denied certiorari (302 U. S. 752) in the case last cited—it was the last of Oberlin Carter's long series of attempts at judicial review of his court-martial—the scope of habeas corpus in both military and civil cases was equally narrow: in both classes of cases it was limited solely to questions going to the "jurisdiction" of the sentencing court.

2. Later in the 1937 Term, *Johnson v. Zerbst*, 304 U. S. 458, was decided and blazed a new trail. It was held that procedural errors—what theretofore were deemed matters not going to the defined constitution of the tribunal acting

within the scope of its power over subject matter and persons—may be inquired into collaterally on habeas corpus, if they amounted to a deprivation of constitutional right. By giving a new content to "jurisdiction," the case was brought within the formula that only "jurisdiction" may be the subject of inquiry in habeas corpus. The judgment successfully assailed in that case was one entered in a United States District Court. Since 1938 the basic premise of *Johnson v. Zerbst* has been neither questioned nor limited in any instance involving collateral attack, by way of habeas corpus, on judgments of conviction entered by a civil court.

3. The effect of *Johnson v. Zerbst* on judgments of conviction pronounced by a court-martial first appears to have been considered in *Shapiro v. United States*, 107 Ct. Cl. 650, 69 F. Supp. 205. There the Court of Claims applied *Johnson v. Zerbst* to invalidate a conviction by an otherwise properly constituted court-martial, on the ground that the unreasonably short time permitted the accused to prepare his defense deprived him of the effective assistance of counsel in violation of the Sixth Amendment. The court-martial was held to have lost "jurisdiction" to proceed. For purposes of the pending Petition for Rehearing and our responsibility for adequate consideration of the issues, it is pertinent that the *Shapiro* case was not cited to us in any of the briefs in the present case.

Later decisions in the Court of Claims, where of course collateral attack is by way of a petition for back pay resting on allegations that the assailed court-martial proceedings were void, have followed the rationale of the *Shapiro* case. Thus, in *Sima v. United States*, 119 Ct. Cl. 405, 426, 96 F. Supp. 932, 938, the court said: "From the entire record in this case, we cannot say that plaintiff was deprived of his rights under the Fifth and Sixth

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Amendments to the Constitution of the United States to the extent that the verdict of the court-martial was void." And in *Fly v. United States*, 120 Ct. Cl. 482, 498, 100 F. Supp. 440, 442: "Only when the errors committed are so gross as to amount to a denial of due process does the erring court martial lose its jurisdiction and its power to issue a valid decree. Compare *Sima v. United States*, with *Shapiro v. United States*, both *supra*."

4. This Court has never considered the applicability of *Johnson v. Zerbst* to military habeas corpus cases. But if denial of the right to counsel makes a civil body legally nonexistent, *i. e.*, without "jurisdiction," so as to authorize habeas corpus, by what process of reasoning can a military body denying such right to counsel fail to be equally nonexistent legally speaking, *i. e.*, without "jurisdiction," so as to authorize habeas corpus? Again, if a denial of due process deprives a civil body of "jurisdiction," is not a military body equally without "jurisdiction" when it makes such a denial, whatever the requirements of due process in the particular circumstances may be?

It is true that in *Hiatt v. Brown*, 339 U. S. 103, the traditional older rule on military habeas corpus was restated and applied, and that we there disapproved the tendency of some of the lower federal courts to review court-martial records collaterally as if the habeas corpus court were a statutory agency of direct military appellate review in the Judge Advocate General's office, *e. g.*, *Hicks v. Hiatt*, 64 F. Supp. 238 (M. D. Pa.). But the present problem was never suggested and never considered by us. Neither the Government's petition for certiorari nor its briefs cited *Johnson v. Zerbst*; and the respondent argued the point only inferentially until after the case went against him. The case cannot be deemed authority for an important point not discussed or considered. But assuredly *Hiatt v. Brown* does not sustain the proposition for which it was cited in this case, 346 U. S., at 139, that

"in military habeas corpus the inquiry, the scope of matters open for review, has always been more narrow than in civil cases."<sup>4</sup>

5. In coming to this conclusion, the main opinion purported to derive some comfort from the "finality" provision of the 1948 Articles of War and of the Uniform Code of Military Justice (AW 50 (h), 10 U. S. C. (Supp. II) § 1521 (h); UCMJ, Art. 76, 50 U. S. C. (Supp. V) § 663), both of which state in terms that court-martial proceedings, once appellate review is completed, "shall be binding upon all departments, courts, agencies, and officers of the United States." But the decision in *Estep v. United States*, 327 U. S. 114, should serve as a caution against applying provisions of "finality" in legislation as though we were dealing with words in a dictionary rather than

<sup>4</sup> The direction of the opinion may well have been influenced by the following assumption regarding this Court's relation to military law: "This Court has played no role in [the development of military law]; we have exerted no supervisory power over the courts which enforce it; . . ." (346 U. S., at 140). Of course it is true that we have no direct appellate jurisdiction over military courts. But it disregards both history and the statute books to say that our decisions have played no role in the development of military law. The pages of Winthrop are witness to the extent that the "Blackstone of American military law" (as General Crowder, Judge Advocate General of the Army from 1911 to 1923, called him) considered himself bound by this Court's pronouncements. Since 1920, Article of War 38 (10 U. S. C. (1926-1946 eds.) § 1509) has provided that the "modes of proof" in court-martial cases shall conform as nearly as practicable to the rules of evidence applicable to criminal cases in the United States district courts. Those rules of course are prescribed by this Court. In 1948 this language was expanded to include "principles of law" as well as rules of evidence (10 U. S. C. (Supp. II) § 1509), and our decisions have been frequently cited by the military, as indeed they were in this very case. The same broad language is now in Art. 36, UCMJ, 50 U. S. C. (Supp. V) § 611, and the judges of the U. S. Court of Military Appeals apparently consider themselves bound by what we say. See Brosman, *The Court: Freer Than Most*, 6 Vand. L. Rev. 166, 167.

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statutory directions, to be interpreted in the light of juridical considerations. The legislative history of the Uniform Code of Military Justice strongly suggests that it was precisely in the realm of collateral judicial attack on courts-martial that the concept of "finality" was intended not to operate. Here is what both Armed Services Committees said of Article 76, UCMJ: "This article is derived from AW 50 (h) and is modified to conform to terminology used in this code. *Subject only to a petition for a writ of habeas corpus in Federal court*, it provides for the finality of court-martial proceedings and judgments." H. R. Rep. No. 491, 81st Cong., 1st Sess., p. 35; S. Rep. No. 486, 81st Cong., 1st Sess., p. 32. I have added the italics to emphasize the congressional agreement with our decision on the same point in *Gusik v. Schilder*, 340 U. S. 128, 132-133. If that case and the Committee Reports have any meaning at all, they mean that the "finality" provision is completely irrelevant to any consideration concerning the proper scope of inquiry in military habeas corpus cases.<sup>2</sup>

6. It is desirable to emphasize that I express no opinion whatever on whether the allegations of the petition in the case at bar are sufficient to sustain a collateral attack on the court-martial's judgment of conviction. Nor do I express any opinion on the weight which should be given by the federal district court on habeas corpus to the findings of the military reviewing authorities. These are

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<sup>2</sup> It is noteworthy, though it was not referred to in the briefs, that as a matter of administrative recognition this "finality" provision has not been read with dictionary literalness. See 41 Op. Atty. Gen., No. 8, Dec. 29, 1949, which holds that AW 50 (h) of 1948—the very provision involved in the present case—did not bar the reopening of a record of conviction by court-martial by a Departmental Board for the Correction of Records functioning pursuant to § 207 of the Legislative Reorganization Act of 1946 (5 U. S. C. §§ 191a, 275). The action of those boards required approval by the Secretary concerned.

matters to be canvassed on the reargument. The issue here is whether the rationale of *Johnson v. Zerbst* is now to be quietly discarded or whether it will be appropriately applied, as it has been by the lower courts, in the military sphere. I do not think it is asking too much to insist that we have well-focused argument and careful deliberation before enunciating the principle that a conviction by a constitutional court which lacked due process is open to attack by habeas corpus while an identically defective conviction when rendered by an *ad hoc* military tribunal is invulnerable.<sup>3</sup>

*Second.* There is another issue of broad importance which underlies this case but which has not been considered by the Court.

Both petitioners, alleging confinement in Japan (R. 1, 9) and American citizenship (*id.*), sought habeas corpus in the District of Columbia.

Thus there is raised squarely the question, thus far reserved by us (*Ahrens v. Clark*, 335 U. S. 188, 192, n. 4; *Johnson v. Eisentrager*, 339 U. S. 763, 790-791), whether an American citizen detained by federal officers outside of any federal judicial district, may maintain habeas corpus directed against the official superior of the officers actually having him in custody.

This question was originally answered squarely in the negative by the highest court of the District of Columbia. *McGowan v. Moody*, 22 App. D. C. 148 (detention on Guam, writ sought to be directed against the Secretary of the Navy). That precedent was followed as late as 1948 without question. *Ex parte Flick*, 76 F. Supp. 979 (D. D. C.), reversed on other grounds *sub nom. Flick v. Johnson*, 85 U. S. App. D. C. 70, 174 F. 2d 983. It may have been, and probably was, overruled by *Eisentrager v.*

<sup>3</sup> I say "*ad hoc*," not in any derogatory sense, but merely to put the matter in its proper setting. See Winthrop, *Military Law and Precedents* (2d ed. 1896), 53-54.

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*Forrestal*, 84 U. S. App. D. C. 396, 174 F. 2d 961, which we in turn reversed for other reasons in *Johnson v. Eisenstrager*, *supra*.

Petitioners have not discussed the question of jurisdiction, and the Government appears disinclined to argue it.

We should not permit a question of jurisdiction as far-reaching as this one to go by concession, or decide it *sub silentio*. I express no view on how we should determine the issue, or on what grounds, but I think that we should frankly face it, even at the risk of concluding that a legislative remedy is necessary. Cf. Wolfson, *Americans Abroad and Habeas Corpus*, 9 Fed. Bar J. 142, 10 *id.*, at 69. It is particularly important that we do so at this time when thousands of our citizens in uniform are serving overseas.

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*Per Curiam Decisions.*

No. 169. *WHEELER v. MISSISSIPPI*. Appeal from the Supreme Court of Mississippi. *Per Curiam*: The appeal is dismissed for want of jurisdiction. 28 U. S. C. § 1257 (2). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari as required by 28 U. S. C. § 2103, certiorari is denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion certiorari should be granted. THE CHIEF JUSTICE took no part in the consideration or decision of this case. *W. Arlington Jones* for appellant. Reported below: — Miss. —, 63 So. 2d 517.

No. 229. *HAINES ET AL., COMPRISING KEYSTONE POLICYHOLDERS' COMMITTEE, v. PENNSYLVANIA ET AL.* Appeal from the Supreme Court of Pennsylvania, Middle District. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for the want of jurisdiction. 28 U. S. C. § 1257 (2). Treating the papers whereon the

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appeal was allowed as a petition for writ of certiorari as required by 28 U. S. C. § 2103, certiorari is denied. *Ellis G. Arnall* and *Cleburne E. Gregory, Jr.* for appellants. *D. Arthur Magaziner* for appellees. Reported below: 373 Pa. 105, 95 A. 2d 664.

#### *Miscellaneous Orders.*

No. 5, Original, October Term, 1950. *NEW JERSEY v. NEW YORK ET AL.* The motion of the City of New York for leave to file an amended petition to modify the decree is granted and the parties are allowed thirty days within which to answer the amended petition. *Denis M. Hurley, John P. McGrath, Jeremiah M. Evarts, James J. Thornton* and *Richard H. Burke* for the City of New York. *Theodore D. Parsons*, Attorney General, *Robert Peacock*, Deputy Attorney General, and *Kenneth H. Murray* for the State of New Jersey.

No. 540, October Term, 1952. *UNITED STATES v. NUGENT*; and

No. 573, October Term, 1952. *UNITED STATES v. PACKER*, 346 U. S. 1. Petition for rehearing denied. Motions to correct and for clarification of the opinion also denied. *THE CHIEF JUSTICE* and *MR. JUSTICE JACKSON* took no part in the consideration or decision of these applications.

No. 368, Misc., October Term, 1952. *GOODMAN ET AL. v. McMILLAN, TRUSTEE, ET AL.*, 345 U. S. 929. Petition for further consideration denied. *THE CHIEF JUSTICE* took no part in the consideration or decision of this application.

No. 96, Misc. *AHERN v. GREEN, SUPERINTENDENT, FAIRFIELD STATE HOSPITAL*; and

No. 97, Misc. *LUCAS v. HIATT, WARDEN*. Motions for leave to file petitions for writs of habeas corpus denied.

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*Certiorari Granted.*

No. 241. TOM WE SHUNG *v.* BROWNELL, ATTORNEY GENERAL, ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari granted. *Jack Wasserman* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Olney, Beatrice Rosenberg and Felicia H. Dubrovsky* for respondents. Reported below: 93 U. S. App. D. C. —, 207 F. 2d 132.

*Certiorari Denied.* (See also Nos. 169 and 229, *supra.*)

No. 129. JONES *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. *Sarsfield Collins* for petitioner. *Acting Solicitor General Davis, Assistant Attorney General Olney, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 204 F. 2d 745.

No. 176. KELLEY *v.* ROHN, EXECUTOR. Supreme Court of Nebraska. Certiorari denied. *Ralph R. Bremers* for petitioner. *Thomas P. Leary* for respondent. Reported below: 156 Neb. 463, 56 N. W. 2d 711.

No. 213. M. & J. TRACY, INC. *v.* UNITED STATES. Court of Claims. Certiorari denied. *James S. Hays and William E. Grady, Jr.* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Burger, Paul A. Sweeney, Leavenworth Colby and Hubert H. Margolies* for the United States. Reported below: 125 Ct. Cl. 70, 111 F. Supp. 956.

No. 226. RECONSTRUCTION FINANCE CORP. *v.* HARRISONS & CROSFIELD, LTD., BY FRED PUSINELLI & CO., INC., AGENT. C. A. 2d Cir. Certiorari denied. *Acting Solicitor General Davis* for petitioner. *Francis A. Brick, Jr. and Burr F. Coleman* for respondent. Reported below: 204 F. 2d 366.

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No. 232. *CLARK v. TEXAS*. Court of Criminal Appeals of Texas. Certiorari denied. *John D. Cofer* for petitioner. *John Ben Shepperd*, Attorney General of Texas, and *Rudy G. Rice* and *Horace Wimberly*, Assistant Attorneys General, for respondent. Reported below: 159 Tex. Cr. R. —, 261 S. W. 2d 339.

No. 237. *WEST TEXAS UTILITIES CO., INC. ET AL. v. NATIONAL LABOR RELATIONS BOARD ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Thurman Arnold*, *Paul A. Porter*, *Norman Diamond* and *Frank Cain* for petitioners. *Acting Solicitor General Stern*, *George J. Bott*, *David P. Findling*, *Dominick L. Manoli* and *Winthrop A. Johns* for the National Labor Relations Board; and *Louis Sherman* for the International Brotherhood of Electrical Workers (AFL), respondents. Reported below: 92 U. S. App. D. C. 224, 206 F. 2d 442.

No. 243. *ANDREWS BROS. OF CALIFORNIA v. CENTRAL PRODUCE CO.* C. A. 6th Cir. Certiorari denied. *Benjamin W. Shipman* for petitioner. *Morton B. Howell, Jr.* for respondent. Reported below: 203 F. 2d 949.

No. 244. *LIVESAY WINDOW CO., INC. v. LIVESAY INDUSTRIES, INC. ET AL.* C. A. 5th Cir. Certiorari denied. *Charles R. Fenwick* and *Thomas B. Van Poole* for petitioner. *J. M. Flowers*, *Henry M. Sinclair*, *D. H. Redfearn* and *Ralph H. Ferrell* for respondents. Reported below: 202 F. 2d 378.

No. 246. *BROWN, COUNTY TREASURER, ET AL. v. SUTTER BASIN CORP., LTD.* Supreme Court of California. Certiorari denied. *Stephen W. Downey* and *Martin McDonough* for petitioners. *Harold F. Collins* for respondent. Reported below: 40 Cal. 2d 235, 253 P. 2d 649.

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No. 247. NATIONAL LABOR RELATIONS BOARD *v.* MID-CONTINENT PETROLEUM CORP. C. A. 6th Cir. Certiorari denied. *Acting Solicitor General Stern* and *George J. Bott* for petitioner. Reported below: 204 F. 2d 613.

No. 248. SCHWEGMANN BROTHERS GIANT SUPER MARKET ET AL. *v.* ELI LILLY & Co. C. A. 5th Cir. Certiorari denied. *John Minor Wisdom* and *Saul Stone* for petitioners. *Everett I. Willis* for respondent. Reported below: 205 F. 2d 788.

No. 250. NEW YORK, NEW HAVEN & HARTFORD RAILROAD CO. *v.* LEARY. C. A. 1st Cir. Certiorari denied. *Paul F. Perkins* and *Charles W. Bartlett* for petitioner. *Thomas J. O'Neill* and *John V. Higgins* for respondent. Reported below: 204 F. 2d 461.

No. 252. UNIVERSAL MANUFACTURING CO. ET AL. *v.* FEDERAL TRADE COMMISSION. C. A. 10th Cir. Certiorari denied. *J. L. London* for petitioners. *Acting Solicitor General Stern*, *Assistant Attorney General Barnes* and *Earl W. Kintner* for respondent. Reported below: 204 F. 2d 272.

No. 253. BUSH TERMINAL BUILDINGS CO. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 2d Cir. Certiorari denied. *Holt S. McKinney* for petitioner. *Acting Solicitor General Stern*, *Assistant Attorney General Holland*, *Ellis N. Slack* and *Cecelia H. Goetz* for respondent. Reported below: 204 F. 2d 575.

No. 255. STRICKLAND TRANSPORTATION Co., INC. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Frank A. Leffingwell* for petitioner. *Acting Solicitor General Stern*, *Assistant Attorney General Burger*, *Paul A. Sweeney* and *Hubert H. Margolies* for the United States. Reported below: 204 F. 2d 325.

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No. 257. *JONES v. LYKES BROTHERS STEAMSHIP CO., INC.* C. A. 2d Cir. Certiorari denied. *Charles Andrews Ellis* and *Silas Blake Axtell* for petitioner. *Arthur M. Boal* for respondent. Reported below: 204 F. 2d 815.

No. 258. *UNITED STATES EX REL. CARROLLO v. BODE*, DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE. C. A. 8th Cir. Certiorari denied. *Richard P. Shanahan* and *James Daleo* for petitioner. *Acting Solicitor General Stern*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Robert G. Maysack* for respondent. Reported below: 204 F. 2d 220.

No. 259. *BANKS v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. *Joseph B. Keenan* and *Alvin O. West* for petitioner. *Acting Solicitor General Stern*, *Assistant Attorney General Holland*, *Ellis N. Slack* and *Murray L. Schwartz* for the United States. Reported below: 204 F. 2d 666.

No. 177. *McELROY v. McELROY*; and

No. 245. *McELROY v. COBOURN ET AL., DOING BUSINESS AS COBOURN, YAGER, NOTNAGEL, SMITH & MORAN.* Court of Appeals of Ohio, Sixth Appellate District. Certiorari denied.

No. 190. *INTERNATIONAL WORKERS ORDER, INC. v. NEW YORK, BY BOHLINGER, SUPERINTENDENT OF INSURANCE, ET AL.*; and

No. 283. *SELIGSON ET AL. v. NEW YORK, BY BOHLINGER, SUPERINTENDENT OF INSURANCE.* Court of Appeals of New York. Certiorari denied. MR. JUSTICE CLARK took no part in the consideration or decision of these applications. *Osmond K. Fraenkel*, *Frank J. Donner* and *Arthur Kinoy* for petitioner in No. 190. *Milton H. Friedman* and *Thomas Russell Jones* for petitioners in No. 283. *Paul W. Williams* and *James B. Henry, Jr.*,

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Special Assistant Attorneys General, for New York, by Bohlinger, Superintendent of Insurance, respondent. Reported below: 305 N. Y. 258, 112 N. E. 2d 280.

No. 235. *TAWES v. CIE. DES MESSAGERIES MARI-TIMES*. C. A. 5th Cir. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion the petition should be granted. *Cicero C. Sessions* for petitioner. *Barent Ten Eyck, Edwin Longcope and Samuel T. Frankel* for respondent. Reported below: 205 F. 2d 5.

No. 249. *DAL SANTO v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion the petition should be granted. *Hayden C. Cavington* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Olney, Beatrice Rosenberg and Carl H. Imlay* for the United States. Reported below: 205 F. 2d 429.

No. 254. *IN RE LEVINE*. Supreme Court of Pennsylvania, Western District. Certiorari denied. MR. JUSTICE BLACK is of the opinion certiorari should be granted. *Orville Brown* for petitioner. *Alvah M. Shumaker* for Braham, Presiding Judge, respondent. Reported below: 372 Pa. 612, 95 A. 2d 222.

No. 9, Misc. *KEMMERER v. WARDEN, MICHIGAN STATE PENITENTIARY*. C. A. 6th Cir. Certiorari denied.

No. 14, Misc. *HELMS ET AL. v. UNIVERSAL ATLAS CEMENT Co.* C. A. 5th Cir. Certiorari denied. *John McGlasson* for petitioners. *O. F. Jones, Jr.* for respondent. Reported below: 202 F. 2d 421.

No. 37, Misc. *HAMILTON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Petitioner *pro se*. *Acting*

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*Solicitor General Stern, Assistant Attorney General Olney, Beatrice Rosenberg and Edward S. Szukelewicz* for the United States. Reported below: 204 F. 2d 927.

No. 64, Misc. *JONES v. TEXAS*. Court of Criminal Appeals of Texas. Certiorari denied. Reported below: 159 Tex. Cr. R. —, 261 S. W. 2d 324.

No. 77, Misc. *HILL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Acting Solicitor General Stern, Assistant Attorney General Olney and Beatrice Rosenberg* for the United States. Reported below: 206 F. 2d 204.

No. 93, Misc. *HARLAN v. RAGEN, WARDEN*. Criminal Court of Cook County, Illinois. Certiorari denied.

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

No. 95, Misc. *HOWARD v. NEW JERSEY*. Supreme Court of New Jersey. Certiorari denied. Reported below: 12 N. J. 444, 97 A. 2d 201.

No. 100, Misc. *ST. JOHN v. GRABER, CHIEF JUSTICE, ET AL.* Criminal Court of Cook County, Illinois. Certiorari denied.

No. 101, Misc. *TORRES ET AL. v. HOUSING AUTHORITY OF THE CITY OF LOS ANGELES ET AL.* District Court of Appeal of California, Second Appellate District. Certiorari denied. *G. G. Baumen* for petitioners. *Joseph P. Loeb and Leonard S. Janofsky* for the Housing Authority of Los Angeles, respondent. Reported below: 116 Cal. App. 2d 813, 254 P. 2d 628.

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No. 110, Misc. DANIELS ET AL. v. NORTH CAROLINA. Supreme Court of North Carolina. Certiorari denied. *O. John Rogge, Murray A. Gordon and Herman L. Taylor* for petitioners. *Harry McMullan*, Attorney General of North Carolina, and *Ralph Moody*, Assistant Attorney General, for respondent.

No. 113, Misc. TIMMONS v. COMMISSIONER OF INTERNAL REVENUE. C. A. 4th Cir. Certiorari denied. Petitioner *pro se*. *Acting Solicitor General Stern, Assistant Attorney General Holland, Ellis N. Slack* and *Robert N. Anderson* for respondent. Reported below: 203 F. 2d 831.

No. 126, Misc. HAYMAN v. UNITED STATES. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Acting Solicitor General Stern, Assistant Attorney General Olney* and *Beatrice Rosenberg* for the United States. Reported below: 205 F. 2d 891.

No. 23, Misc. SHOTKIN v. ATCHISON, TOPEKA & SANTA FE R. CO. ET AL. Petition for writ of certiorari to the District Court in and for the City and County of Denver, Colorado, denied for the reason that the application therefor was not made within the time provided by law. *Walter F. Dodd* for petitioner. *Duke W. Dunbar*, Attorney General of Colorado, and *Frank A. Wachob*, Deputy Attorney General, for Black, District Judge, respondent.

No. 98, Misc. THOMAS v. UNITED STATES. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied for the reason that the application therefor was not made within the time provided by law.

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No. 61, Misc. WELLS *v.* CALIFORNIA. C. A. 9th Cir. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this application. *Charles R. Garry* and *Philip C. Wilkins* for petitioner. Reported below: 201 F. 2d 503.

No. 67, Misc. BRAASCH ET AL. *v.* UTAH. Supreme Court of Utah. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion certiorari should be granted. Reported below: 123 Utah —, 253 P. 2d 378.

*Rehearing Denied.* (See Nos. 540 and 573, October Term, 1952, ante, p. 853.)

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*Per Curiam Decisions.*

No. 383. BARLOW ET AL. *v.* A. P. SMITH MANUFACTURING CO. ET AL. Appeal from the Supreme Court of New Jersey. *Per Curiam*: The appeal is dismissed for the want of a substantial federal question. *Adolf A. Berle, Jr.* for appellants. *Theodore D. Parsons*, Attorney General of New Jersey, and *Thomas P. Cook*, Deputy Attorney General, for Parsons, appellee. Reported below: 13 N. J. 145, 98 A. 2d 581.

No. 412. ILLINOIS EX REL. SANKSTONE *v.* JARECKI, JUDGE OF THE COUNTY COURT OF COOK COUNTY, ET AL. Appeal from the United States District Court for the Northern District of Illinois. *Per Curiam*: The motions to dismiss are granted and the appeal is dismissed for the want of a substantial federal question. *Frank Michels* for appellant. *Latham Castle*, Attorney General of Illinois, and *William C. Wines*, Assistant Attorney General, for Carpentier et al.; and *Bernard J. Korzen*, *Gordon Nash*, *Vincent P. Flood* and *James C. Murray* for Holzman et al., appellees. Reported below: 116 F. Supp. 422.

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*Miscellaneous Orders.*

No. —, Original. ALABAMA *v.* TEXAS ET AL. The motions of the defendants for time within which to file objections to the motion for leave to file the complaint are granted, and 40 days are allowed for that purpose. THE CHIEF JUSTICE took no part in the consideration or decision of these motions. *Si Garrett*, Attorney General of Alabama, *M. Roland Nachman, Jr.*, and *Gordon Madison*, Assistant Attorneys General, and *Adrian S. Fisher* for complainant. *John Ben Shepperd*, Attorney General, and *William H. Holloway*, Assistant Attorney General, for the State of Texas; *Fred S. LeBlanc*, Attorney General, *John L. Madden*, Assistant Attorney General, and *Bailey Walsh*, Special Assistant Attorney General, for the State of Louisiana; *Richard W. Ervin*, Attorney General, *Howard S. Bailey* and *Fred M. Burns*, Assistant Attorneys General, and *John D. Moriarty*, Special Assistant Attorney General, for the State of Florida; and *Edmund G. Brown*, Attorney General, *William V. O'Connor*, Chief Deputy Attorney General, *Everett W. Mattoon*, Assistant Attorney General, and *George G. Grover*, Deputy Attorney General, for the State of California, defendants.

No. 11, Original. MISSISSIPPI *v.* LOUISIANA. It is ordered that *D. K. McKamy*, Esquire, of Birmingham, Alabama, be, and he is hereby, appointed special master in this cause, with authority to summon witnesses, issue subpoenas, and take such evidence as may be introduced and such as he may deem it necessary to call for. The master is directed to find the facts specially and state separately his conclusions of law thereon, and to submit the same to this Court with all convenient speed, together with a draft of the decree recommended by him. The findings, conclusions, and recommended decree of the master shall be subject to consideration, revision, or ap-

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proval by the Court. The master shall be allowed his actual expenses and a reasonable compensation for his services to be fixed hereafter by the Court. The allowances to him, the compensation paid to his stenographic and clerical assistants, and the cost of printing his report shall be charged against and be borne by the parties in such proportion as the Court hereafter may direct. If the appointment herein made of a master is not accepted, or if the place becomes vacant during the recess of the Court, THE CHIEF JUSTICE shall have authority to make a new designation which shall have the same effect as if originally made by the Court herein.

*J. P. Coleman*, Attorney General of Mississippi, and *G. H. Brandon* for complainant. *Fred S. LeBlanc*, Attorney General of Louisiana, *W. C. Perrault*, First Assistant Attorney General, *Carroll Buck*, Second Assistant Attorney General, and *Bailey Walsh* and *John L. Madden*, Assistant Attorneys General, for defendant.

No. 104. *DABNEY, TRUSTEE, v. CHASE NATIONAL BANK*; and

No. 105. *CHASE NATIONAL BANK v. DABNEY, TRUSTEE*. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit dismissed per stipulation of counsel. *Lewis M. Dabney, Jr.* for Dabney, Trustee. *A. Donald MacKinnon* for the Chase National Bank. Reported below: 201 F. 2d 635.

*Probable Jurisdiction Noted.*

No. 274. *COMMERCIAL PICTURES CORP. v. REGENTS OF THE UNIVERSITY OF THE STATE OF NEW YORK*. Appeal from the Court of Appeals of New York. Probable jurisdiction noted. *Florence Perlow Shientag* for appellant. *Nathaniel L. Goldstein*, Attorney General of New York, and *Charles A. Brind, Jr.* for appellees. Reported below: 305 N. Y. 336, 113 N. E. 2d 502.

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*Certiorari Granted.*

No. 271. *ADAMS v. MARYLAND*. Court of Appeals of Maryland. Certiorari granted limited to question No. 1 presented by the petition for the writ [*i. e.*, whether 18 U. S. C. § 3486 "renders inadmissible testimony given by Adams before a Senate Committee in a criminal case in the Maryland Courts and in turn avoids a conviction which has to rely upon the testimony thus admitted?"]. *James A. Cobb* and *George E. C. Hayes* for petitioner. *Edward D. E. Rollins*, Attorney General of Maryland, *J. Edgar Harvey*, Deputy Attorney General, and *W. Giles Parker*, Assistant Attorney General, for respondent. Reported below: 202 Md. 455, 97 A. 2d 281.

No. 128, Misc. *NORTH v. FLORIDA*. Supreme Court of Florida. Certiorari granted. *C. Jay Hardee*, *Claude Pepper* and *John R. Parkhill* for petitioner. Reported below: 65 So. 2d 77.

*Certiorari Denied.*

No. 167. *STUYVESANT TOWN CORP. v. UNITED STATES*. Court of Claims. Certiorari denied. *Eugene Meacham* for petitioner. *Acting Solicitor General Stern*, *Assistant Attorney General Holland*, *Ellis N. Slack*, *Hilbert P. Zarky* and *Harry Baum* for the United States. Reported below: 124 Ct. Cl. 686, 111 F. Supp. 243.

No. 260. *KITZEN v. NEW YORK*. Court of Appeals of New York. Certiorari denied. Petitioner *pro se*. *Frank S. Hogan* and *Charles W. Manning* for respondent. Reported below: 305 N. Y. 756, 113 N. E. 2d 151.

No. 266. *FALSONE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *George W. Ericksen*, *Howard P. Macfarlane* and *Hugh C. Macfarlane* for petitioner. *Acting Solicitor General Stern*, *Assistant Attorney General Holland*, *Ellis N. Slack*, *Hilbert P. Zarky* and *Louise Foster* for the United States. Reported below: 205 F. 2d 734.

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NO. 263. *MARONEY, SUCCESSOR TO CLAUDY, WARDEN, v. UNITED STATES EX REL. DARCY*. C. A. 3d Cir. Certiorari denied. *Robert E. Woodside*, Attorney General of Pennsylvania, *Randolph C. Ryder*, Deputy Attorney General, and *Willard S. Curtin* for petitioner. *Charles J. Margiotti* for respondent. Reported below: 203 F. 2d 407.

NO. 269. *VIRGINIA METAL PRODUCTS CORP. v. TAYLOR*. C. A. 4th Cir. Certiorari denied. *Leo C. Fennelly* for petitioner. *Donald R. Richberg* and *James H. Michael, Jr.* for respondent. Reported below: 204 F. 2d 457.

NO. 270. *ROUSE v. MARYLAND*. Court of Appeals of Maryland. Certiorari denied. *R. Palmer Ingram* for petitioner. *Edward D. E. Rollins*, Attorney General of Maryland, *J. Edgar Harvey*, Deputy Attorney General, and *W. Giles Parker*, Assistant Attorney General, for respondent. Reported below: 202 Md. 481, 97 A. 2d 285.

NO. 275. *PUBLIC COMMON STOCKHOLDERS PROTECTIVE COMMITTEE v. ARKANSAS NATURAL GAS CORP. ET AL.* C. A. 3d Cir. Certiorari denied. *Clarence Fried* for petitioner. *Acting Solicitor General Stern*, *Roger S. Foster*, *Myron S. Isaacs* and *Aaron Levy* for the Securities and Exchange Commission; *Robert Burns* and *Joseph L. Weiner* for the Cities Service Company; and *Percival E. Jackson* for the Arkansas Natural Gas Corporation Class A Common Stock Committee, respondents. Reported below: 204 F. 2d 797.

NO. 276. *CLARK v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *William H. Collins* for petitioner. *Acting Solicitor General Stern*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Felicia Dubrovsky* for the United States. Reported below: 93 U. S. App. D. C. —, 208 F. 2d 840.

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NO. 277. GENERAL ARTISTS CORP. v. COMMISSIONER OF INTERNAL REVENUE. C. A. 2d Cir. Certiorari denied. *Morton Miller* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Holland, Ellis N. Slack, A. F. Prescott* and *Morton K. Rothschild* for respondent. Reported below: 205 F. 2d 360.

NO. 278. HIRSHHORN v. MINE SAFETY APPLIANCES CO. ET AL. C. A. 3d Cir. Certiorari denied. *John B. Doyle* for petitioner. *Charles E. Kenworthy* and *Paul E. Hutchinson* for respondents. Reported below: 203 F. 2d 279.

NO. 282. LONDONO v. CITIZENS NATIONAL TRUST & SAVINGS BANK ET AL. C. A. 9th Cir. Certiorari denied. *Robert H. Dunlap* for petitioner. *T. B. Cosgrove, John N. Cramer* and *Leonard A. Diether* for the Citizens National Trust & Savings Bank; and *O. B. Thorgrimson* and *Joseph H. Dasteel* for Dulien Steel Products, Inc. et al., respondents. Reported below: 204 F. 2d 377.

NO. 284. SEACOAST GAS CO., INC. ET AL. v. UNITED STATES. C. A. 5th Cir. Certiorari denied. *Charles L. Gowen* for petitioners. *Acting Solicitor General Stern, Assistant Attorney General Burger, Paul A. Sweeney* and *Russell Chapin* for the United States. Reported below: 204 F. 2d 709.

NO. 285. FEDERAL INSURANCE CO. ET AL. v. ISBRANDTSEN CO., INC. C. A. 2d Cir. Certiorari denied. *Henry N. Longley* and *F. Herbert Prem* for petitioners. *James S. Hemingway* for respondent. Reported below: 205 F. 2d 679.

NO. 286. NAREHOOD ET AL. v. PEARSON ET AL., COUNTY COMMISSIONERS OF CLEARFIELD COUNTY. Supreme Court of Pennsylvania, Eastern District. Certiorari denied.

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*William D. Donnelly* for petitioners. *Frank G. Smith* and *Robert V. Maine* for respondents. Reported below: 374 Pa. 299, 96 A. 2d 895.

No. 288. *JOHNSON & JOHNSON v. Q-TIPS, INC.* C. A. 3d Cir. Certiorari denied. *Kenneth Perry* and *Chester T. Lane* for petitioner. *W. Brown Morton* for respondent. Reported below: 206 F. 2d 144.

No. 290. *NERI, DOING BUSINESS AS IMPRESA DI SALVATAGGI FRATELLI NERI (NERI BROTHERS SALVAGE ENTERPRISE) v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. *Paul C. Matthews* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Burger, Samuel D. Slade* and *Herman Marcuse* for the United States. Reported below: 204 F. 2d 867.

No. 292. *FERGUSON ET AL. v. PHILADELPHIA TRANSPORTATION CO.* C. A. 3d Cir. Certiorari denied. *Ernest Ray White* for petitioners. *Francis H. Scheetz* for respondent. Reported below: 205 F. 2d 520.

No. 293. *COOPER v. SINCLAIR, CUSTODIAN OF LAKE LAND CITY JAIL.* Supreme Court of Florida. Certiorari denied. *Sam E. Murrell* for petitioner. *James Hardin Peterson* for respondent. Reported below: 66 So. 2d 702.

No. 236. *WHITTINGTON v. JOHNSTON ET AL.* C. A. 5th Cir. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion the petition should be granted. *Walter J. Knabe* for petitioner. *Ewell C. Orme* and *Jesse M. Williams, Jr.* for respondents. Reported below: 201 F. 2d 810.

No. 265. *WETHERBEE, ADMINISTRATRIX, v. ELGIN, JOLIET & EASTERN RAILWAY CO.* C. A. 7th Cir. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE

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DOUGLAS are of the opinion the petition should be granted. *Lloyd T. Bailey* for petitioner. *Harlan L. Hackbert* for respondent. Reported below: 204 F. 2d 755.

No. 65, Misc. *HOLLAND v. SAFEWAY STORES, INC.* Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied for the reason that application therefor was not made within the time provided by law.

No. 82, Misc. *McCULLOUGH v. UNITED STATES FIDELITY & GUARANTY CO.* C. A. 5th Cir. Certiorari denied. *Julius T. Long* for petitioner. Reported below: 202 F. 2d 269.

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*Per Curiam Decisions.*

No. 323. *FRANKLIN, REGIONAL COUNSEL, WAGE STABILIZATION BOARD, ET AL. v. JONCO AIRCRAFT CORP.* Appeal from the United States District Court for the Northern District of Texas. *Per Curiam*: The appellee having failed to exhaust its administrative remedy, the judgment is reversed. *Myers v. Bethlehem Shipbuilding Corp.*, 303 U. S. 41; *Public Service Commission of Utah v. Wycoff Company, Inc.*, 344 U. S. 237, 246. *Acting Solicitor General Stern* for appellants. *Jerry N. Griffin* and *John K. Pickens* for appellee. Reported below: 114 F. Supp. 392.

No. 308. *NEW JERSEY & NEW YORK RAILROAD CO. v. BOARD OF PUBLIC UTILITY COMMISSIONERS OF NEW JERSEY ET AL.* Appeal from the Supreme Court of New Jersey. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for the want of a substantial federal question. *Richard Swan Buell* and *Justin W. Seymour* for appellant. *Theodore D. Parsons*, Attorney General of New Jersey, *John R. Sailer*, Deputy Attorney

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General, and *Frank H. Sommer* for the Board of Public Utility Commissioners; and *Sam A. Colarusso* for the Brotherhood of Railroad Trainmen, appellees. Reported below: 12 N. J. 281, 96 A. 2d 526.

No. 343. *AIKEN v. RICHARDSON*. Appeal from the Supreme Court of Georgia. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for the want of a substantial federal question. *G. Seals Aiken, pro se. Ralph Williams* for appellee. Reported below: 209 Ga. 837, 76 S. E. 2d 393.

No. 309. *TWEEL v. WEST VIRGINIA RACING COMMISSION ET AL.* Appeal from the Supreme Court of Appeals of West Virginia. *Per Curiam*: The appeal is dismissed for the want of a substantial federal question. *Seldon S. McNeer* for appellant. Reported below: 138 W. Va. —, 76 S. E. 2d 874.

No. 320. *SACKETT v. LOUISIANA*. Appeal from the Criminal District Court for the Parish of Orleans, Louisiana, Appellate Division. *Per Curiam*: The appeal is dismissed for the want of a substantial federal question. *Maurice R. Woulfe* for appellant.

No. 315. *WESTERN UNION TELEGRAPH CO. ET AL. v. NEW JERSEY*. Appeal from the Supreme Court of New Jersey. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for the want of a substantial federal question. MR. JUSTICE BLACK and MR. JUSTICE REED are of the opinion that probable jurisdiction should be noted. *John H. Waters* and *William G. H. Acheson* for appellants. *Theodore D. Parsons*, Attorney General of New Jersey, and *Joseph A. Murphy*, Assistant Attorney General, for appellee. Reported below: 12 N. J. 468, 97 A. 2d 480.

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NO. 325. COLUMBIA PROPERTIES, INC. *v.* STATE BOARD OF TAX COMMISSIONERS OF INDIANA ET AL. Appeal from the Supreme Court of Indiana. *Per Curiam*: The motion to dismiss is granted and 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, certiorari is denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion that probable jurisdiction should be noted. *Cornelius W. Grafton* for appellant. *Edwin K. Steers*, Attorney General of Indiana, *Robert Hollowell*, Chief Counsel, and *George B. Jeffrey*, Deputy Attorney General, for the State Board of Tax Commissioners; and *William C. Welborn* and *Milford M. Miller* for the County Board of Review of Vanderburgh County et al., appellees. Reported below: 232 Ind. 262, 111 N. E. 2d 891.

*Miscellaneous Order.*

NO. 183, Misc. HIGGINS *v.* BINNS, U. S. ATTORNEY. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit dismissed on motion of petitioner. *Morris Lavine* for petitioner. Reported below: 205 F. 2d 653.

*Probable Jurisdiction Noted.*

NO. 335. GENERAL ELECTRIC CO. ET AL. *v.* WASHINGTON. Appeal from the Supreme Court of Washington. Probable jurisdiction noted. *Acting Solicitor General Stern* for the United States, appellant. Reported below: 42 Wash. 2d 411, 256 P. 2d 265.

*Certiorari Granted.*

NO. 300. BROWNELL, ATTORNEY GENERAL, *v.* RUBINSTEIN. United States Court of Appeals for the District of Columbia Circuit. Certiorari granted. *Acting Solici-*

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for *General Stern* for petitioner. *Edward J. Ennis* and *Jack Wasserman* for respondent. Reported below: 92 U. S. App. D. C. 328, 206 F. 2d 449.

No. 318. GORDON ET AL. v. UNITED STATES. C. A. 10th Cir. Certiorari granted. *John S. Boyden* and *Allen H. Tibbals* for petitioners. *Acting Solicitor General Stern* for the United States.

No. 347. GIALLO ET AL. v. UNITED STATES. C. A. 2d Cir. Certiorari granted. *Henry K. Chapman* for petitioners. *Acting Solicitor General Stern*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 206 F. 2d 207.

*Certiorari Denied.* (See also No. 325, supra.)

No. 189. BATTIATO v. UNITED STATES. C. A. 7th Cir. Certiorari denied. *George F. Callaghan* for petitioner. *Acting Solicitor General Stern*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Felicia Dubrovsky* for the United States. Reported below: 204 F. 2d 717.

No. 267. GLENN ET AL. v. ILLINOIS. Supreme Court of Illinois. Certiorari denied. *Loring B. Moore* and *William R. Ming, Jr.* for petitioners. Reported below: 415 Ill. 47, 112 N. E. 2d 133.

No. 295. ESTATE OF DWIGHT ET AL. v. COMMISSIONER OF INTERNAL REVENUE. C. A. 2d Cir. Certiorari denied. *John C. Crawley* for petitioners. *Acting Solicitor General Stern*, *Assistant Attorney General Holland*, *Ellis N. Slack* and *L. W. Post* for respondent. Reported below: 205 F. 2d 298.

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No. 279. *McCoy v. Siler et al.*, TRADING AS SILER BROTHERS, ET AL. C. A. 3d Cir. Certiorari denied. *Ernest Ray White* for petitioner. Reported below: 205 F. 2d 498.

No. 294. *Howarth v. Howarth*. District Court of Appeal of California, Second Appellate District. Certiorari denied. *Lawrence M. Cahill* and *Edith C. Cahill* for petitioner. Reported below: 115 Cal. App. 2d 760, 252 P. 2d 743.

No. 296. *Eureka Williams Corp. v. McCorquodale*. United States Court of Customs and Patent Appeals. Certiorari denied. *Edwin J. Balluff* for petitioner. Reported below: 40 C. C. P. A. (Pat.) 1028, 205 F. 2d 155.

No. 297. *Watson v. Sinclair Refining Co.* Supreme Court of Florida. Certiorari denied. *Erwin Sibley* for petitioner. *Mitchell D. Price* for respondent. Reported below: 65 So. 2d 732.

No. 298. *Forbes v. Commissioner of Internal Revenue*. C. A. 2d Cir. Certiorari denied. *Watson Washburn* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Holland, Ellis N. Slack, Lee A. Jackson* and *Robert B. Ross* for respondent. Reported below: 204 F. 2d 777.

No. 303. *Fisher v. United States*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Myron G. Ehrlich* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Olney, Beatrice Rosenberg* and *Felicia Dubrovsky* for the United States. Reported below: 92 U. S. App. D. C. 247, 205 F. 2d 702.

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NO. 301. MAURICE A. GARBELL, INC. ET AL. *v.* CONSOLIDATED VULTEE AIRCRAFT CORP. ET AL. C. A. 9th Cir. Certiorari denied. *Theodore H. Roche* and *Theo. J. Roche* for petitioners. *Ford W. Harris, Jr., Robert B. Watts* and *Fred Gerlach* for respondents. Reported below: 204 F. 2d 946.

NO. 302. KUGLER *v.* PHILADELPHIA FIRE & MARINE INSURANCE CO. C. A. 5th Cir. Certiorari denied. *W. Frank Gladney* for petitioner. Reported below: 204 F. 2d 297.

NO. 305. CHASTAIN *v.* MCKINNEY ET AL. C. A. 6th Cir. Certiorari denied. *Harry J. Lippman* for petitioner. *Herbert H. Monsky* for Cahill et al., and *Leo T. Wolford* for the Louisville Title Insurance Company et al., respondents. Reported below: 203 F. 2d 712.

NO. 306. ESTATE OF CRELLIN ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 9th Cir. Certiorari denied. *Charles A. Beardsley* for petitioners. *Acting Solicitor General Stern, Assistant Attorney General Holland, Ellis N. Slack* and *I. Henry Kutz* for respondent. Reported below: 203 F. 2d 812.

NO. 310. MARINE WELDING, SCALING & SALES CO., INC. ET AL. *v.* ELLIS ET AL. C. A. 5th Cir. Certiorari denied. *Alfred C. Kammer* for petitioners. *Leonard H. Rosenson* for respondents. Reported below: 204 F. 2d 173.

NO. 312. DEMOS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Guy P. Allison* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Olney, Beatrice Rosenberg* and *Carl H. Imlay* for the United States. Reported below: 205 F. 2d 596.

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No. 314. *WHITWORTH ET AL. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 7th Cir. Certiorari denied. *Spaulding Glass* for petitioners. *Acting Solicitor General Stern, Assistant Attorney General Holland, Ellis N. Slack and Hilbert P. Zarky* for respondent. Reported below: 204 F. 2d 779.

No. 316. *CIFOLO ET AL. v. GENERAL ELECTRIC CO.* Court of Appeals of New York. Certiorari denied. *David Scribner, Arthur Kinoy and Frank J. Donner* for petitioners. *Phil E. Gilbert, Jr. and Harold A. Segall* for respondent. Reported below: 305 N. Y. 209, 112 N. E. 2d 197.

No. 317. *GOEPP, ADMINISTRATRIX, v. AMERICAN OVERSEAS AIRLINES, INC.* Court of Appeals of New York. Certiorari denied. *H. G. Pickering* for petitioner. *William J. Junkerman* for respondent. Reported below: 305 N. Y. 830, 114 N. E. 2d 37.

No. 321. *BRADLEY MINING CO. v. BOICE*. C. A. 9th Cir. Certiorari denied. *John Parks Davis, Oscar W. Worthwine and Arthur B. Dunne* for petitioner. *William H. Langroise* for respondent. Reported below: 205 F. 2d 937.

No. 324. *J. & L. SNOUFFER, INC. v. ADAMS ET AL.* C. A. 6th Cir. Certiorari denied. *Matthew L. Bigger* for petitioner. *William S. Evatt and Robert L. Barton* for respondents. Reported below: 203 F. 2d 566.

No. 327. *JOHNSON v. JOHNSON*. Court of Appeals of Maryland. Certiorari denied. *Karl F. Steinmann* for petitioner. *Wilfred T. McQuaid* for respondent. Reported below: 202 Md. 547, 97 A. 2d 330.

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NO. 328. PENNSYLVANIA *v.* MELLON NATIONAL BANK & TRUST CO., SUCCESSOR TO MELLON NATIONAL BANK. Supreme Court of Pennsylvania, Middle District. Certiorari denied. *Robert E. Woodside*, then Attorney General of Pennsylvania, *Frank F. Truscott*, Attorney General, and *H. F. Stambaugh* for petitioner. *Charles E. Kenworthy* and *Roy J. Keefer* for respondent. Reported below: 374 Pa. 519, 98 A. 2d 168.

NO. 333. HACK *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. *Albert Ward* and *Palmer K. Ward* for petitioner. *Acting Solicitor General Stern*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 205 F. 2d 723.

NO. 334. NINA DYE WORKS CO., INC. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 3d Cir. Certiorari denied. *Dan Gordon Judge* for petitioner. *Acting Solicitor General Stern*, *George J. Bott*, *David P. Findling* and *Dominick L. Manoli* for respondent. Reported below: 203 F. 2d 849.

NO. 337. UNITED STATES *v.* MORRELL. C. A. 4th Cir. Certiorari denied. *Acting Solicitor General Stern* for the United States. *Herbert E. Witz* for respondent. Reported below: 204 F. 2d 490.

NO. 338. HIGHTOWER *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied. *Julius Lucius Echeles* for petitioner. Reported below: 414 Ill. 537, 112 N. E. 2d 126.

NO. 339. AVONDALE MARINE WAYS, INC. *v.* WILSON ET AL. C. A. 5th Cir. Certiorari denied. *Harry McCall* for petitioner. *Samuel J. Tennant, Jr.* for respondents. Reported below: 205 F. 2d 518.

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NO. 336. UNITED STATES *v.* LANDSMAN. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Acting Solicitor General Stern* for the United States. *Paul R. Harmel* for respondent. Reported below: 92 U. S. App. D. C. 276, 205 F. 2d 18.

NO. 340. LEONARD ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 6th Cir. Certiorari denied. *John M. Hudson* for petitioners. *Acting Solicitor General Stern, Assistant Attorney General Holland* and *Ellis N. Slack* for respondent. Reported below: 206 F. 2d 227.

NO. 341. WHITE CAP CO. *v.* OWENS-ILLINOIS GLASS CO. C. A. 6th Cir. Certiorari denied. *William H. Davis, George E. Faithfull, Raymond L. Greist* and *Paul Plunkett* for petitioner. *George I. Haight, Fred E. Fuller* and *Frank A. Harrington* for respondent. Reported below: 203 F. 2d 694.

NO. 345. BOYD, DISTRICT DIRECTOR OF IMMIGRATION AND NATURALIZATION SERVICE, ET AL. *v.* MANGAOANG. C. A. 9th Cir. Certiorari denied. *Acting Solicitor General Stern* for petitioners. *Joseph Forer* for respondent. Reported below: 205 F. 2d 553.

NO. 346. EVARTS *v.* ELOY GIN CORP. ET AL. C. A. 9th Cir. Certiorari denied. *Edward H. Foley* for petitioner. Reported below: 204 F. 2d 712.

NO. 348. GEORGE KEMP REAL ESTATE CO. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 2d Cir. Certiorari denied. *Alexander S. Andrews* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Holland, Ellis N. Slack* and *Harry Marselli* for respondent. Reported below: 205 F. 2d 236.

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NO. 350. LAWRENCE-CEDARHURST BANK *v.* DAVIS, TRUSTEE. C. A. 2d Cir. Certiorari denied. *Edward S. Bentley* for petitioner. *Max Schwartz* for respondent. Reported below: 204 F. 2d 431.

NO. 264. ADDISON ET AL. *v.* HURON STEVEDORING CORP. ET AL. C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion certiorari should be granted. *Max R. Simon, Monroe Goldwater* and *James L. Goldwater* for petitioners. *Acting Solicitor General Stern, Assistant Attorney General Burger, Samuel D. Slade* and *Marvin C. Taylor* for respondents. Reported below: 204 F. 2d 88.

NO. 313. DRUMMOND *v.* VIRGINIA. Supreme Court of Appeals of Virginia. Certiorari denied.

NO. 322. IOWA STATE TRAVELING MEN'S ASSOCIATION *v.* PARMALEE. C. A. 5th Cir. Certiorari denied. MR. JUSTICE REED and MR. JUSTICE JACKSON are of the opinion certiorari should be granted. *Robert H. Anderson* and *D. P. S. Paul* for petitioner. Reported below: 206 F. 2d 518.

NO. 326. FLETCHER *v.* NOSTADT ET AL. C. A. 4th Cir. Certiorari denied. Petitioner *pro se.* *Charles E. Morganston* for Nostadt, respondent. Reported below: 205 F. 2d 896.

NO. 59, Misc. BEELER *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Petitioner *pro se.* *Acting Solicitor General Stern, Assistant Attorney General Olney, Beatrice Rosenberg* and *John R. Wilkins* for the United States. Reported below: 205 F. 2d 454.

NO. 73, Misc. CRUTCHERS *v.* SKEEN, WARDEN. Supreme Court of Appeals of West Virginia. Certiorari

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denied. Petitioner *pro se*. *John G. Fox*, Attorney General of West Virginia, and *T. D. Kauffelt*, Assistant Attorney General, for respondent.

No. 92, Misc. *BILOCHE v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. Reported below: 414 Ill. 504, 112 N. E. 2d 162.

No. 99, Misc. *SUSANEC v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied.

No. 103, Misc. *STRAHL v. PEPERSACK, WARDEN*. Court of Appeals of Maryland. Certiorari denied. Reported below: 202 Md. 655. 97 A. 2d 134.

No. 104, Misc. *RIZZI v. NEW YORK*. Appellate Division of the Supreme Court of New York, First Judicial Department. Certiorari denied. Reported below: 282 App. Div. 666, 122 N. Y. S. 2d 795.

No. 106, Misc. *BARRETT v. KANSAS ET AL.* Supreme Court of Kansas. Certiorari denied. Reported below: 174 Kan. 754, 258 P. 2d 351.

No. 111, Misc. *GILBERT v. ILLINOIS*. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 118, Misc. *WELLS v. ILLINOIS PAROLE AND PARDON BOARD ET AL.* Supreme Court of Illinois. Certiorari denied.

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

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No. 116, Misc. *COLBERT v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 202 F. 2d 793.

No. 120, Misc. *ZUBR v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied.

No. 121, Misc. *BORTNYAK v. RAGEN, WARDEN*. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 122, Misc. *EMMETT v. CRANOR, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY*. Supreme Court of Washington. Certiorari denied.

No. 123, Misc. *PARDEE v. MICHIGAN*. Supreme Court of Michigan. Certiorari denied.

No. 129, Misc. *WARD v. WATERS, WARDEN*. Criminal Court of Appeals of Oklahoma. Certiorari denied. Reported below: 97 Okla. Cr. —, 257 P. 2d 1099.

No. 131, Misc. *TATE v. CALIFORNIA*. C. A. 9th Cir. Certiorari denied.

No. 133, Misc. *BIRD v. NEW YORK*. Appellate Division of the Supreme Court of New York, First Judicial Department. Certiorari denied. Reported below: 282 App. Div. 651, 122 N. Y. S. 2d 791.

No. 134, Misc. *TRICARICO v. WALKER, WARDEN*. Superior Court for Hartford County, Connecticut. Certiorari denied.

No. 137, Misc. *PLACHNO v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied.

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*Rehearing Denied.*

No. 308, October Term, 1952. DALEHITE ET AL. v. UNITED STATES, 346 U. S. 15. Motion for leave to file petition for rehearing denied. THE CHIEF JUSTICE, MR. JUSTICE DOUGLAS and MR. JUSTICE CLARK took no part in the consideration or decision of this motion.

No. 139. BERTEL ET AL. v. PANAMA TRANSPORT CO. ET AL., *ante*, p. 834. Motion for leave to file petition for rehearing denied. THE CHIEF JUSTICE took no part in the consideration or decision of this motion.

No. 74. FEITLER ET AL., TRADING AS GARDNER & CO., v. FEDERAL TRADE COMMISSION, *ante*, p. 814;

No. 122. WEISBROD v. UNITED STATES, *ante*, p. 819;

No. 131. COLLINS v. CALIFORNIA, *ante*, p. 803;

No. 135. GEHMAN v. SMITH, COLLECTOR OF INTERNAL REVENUE, *ante*, p. 820;

No. 146. FINNEGAN v. UNITED STATES, *ante*, p. 821;

No. 151. SIMPSON ET AL. v. CITY OF LOS ANGELES ET AL., *ante*, p. 802;

No. 164. GOLDBAUM ET AL. v. UNITED STATES, *ante*, p. 831;

No. 214. DAUGHERTY v. CALIFORNIA, *ante*, p. 827;

No. 268. BROWN v. ILLINOIS, *ante*, p. 804;

No. 45, Misc. EX PARTE COOPER, *ante*, p. 806;

No. 86, Misc. HENDRICKSON v. BALDI, SUPERINTENDENT, PHILADELPHIA COUNTY PRISON, PENNSYLVANIA, *ante*, p. 807; and

No. 113, Misc. TIMMONS v. COMMISSIONER OF INTERNAL REVENUE, *ante*, p. 860. Petitions for rehearing denied. THE CHIEF JUSTICE took no part in the consideration or decision of these applications.

No. 388, Misc., October Term, 1952. HOURIHAN v. NATIONAL LABOR RELATIONS BOARD ET AL., 345 U. S. 930.

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Third petition for rehearing denied. THE CHIEF JUSTICE took no part in the consideration or decision of this application.

No. 511, Misc., October Term, 1952. LEE *v.* TENNESSEE, 345 U. S. 1003. Second petition for rehearing denied. THE CHIEF JUSTICE took no part in the consideration or decision of this application.

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*Per Curiam Decision.*

No. 342. NATIONAL UNION OF MARINE COOKS AND STEWARDS ASSOCIATION *v.* ARNOLD ET AL. Appeal from the Supreme Court of Washington. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for the want of a substantial federal question. The motion for damages and double costs is denied. MR. JUSTICE BLACK is of the opinion that probable jurisdiction should be noted. *Norman Leonard* for appellant. *Samuel D. Bassett* for appellees. Reported below: 42 Wash. 2d 648, 257 P. 2d 629.

*Miscellaneous Orders.*

No. —. TUREAUD *v.* BOARD OF SUPERVISORS OF LOUISIANA STATE UNIVERSITY AND AGRICULTURAL AND MECHANICAL COLLEGE ET AL. This is an application by the relator for a stay of the judgment of the United States Court of Appeals for the Fifth Circuit which is to be brought here for review in a petition for certiorari. The application is granted and the judgment of the Court of Appeals is stayed until the final disposition here of the petition for certiorari to be filed. MR. JUSTICE REED dissents on the ground that the status of the applicant at the institution of the litigation should be preserved pending final judgment. *Robert L. Carter* for petitioner.

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*Fred S. LeBlanc*, Attorney General of Louisiana, *W. C. Perrault*, First Assistant Attorney General, *J. Clyde Pearce*, Assistant Attorney General, *Fred A. Blanche, Sr.*, *Arthur O'Quin*, *Leander H. Perez*, *C. V. Porter*, *Victor A. Sachse*, *Grove Stafford*, *Oliver Stockwell*, *Wood H. Thompson*, *John H. Tucker, Jr.*, *W. Scott Wilkinson* and *Laurance W. Brooks* for respondents.

No. 228. MAZER ET AL., DOING BUSINESS AS JUNE LAMP MANUFACTURING CO., *v.* STEIN ET AL., DOING BUSINESS AS REGLOR OF CALIFORNIA. Certiorari, *ante*, p. 811, to the United States Court of Appeals for the Fourth Circuit. The application of the Solicitor General for leave to appear and present oral argument on behalf of the Register of Copyrights, as *amicus curiae*, is granted.

No. 338. HIGHTOWER *v.* ILLINOIS. The application of petitioner to withhold the order denying certiorari, *ante*, p. 875, pending filing of petition for rehearing is denied.

No. 407. GALVAN *v.* PRESS, OFFICER IN CHARGE, IMMIGRATION AND NATURALIZATION SERVICE. Certiorari, *ante*, p. 812, to the United States Court of Appeals for the Ninth Circuit. The application for bail is granted and it is ordered that petitioner be admitted to bail upon the posting of a good and sufficient surety bond in the amount of two thousand (\$2,000) dollars. The bond is to be approved by the United States District Court for the Southern District of California or a judge thereof and when approved to be filed with the clerk of that court. The application for leave to proceed on the typewritten record is granted.

No. 5, Original, October Term, 1950. NEW JERSEY *v.* NEW YORK ET AL., *ante*, p. 853. The applications of New

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Jersey and Pennsylvania for an extension of time within which to answer the amended petition of the City of New York are granted and the time is extended to and including December 14, next. *Theodore D. Parsons*, Attorney General, and *Robert Peacock*, Deputy Attorney General, for the State of New Jersey. *Frank F. Truscott*, Attorney General, and *Wm. A. Schnader* for the State of Pennsylvania.

No. 272. BOOK-OF-THE-MONTH CLUB, INC. ET AL. v. FEDERAL TRADE COMMISSION. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit dismissed on motion of petitioners. *George M. Wolfson* for petitioners. Reported below: 202 F. 2d 486.

No. 114, Misc. HENDERSON v. BANNAN, WARDEN. Recorder's Court of the City of Detroit, Michigan. Certiorari denied. Motion for leave to file petition for writ of habeas corpus also denied.

No. 158, Misc. TAYLOR v. SWOPE, WARDEN. C. A. 9th Cir. Certiorari denied. Motion for leave to file petition for writ of habeas corpus also denied.

No. 138, Misc. TAYLOR v. UNITED STATES BOARD OF PAROLE. Motion for leave to file petition for writ of mandamus denied.

No. 151, Misc. LEVY v. CALIFORNIA. Application denied. THE CHIEF JUSTICE took no part in the consideration or decision of this application.

No. 152, Misc. TAYLOR v. UNITED STATES BOARD OF PAROLE. Motion for leave to file petition for writ of quo warranto denied.

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*Certiorari Granted.*

No. 304. REMMER *v.* UNITED STATES. C. A. 9th Cir. Certiorari granted. THE CHIEF JUSTICE took no part in the consideration or decision of this application. *J. Louis Monarch* and *Spurgeon Avakian* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Holland, Ellis N. Slack* and *Joseph M. Howard* for the United States. Reported below: 205 F. 2d 277.

No. 331. UNITED STATES *v.* GUY W. CAPPS, INC. C. A. 4th Cir. Certiorari granted. *Acting Solicitor General Stern* for the United States. *W. R. Ashburn* for respondent. Reported below: 204 F. 2d 655.

No. 366. UNITED STATES *EX REL.* ACCARDI *v.* SHAUGHNESSY, DISTRICT DIRECTOR OF THE IMMIGRATION AND NATURALIZATION SERVICE. C. A. 2d Cir. Certiorari granted. *Jack Wasserman* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Olney* and *Beatrice Rosenberg* for respondent. Reported below: 206 F. 2d 897.

No. 352. THOMPSON *v.* LAWSON, DEPUTY COMMISSIONER OF THE UNITED STATES BUREAU OF EMPLOYEES COMPENSATION, ET AL. C. A. 5th Cir. Certiorari granted. *Thomas M. Cooley, II*, for petitioner. *Acting Solicitor General Stern* filed a memorandum stating that the respondent Deputy Commissioner does not oppose the granting of the petition. Reported below: 205 F. 2d 527.

*Certiorari Denied.* (See also *Misc. Nos. 114 and 158, supra.*)

No. 180. ELGES *v.* NEVADA. Supreme Court of Nevada. Certiorari denied. *Milton W. King* for petitioner. *W. T. Mathews*, Attorney General of Nevada, *Geo. P. Annand, William N. Dunseath, John W. Barrett*, Deputy

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Attorneys General, *Alan Bible* and *Jack Streeter* for respondent. Reported below: 69 Nev. 330, 251 P. 2d 590.

No. 311. UNITED STATES *v.* FRYER. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Acting Solicitor General Stern* for the United States. *James J. Laughlin* for respondent. Reported below: 93 U. S. App. D. C. —, 207 F. 2d 134.

No. 332. BENZ ET AL. *v.* COMPANIA NAVIERA HIDALGO, S. A. C. A. 9th Cir. Certiorari denied. *Kneland C. Tanner* for petitioners. Reported below: 205 F. 2d 944.

No. 351. SCHULZ ET AL. *v.* FLORA. Supreme Court of Pennsylvania, Eastern District. Certiorari denied. *Robert Ruppin* for petitioners. Reported below: 374 Pa. 459, 98 A. 2d 176.

No. 353. BOYLE *v.* LARUE, TREASURER OF TRUMBULL COUNTY, ET AL. Supreme Court of Ohio. Certiorari denied. *James J. Boyle, pro se.* *Wendell E. Cable* for the Village of Hubbard, respondent. Reported below: 159 Ohio St. 573, 112 N. E. 2d 664.

No. 354. AEBY ET UX. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *James H. Martin* for petitioners. *Acting Solicitor General Stern, Assistant Attorney General Olney, Beatrice Rosenberg* and *Carl H. Imlay* for the United States. Reported below: 206 F. 2d 296.

No. 355. FOLLETT *v.* VORIS, DEPUTY COMMISSIONER, BUREAU OF EMPLOYEES COMPENSATION, ET AL. C. A. 5th Cir. Certiorari denied. *Arthur J. Mandell* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Burger* and *Samuel D. Slade* for the Deputy Commissioner; and *John R. Brown* and *E. D.*

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*Vickery* for the Texas Employers' Insurance Association, respondents. Reported below: 205 F. 2d 542.

No. 358. *WHELAN ET AL. V. RILEY, ASSESSOR-COLLECTOR OF TAXES*. C. A. 5th Cir. Certiorari denied. *James D. Smullen* for petitioners. Reported below: 205 F. 2d 513.

No. 359. *KELLY V. GENERAL ELECTRIC CO.* C. A. 3d Cir. Certiorari denied. *Ernest Ray White* for petitioner. *Henry S. Drinker, Charles J. Biddle* and *Francis Hopkinson* for respondent. Reported below: 204 F. 2d 692.

No. 360. *FONTANA V. HURON STEVEDORING CORP.* C. A. 2d Cir. Certiorari denied. *Nathan Baker* for petitioner. *Thomas Coyne* and *Vernon S. Jones* for respondent. Reported below: 205 F. 2d 151.

No. 361. *GUIBERSON CORPORATION V. GARRETT OIL TOOLS, INC.* C. A. 5th Cir. Certiorari denied. *S. Austin Wier* for petitioner. *James B. Simms* for respondent. Reported below: 205 F. 2d 660.

No. 362. *BIGELOW ET AL. V. RKO RADIO PICTURES, INC. ET AL.* C. A. 7th Cir. Certiorari denied. *Thomas C. McConnell* for petitioners. *George L. Siegel* and *Edward C. Rastery* for the Winston Theatre Corporation, respondent. Reported below: 205 F. 2d 231.

No. 363. *STRONGHOLD SCREW PRODUCTS, INC. V. INDEPENDENT NAIL & PACKING Co., INC.* C. A. 7th Cir. Certiorari denied. *Casper W. Ooms* for petitioner. *Thomas F. McWilliams* and *Herbert A. Baker* for respondent. Reported below: 205 F. 2d 921.

No. 365. *HILLSBORO NATIONAL BANK V. BUSCHER, TRUSTEE IN BANKRUPTCY*. C. A. 7th Cir. Certiorari

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denied. *A. L. Wheeler* for petitioner. *Josiah T. Bulington* for respondent. Reported below: 204 F. 2d 520.

No. 367. AMERICAN AUTOMOBILE ASSOCIATION ET AL. v. SPIEGEL, DOING BUSINESS AS LAKE SERVICE STATION. C. A. 2d Cir. Certiorari denied. *Leo T. Kissam* for petitioners. *Samuel Rubinton* for respondent. Reported below: 205 F. 2d 771.

No. 368. LALLAK v. FARMERS' MUTUAL INSURANCE CO. ET AL. Supreme Court of Kansas. Certiorari denied. *A. B. Mitchell* for petitioner. *Walter T. Griffin* for the Farmers' Mutual Insurance Company, respondent. Reported below: 174 Kan. 720, 257 P. 2d 933.

No. 369. KEYSTONE METAL CO. v. CITY OF PITTSBURGH ET AL. Supreme Court of Pennsylvania, Western District. Certiorari denied. *Earl F. Reed* for petitioner. *Anne X. Alpern* for respondents. Reported below: 374 Pa. 323, 97 A. 2d 797.

No. 370. REED & PRINCE MANUFACTURING CO. v. NATIONAL LABOR RELATIONS BOARD. C. A. 1st Cir. Certiorari denied. *Gerard D. Reilly* for petitioner. *Acting Solicitor General Stern, George J. Bott, David P. Findling, Dominick L. Manoli and Norton J. Come* for respondent. Reported below: 205 F. 2d 131.

No. 291. SERIO v. UNITED STATES. C. A. 5th Cir. Certiorari denied. *G. Wray Gill* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Olney, Beatrice Rosenberg and J. F. Bishop* for the United States. Reported below: 203 F. 2d 576.

No. 299. KENTUCKY RIVER MILLS v. JACKSON. C. A. 6th Cir. Certiorari denied. MR. JUSTICE BLACK is of

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the opinion certiorari should be granted. *Leslie W. Morris* for petitioner. *James Park* for respondent. Reported below: 206 F. 2d 111.

No. 371. LOS ANGELES COUNTY PIONEER SOCIETY *v.* HISTORICAL SOCIETY OF SOUTHERN CALIFORNIA ET AL. Supreme Court of California. Certiorari denied. *Morris Lavine* for petitioner. *Edmund G. Brown*, Attorney General, *Frank J. Mackin*, Assistant Attorney General, and *Edward Sumner*, Deputy Attorney General, for the State of California; and *Oscar Lawler* for the Historical Society of Southern California, respondents. Reported below: 40 Cal. 2d 852, 257 P. 2d 1.

No. 376. PAUL *v.* UNITED STATES ET AL. C. A. 3d Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Abraham E. Freedman*, *Charles Lakatos* and *Joseph Weiner* for petitioner. *Acting Solicitor General Stern*, *Assistant Attorney General Burger* and *Samuel D. Slade* for respondents. Reported below: 205 F. 2d 38.

No. 8, Misc. BIGNESS *v.* NEVADA. Supreme Court of Nevada. Certiorari denied. *F. Morgan Anglim* for petitioner. *W. T. Mathews*, Attorney General of Nevada, *Geo. P. Annand*, *William N. Dunseath*, *John W. Barrett*, Deputy Attorneys General, and *Alan Bible* for respondent. Reported below: 70 Nev. 65, 254 P. 2d 447.

No. 42, Misc. SLACK *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Acting Solicitor General Stern*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Edward S. Szukelewicz* for the United States. Reported below: 203 F. 2d 152.

No. 76, Misc. BRADFORD *v.* BYERS, U. S. DISTRICT JUDGE. C. A. 2d Cir. Certiorari denied.

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No. 107, Misc. *McDADE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Acting Solicitor General Stern, Assistant Attorney General Olney, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 206 F. 2d 494.

No. 109, Misc. *HORTON v. SKEEN, WARDEN*. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 117, Misc. *LOUISIANA EX REL. DARTEZ v. COZART, SUPERINTENDENT OF LOUISIANA STATE PENITENTIARY, ET AL.* Supreme Court of Louisiana. Certiorari denied. *Rufus King* for petitioner.

No. 125, Misc. *DAUER v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 204 F. 2d 141.

No. 135, Misc. *SPEARS v. TRANSCONTINENTAL BUS SYSTEM, INC. ET AL.* C. A. 8th Cir. Certiorari denied. Petitioner *pro se*. *Eugene R. Warren* for respondents.

No. 139, Misc. *WHEELER v. WEST INDIA STEAMSHIP CO.* C. A. 2d Cir. Certiorari denied. *George J. Engelman* for petitioner. *J. Ward O'Neill* for respondent. Reported below: 205 F. 2d 354.

No. 148, Misc. *SHARP v. MICHIGAN*. Supreme Court of Michigan. Certiorari denied.

No. 154, Misc. *CLARK v. MOORE, WARDEN*. Supreme Court of Kansas. Certiorari denied.

No. 166, Misc. *CEPHAS v. SKEEN, WARDEN*. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 169, Misc. *SHILAKES v. MICHIGAN*. Supreme Court of Michigan. Certiorari denied.

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*Per Curiam Decisions.*

No. 384. *LARSON ET AL. v. CITY OF LONG BEACH.* Appeal from the Superior Court for the County of Los Angeles, California, Appellate Department. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for the want of a substantial federal question. *John Charles Spence, Jr., Charles A. Horsky and Amy Ruth Mahin* for appellants. *Irving M. Smith* for appellee.

No. 391. *F. H. VAHLSING, INC. v. MAINE.* Appeal from the Supreme Judicial Court of Maine. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for the want of a substantial federal question. *Henry F. Schenk* for appellant. *Alexander A. LaFleur*, Attorney General of Maine, and *Boyd L. Bailey and Roger A. Putnam*, Assistant Attorneys General, for appellee. Reported below: 149 Me. 38, 98 A. 2d 559.

No. 386. *RISS & Co., INC. v. UNITED STATES ET AL.* Appeal from the United States District Court for the Western District of Missouri. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. *John B. Gage* and *A. Alvis Layne, Jr.* for appellant. *Acting Solicitor General Stern* for the United States; *Edward M. Reidy* for the Interstate Commerce Commission; and *Amos M. Mathews* for the Akron, Canton & Youngstown Railroad Co. et al., appellees.

No. 409. *BALTIMORE TRANSFER CO. ET AL. v. INTERSTATE COMMERCE COMMISSION ET AL.* Appeal from the United States District Court for the District of Maryland. *Per Curiam*: The motion to affirm is granted and the

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judgment is affirmed. *James J. Doherty* and *William Hoffenberg* for appellants. *Acting Solicitor General Stern* and *Edward M. Reidy* for the United States and the Interstate Commerce Commission, appellees. Reported below: 114 F. Supp. 558.

NO. 393. TENNESSEE ET AL. V. UNITED STATES ET AL. Appeal from the United States District Court for the Middle District of Tennessee. *Per Curiam*: The motions to affirm are granted and the judgment is affirmed. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS dissent. *Alfred T. MacFarland* for the State of Tennessee et al., and *Joseph C. Swidler* for the Tennessee Valley Authority, appellants. *Charles J. McCarthy* was also of counsel. *Edward M. Reidy* and *Samuel R. Howell* for the Interstate Commerce Commission; and *James A. Bistline*, *A. J. Dixon*, *Frank W. Gwathmey*, *Edwin F. Hunt*, *Prime F. Osborn*, *William H. Swiggart* and *Charles P. Reynolds* for the Carolina, Clinchfield & Ohio Railway et al., appellees. Reported below: 113 F. Supp. 634.

NO. 420. SCHWARTZ ET AL. V. KELLEY ET AL., MEMBERS OF THE LIQUOR CONTROL COMMITTEE. Appeal from the Supreme Court of Errors of Connecticut. *Per Curiam*: The appeal is dismissed for the want of a substantial federal question. *Abraham Davis Slavitt* for appellants. *William L. Beers*, Attorney General of Connecticut, and *Louis Weinstein*, Assistant Attorney General, for appellees. Reported below: 140 Conn. 176, 99 A. 2d 89.

#### *Miscellaneous Orders.*

NO. 174. WHITE V. BALTIMORE & OHIO RAILROAD CO. Certiorari, 346 U. S. 810, to the United States Court of Appeals for the Sixth Circuit. Dismissed on motion of petitioner. *Paul M. Herbert* for petitioner. Reported below: 203 F. 2d 567.

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No. 459. *UNITED STATES v. JACOBS*. Appeal from the United States District Court for the Eastern District of Wisconsin. Dismissed on motion of the appellant. *Acting Solicitor General Stern* for the United States. Reported below: 113 F. Supp. 203.

No. 354. *AEBY ET UX. v. UNITED STATES*. The motion of petitioner to withhold order denying petition for writ of certiorari, 346 U. S. 885, pending disposition of petition for rehearing is denied.

No. 366. *UNITED STATES EX REL. ACCARDI v. SHAUGHNESSY, DISTRICT DIRECTOR OF THE IMMIGRATION AND NATURALIZATION SERVICE*. Certiorari, 346 U. S. 884, to the United States Court of Appeals for the Second Circuit. The application for bail is granted and it is ordered that petitioner, Joseph Accardi, be admitted to bail upon the posting of a good and sufficient surety bond in the amount of twenty-five hundred (\$2,500) dollars. The bond is to be approved by the United States District Court for the Southern District of New York or a judge thereof and when approved to be filed with the clerk of that court.

MR. JUSTICE REED, MR. JUSTICE JACKSON, and MR. JUSTICE CLARK would deny the application without prejudice to an application to proper authority.

No. 368, Misc., October Term, 1952. *GOODMAN ET AL. v. McMILLAN, TRUSTEE, ET AL.* Petition to withdraw the order of October 19, 1953, 346 U. S. 853, and for further consideration denied. THE CHIEF JUSTICE took no part in the consideration or decision of this application.

No. 143, Misc. *SHELTON v. UNITED STATES*. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit dismissed on motion of petitioner. Reported below: 205 F. 2d 806.

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- No. 146, Misc. *OUTCAULT v. TEETS, WARDEN*;  
No. 162, Misc. *ROBERTSON v. MARYLAND*;  
No. 171, Misc. *BURKHOLDER v. UNITED STATES*;  
No. 172, Misc. *KRELL v. SOUTH CAROLINA*;  
No. 173, Misc. *BYERS v. UNITED STATES*;  
No. 188, Misc. *BURKHOLDER v. UNITED STATES*;  
No. 196, Misc. *WADLINGTON v. SAIN, SUPERINTENDENT, CHICAGO HOUSE OF CORRECTION*;  
No. 197, Misc. *TAYLOR v. SWOPE, WARDEN*;  
No. 202, Misc. *SHAFFER v. MAY, SUPERINTENDENT, ILLINOIS SECURITY HOSPITAL*; and  
No. 213, Misc. *ALLBEE v. WEBB, WARDEN, ET AL.*  
Motions for leave to file petitions for writs of habeas corpus denied.

No. 180, Misc. *PINER v. UNITED STATES*. Motion for leave to file petition for writ of certiorari denied.

- No. 187, Misc. *CURRY v. UNITED STATES*; and  
No. 193, Misc. *SMITH v. NEW YORK*. Applications denied.

No. 198, Misc. *TAYLOR v. ROCHE, U. S. DISTRICT JUDGE*. Motion for declaratory judgment denied.

No. 235, Misc. *EX PARTE KEDROFF ET AL.* Motion for leave to file petition for writ of mandamus denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS would issue a rule to show cause why leave to file should not be granted. *Philip Adler* for petitioners.

*Probable Jurisdiction Noted.*

No. 389. *WALTERS ET AL. v. CITY OF ST. LOUIS ET AL.* Appeal from the Supreme Court of Missouri. Probable jurisdiction noted. *Harry H. Craig* for appellants. Reported below: 364 Mo. 56, 259 S. W. 2d 377.

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No. 439. UNITED STATES *v.* EMPLOYING LATHERS ASSOCIATION OF CHICAGO AND VICINITY ET AL. Appeal from the United States District Court for the Northern District of Illinois. Probable jurisdiction noted. *Acting Solicitor General Stern* for the United States. *Leo F. Tierney* for the Employing Lathers Association of Chicago and Vicinity et al.; and *Nathan M. Cohen* and *Robert S. Fiffer* for Local No. 74 of Wood, Wire and Metal Lathers International Union of Chicago and Vicinity, appellees. Reported below: 118 F. Supp. 387.

No. 440. UNITED STATES *v.* EMPLOYING PLASTERERS ASSOCIATION OF CHICAGO ET AL. Appeal from the United States District Court for the Northern District of Illinois. Probable jurisdiction noted. *Acting Solicitor General Stern* for the United States. *Howard Ellis* and *Perry S. Patterson* for appellees. Reported below: 118 F. Supp. 387.

No. 394. UNITED SHOE MACHINERY CORP. *v.* UNITED STATES. Appeal from the United States District Court for the District of Massachusetts. Probable jurisdiction noted. MR. JUSTICE CLARK took no part in the consideration or decision of this question. *John L. Hall* and *Claude R. Branch* for appellant. Reported below: 110 F. Supp. 295.

*Certiorari Granted.*

No. 307. SACHER *v.* ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK ET AL. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted limited to the following question:

"Accepting the facts as found in the memorandum decision of Chief Judge Hincks, does permanent disbarment

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exceed the bounds of fair discretion, particularly in view of the punishment of petitioner's individual misconduct as a contempt and the finding that the proof does not establish that he so behaved pursuant to a conspiracy or a deliberate and concerted effort?"

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

*Telford Taylor* for petitioner. *William C. Scott* for respondents. Reported below: 206 F. 2d 358.

No. 401. BROWNELL, ATTORNEY GENERAL, SUCCESSOR TO THE ALIEN PROPERTY CUSTODIAN, *v.* SINGER; and

No. 402. SUPERINTENDENT OF BANKS OF THE STATE OF NEW YORK *v.* SINGER. Court of Appeals of New York. Certiorari granted. THE CHIEF JUSTICE took no part in the consideration or decision of these applications. *Acting Solicitor General Stern* for petitioner in No. 401. *Edward Feldman* and *Daniel Gersen* for petitioner in No. 402. *Albert R. Connelly* for respondent.

No. 404. JACOBSON, ADMINISTRATRIX, *v.* NEW YORK, NEW HAVEN & HARTFORD RAILROAD Co. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit granted limited to question No. 1 presented by the petition for the writ which reads as follows:

"Was there diversity of citizenship even though the defendant (a multiple corporation) was also incorporated in Massachusetts, which would confer jurisdiction upon the United States District Court for the District of Massachusetts?"

*George P. Lordan*, *Herbert E. Tucker, Jr.* and *Michael Carchia* for petitioner. *Paul F. Perkins* for respondent. Reported below: 206 F. 2d 153.

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*Certiorari Denied.* (See also No. 180, Misc., supra.)

NO. 280. PHILLIPS PETROLEUM CO. v. WISCONSIN ET AL.;

NO. 281. TEXAS ET AL. v. WISCONSIN ET AL.; and

NO. 418. FEDERAL POWER COMMISSION v. WISCONSIN ET AL. United States Court of Appeals for the District of Columbia Circuit. *Certiorari denied.* *Rayburn L. Foster, Harry D. Turner and Hugh B. Cox* for petitioner in No. 280. *John Ben Shepperd*, Attorney General, and *Charles E. Crenshaw*, Special Assistant Attorney General, for the State of Texas et al., *Mac Q. Williamson*, Attorney General, for the Corporation Commission of Oklahoma, and *Richard H. Robinson*, Attorney General, *George A. Graham*, Special Assistant Attorney General, and *L. C. White* for the State of New Mexico et al., petitioners in No. 281. *Acting Solicitor General Stern* and *Willard W. Gatchell* for petitioner in No. 418. *Vernon W. Thomson*, Attorney General, and *Stewart G. Honeck*, Deputy Attorney General, for the State of Wisconsin, *William E. Torkelson* for the Public Service Commission of Wisconsin, *David M. Proctor* and *Jerome M. Joffe* for Kansas City, Missouri, *James H. Lee* for Detroit, Michigan, and *Walter J. Mattison* and *Harry G. Slater* for Milwaukee, Wisconsin, respondents. Reported below: 92 U. S. App. D. C. 284, 205 F. 2d 706.

NO. 319. DENVER & RIO GRANDE WESTERN RAILROAD CO. v. WHEAT. Supreme Court of Utah. *Certiorari denied.* *Dennis McCarthy* for petitioner. *Calvin W. Rawlings* for respondent. Reported below: 122 Utah —, 250 P. 2d 932.

NO. 329. T. W. JONES GRAIN CO. v. NEBRASKA. Supreme Court of Nebraska. *Certiorari denied.* *Charles M. Bosley* for petitioner. *Clarence S. Beck*, Attorney

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General of Nebraska, and *Dean G. Kratz*, Assistant Attorney General, for respondent. Reported below: 156 Neb. 822, 58 N. W. 2d 212.

No. 344. *ARBULICH v. ARBULICH*. Supreme Court of California. Certiorari denied. *Lawrence S. Lesser*, *Sidney H. Willner* and *Peter A. Schwabe* for petitioner. *Frank J. O'Brien* for respondent. Reported below: 41 Cal. 2d 86, 257 P. 2d 433.

No. 373. *HOMSEY CANCER CLINIC ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Roy St. Lewis* for petitioners. *Acting Solicitor General Stern* for the United States. Reported below: See 207 F. 2d 567.

No. 377. *BOURNE v. JONES*. C. A. 5th Cir. Certiorari denied. *Hal H. McCaghren* for petitioner. *R. Bruce Jones* for respondent. Reported below: 207 F. 2d 173.

No. 378. *FISHER, DOING BUSINESS AS FISHER PEN CO., v. DURKIN, SECRETARY OF LABOR*. C. A. 7th Cir. Certiorari denied. Petitioner *pro se*. *Acting Solicitor General Stern*, *Bessie Margolin* and *Sylvia S. Ellison* for respondent. Reported below: 204 F. 2d 930.

No. 379. *THE FLETERO ET AL. v. ARIAS*. C. A. 4th Cir. Certiorari denied. *Hugh S. Meredith* for petitioners. *R. Arthur Jett* for respondent. Reported below: 206 F. 2d 267.

No. 387. *GALLAGHER, ADMINISTRATRIX, ET AL. v. UNITED STATES LINES CO, ET AL.* C. A. 2d Cir. Certiorari denied. *Philip F. Di Costanzo* for petitioners. *Raymond Parmer* and *Vernon Sims Jones* for the United States Lines Co.; and *Joseph Walker* for T. Hogan & Sons, Inc., respondents. Reported below: 206 F. 2d 177.

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No. 388. *WHEELING DOLLAR SAVINGS & TRUST CO., EXECUTOR, v. YOKE, COLLECTOR OF INTERNAL REVENUE.* C. A. 4th Cir. Certiorari denied. *Charles D. Hamel, Benjamin H. Saunders and John Enrietto* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Holland, Ellis N. Slack, Lee A. Jackson and L. W. Post* for respondent. Reported below: 204 F. 2d 410.

No. 390. *STOFFEL v. NEW YORK, NEW HAVEN & HARTFORD RAILROAD CO.* C. A. 2d Cir. Certiorari denied. *Victor Brudney* for petitioner. *Edward R. Brumley and R. M. Peet* for respondent. Reported below: 205 F. 2d 411.

No. 392. *SIVALLS v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. *R. B. Cannon* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Holland, Ellis N. Slack and Lee A. Jackson* for the United States. Reported below: 205 F. 2d 444.

No. 395. *MEREDITH v. JOHN DEERE PLOW CO.* C. A. 8th Cir. Certiorari denied. *James Reginald Larson* for petitioner. *Raymond A. Smith* for respondent. Reported below: 206 F. 2d 196.

No. 396. *DENNY ET AL. v. AUTOMOBILE INSURANCE CO.* C. A. 8th Cir. Certiorari denied. *Paul Barnett* for petitioners. *Douglas Stripp* for respondent. Reported below: 206 F. 2d 401.

No. 400. *COMI v. MARYLAND.* Court of Appeals of Maryland. Certiorari denied. *R. Palmer Ingram* for petitioner. *Edward D. E. Rollins, Attorney General of Maryland, J. Edgar Harvey, Deputy Attorney General, and Ambrose T. Hartman, Assistant Attorney General,* for respondent. Reported below: 202 Md. 472, 97 A. 2d 129.

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NO. 405. SMITH *v.* TENNESSEE. Supreme Court of Tennessee. Certiorari denied. *John A. Armstrong* for petitioner. *Roy H. Beeler*, Attorney General of Tennessee, and *Nat Tipton* for respondent.

NO. 408. HENIS ET AL. *v.* EGAN ET AL. C. A. 4th Cir. Certiorari denied. *Ralph Montgomery Arkush* for petitioners. *Thomas C. Egan*, *Francis E. Walter* and *David J. Mays* for Egan et al.; and *Thomas F. Boyle* for Reeves et al., respondents. Reported below: 206 F. 2d 70.

NO. 411. RESERVE LIFE INSURANCE CO. *v.* SIMPSON. C. A. 9th Cir. Certiorari denied. *George W. Mead* for petitioner. *William W. Banks* for respondent. Reported below: 206 F. 2d 389.

NO. 413. FIDELITY-PHILADELPHIA TRUST CO., TRUSTEE, *v.* POCHE MINES CONSOLIDATED, INC. ET AL. C. A. 9th Cir. Certiorari denied. *Wm. Clarke Mason* and *Thomas B. K. Ringe* for petitioner. *Charles O. Bruce* for respondents. Reported below: 206 F. 2d 336.

NO. 415. ATLANTIC COAST LINE RAILROAD CO. *v.* JOINER ET AL. C. A. 5th Cir. Certiorari denied. *Charles Cook Howell*, *Frank G. Kurka* and *U. B. Ellis* for petitioner. *Robert Culpepper, Jr.* for respondents. Reported below: 205 F. 2d 426.

NO. 417. BRADSHAW ET AL. *v.* ROBINSON. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *H. Mason Welch* and *J. Joseph Barse* for petitioners. *Reginald B. Jackson* and *Richard W. Tompkins* for respondent. Reported below: 92 U. S. App. D. C. 216, 206 F. 2d 435.

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NO. 419. CONTINENTAL DISTILLING CORP. v. CENTURY DISTILLING CO. C. A. 3d Cir. Certiorari denied. *Robert T. McCracken, Leonard L. Kalish and Earl Jay Gratz* for petitioner. *Joseph S. Clark, Jr.* for respondent. Reported below: 205 F. 2d 140.

NO. 421. JOHN McSHAIN, INC. v. DISTRICT OF COLUMBIA. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Fred J. Rice and Michael M. Doyle* for petitioner. *Vernon E. West, Chester H. Gray and George C. Updegraff* for respondent. Reported below: 92 U. S. App. D. C. 358, 205 F. 2d 882.

NO. 426. GLOVER ET AL. v. McFADDIN ET AL. C. A. 5th Cir. Certiorari denied. *Lewis B. Perkins* for petitioners. *Will E. Orgain* for all respondents, *Earl A. Brown* for the Magnolia Petroleum Co., *Beeman Strong and Ewell Strong* for the Stanolind Oil Purchasing Co., and *Archie D. Gray* for the Gulf Oil Corporation et al., respondents. Reported below: 205 F. 2d 1.

NO. 357. VASZORICH v. NEW JERSEY. Supreme Court of New Jersey. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion certiorari should be granted. *Lemuel Skidmore* for petitioner. *J. Frank Weigand* for respondent. Reported below: 13 N. J. 99, 98 A. 2d 299.

NO. 372. CITY OF GALVESTON v. MIRANDA ET AL. C. A. 5th Cir. Certiorari denied. MR. JUSTICE BLACK is of the opinion certiorari should be granted. *Robert Richard Thornton* for petitioner. *M. L. Cook* for the Texas Employers' Insurance Association, respondent. Reported below: 205 F. 2d 468.

NO. 403. LUNN v. F. W. WOOLWORTH CO. C. A. 9th Cir. Certiorari denied. MR. JUSTICE BLACK is of the

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opinion certiorari should be granted. *Stephen S. Townsend* and *Carl Hoppe* for petitioner. *W. Bruce Beckley*, *A. W. Boyken* and *Randell Larson* for respondent. Reported below: 207 F. 2d 174.

No. 380. *VOGT v. TEXAS*. Court of Criminal Appeals of Texas. Certiorari denied. *Floyd Duke James* for petitioner. *John Ben Shepperd*, Attorney General of Texas, and *James N. Castleberry, Jr.*, *Sam C. Ratliff* and *Rudy G. Rice*, Assistant Attorneys General, for respondent. Reported below: 159 Tex. Cr. R. —, 258 S. W. 2d 795.

No. 410. BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM *v.* TRANSAMERICA CORPORATION. C. A. 3d 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. *Acting Solicitor General Stern* for petitioner. *Gerhard A. Gesell* and *John Lord O'Brian* for respondent. Reported below: 206 F. 2d 163.

No. 416. *REPSHOLDT v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Jeremiah J. Buckley* for petitioner. *Acting Solicitor General Stern*, *Assistant Attorney General Burger*, *Paul A. Sweeney*, *Leavenworth Colby* and *Russell Chapin* for the United States. Reported below: 205 F. 2d 852.

No. 127, Misc. *NIMRO v. DAVIS ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Reported below: 92 U. S. App. D. C. 293, 204 F. 2d 734.

No. 140, Misc. *MASON v. CRANOR*, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY. Supreme Court of

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Washington. Certiorari denied. Reported below: 42 Wash. 2d 610, 257 P. 2d 211.

No. 144, Misc. *SORIMPT v. CRANOR, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY*. Supreme Court of Washington. Certiorari denied.

No. 147, Misc. *GERALDON v. EDMONDSON, WARDEN*. Supreme Court of Kansas. Certiorari denied.

No. 149, Misc. *LILYROTH v. RAGEN, WARDEN*. Circuit Court of Lee County, Illinois. Certiorari denied.

No. 150, Misc. *CROSS v. RAGEN, WARDEN*. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 153, Misc. *LANDGRAVER v. RAGEN, WARDEN*. Circuit Court of Woodford County, Illinois. Certiorari denied.

No. 155, Misc. *PICKWELL v. MONTGOMERY COUNTY COURT ET AL.* Supreme Court of Pennsylvania, Eastern District. Certiorari denied.

No. 156, Misc. *BAERCHUS v. TEES, WARDEN*. C. A. 3d Cir. Certiorari denied.

No. 157, Misc. *KOKEN v. OREGON STATE BAR*. Supreme Court of Oregon. Certiorari denied. Reported below: 198 Ore. 659, 258 P. 2d 779.

No. 159, Misc. *NICOL ET AL. v. JOHNSTON*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Jessie P. Grandy* for petitioners. *Godfrey L. Munter* for respondent. Reported below: 92 U. S. App. D. C. 265, 204 F. 2d 730.

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No. 163, Misc. *HOOVER, ADMINISTRATOR, v. PENNSYLVANIA ET AL.* Supreme Court of Pennsylvania, Eastern District. Certiorari denied. Petitioner *pro se*. *Acting Solicitor General Stern, Assistant Attorney General Townsend, James D. Hill and George B. Searls* for Brownell, Attorney General, and *Howard H. Yocum* for Mock et al.; and *Frank F. Truscott*, Attorney General, and *Harry F. Stambaugh* for the State of Pennsylvania, respondents. Reported below: 372 Pa. 438, 94 A. 2d 357.

No. 165, Misc. *CANNON v. SKEEN, WARDEN.* Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 167, Misc. *FERRE v. RANDOLPH, WARDEN.* Circuit Court of Piatt County, Illinois. Certiorari denied.

No. 168, Misc. *ROSS v. CRANOR, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY.* Supreme Court of Washington. Certiorari denied.

No. 170, Misc. *ALLEN v. ILLINOIS.* Supreme Court of Illinois. Certiorari denied.

No. 174, Misc. *HORTON v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Acting Solicitor General Stern, Assistant Attorney General Burger, Paul A. Sweeney and Russell Chapin* for the United States. Reported below: 207 F. 2d 91.

No. 175, Misc. *RHODES v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Acting Solicitor General Stern* for the United States. Reported below: 207 F. 2d 95.

No. 176, Misc. *SMITH v. RAGEN ET AL.* Circuit Court of Will County, Illinois. Certiorari denied.

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No. 177, Misc. MORRIS *v.* HIATT, WARDEN. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*, Acting Solicitor General Stern, Assistant Attorney General Olney, Beatrice Rosenberg and Robert G. Maysack for respondent.

No. 181, Misc. TITUS *v.* NEW JERSEY. Supreme Court of New Jersey. Certiorari denied.

No. 185, Misc. CHARLES *v.* SKEEN, WARDEN. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 189, Misc. TISCIO *v.* TEES, WARDEN. Supreme Court of Pennsylvania, Eastern District. Certiorari denied.

No. 192, Misc. LANE *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

No. 199, Misc. HOUSTON *v.* HEINZE, WARDEN. District Court of Appeal of California, Third Appellate District. Certiorari denied.

No. 200, Misc. BURKHOLDER *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

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

*Rehearing Denied.*

No. 131. COLLINS *v.* CALIFORNIA, *ante*, p. 803. Second petition for rehearing denied. THE CHIEF JUSTICE took no part in the consideration or decision of this application.

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- No. 129. JONES *v.* UNITED STATES, *ante*, p. 854;  
No. 232. CLARK *v.* TEXAS, *ante*, p. 855;  
No. 235. TAWES *v.* CIE. DES MESSAGERIES MARI-  
TIMES, *ante*, p. 858;  
No. 248. SCHWEGMANN BROTHERS GIANT SUPER MAR-  
KET ET AL. *v.* ELI LILLY & Co., *ante*, p. 856;  
No. 252. UNIVERSAL MANUFACTURING CO. ET AL. *v.*  
FEDERAL TRADE COMMISSION, *ante*, p. 856; and  
No. 257. JONES *v.* LYKES BROTHERS STEAMSHIP Co.,  
INC., *ante*, p. 857. Petitions for rehearing denied.
- No. 150. RUSSELL BOX CO. *v.* GRANT PAPER BOX Co.,  
*ante*, p. 821;  
No. 169. WHEELER *v.* MISSISSIPPI, *ante*, p. 852;  
No. 181. DARGEL ET AL. *v.* SHERRARD, DIRECTOR OF  
DEFENSE RENTAL AREAS DIVISION, OFFICE OF DEFENSE  
MOBILIZATION, ET AL., *ante*, p. 835; and  
No. 90, Misc. LESSER *v.* NEW YORK, *ante*, p. 840.  
Petitions for rehearing denied. THE CHIEF JUSTICE took  
no part in the consideration or decision of these  
applications.
- No. 9, Misc. KEMMERER *v.* WARDEN, MICHIGAN STATE  
PENITENTIARY, *ante*, p. 858; and  
No. 23, Misc. SHOTKIN *v.* ATCHISON, TOPEKA & SANTA  
FE R. CO. ET AL., *ante*, p. 860. Petitions for rehearing  
denied.
- No. 372, Misc., October Term, 1952. SEVERA *v.* NEW  
JERSEY, 345 U. S. 929. Fifth petition for rehearing den-  
ied. THE CHIEF JUSTICE took no part in the considera-  
tion or decision of this application.
- No. 548, Misc., October Term, 1952. SEVERA *v.* MC-  
CORKLE, ACTING WARDEN, 345 U. S. 990. Second petition  
for rehearing denied. THE CHIEF JUSTICE took no part  
in the consideration or decision of this application.

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No. 61, Misc. *WELLS v. CALIFORNIA*, *ante*, p. 861. Motion for leave to file brief of John Pierce and others, as *amici curiae*, denied. Rehearing denied. THE CHIEF JUSTICE took no part in the consideration or decision of these applications.

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*Per Curiam Decisions.*

No. 61. *NEVADA AND NEW YORK v. STACHER*. Certiorari, 345 U. S. 991, to the Seventh Judicial District Court of Nevada, in and for the County of White Pine. Argued November 12, 1953. Decided December 7, 1953. *Per Curiam*: Judgment reversed. *Biddinger v. Commissioner of Police*, 245 U. S. 128; *Pierce v. Creecy*, 210 U. S. 387.

*Jack Streeter*, Special Assistant Attorney General of Nevada, and *Paul W. Williams*, Special Assistant Attorney General of New York, argued the cause for petitioners. With them on the brief were *William T. Matthews*, Attorney General, and *George M. Dickerson*, Special Assistant Attorney General, for the State of Nevada, and *Nathaniel L. Goldstein*, Attorney General, *Wendell P. Brown*, Solicitor General, and *Edward L. Ryan*, Assistant Attorney General, for the State of New York. *Lemuel B. Schofield* filed an appearance for respondent.

No. 241. *TOM WE SHUNG v. BROWNELL, ATTORNEY GENERAL, ET AL.* Certiorari, 346 U. S. 854, to the United States Court of Appeals for the District of Columbia Circuit. Argued December 3-4, 1953. Decided December 7, 1953. *Per Curiam*: The judgment is vacated and the case is remanded to the District Court with directions to dismiss the complaint. *Heikkila v. Barber*, 345 U. S. 229. MR. JUSTICE BLACK would re-

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verse the judgment of the Court of Appeals. MR. JUSTICE DOUGLAS and MR. JUSTICE JACKSON dissent.

*Jack Wasserman* argued the cause and filed a brief for petitioner. *Murray L. Schwartz* argued the cause for respondents. With him on the brief were *Acting Solicitor General Stern*, *Assistant Attorney General Olney*, *Beatrice Rosenberg*, *J. F. Bishop*, *L. Paul Winings* and *Maurice A. Roberts*. Reported below: 93 U. S. App. D. C. —, 207 F. 2d 132.

NO. 375. UNITED STATES *v.* ARIZONA 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 and the judgment is reversed. *Hoiness v. United States*, 335 U. S. 297.

*Acting Solicitor General Stern* for the United States. *Ross F. Jones*, Attorney General of Arizona, *Timothy D. Parkman*, Special Assistant to the Attorney General, and *Irwin Cantor*, Assistant to the Attorney General, for respondents. Reported below: 206 F. 2d 159.

NO. 443. FOSTER ET AL. *v.* BAY ET AL. Appeal from the Court of Civil Appeals of Texas, First Supreme Judicial District. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for the want of a substantial federal question. *Henry H. Brooks* for appellants. *John Ben Shepperd*, Attorney General of Texas, *Phillip Robinson*, Assistant Attorney General, *Charles L. Black* and *Charles W. Bell* for appellees. Reported below: 255 S. W. 2d 898.

#### *Miscellaneous Orders.*

NO. 112, Misc. EMERSON *v.* CALLAHAN, SHERIFF; and  
NO. 201, Misc. WILLIAMS *v.* SMYTH, SUPERINTENDENT, VIRGINIA STATE PENITENTIARY. Motions for leave to file petitions for writs of habeas corpus denied.

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No. 204, Misc. VALYKEO *v.* WEST VIRGINIA; and  
No. 227, Misc. TAYLOR *v.* UNITED STATES DISTRICT  
COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA ET AL.  
Motions for leave to file petitions for writs of mandamus  
denied.

No. 222, Misc. VAN NEWKIRK *v.* NEW YORK ET AL.  
Application denied.

*Probable Jurisdiction Noted.*

No. 427. FRANKLIN NATIONAL BANK OF FRANKLIN  
SQUARE *v.* NEW YORK. Appeal from the Court of Appeals  
of New York. Probable jurisdiction noted. *Sidney  
Friedman, F. Gloyd Awalt* and *Samuel O. Clark, Jr.* for  
appellant. *Acting Solicitor General Stern* filed a memo-  
randum for the United States and *Peter Keber* filed a brief  
for the New York State Bankers Association, as *amici  
curiae*, supporting the statement of appellant as to juris-  
diction. Reported below: 305 N. Y. 453, 113 N. E. 2d  
796.

*Certiorari Granted.* (See also No. 375, *supra.*)

No. 423. BENTSEN ET AL. *v.* BLACKWELL ET AL. C. A.  
5th Cir. Certiorari granted. *Paul A. Porter* and *Milton  
V. Freeman* for petitioners. *Garland F. Smith* for re-  
spondents. *Acting Solicitor General Stern, William H.  
Timbers* and *Alexander Cohen* filed a memorandum for  
the Securities and Exchange Commission, as *amicus  
curiae*. Reported below: 203 F. 2d 690.

*Certiorari Denied.*

No. 289. REED ET AL. *v.* UNITED STATES. C. A. 9th  
Cir. Certiorari denied. *Victor E. Cappa* for petitioners.  
*Acting Solicitor General Stern, Assistant Attorney Gen-  
eral Olney, Beatrice Rosenberg* and *J. F. Bishop* for the  
United States. Reported below: 205 F. 2d 216.

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No. 349. SOUTHERN PACIFIC CO. v. MILLER, ADMINISTRATRIX. District Court of Appeal of California, First Appellate District. Certiorari denied. *Arthur B. Dunne* for petitioner. *Clifton Hildebrand* for respondent. Reported below: 117 Cal. App. 2d 492, 256 P. 2d 603.

No. 364. INVESTORS ROYALTY CO., INC. v. MARKET TREND SURVEY, INC. ET AL. C. A. 10th Cir. Certiorari denied. *Neal E. McNeill* for petitioner. Reported below: 206 F. 2d 108.

No. 399. LAND SETTLEMENT & DEVELOPMENT CORP. v. UNITED STATES. Court of Claims. Certiorari denied. *Joseph P. Tumulty, Jr.* and *M. Joseph Matan* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Burger, Paul A. Sweeney* and *Herman Marcuse* for the United States. Reported below: 125 Ct. Cl. 543, 113 F. Supp. 666.

No. 424. WESTINGHOUSE ELECTRIC CORP. v. BULLDOG ELECTRIC PRODUCTS CO. C. A. 4th Cir. Certiorari denied. *James M. Guiher* and *Ralph H. Swingle* for petitioner. *Arthur W. Dickey* and *S. Eugene Bychinsky* for respondent. Reported below: 206 F. 2d 574.

No. 432. MORAND BROTHERS BEVERAGE CO. ET AL. v. NATIONAL LABOR RELATIONS BOARD. C. A. 7th Cir. Certiorari denied. *Leo F. Tierney* and *Louis A. Kohn* for petitioners. *Acting Solicitor General Stern, George J. Bott, David P. Findling* and *Dominick L. Manoli* for respondent. Reported below: 204 F. 2d 529.

No. 436. PEARSON ET AL. v. GARIEPY. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *William A. Roberts, Warren Woods, Irene Kennedy* and *John Donovan* for petitioners. *David*

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*W. Louisell, Frank J. Whalen, Jr. and John J. Sloan* for respondent. Reported below: 92 U. S. App. D. C. 337, 207 F. 2d 15.

NO. 441. WESTERN PACIFIC RAILROAD CORP. ET AL. *v.* WESTERN PACIFIC RAILROAD CO. ET AL.; and

NO. 463. METZGER ET AL. *v.* WESTERN PACIFIC RAILROAD CO. ET AL. C. A. 9th Cir. Certiorari denied. *Moses Lasky, Frank C. Nicodemus, Jr. and Norris Darrell* for petitioners in No. 441. *William E. Haudek, Julius Levy, Webster V. Clark and David Freidenrich* for petitioners in No. 463. *Allan P. Matthew, James D. Adams, Robert L. Lipman, Burnham Enersen and Walker W. Lowry* for the Western Pacific Railroad Co. et al.; and *Everett A. Mathews, A. Donald MacKinnon and Forbes D. Shaw* for the Western Realty Co., respondents. Reported below: 206 F. 2d 495.

NO. 446. OVERMAN *v.* LOESSER. C. A. 9th Cir. Certiorari denied. *Fred H. Miller* for petitioner. *Joseph P. Loeb* for respondent. Reported below: 205 F. 2d 521.

NO. 356. CRISCO *v.* MURDOCK ACCEPTANCE CORP. ET AL. Supreme Court of Arkansas. Certiorari denied. *T. J. Gentry and Tilghman E. Dixon* for petitioner. *Lowell W. Taylor and E. L. McHaney, Jr.* for respondents. Reported below: 222 Ark. —, 258 S. W. 2d 551.

NO. 428. TEETS, WARDEN, ET AL. *v.* THOMAS. C. A. 9th Cir. Certiorari denied. MR. JUSTICE REED and MR. JUSTICE JACKSON are of the opinion certiorari should be granted. THE CHIEF JUSTICE took no part in the consideration or decision of this application. *Edmund G. Brown*, Attorney General of California, *Clarence A. Linn*, Assistant Attorney General, and *Charles E. McClung*, Deputy Attorney General, for petitioners. Reported below: 205 F. 2d 236.

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No. 447. BEARING JOBBERS, INC. ET AL. *v.* NICE BALL BEARING Co. C. A. 7th Cir. Certiorari denied. *Floyd E. Thompson* for petitioners. *Frank F. Fowle, Jr.* and *John R. Young* for respondent. Reported below: 205 F. 2d 841.

No. 3, Misc. SCALF *v.* SKEEN, WARDEN. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied for the reason that the judgment below is based upon a non-federal ground adequate to support it. Petitioner *pro se.* *John G. Fox*, Attorney General of West Virginia, and *T. D. Kauffelt*, Assistant Attorney General, for respondent.

No. 186, Misc. GARTON ET AL. *v.* COLORADO. Supreme Court of Colorado. Certiorari denied. *Francis P. O'Neill* for petitioners. *Duke Dunbar*, Attorney General of Colorado, *Frank A. Wachob*, Deputy Attorney General, and *Norman H. Comstock*, Assistant Attorney General, for respondent.

No. 190, Misc. HAYSLIP *v.* WELLFORD ET AL. Supreme Court of Tennessee. Certiorari denied. Petitioner *pro se.* *Walter P. Armstrong, Jr.* and *W. Preston Battle* for respondents. Reported below: 196 Tenn. 621, 263 S. W. 2d 136.

No. 191, Misc. DEMARIOS *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

No. 195, Misc. SUPERO *v.* ILLINOIS. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 203, Misc. DOHRMAN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

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No. 205, Misc. *FARMER v. SKEEN, WARDEN, ET AL.* Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 206, Misc. *PUTNAM v. SKEEN, WARDEN.* Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 207, Misc. *MARRON v. ILLINOIS.* Supreme Court of Illinois. Certiorari denied.

No. 208, Misc. *DAVIS v. ILLINOIS.* Supreme Court of Illinois. Certiorari denied.

No. 214, Misc. *MADDALENA v. NEW JERSEY.* Supreme Court of New Jersey. Certiorari denied.

No. 215, Misc. *HUNTER v. EIDSON, WARDEN.* Supreme Court of Missouri. Certiorari denied.

No. 219, Misc. *WILLIS v. ELLIS, GENERAL MANAGER, TEXAS PRISON SYSTEM.* Court of Criminal Appeals of Texas. Certiorari denied.

No. 221, Misc. *HOLLOWAY v. LOONEY, WARDEN.* C. A. 10th Cir. Certiorari denied. Petitioner *pro se.* Acting Solicitor General Stern, Assistant Attorney General Olney, Beatrice Rosenberg and Robert G. Maysack for respondent. Reported below: 207 F. 2d 433.

No. 223, Misc. *FORD v. ILLINOIS.* Supreme Court of Illinois. Certiorari denied.

No. 229, Misc. *CRAIG v. RAGEN, WARDEN.* Criminal Court of Cook County, Illinois. Certiorari denied.

No. 230, Misc. *NELSON v. ILLINOIS.* Supreme Court of Illinois. Certiorari denied.

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No. 233, Misc. BALDRIDGE *v.* RAGEN, WARDEN. Circuit Court of Madison County, Illinois. Certiorari denied.

No. 248, Misc. HINDERHAN *v.* RANDOLPH, WARDEN. Circuit Court of Madison County, Illinois. Certiorari denied.

*Rehearing Denied.*

No. 177. McELROY *v.* McELROY, *ante*, p. 857;

No. 245. McELROY *v.* COBOURN ET AL., DOING BUSINESS AS COBOURN, YAGER, NOTNAGEL, SMITH & MORAN, *ante*, p. 857;

No. 320. SACKETT *v.* LOUISIANA, *ante*, p. 869; and

No. 326. FLETCHER *v.* NOSTADT ET AL., *ante*, p. 877. Petitions for rehearing denied.

No. 190. INTERNATIONAL WORKERS ORDER, INC. *v.* NEW YORK, BY BOHLINGER, SUPERINTENDENT OF INSURANCE, ET AL.; and

No. 283. SELIGSON ET AL. *v.* NEW YORK, BY BOHLINGER, SUPERINTENDENT OF INSURANCE, *ante*, p. 857. Petitions for rehearing denied. MR. JUSTICE CLARK took no part in the consideration or decision of these applications.

No. 43, Misc. READER *v.* ILLINOIS, *ante*, p. 841. Rehearing denied. THE CHIEF JUSTICE took no part in the consideration or decision of this application.

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*Miscellaneous Orders.*

No. 5, Original, October Term, 1950. NEW JERSEY *v.* NEW YORK ET AL. The applications of New Jersey and Pennsylvania for an extension of time within which to answer the amended petition of the City of New York are

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granted and the time is extended to and including December 31, next. *Kenneth H. Murray*, Deputy Attorney General, for the State of New Jersey. *Frank F. Truscott*, Attorney General, and *William A. Schnader* for the State of Pennsylvania.

*Probable Jurisdiction Noted.*

NO. 464. UNITED STATES *v.* BORDEN COMPANY ET AL. Appeal from the United States District Court for the Northern District of Illinois. Probable jurisdiction noted. *Acting Solicitor General Stern* for the United States. *Stuart S. Ball* for the Borden Company et al., *L. Edward Hart, Jr.* for the Bowman Dairy Co. et al., and *Leo F. Tierney* for the Beloit Dairy Co., appellees. Reported below: 111 F. Supp. 562.

*Certiorari Granted.*

NO. 287. ALASKA STEAMSHIP CO., INC. *v.* PETTERSON. C. A. 9th Cir. Certiorari granted. *Stanley B. Long* for petitioner. *Samuel B. Bassett* for respondent. Reported below: 205 F. 2d 478.

NO. 431. BARBER, DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE, *v.* GONZALES. C. A. 9th Cir. Certiorari granted. *Acting Solicitor General Stern* for petitioner. Reported below: 207 F. 2d 398.

NO. 449. UNITED STATES *v.* GILMAN. C. A. 9th Cir. Certiorari granted. *Acting Solicitor General Stern* for the United States. *Rolland Lee Nutt* for respondent. Reported below: 206 F. 2d 846.

*Certiorari Denied.*

NO. 374. HARAD ET AL., DOING BUSINESS AS INDUSTRIAL ENGINEERING ASSOCIATES, *v.* SEARS, ROEBUCK & CO. C. A. 7th Cir. Certiorari denied. *Paul Mendenhall* for

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petitioners. *Charles Lederer, Frank H. Marks and Ivan P. Tashof* for respondent. Reported below: 204 F. 2d 14.

No. 385. *HENDERSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Bernard A. Golding* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Olney and Beatrice Rosenberg* for the United States. Reported below: 206 F. 2d 300.

No. 422. *ROMANIAN ORTHODOX MISSIONARY EPISCOPATE OF AMERICA v. TRUTZA ET AL.* C. A. 6th Cir. Certiorari denied. *Don C. Miller* for petitioner. *Percy H. Russell* for respondents. Reported below: 205 F. 2d 107.

No. 430. *SWIDLER v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. *Joseph F. McVeigh, Francis J. Myers and Cornelius C. O'Brien* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Holland, Ellis N. Slack and Joseph M. Howard* for the United States. Reported below: 207 F. 2d 47.

No. 437. *WALL v. KING*. C. A. 1st Cir. Certiorari denied. *George P. Lordan, Herbert E. Tucker, Jr. and Michael Carchia* for petitioner. *George Fingold, Attorney General of Massachusetts, Henry M. Leen, Special Assistant to the Attorney General, and John J. Burns* for respondent. Reported below: 206 F. 2d 878.

No. 442. *FIDELITY-PHENIX FIRE INSURANCE Co. v. FLOTA MERCANTE DEL ESTADO*. C. A. 5th Cir. Certiorari denied. *Eberhard P. Deutsch and René H. Himel, Jr.* for petitioner. *L. deGrove Potter* for respondent. Reported below: 205 F. 2d 886.

No. 444. *CITY OF ERLANGER v. BERKEMEYER ET AL.* C. A. 6th Cir. Certiorari denied. *Chas. I. Dawson* for petitioner. *Frank H. Shaffer, Jr.* for respondents. Reported below: 207 F. 2d 832.

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No. 448. *PETERMICHL v. CHICAGO & NORTHWESTERN RAILWAY Co.* C. A. 7th Cir. Certiorari denied. *Louis G. Davidson* and *Louis P. Miller* for petitioner. *Otis Lowell Hastings* and *Drennan J. Slater* for respondent. Reported below: 205 F. 2d 434.

No. 105, Misc. *VASCOVICH v. SKEEN, WARDEN.* Supreme Court of Appeals of West Virginia. Certiorari denied. Reported below: 138 W. Va. —, 76 S. E. 2d 283.

No. 182, Misc. *SANDERS ET AL. v. GLENSHAW GLASS Co., INC.* C. A. 3d Cir. Certiorari denied. Reported below: 204 F. 2d 436.

No. 217, Misc. *LANG v. MCGEE, DIRECTOR OF CORRECTIONS, ET AL.* Supreme Court of California. Certiorari denied.

No. 218, Misc. *BISHOP v. ILLINOIS.* Supreme Court of Illinois. Certiorari denied. Reported below: 1 Ill. 2d 60, 114 N. E. 2d 566.

No. 232, Misc. *VOLA v. ILLINOIS.* Supreme Court of Illinois. Certiorari denied.

Nos. 237, Misc., and 245, Misc. *STEWART v. ILLINOIS.* Supreme Court of Illinois. Certiorari denied.

No. 259, Misc. *CERVANTES v. BERGAN, WARDEN.* Supreme Court of Illinois. Certiorari denied.

No. 239, Misc. *CHESSMAN v. CALIFORNIA ET AL.* C. A. 9th Cir. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this application. Reported below: 205 F. 2d 128.

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*Rehearing Granted.*

No. 352. THOMPSON *v.* LAWSON, DEPUTY COMMISSIONER OF THE UNITED STATES BUREAU OF EMPLOYEES COMPENSATION, ET AL. The petition for rehearing is granted and the order entered November 16, 1953, granting certiorari, *ante*, p. 884, is vacated.

*Rehearing Denied.*

No. 18. TOOLSON *v.* NEW YORK YANKEES, INC. ET AL., *ante*, p. 356;

No. 23. KOWALSKI *v.* CHANDLER, COMMISSIONER OF BASEBALL, ET AL., *ante*, p. 356;

No. 25. CORBETT ET AL. *v.* CHANDLER, COMMISSIONER OF BASEBALL, ET AL., *ante*, p. 356;

No. 229. HAINES ET AL., COMPRISING KEYSTONE POLICYHOLDERS' COMMITTEE, *v.* PENNSYLVANIA ET AL., *ante*, p. 852;

No. 323. FRANKLIN, REGIONAL COUNSEL, WAGE STABILIZATION BOARD, ET AL. *v.* JONCO AIRCRAFT CORP., *ante*, p. 868;

No. 340. LEONARD ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE, *ante*, p. 876;

No. 343. AIKEN *v.* RICHARDSON, *ante*, p. 869;

No. 354. AEBY ET UX. *v.* UNITED STATES, *ante*, p. 885;

No. 361. GUIBERSON CORPORATION *v.* GARRETT OIL TOOLS, INC., *ante*, p. 886; and

No. 369. KEYSTONE METAL CO. *v.* CITY OF PITTSBURGH ET AL., *ante*, p. 887. Petitions for rehearing denied.

No. 388, Misc., October Term, 1952. HOURIHAN *v.* NATIONAL LABOR RELATIONS BOARD ET AL., 345 U. S. 930. Fourth petition for rehearing denied. THE CHIEF JUSTICE took no part in the consideration or decision of this application.

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No. 64. FEHSENFELD ET AL. *v.* WHIPPLE ET AL., *ante*, p. 813;

No. 238. MCGEE *v.* NORTH CAROLINA, *ante*, p. 802;

No. 15, Misc. NEAL *v.* RANDOLPH, WARDEN, *ante*, p. 836;

No. 151, Misc. LEVY *v.* CALIFORNIA, *ante*, p. 883; and

No. 525, Misc., October Term, 1952. BRINK *v.* UNITED STATES, 345 U. S. 1001. Petitions for rehearing denied. THE CHIEF JUSTICE took no part in the consideration or decision of these applications.

No. 511, Misc., October Term, 1952. LEE *v.* TENNESSEE, 345 U. S. 1003. Third petition for rehearing denied. THE CHIEF JUSTICE took no part in the consideration or decision of this application.

No. 135, Misc. SPEARS *v.* TRANSCONTINENTAL BUS SYSTEM, INC. ET AL., *ante*, p. 889;

No. 138, Misc. TAYLOR *v.* UNITED STATES BOARD OF PAROLE, *ante*, p. 883;

No. 152, Misc. TAYLOR *v.* UNITED STATES BOARD OF PAROLE, *ante*, p. 883; and

No. 158, Misc. TAYLOR *v.* SWOPE, WARDEN, *ante*, p. 883. Petitions for rehearing denied.

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*Per Curiam Decisions.*

No. 81. NATIONAL LABOR RELATIONS BOARD *v.* BILL DANIELS, INC. ET AL. On petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit. *Per Curiam*: The petition for writ of certiorari is granted and the judgment is reversed. *Howell Chevrolet Co. v. Labor Board*, 346 U. S. 482. *Acting Solicitor Gen-*

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*eral Stern and George J. Bolt* for petitioner. *Frank E. Kenney and Harold E. Mountain, Jr.* for respondents. Reported below: 202 F. 2d 579.

Nos. 433 and 434. *RINES, ADMINISTRATOR, v. JUSTICES OF THE SUPERIOR COURT.* Appeals from the Supreme Judicial Court of Massachusetts. *Per Curiam:* The appeals are dismissed for the want of a substantial federal question. *David Rines* for appellant. Reported below: 330 Mass. 368, 113 N. E. 2d 817.

No. 478. *BUCK v. BOARD OF MEDICAL EXAMINERS OF OREGON.* Appeal from the Supreme Court of Oregon. *Per Curiam:* The motion to dismiss is granted and the appeal is dismissed for the want of a substantial federal question. MR. JUSTICE BURTON took no part in the consideration or decision of this case. *Ralph E. Moody* for appellant. *Howard I. Bobbitt* for appellee. Reported below: 200 Ore. 488, 258 P. 2d 124.

No. 486. *SOUTHERN PACIFIC CO. v. PUBLIC UTILITIES COMMISSION OF CALIFORNIA ET AL.* Appeal from the Supreme Court of California. *Per Curiam:* The motion to dismiss is granted and the appeal is dismissed for the want of a substantial federal question. THE CHIEF JUSTICE took no part in the consideration or decision of this case. *George L. Buland, Evan J. Foulds, James E. Lyons, Robert L. Pierce and Charles W. Burkett, Jr.* for appellant. *Everett C. McKeage* for appellees. Reported below: 41 Cal. 2d 354, 260 P. 2d 70.

#### *Miscellaneous Orders.*

No. 505. *GOVERNMENT AND CIVIC EMPLOYEES ORGANIZING COMMITTEE, CIO, ET AL. v. WINDSOR ET AL.* Appeal from the United States District Court for the

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Northern District of Alabama. The motion for an injunction is denied. MR. JUSTICE BLACK took no part in the consideration or decision of this motion. *Arthur J. Goldberg* and *Thomas E. Harris* for appellants. *Si Garrett*, Attorney General of Alabama, *M. Roland Nachman, Jr.*, Assistant Attorney General, and *Jesse M. Williams* for appellees.

No. 368, Misc., October Term, 1952. GOODMAN ET AL. v. McMILLAN, TRUSTEE, ET AL. Petition to withdraw the order of November 30, 1953, 346 U. S. 892, and for further consideration denied. THE CHIEF JUSTICE took no part in the consideration or decision of this application.

No. 160, Misc. HYSER v. UNITED STATES. Motion for leave to file petition for writ of mandamus or writ of certiorari denied.

No. 260, Misc. SAM v. CRANOR, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY; and

No. 261, Misc. ROLLAND v. MICHIGAN. Motions for leave to file petitions for writs of habeas corpus denied.

No. 184, Misc. DAVIS v. WEST VIRGINIA ET AL.; and  
No. 262, Misc. EX PARTE JACOBS. Motions for leave to file petitions for writs of mandamus denied.

No. 280, Misc. PINER v. UNITED STATES. Motion for leave to file petition for writ of certiorari denied.

*Probable Jurisdiction Noted.*

No. 450. ALLEN, CHAIRMAN, TWELFTH REGION WAGE STABILIZATION BOARD, ET AL. v. GRAND CENTRAL AIRCRAFT Co. Appeal from the United States District Court for the Northern District of California. Probable

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jurisdiction noted. *Acting Solicitor General Stern* for appellants. *Paul R. Watkins* and *Dana Latham* for appellee. Reported below: 114 F. Supp. 389.

No. 476. *BRANIFF AIRWAYS, INC. v. NEBRASKA STATE BOARD OF EQUALIZATION AND ASSESSMENT ET AL.* Appeal from the Supreme Court of Nebraska. Probable jurisdiction noted. *William J. Hotz* and *William J. Hotz, Jr.* for appellant. Reported below: 157 Neb. 425, 59 N. W. 2d 746.

*Certiorari Granted.* (See also No. 81, *supra.*)

No. 352. *THOMPSON v. LAWSON, DEPUTY COMMISSIONER OF THE UNITED STATES BUREAU OF EMPLOYEES COMPENSATION, ET AL.* C. A. 5th Cir. *Certiorari* granted. *David Carliner* and *Thomas M. Cooley, II*, for petitioner. *Acting Solicitor General Stern* for the Deputy Commissioner; and *George W. Ericksen* for the Gulf Florida Terminal Co., Inc. et al., respondents. Reported below: 205 F. 2d 527.

*Certiorari Denied.* (See also *Misc. Nos. 160 and 280, supra.*)

No. 196. *NOBLE v. COOKE ET AL.* Court of Civil Appeals of Texas, Sixth Supreme Judicial District. *Certiorari* denied. *John H. Coffman* for petitioner. *Charles Potter*, *James G. Strong*, *Marshall Newcomb* and *Angus G. Wynne* for respondents. Reported below: 253 S. W. 2d 911.

No. 330. *AMERICAN BOTTLING CO. v. NATIONAL LABOR RELATIONS BOARD.* C. A. 5th Cir. *Certiorari* denied. *Park Street* and *Joseph G. Street* for petitioner. *Acting Solicitor General Stern*, *George J. Bott*, *David P. Findling*, *Dominick L. Manoli* and *Norton J. Come* for respondent. Reported below: 205 F. 2d 421.

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No. 381. STATE CORPORATION COMMISSION OF KANSAS  
*v.* FEDERAL POWER COMMISSION ET AL.;

No. 382. NORTHERN NATURAL GAS CO. *v.* FEDERAL  
POWER COMMISSION ET AL.; and

No. 469. FEDERAL POWER COMMISSION *v.* NORTHERN  
NATURAL GAS CO. ET AL. C. A. 8th Cir. Certiorari den-  
ied. *Jay Kyle* and *Louis R. Gates* for petitioner in No.  
381. *Richard J. Connor*, *Lawrence I. Shaw* and *F. Vin-  
son Roach* for the Northern Natural Gas Co. *Acting  
Solicitor General Stern* and *Willard W. Gatchell* for the  
Federal Power Commission in Nos. 381, 382 and 469.  
Also *Assistant Attorney General Burger*, *Melvin Richter*,  
*Herman Marcuse* and *Reuben Goldberg* for the Federal  
Power Commission in Nos. 381 and 382. *Donald Evans*  
for the Iowa Power & Light Co., *Raymond A. Smith* for  
the Council Bluffs Gas Co., *George C. Pardee* for the  
Metropolitan Utilities District of Omaha, *Clarence H.  
Ross* for the Central Electric & Gas Co., *P. L. Farnand*  
and *G. T. Mullin* for the Minneapolis Gas Co., *Carl W.  
Cummins* for the Northern States Power Co., *Franklin  
M. Stone* for the Western States Utilities Co., *Norman  
H. Nitzkowski* for the Minnesota Valley Natural Gas Co.,  
*George B. Sjoselius*, Deputy Attorney General, for the  
State of Minnesota, and *John F. Bonner* for the City of  
Minneapolis, respondents in Nos. 381 and 382. Reported  
below: 206 F. 2d 690.

No. 397. FIELD, TEMPORARY RECEIVER, *v.* UNITED  
STATES. Court of Claims. Certiorari denied. *George  
Halpern* for petitioner. *Acting Solicitor General Stern*,  
*Assistant Attorney General Burger*, *Paul A. Sweeney*,  
*Leavenworth Colby* and *Hubert H. Margolies* for the  
United States. Reported below: 125 Ct. Cl. 559, 113 F.  
Supp. 190.

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No. 425. *OLIVER UNITED FILTERS, INC. v. SILVER*. C. A. 10th Cir. Certiorari denied. *Oscar A. Mellin, LeRoy Hanscom and Jack E. Hursh* for petitioner. *Charles J. Beise* for respondent. Reported below: 206 F. 2d 658.

No. 429. *DEVITA v. NEW JERSEY*. Supreme Court of New Jersey. Certiorari denied. *Harry Kay* for petitioner. *C. William Caruso* for respondent. Reported below: 13 N. J. 341, 99 A. 2d 589.

No. 445. *CHASSEN, TRUSTEE IN BANKRUPTCY, v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Benjamin Weintraub and Harris Levin* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Holland, Ellis N. Slack, Lee A. Jackson and I. Henry Kutz* for the United States. Reported below: 207 F. 2d 83.

No. 451. *LLANOS ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Hyman M. Greenstein* for petitioners. *Acting Solicitor General Stern, Assistant Attorney General Olney, Beatrice Rosenberg, William H. Timbers, Alexander Cohen and Henry L. Stern* for the United States. Reported below: 206 F. 2d 852.

No. 452. *BUZZA-CARDOZO, A CORPORATION, v. NATIONAL LABOR RELATIONS BOARD*. C. A. 9th Cir. Certiorari denied. *Carl M. Gould* for petitioner. *Acting Solicitor General Stern, George J. Bott, David P. Findling and Dominick L. Manoli* for respondent. Reported below: 205 F. 2d 889.

No. 453. *FINE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. *W. E. Badgett* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Olney and Beatrice Rosenberg* for the United States. Reported below: 207 F. 2d 324.

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NO. 455. *WEISS v. JOHNSON, COLLECTOR OF INTERNAL REVENUE*. C. A. 2d Cir. Certiorari denied. *Morley S. Wolfe* and *Samuel Kalmanash* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Holland, Ellis N. Slack, Harry Baum* and *Fred E. Youngman* for respondent. Reported below: 206 F. 2d 350.

NO. 461. *COAKER v. TEXAS*. Court of Criminal Appeals of Texas. Certiorari denied. *Emmett J. Rahm* for petitioner. *John Ben Shepperd*, Attorney General of Texas, for respondent.

NO. 462. *KILGORE v. MCKETHAN ET AL.* C. A. 5th Cir. Certiorari denied. *Rufus King* and *B. Downey Rice* for petitioner. *Wallace E. Sturgis, Charles A. Savage, Weldon G. Starry, Chester Bedell, Carl E. Duncan, Doyle E. Carlton* and *O. K. Reaves* for respondents. Reported below: 205 F. 2d 425.

NO. 466. *ABNEY ET VIR v. CAMPBELL, COLLECTOR OF INTERNAL REVENUE*. C. A. 5th Cir. Certiorari denied. *R. Dean Moorhead* for petitioners. *Acting Solicitor General Stern, Assistant Attorney General Holland, Ellis N. Slack* and *Harry Marselli* for respondent. Reported below: 206 F. 2d 836.

NO. 467. *WEISS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Sidney Morse* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Burger* and *Paul A. Sweeney* for the United States. Reported below: 207 F. 2d 503.

NO. 470. *PUBLICCKER v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 3d Cir. Certiorari denied. *Earl Jay Gratz* for petitioner. *Acting Solicitor General Stern,*

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*Assistant Attorney General Holland, Ellis N. Slack, Robert N. Anderson and Fred E. Youngman* for respondent. Reported below: 206 F. 2d 250.

No. 473. *ALKER ET AL. v. BUTCHER & SHERRERD ET AL.* C. A. 3d Cir. Certiorari denied. *Francis E. Walters, Edwin Hall, II, and Harry J. Alker, Jr.* for petitioners. *Thomas Raeburn White and Thomas B. K. Ringe* for respondents. Reported below: 206 F. 2d 259.

No. 456. *HUGHES CONSTRUCTION CO. v. SECRETARY OF LABOR.* C. A. 5th Cir. Mitchell, present Secretary of Labor, substituted as the party respondent. Certiorari denied. *Eberhard P. Deutsch and René H. Himel, Jr.* for petitioner. *Acting Solicitor General Stern, Bessie Margolin and Sylvia S. Ellison* for respondent. Reported below: 206 F. 2d 505.

No. 465. *VILES v. SCOFIELD ET AL.* Supreme Court of Colorado. Certiorari denied. Reported below: 128 Colo. 185, 261 P. 2d 148.

No. 102, Misc. *JOHNSON v. IOWA.* Supreme Court of Iowa. Certiorari denied. Reported below: 60 N. W. 2d 99.

No. 130, Misc. *FERGUSON v. SKEEN, WARDEN.* Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 136, Misc. *BROWN v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Petitioner *pro se.* *Acting Solicitor General Stern, Assistant Attorney General Olney, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 204 F. 2d 298.

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No. 141, Misc. HENDERSON *v.* MICHIGAN. Circuit Court for the County of Macomb, Michigan. Certiorari denied. *Ernest Goodman* for petitioner. *Edmund E. Shepherd*, Solicitor General of Michigan, for respondent.

No. 142, Misc. ESTERS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Acting Solicitor General Stern*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *John R. Wilkins* for the United States.

No. 212, Misc. HARROD *v.* LADY, WARDEN, ET AL. Court of Appeals of Kentucky. Certiorari denied. Reported below: 260 S. W. 2d 470.

No. 220, Misc. LEPERA *v.* BURKE, WARDEN. Supreme Court of Pennsylvania, Eastern District. Certiorari denied.

No. 224, Misc. STAFFORD *v.* RUSSELL ET AL. District Court of Appeal of California, Second Appellate District. Certiorari denied. Petitioner *pro se*. *Gilbert E. Harris* for respondents. Reported below: 117 Cal. App. 2d 319, 255 P. 2d 872.

No. 228, Misc. LOSINGER *v.* BANNAN, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 205 F. 2d 676.

No. 231, Misc. LEWIS *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

No. 234, Misc. ARTERBURN *v.* HAHN, WARDEN. Supreme Court of Nebraska. Certiorari denied.

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No. 238, Misc. *IRVIN v. FLORIDA*. Supreme Court of Florida. Certiorari denied. *Thurgood Marshall* and *Jack Greenberg* for petitioner. Reported below: 66 So. 2d 288.

No. 240, Misc. *KITZINGER v. CLAUDY ET AL.* Supreme Court of Pennsylvania, Western District. Certiorari denied.

No. 241, Misc. *PRUDEAUX v. WASHINGTON*. Supreme Court of Washington. Certiorari denied.

No. 242, Misc. *FOLEY v. ILLINOIS ET AL.* Supreme Court of Illinois. Certiorari denied.

No. 246, Misc. *MEYERS v. BARTLEY, CIRCUIT COURT JUDGE*. Circuit Court of Will County, Illinois. Certiorari denied.

No. 249, Misc. *THOMPSON v. RANDOLPH, WARDEN*. Circuit Court of Randolph County, Illinois. Certiorari denied.

No. 252, Misc. *BYRNES v. RAGEN, WARDEN*. Circuit Court of Will County, Illinois. Certiorari denied.

No. 256, Misc. *ORR v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied.

No. 257, Misc. *BLACKWELL v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied.

No. 263, Misc. *DAYTON v. SKEEN, WARDEN*. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 267, Misc. *HOLLENBECK v. CRANOR, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY*. Supreme Court of Washington. Certiorari denied.

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No. 270, Misc. WRIGHT *v.* SKEEN, WARDEN. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 271, Misc. DAVIS *v.* SKEEN, WARDEN. Supreme Court of Appeals of West Virginia. Certiorari denied.

*Rehearing Denied.*

No. 265. WETHERBEE, ADMINISTRATRIX, *v.* ELGIN, JOLIET & EASTERN RAILWAY Co., *ante*, p. 867;

No. 311. UNITED STATES *v.* FRYER, *ante*, p. 885;

No. 324. J. & L. SNOUFFER, INC. *v.* ADAMS ET AL., *ante*, p. 874;

No. 371. LOS ANGELES COUNTY PIONEER SOCIETY *v.* HISTORICAL SOCIETY OF SOUTHERN CALIFORNIA ET AL., *ante*, p. 888;

No. 378. FISHER, DOING BUSINESS AS FISHER PEN Co., *v.* DURKIN, SECRETARY OF LABOR, *ante*, p. 897;

No. 384. LARSON ET AL. *v.* CITY OF LONG BEACH, *ante*, p. 890;

No. 393. TENNESSEE ET AL. *v.* UNITED STATES ET AL., *ante*, p. 891;

No. 403. LUNN *v.* F. W. WOOLWORTH Co., *ante*, p. 900; and

No. 416. REPSHOLDT *v.* UNITED STATES, *ante*, p. 901. Petitions for rehearing denied.

No. 343. AIKEN *v.* RICHARDSON, *ante*, p. 869. Second petition for rehearing denied.

No. 23, Misc. SHOTKIN *v.* ATCHISON, TOPEKA & SANTA FE R. Co. ET AL., *ante*, p. 860. Second petition for rehearing denied.

No. 42, Misc. SLACK *v.* UNITED STATES, *ante*, p. 888; and

No. 131, Misc. TATE *v.* CALIFORNIA, *ante*, p. 879. Petitions for rehearing denied.

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*Per Curiam Decisions.*

No. 300. *BROWNELL, ATTORNEY GENERAL, v. RUBINSTEIN*. Certiorari, 346 U. S. 870, to the United States Court of Appeals for the District of Columbia Circuit. Argued January 7-8, 1954. Decided January 11, 1954. *Per Curiam*: The judgment is affirmed by an equally divided Court. MR. JUSTICE CLARK took no part in the consideration or decision of this case. *Robert W. Ginnane* argued the cause for petitioner. With him on the brief were *Acting Solicitor General Stern, Assistant Attorney General Olney, Beatrice Rosenberg* and *J. F. Bishop*. *Edward J. Ennis* argued the cause for respondent. With him on the brief were *Jack Wasserman* and *Lemuel B. Schofield*. Reported below: 92 U. S. App. D. C. 328, 206 F. 2d 449.

No. 347. *GIALLO ET AL. v. UNITED STATES*. Certiorari, 346 U. S. 871, to the United States Court of Appeals for the Second Circuit. Argued January 8, 1954. Decided January 11, 1954. *Per Curiam*: Judgment affirmed. *Henry K. Chapman* argued the cause and filed a brief for petitioners. *John F. Davis* argued the cause for the United States. With him on the brief were *Acting Solicitor General Stern, Assistant Attorney General Olney, Beatrice Rosenberg* and *Robert G. Maysack*. Reported below: 206 F. 2d 207.

*Miscellaneous Orders.*

No. 115. *KERN-LIMERICK, INC. ET AL. v. PARKER, COMMISSIONER OF REVENUES FOR ARKANSAS*. Scurlock, present Commissioner of Revenues, substituted for Parker.

No. 423. *BENTSEN ET AL. v. BLACKWELL ET AL.* The application of the Solicitor General on behalf of the Se-

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curities and Exchange Commission for leave to appear and present oral argument, as *amicus curiae*, is granted.

No. 178, Misc. *EX PARTE SZTWIERTNIA*. The motion for leave to file petition for writ of habeas corpus is denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS would grant leave to file. Leave to file not being granted, they would deny only without prejudice to petitioner's right to file a petition for writ of habeas corpus in the United States District Court. In either case they would appoint counsel to represent petitioner.

No. 250, Misc. *STEPHENSON v. NEW JERSEY ET AL.* Motion for leave to file petition for writ of habeas corpus denied.

*Probable Jurisdiction Noted.*

No. 500. *UNITED STATES v. DIXON*. Appeal from the United States District Court for the Northern District of Georgia. Probable jurisdiction noted. *Acting Solicitor General Stern* for the United States.

*Certiorari Denied.*

No. 154. *DOWNING ET AL. v. SECURITIES AND EXCHANGE COMMISSION ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Joseph B. Hyman* and *John F. X. Finn* for petitioners. *Acting Solicitor General Davis, Roger S. Foster* and *Aaron Levy* for the Securities and Exchange Commission; and *Richard Joyce Smith* for the United Corporation, respondents. Reported below: 92 U. S. App. D. C. 172, 203 F. 2d 611.

No. 460. *CHICAGO & NORTH WESTERN RAILWAY CO. v. DAVENPORT ET AL.* C. A. 5th Cir. Certiorari denied.

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*Drennan J. Slater, Amos M. Mathews and Arthur P. Bagby* for petitioner. *John J. McKay* for Hammill, respondent. Reported below: 205 F. 2d 589.

NO. 474. COLBERT ET AL. *v.* BROTHERHOOD OF RAILROAD TRAINMEN ET AL. C. A. 9th Cir. Certiorari denied. *C. P. Von Herzen* for petitioners. *Clifton Hildebrand* for the Brotherhood of Railroad Trainmen et al., and *C. W. Cornell and Randolph Karr* for the Pacific Electric Railway Co., respondents. Reported below: 206 F. 2d 9.

NO. 28, Misc. BEDNARIK *v.* ALVIS, WARDEN, ET AL. Petition for writ of certiorari to the Supreme Court of Ohio denied for the reason that the judgment below is based on state procedural grounds adequate to support it. Petitioner *pro se.* *C. William O'Neill*, Attorney General of Ohio, and *Thomas R. Lloyd*, Assistant Attorney General, for respondents. Reported below: 159 Ohio St. 596, 112 N. E. 2d 817.

NO. 226, Misc. LEVY *v.* UNITED STATES. Court of Claims. Certiorari denied. Petitioner *pro se.* *Acting Solicitor General Stern, Assistant Attorney General Burger and Melvin Richter* for the United States. Reported below: 125 Ct. Cl. 145.

NO. 244, Misc. HALL *v.* FLORIDA. Supreme Court of Florida. Certiorari denied. *George W. Scofield* and *Nathan R. Graham* for petitioner. Reported below: 66 So. 2d 863.

NO. 253, Misc. NEWMAN *v.* SKEEN, WARDEN. Supreme Court of Appeals of West Virginia. Certiorari denied.

NO. 269, Misc. KRELL *v.* RAGEN, WARDEN. Criminal Court of Cook County, Illinois. Certiorari denied.

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No. 275, Misc. PARKER *v.* RAGEN, WARDEN. Supreme Court of Illinois. Certiorari denied.

No. 276, Misc. HAMMACK *v.* RANDOLPH, WARDEN. Circuit Court of Randolph County, Illinois. Certiorari denied.

No. 277, Misc. SHEPPARD *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied. Reported below: 415 Ill. 497. 114 N. E. 2d 564.

No. 282, Misc. JONES *v.* MARONEY, WARDEN. Court of Common Pleas of Allegheny County, Pennsylvania. Certiorari denied.

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*Per Curiam Decisions.*

No. 128. COUNTY BOARD OF ARLINGTON COUNTY ET AL. *v.* STATE MILK COMMISSION. Appeal from the Supreme Court of Appeals of Virginia. Argued January 4, 1954. Decided January 18, 1954. *Per Curiam*: The judgment is affirmed. *Milk Control Board v. Eisenberg Farm Products*, 306 U. S. 346. MR. JUSTICE BLACK dissents. *Malcolm D. Miller* argued the cause and filed a brief for appellants. *Roger J. Whiteford* argued the cause for appellee. With him on the brief were *J. Lindsay Almond, Jr.*, Attorney General of Virginia, and *Thomas M. Miller*, Assistant Attorney General.

No. 435. NORTH *v.* FLORIDA. Certiorari, 346 U. S. 864, to the Supreme Court of Florida. Argued January 12, 1954. Decided January 18, 1954. *Per Curiam*: The judgment is affirmed. *Claude Pepper* argued the cause for petitioner. With him on the brief were *C. Jay Hardee* and *John R. Parkhill*. *Bart L. Cohen*, Assistant Attorney General of Florida, argued the cause for respondent.

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With him on the brief were *Richard W. Ervin*, Attorney General, and *Reeves Bowen*, Assistant Attorney General. Reported below: 65 So. 2d 77.

NO. 48. BUILDING TRADES COUNCIL ET AL. v. KINARD CONSTRUCTION Co. On petition for writ of certiorari to the Supreme Court of Alabama. *Per Curiam*: The petition for writ of certiorari is granted, and the judgment is reversed. *Garner v. Teamsters Union*, 346 U. S. 485. Since there has been no clear showing that respondent has applied to the National Labor Relations Board for appropriate relief, or that it would be futile to do so, the Court does not pass upon the question suggested by the opinion below of whether the state court could grant its own relief should the Board decline to exercise its jurisdiction. *Henry A. Bradshaw, J. Albert Woll, Herbert S. Thatcher* and *James A. Glenn* for petitioners. Reported below: 258 Ala. 500, 64 So. 2d 400.

#### *Miscellaneous Orders.*

No. —, Original. ALABAMA v. TEXAS ET AL.; and

No. —, Original. RHODE ISLAND v. LOUISIANA ET AL. These cases are set for hearing on the motions for leave to file the complaints. THE CHIEF JUSTICE took no part in the consideration or decision of this question. *Si Garrett*, Attorney General, and *M. Roland Nachman, Jr.* and *Gordon Madison*, Assistant Attorneys General, for the State of Alabama, complainant. *William E. Powers*, Attorney General, and *Thomas G. Corcoran* for the State of Rhode Island and Providence Plantations, complainant. *Attorney General Brownell, Acting Solicitor General Stern, Assistant Attorney General Rankin, Oscar H. Davis, John F. Davis* and *George S. Swarth* for Humphrey et al.; *John Ben Shepperd*, Attorney General, *Robert S. Trotti*, First Assistant Attorney General, and *Jesse P. Luton, Jr., William H. Holloway* and *Phillip Robinson*,

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Assistant Attorneys General, for the State of Texas; *Fred S. LeBlanc*, Attorney General, *John L. Madden*, Assistant Attorney General, and *Bailey Walsh*, Special Assistant Attorney General, for the State of Louisiana; *Richard W. Ervin*, Attorney General, *Howard S. Bailey* and *Fred M. Burns*, Assistant Attorneys General, and *John D. Moriarty*, Special Assistant Attorney General, for the State of Florida; and *Edmund G. Brown*, Attorney General, *William V. O'Connor*, Chief Deputy Attorney General, *Everett W. Mattoon*, Assistant Attorney General, and *George G. Grover*, Deputy Attorney General, for the State of California, defendants.

No. 5, Original, October Term, 1950. *NEW JERSEY v. NEW YORK ET AL.* The answers of New Jersey and of Pennsylvania to the amended petition of the City of New York to modify the decree are received and they, along with the amended petition, are referred to the Special Master. *Theodore D. Parsons*, Attorney General, *Robert Peacock*, Deputy Attorney General, and *Kenneth H. Murray* for the State of New Jersey. *Frank F. Truscott*, Attorney General, *George G. Chandler*, *Bernard G. Segal*, *Wm. A. Schnader* and *Harry F. Stambaugh* for the State of Pennsylvania.

No. 280. *PHILLIPS PETROLEUM CO. v. WISCONSIN ET AL.*; and

No. 281. *TEXAS ET AL. v. WISCONSIN ET AL.* On petitions for rehearing and petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Petitions for rehearing granted. The orders entered November 30, 1953, denying certiorari, 346 U. S. 896, are vacated and the petitions for writs of certiorari are granted. MR. JUSTICE BLACK dissents. The motion for leave to file brief of the Independent Petroleum Assn. et al., as *amici curiae*, is denied. *Rayburn L.*

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*Foster, Harry D. Turner and Hugh B. Cox* for petitioner in No. 280. *John Ben Shepperd*, Attorney General, and *Charles E. Crenshaw*, Special Assistant Attorney General, for the State of Texas et al., *Mac Q. Williamson*, Attorney General, for the Corporation Commission of Oklahoma, and *Richard H. Robinson*, Attorney General, *George A. Graham*, Special Assistant Attorney General, and *L. C. White* for the State of New Mexico et al., petitioners in No. 281. A brief of *amici curiae* urging that the petitions be granted was filed on behalf of the States of Louisiana, by *Fred S. LeBlanc*, Attorney General; Colorado, by *Duke W. Dunbar*, Attorney General, and *Wilbur Rocchio*, Assistant Attorney General; Mississippi, by *J. P. Coleman*, Attorney General; North Dakota, by *E. T. Christianson*, Attorney General; Wyoming, by *Howard Black*, Attorney General; and the State Corporation Commission of Kansas, by *Jay Kyle*, General Counsel. Reported below: 92 U. S. App. D. C. 284, 205 F. 2d 706.

No. 418. FEDERAL POWER COMMISSION *v.* WISCONSIN ET AL. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. The order entered November 30, 1953, denying certiorari, 346 U. S. 896, is vacated and the petition for writ of certiorari is granted. MR. JUSTICE BLACK dissents. *Acting Solicitor General Stern* and *Willard W. Gatchell* for petitioner. *Vernon W. Thomson*, Attorney General, and *Stewart G. Honeck*, Deputy Attorney General, for the State of Wisconsin, *William E. Torkelson* for the Public Service Commission of Wisconsin, *David M. Proctor* and *Jerome M. Joffe* for Kansas City, Missouri, *James H. Lee* for Detroit, Michigan, and *Walter J. Mattison* and *Harry G. Slater* for Milwaukee, Wisconsin, respondents. Reported below: 92 U. S. App. D. C. 284, 205 F. 2d 706.

No. 265, Misc. BROOKS *v.* STEELE, WARDEN. Motion for leave to file petition for writ of habeas corpus denied.

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*Certiorari Granted.* (See also Nos. 48, 280, 281 and 418, *supra.*)

NO. 188. UNITED CONSTRUCTION WORKERS ET AL. v. LABURNUM CONSTRUCTION CORP. The petition for writ of certiorari to the Supreme Court of Appeals of Virginia is granted limited to the following question:

"In view of the type of conduct found by the Supreme Court of Appeals of Virginia to have been carried out by Petitioners, does the National Labor Relations Board have exclusive jurisdiction over the subject matter so as to preclude the State Court from hearing and determining the issues in a common-law tort action based upon this conduct?"

The Government is invited to submit a memorandum setting forth the policy of the National Labor Relations Board in regard to: (1) the proviso in § 10 (a), 61 Stat. 146, 29 U. S. C. (Supp. III) § 160 (a); and (2) other cases, apart from those in § 10 (a), in which the Board declines to exercise its statutory jurisdiction. The memorandum should indicate by what standards the Board declines to act and whether the standards are applied by rule or regulation or on a case-by-case method.

*Welly K. Hopkins, Harrison Combs and M. E. Boiarsky* for petitioners. *Archibald G. Robertson and George E. Allen* for respondent. Reported below: 194 Va. 872, 75 S. E. 2d 694.

NO. 398. CAPITAL SERVICE, INC., DOING BUSINESS AS DANISH MAID BAKERY, ET AL. v. NATIONAL LABOR RELATIONS BOARD. The petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit is granted limited to the following question:

"In view of the fact that exclusive jurisdiction over the subject matter was in the National Labor Relations Board (*Garner v. Teamsters Union*, 346 U. S. 485), could

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the Federal District Court, on application of the Board, enjoin Petitioners from enforcing an injunction already obtained from the State Court?"

*Carl M. Gould* for petitioners. *Acting Solicitor General Stern, George J. Bott, David P. Findling, Dominick L. Manoli* and *Norton J. Come* filed a memorandum for respondent. Reported below: 204 F. 2d 848.

*Certiorari Denied.*

No. 475. *L. RONNEY & SONS FURNITURE MANUFACTURING CO. v. NATIONAL LABOR RELATIONS BOARD.* C. A. 9th Cir. *Certiorari* denied. *A. Andrew Hawk* for petitioner. *Acting Solicitor General Stern, George J. Bott, David P. Findling* and *Dominick L. Manoli* for respondent. Reported below: 206 F. 2d 730.

No. 477. *KOHLBERG v. GRAY, ADMINISTRATOR OF VETERANS AFFAIRS, ET AL.* United States Court of Appeals for the District of Columbia Circuit. *Certiorari* denied. *Carl L. Shipley* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Burger* and *Samuel D. Slade* for respondents. Reported below: 93 U. S. App. D. C. —, 207 F. 2d 35.

No. 482. *HARVEY RADIO LABORATORIES, INC. v. UNITED STATES.* Court of Claims. *Certiorari* denied. *Bolling R. Powell, Jr.* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Burger, Melvin Richter* and *Lester S. Jayson* for the United States. Reported below: 126 Ct. Cl. 383, 115 F. Supp. 444.

No. 485. *FOOD FAIR STORES, INC. v. SQUARE DEAL MARKET Co., INC.* United States Court of Appeals for the District of Columbia Circuit. *Certiorari* denied. *H. Douglas Weaver* and *Donald E. Van Koughnet* for

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petitioner. *Bernard Margolius, Joseph B. Danzansky and Carleton U. Edwards II* for respondent. Reported below: 93 U. S. App. D. C. —, 206 F. 2d 482.

No. 487. ANDERSON ET AL., DOING BUSINESS AS PACIFIC MOULDED PRODUCTS CO., *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 9th Cir. Certiorari denied. *Carl M. Gould* for petitioners. *Acting Solicitor General Stern, George J. Bott, David P. Findling and Dominick L. Manoli* for respondent. Reported below: 206 F. 2d 409.

No. 488. SPANG ET AL., DOING BUSINESS AS CUBE STEAK MACHINE CO., *v.* WATSON, COMMISSIONER OF PATENTS. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Cedric W. Porter* for petitioners. *Acting Solicitor General Stern, Assistant Attorney General Burger, Melvin Richter and Hubert H. Margolies* for respondent. Reported below: 92 U. S. App. D. C. 266, 205 F. 2d 703.

No. 489. TICKLE *v.* NORTH CAROLINA. Supreme Court of North Carolina. Certiorari denied. *Wm. Reid Dalton* for petitioner. *Harry McMullan, Attorney General of North Carolina, and Ralph Moody, Assistant Attorney General, for respondent.* Reported below: 238 N. C. 206, 77 S. E. 2d 632.

No. 491. WIREN *v.* PARAMOUNT PICTURES, INC. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Benjamin F. Pollack, James M. Landis and George J. Solomon* for petitioner. *William E. Leahy, Wm. J. Hughes, Jr. and Louis Phillips* for respondent. Reported below: 92 U. S. App. D. C. 347, 206 F. 2d 465.

No. 496. DIETRICH *v.* DIETRICH. Supreme Court of California. Certiorari denied. *Clark M. Clifford, Wil-*

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*liam H. Dorsey, Jr., Loyd Wright and Charles A. Loring* for petitioner. *Frank B. Belcher* for respondent. Reported below: 41 Cal. 2d 497, 261 P. 2d 269.

No. 236, Misc. *KEYS v. PENNSYLVANIA ET AL.* Supreme Court of Pennsylvania, Eastern District. Certiorari denied.

No. 254, Misc. *GARRAFFA v. NEW YORK.* Appellate Division of the Supreme Court of New York, First Department. Certiorari denied.

No. 258, Misc. *RUBINSTEIN v. RUBINSTEIN ET AL.* Court of Appeals of New York. Certiorari denied. *John F. X. Finn* for petitioner. *George P. Halperin* for Rubinstein; *Joseph Glass* for Sztykgold et al.; and *Edwin B. Wolchok* for British American Equities, Inc. et al., respondents. Reported below: 306 N. Y. 598, 115 N. E. 2d 827.

No. 274, Misc. *SWAIN v. TEETS, WARDEN.* Supreme Court of California. Certiorari denied.

No. 283, Misc. *SCHANDA v. ILLINOIS.* Supreme Court of Illinois. Certiorari denied.

No. 286, Misc. *LAIR v. RANDOLPH, WARDEN.* Supreme Court of Illinois. Certiorari denied.

No. 288, Misc. *CURLEY v. WISCONSIN.* Supreme Court of Wisconsin. Certiorari denied.

No. 294, Misc. *APPICE v. NEW JERSEY.* Supreme Court of New Jersey. Certiorari denied.

No. 296, Misc. *LILYROTH v. RAGEN, WARDEN.* Circuit Court of Lee County, Illinois. Certiorari denied.

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No. 298, Misc. *ORRIE v. WISCONSIN ET AL.* Supreme Court of Wisconsin. Certiorari denied.

No. 299, Misc. *HAMMOND v. ILLINOIS.* Supreme Court of Illinois. Certiorari denied. Reported below: 1 Ill. 2d 65, 115 N. E. 2d 331.

No. 307, Misc. *WALTERS v. IOWA.* Supreme Court of Iowa. Certiorari denied.

*Rehearing Granted.* (See Nos. 280 and 281, *supra.*)

*Rehearing Denied.*

No. 364. *INVESTORS ROYALTY CO., INC. v. MARKET TREND SURVEY, INC. ET AL., ante*, p. 909;

No. 387. *GALLAGHER, ADMINISTRATRIX, ET AL. v. UNITED STATES LINES CO. ET AL., ante*, p. 897;

No. 426. *GLOVER ET AL. v. MCFADDIN ET AL., ante*, p. 900;

No. 432. *MORAND BROTHERS BEVERAGE CO. ET AL. v. NATIONAL LABOR RELATIONS BOARD, ante*, p. 909; and

No. 441. *WESTERN PACIFIC RAILROAD CORP. ET AL. v. WESTERN PACIFIC RAILROAD CO. ET AL., ante*, p. 910. Petitions for rehearing denied.