

DECISIONS PER CURIAM AND ORDERS
FROM FEBRUARY 1, 1954, THROUGH
JUNE 7, 1954.

FEBRUARY 1, 1954.

Decisions Per Curiam.

No. 468. *JOST v. UNITED STATES*. On petition for writ of certiorari to the District Court of Appeal of California, Fourth Appellate District. *Per Curiam*: The petition for writ of certiorari is granted. The judgment of the District Court of Appeal is reversed and the cause is remanded with instructions to proceed not inconsistent with the findings of fact and conclusions of law and recommendations of the Commissioner of Immigration and Naturalization, on confession of error by the Government. *Dean Acheson, W. Graham Clayton, Jr., Charles A. Horsky, A. L. Wirin and Fred Okrand* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Olney, Robert S. Erdahl and Beatrice Rosenberg* filed a memorandum for the United States, confessing error. Reported below: 117 Cal. App. 2d 379, 256 P. 2d 71.

No. 505. *GOVERNMENT AND CIVIC EMPLOYEES ORGANIZING COMMITTEE, CIO, ET AL. v. WINDSOR ET AL.* Appeal from the United States District Court for the Northern District of Alabama. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. MR. JUSTICE BLACK took no part in the consideration or decision of this case. *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. Reported below: 116 F. Supp. 354.

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Miscellaneous Orders.

No. 225, Misc. *ANSELM I v. ATTORNEY GENERAL OF THE UNITED STATES ET AL.* C. A. 3d Cir. Certiorari denied. Motion for leave to file petition for writ of habeas corpus also denied. Petitioner *pro se*. *Acting Solicitor General Stern, Assistant Attorney General Olney, Beatrice Rosenberg and Felicia Dubrovsky* for the United States et al., respondents. Reported below: 207 F. 2d 312.

No. 334, Misc. *HOLLOWAY v. RAGEN, WARDEN.* Supreme Court of Illinois. Certiorari denied. Motion for leave to file petition for writ of habeas corpus also denied.

No. 289, Misc. *WHELEHON v. EIDSON, WARDEN;*

No. 315, Misc. *DOHRMAN v. STEELE;*

No. 316, Misc. *BURKHOLDER v. UNITED STATES;*

No. 325, Misc. *GREEN v. MISSOURI;*

No. 327, Misc. *BAYLESS v. EIDSON, WARDEN;* and

No. 337, Misc. *SHOLTER v. MARONEY, WARDEN.* Motions for leave to file petitions for writs of habeas corpus denied.

No. 295, Misc. *COLLINS v. WEBB, WARDEN.* Motion for leave to file petition for writ of certiorari denied.

No. 322, Misc. *EX PARTE LINCOLN ELECTRIC Co.* Motion for leave to file petition for writ of mandamus denied. *Casper W. Ooms, Edward A. Haight, Dugald S. McDougall, John F. Oberlin, Thomas V. Koykka and James R. Stewart* for petitioner. *John T. Cahill, James A. Fowler, Jr., Richard R. Wolfe and Loftus E. Becker* for the Union Carbide & Carbon Corporation.

Probable Jurisdiction Noted.

No. 480. *SECRETARY OF AGRICULTURE v. UNITED STATES ET AL.*; and

No. 481. *FLORIDA CITRUS COMMISSION ET AL. v. UNITED STATES ET AL.* Appeals from the United States

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District Court for the Southern District of Florida. Probable jurisdiction noted. *Karl D. Loos* and *Neil Brooks* for the Secretary of Agriculture. *M. W. Wells* for the Florida Citrus Commission et al., *John F. Donelan* for the California Citrus League et al., *Sidney Goldstein*, *Francis A. Mulhern*, *Wilbur LaRoe, Jr.*, *Arthur L. Winn, Jr.* and *Samuel H. Moerman* for the Port of New York Authority, *Denis M. Hurley*, *James J. Thornton* and *G. Gary Sousa* for the City of New York, *Earl Jay Gratz* for the Philadelphia Terminals Marketing Association et al., and *Wilmer A. Hill* for the United Fresh Fruit & Vegetable Association et al., appellants in No. 481. *Edward M. Reidy* and *Leo H. Pou* for the Interstate Commerce Commission; and *Francis L. Brown*, *A. P. Donadio* and *J. F. Eshelman* for the Baltimore & Ohio Railroad Co. et al., appellees. Reported below: 114 F. Supp. 420.

Certiorari Granted. (See No. 468, *supra*.)

Certiorari Denied. (See also Misc. Nos. 225, 295 and 334, *supra*.)

No. 484. CITY NATIONAL BANK OF FAIRMONT v. FIDELITY MUTUAL LIFE INSURANCE CO. C. A. 4th Cir. *Certiorari denied.* *John D. Amos* and *William P. Lehman* for petitioner. *Russell L. Furbree* and *C. H. Hardesty, Jr.* for respondent. Reported below: 206 F. 2d 531.

No. 492. SULLIVAN v. NEW JERSEY. Supreme Court of New Jersey. *Certiorari denied.* *Harry A. Walsh* for petitioner. *Mario H. Volpe* and *Frank H. Lawton* for respondent. Reported below: 13 N. J. 289, 99 A. 2d 450.

No. 493. CODRAY v. BROWNELL, ATTORNEY GENERAL AND SUCCESSOR TO THE ALIEN PROPERTY CUSTODIAN. United States Court of Appeals for the District of Columbia Circuit. *Certiorari denied.* *David Cobb* for petitioner. *Acting Solicitor General Stern*, Assistant

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Attorney General Townsend, James D. Hill and George B. Searls for respondent. Reported below: — U. S. App. D. C. —, 207 F. 2d 610.

No. 494. *WILLIAMS v. LINDSEY, ADMINISTRATOR*. Supreme Court of Missouri. Certiorari denied. *Donald N. Clausen, Herbert W. Hirsh, Norman A. Miller and Frank C. Mann* for petitioner. *Jean Paul Bradshaw and Flavius B. Freeman* for respondent. Reported below: 260 S. W. 2d 472.

No. 516. *CHEMICAL BANK & TRUST CO. v. PRUDENCE-BONDS CORPORATION (NEW CORPORATION) ET AL.* C. A. 2d Cir. Certiorari denied. *John Lord O'Brian, Philip A. Carroll and John A. Wilson* for petitioner. *Charles M. McCarty* for Prudence-Bonds Corporation; *Geo. C. Wildermuth* for Castellano; *Samuel Silbiger* for Eddy; and *Aaron Schwartz* for Samson et al., respondents. Reported below: 207 F. 2d 67.

No. 497. *SOBELL v. UNITED STATES*. C. A. 2d Cir. Motion for leave to file brief of Dr. Harold C. Urey et al., as *amici curiae*, denied. Certiorari denied. *Howard N. Meyer* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Olney, Beatrice Rosenberg and John R. Wilkins* for the United States.

No. 498. *WELCH v. TEXAS*. Court of Criminal Appeals of Texas. Certiorari denied. *James H. Martin* for petitioner. *John Ben Shepperd*, Attorney General of Texas, and *Sam C. Ratliff and Rudy G. Rice*, Assistant Attorneys General, for respondent. Reported below: — Tex. Cr. R. —, 264 S. W. 2d 100.

No. 508. *DOUGALL v. SPOKANE, PORTLAND & SEATTLE RAILWAY CO.* C. A. 9th Cir. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the

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opinion certiorari should be granted. *Elton Watkins* for petitioner. *Charles A. Hart, Hugh L. Biggs* and *Cleveland C. Cory* for respondent. Reported below: 207 F. 2d 843.

No. 179, Misc. *SHAW v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *De Long Harris, B. Dabney Fox* and *William Beasley Harris* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Olney, Beatrice Rosenberg* and *Felicia Dubrovsky* for the United States. Reported below: — U. S. App. D. C. —, 209 F. 2d 298.

No. 243, Misc. *BROWN v. JENSEN*. Supreme Court of California. Certiorari denied. Reported below: 41 Cal. 2d 193, 259 P. 2d 425.

No. 255, Misc. *SMALL v. HANN*. Supreme Court of Nebraska. Certiorari denied. Petitioner *pro se*. *Clarence S. Beck*, Attorney General of Nebraska, and *Dean G. Kratz*, Assistant Attorney General, for respondent.

No. 266, Misc. *WELDON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 207 F. 2d 263.

No. 273, Misc. *STAFFORD v. SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF LOS ANGELES*. Petition for writ of certiorari to the Superior Court of California, in and for the County of Los Angeles, denied.

No. 278, Misc. *MEDLIN ET AL. v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *James J. Laughlin* for petitioners. *Acting Solicitor General Stern, Assistant*

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Attorney General Olney and Beatrice Rosenberg for the United States. Reported below: — U. S. App. D. C. —, 207 F.2d 33.

No. 285, Misc. *GIARRATANO v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied.

No. 292, Misc. *SHAWVER v. SKEEN, WARDEN*. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 293, Misc. *PETERS v. NEW YORK*. Supreme Court of New York, Appellate Division, Third Judicial Department. Certiorari denied.

No. 300, Misc. *WILLIAMS v. MICHIGAN*. Supreme Court of Michigan. Certiorari denied.

No. 301, Misc. *IVERS v. NEW YORK*. County Court of Otsego County, New York. Certiorari denied.

No. 302, Misc. *NORRIS v. SMYTH, SUPERINTENDENT OF VIRGINIA STATE PENITENTIARY*. Supreme Court of Appeals of Virginia. Certiorari denied.

No. 304, Misc. *ALLEN v. SMYTH, SUPERINTENDENT OF VIRGINIA STATE PENITENTIARY*. Supreme Court of Appeals of Virginia. Certiorari denied.

No. 305, Misc. *GANTT ET AL. v. SOUTH CAROLINA*. Supreme Court of South Carolina. Certiorari denied. *J. Ralph Gasque* for petitioners. Reported below: 223 S. C. 431, 76 S. E. 2d 674.

No. 306, Misc. *MEYERS v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied.

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No. 308, Misc. *WEAKLY v. BAXTER ET AL.* Supreme Court of Illinois. Certiorari denied.

No. 310, Misc. *LONGLEY v. TEETS, WARDEN.* Supreme Court of California. Certiorari denied.

No. 311, Misc. *WOODSON v. IOWA.* Supreme Court of Iowa. Certiorari denied. Reported below: 244 Iowa 1262, 59 N. W. 2d 556.

No. 313, Misc. *MAHLER v. BANNAN, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 318, Misc. *VRANIAK v. ILLINOIS.* Supreme Court of Illinois. Certiorari denied.

No. 319, Misc. *JABLONSKI v. ILLINOIS.* Supreme Court of Illinois. Certiorari denied.

No. 323, Misc. *DAY v. RAGEN, WARDEN.* Circuit Court of Peoria County, Illinois. Certiorari denied.

No. 324, Misc. *LEWIS v. SMYTH, SUPERINTENDENT OF VIRGINIA STATE PENITENTIARY.* Supreme Court of Appeals of Virginia. Certiorari denied.

No. 326, Misc. *LINDSEY v. CALIFORNIA.* Supreme Court of California. Certiorari denied.

No. 328, Misc. *RICHARDSON v. ILLINOIS.* Supreme Court of Illinois. Certiorari denied.

No. 331, Misc. *BRITTON v. RAGEN, WARDEN.* Circuit Court of Shelby County, Illinois. Certiorari denied.

No. 332, Misc. *NEGRON ET AL. v. NEW YORK.* Supreme Court of New York, Appellate Division, First Judicial Department. Certiorari denied.

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No. 333, Misc. *FRAZIER v. INDIANA ET AL.* Circuit Court of Allen County, Indiana. Certiorari denied.

No. 335, Misc. *BRADLEY v. NEW JERSEY.* Supreme Court of New Jersey. Certiorari denied.

No. 339, Misc. *CUNNINGHAM v. McNEILL, SUPERINTENDENT OF MATTEAWAN STATE HOSPITAL.* Court of Appeals of New York. Certiorari denied. Reported below: 306 N. Y. 645, 116 N. E. 2d 246.

No. 340, Misc. *LOVEDAHL v. NORTH CAROLINA.* Supreme Court of North Carolina. Certiorari denied.

Rehearing Denied.

No. 344. *ARBULICH v. ARBULICH*, 346 U. S. 897. Motion for leave to file petition for rehearing denied.

No. 409. *BALTIMORE TRANSFER CO. ET AL. v. INTERSTATE COMMERCE COMMISSION ET AL.*, 346 U. S. 890;

Nos. 433 and 434. *RINES, ADMINISTRATOR, v. JUSTICES OF THE SUPERIOR COURT*, 346 U. S. 919;

No. 465. *VILES v. SCOFIELD ET AL.*, 346 U. S. 925; and

No. 467. *WEISS v. UNITED STATES*, 346 U. S. 924. Petitions for rehearing denied.

No. 239, Misc. *CHESSMAN v. CALIFORNIA ET AL.*, 346 U. S. 916. Rehearing denied. THE CHIEF JUSTICE took no part in the consideration or decision of this application.

No. 334, Misc., October Term, 1952. *MAUGHS v. ROYSTER, SUPERINTENDENT OF STATE PRISON FARM*, 345 U. S. 912. Second petition for rehearing denied. THE CHIEF JUSTICE took no part in the consideration or decision of this application.

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Decisions Per Curiam.

No. 335. GENERAL ELECTRIC CO. ET AL. *v.* WASHINGTON. Appeal from the Supreme Court of Washington. Argued February 2, 1954. Decided February 8, 1954. *Per Curiam*: The judgment is reversed. *Carson v. Roane-Anderson Co.*, 342 U. S. 232. *Max Isenbergh* argued the cause for appellants. With him on the brief were *Acting Solicitor General Stern*, *Assistant Attorney General Holland* and *F. Gerald Toye*. *Jennings P. Felix*, Assistant Attorney General of Washington, argued the cause for appellee. With him on the brief were *Don Eastvold*, Attorney General, and *E. P. Donnelly*. Reported below: 42 Wash. 2d 411, 256 P. 2d 265.

No. 404. JACOBSON, ADMINISTRATRIX, *v.* NEW YORK, NEW HAVEN & HARTFORD RAILROAD CO. Certiorari, 346 U. S. 895, to the United States Court of Appeals for the First Circuit. Argued February 3, 1954. Decided February 8, 1954. *Per Curiam*: The judgment is affirmed. *Patch v. Wabash R. Co.*, 207 U. S. 277; *Memphis & Charleston R. Co. v. Alabama*, 107 U. S. 581; *Seavey v. Boston & Maine R. Co.*, 197 F. 2d 485. *George P. Lordan* argued the cause for petitioner. With him on the brief was *Herbert E. Tucker, Jr.* *Edward R. Brumley* argued the cause for respondent. With him on the brief were *R. M. Peet* and *N. W. Deering*. Reported below: 206 F. 2d 153.

No. 318. GORDON ET AL. *v.* UNITED STATES. Certiorari, 346 U. S. 871, to the United States Court of Appeals for the Tenth Circuit. Argued January 11, 1954. Decided February 8, 1954. *Per Curiam*: Petitioners are business partners in the sale of appliances. They were convicted under § 603 of the Defense Production Act of 1950, 64 Stat. 814, which provides that "Any person who

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willfully violates" regulations promulgated under the Act shall be guilty of crime. The jury was instructed that the knowledge of petitioners' employees was chargeable to petitioners in determining petitioners' wilfulness. Because of the instruction, the Government has confessed error. We agree, and accordingly reverse the judgment and remand the case to the District Court for retrial. *John S. Boyden* argued the cause for petitioners. With him on the brief was *Allen H. Tibbals*. *John R. Benney* argued the cause for the United States. With him on the brief were *Acting Solicitor General Stern*, *Assistant Attorney General Olney* and *Beatrice Rosenberg*. Reported below: See 203 F. 2d 248.

No. 501. *WHITE ET AL. v. HOWARD ET AL.* Appeal from the United States District Court for the Southern District of Mississippi. *Per Curiam*: The judgment is vacated and the cause is remanded to the District Court with instructions to dismiss the complaint. MR. JUSTICE BLACK, MR. JUSTICE REED, and MR. JUSTICE DOUGLAS dissent. They would postpone the question of jurisdiction to the merits. THE CHIEF JUSTICE took no part in the consideration or disposition of this case. *Lester E. Wills* for appellants. *Perry W. Howard, Sr.* for appellees. Reported below: 116 F. Supp. 783.

No. 539. *LATTAVO BROTHERS, INC. v. HUDOCK.* Appeal from the United States District Court for the Western District of Pennsylvania. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. *Ernie Adamson* for appellant. *Frank F. Truscott*, Attorney General of Pennsylvania, and *Harry F. Stambaugh* for appellee. Reported below: 119 F. Supp. 587.

No. 540. *AMERE GAS UTILITIES CO. v. PUBLIC SERVICE COMMISSION OF WEST VIRGINIA.* Appeal from the Supreme Court of Appeals of West Virginia. *Per Curiam*:

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The motion to dismiss is granted and the appeal is dismissed for the want of a substantial federal question. *Charles C. Wise, Jr.* and *Edward S. Pinney* for appellant. *John G. Fox*, Attorney General of West Virginia, for appellee. Reported below: 138 W. Va. —.

Miscellaneous Orders.

No. 184. GENERAL PROTECTIVE COMMITTEE FOR THE HOLDERS OF OPTION WARRANTS OF THE UNITED CORPORATION *v.* SECURITIES AND EXCHANGE COMMISSION ET AL., 346 U. S. 521; and

No. 154. DOWNING ET AL. *v.* SECURITIES AND EXCHANGE COMMISSION ET AL., 346 U. S. 930. The applications to stay the mandate in No. 184 and for leave to file petitions for rehearing out of time in Nos. 154 and 184 are denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of these applications.

No. 427. FRANKLIN NATIONAL BANK OF FRANKLIN SQUARE *v.* NEW YORK. Appeal from the Court of Appeals of New York. The application of the Solicitor General on behalf of the Government for leave to appear and present oral argument, as *amicus curiae*, is granted.

No. 346, Misc. EX PARTE LUSTIG. Motion for leave to file petition for writ of habeas corpus denied.

Certiorari Granted.

No. 531. ALTON *v.* ALTON. C. A. 3d Cir. Certiorari granted. *Abe Fortas* and *Milton V. Freeman* for petitioner. *Hyman Smollar* for respondent. Reported below: 207 F. 2d 667.

Certiorari Denied.

No. 182. METALLIC BUILDING CO. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 5th Cir. Certiorari denied. *Fritz L. Lyne* for petitioner. *Acting Solicitor General*

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Stern, George J. Bott, David P. Findling, Dominick L. Manoli and Frederick U. Reel for respondent. Reported below: 204 F. 2d 826.

No. 210. EPSTEIN ET AL., DOING BUSINESS AS TOP MODE MANUFACTURING CO., *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 3d Cir. Certiorari denied. *Samuel A. Schreckengast, Jr.* for petitioners. *Acting Solicitor General Stern, George J. Bott, David P. Findling, Dominick L. Manoli and Harvey B. Diamond* for respondent. Reported below: 203 F. 2d 482.

No. 483. UNITED STATES GYPSUM CO. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 5th Cir. Certiorari denied. *Charles M. Price* for petitioner. *Acting Solicitor General Stern, George J. Bott, David P. Findling and Dominick L. Manoli* for respondent. Reported below: 206 F. 2d 410.

No. 490. P. DOUGHERTY CO. *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. *Christopher E. Heckman* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Burger, Leavenworth Colby and Hubert H. Margolies* for the United States. Reported below: 207 F. 2d 626.

No. 502. AMERICAN FIRE & CASUALTY CO. *v.* FINN. C. A. 5th Cir. Certiorari denied. *Austin Y. Bryan, Jr. and David Bland* for petitioner. Reported below: 207 F. 2d 113.

No. 504. SWITZER BROTHERS, INC. ET AL. *v.* LOCKLIN ET AL., DOING BUSINESS AS RADIANT COLOR CO. C. A. 7th Cir. Certiorari denied. *Albert L. Ely, Jr.* for petitioners. *Stephen S. Townsend and Carl Hoppe* for respondents. Reported below: 207 F. 2d 483.

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No. 507. CINCINNATI BUTCHERS' SUPPLY CO. ET AL. *v.* PFEIFER ET AL. C. A. 6th Cir. Certiorari denied. *Sol Goodman* for petitioners. *James L. Magrish* for respondents.

No. 509. PARMELEE TRANSPORTATION CO. *v.* GRIVAS. C. A. 7th Cir. Certiorari denied. *William C. Wines* for petitioner. *Bernard W. Mages* and *Jack L. Sachs* for respondent. Reported below: 207 F. 2d 334.

No. 512. MILWAUKEE ELECTRIC TOOL CORP. *v.* JOHANN. Supreme Court of Wisconsin. Certiorari denied. *Suel O. Arnold* for petitioner. *Carl Flom* for respondent. Reported below: 264 Wis. 447, 59 N. W. 2d 637.

No. 515. PICHITINO *v.* MICHIGAN. Supreme Court of Michigan. Certiorari denied. *Alfonso A. Magnotta* and *Roger H. Nielsen* for petitioner. *Frank G. Millard*, Attorney General of Michigan, *Edmund E. Shepherd*, Solicitor General, and *Daniel J. O'Hara*, Assistant Attorney General, for respondent. Reported below: 337 Mich. 90, 59 N. W. 2d 100.

No. 518. PANEBIANCO *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Henry G. Singer* for petitioner. *Acting Solicitor General Stern*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Edward Szukelewicz* for the United States. Reported below: 208 F. 2d 238.

No. 506. REMINGTON *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. MR. JUSTICE CLARK took no part in the consideration or decision of this application. *Joseph L. Rauh, Jr.* for petitioner. *Acting Solicitor General Stern*, *Assistant Attorney General Olney* and *Beatrice Rosenberg* for the United States. Reported below: 208 F. 2d 567.

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No. 268, Misc. *DUKES v. HANNA, WARDEN*. Supreme Court of New Jersey. Certiorari denied. *Jack Greenberg, Thurgood Marshall and Mendon P. Morrill* for petitioner. *Theodore D. Parsons*, Attorney General of New Jersey, for respondent. Reported below: 13 N. J. 293, 99 A. 2d 452.

No. 287, Misc. *LOWRY v. PENNSYLVANIA*. Supreme Court of Pennsylvania, Eastern District. Certiorari denied. Reported below: 374 Pa. 594, 98 A. 2d 733.

No. 291, Misc. *POLLACK v. ASPBURY ET AL.* C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Acting Solicitor General Stern, Assistant Attorney General Burger and Samuel D. Slade* for Harper, respondent.

No. 312, Misc. *ADAMS v. SMYTH, SUPERINTENDENT OF VIRGINIA STATE PENITENTIARY*. Supreme Court of Appeals of Virginia. Certiorari denied.

No. 341, Misc. *LOMAX v. ILLINOIS*. Circuit Court of Will County, Illinois. Certiorari denied.

No. 344, Misc. *HENDERSON v. CALIFORNIA*. Supreme Court of California. Certiorari denied.

Rehearing Denied. (See also Nos. 154 and 184, *supra*.)

No. 475. *L. RONNEY & SONS FURNITURE MANUFACTURING CO. v. NATIONAL LABOR RELATIONS BOARD*, 346 U. S. 937;

No. 65, Misc. *HOLLAND v. SAFEWAY STORES, INC.*, 346 U. S. 868; and

No. 238, Misc. *IRVIN v. FLORIDA*, 346 U. S. 927. Petitions for rehearing denied.

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No. 438. FOREST LAWN MEMORIAL-PARK ASSOCIATION, INC. *v.* NATIONAL LABOR RELATIONS BOARD; and

No. 479. PIERCE BROTHERS *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 9th Cir. Motion to defer consideration denied. Certiorari denied. *Dana Latham, Paul R. Watkins and Richard W. Lund* for petitioners. *Ugene U. Blalock* also for petitioner in No. 438. *Acting Solicitor General Stern, George J. Bott, David P. Findling and Dominick L. Manoli* for respondent. Briefs of *amici curiae* supporting petitioners were filed by *James R. Clark and Burton E. Robinson* for the National Funeral Directors Association of the United States, Inc.; and by *John C. Slade* for the National Selected Morticians, Inc. in No. 479. Reported below: 206 F. 2d 569.

No. 351, Misc. CROSS *v.* SUPREME COURT OF CALIFORNIA; and

No. 392, Misc. HENDRICKSON *v.* PENNSYLVANIA. Motions for leave to file petitions for writs of mandamus denied.

No. 354, Misc. DODD *v.* STEELE, WARDEN;

No. 364, Misc. SCHELL *v.* EIDSON, WARDEN;

No. 366, Misc. FRAZIER *v.* UNITED STATES;

No. 371, Misc. EX PARTE HINKLE; and

No. 374, Misc. WOODS *v.* LOONEY, WARDEN. Motions for leave to file petitions for writs of habeas corpus denied.

Probable Jurisdiction Noted.

No. 550. MORRIS *v.* PARKER ET AL. Appeal from the United States District Court for the District of Columbia. Probable jurisdiction noted. *James C. Toomey, Joseph H. Schneider and Albert Ginsberg* for appellant. *Acting*

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Solicitor General Stern filed a memorandum for the District of Columbia Redevelopment Land Agency and the National Capital Planning Commission, appellees, stating that probable jurisdiction should be noted and this case heard upon the merits. Reported below: 117 F. Supp. 705.

Certiorari Granted.

No. 529. NATIONAL UNION OF MARINE COOKS AND STEWARDS *v.* ARNOLD ET AL. Supreme Court of Washington. Certiorari granted. *Norman Leonard* for petitioner. *Samuel B. Bassett* for respondents.

No. 536. BROOKS *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 9th Cir. Certiorari granted. *Frederick A. Potruch* and *Erwin Lerten* for petitioner. *Acting Solicitor General Stern* and *George J. Bott* filed a memorandum for respondent urging that the writ be granted. Reported below: 204 F. 2d 899.

Certiorari Denied. (See also Nos. 438 and 479, *supra*.)

No. 454. LEHMAN ET AL. *v.* CIVIL AERONAUTICS BOARD ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Whitney North Seymour* and *George G. Gallantz* for petitioners. *Acting Solicitor General Stern*, *Assistant Attorney General Barnes*, *Daniel M. Friedman* and *Emory T. Nunneley, Jr.* for the Civil Aeronautics Board, respondent. Reported below: — U. S. App. D. C. —, 209 F. 2d 289.

No. 499. VAUGHAN *v.* WARFIELD ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 207 F. 2d 350.

No. 510. FRIEDBERG *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. *Robert N. Gorman* and *Stanley A. Silversteen* for petitioner. *Acting Solicitor General Stern*,

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Assistant Attorney General Holland and Ellis N. Slack for the United States. Reported below: 207 F. 2d 777.

No. 511. MARTIN ET AL., DOING BUSINESS AS NEMEC COMBUSTION ENGINEERS, *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 9th Cir. Certiorari denied. *R. D. Sweeney* and *J. E. Simpson* for petitioners. *Acting Solicitor General Stern, George J. Bott, David P. Findling* and *Dominick L. Manoli* for respondent. Reported below: 207 F. 2d 655.

No. 522. LYNCH *v.* HERSHEY, DIRECTOR OF SELECTIVE SERVICE. 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 Olney, Beatrice Rosenberg* and *Robert G. Maysack* for respondent. Reported below: 93 U. S. App. D. C. —, 208 F. 2d 523.

No. 523. SWIDLER ET AL. *v.* KNOCKLONG CORP. ET AL. Appellate Division of the Supreme Court of New York, Second Judicial Department. Certiorari denied. *Jacob Krisel* and *George Lessall* for petitioners. *Charles E. Lapp, Jr.* for the Knocklong Corporation; *Edward M. O. Pratt* and *E. Robert Pratt* for the Gresa Realty Co., Inc.; and *Paul J. Leach* for Connolly, respondents. Reported below: 305 N. Y. 527, 306 N. Y. 600, 114 N. E. 2d 25, 115 N. E. 2d 828.

No. 524. CAROLINA SCENIC STAGES *v.* STEVENS, RECEIVER, ET AL. C. A. 4th Cir. Certiorari denied. *Edgar A. Brown* and *Thomas A. Wofford* for petitioner. Reported below: 208 F. 2d 332.

No. 525. PARNACHER ET AL. *v.* MOUNT. C. A. 10th Cir. Certiorari denied. *James W. Bounds* for petitioners. *John Blaine Gilbreath* for respondent. Reported below: 207 F. 2d 788.

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No. 526. WASHINGTON NATIONAL INSURANCE CO. *v.* STURM, ADMINISTRATOR. C. A. 8th Cir. Certiorari denied. *Lon Hocker* for petitioner. Reported below: 208 F. 2d 97.

No. 528. OXMAN *v.* PENNSYLVANIA. Supreme Court of Pennsylvania, Eastern District. Certiorari denied. Petitioner *pro se*. *Richardson Dilworth* for respondent.

No. 530. COMMISSIONER OF INTERNAL REVENUE *v.* CHAMBERLIN ET AL. C. A. 6th Cir. Certiorari denied. *Acting Solicitor General Stern* for petitioner. *Randolph E. Paul* and *Louis Eisenstein* for respondents. Reported below: 207 F. 2d 462.

No. 532. SMITH *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 6th Cir. Certiorari denied. *Sol Goodman* for petitioner. *Acting Solicitor General Stern*, *Assistant Attorney General Holland*, *Ellis N. Slack* and *Melva M. Graney* for respondent.

No. 535. ROCHELLE, TRUSTEE IN BANKRUPTCY, *v.* SHIDELER. C. A. 5th Cir. Certiorari denied. *Irving L. Goldberg* for petitioner. *Michael E. Culligan, Jr.* and *Carl Sturzenacker* for respondent. Reported below: 207 F. 2d 95.

No. 538. KELLER ET AL., TRADING AS HOWARD MANUFACTURING Co., *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Oscar H. Brinkman* and *Charles E. Swanson* for petitioners. *Acting Solicitor General Stern*, *Assistant Attorney General Burger*, *Melvin Richter* and *Benjamin Forman* for the United States. Reported below: — U. S. App. D. C. —, 207 F. 2d 610.

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No. 541. STOLLER, DOING BUSINESS AS RICHLAND LAUNDRY & DRY CLEANERS, *v.* NATIONAL LABOR RELATIONS BOARD; and

No. 542. LAUNDRY & DRY CLEANERS UNION, LOCAL 197, *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 9th Cir. Certiorari denied. *Richard S. Munter* for petitioner in No. 541. *George E. Flood* and *Samuel B. Bassett* for petitioner in No. 542. *Acting Solicitor General Stern*, *George J. Bott*, *David P. Findling*, *Dominick L. Manoli* and *Margaret M. Farmer* for respondent. Reported below: 207 F. 2d 305.

No. 544. SWARTZ ET AL. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Hyman M. Greenstein* for petitioners. Reported below: 207 F. 2d 727.

No. 547. C-O-TWO FIRE EQUIPMENT CO. *v.* SPECIALTIES DEVELOPMENT CORP. C. A. 3d Cir. Certiorari denied. *R. Morton Adams* for petitioner. *Floyd H. Crews* for respondent. Reported below: 207 F. 2d 753.

No. 549. CLARK *v.* BRYSON, SHERIFF. 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, Jr.*, Assistant Attorneys General, for respondent.

No. 551. HART *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. *Leffel Gentry* for petitioner. *Acting Solicitor General Stern*, *Assistant Attorney General Holland*, *Ellis N. Slack* and *Robert N. Anderson* for the United States. Reported below: 207 F. 2d 813.

No. 556. HICKEY ET AL. *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. *James M. Marsh*, *Stanley Folz* and *J. Harry LaBrum* for petitioners. *Acting Solicitor*

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General Stern, Assistant Attorney General Morton, Roger P. Marquis and S. Billingsley Hill for the United States. Reported below: 208 F. 2d 269.

No. 567. UNITED STATES *v.* DOUGLAS. C. A. 9th Cir. Certiorari denied. *Acting Solicitor General Stern* for the United States. *Dale D. Drain* for respondent. Reported below: 207 F. 2d 381.

No. 581. SIMPLEX CLOTH CUTTING MACHINE CO., INC. *v.* HOLTZOFF, UNITED STATES DISTRICT JUDGE, ET AL. C. A. 2d Cir. Certiorari denied. *Samuel J. Stoll* for petitioner. *Victor D. Borst* for respondents.

No. 519. JEOFFROY MFG., INC. ET AL. *v.* GRAHAM ET AL. C. A. 5th Cir. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion certiorari should be granted. *W. W. Gibson* for petitioners. *Claude A. Fishburn* and *Orville O. Gold* for respondents. Reported below: 206 F. 2d 772.

No. 533. SUEHIRO ET AL. *v.* BROWNELL, ATTORNEY GENERAL, SUCCESSOR TO THE ALIEN PROPERTY CUSTODIAN. C. A. 9th Cir. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion certiorari should be granted. *Roger E. Brooks* and *John Ward Cutler* for petitioners. *Acting Solicitor General Stern, Assistant Attorney General Townsend, James D. Hill, George B. Searls* and *Irwin A. Seibel* for respondent. Reported below: 206 F. 2d 892.

No. 545. DAYLESS MANUFACTURING CO., INC. ET AL. *v.* ARTMOORE COMPANY ET AL. C. A. 7th Cir. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion certiorari should be granted. *Robert I. Dennison* for petitioners. *Eugene C. Knoblock* for respondents. Reported below: 208 F. 2d 1.

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No. 546. JONES ET UX. *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. MR. JUSTICE JACKSON took no part in the consideration or decision of this application. *Roy St. Lewis* and *Carl L. Shipley* for petitioners. *Acting Solicitor General Stern*, *Assistant Attorney General Burger*, *Paul A. Sweeney* and *Lester S. Jayson* for the United States. Reported below: 207 F. 2d 563.

No. 145, Misc. SMITH *v.* HEINZE, WARDEN. Supreme Court of California. Certiorari denied. Petitioner *pro se*. *Edmund G. Brown*, Attorney General of California, and *Doris H. Maier*, Deputy Attorney General, for respondent.

No. 164, Misc. BRAWER *v.* UNITED STATES. C. A. 3d 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: 205 F. 2d 153.

No. 216, Misc. BERMAN *v.* GILLROY, COMMISSIONER, DEPARTMENT OF HOUSING AND BUILDINGS OF THE CITY OF NEW YORK, ET AL. Court of Appeals of New York. Certiorari denied. Petitioner *pro se*. *Denis M. Hurley* and *Seymour B. Quel* for respondents. Reported below: 305 N. Y. 688, 112 N. E. 2d 771.

No. 309, Misc. TOELLE *v.* COLORADO SEMINARY ET AL. Supreme Court of Colorado. Certiorari denied. *Albert Ellis Radkinsky* for petitioner.

No. 321, Misc. JONES *v.* FLORIDA. Supreme Court of Florida. Certiorari denied. *Zachariah Hicklin Douglas* for petitioner. Reported below: 67 So. 2d 207.

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No. 347, Misc. *AYCOCK v. NORTH CAROLINA*. Supreme Court of North Carolina. Certiorari denied.

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

No. 350, Misc. *CLEMENTI v. NEW JERSEY*. Supreme Court of New Jersey. Certiorari denied.

No. 352, Misc. *HAINES v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied.

No. 353, Misc. *SEVERA v. PENNSYLVANIA*. Superior Court of Pennsylvania. Certiorari denied.

No. 358, Misc. *FORTOLONI v. MICHIGAN*. Supreme Court of Michigan. Certiorari denied.

No. 359, Misc. *MARCO v. MICHIGAN*. Supreme Court of Michigan. Certiorari denied.

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

No. 361, Misc. *ROLLINS v. RAGEN, WARDEN, ET AL.* Circuit Court of Will County, Illinois. Certiorari denied.

No. 362, Misc. *NORDELL v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. Reported below: 414 Ill. 375, 111 N. E. 2d 555.

No. 363, Misc. *BARNETT v. RAGEN, WARDEN*. Circuit Court of Will County, Illinois. Certiorari denied.

No. 365, Misc. *DELEVAY v. KENEIPP ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied.

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No. 367, Misc. *COLE v. HEINZE, WARDEN*. Supreme Court of California. Certiorari denied.

No. 368, Misc. *SHAW v. RANDOLPH, WARDEN*. Circuit Court of Randolph County, Illinois. Certiorari denied.

No. 370, Misc. *DUNLAP v. MARYLAND*. Court of Appeals of Maryland. Certiorari denied.

No. 372, Misc. *MARSH v. INDIANA*. Superior Court of Indiana, La Porte County. Certiorari denied.

No. 375, Misc. *BOOTH v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 209 F. 2d 183.

No. 376, Misc. *JOHNSON v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied.

No. 377, Misc. *WELLS v. RAGEN, WARDEN, ET AL.* Criminal Court of Cook County, Illinois. Certiorari denied.

No. 378, Misc. *SEVERA v. MALPASS, PAROLE OFFICER*. C. A. 2d Cir. Certiorari denied.

No. 381, Misc. *THOMAS v. CALIFORNIA*. Supreme Court of California. Certiorari denied.

No. 383, Misc. *NORDELL v. RAGEN, WARDEN*. Circuit Court of Will County, Illinois. Certiorari denied.

No. 387, Misc. *ZUCCO v. RAGEN, WARDEN*. Circuit Court of Lake County, Illinois. Certiorari denied.

No. 393, Misc. *HALL v. SKEEN, WARDEN*. Supreme Court of Appeals of West Virginia. Certiorari denied.

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No. 395, Misc. *MALEK v. MICHIGAN*. Supreme Court of Michigan. Certiorari denied.

No. 396, Misc. *WARD v. ELLIS, GENERAL MANAGER OF STATE PENITENTIARY*. Supreme Court of Texas. Certiorari denied.

Rehearing Denied.

No. 81. *NATIONAL LABOR RELATIONS BOARD v. BILL DANIELS, INC. ET AL.*, 346 U. S. 918;

No. 209. *CHICAGO, ROCK ISLAND & PACIFIC RAILROAD CO. v. STUDE ET AL.*, 346 U. S. 574;

No. 224. *CIVIL AERONAUTICS BOARD v. SUMMERFIELD, POSTMASTER GENERAL, ET AL.*, *ante*, p. 67;

No. 225. *WESTERN AIR LINES, INC. v. CIVIL AERONAUTICS BOARD ET AL.*, *ante*, p. 67;

No. 435. *NORTH v. FLORIDA*, 346 U. S. 932;

No. 473. *ALKER ET AL. v. BUTCHER & SHERRERD ET AL.*, 346 U. S. 925; and

No. 474. *COLBERT ET AL. v. BROTHERHOOD OF RAILROAD TRAINMEN ET AL.*, 346 U. S. 931. Petitions for rehearing denied.

No. 128. *COUNTY BOARD OF ARLINGTON COUNTY ET AL. v. STATE MILK COMMISSION*, 346 U. S. 932. Motion for leave to file petition for rehearing denied.

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

No. 131, Misc. *TATE v. CALIFORNIA*, 346 U. S. 879. Second petition for rehearing denied.

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No. 288, Misc. *CURLEY v. WISCONSIN*, 346 U. S. 939;
and

No. 304, Misc. *ALLEN v. SMYTH*, SUPERINTENDENT
OF VIRGINIA STATE PENITENTIARY, *ante*, p. 906. Peti-
tions for rehearing denied.

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Decisions Per Curiam.

No. 423. *BENTSEN ET AL. v. BLACKWELL ET AL.* Cer-
tiorari, 346 U. S. 908, to the United States Court of
Appeals for the Fifth Circuit. Argued March 9, 1954.
Decided March 15, 1954. *Per Curiam*: The argument
having developed the undesirability of deciding the ques-
tions in this case on the pleadings, the writ of certiorari
is dismissed. *Paul A. Porter* and *Milton V. Freeman*
argued the cause for petitioners. With them on the
brief was *Jackson Littleton*. *Edward Holland McIlheran*
argued the cause for respondents. With him on the brief
was *Garland F. Smith*. By special leave of Court, *John*
F. Davis argued the cause for the Securities and Exchange
Commission, as *amicus curiae*, urging affirmance. With
him on the brief were *Solicitor General Sobeloff*, *William*
H. Timbers, *Alexander Cohen* and *Henry L. Stern*. Re-
ported below: 203 F. 2d 690.

No. 601. *TOWERY v. NORTH CAROLINA*. Appeal from
the Supreme Court of North Carolina. *Per Curiam*:
The appeal is dismissed for the want of a substantial fed-
eral question. *Arch K. Schoch* for appellant. Reported
below: 239 N. C. 274, 79 S. E. 2d 513.

Miscellaneous Orders.

No. 9, Original. *TEXAS v. NEW MEXICO ET AL.* The
report of the Special Master is received and ordered filed.
Exceptions, if any, to the report of the Special Master
may be filed by the parties within 60 days.

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No. 390, Misc. *WATSON v. BANNAN, WARDEN*. Motion for leave to file petition for writ of habeas corpus denied.

No. 407, Misc. *DE VITA v. McCORKLE, ACTING WARDEN, ET AL.* Motion for leave to file petition for writ of habeas corpus denied. *Harry Kay* for petitioner. *Charles V. Webb, Jr.* and *C. William Caruso* for respondents.

No. 444, Misc. *EX PARTE LONG*. Motion for leave to file petition for writ of prohibition denied. *William G. Grant* and *Benicio Sanchez Castano* for petitioner.

Certiorari Granted.

No. 534. *ELLIS v. DIXON ET AL., MEMBERS OF THE BOARD OF EDUCATION OF THE CITY OF YONKERS*. Appellate Division of the Supreme Court of New York, Second Department. Certiorari granted. *Emanuel Redfield* for petitioner. *John Preston Phillips* for respondents. Reported below: 281 App. Div. 987, 120 N. Y. S. 2d 854.

No. 385, Misc. *LEYRA v. DENNO, WARDEN*. C. A. 2d Cir. Certiorari granted. *Osmond K. Fraenkel* and *Frederick W. Scholem* for petitioner. *Nathaniel L. Goldstein*, Attorney General of New York, *Wendell P. Brown*, Solicitor General, *Samuel A. Hirshowitz*, Assistant Attorney General, and *William I. Siegel* for respondent. Reported below: 208 F. 2d 605.

Certiorari Denied.

No. 78. *BINGHAMTON CONSTRUCTION CO., INC. v. UNITED STATES*. Court of Claims. Certiorari denied. *Jerome Beaudrias* and *Malcolm R. MacIntyre* for peti-

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tioner. *Acting Solicitor General Stern* for the United States. Reported below: 123 Ct. Cl. 804, 107 F. Supp. 712.

No. 414. *McFEE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Elden McFarland* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Holland, Ellis N. Slack and Joseph M. Howard* for the United States. Reported below: 206 F. 2d 872.

No. 503. *HERRERA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *John C. Stevenson* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Olney and Beatrice Rosenberg* for the United States. Reported below: 208 F. 2d 215.

No. 517. *FLORENTINE v. LANDON, DISTRICT DIRECTOR OF IMMIGRATION AND NATURALIZATION*. C. A. 9th Cir. Certiorari denied. *Dolly Lee Butler* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Olney, Beatrice Rosenberg and Robert G. Maysack* for respondent. Reported below: 206 F. 2d 870.

No. 520. *RICKER ET AL., DOING BUSINESS AS EDW. M. RICKER & CO., v. UNITED STATES*. Court of Claims. Certiorari denied. *Harold C. Faulkner* for petitioners. *Acting Solicitor General Stern, Assistant Attorney General Burger and Samuel D. Slade* for the United States. Reported below: 126 Ct. Cl. 460, 115 F. Supp. 193.

No. 543. *CLAY v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Byron N. Scott* for petitioner. *Acting Solicitor General Stern, Assistant Attorney General Burger and Melvin Richter* for the United States. Reported below: 93 U. S. App. D. C. — 210 F. 2d 686.

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No. 555. *WILSON v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. *Frank A. McDonnell* for petitioner. Reported below: 1 Ill. 2d 178, 115 N. E. 2d 250.

No. 559. *JOHNSON ET AL. v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *John J. Duff* for petitioners. *Acting Solicitor General Stern*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Edward S. Szukelewicz* for the United States. Reported below: 208 F. 2d 404.

No. 561. *ADAMO v. McCORKLE, ACTING PRINCIPAL KEEPER OF STATE PRISON*. Supreme Court of New Jersey. Certiorari denied. *Dominick F. Pachella* for petitioner. *Grover C. Richman, Jr.*, Attorney General of New Jersey, and *Harold Kolovski* and *C. William Caruso*, Deputy Attorneys General, for respondent. Reported below: 13 N. J. 561, 100 A. 2d 674.

No. 565. *WILLIAMS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Geoffrey Creyke, Jr.* for petitioner. *Solicitor General Sobeloff*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *John R. Wilkins* for the United States. Reported below: 208 F. 2d 447.

No. 572. *MEADOWS v. WESTERN RESERVE LIFE INSURANCE Co.* Supreme Court of Texas. Certiorari denied. *John M. Scott* for petitioner. *Webster Atwell* for respondent. Reported below: 152 Tex. —, 261 S. W. 2d 554.

No. 576. *UNITED STATES v. TAFFS*. C. A. 8th Cir. Certiorari denied. *Acting Solicitor General Stern* for the United States. *Hayden C. Covington* for respondent. Reported below: 208 F. 2d 329.

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No. 472. UNITED RAILROAD OPERATING CRAFTS ET AL. *v.* WYER, TRUSTEE, ET AL. C. A. 2d Cir. Certiorari denied. MR. JUSTICE REED and MR. JUSTICE JACKSON are of the opinion certiorari should be granted. *Edward J. Fruchtman* and *Richard F. Watt* for petitioners. *William J. O'Brien* for Wyer; *Edward R. Brumley* for the New York, New Haven & Hartford Railroad Co.; *Shad Polier*, *Millard L. Midonick*, *Clifford D. O'Brien* and *Ruth Weyand* for the Brotherhood of Locomotive Engineers, and *Mr. Polier*, *Mr. Midonick*, *Harold C. Heiss* and *Russell B. Day* for the Brotherhood of Locomotive Firemen and Enginemen; and *Bernard L. Alderman* for the Brotherhood of Railroad Trainmen, respondents. Reported below: 205 F. 2d 153.

No. 513. UNITED RAILROAD OPERATING CRAFTS ET AL. *v.* NORTHERN PACIFIC RAILWAY CO. ET AL. C. A. 9th Cir. Certiorari denied. MR. JUSTICE REED and MR. JUSTICE JACKSON are of the opinion certiorari should be granted. *Clifford Hoof* for petitioners. *M. L. Countryman, Jr.* for the Northern Pacific Railway Co.; and *DeWitt Williams* for the Brotherhood of Railroad Trainmen, respondents. Reported below: 208 F. 2d 135.

No. 548. UNITED RAILROAD OPERATING CRAFTS ET AL. *v.* PENNSYLVANIA RAILROAD CO. ET AL. C. A. 7th Cir. Certiorari denied. MR. JUSTICE REED and MR. JUSTICE JACKSON are of the opinion certiorari should be granted. *Edward J. Fruchtman* and *Richard F. Watt* for petitioners. *Melvin L. Griffith* and *Edward B. Henslee* for the Brotherhood of Railroad Trainmen, respondent.

No. 108, Misc. FARRO *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Peter L. F. Sabbatino* for petitioner. *Acting Solicitor General Stern*, *Assistant Attor-*

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ney General Olney, Beatrice Rosenberg and Robert G. Maysack for the United States.

No. 210, Misc. JOHNSON *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied. Petitioner *pro se.* *Latham Castle*, Attorney General of Illinois, and *William C. Wines*, Assistant Attorney General, for respondent.

No. 272, Misc. VALYKEO *v.* WEST VIRGINIA ET AL. Supreme Court of Appeals of West Virginia. Certiorari denied. Petitioner *pro se.* *John G. Fox*, Attorney General of West Virginia, and *T. D. Kauffelt*, Assistant Attorney General, for respondents.

No. 317, Misc. PENNSYLVANIA EX REL. HAINES *v.* BURKE, WARDEN. Supreme Court of Pennsylvania, Eastern District. Certiorari denied. *Conrad G. Moffett* for petitioner.

No. 329, Misc. REED *v.* CRANOR, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit and the United States District Court for the Eastern District of Washington denied.

No. 379, Misc. WOOLFORD *v.* WARDEN, MARYLAND HOUSE OF CORRECTION. Supreme Bench of Baltimore City, Maryland. Certiorari denied.

No. 401, Misc. TRIPP *v.* NEW YORK. Court of Appeals of New York. Certiorari denied.

No. 403, Misc. KLINEDINST *v.* TEXAS. Court of Criminal Appeals of Texas. Certiorari denied. Reported below: — Tex. Cr. R. —, 265 S. W. 2d 593.

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No. 417, Misc. WILLIAMS *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

No. 418, Misc. PATSKIN *v.* PENNSYLVANIA. Supreme Court of Pennsylvania, Eastern District. Certiorari denied. *John Harrison Boyles* and *Milton I. Baldinger* for petitioner. Reported below: 375 Pa. 368, 100 A. 2d 472.

No. 320, Misc. HAEUSSLER *v.* CALIFORNIA. Supreme Court of California. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion certiorari should be granted. *A. L. Wirin* and *Fred Okrand* for petitioner. Reported below: 41 Cal. 2d 252, 260 P. 2d 8.

Rehearing Denied.

No. 12. IRVINE *v.* CALIFORNIA, *ante*, p. 128;

No. 198. MICHIGAN-WISCONSIN PIPE LINE Co. *v.* CALVERT, COMPTROLLER OF PUBLIC ACCOUNTS, ET AL., *ante*, p. 157; and

No. 200. PANHANDLE EASTERN PIPE LINE Co. *v.* CALVERT, COMPTROLLER OF PUBLIC ACCOUNTS, ET AL., *ante*, p. 157. Petitions for rehearing denied.

No. 17. PARTMAR CORPORATION ET AL. *v.* PARAMOUNT PICTURES THEATRES CORP. ET AL., *ante*, p. 89. Rehearing denied. MR. JUSTICE JACKSON and MR. JUSTICE CLARK took no part in the consideration or decision of this application.

No. 501. WHITE ET AL. *v.* HOWARD ET AL., *ante*, p. 910. Rehearing denied. THE CHIEF JUSTICE took no part in the consideration or decision of this application.

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Certiorari Granted.

No. 566. *McALLISTER v. UNITED STATES*. C. A. 2d Cir. Certiorari granted. *Jacob Rassner* for petitioner. *Solicitor General Sobeloff*, *Assistant Attorney General Burger* and *Leavenworth Colby* for the United States. Reported below: 207 F. 2d 952.

No. 587. *MEACHAM CORPORATION ET AL. v. UNITED STATES*. C. A. 4th Cir. Certiorari granted. *Thomas B. Gay* and *H. Merrill Pasco* for petitioners. *Solicitor General Sobeloff*, *Assistant Attorney General Burger*, *Melvin Richter* and *Cornelius J. Peck* for the United States. Reported below: 207 F. 2d 535.

No. 589. *OFFUTT v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari granted. *Warren E. Magee* and *Charlotte Maskey* for petitioner. *Solicitor General Sobeloff*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *John R. Wilkins* for the United States. Reported below: — U. S. App. D. C. —, 208 F. 2d 842.

No. 574. *COMMISSIONER OF INTERNAL REVENUE v. ESTATE OF STERNBERGER, CHASE NATIONAL BANK OF NEW YORK, EXECUTOR*. C. A. 2d Cir. Certiorari granted. *Robert L. Stern*, then Acting Solicitor General, filed the petition for the Commissioner. *Solicitor General Sobeloff* filed a reply to the brief in opposition. *Edward S. Greenbaum* for respondent. Reported below: 207 F. 2d 600.

*MR. JUSTICE JACKSON took no part in the consideration or decision of the cases in which orders are this day announced, except as noted in case No. 552, *post*, p. 937.

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No. 161, Misc. *CHANDLER v. WARDEN FRETAG*. Supreme Court of Tennessee. Certiorari granted. *James P. Brown, Carl A. Cowan and Phillip M. O'Hara* for petitioner. *Roy H. Beeler*, Attorney General of Tennessee, and *Nat Tipton* and *Knox Bigham*, Assistant Attorneys General, for respondent.

Certiorari Denied.

No. 495. *GILLASPIE v. DEPARTMENT OF PUBLIC SAFETY OF TEXAS*. Supreme Court of Texas. Certiorari denied. *Emmett J. Rahm* for petitioner. *John Ben Shepperd*, Attorney General of Texas, and *Rudy G. Rice*, Assistant Attorney General, for respondent. Reported below: 152 Tex. —, 259 S. W. 2d 177.

No. 527. *MOSELY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *J. Tom Watson* for petitioner. *Solicitor General Sobeloff*, Assistant Attorney General *Olney*, *Beatrice Rosenberg* and *Edward S. Szukelewicz* for the United States. Reported below: 207 F. 2d 908.

No. 554. *STEPP, ADMINISTRATOR, v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. *Louis B. Fine* for petitioner. *Solicitor General Sobeloff*, Assistant Attorney General *Burger* and *Paul A. Sweeney* for the United States. Reported below: 207 F. 2d 909.

No. 562. *BUMSTED ET AL. v. MARKHAM, ALIEN PROPERTY CUSTODIAN*. C. A. 3d Cir. Certiorari denied. *Joseph B. Keenan* for petitioners. *Solicitor General Sobeloff*, Assistant Attorney General *Townsend*, *James D. Hill*, *George B. Searls* and *David Schwartz* for respondent. Reported below: 207 F. 2d 503.

No. 563. *HOGAN v. RICKETTS, EXECUTOR*. C. A. 6th Cir. Certiorari denied. *George S. Hawke* for petitioner. Reported below: 207 F. 2d 780.

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No. 564. *ELLER ET AL. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. *Raymond Kyle Hayes* for petitioners. *Solicitor General Sobeloff, Assistant Attorney General Olney, Beatrice Rosenberg and Felicia Dubrovsky* for the United States. Reported below: 208 F. 2d 716.

No. 568. *UNITED STATES v. PRAYLOU ET AL.* C. A. 4th Cir. Certiorari denied. *Robert L. Stern*, then Acting Solicitor General, filed the petition for the United States. *Solicitor General Sobeloff* filed a memorandum for the United States in reply to the brief in opposition. *Shepard K. Nash* for respondents. Reported below: 208 F. 2d 291.

No. 570. *KASKEL v. IMPELLITTERI, MAYOR OF NEW YORK, ET AL.* Court of Appeals of New York. Certiorari denied. *Harold L. Herzstein* for petitioner. *Harry E. O'Donnell, Seymour B. Quel and Benjamin Offner* for Impellitteri et al.; and *Samuel I. Rosenman and Max Freund* for the Triborough Bridge & Tunnel Authority, respondents. Reported below: 306 N. Y. 73, 115 N. E. 2d 659.

No. 573. *EDWARD VALVES, INC. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Charles D. Hamel and John Enrietto* for petitioner. *Solicitor General Sobeloff, Assistant Attorney General Burger and Melvin Richter* for the United States. Reported below: 207 F. 2d 329.

No. 575. *UNITED BISCUIT CO., UNION BISCUIT DIVISION, v. NATIONAL LABOR RELATIONS BOARD*. C. A. 8th Cir. Certiorari denied. *Walter R. Mayne* for petitioner. *Solicitor General Sobeloff, George J. Bott, David P. Findling and Dominick L. Manoli* for respondent. Reported below: 208 F. 2d 52.

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No. 578. DUFFY THEATRES, INC. *v.* GRIFFITH CONSOLIDATED THEATRES, INC. C. A. 10th Cir. Certiorari denied. *Glen D. Johnson* for petitioner. Reported below: 208 F. 2d 316.

No. 579. YOUNG ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 4th Cir. Certiorari denied. *William E. Davis, Kendall A. Young and T. Barton Harrington* for petitioners. *Solicitor General Sobeloff, Assistant Attorney General Holland, Ellis N. Slack and John J. Kelley, Jr.* for respondent. Reported below: 208 F. 2d 795.

No. 580. CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD Co. *v.* WOODROW. Supreme Court of Minnesota. Certiorari denied. *A. C. Erdall, M. L. Bluhm and C. L. Taylor* for petitioner. *Harry H. Peterson* for respondent. Reported below: 240 Minn. —, 61 N. W. 2d 240.

No. 582. INDUSTRIAL COTTON MILLS (DIVISION OF J. P. STEVENS & Co., INC.) *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 4th Cir. Certiorari denied. *Whiteford S. Blakeney* for petitioner. *Solicitor General Sobeloff, George J. Bott, David P. Findling, Dominick L. Manoli and Bernard Dunau* for respondent. Reported below: 208 F. 2d 87.

No. 585. Q-TIPS, INC. *v.* JOHNSON & JOHNSON. C. A. 3d Cir. Certiorari denied. *W. Brown Morton* for petitioner. *Arnold S. Worfolk and Norman St. Landau* for respondent. Reported below: 207 F. 2d 509.

No. 586. SKALLY ET AL. *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. *Charles Dana Snewind* for petitioners. *Solicitor General Sobeloff, Assistant Attorney*

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General Olney, Robert S. Erdahl and Robert G. Maysack for the United States. Reported below: 210 F. 2d 69.

No. 588. D. O. NORTON & SON ET AL. *v.* INDUSTRIAL ACCIDENT COMMISSION OF CALIFORNIA ET AL. Supreme Court of California. Certiorari denied. *H. Mason Welch* and *J. Joseph Barse* for petitioners. *Everett A. Corten* for the Industrial Accident Commission of California, respondent.

No. 590. HICKOK ET AL. *v.* TOLEDO SOCIETY FOR CRIPPLED CHILDREN ET AL. Supreme Court of Texas. Certiorari denied. *Frank A. Harrington* and *Henry W. Seney* for petitioners. *Charles L. Black, Virgil T. Seaberry, Bert P. Hebenstreit, Wayne E. Stichter* and *LeRoy E. Eastman* for respondents. Reported below: 152 Tex. —, 261 S. W. 2d 692.

No. 594. HUMBLE OIL & REFINING CO. *v.* SHEPPERD, ATTORNEY GENERAL. Court of Civil Appeals of Texas, Ninth Supreme Judicial District. Certiorari denied. *Felix A. Raymer* and *Rex G. Baker* for petitioner. *John Ben Shepperd*, Attorney General of Texas, and *Phillip Robinson*, Assistant Attorney General, for respondent. Reported below: 259 S. W. 2d 580.

No. 600. DORRIS, COUNTY CHAIRMAN OF DEMOCRATIC PARTY OF LUZERNE COUNTY, *v.* LLOYD ET AL., COUNTY COMMISSIONERS OF LUZERNE COUNTY. Supreme Court of Pennsylvania, Eastern District. Certiorari denied. *Daniel J. Flood* and *James Lenahan Brown* for petitioner. Reported below: 375 Pa. 474, 100 A. 2d 924.

No. 514. WASHINGTON DEPARTMENT OF GAME ET AL. *v.* FEDERAL POWER COMMISSION ET AL. C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion certiorari should be granted. *Don Eastvold*, Attor-

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ney General, and *William E. Hicks, Lee Olwell* and *Harold A. Pebbles*, Special Assistant Attorneys General, for the State of Washington, petitioner. *Robert L. Stern*, then Acting Solicitor General, *Assistant Attorney General Burger, Melvin Richter, Lester S. Jayson, Willard W. Gatchell, John C. Mason* and *Louis C. Kaplan* for the Federal Power Commission, and *Clarence M. Boyle* and *E. K. Murray* for the City of Tacoma, respondents. Reported below: 207 F. 2d 391.

No. 552. IDAHO *v.* ARTHUR. Supreme Court of Idaho. Certiorari denied. MR. JUSTICE REED and MR. JUSTICE JACKSON are of the opinion certiorari should be granted. *Robert E. Smylie*, Attorney General of Idaho, and *J. R. Smead*, Assistant Attorney General, for petitioner. *Theodore H. Little* for respondent. Reported below: 74 Idaho 251, 261 P. 2d 135.

No. 553. SWAN *v.* BOARD OF EDUCATION OF THE CITY OF LOS ANGELES. Supreme Court of California. Certiorari denied. *L. H. Phillips* for petitioner. *Harold W. Kennedy* and *Clarence H. Langstaff* for respondent. Reported below: 41 Cal. 2d 546, 261 P. 2d 261.

No. 560. SCHINO *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this application. *Alfonso J. Zirpoli* for petitioner. *Solicitor General Sobeloff, Assistant Attorney General Olney, Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 209 F. 2d 67.

No. 211, Misc. REED ET AL. *v.* BLEVINS ET AL. Supreme Court of Arkansas. Certiorari denied. *P. L. Smith* and *Tilghman E. Dixon* for petitioners. *A. L. Barber* for respondents. Reported below: 222 Ark. 202, 258 S. W. 2d 564.

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No. 247, Misc. JOHNSON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Petitioner *pro se.* *Robert L. Stern*, then Acting Solicitor General, *Assistant Attorney General Olney, Beatrice Rosenberg* and *Edward S. Szukel-wicz* for the United States. Reported below: 207 F. 2d 314.

No. 336, Misc. SCHINDLER *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Petitioner *pro se.* *Robert L. Stern*, then Acting Solicitor General, *Assistant Attorney General Olney, Beatrice Rosenberg* and *Edward S. Szukelewicz* for the United States. Reported below: 208 F. 2d 289.

No. 373, Misc. BANNING *v.* LOONEY, WARDEN, ET AL. C. A. 10th Cir. Certiorari denied.

No. 382, Misc. GRAZIANO *v.* RAGEN, WARDEN. Circuit Court of Will County, Illinois. Certiorari denied.

No. 386, Misc. STEVENS *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

No. 389, Misc. MUSKUS *v.* OHIO. Supreme Court of Ohio. Certiorari denied. *Ralph W. Ross* for petitioner. *John Rossetti* for respondent. Reported below: 160 Ohio St. 233, 115 N. E. 2d 585.

No. 391, Misc. COLLINS *v.* MICHIGAN. Supreme Court of Michigan. Certiorari denied.

No. 397, Misc. THOMAS *v.* CALIFORNIA ET AL. Supreme Court of California. Certiorari denied.

No. 408, Misc. GRAMMER *v.* MARYLAND. Court of Appeals of Maryland. Certiorari denied. *Joseph Sher-*

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bow and *Theodore Sherbow* for petitioner. *Edward D. E. Rollins*, Attorney General of Maryland, *Ambrose T. Hartman*, Assistant Attorney General, and *Anselm Sodaro* for respondent. Reported below: 203 Md. 200, 100 A. 2d 257.

No. 413, Misc. *PALANUK v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. *Claude L. Dawson* for petitioner. *Solicitor General Sobeloff*, *Assistant Attorney General Burger*, *Paul A. Sweeney* and *John R. Benney* for the United States. Reported below: 207 F. 2d 802.

No. 419, Misc. *TABOR v. HIATT, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 422, Misc. *BARRINGER v. CRANOR, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY*. Supreme Court of Washington. Certiorari denied.

No. 426, Misc. *MERRIMAN v. ARIZONA*. Supreme Court of Arizona. Certiorari denied.

No. 430, Misc. *WADE v. CONNECTICUT*. Supreme Court of Errors of Connecticut. Certiorari denied.

No. 434, Misc. *SHEEHAN v. CRANOR, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY*. Supreme Court of Washington. Certiorari denied.

No. 439, Misc. *LEEDY v. INDIANA*. Supreme Court of Indiana. Certiorari denied. *James C. Cooper* for petitioner. Reported below: — Ind. —, 115 N. E. 2d 600.

No. 445, Misc. *BECK v. CRANOR, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY*. Supreme Court of Washington. Certiorari denied.

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No. 450, Misc. HOLLAND *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

No. 451, Misc. OWENS *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

No. 453, Misc. BEARD ET AL. *v.* RAGEN, WARDEN. Circuit Court of Lake County, Illinois. Certiorari denied.

No. 457, Misc. MOTLEY *v.* NORTH CAROLINA. Superior Court of Rockingham County, North Carolina. Certiorari denied.

No. 458, Misc. NEWTON *v.* CRANOR, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY. Supreme Court of Washington. Certiorari denied.

Rehearing Denied.

No. 473. ALKER ET AL. *v.* BUTCHER & SHERRERD ET AL., 346 U. S. 925. Second petition for rehearing denied.

No. 65. UNITED STATES *v.* BINGHAMTON CONSTRUCTION Co., INC., *ante*, p. 171;

No. 519. GEOFFROY MFG., INC. ET AL. *v.* GRAHAM ET AL., *ante*, p. 920;

No. 525. PARNACHER ET AL. *v.* MOUNT, *ante*, p. 917;

No. 546. JONES ET UX. *v.* UNITED STATES, *ante*, p. 921;

No. 225, Misc. ANSELMi *v.* ATTORNEY GENERAL OF THE UNITED STATES ET AL., *ante*, p. 902;

No. 332, Misc. NEGRON ET AL. *v.* NEW YORK, *ante*, p. 907;

No. 346, Misc. EX PARTE LUSTIG, *ante*, p. 911; and

No. 352, Misc. HAINES *v.* ILLINOIS, *ante*, p. 922. Petitions for rehearing denied.

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Decisions Per Curiam.

No. 606. INTERSTATE MOTOR FREIGHT SYSTEM, INC. v. MESSNER, SECRETARY OF THE DEPARTMENT OF REVENUE, ET AL.; and

No. 615. SHIRKS MOTOR EXPRESS CORP. v. MESSNER, SECRETARY OF THE DEPARTMENT OF REVENUE, ET AL. Appeals from the Supreme Court of Pennsylvania, Middle District. *Per Curiam*: The motions to dismiss are granted and the appeals are dismissed for the want of a substantial federal question. *Frank A. Sinon* for appellants. *John R. Norris* was also for appellant in No. 615. *Frank F. Truscott*, Attorney General of Pennsylvania, and *Harry F. Stambaugh* for appellees. Reported below: 375 Pa. 450, 100 A. 2d 913.

Miscellaneous Orders.

No. 5, Original, October Term, 1950. NEW JERSEY v. NEW YORK ET AL. The motion of the State of Delaware for leave to intervene and to file an answer to the amended petition of the City of New York for modification of the decree is granted and the answer is referred to the Special Master. *H. Albert Young*, Attorney General, and *Vincent A. Theisen*, Chief Deputy Attorney General, for the State of Delaware.

No. 431, Misc. BREEDING v. SWENSON, WARDEN. Petition for writ of certiorari to the Supreme Court of Minnesota denied. Motion for leave to file petition for writ of habeas corpus also denied. Reported below: 241 Minn. —, 62 N. W. 2d 488.

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

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No. 380, Misc. *EX PARTE ALLEN*. Motion for leave to file petition for writ of mandamus denied.

No. 398, Misc. *SMITH v. OVERLADE, WARDEN*. Motion for leave to file petition for writ of certiorari denied.

No. 404, Misc. *EX PARTE RITCHEY*; and

No. 467, Misc. *IN RE MARSH*. Motions for leave to file petitions for writs of habeas corpus denied.

Certiorari Granted.

No. 591. *RICE v. SIOUX CITY MEMORIAL PARK CEMETERY, INC. ET AL.* Supreme Court of Iowa. Certiorari granted. *Neil R. McCluhan* and *Lowell C. Kindig* for petitioner. *Jesse E. Marshall* and *H. C. Harper* for respondents. Reported below: 245 Iowa 147, 60 N. W. 2d 110.

No. 626. *BALTIMORE CONTRACTORS, INC. v. BODINGER*. C. A. 2d Cir. Certiorari granted. *Morris Rosenberg* and *George Brussel, Jr.* for petitioner. *Charles Wilson* for respondent.

Certiorari Denied. (See also Misc. Nos. 398 and 431, *supra*.)

No. 537. *MOORE v. COMMISSIONER OF INTERNAL REVENUE*; and

No. 596. *COMMISSIONER OF INTERNAL REVENUE v. MOORE*. C. A. 9th Cir. Certiorari denied. *Melvin D. Wilson* and *Elmo H. Conley* for Moore. *Robert L. Stern*, then Acting Solicitor General, *Assistant Attorney General Holland*, *Ellis N. Slack*, *Lee A. Jackson* and *Joseph F. Goetten* for the Commissioner. Reported below: 207 F. 2d 265.

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No. 584. *NITTERHOUSE v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. *Henry D. O'Connor* for petitioner. *Solicitor General Sobeloff*, *Assistant Attorney General Holland*, *Ellis N. Slack* and *Robert B. Ross* for the United States. Reported below: 207 F. 2d 618.

No. 597. *FARMER, CHAIRMAN OF THE NATIONAL LABOR RELATIONS BOARD, ET AL. v. UNITED ELECTRICAL, RADIO & MACHINE WORKERS OF AMERICA (UE) ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Robert L. Stern*, then Acting Solicitor General, and *George J. Bott* for the National Labor Relations Board, petitioner. *David Scribner* for the United Electrical, Radio & Machine Workers; *Victor Rabinowitz* for the American Communications Association; and *Harold I. Cammer* for the International Fur & Leather Workers Union, respondents. Reported below: — U. S. App. D. C. —, 211 F. 2d 36.

No. 598. *FARMER, CHAIRMAN OF THE NATIONAL LABOR RELATIONS BOARD, ET AL. v. INTERNATIONAL FUR & LEATHER WORKERS UNION OF UNITED STATES AND CANADA.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Robert L. Stern*, then Acting Solicitor General, and *George J. Bott* filed the petition for the National Labor Relations Board, petitioner. *Solicitor General Sobeloff* and *Mr. Bott* filed a memorandum in reply to the brief in opposition. *Harold I. Cammer* and *David Rein* for respondent. Reported below: — U. S. App. D. C. —, 211 F. 2d 36.

No. 603. *BALTIMORE & OHIO RAILROAD CO. v. JOHNSON, ADMINISTRATRIX.* C. A. 3d Cir. Certiorari denied. *Edwin H. Burgess* and *Kenneth H. Ekin* for petitioner. Reported below: 208 F. 2d 633.

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No. 604. *BAYARD ET AL. v. MARTIN*. Supreme Court of Delaware. Certiorari denied. *Gerard P. Kavanaugh* for petitioners. *Daniel O. Hastings* and *William D. Donnelly* for respondent. Reported below: — Del. —, 101 A. 2d 329.

No. 605. *PIERCE v. AMERICAN COMMUNICATIONS Co., INC.* C. A. 1st Cir. Certiorari denied. *David Rines* for petitioner. *Paul Kolisch* and *Robert L. Thompson* for respondent. Reported below: 208 F. 2d 763.

No. 607. *PIGOTT ET AL. v. DETROIT, TOLEDO & IRONTON RAILROAD Co. ET AL.* C. A. 6th Cir. Certiorari denied. *Edward J. Fruchtman* and *Richard F. Watt* for petitioners. *Wayland K. Sullivan* for the Brotherhood of Railroad Trainmen, respondent.

No. 610. *LEIDMAN v. BINGHAM ET AL., CONSTITUTING THE BOARD OF TRANSPORTATION OF THE CITY OF NEW YORK, ET AL.* Court of Appeals of New York. Certiorari denied. *Irving Lemov* for petitioner. *Seymour B. Quel* for respondents. Reported below: 306 N. Y. 663, 116 N. E. 2d 496.

No. 627. *COLLINS, TRUSTEE, ET AL. v. O'BRIEN ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *William B. Collins* for petitioners. *Al. Philip Kane*, *Charles V. Koons* and *William A. Kehoe, Jr.* for respondents. Reported below: — U. S. App. D. C. —, 208 F. 2d 44.

No. 251, Misc. *SHERIDAN v. ELLIS, GENERAL MANAGER, TEXAS PRISON SYSTEM.* Court of Criminal Appeals of Texas. Certiorari denied. Petitioner *pro se. John Ben Shepperd*, Attorney General of Texas, and *Rudy G. Rice* and *A. M. LeCroix*, Assistant Attorneys General, for respondent.

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No. 330, Misc. *CALARCO v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Sobeloff*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Edward S. Szukelewicz* for the United States. Reported below: 207 F. 2d 958.

No. 355, Misc. *HERMAN ET AL. v. HERMAN ET AL.* Court of Appeals of New York. Certiorari denied. *Bernard H. Sandler*, *David Schenker* and *Benjamin Schenker* for M. Edward Herman, petitioner. *John C. Marbach* for Helen Herman, respondent. Reported below: 306 N. Y. 566, 115 N. E. 2d 679.

No. 356, Misc. *FONTANO v. NEW JERSEY*. Supreme Court of New Jersey. Certiorari denied. Reported below: 14 N. J. 173, 101 A. 2d 559.

No. 357, Misc. *GIBSON v. LAINSON, WARDEN*. Supreme Court of Iowa. Certiorari denied. Reported below: 244 Iowa 1396, 60 N. W. 2d 797.

No. 394, Misc. *CHANDLER v. SKEEN, WARDEN*. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 399, Misc. *BRADFORD v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 405, Misc. *RZEPPA v. MICHIGAN ET AL.* Supreme Court of Michigan. Certiorari denied.

No. 406, Misc. *GREENE v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. Reported below: 1 Ill. 2d 235, 115 N. E. 2d 265.

No. 409, Misc. *HORTON v. SKEEN, WARDEN*. Supreme Court of Appeals of West Virginia. Certiorari denied.

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No. 411, Misc. COLLINS *v.* SUPREME COURT OF CALIFORNIA. Supreme Court of California. Certiorari denied.

No. 416, Misc. KAUMEYER *v.* STEELE, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 420, Misc. FURLONG *v.* NEW JERSEY. Supreme Court of New Jersey. Certiorari denied.

No. 421, Misc. BROADBENT *v.* BROADBENT. Appellate Court of Illinois, First District. Certiorari denied. Petitioner *pro se.* *Leon N. Miller* for respondent. Reported below: 351 Ill. App. 192, 114 N. E. 2d 425.

No. 423, Misc. MCGEE *v.* NEW YORK. Court of Appeals of New York. Certiorari denied.

No. 424, Misc. GERMANY *v.* HUDSPETH, WARDEN. C. A. 10th Cir. Certiorari denied. *Elisha Scott* for petitioner. *Harold R. Fatzer*, Attorney General of Kansas, and *Paul E. Wilson*, Assistant Attorney General, for respondent. Reported below: 209 F. 2d 15.

No. 425, Misc. SCHUCH *v.* PENNSYLVANIA ET AL. Supreme Court of Pennsylvania, Eastern District. Certiorari denied.

No. 428, Misc. LEVITAS *v.* ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK. Court of Appeals of New York and the Appellate Division of the Supreme Court of New York, First Department. Certiorari denied. Petitioner *pro se.* *Frank H. Gordon* for respondent. Reported below: 306 N. Y. 632, 116 N. E. 2d 242.

No. 429, Misc. YOUNG *v.* EIDSON, WARDEN. Supreme Court of Missouri. Certiorari denied.

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No. 433, Misc. *MACK v. ELLIS*, GENERAL MANAGER, TEXAS PRISON SYSTEM. Court of Criminal Appeals of Texas. Certiorari denied.

No. 436, Misc. *BECKER v. RAGEN*, WARDEN. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 437, Misc. *GOLDSMITH v. WASHINGTON*. Supreme Court of Washington. Certiorari denied.

No. 438, Misc. *WALTER v. BAUMAN ET AL.* Supreme Court of Ohio. Certiorari denied. Reported below: 160 Ohio St. 273, 116 N. E. 2d 435.

No. 440, Misc. *BANNING v. IOWA ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 209 F. 2d 262.

No. 441, Misc. *SHAILER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 443, Misc. *MACK v. RAGEN*, WARDEN. Circuit Court of Will County, Illinois. Certiorari denied.

No. 448, Misc. *COLE v. RANDOLPH*, WARDEN. Circuit Court of Macoupin County, Illinois. Certiorari denied.

No. 449, Misc. *GATES v. RAGEN*, WARDEN. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 452, Misc. *COLEMON v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied.

No. 454, Misc. *PENNENGA v. NEW YORK*. Appellate Division of the Supreme Court of New York, Third Judicial Department. Certiorari denied.

No. 455, Misc. *ROLESON v. NEW JERSEY*. Supreme Court of New Jersey. Certiorari denied. Reported below: 14 N. J. 403, 102 A. 2d 606.

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No. 460, Misc. *TUMBILOLO v. NEW JERSEY*. Supreme Court of New Jersey. Certiorari denied. Reported below: 14 N. J. 495, 103 A. 2d 182.

No. 461, Misc. *HOWARD v. MICHIGAN*. Supreme Court of Michigan. Certiorari denied.

No. 463, Misc. *MILAM v. WEST VIRGINIA*. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 464, Misc. *CARROLL v. RAGEN, WARDEN*. Circuit Court of Will County, Illinois. Certiorari denied.

No. 465, Misc. *FARLEY v. SKEEN, WARDEN*. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 469, Misc. *LUNDBERG v. JACQUES, WARDEN*. Supreme Court of Michigan. Certiorari denied.

No. 471, Misc. *BROWNING v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 210 F. 2d 654.

No. 473, Misc. *SMITH v. ROVER ET AL.* United States District Court for the District of Columbia. Certiorari denied.

No. 474, Misc. *DAVIS v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied.

No. 478, Misc. *GASTON v. MICHIGAN*. Supreme Court of Michigan. Certiorari denied.

No. 486, Misc. *SMITH v. BANNAN, WARDEN*. Supreme Court of Michigan. Certiorari denied.

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No. 492, Misc. *BEECHER v. LEAVENWORTH STATE BANK ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 211 F. 2d 158.

No. 447, Misc. *VANDERWYDE v. DENNO, WARDEN.* C. A. 2d Cir. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion certiorari should be granted. *Rudolph Stand* for petitioner. *Nathaniel L. Goldstein*, Attorney General of New York, *Wendell P. Brown*, Solicitor General, *Samuel A. Hirshowitz* and *Theodore P. Halperin*, Assistant Attorneys General, and *Frank S. Hogan* for respondent. Reported below: 210 F. 2d 105.

Rehearing Denied.

No. 228. *MAZER ET AL., DOING BUSINESS AS JUNE LAMP MANUFACTURING CO., v. STEIN ET AL., DOING BUSINESS AS REGLOF OF CALIFORNIA, ante*, p. 201; and

No. 351, Misc. *CROSS v. SUPREME COURT OF CALIFORNIA, ante*, p. 915. Petitions for rehearing denied.

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Decisions Per Curiam.

No. 644. *VISSERING MERCANTILE CO. ET AL. v. AN-NUNZIO, DIRECTOR OF LABOR, ET AL.* Appeal from the Supreme Court of Illinois. *Per Curiam*: The appeal is dismissed for the want of a substantial federal question. *Preston C. King, Jr.* and *Preston B. Kavanagh* for appellants. Reported below: 1 Ill. 2d 108, 115 N. E. 2d 306.

No. 652. *ARENS ET AL. v. VILLAGE OF ROGERS.* Appeal from the Supreme Court of Minnesota. *Per Curiam*: The appeal is dismissed for the want of a substantial

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

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federal question. *William B. Lockhart* and *David W. Louisell* for appellants. Reported below: — Minn. —, 61 N. W. 2d 508.

Miscellaneous Orders.

Pursuant to the provisions of Title 28, U. S. C., § 42, It is ordered that MR. JUSTICE REED be, and he is hereby, temporarily assigned to the Second Circuit as Circuit Justice.

No. —, Original. ALABAMA *v.* TEXAS ET AL.; and

No. —, Original. RHODE ISLAND *v.* LOUISIANA ET AL., *ante*, p. 272. Petitions for rehearing denied. Motion for clarification of the decision also denied. THE CHIEF JUSTICE took no part in the consideration or decision of these applications.

No. 494, Misc. BYRNE *v.* HOOPER, U. S. DISTRICT JUDGE. Motion for leave to file petition for writ of mandamus denied.

Probable Jurisdiction Noted.

No. 647. UNITED STATES *v.* SHUBERT ET AL. Appeal from the United States District Court for the Southern District of New York. Probable jurisdiction noted. *Robert L. Stern*, then Acting Solicitor General, filed a Statement as to Jurisdiction for the United States, appellant. *Alfred McCormack* and *William Klein* for appellees. Reported below: 120 F. Supp. 15.

Certiorari Granted.

No. 47. WILBURN BOAT CO. ET AL. *v.* FIREMAN'S FUND INSURANCE CO. C. A. 5th Cir. Certiorari granted. *Hovert Price* and *Alexander Gullett* for petitioners. *Edward B. Hayes* for respondent. Reported below: 201 F. 2d 833.

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NO. 612. NATIONAL CITY BANK OF NEW YORK *v.* REPUBLIC OF CHINA ET AL. C. A. 2d Cir. Certiorari granted. *Chauncey B. Garver* and *Wm. Harvey Reeves* for petitioner. *Cletus Keating*, *Robert E. Kline, Jr.* and *Louis J. Gusmano* for the Republic of China, respondent. Reported below: 208 F. 2d 627.

NO. 654. UNITED STATES *v.* BROWN. C. A. 2d Cir. Certiorari granted. *Solicitor General Sobeloff* for the United States. *Lee S. Kreindler* filed a memorandum stating that respondent does not oppose the petition. Reported below: 209 F. 2d 463.

Certiorari Denied.

NO. 130. SORENSEN ET AL. *v.* CITY OF NEW YORK. C. A. 2d Cir. Certiorari denied. *William L. Standard* and *Louis R. Harolds* for petitioners. *Denis M. Hurley* and *Seymour B. Quel* for respondent. Reported below: 202 F. 2d 857.

NO. 592. WITTE *v.* NEW JERSEY. Supreme Court of New Jersey. Certiorari denied. *Joseph Sitnick* for petitioner. *Grover C. Richman, Jr.*, Attorney General of New Jersey, and *John G. Thevos*, Deputy Attorney General, for respondent. Reported below: 13 N. J. 598, 100 A. 2d 754.

NO. 599. GENERAL ELECTRIC CO. *v.* PORTER. C. A. 9th Cir. Certiorari denied. *F. D. Metzger* for petitioner. *Ivan Merrick, Jr.* and *Florence Mayne Merrick* for respondent. Reported below: 208 F. 2d 805.

NO. 602. THEOBALD INDUSTRIES, INC. *v.* UNITED STATES. Court of Claims. Certiorari denied. *Josephus C. Trimble* and *Joseph P. McCarthy* for petitioner. *Solicitor General Sobeloff*, Assistant Attorney General

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Burger, Melvin Richter and Morton Hollander for the United States. Reported below: 126 Ct. Cl. 517, 115 F. Supp. 699.

No. 608. *LOUIS PIZITZ DRY GOODS CO., INC. v. DEAL ET AL., EXECUTORS*. C. A. 5th Cir. Certiorari denied. *William S. Pritchard and Winston B. McCall* for petitioner. *Solicitor General Sobeloff, Assistant Attorney General Holland, Ellis N. Slack and Lee A. Jackson* for respondents. Reported below: 208 F. 2d 724.

No. 613. *SHANNON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *E. T. Miller and James O. Cade* for petitioner. *Solicitor General Sobeloff, Assistant Attorney General Olney, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 209 F. 2d 835.

No. 614. *ACCARDO v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. *Jack Wasserman and Anthony A. Calandra* for petitioner. *Solicitor General Sobeloff, Assistant Attorney General Olney and Beatrice Rosenberg* for the United States. Reported below: 208 F. 2d 632.

No. 616. *INTERSTATE COMMERCE COMMISSION v. TAYLOR*. C. A. 9th Cir. Certiorari denied. *Edward M. Reidy and James A. Murray* for petitioner. Reported below: 209 F. 2d 353.

No. 618. *SAVAGE TRUCK LINE, INC. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. *Collins Denny, Jr.* for petitioner. *Solicitor General Sobeloff, Assistant Attorney General Burger, Paul A. Sweeney and Cornelius J. Peck* for the United States. Reported below: 209 F. 2d 442.

No. 619. *CAPRIO v. NEW JERSEY*. Supreme Court of New Jersey. Certiorari denied. *Ralph G. Mesce* for

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petitioner. *Charles V. Webb, Jr.* and *C. William Caruso* for respondent. Reported below: 14 N. J. 64, 101 A. 2d 9.

No. 620. UNITED STATES *v.* HOOLEY. C. A. 1st Cir. Certiorari denied. *Solicitor General Sobeloff* for the United States. Reported below: 209 F. 2d 219.

No. 621. UNITED STATES *v.* O'KEEFE. C. A. 1st Cir. Certiorari denied. *Solicitor General Sobeloff* for the United States. Reported below: 209 F. 2d 223.

No. 623. FERROLINE CORPORATION *v.* GENERAL ANILINE & FILM CORP. C. A. 7th Cir. Certiorari denied. *George I. Haight* and *Carl Hoppe* for petitioner. *Edward R. Johnston* and *James A. Sprowl* for respondent. Reported below: 207 F. 2d 912.

No. 624. PECHEUR LOZENGE Co., INC. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 2d Cir. Certiorari denied. *Walter Gordon Merritt*, *Alfred J. L'Heureux* and *Henry Clifton, Jr.* for petitioner. *Solicitor General Sobeloff*, *George J. Bott*, *David P. Findling*, *Dominick L. Manoli* and *Frederick U. Reel* for respondent. Reported below: 209 F. 2d 393.

No. 636. SUPREME GRAND LODGE, MODERN FREE AND ACCEPTED COLORED MASONS OF THE WORLD, *v.* MOST WORSHIPFUL PRINCE HALL GRAND LODGE, FREE AND ACCEPTED MASONS, JURISDICTION OF GEORGIA. C. A. 5th Cir. Certiorari denied. *W. Edward Swinson* for petitioner. *Thurgood Marshall* and *Amos T. Hall* for respondent. Reported below: 209 F. 2d 156.

No. 638. SALSBUURY MOTORS, INC., WHOSE NAME HAS BEEN CHANGED TO WAYNE MANUFACTURING Co., *v.* UNITED STATES ET AL. C. A. 9th Cir. Certiorari denied. *George R. Maury* for petitioner. *Solicitor General Sobe-*

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loff, Assistant Attorney General Holland, Ellis N. Slack, Hilbert P. Zarky and Walter Akerman, Jr. for the United States, respondent. Reported below: 210 F. 2d 171.

No. 640. HEMPHILL, EXECUTOR, *v.* WABASH RAILROAD Co. C. A. 7th Cir. Certiorari denied. Thomas Sweeney and Omer Poos for petitioner. Lee William Ensel for respondent. Reported below: 209 F. 2d 768.

No. 646. HAMME ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 4th Cir. Certiorari denied. Stanley Worth, Edward S. Smith, J. Gilmer Körner, Jr., Richard S. Doyle, Monte Appel and Jules G. Körner, III, for petitioners. Solicitor General Sobeloff, Assistant Attorney General Holland, Ellis N. Slack and Elmer J. Kelsey for respondent. Reported below: 209 F. 2d 29.

No. 677. WILSON, EXECUTOR, ET AL. *v.* SIMLER. C. A. 10th Cir. Certiorari denied. Fred E. Suits and John B. Dudley for petitioners. Leslie L. Conner and Charles W. Conner for respondent. Reported below: 210 F. 2d 99.

No. 571. BLOEDORN, EXECUTRIX, *v.* UNITED STATES. Petition for writ of certiorari to the Court of Claims denied for the reason that application therefor was not made within the time provided by law. Edgar J. Goodrich, Lipman Redman and George S. Elmore for petitioner. Solicitor General Sobeloff for the United States. Reported below: 126 Ct. Cl. 591, 116 F. Supp. 133.

No. 617. APPLEWHITE ET AL. *v.* JONES ET AL. C. A. 7th Cir. Certiorari denied. Edmund Hatfield for petitioners. Reported below: 207 F. 2d 701.

No. 629. SUMTER ET UX. *v.* SHEFFIELD ET AL. C. A. 5th Cir. Certiorari denied. Petitioners *pro se.* W. Carloss Morris, Jr. for Morris et al., respondents. Reported below: 207 F. 2d 958.

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No. 630. *CHAPLIN v. CLANCY*, U. S. DISTRICT JUDGE, ET AL. C. A. 2d Cir. Motion of respondent to supplement the record denied. Certiorari denied. *Myles J. Lane* for petitioner. *Jay Leo Rothschild* for Kravetz, respondent. Reported below: 209 F. 2d 958.

No. 656. *MALLONEE ET AL., SHAREHOLDERS' PROTECTIVE COMMITTEE, ET AL. v. FAHEY ET AL.*; and

No. 659. *UTLEY, RECEIVER, v. FAHEY ET AL.* C. A. 9th Cir. Certiorari denied. MR. JUSTICE CLARK took no part in the consideration or decision of these applications. *Wyckoff Westover* for Mallonee et al., and *Charles K. Chapman* for the Long Beach Federal Savings and Loan Association, petitioners in No. 656. *W. I. Gilbert, Jr.* for petitioner in No. 659. *Solicitor General Sobeloff*, *Assistant Attorney General Burger*, *Samuel D. Slade* and *Herman Marcuse* for Fahey et al., and *Sylvester Hoffmann* for the Federal Home Loan Bank of San Francisco, respondents. Reported below: 208 F. 2d 197.

No. 264, Misc. *JOHNSON v. ILLINOIS*. Supreme Court of Illinois and Criminal Court of Cook County, Illinois. Certiorari denied. Petitioner *pro se*. *Latham Castle*, Attorney General of Illinois, and *William C. Wines*, Assistant Attorney General, for respondent.

No. 342, Misc. *MESSAMORE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Sobeloff*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 209 F. 2d 258.

No. 369, Misc. *RICE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Sobeloff*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Edward S. Szukelewicz* for the United States. Reported below: 207 F. 2d 771.

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No. 388, Misc. JONES *v.* ILLINOIS TERMINAL RAILROAD Co. Supreme Court of Missouri. Certiorari denied. *Myron D. Mills* for petitioner. *Richard Wayne Ely* for respondent. Reported below: 260 S. W. 2d 487.

No. 400, Misc. BELL *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *James J. Laughlin* for petitioner. *Solicitor General Sobeloff*, *Assistant Attorney General Olney* and *Beatrice Rosenberg* for the United States. Reported below: — U. S. App. D. C. —, 210 F. 2d 711.

No. 412, Misc. HENLEY *v.* MOORE, WARDEN. Court of Criminal Appeals of Texas. Certiorari denied.

No. 466, Misc. JONES *v.* BALKCOM, WARDEN. Supreme Court of Georgia. Certiorari denied. *Thurgood Marshall*, *Jack Greenberg*, *Robert L. Carter* and *A. T. Walden* for petitioner. *Eugene Cook*, Attorney General of Georgia, *Lamar W. Sizemore*, *Robert H. Hall* and *W. Dan Greer*, Assistant Attorneys General, and *J. T. Grice*, Deputy Assistant Attorney General, for respondent. Reported below: 210 Ga. 262, 79 S. E. 2d 1.

No. 470, Misc. PALAKIKO ET AL. *v.* HARPER, WARDEN. C. A. 9th Cir. Certiorari denied. *Harriet Bouslog* for petitioners. *Edward N. Sylva*, Attorney General of Hawaii, and *Frank D. Gibson, Jr.* and *Rhoda V. Lewis*, Deputy Attorneys General, for respondent. Reported below: 209 F. 2d 75.

No. 476, Misc. JENKINS *v.* ARKANSAS. Supreme Court of Arkansas. Certiorari denied. *Q. Byrum Hurst* for

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petitioner. *Tom Gentry*, Attorney General of Arkansas, and *Thorp Thomas* and *James L. Sloan*, Assistant Attorneys General, for respondent. Reported below: — Ark. —, 265 S. W. 2d 512.

No. 477, Misc. *PULT v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Sobeloff*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Edward S. Szukelewicz* for the United States. Reported below: 209 F. 2d 346.

No. 479, Misc. *SIMPSON v. WASHINGTON*. Supreme Court of Washington. Certiorari denied.

No. 480, Misc. *BARR v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied.

No. 483, Misc. *REED v. KENTUCKY*. Court of Appeals of Kentucky. Certiorari denied. Reported below: 261 S. W. 2d 9.

No. 484, Misc. *SELFRIDGE v. CRANOR, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY*. Supreme Court of Washington. Certiorari denied.

No. 485, Misc. *COOPER v. CRANOR, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY*. Supreme Court of Washington. Certiorari denied.

No. 489, Misc. *CHAPMAN v. OHIO DEPARTMENT OF PUBLIC WELFARE*. C. A. 6th Cir. Certiorari denied.

No. 497, Misc. *GOSS v. INDIANA*. Circuit Court of Putnam County, Indiana. Certiorari denied.

No. 505, Misc. *HERTZ v. ALVIS, WARDEN*. Supreme Court of Ohio. Certiorari denied. Reported below: 161 Ohio St. 70, 117 N. E. 2d 925.

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No. 506, Misc. DAYTON *v.* BENNETT. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied.

No. 511, Misc. PERSONS *v.* WASHINGTON. Supreme Court of Washington. Certiorari denied.

No. 526, Misc. STAMPS *v.* RAGEN, WARDEN. Circuit Court of Will County, Illinois. Certiorari denied.

Rehearing Denied. (See also *Alabama v. Texas et al.* and *Rhode Island v. Louisiana et al.*, ante, p. 950.)

No. 78. BINGHAMTON CONSTRUCTION CO., INC. *v.* UNITED STATES, ante, p. 926;

No. 541. STOLLER, DOING BUSINESS AS RICHLAND LAUNDRY & DRY CLEANERS, *v.* NATIONAL LABOR RELATIONS BOARD; and

No. 542. LAUNDRY & DRY CLEANERS UNION, LOCAL 197, *v.* NATIONAL LABOR RELATIONS BOARD, ante, p. 919. Petitions for rehearing denied.

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Miscellaneous Orders.

No. 29. WATSON ET UX. *v.* EMPLOYERS LIABILITY ASSURANCE CORP., LTD. ET AL. Appeal from and petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Further consideration of the question of the jurisdiction of this Court in this case on appeal is postponed to the hearing of the case on the merits. The petition for writ of certiorari is granted. *Val Irion* for appellants-petitioners. *Charles D. Egan* for appellees-respondents. Reported below: 202 F. 2d 407.

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

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No. 507, Misc. CRANDALL *v.* CRANOR, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY. Petition for writ of certiorari to the Supreme Court of Washington denied. Motion for leave to file petition for writ of habeas corpus also denied. Reported below: 44 Wash. 2d 156, 266 P. 2d 344.

No. 487, Misc. EX PARTE MARSHALL. Motion for leave to file petition for writ of mandamus denied.

No. 508, Misc. WATSON *v.* BANNAN, WARDEN. Motion for leave to file petition for writ of habeas corpus denied.

No. 519, Misc. BROWN *v.* UNITED STATES. Motion for leave to file petition for writ of certiorari denied.

Certiorari Granted. (See No. 29, *supra.*)

Certiorari Denied. (See also Misc. Nos. 507 and 519, *supra.*)

No. 521. CALIFRO ET AL. *v.* CALIFORNIA. District Court of Appeal of California, First Appellate District. Certiorari denied. *James C. Purcell* for petitioners. Reported below: 120 Cal. App. 2d 504, 261 P. 2d 332.

No. 569. BORING *v.* OHIO. Supreme Court of Ohio. Certiorari denied. *Harold Leventhal* for petitioner. *Clarence A. Graham* for respondent. Reported below: 160 Ohio St. 188, 115 N. E. 2d 3.

No. 593. BRAND ET AL. *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied. Reported below: 415 Ill. 329, 114 N. E. 2d 370.

No. 611. COLLIN COUNTY LEVEE IMPROVEMENT DISTRICT No. 1 ET AL. *v.* UNITED STATES ET AL. C. A. 5th

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Cir. Certiorari denied. *Roland Boyd and Donald L. Case* for the Collin County Levee Improvement District No. 1, petitioner. *Solicitor General Sobeloff, Assistant Attorney General Morton and Roger P. Marquis* for the United States and the Reconstruction Finance Corporation, respondents. Reported below: 208 F. 2d 396.

No. 631. NORTHWEST STEEL ROLLING MILLS, INC. ET AL. *v.* KENDALL, ASSISTANT ADMINISTRATOR, ECONOMIC STABILIZATION AGENCY. United States Emergency Court of Appeals. Certiorari denied. *De Witt Williams* for petitioners. *Solicitor General Sobeloff, Assistant Attorney General Burger, Samuel D. Slade and Morton Hollander* for respondent. Reported below: 210 F. 2d 283.

No. 632. PENNSYLVANIA WATER & POWER CO. *v.* CONSOLIDATED GAS ELECTRIC LIGHT & POWER CO. OF BALTIMORE. C. A. 4th Cir. Certiorari denied. *Wilkie Bushby, Everett I. Willis, James Piper and R. Dorsey Watkins* for petitioner. *Alfred P. Ramsey, Harry N. Baetjer and Inzer B. Wyatt* for respondent. Reported below: 209 F. 2d 131.

No. 633. CINCOTTA *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *W. Marcus Crahan* for petitioner. *Solicitor General Sobeloff, Assistant Attorney General Holland, Ellis N. Slack and A. F. Prescott* for the United States. Reported below: 209 F. 2d 122.

No. 653. KLOCK *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *William W. Barron* for petitioner. *Solicitor General Sobeloff, Assistant Attorney General Olney, Beatrice Rosenberg and John R. Wilkins* for the United States. Reported below: 210 F. 2d 215.

No. 281, Misc. CANNON *v.* ELLIS, GENERAL MANAGER OF THE TEXAS PRISON SYSTEM. Court of Criminal Ap-

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peals of Texas. Certiorari denied. Petitioner *pro se*. *John Ben Shepperd*, Attorney General of Texas, and *James N. Castleberry, Jr.*, Assistant Attorney General, for respondent.

No. 338, Misc. *CLOKEY v. LOONEY, WARDEN*. C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Sobeloff*, Assistant Attorney General *Olney*, *Beatrice Rosenberg* and *Carl H. Imlay* for respondent.

No. 384, Misc. *CRABTREE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Sobeloff*, Assistant Attorney General *Olney*, *Beatrice Rosenberg* and *Edward S. Szukelewicz* for the United States. Reported below: 209 F. 2d 164.

No. 402, Misc. *POWELL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. *Melvin Edward Schaengold* for petitioner. *Solicitor General Sobeloff*, Assistant Attorney General *Olney*, *Beatrice Rosenberg* and *Felicia Dubrovsky* for the United States. Reported below: 208 F. 2d 618.

No. 432, Misc. *GRAYSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 209 F. 2d 259.

No. 435, Misc. *SPRADING v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Sobeloff*, Assistant Attorney General *Olney*, *Beatrice Rosenberg* and *Edward S. Szukelewicz* for the United States. Reported below: — U. S. App. D. C. —, 209 F. 2d 302.

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No. 442, Misc. LIPSCOMB *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Sobeloff, Assistant Attorney General Olney, Beatrice Rosenberg and Felicia Dubrovsky* for the United States. Reported below: 209 F. 2d 831.

No. 446, Misc. IN RE FLETCHER. C. A. 4th Cir. Certiorari denied.

No. 475, Misc. MASSE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Sobeloff, Assistant Attorney General Olney, Beatrice Rosenberg and J. F. Bishop* for the United States. Reported below: 210 F. 2d 418.

No. 482, Misc. BLOUNT *v.* OREGON. Supreme Court of Oregon. Certiorari denied. Reported below: 200 Ore. 35, 264 P. 2d 419.

No. 488, Misc. FOXALL *v.* RAGEN, WARDEN. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 490, Misc. ANDERSON *v.* ROOD, SUPERINTENDENT, MENDOCINO STATE HOSPITAL. C. A. 9th Cir. Certiorari denied.

No. 491, Misc. PETRABORG *v.* RAGEN, WARDEN. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 493, Misc. ALTIZER *v.* SMYTH, SUPERINTENDENT, VIRGINIA STATE PENITENTIARY. Supreme Court of Appeals of Virginia. Certiorari denied.

No. 495, Misc. WILLIAMS *v.* RAGEN, WARDEN. Criminal Court of Cook County, Illinois. Certiorari denied.

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No. 496, Misc. *BIRD v. MURPHY, WARDEN*. C. A. 2d Cir. Certiorari denied.

No. 499, Misc. *WYATT v. SMYTH, SUPERINTENDENT, VIRGINIA STATE PENITENTIARY*. Supreme Court of Appeals of Virginia. Certiorari denied.

No. 500, Misc. *KOALSKA v. SWENSON, WARDEN*. Supreme Court of Minnesota. Certiorari denied. Reported below: — Minn. —, 62 N. W. 2d 842.

No. 501, Misc. *HOLZAPPLE v. RAGEN, WARDEN*. Supreme Court of Illinois. Certiorari denied. Reported below: 2 Ill. 2d 124, 117 N. E. 2d 390.

No. 502, Misc. *PUFF v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Eugene H. Nickerson* for petitioner. *Solicitor General Sobeloff, Assistant Attorney General Olney, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 211 F. 2d 171.

No. 503, Misc. *NEAL v. UTAH*. Supreme Court of Utah. Certiorari denied. Reported below: — Utah —, 254 P. 2d 1053, 262 P. 2d 756.

No. 504, Misc. *RIZZI v. NEW YORK, BY JACKSON, WARDEN*. C. A. 2d Cir. Certiorari denied. Petitioner *pro se. Nathaniel L. Goldstein*, Attorney General of New York, *Wendell P. Brown*, Solicitor General, and *Samuel A. Hirshowitz and Theodore P. Halperin*, Assistant Attorneys General, for respondent.

No. 512, Misc. *ROLLO ET AL. v. MICHIGAN*. Supreme Court of Michigan. Certiorari denied.

No. 514, Misc. *JONES v. MICHIGAN*. Supreme Court of Michigan. Certiorari denied.

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No. 515, Misc. *SELL v. PENNSYLVANIA ET AL.* Supreme Court of Pennsylvania, Eastern District. Certiorari denied.

No. 516, Misc. *ROBERTSON v. SKEEN, WARDEN.* Supreme Court of Appeals of West Virginia. Certiorari denied.

Rehearing Denied.

No. 160. *MILLER BROTHERS CO. v. MARYLAND*, ante, p. 340; and

No. 492, Misc. *BEECHER v. LEAVENWORTH STATE BANK ET AL.*, ante, p. 949. The petitions for rehearing are denied.

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Decisions Per Curiam.

No. 625. *JOHNS v. BALTIMORE & OHIO RAILROAD CO. ET AL.* Appeal from the United States District Court for the Northern District of Illinois. *Per Curiam*: The judgment of the three-judge court is affirmed. *Edward J. Fruchtman* and *Richard F. Watt* for appellant. *Edwin H. Burgess* and *Sydney R. Prince, Jr.* for the Baltimore & Ohio Railroad Co.; *Burke Williamson*, *Harold C. Heiss* and *Russell B. Day* for the Brotherhood of Locomotive Firemen & Enginemen; and *Clifford D. O'Brien* and *Ruth Weyand* for the Brotherhood of Locomotive Engineers, appellees. Reported below: 118 F. Supp. 317.

Miscellaneous Orders.

No. —. *BUTLER v. SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO.* The petition for a temporary restraining order, referred to the Court by MR. JUSTICE DOUGLAS, is denied.

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

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No. 531. ALTON *v.* ALTON. Certiorari, 347 U. S. 911, to the United States Court of Appeals for the Third Circuit. Argued April 7, 1954. A rule is ordered to issue, returnable within ten days, requiring the parties to show cause why the judgments should not be vacated and the case dismissed by the trial court as moot. MR. JUSTICE DOUGLAS and MR. JUSTICE JACKSON took no part in the consideration or decision of this question.

No. 117. FEDERAL COMMUNICATIONS COMMISSION *v.* AMERICAN BROADCASTING Co., INC., *ante*, p. 284;

No. 118. FEDERAL COMMUNICATIONS COMMISSION *v.* NATIONAL BROADCASTING Co., INC., *ante*, p. 284; and

No. 119. FEDERAL COMMUNICATIONS COMMISSION *v.* COLUMBIA BROADCASTING SYSTEM, INC., *ante*, p. 284. The motion of Francis Emmett Williams for leave to intervene as *amicus curiae* and to file a petition for rehearing is denied.

No. 539, Misc. JOHNSON *v.* UTAH. Application denied.

No. 547, Misc. DAUGHARTY *v.* GLADDEN, WARDEN. Motion for leave to file petition for writ of habeas corpus denied.

Certiorari Granted.

No. 120. LUMBERMEN'S MUTUAL CASUALTY Co. *v.* ELBERT. C. A. 5th Cir. Certiorari granted. *Joseph H. Jackson* for petitioner. Reported below: 201 F. 2d 500.

No. 609. UNITED STATES *v.* KOPPERS COMPANY, INC. Court of Claims. Certiorari granted. *Solicitor General Sobeloff* for the United States. *David W. Richmond, Robert N. Miller, Frederick O. Graves, E. S. Ruffin, Jr. and C. M. Crick* for respondent. Reported below: 126 Ct. Cl. 847, 117 F. Supp. 181.

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Certiorari Denied.

No. 637. *VALENTINE v. LAMONT ET AL.* Supreme Court of New Jersey. Certiorari denied. *Louis G. Morten* for petitioner. *Theodore Rabinowitz* for Lester Lamont et ux.; *Robert H. Doherty* for the Board of Education of Jersey City, New Jersey; and *Edmund S. Johnson* for Anthony J. Lamont, respondents. Reported below: 13 N. J. 569, 100 A. 2d 668.

No. 645. *SYRACUSE COLOR PRESS, INC. v. NATIONAL LABOR RELATIONS BOARD.* C. A. 2d Cir. Certiorari denied. *James P. Burns, Jr.* for petitioner. *Solicitor General Sobeloff*, *George J. Bott*, *David P. Findling*, *Dominick L. Manoli* and *Frederick U. Reel* for respondent. Reported below: 209 F. 2d 596

No. 649. *RICH v. PENNSYLVANIA.* Supreme Court of Pennsylvania, Eastern District. Certiorari denied. *John B. O'Brien* for petitioner.

No. 657. *DUKE ET AL. v. RECONSTRUCTION FINANCE CORPORATION ET AL.* C. A. 4th Cir. Certiorari denied. *Wilson K. Barnes* for Duke, *William Hoffenberg* for Kemper, and *Joseph Loeffler* for Mahle, petitioners. *Solicitor General Sobeloff*, *Assistant Attorney General Burger* and *Samuel D. Slade* for the Reconstruction Finance Corporation, respondent. Reported below: 209 F. 2d 204.

No. 658. *WHEATLAND ELECTRIC COOPERATIVE, INC. v. NATIONAL LABOR RELATIONS BOARD.* C. A. 10th Cir. Certiorari denied. *David P. Strickler* for petitioner. *Solicitor General Sobeloff*, *George J. Bott*, *David P. Findling* and *Dominick L. Manoli* for respondent. Reported below: 208 F. 2d 878.

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No. 660. NATIONAL MANUFACTURING CO. ET AL. *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. *Clay C. Rogers* and *Byron Spencer* for petitioners. *Solicitor General Sobeloff*, *Assistant Attorney General Burger*, *Paul A. Sweeney* and *Morton Hollander* for the United States. Reported below: 210 F. 2d 263.

No. 661. SPECTOR MOTOR SERVICE, INC. *v.* MESSNER, SECRETARY OF REVENUE, ET AL. Supreme Court of Pennsylvania, Middle District. Certiorari denied. *James M. Marsh* and *J. Harry LaBrum* for petitioner. *Frank F. Truscott*, Attorney General of Pennsylvania, and *Harry F. Stambaugh* for respondents. Reported below: 375 Pa. 473, 100 A. 2d 924.

No. 663. UNITED STATES EX REL. MATRANGA *v.* MACKEY, COMMISSIONER OF IMMIGRATION AND NATURALIZATION, ET AL. C. A. 2d Cir. Certiorari denied. *Alfred E. Santangelo* for petitioner. *Solicitor General Sobeloff*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Edward S. Szukelewicz* for respondents. Reported below: 210 F. 2d 160.

No. 665. KANN ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 3d Cir. Certiorari denied. *F. T. Weil* for petitioners. *Robert L. Stern*, then Acting Solicitor General, *Assistant Attorney General Holland*, *Ellis N. Slack* and *Hilbert P. Zarky* for respondent. Reported below: 210 F. 2d 247.

No. 669. MONARCH MACHINE TOOL CO. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 6th Cir. Certiorari denied. *John C. Gall* for petitioner. *Solicitor General Sobeloff*, *George J. Bott*, *David P. Findling* and *Dominick L. Manoli* for respondent. Reported below: 210 F. 2d 183.

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No. 670. *AEROVOX CORPORATION v. NATIONAL LABOR RELATIONS BOARD*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Harold D. Cohen* and *Michael Waris, Jr.* for petitioner. *Solicitor General Sobeloff* and *George J. Bott* for respondent. Reported below: — U. S. App. D. C. —, 211 F. 2d 640.

No. 672. *FRAVER v. STUDEBAKER CORPORATION*. C. A. 3d Cir. Certiorari denied. *William J. Ruano* for petitioner. *William H. Eckert, William H. Webb, John A. Dienner* and *Edward C. Grelle* for respondent. Reported below: 208 F. 2d 794.

No. 708. *COPPER TAN, INC. v. DOUGLAS LABORATORIES CORP.* C. A. 2d Cir. Certiorari denied. *John S. Finn* for petitioner. *Leslie D. Taggart* for respondent. Reported below: 210 F. 2d 453.

No. 230. *STOUT v. PATE*. Supreme Court of Georgia. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this application. *J. C. Murphy* for petitioner. *A. Walton Nall* for respondent. Reported below: 209 Ga. 786, 75 S. E. 2d 748.

No. 634. *PATE v. STOUT*. Supreme Court of California. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this application. *A. Walton Nall* for petitioner. *Hudson P. Hibbard* for respondent. Reported below: 120 Cal. App. 2d 699, 261 P. 2d 788.

No. 648. *BRAND ET AL. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 6th Cir. Certiorari denied. Petitioners *pro se*. *Solicitor General Sobeloff, Assistant Attorney General Holland* and *Ellis N. Slack* for respondent. Reported below: 209 F. 2d 255.

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No. 462, Misc. DUSSELDORF *v.* TEETS, WARDEN. C. A. 9th Cir. Certiorari denied. *Victor E. Cappa* for petitioner. Reported below: 209 F. 2d 754.

No. 510, Misc. THOMAS *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *John J. Dwyer* for petitioner. *Solicitor General Sobeloff*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Felicia Dubrovsky* for the United States. Reported below: — U. S. App. D. C. —, 211 F. 2d 45.

No. 518, Misc. WILLIAMS *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

No. 520, Misc. BINDRIN *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

No. 521, Misc. NATION *v.* CALIFORNIA. Supreme Court of California. Certiorari denied.

No. 524, Misc. CLARK *v.* MICHIGAN. Supreme Court of Michigan. Certiorari denied.

No. 535, Misc. MORAN *v.* DONALDSON ET AL. Court of Claims. Certiorari denied. Reported below: 127 Ct. Cl. 825.

No. 536, Misc. MANCINI *v.* MICHIGAN. Supreme Court of Michigan. Certiorari denied.

No. 540, Misc. MARVICH *v.* CALIFORNIA. District Court of Appeal of California, Third Appellate District. Certiorari denied. Reported below: 121 Cal. App. 2d 548, 263 P. 2d 460.

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No. 546, Misc. ALLEN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 209 F. 2d 353.

No. 549, Misc. CALDWELL *v.* BANNAN, WARDEN. Supreme Court of Michigan. Certiorari denied.

No. 561, Misc. BRAGG *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

Rehearing Denied.

No. 563. HOGAN *v.* RICKETTS, EXECUTOR, *ante*, p. 933;

No. 584. NITTERHOUSE *v.* UNITED STATES, *ante*, p. 943;

No. 605. PIERCE *v.* AMERICAN COMMUNICATIONS CO., INC., *ante*, p. 944;

No. 606. INTERSTATE MOTOR FREIGHT SYSTEM, INC. *v.* MESSNER, SECRETARY OF THE DEPARTMENT OF REVENUE, ET AL., *ante*, p. 941;

No. 615. SHIRKS MOTOR EXPRESS CORP. *v.* MESSNER, SECRETARY OF THE DEPARTMENT OF REVENUE, ET AL., *ante*, p. 941; and

No. 627. COLLINS, TRUSTEE, ET AL. *v.* O'BRIEN ET AL., *ante*, p. 944. Petitions for rehearing denied.

No. 401. BROWNELL, ATTORNEY GENERAL, SUCCESSOR TO THE ALIEN PROPERTY CUSTODIAN, *v.* SINGER, *ante*, p. 403;

No. 402. SUPERINTENDENT OF BANKS OF THE STATE OF NEW YORK, LIQUIDATOR, *v.* SINGER, *ante*, p. 403; and

No. 78, Misc. BARTHOLOMEW *v.* ILLINOIS, 346 U. S. 841. Petitions for rehearing denied. THE CHIEF JUSTICE took no part in the consideration or decision of these applications.

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No. 397, Misc. THOMAS *v.* CALIFORNIA ET AL., *ante*, p. 938;

No. 398, Misc. SMITH *v.* OVERLADE, WARDEN, *ante*, p. 942;

No. 447, Misc. VANDERWYDE *v.* DENNO, WARDEN, *ante*, p. 949; and

No. 483, Misc. REED *v.* KENTUCKY, *ante*, p. 957.
Petitions for rehearing denied.

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Decisions Per Curiam.

No. 9. FLORIDA EX REL. HAWKINS ET AL. *v.* BOARD OF CONTROL OF FLORIDA ET AL. On petition for writ of certiorari to the Supreme Court of Florida;

No. 85. MUIR *v.* LOUISVILLE PARK THEATRICAL ASSOCIATION. On petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit; and

No. 595. TUREAUD *v.* BOARD OF SUPERVISORS OF LOUISIANA STATE UNIVERSITY AND AGRICULTURAL AND MECHANICAL COLLEGE ET AL. On petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. *Per Curiam*: The petitions for writs of certiorari are granted. The judgments are vacated and the cases are remanded for consideration in the light of the Segregation Cases decided May 17, 1954, *Brown v. Board of Education*, *ante*, p. 483, and conditions that now prevail.

Robert L. Carter and *Thurgood Marshall* for petitioners. *Ulysses S. Tate* and *Alexander P. Tureaud* were also with them in No. 595. *Richard W. Ervin*, Attorney General of Florida, and *Frank J. Heintz*, *Ralph M. McLane* and *Howard S. Bailey*, Assistant Attorneys General,

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

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for respondents in No. 9. *James W. Stites* and *Donald Q. Taylor* for respondent in No. 85. *Fred S. LeBlanc*, Attorney General of Louisiana, *W. C. Perrault*, First Assistant Attorney General, *C. Clyde Pearce*, Assistant Attorney General, *J. H. Tucker, Jr.*, *Fred Blanche*, *Arthur O'Quin*, *Victor A. Sachse*, *W. Scott Wilkinson*, *Leander H. Perez*, *L. W. Brooks*, *C. V. Porter*, *Grove Stafford*, *Oliver Stockwell* and *Wood Thompson* for respondents in No. 595. Reported below: No. 9, 60 So. 2d 162, 166; No. 85, 202 F. 2d 275; No. 595, 207 F. 2d 807.

No. 655. *TURNER ET AL. v. CALIFORNIA*. Appeal from the Superior Court of California, Appellate Department, County of Los Angeles. *Per Curiam*: The appeal is dismissed for the want of a substantial federal question. MR. JUSTICE BLACK and MR. JUSTICE REED are of the opinion probable jurisdiction should be noted. *James C. Ingebretsen* for appellants. *Roger Arnebergh* and *Philip E. Grey* for appellee. Reported below: 121 Cal. App. 2d 861, 263 P. 2d 685.

No. 666. *OHIO EX REL. HAWKE v. BROWN, SECRETARY OF STATE OF OHIO*. Appeal from the United States District Court for the Southern District of Ohio. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. *George S. Hawke* for appellant. *C. William O'Neil*, Attorney General of Ohio, and *Joseph S. Gill*, First Assistant Attorney General, for appellee. Reported below: 122 F. Supp. 149.

Miscellaneous Orders.

No. —. *PINO v. NICOLLS, DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE*. The application for bail, referred to the Court by MR. JUSTICE FRANKFURTER, is dismissed for the reason that the question is

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moot, petitioner having been admitted to bail. *Jacob Spiegel* for petitioner. *Solicitor General Sobeloff* for respondent.

No. 677. *WILSON, EXECUTOR, ET AL. v. SIMLER, ante*, p. 954. Petition for rehearing denied. Motion to stay proceedings also denied.

No. 410, Misc. *BOLESTA v. MADIGAN, WARDEN, ET AL.* Motion for leave to file petition for writ of mandamus denied. Petitioner *pro se*. *Solicitor General Sobeloff* for respondents.

No. 552, Misc. *BRANDON v. CALIFORNIA*. Application denied.

No. 569, Misc. *GRAHAM v. NEW JERSEY*. Motion for leave to file petition for writ of habeas corpus denied.

Probable Jurisdiction Noted.

No. 729. *UNITED STATES v. INTERNATIONAL BOXING CLUB OF NEW YORK, INC. ET AL.* Appeal from the United States District Court for the Southern District of New York. Probable jurisdiction noted. *Solicitor General Sobeloff* for the United States. *Whitney North Seymour* and *Charles H. Watson* for appellees.

Certiorari Granted. (See also Nos. 9, 85 and 595, *supra*.)

No. 641. *UNITED STATES v. ACRI ET AL.* C. A. 6th Cir. *Certiorari* granted. *Solicitor General Sobeloff* for the United States. *Francis B. Kavanagh* and *Israel Freeman* for Oravitz, respondent. Reported below: 209 F. 2d 258.

No. 642. *UNITED STATES v. LIVERPOOL & LONDON & GLOBE INSURANCE CO., LTD. ET AL.* C. A. 5th Cir. *Certiorari* granted. *Solicitor General Sobeloff* for the United

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States. *Searcy L. Johnson* for the Liverpool & London & Globe Insurance Co., Ltd.; and *Arthur S. Goldberg* for the Sunnyland Wholesale Furniture Co., respondents. Reported below: 209 F. 2d 684.

No. 643. UNITED STATES *v.* SCOVIL ET AL. Supreme Court of South Carolina. Certiorari granted. *Solicitor General Sobeloff* for the United States. *Thomas A. Wofford* for respondents. Reported below: 224 S. C. 233, 78 S. E. 2d 277.

Certiorari Denied.

No. 3. HOLCOMBE, MAYOR OF HOUSTON, ET AL. *v.* BEAL ET AL. C. A. 5th Cir. Certiorari denied. *Douglas W. McGregor* for petitioners. Reported below: 193 F. 2d 384.

No. 156. WICHITA FALLS JUNIOR COLLEGE DISTRICT ET AL. *v.* BATTLE ET AL. C. A. 5th Cir. Certiorari denied. *Guy Rogers* and *C. C. McDonald* for petitioners. Reported below: 204 F. 2d 632.

No. 583. HOUSING AUTHORITY OF THE CITY AND COUNTY OF SAN FRANCISCO ET AL. *v.* BANKS ET AL. District Court of Appeal of California, First Appellate District. Certiorari denied. *George O. Bahrs* and *Henry C. Clausen* for petitioners. *Loren Miller* for respondents. Reported below: 120 Cal. App. 2d 1, 260 P. 2d 668.

No. 662. SANZO *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Sobeloff*, *Assistant Attorney General Olney* and *Beatrice Rosenberg* for the United States. Reported below: 210 F. 2d 49.

No. 667. BENATAR ET AL. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Leo R. Friedman* for peti-

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tioners. *Solicitor General Sobeloff*, *Assistant Attorney General Holland*, *Ellis N. Slack*, *David L. Luce* and *Joseph M. Howard* for the United States. Reported below: 209 F. 2d 734.

No. 671. *MITCHELL v. INDIANA*. Supreme Court of Indiana. Certiorari denied. *Tyrah Ernest Maholm* for petitioner. *Edwin K. Steers*, Attorney General of Indiana, and *Owen S. Boling*, Deputy Attorney General, for respondent. Reported below: — Ind. —, 115 N. E. 2d 595.

No. 675. *FLORIDA EX REL. SHROPSHIRE v. MAYO*, COMMISSIONER OF AGRICULTURE OF FLORIDA AND CUSTODIAN OF STATE PRISONERS. Supreme Court of Florida. Certiorari denied. *Joseph M. Glickstein, Jr.* for petitioner. Reported below: 68 So. 2d 393.

No. 676. *ACORD ET AL. v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. *Loyd Benefield* for the Chicago, Rock Island & Pacific Railroad Co., petitioner. *Solicitor General Sobeloff*, *Assistant Attorney General Burger*, *Samuel D. Slade* and *Herman S. Greitzer* for the United States. Reported below: 209 F. 2d 709.

No. 678. *PURITAN CHURCH—THE CHURCH OF AMERICA ET AL. v. COMMISSIONER OF INTERNAL REVENUE*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Reginald B. Jackson* for petitioners. *Solicitor General Sobeloff*, *Assistant Attorney General Holland*, *Ellis N. Slack*, *Hilbert P. Zarky* and *Davis W. Morton, Jr.* for respondent. Reported below: — U. S. App. D. C. —, 209 F. 2d 306.

No. 682. *PORTER v. GENERAL ELECTRIC Co.* C. A. 9th Cir. Certiorari denied. *Ivan Merrick, Jr.* and *Florence Mayne Merrick* for petitioner. Reported below: 208 F. 2d 805.

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No. 683. SOUTHERN SILK MILLS, INC. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 6th Cir. Certiorari denied. *Thomas G. McConnell* and *Robert Kemmer* for petitioner. *Solicitor General Sobeloff*, *George J. Bott*, *David P. Findling*, *Dominick L. Manoli* and *Frederick U. Reel* for respondent. Reported below: 209 F. 2d 155, 210 F. 2d 824.

No. 684. L. B. HOSIERY CO., INC. ET AL., DOING BUSINESS AS MYERSTOWN HOSIERY MILLS, *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 3d Cir. Certiorari denied. *M. Stuart Goldin* for petitioners. *Solicitor General Sobeloff*, *George J. Bott*, *David P. Findling*, *Dominick L. Manoli* and *William J. Avrutis* for respondent.

No. 693. LOEW'S INCORPORATED ET AL. *v.* CINEMA AMUSEMENTS, INC.; and

No. 694. RKO RADIO PICTURES, INC. *v.* CINEMA AMUSEMENTS, INC. C. A. 10th Cir. Certiorari denied. *Frederick W. R. Pride*, *C. Stanley Thompson* and *Albert J. Gould* for petitioners in No. 693. *James V. Hayes* for petitioner in No. 694. *Thurman Arnold* and *Norman Diamond* for respondent. Reported below: 210 F. 2d 86.

No. 715. PALMER SHIPPING CORP. *v.* LUTH. C. A. 3d Cir. Certiorari denied. *Joseph W. Henderson* and *J. Welles Henderson* for petitioner. *Paul M. Goldstein* and *Herman Moskowitz* for respondent. Reported below: 210 F. 2d 224.

No. 668. QUATTRONE *v.* NICOLLS, DISTRICT DIRECTOR OF IMMIGRATION AND NATURALIZATION. C. A. 1st Cir. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion certiorari should be granted.

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Allan R. Rosenberg for petitioner. *Solicitor General Sobeloff*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *John R. Wilkins* for respondent. Reported below: 210 F. 2d 513.

No. 303, Misc. *HINDERHAN v. RANDOLPH, WARDEN*. Circuit Court of Randolph County, Illinois. Certiorari denied. Petitioner *pro se*. *Latham Castle*, Attorney General of Illinois, and *William C. Wines*, Assistant Attorney General, for respondent.

No. 349, Misc. *STIDHAM v. EIDSON, WARDEN*. Supreme Court of Missouri. Certiorari denied. Petitioner *pro se*. *John M. Dalton*, Attorney General of Missouri, and *Samuel M. Watson*, Assistant Attorney General, for respondent.

No. 522, Misc. *LEDBETTER v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Henry Lincoln Johnson, Jr.* and *Frank D. Reeves* for petitioner. *Solicitor General Sobeloff*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Felicia Dubrovsky* for the United States. Reported below: — U. S. App. D. C. —, 211 F. 2d 628.

No. 529, Misc. *ROUSSEAU v. MOORE, WARDEN*. Court of Criminal Appeals of Texas. Certiorari denied.

No. 531, Misc. *BURKHOLDER v. UNITED STATES MARITIME COMMISSION ET AL.* Court of Claims. Certiorari denied. Petitioner *pro se*. *Solicitor General Sobeloff* for the United States and the United States Maritime Commission, respondents. Reported below: 128 Ct. Cl. —, 119 F. Supp. 743.

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No. 533, Misc. *WILES v. WASHINGTON*. Supreme Court of Washington. Certiorari denied.

No. 537, Misc. *PETRO v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Sobeloff*, *Assistant Attorney General Olney* and *Beatrice Rosenberg* for the United States. Reported below: 210 F. 2d 49.

No. 543, Misc. *MOORE v. OKLAHOMA*. Criminal Court of Appeals of Oklahoma. Certiorari denied. Reported below: — Okla. Cr. —, 260 P. 2d 410.

No. 550, Misc. *GEHRING v. BANNAN, WARDEN*. Supreme Court of Michigan. Certiorari denied.

No. 551, Misc. *TUCKER v. INDIANA*. Supreme Court of Indiana. Certiorari denied. Reported below: — Ind. —, 116 N. E. 2d 295.

No. 553, Misc. *MOORE v. HEINZE, WARDEN, ET AL.* Supreme Court of California. Certiorari denied.

No. 555, Misc. *HARDING v. CAVANAUGH ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 208 F. 2d 632.

No. 557, Misc. *HARRIS v. MARYLAND*. Court of Appeals of Maryland. Certiorari denied. Reported below: 203 Md. 678, 102 A. 2d 567.

No. 560, Misc. *FISHER v. RAGEN, WARDEN*. Circuit Court of Will County, Illinois. Certiorari denied.

No. 563, Misc. *MULLINS v. CRANOR, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY*. Supreme Court of Washington. Certiorari denied.

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No. 564, Misc. THOMAS *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

No. 566, Misc. SAM *v.* CRANOR, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY. Supreme Court of Washington. Certiorari denied.

No. 567, Misc. SCHILACI *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

No. 571, Misc. MCGEE *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

No. 572, Misc. RICHTER *v.* SWENSON, WARDEN. Supreme Court of Minnesota. Certiorari denied. Reported below: — Minn. —, 63 N. W. 2d 265.

No. 576, Misc. KARAFI *v.* NEW JERSEY. Supreme Court of New Jersey. Certiorari denied.

No. 591, Misc. ESTEP *v.* SKEEN, WARDEN. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 597, Misc. EDWARDS *v.* SWYGERT, U. S. DISTRICT JUDGE, ET AL. C. A. 7th Cir. Certiorari denied.

Rehearing Denied. (See also No. 677, ante, p. 973.)

No. 613. SHANNON *v.* UNITED STATES, ante, p. 952;

No. 623. FERROLINE CORPORATION *v.* GENERAL ANILINE & FILM CORP., ante, p. 953;

No. 353, Misc. SEVERA *v.* PENNSYLVANIA, ante, p. 922;

No. 378, Misc. SEVERA *v.* MALPASS, PAROLE OFFICER, ante, p. 923;

No. 402, Misc. POWELL *v.* UNITED STATES, ante, p. 961; and

No. 470, Misc. PALAKIKO ET AL. *v.* HARPER, WARDEN, ante, p. 956. Petitions for rehearing denied.

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No. 24. ST. JOE PAPER CO. ET AL. *v.* ATLANTIC COAST LINE RAILROAD Co., *ante*, p. 298;

No. 33. LYNCH ET AL. *v.* ATLANTIC COAST LINE RAILROAD Co., *ante*, p. 298;

No. 36. AIRD ET AL., TRUSTEES, *v.* ATLANTIC COAST LINE RAILROAD Co., *ante*, p. 298; and

No. 37. WELBON ET AL. *v.* ATLANTIC COAST LINE RAILROAD Co., *ante*, p. 298. Petitions for rehearing denied. MR. JUSTICE BLACK, MR. JUSTICE JACKSON, and MR. JUSTICE CLARK took no part in the consideration or decision of these applications. Memorandum filed by MR. JUSTICE DOUGLAS.

MR. JUSTICE DOUGLAS.

As I was in dissent when these cases were decided on the merits, I am not entitled to vote for a rehearing, unless one of the four Brethren who joined in the opinion of the Court first votes to grant it. Hence I do not urge reconsideration of the decision of the Court that mergers of railroads under § 77 of the Bankruptcy Act cannot be initiated by the Interstate Commerce Commission but must be "proposed by the merging carriers."

There is, however, a phase of the case which was not considered by the Court and which, if meritorious, will change the result of the decision.

The plan of reorganization approved by the Commission (see 282 I. C. C. 195, 213) provides that the assets of the debtor, Florida East Coast R. Co., shall be vested in the Atlantic Coast Line in one of three ways:

(1) "by merger of the debtor" into Atlantic Coast Line;

(2) by "consolidation of the debtor with" Atlantic Coast Line; or

(3) "if the court shall approve, by transfer and conveyance" of the property of the debtor by the trustees to Atlantic Coast Line.

Mergers and consolidations in corporation law are statutory procedures. They are devices whereby two corporations can become one entity, either by the absorption of one corporation by the other or by the creation of a new corporation out of the two old ones. The statutory procedures vary from state to state. But, all problems of bankruptcy reorganization aside, they are always effectuated by a consensual agreement between the corporations being merged or consolidated. The issue discussed in the opinion of the Court of April 5, 1954, pertained to the question as to what constitutes the necessary consensual agreement for a merger or consolidation when one of the corporations is a railroad company being reorganized under § 77 of the Bankruptcy Act. Someone's consent is obviously necessary. The majority held that it was necessary to get consent from "those who in the absence of § 77 would wield the corporate merger powers" 347 U. S. 298, 309, n. 12. The minority maintained that those who under § 77 had the power to approve a plan of reorganization had the power to give consent to a merger or consolidation.

That issue is not present on the phase of the case now tendered for decision. Even though the reorganization may not be consummated under the merger and consolidation provisions of the plan, it may be consummated under the provision of the plan which allows the transfer and conveyance, with the approval of the reorganization court, of the property of the debtor to Atlantic Coast Line. Trustees in bankruptcy have traditionally had the right to dispose of the bankrupt's assets under the supervision of the bankruptcy court. That power is as ancient as bankruptcy itself.

Why may not the trustees of Florida East Coast sell its property to Atlantic Coast Line, if the reorganization court approves?

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Section 5 (2) of the Interstate Commerce Act must, of course, be complied with whether there be a merger, a consolidation, or a purchase of property. But note what § 5 (2) (a) says when a *purchase* of property is involved:

"It shall be lawful, with the approval and authorization of the Commission, as provided in subdivision (b) of this section—

"(i) . . . for any carrier . . . to purchase . . . the properties . . . of another" 49 U. S. C. § 5 (2) (a).

We learn from the decisions of the Commission that when a *purchase* of assets is involved, only the purchaser need make application for the unification. There are at least eight cases which illustrate the procedure.

Of these eight, five involve intracorporate transactions, *e. g.*, purchases of the property of a subsidiary by a parent. See *Erie R. Co. Purchase*, 254 I. C. C. 486; *Chesapeake & O. R. Co. Purchase*, 261 I. C. C. 239; *Southern R. Co. Purchase*, 275 I. C. C. 724; *Seaboard R. Co. Acquisition*, 257 I. C. C. 584 (purchase of former subsidiary by reorganized parent). Cf. *Wheeling & L. E. R. Co. Control*, 254 I. C. C. 632 (stock acquisition). Three of the eight cases involve transactions which have all the elements of arm's-length bargaining. See *Gulf, M. & O. R. Co. Purchase*, 261 I. C. C. 623 (purchase of a former jointly-owned subsidiary at a foreclosure sale); *Cambria & I. R. Co. Control*, 275 I. C. C. 360 (stock acquisition by noncarrier); *Gulf, M. & O. R. Co. Purchase, Securities*, 261 I. C. C. 405, approving purchase contemplated by the plan of reorganization in *Alton R. Co. Reorganization*, 261 I. C. C. 343. The latter case involved an arm's-length transaction in which the purchase was worked out in a § 77 reorganization, but approved under § 5 (2) on the application of the purchaser alone. The reorganization plan was confirmed

by the reorganization court and the purchase consummated. See *In re Alton R. Co.*, 159 F. 2d 200.

It, therefore, seems that a sale of assets may be approved under § 5 (2) on the application of the purchaser alone. In the *Erie* case, *supra*, the Commission specifically held that the vendors were not necessary parties to an application under § 5 (2). There the application had been made jointly by the vendee-parent and the vendor-subsidaries, and the Commission dismissed the application of the vendors.

In the present cases, Atlantic Coast Line has received the permission of the Commission under § 5 (2) to purchase the assets of Florida East Coast, subject to the conditions of § 77 of the Bankruptcy Act. No attempt is made to challenge the adequacy of the findings of the Commission under § 5. If the substantive provisions of § 5 are satisfied, and if only the purchaser need apply under § 5, why do the bankruptcy trustees lack authority to dispose of this property to Atlantic Coast Line, once the requirements of § 77 are satisfied?

It is not apparent why that authority is lacking. Bankruptcy trustees from the beginning have had the power of sale, subject to control by the bankruptcy court.

I, therefore, thought it appropriate that these cases be put down for a rehearing limited to the following question:

It being decided that the debtor may not on this record merge or consolidate with Atlantic Coast Line, may the bankruptcy court nevertheless authorize the transfer of the property of the debtor to Atlantic Coast Line, if all the requirements of § 77 are satisfied?

This point is a substantial one which has not been ruled upon by any court. Since the Court now denies these petitions, the question will be open on remand of the cases.

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Decisions Per Curiam.

No. 471. *ROGERS v. UNITED STATES LINES*. On petition for writ of certiorari to the United States Court of Appeals for the Third Circuit. *Per Curiam*: The petition for writ of certiorari is granted and the judgment is reversed. MR. JUSTICE FRANKFURTER, MR. JUSTICE JACKSON, and MR. JUSTICE BURTON dissent, adhering to the views expressed in their dissent in *Alaska Steamship Co. v. Petterson*, 347 U. S. 396. *Abraham E. Freedman, Charles Lakatos and William M. Alper* for petitioner. *Thomas E. Byrne, Jr. and Mark D. Alspach* for respondent. Reported below: 205 F. 2d 57.

No. 685. *LUCKENBACH STEAMSHIP CO., INC. v. UNITED STATES ET AL.* Appeal from the United States District Court for the Southern District of New York. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. *Roscoe H. Hupper, Odell Kominers, Henry G. Fischer and Mark P. Schlefer* for appellant. *Solicitor General Sobeloff and Edward M. Reidy* for the United States and the Interstate Commerce Commission; *John J. O'Connor, William L. McGovern and Norman Diamond* for the Isbrandtsen Co., Inc.; *Robert L. Wright* for the New Haven Chamber of Commerce; and *E. Curtis Rouse* for the Richmond Terminal Co., appellees. Reported below: — F. Supp. —.

No. 714. *GEO. F. ALGER CO. ET AL. v. PECK, FORMERLY TAX COMMISSIONER OF OHIO, ET AL.* Appeal from the United States District Court for the Southern District of Ohio. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. MR. JUSTICE DOUGLAS is of the opinion probable jurisdiction should be noted and the case set for argument. *Joseph B. Keenan, Alvin O. West,*

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Edmund M. Brady, Taylor C. Burneson and Joseph L. Nellis for appellants. *C. William O'Neill*, Attorney General of Ohio, and *Joseph S. Gill*, First Assistant Attorney General, for appellees. Reported below: 119 F. Supp. 812.

No. 741. *BEYERBACH v. JUNO OIL CO. 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. *A. P. G. Steffes and George H. Zeutzius* for appellant. *Harry E. Templeton* for appellees. Reported below: 42 Cal. 2d 11, 265 P. 2d 1.

Miscellaneous Orders.

No. 10, Original. *ARIZONA v. CALIFORNIA ET AL.* The motion of the State of Nevada for leave to intervene is granted. THE CHIEF JUSTICE took no part in the consideration or decision of this motion. *W. T. Mathews*, Attorney General, *Alan Bible* and *William J. Kane*, Special Assistant Attorneys General, and *Geo. P. Annand*, *William N. Dunseath* and *John W. Barrett*, Deputy Attorneys General, for the State of Nevada, intervener. *Ross F. Jones*, Attorney General, *Howard F. Thompson*, Special Assistant Attorney General, *John H. Moeur*, *Burr Sutter* and *Perry M. Ling* for the State of Arizona, complainant. *Edmund G. Brown*, Attorney General, *Northcutt Ely*, *Robert L. McCarty* and *Prentiss Moore*, Assistant Attorneys General, and *Gilbert F. Nelson*, *Irving Jaffe* and *Robert Sterling Wolf*, Deputy Attorneys General, for the State of California, *Francis E. Jenney* for the Palo Verde Irrigation District, *Harry W. Horton* and *R. L. Knox, Jr.* for the Imperial Irrigation District, *Earl Redwine* for the Coachella Valley County Water District, *James H. Howard*, *Charles C. Cooper, Jr.*, *Donald M. Keith*, *Alan Patten* and *Frank P. Doherty* for the Metropolitan Water District

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of Southern California, *Roger Arnebergh* for the City of Los Angeles, and *T. B. Cosgrove* for the City of San Diego, defendants.

No. 10, Original. ARIZONA *v.* CALIFORNIA ET AL.

IT IS ORDERED that George I. Haight, Esquire, of Chicago, Illinois, 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 approval 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 Senior Associate Justice shall have authority to make a new designation which shall have the same effect as if originally made by the Court herein.

THE CHIEF JUSTICE took no part in the consideration or decision of this order.

Ross F. Jones, Attorney General of Arizona, *Howard F. Thompson*, Special Assistant to the Attorney General, *John H. Moeur*, *Burr Sutter* and *Perry M. Ling* for complainant. *Edmund G. Brown*, Attorney General, *Northcutt Ely*, *Robert L. McCarty* and *Prentiss Moore*,

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Assistant Attorneys General, and *Gilbert F. Nelson*, *George M. Treister*, *Irving Jaffe* and *Robert Sterling Wolf*, Deputy Attorneys General, for the State of California, *Francis E. Jenney* for the Palo Verde Irrigation District, *Harry W. Horton* and *R. L. Knox, Jr.* for the Imperial Irrigation District, *Earl Redwine* for the Coachella Valley County Water District, *James H. Howard*, *Charles C. Cooper, Jr.*, *Donald M. Keith*, *Alan Patten* and *Frank P. Doherty* for the Metropolitan Water District of Southern California, *Roger Arnebergh* for the City of Los Angeles, and *T. B. Cosgrove* for the City of San Diego, defendants. *Attorney General Brownell* for the United States, and *W. T. Mathews*, Attorney General, *Alan Bible* and *William J. Kane*, Special Assistant Attorneys General, and *Geo. P. Annand*, *William N. Dunseath* and *John W. Barrett*, Deputy Attorneys General, for the State of Nevada, interveners.

No. 534, Misc. *HOWELL v. DELEHANT*, U. S. DISTRICT JUDGE, ET AL. The motion for leave to file petition for writ of certiorari is denied.

No. 582, Misc. *STEELE v. U. S. IMMIGRATION AND NATURALIZATION SERVICE*;

No. 586, Misc. *SGRO v. SKAFF*, ACTING SUPERINTENDENT, CENTRAL STATE HOSPITAL OF WISCONSIN, ET AL.; and

No. 594, Misc. *HOLZWORTH v. PETTIS*, SUPERINTENDENT, WESTERN STATE HOSPITAL OF VIRGINIA. Motions for leave to file petitions for writs of habeas corpus denied.

Certiorari Granted. (See also No. 471, *supra*.)

No. 692. *PREMIER OIL REFINING CO. v. UNITED STATES*. The petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit is granted

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limited to the question presented by the petition for the writ which reads as follows:

"Where a deficiency in excess profits tax, based on the income and credits as shown in the taxpayer's return, would have existed except for the subsequent application of Section 722 of the Internal Revenue Code, is the taxpayer liable for interest on the amount of such deficiency (hereinafter called the 'potential deficiency') which would have existed had it not been extinguished by the application of Section 722?"

W. A. Sutherland and *Mac Asbill, Jr.* for petitioner. *Solicitor General Sobeloff* for the United States. Reported below: 209 F. 2d 692.

Certiorari Denied. (See also No. 534, *Misc., supra.*)

No. 628. *SOLOMON, ADMINISTRATOR, v. BEATTY.* Supreme Court of Florida. *Certiorari denied.* *Barnet Lieberman* for petitioner. *J. Willison Smith, Jr.* for respondent. Reported below: 68 So. 2d 881.

No. 674. *NG YIP YEE v. BARBER, DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE.* C. A. 9th Cir. *Certiorari denied.* *Alfonso J. Zirpoli* for petitioner. *Solicitor General Sobeloff, Assistant Attorney General Olney, Beatrice Rosenberg* and *Robert G. Maysack* for respondent. Reported below: 210 F. 2d 613.

No. 679. *WILLIAMS v. KYGER ET AL.* Supreme Court of Ohio. *Certiorari denied.* Petitioner *pro se.* *Gwynne B. Myers* for respondents. Reported below: 160 Ohio St. 407, 116 N. E. 2d 425.

No. 680. *STACY ET AL. v. GREENBERG ET AL.* Supreme Court of New Jersey. *Certiorari denied.* *Edward R. McGlynn* for petitioners. *Reynier J. Wortendyke, Jr.* for respondents. Reported below: 14 N. J. 262, 102 A. 2d 48.

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No. 686. WEST COAST EXPLORATION Co. v. MCKAY, SECRETARY OF THE INTERIOR. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Edward D. Neuhoﬀ* and *Ray L. Jenkins* for petitioner. *Solicitor General Sobeloff*, *Assistant Attorney General Morton*, *Roger P. Marquis* and *Fred W. Smith* for respondent. Reported below: — U. S. App. D. C. —, 213 F. 2d 582.

No. 687. SEVEN-UP WASHINGTON, INC. ET AL. v. DISTRICT OF COLUMBIA. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *William E. Furey* and *Stephen G. Ingham* for petitioners. *Vernon E. West*, *Chester H. Gray* and *George C. Updegraff* for respondent. Reported below: — U. S. App. D. C. —, — F. 2d —.

No. 688. O'KEEFE ET AL. v. NEW YORK. County Court of Broome County, New York. Certiorari denied. *Louis R. Frumer* for petitioners. Reported below: 306 N. Y. 619, 116 N. E. 2d 80.

No. 689. FORT PITT BREWING Co. v. COMMISSIONER OF INTERNAL REVENUE. C. A. 3d Cir. Certiorari denied. *Sidney B. Gambill* for petitioner. *Solicitor General Sobeloff*, *Assistant Attorney General Holland* and *Ellis N. Slack* for respondent. Reported below: 210 F. 2d 6.

No. 698. HILLGREN v. KWIKSET LOCKS, INC. ET AL. C. A. 9th Cir. Certiorari denied. *Hamer H. Jamieson* for petitioner. *Fred H. Miller* for respondents. Reported below: 210 F. 2d 483.

No. 705. SWITCHMEN'S UNION OF NORTH AMERICA ET AL. v. OGDEN UNION RAILWAY & DEPOT Co. ET AL. C. A. 10th Cir. Certiorari denied. *Solomon Sachs* and

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S. Walter Shine for petitioners. *Bryan P. Leverich* for the Ogden Union Railway & Depot Co.; and *Calvin W. Rawlings* for the Brotherhood of Railroad Trainmen, respondents. Reported below: 209 F. 2d 419.

No. 759. UNITED SUPPLY & MANUFACTURING CO. *v.* TUCKER, BRONSON & MARTIN. C. A. 5th Cir. Certiorari denied. *James J. Morrison* and *W. C. Perrault* for petitioner. Reported below: 210 F. 2d 415.

No. 700. JAPAN-ATLANTIC & GULF CONFERENCE ET AL. *v.* UNITED STATES ET AL.; and

No. 703. FEDERAL MARITIME BOARD *v.* UNITED STATES ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *James M. Landis*, *Herman Goldman* and *Elkan Turk* for petitioners in No. 700. *Allen C. Dawson* for petitioner in No. 703. *Solicitor General Sobeloff*, *Assistant Attorney General Barnes* and *Ralph S. Spritzer* for the United States; *Neil Brooks* for the Secretary of Agriculture; and *John J. O'Connor* and *William L. McGovern* for the Isbrandtsen Co., Inc., respondents. Reported below: — U. S. App. D. C. —, 211 F. 2d 51.

No. 727. SHELLHAMMER, GENERAL ADMINISTRATRIX, *v.* LEHIGH VALLEY RAILROAD Co. Supreme Court of New Jersey. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion certiorari should be granted. *Jacob Rassner* for petitioner. *James J. Langan* for respondent. Reported below: 14 N. J. 341, 102 A. 2d 602.

No. 728. NOWINSKI *v.* RANDALL H. HAGNER & Co. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Milton W. King*, *Bernard I. Nordlinger*, *Wallace Luchs, Jr.* and *Robert B. Frank* for respondent.

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No. 194, Misc. *BRADEN v. MISSOURI*. Circuit Court of Cole County, Missouri. Certiorari denied. Petitioner *pro se*. *John M. Dalton*, Attorney General of Missouri, and *Samuel M. Watson*, Assistant Attorney General, for respondent.

No. 527, Misc. *CONNELLY v. RAGEN, WARDEN*. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 530, Misc. *GORDY v. TEXAS*. Court of Criminal Appeals of Texas. Certiorari denied. Petitioner *pro se*. *John Ben Shepperd*, Attorney General of Texas, and *Rudy G. Rice* and *Robert O. Fagg*, Assistant Attorneys General, for respondent. Reported below: — Tex. Cr. R. —, 268 S. W. 2d 126.

No. 532, Misc. *MITMAN v. CALIFORNIA*. District Court of Appeal of California, Fourth Appellate District. Certiorari denied. Reported below: 122 Cal. App. 2d 490, 265 P. 2d 105.

No. 538, Misc. *SIGLAR v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Sobeloff*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 208 F. 2d 865.

No. 548, Misc. *AINGS v. EIDSON, WARDEN*. Supreme Court of Missouri. Certiorari denied.

No. 554, Misc. *WRIGHT v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied.

No. 556, Misc. *LEAR v. NEW JERSEY ET AL.* Supreme Court of New Jersey. Certiorari denied.

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No. 558, Misc. *SCHRADER v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. Reported below: 2 Ill. 2d 212, 117 N. E. 2d 786.

No. 559, Misc. *NOR WOODS v. TEETS, WARDEN, ET AL.* Supreme Court of California. Certiorari denied.

No. 562, Misc. *McKENNA v. NEBRASKA*. Supreme Court of Nebraska. Certiorari denied.

No. 565, Misc. *JOHNSON v. MAYO, PRISON CUSTODIAN*. Supreme Court of Florida. Certiorari denied. *Frank D. Reeves* for petitioner. Reported below: 61 So. 2d 179, 69 So. 2d 307.

No. 568, Misc. *WILLIAMS v. RAGEN, WARDEN*. Supreme Court of Illinois. Certiorari denied.

No. 570, Misc. *WINKLER v. CLAUDY, WARDEN*. Supreme Court of Pennsylvania, Western District. Certiorari denied.

No. 574, Misc. *HOBSON v. CRANOR, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY*. Supreme Court of Washington. Certiorari denied.

No. 578, Misc. *NICHOLSON v. CALIFORNIA*. Supreme Court of California. Certiorari denied.

No. 579, Misc. *DUNLAP v. TEXAS*. Court of Criminal Appeals of Texas. Certiorari denied. Reported below: — Tex. Cr. R. —, 263 S. W. 2d 266.

No. 580, Misc. *CIRAOLLO v. PENNSYLVANIA ET AL.* C. A. 3d Cir. Certiorari denied.

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No. 581, Misc. *CRESS v. CRANOR, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY*. Supreme Court of Washington. Certiorari denied.

No. 583, Misc. *TOKARCHIK v. CLAUDY, WARDEN*. Supreme Court of Pennsylvania, Western District. Certiorari denied.

No. 584, Misc. *STUBBS v. BANNAN, WARDEN*. Supreme Court of Michigan. Certiorari denied.

No. 585, Misc. *BROOKMAN v. BLALOCK, SUPERINTENDENT, SOUTHWESTERN STATE HOSPITAL OF VIRGINIA*. Supreme Court of Appeals of Virginia. Certiorari denied.

No. 587, Misc. *WOODS v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied.

No. 588, Misc. *HICKOX v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied.

No. 590, Misc. *HOWARD v. CLAUDY, WARDEN*. Supreme Court of Pennsylvania, Western District. Certiorari denied.

No. 593, Misc. *SCHRADER v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied.

No. 595, Misc. *CONNORS v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied.

No. 596, Misc. *NEAL v. RANDOLPH, WARDEN*. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 598, Misc. *WEITZ v. CALIFORNIA*. Supreme Court of California. Certiorari denied. Reported below: 42 Cal. 2d 338, 267 P. 2d 295.

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No. 599, Misc. TAYLOR *v.* NEW YORK. Court of Appeals of New York. Certiorari denied.

No. 600, Misc. HICKS *v.* ILLINOIS STATE AUTHORITIES ET AL. Supreme Court of Illinois. Certiorari denied.

No. 601, Misc. JACKSON *v.* RAGEN, WARDEN. Supreme Court of Illinois. Certiorari denied.

No. 603, Misc. PIKES *v.* MICHIGAN. Supreme Court of Michigan. Certiorari denied.

No. 604, Misc. FURMANSKI *v.* MICHIGAN. Supreme Court of Michigan. Certiorari denied.

No. 605, Misc. DUNBAR *v.* CRANOR, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY. Supreme Court of Washington. Certiorari denied.

Rehearing Denied.

No. 287. ALASKA STEAMSHIP CO., INC. *v.* PETTERSON, *ante*, p. 396;

No. 557. LINEHAN ET AL. *v.* WATERFRONT COMMISSION OF NEW YORK HARBOR ET AL., *ante*, p. 439;

No. 558. STATEN ISLAND LOADERS, INC. ET AL. *v.* WATERFRONT COMMISSION OF NEW YORK HARBOR ET AL., *ante*, p. 439; and

No. 592. WITTE *v.* NEW JERSEY, *ante*, p. 951. Petitions for rehearing denied.

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Decisions Per Curiam.

No. 706. HAYES FREIGHT LINES, INC. *v.* CASTLE, ATTORNEY GENERAL, ET AL. Appeal from the Supreme Court of Illinois. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for the want of a

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substantial federal question. *David Axelrod* for appellant. *Latham Castle*, Attorney General of Illinois, for appellees. Reported below: 2 Ill. 2d 58, 117 N. E. 2d 106.

No. 716. NATIONAL SURETY CORP. *v.* McDOWELL. Appeal from the Court of Appeal of Louisiana, First Circuit. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for the want of a substantial federal question. *Ralph M. Kelton* for appellant. *Jack P. F. Gremillion* for appellee. Reported below: 68 So. 2d 189.

No. 771. CAVALIER VENDING CORP. ET AL. *v.* STATE BOARD OF PHARMACY ET AL. Appeal from the Supreme Court of Appeals of Virginia. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for the want of a substantial federal question. *Edward P. Simpkins, Jr.* and *Walter E. Rogers* for appellants. *J. Lindsay Almond, Jr.*, Attorney General of Virginia, and *Frederick T. Gray*, Assistant Attorney General, for appellees. Reported below: 195 Va. 626, 79 S. E. 2d 636.

Amended Decree.

No. 5, Original, October Term, 1950. NEW JERSEY *v.* NEW YORK ET AL.

The Court, having considered the amended petition of the City of New York, joined by the State of New York, to which is appended the consent of the State of New Jersey, the answer filed by the State of New Jersey seeking affirmative relief and the answers filed by the Commonwealth of Pennsylvania and the State of Delaware, the evidence and exhibits adduced by the parties, the report of Kurt F. Pantzer, Esquire, Special Master, and statements from all the parties addressed to the Court

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expressing the intention of the parties not to file exceptions or objections to the report, and being fully advised in the premises, now enters the following order:

I. REPORT OF SPECIAL MASTER APPROVED. The "Report of the Special Master Recommending Amended Decree," filed May 27, 1954, is in all respects approved and confirmed.

II. 1931 DECREE SUPERSEDED. The decree of this Court entered May 25, 1931 (283 U. S. 805) is modified and amended as hereinafter provided and, upon the entry of this amended decree, the provisions of the decree of May 25, 1931, shall be of no further force and effect.

III. DIVERSIONS BY THE CITY OF NEW YORK ENJOINED EXCEPT AS HEREIN AUTHORIZED. The State and City of New York are enjoined from diverting water from the Delaware River or its tributaries except to the extent herein authorized and upon the terms and conditions herein provided.

A. *Authorized Diversions.*

1. *440 M. G. D.* The City of New York may divert from the Delaware River watershed to its water supply system the equivalent of 440 million gallons daily (m. g. d.) until the City completes and places in operation its reservoir presently under construction on the East Branch of the Delaware River.

2. *490 M. G. D.* After the completion and commencement of operation of the East Branch reservoir, the City may divert the equivalent of 490 m. g. d. until the completion of its proposed dam and reservoir at Cannonsville on the West Branch of the Delaware River, provided, however, that in the event of an abnormal or unforeseeable interruption of its facilities, the City may divert in excess of the equivalent of 490 m. g. d. to meet its emergency requirements, but in no event shall such diversion impair the obligation of the City to make the releases hereinafter specified.

3. *800 M. G. D.* After the completion of the Cannonsville reservoir, the City may divert the equivalent of 800 m. g. d.

4. *Computation of Diversion.* At no time during any twelve-month period, commencing June 1, shall the aggregate total quantity diverted, divided by the number of days elapsed since the preceding May 31, exceed the applicable permitted rate of diversion.

B. *Conditions and Obligations Imposed in Connection With Diversions and Releases by City.* The diversions and releases by the City of New York from the Delaware River shall be made under the supervision and direction of the River Master, hereinafter appointed, and shall be subject to the following conditions and obligations:

1. *Compensating Releases—The Montague Formula.* The City shall release water from its reservoirs as follows:

(a) Until the East Branch reservoir is completed and placed in operation, on the day following each day in which the average flow in the Delaware River falls short of 0.50 cubic feet per second per square mile (c. s. m.), either at Montague, New Jersey (below the mouth of the Neversink River), or at Trenton, New Jersey (0.50 c. s. m. being equivalent to a flow of 1740 cubic feet per second (c. f. s.) at Montague and 3400 c. f. s. at Trenton), the City shall release water from the Neversink reservoir at an average of 0.66 c. s. m. or 61.38 c. f. s.

(b) Upon the completion and placing in operation of the Neversink and East Branch reservoirs, the City shall release water from one or more of its storage reservoirs in the upper Delaware watershed. Such releases shall be in quantities designed to maintain a minimum basic rate of flow at the gaging station of the United States Geological Survey (U. S. G. S.) at Montague of 1525 c. f. s. (985.6 m. g. d.) until the Cannonsville project is completed and its reservoir first filled to the extent that

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50 billion gallons above the lowest outlet are available for diversion and release, and of 1750 c. f. s. (1131.1 m. g. d.) thereafter. Compliance by the City with directions of the River Master with respect to such releases shall be considered full compliance with the requirements of this subsection (b).

(c) At the commencement of the calendar year following the completion and placing in operation of the Neversink and East Branch reservoirs and of each calendar year thereafter, the City of New York shall estimate and report to the River Master the anticipated consumption of water during such year to be provided for by the City from all its sources of supply. The City shall, as hereinafter provided, release in the aggregate from all its storage reservoirs in the upper Delaware watershed, in addition to the quantity of water required to be released for the purpose of maintaining the then applicable minimum basic rate of flow as hereinabove provided, a quantity of water equal to 83 per cent of the amount by which the estimated consumption during such year is less than the City's estimate of the continuous safe yield during such year of all its sources obtainable without pumping. In any such year the City's estimate of anticipated consumption shall not exceed by more than $7\frac{1}{4}$ billion gallons the actual consumption in any previous calendar year; and its safe yield in any such year, obtainable without pumping, shall be estimated at not less than 1355 m. g. d. after the Neversink and East Branch reservoirs are put into operation; and at not less than 1665 m. g. d. after the Cannonsville reservoir is put into operation. If, at any time after the completion of the Cannonsville reservoir and prior to the year 1993, the continuous net safe yield for water supply of all of the City's sources of water supply, obtainable without pumping, is increased by the development of additional sources, such

greater safe yield shall be used in determining the excess releases.

(d) The City of New York shall release the excess quantity provided for in subsection (c) at rates designed to release the entire quantity in 120 days. Commencing with the fifteenth day of June each year, the excess releases shall continue for as long a period, but not later than the following March 15, as such additional quantity will permit. Such period is hereinafter referred to as the "seasonal period." The excess quantity required to be released in any seasonal period shall in no event exceed 70 billion gallons. In releasing the excess quantity specified for any seasonal period, the City shall not be required to maintain a flow at Montague greater than the applicable minimum basic rate plus the excess quantity divided by 120 days, or in any event greater than 2650 c. f. s., nor to release at rates exceeding the capacity of its release works. The City shall in each seasonal period continue its excess releases until March 15 or until the aggregate quantity of the flow at Montague in excess of the basic rate or in excess of such higher rates as are not the result of the City's prior releases, is equal to the total specified excess quantity.

(e) The terms and conditions provided in subsections (b), (c) and (d) hereof shall continue to be applicable in all respects in the event that the U. S. G. S. gaging station at Montague shall be relocated at a point below the confluence of the Neversink River with the Delaware River.

2. *Minimum Capacity of Release Works at Reservoirs of City.* In constructing the Cannonsville reservoir, the City shall install release works of such capacity as will provide a minimum aggregate release capacity from all its reservoirs in the Delaware River watershed of not less than 1600 c. f. s. under conditions of maximum reservoir depletion.

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3. *Releases to be Continued in Spite of Interference.*

In the event that any works hereafter constructed by public or private interests in the watershed of the Delaware River outside of the State of New York shall prevent the proper operation of the U. S. G. S. gaging station at Montague or interfere with the effective operation of the above release requirements by diverting water past the station or by intercepting the natural flow and storing it in reservoirs with an aggregate storage capacity in excess of 25 billion gallons, the City of New York shall continue to make the releases above specified which would be required in the absence of such interference, and appropriate gaging stations shall be established for that purpose.

4. *Inspection Permitted.* The States of New Jersey and Delaware and the Commonwealth of Pennsylvania, through accredited representatives, and the River Master, shall at all reasonable times have the right to inspect the dams, reservoirs and other works constructed by the City of New York, to inspect the diversion areas and the inflow, outflow and diverted flow of such areas, to inspect the meters and other apparatus installed by the City of New York and to inspect all records pertaining to inflow, outflow and diverted flow.

IV. TREATMENT OF PORT JERVIS SEWAGE. The effluent from the sewage treatment plant at the City of Port Jervis, New York, shall be treated so as to effect a reduction of 85 per cent in the organic impurities and shall be treated with a chemical germicide, or otherwise, so that the *B. coli* originally present in the sewage shall be reduced by 90 per cent. Untreated industrial waste from plants in the City of Port Jervis shall not be allowed to enter the Delaware and Neversink Rivers. The treatment of such industrial wastes shall be such as to render the effluent practically free from suspended matter and

nonputrescent. The treatment of both sewage and industrial waste shall be maintained so long as any diversion is made from the Delaware River or its tributaries.

V. DIVERSIONS BY NEW JERSEY AUTHORIZED UNDER SPECIFIED CONDITIONS.

A. *Authorized Diversions.* The State of New Jersey may divert outside the Delaware River watershed, from the Delaware River or its tributaries in New Jersey, without compensating releases, the equivalent of 100 m. g. d., if the State shall not, prior to July 1, 1955, repeal Chapter 443 of the New Jersey Laws of 1953, and if, when the Commonwealth of Pennsylvania accepts the conditions as specified in Section 19 of that Chapter, the State of New Jersey shall join with the Commonwealth of Pennsylvania in requesting the consent of Congress to the agreement embodied in Chapter 443 of the New Jersey Laws of 1953 and an Act of the Commonwealth of Pennsylvania accepting the conditions of such New Jersey Act.

B. *Conditions and Obligations Imposed in Connection with Diversions by New Jersey.* The diversions by New Jersey from the Delaware River shall be made under the supervision of the River Master and shall be subject to the following conditions and obligations:

1. Until the State of New Jersey builds and utilizes one or more reservoirs to store waters of the Delaware River or its tributaries for the purpose of diverting the same to another watershed, the State may divert not to exceed 100 m. g. d. as a monthly average, with the diversion on any day not to exceed 120 million gallons.

2. If and when the State of New Jersey has built and is utilizing one or more reservoirs to store waters of the Delaware River or its tributaries for the purpose of diversion to another watershed, it may withdraw water from the Delaware River or its tributaries into such impound-

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ing reservoirs without limitation except during the months of July, August, September and October of any year, when not more than 100 m. g. d. as a monthly average and not more than 120 million gallons in any day shall be withdrawn.

3. Regardless of whether the State of New Jersey builds and utilizes storage reservoirs for diversion, its total diversion for use outside of the Delaware River watershed without compensating releases shall not exceed an average of 100 m. g. d. during any calendar year.

VI. EXISTING USES NOT AFFECTED BY AMENDED DECREE. The parties to this proceeding shall have the right to continue all existing uses of the waters of the Delaware River and its tributaries, not involving a diversion outside the Delaware River watershed, in the manner and at the locations presently exercised by municipalities or other governmental agencies, industries or persons in the Delaware River watershed in the States of New York, New Jersey and Delaware and the Commonwealth of Pennsylvania.

VII. RIVER MASTER.

A. *Designation.* Subject to the concurrence of the Director of the U. S. Geological Survey, the Chief Hydraulic Engineer of the U. S. Geological Survey, or such other engineer of the U. S. Geological Survey as shall at any time be designated by the Chief Hydraulic Engineer, is hereby designated as River Master.

B. *Duties.* The River Master shall either in person or through his assistants possess, exercise and perform the following duties and functions:

1. *General Duties.*

(a) Administer the provisions of this decree relating to yields, diversions and releases so as to have the provisions of this decree carried out with the greatest possible accuracy;

(b) Conserve the waters in the river, its tributaries and in any reservoirs maintained in the Delaware River watershed by the City of New York or any which may hereafter be developed by any of the other parties hereto;

(c) Compile and correlate all available data on the water needs of the parties hereto;

(d) Check and correlate the pertinent stream flow gaggings on the Delaware River and its tributaries;

(e) Observe, record and study the effect of developments on the Delaware River and its tributaries upon water supply and other necessary, proper and desirable uses; and

(f) Make periodic reports to this Court, not less frequently than annually, and send copies thereof to the Governors of Delaware, New Jersey, New York and Pennsylvania, and to the Mayor of the City of New York.

2. *Specific Duties with Respect to the Montague Release Formula.* In connection with the releases of water which the City of New York is required to make under Par. III-B-1 (b) of this decree, the River Master, in co-operation with the City of New York, shall, by appropriate observation and estimates, perform the following duties:

(a) Determine the average times of transit of the flow between the release works of the several reservoirs of the City and Montague and between the release works of other storage reservoirs in the watershed and Montague;

(b) Make a daily computation of what the average flow observed on the previous day at Montague would have been, except for that portion previously contributed by releases of the City or as affected by the contributing or withholding of water at other storage reservoirs, for the purpose of computing the volume of water that would have had to be released in order to have maintained precisely the basic rate on that day;

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(c) Take account of all changes that can be anticipated in the flow from that portion of the watershed above Montague not under the City's control and allow for the same by making an appropriate adjustment in the computed volume of the daily release; and

(d) After taking into consideration (a), (b) and (c), direct the making of adjusted daily releases designed to maintain the flow at Montague at the applicable minimum basic rate.

C. Distribution of Costs. The compensation of, and the costs and expenses incurred by, the River Master shall be borne equally by the State of Delaware, State of New Jersey, Commonwealth of Pennsylvania, and the City of New York.

D. Replacement. In the event that for any reason the Chief Hydraulic Engineer of the U. S. G. S. or his designee cannot act as River Master, this Court will, on motion of any party, appoint a River Master and fix his compensation.

VIII. NO PRIOR APPROPRIATION NOR APPORTIONMENT. No diversion herein allowed shall constitute a prior appropriation of the waters of the Delaware River or confer any superiority of right upon any party hereto in respect of the use of those waters. Nothing contained in this decree shall be deemed to constitute an apportionment of the waters of the Delaware River among the parties hereto.

IX. DECREE WITHOUT PREJUDICE TO THE UNITED STATES. This decree is without prejudice to the United States. It is subject to the paramount authority of Congress in respect to commerce on navigable waters of the United States; and it is subject to the powers of the Secretary of the Army and Chief of Engineers of the United States Army in respect to commerce on navigable waters of the United States.

X. RETENTION OF JURISDICTION; NO ESTOPPEL. Any of the parties hereto, complainant, defendants or intervenors, may apply at the foot of this decree for other or further action or relief, and this Court retains jurisdiction of the suit for the purpose of any order or direction or modification of this decree, or any supplemental decree that it may deem at any time to be proper in relation to the subject matter in controversy. The fact that a party to this cause has not filed exceptions to the report of the Special Master or to the provisions of this decree shall not estop such party at any time in the future from applying for a modification of the provisions of this decree, notwithstanding any action taken by any party under the terms of this decree.

XI. COSTS OF THIS PROCEEDING. The costs of this proceeding shall be paid by the parties in the following proportions: State of New Jersey, $26\frac{2}{3}$ per cent, City of New York, $26\frac{2}{3}$ per cent, State of New York, 10 per cent, Commonwealth of Pennsylvania, $26\frac{2}{3}$ per cent, and State of Delaware, 10 per cent.

Theodore D. Parsons, Attorney General of New Jersey, *Robert Peacock*, Deputy Attorney General, and *Kenneth H. Murray* for complainant.

Nathaniel L. Goldstein, Attorney General, *Wendell P. Brown*, Solicitor General, and *Edward L. Ryan*, Assistant Attorney General, for the State of New York; and *Denis M. Hurley*, *John P. McGrath*, *Jeremiah M. Evarts*, *James J. Thornton*, *Richard H. Burke* and *John Suglia* for the City of New York, defendants.

Frank F. Truscott, Attorney General, *George G. Chandler*, *Bernard G. Segal*, *Wm. A. Schnader* and *Harry F. Stambaugh* for the State of Pennsylvania; and *H. Albert Young*, Attorney General, and *Vincent A. Theisen*, Chief Deputy Attorney General, for the State of Delaware, intervenors.

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Miscellaneous Orders.

No. —. IRWIN *v.* RAILROAD COMMISSION OF TEXAS ET AL. The application for a stay, referred to the Court by MR. JUSTICE BLACK, is denied. *D. Worth Clark, Philip W. Amram, Cyril J. Smith and Ralph W. Yarborough* for petitioner. *John Ben Shepperd*, Attorney General of Texas, and *Phillip Robinson*, Assistant Attorney General, for the Railroad Commission of Texas, respondent.

No. 550. MORRIS *v.* PARKER ET AL. Samuel Berman and Solomon H. Feldman, executors of the estate of Max R. Morris, deceased, substituted as parties appellant.

No. 510. FRIEDBERG *v.* UNITED STATES. Petition for rehearing granted. The order denying certiorari, *ante*, p. 916, is vacated and petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted. *Robert N. Gorman and Stanley A. Silversteen* for petitioner. *Robert L. Stern*, then Acting Solicitor General, *Assistant Attorney General Holland, Ellis N. Slack and David L. Luce* for the United States. Reported below: 207 F. 2d 777.

No. 67. EMSPAK *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari granted, except as to question No. 4 presented by the petition for the writ, 346 U. S. 809. Argued January 12-13, 1954. This case is ordered restored to the docket for reargument. *David Scribner, Frank J. Donner, Arthur Kinoy and Allan R. Rosenberg* for petitioner. *Robert L. Stern*, then Acting Solicitor General, *Assistant Attorney General Olney, Beatrice Rosenberg, Carl H. Imlay and John R. Wilkins* for the United States. *Ernest Angell, Osmond K. Fraenkel, Arthur Garfield*

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Hays and *Herbert Monte Levy* filed a brief for the American Civil Liberties Union, as *amicus curiae*, urging reversal. Reported below: 91 U. S. App. D. C. 378, 203 F. 2d 54.

No. 164. *GOLDBAUM ET AL. v. UNITED STATES*. On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. The order denying certiorari in this case, 346 U. S. 831, is vacated and the case is restored to the docket. *Irvin Goldstein* for petitioners. *Robert L. Stern*, then Acting Solicitor General, *Assistant Attorney General Holland*, *Ellis N. Slack*, *Meyer Rothwacks* and *Joseph M. Howard* for the United States. Reported below: 204 F. 2d 74.

No. 259. *BANKS v. UNITED STATES*. On petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit. The order denying certiorari in this case, 346 U. S. 857, is vacated and the case is restored to the docket. *Joseph B. Keenan*, *Alvin O. West* and *John W. Graff* for petitioner. *Robert L. Stern*, then Acting Solicitor General, *Assistant Attorney General Holland*, *Ellis N. Slack* and *Murray L. Schwartz* for the United States. Reported below: 204 F. 2d 666.

No. 414. *McFEE v. UNITED STATES*. On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. The order denying certiorari in this case, *ante*, p. 927, is vacated and the case is restored to the docket. *Elden McFarland* for petitioner. *Robert L. Stern*, then Acting Solicitor General, *Assistant Attorney General Holland*, *Ellis N. Slack*, *David L. Luce* and *Joseph M. Howard* for the United States. Reported below: 206 F. 2d 872.

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No. 314, Misc. *WHEATLEY v. IGOE*, U. S. DISTRICT JUDGE. Motion for leave to file petition for writ of mandamus denied without prejudice to petitioner to apply to the United States Court of Appeals for a writ of mandamus.

No. 620, Misc. *JOHNSON v. HANNAY*, U. S. DISTRICT JUDGE. Motion for leave to file petition for writ of mandamus denied.

No. 573, Misc. *FRAZIER v. WARDEN*, LEWISBURG PENITENTIARY; and

No. 621, Misc. *EX PARTE HERZ*. Motions for leave to file petitions for writs of habeas corpus denied.

No. 610, Misc. *HURST v. LOONEY*, WARDEN. Motion for leave to file petition for writ of certiorari denied.

Certiorari Granted. (See also No. 510, ante, p. 1006.)

No. 66. *QUINN v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari granted. *David Scribner, Frank J. Donner, Arthur Kinoy* and *Allan R. Rosenberg* for petitioner. *Robert L. Stern*, then Acting Solicitor General, *Assistant Attorney General Olney, Beatrice Rosenberg* and *Carl H. Imlay* for the United States. Reported below: 91 U. S. App. D. C. 344, 203 F. 2d 20.

No. 577. *UNITED STATES v. CALDERON*. C. A. 9th Cir. Certiorari granted. *Robert L. Stern*, then Acting Solicitor General, for the United States. *Joseph W. Burns* for respondent. Reported below: 207 F. 2d 377.

No. 650. *HOLLAND ET AL. v. UNITED STATES*. C. A. 10th Cir. Certiorari granted. *Peyton Ford* and *Sumner M. Redstone* for petitioners. *Solicitor General Sobeloff*,

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Assistant Attorney General Holland, Ellis N. Slack, David L. Luce and Joseph M. Howard for the United States. Reported below: 209 F. 2d 516.

No. 691. COX ET AL., ADMINISTRATORS, ET AL. *v.* ROTH, ADMINISTRATOR. C. A. 5th Cir. Certiorari granted. *Douglas D. Batchelor and David W. Dyer for petitioners. Jacob Rassner for respondent. Reported below: 210 F. 2d 76.*

No. 696. TEE-HIT-TON INDIANS *v.* UNITED STATES. Court of Claims. Certiorari granted. *James Craig Peacock, Martin W. Meyer, William L. Paul, Jr., John E. Skilling and John H. Myers for petitioner. Solicitor General Sobeloff, Assistant Attorney General Morton, Roger P. Marquis and John C. Harrington for the United States. Reported below: 128 Ct. Cl. 82, 120 F. Supp. 202.*

No. 697. CASTLE, ATTORNEY GENERAL, ET AL. *v.* HAYES FREIGHT LINES, INC. Supreme Court of Illinois. Certiorari granted. *Latham Castle, Attorney General of Illinois, John L. Davidson, Jr., First Assistant Attorney General, Mark O. Roberts, Special Assistant Attorney General, and William C. Wines and Lee D. Martin, Assistant Attorneys General, for petitioners. Reported below: 2 Ill. 2d 58, 117 N. E. 2d 106.*

No. 710. FEDERAL POWER COMMISSION *v.* COLORADO INTERSTATE GAS CO. C. A. 10th Cir. Certiorari granted. *Solicitor General Sobeloff and Willard W. Gatchell for petitioner. James Lawrence White, William A. Dougherty, John P. Akolt, Sr., John R. Turnquist, Charles E. McGee and Lewis M. Poe for respondent. Reported below: 209 F. 2d 717.*

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No. 725. ASSOCIATION OF WESTINGHOUSE SALARIED EMPLOYEES *v.* WESTINGHOUSE ELECTRIC CORP. C. A. 3d Cir. Certiorari granted. *Arthur J. Goldberg* for petitioner. *Mahlon E. Lewis* and *Robert D. Blasier* for respondent. Reported below: 210 F. 2d 623.

No. 726. SMITH *v.* UNITED STATES. C. A. 1st Cir. Certiorari granted. *Richard Maguire* for petitioner. *Solicitor General Sobeloff*, *Assistant Attorney General Holland*, *Ellis N. Slack*, *David L. Luce*, *Joseph M. Howard* and *Dickinson Thatcher* for the United States. Reported below: 210 F. 2d 496.

No. 747. SULLIVAN *v.* UNITED STATES. C. A. 10th Cir. Certiorari granted. *Llewellyn A. Luce* and *Walter H. Maloney* for petitioner. *Solicitor General Sobeloff*, *Assistant Attorney General Holland*, *Ellis N. Slack*, *David L. Luce* and *Joseph M. Howard* for the United States. Reported below: 212 F. 2d 125.

No. 730. REGAN *v.* NEW YORK. Court of Appeals of New York. Certiorari granted. *Elaine F. Friedman* for petitioner. *Edward S. Silver* and *Aaron E. Koota* for respondent. Reported below: 306 N. Y. 747, 117 N. E. 2d 921.

No. 719. OPPER *v.* UNITED STATES. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted limited to questions 3, 4, and 5 presented by the petition for the writ which read as follows:

"3. Whether, where an admission is made to law enforcement officers after the date of the acts charged as crimes, it is to be so far treated as a confession that, in the absence of corroboration, it is inadmissible.

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"4. Whether a conviction can be sustained where there is, apart from an admission made to law enforcement officers after the date of the acts charged as crimes, no proof of the *corpus delicti*.

"5. Whether, in convicting petitioner the jury, and in sustaining his conviction the court below, in fact admitted, as against him, statements of his co-defendant which, as a matter of law, were not competent evidence against him."

John M. Kelley, Jr. and *Frederick Bernays Wiener* for petitioner. *Solicitor General Sobeloff*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Felicia Dubrovsky* for the United States. Reported below: 211 F. 2d 719.

No. 5, Misc. *BART v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari granted. *James T. Wright* for petitioner. *Robert L. Stern*, then Acting Solicitor General, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *John R. Wilkins* for the United States. Reported below: 91 U. S. App. D. C. 370, 203 F. 2d 45.

No. 279, Misc. *GARCIA v. LANDON*, DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE. C. A. 9th Cir. Certiorari granted. *Harry Wolpin* and *A. L. Wirin* for petitioner. *Robert L. Stern*, then Acting Solicitor General, *Assistant Attorney General Olney* and *Beatrice Rosenberg* for respondent. Reported below: 207 F. 2d 693.

No. 290, Misc. *MASSEY v. MOORE*, WARDEN. C. A. 5th Cir. Certiorari granted. *Dean Acheson* for petitioner. *John Ben Shepperd*, Attorney General of Texas, and *James N. Castleberry, Jr.* and *Rudy G. Rice*, Assistant Attorneys General, for respondent. Reported below: 205 F. 2d 665.

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No. 481, Misc. REEVES *v.* ALABAMA. Supreme Court of Alabama. Certiorari granted. *Thurgood Marshall, Robert L. Carter* and *Jack Greenberg* for petitioner. *Si Garrett*, Attorney General of Alabama, and *L. E. Barton*, Assistant Attorney General, for respondent. Reported below: 260 Ala. —, 68 So. 2d 14.

No. 545, Misc. MOORE *v.* MEAD'S FINE BREAD CO. C. A. 10th Cir. Certiorari granted. *Dee C. Blythe* for petitioner. *Edward W. Napier* and *Howard F. Houk* for respondent. Reported below: 208 F. 2d 777.

Certiorari Denied. (See also No. 610, Misc., ante, p. 1008.)

No. 622. MITCHELL *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. *Temple W. Seay* for petitioner. *Solicitor General Sobeloff, Assistant Attorney General Holland, Ellis N. Slack, David L. Luce* and *Joseph M. Howard* for the United States. Reported below: 208 F. 2d 854.

No. 651. DEARYAN *v.* BUTLER, MAYOR, ET AL. District Court of Appeal of California, Fourth Appellate District. Certiorari denied. Reported below: 119 Cal. App. 2d 674, 260 P. 2d 98.

No. 690. WOLFE *v.* TASKA. C. A. 4th Cir. Certiorari denied. *George E. Allen* for petitioner. *Preston P. Taylor* for respondent. Reported below: 208 F. 2d 705.

No. 702. NEBRASKA SEED CO. ET AL. *v.* UNITED STATES. Court of Claims. Certiorari denied. *O. L. Dykstra* for petitioners. *Solicitor General Sobeloff, Assistant Attorney General Holland, Ellis N. Slack, Hilbert P. Zarky* and *Carolyn R. Just* for the United States. Reported below: 127 Ct. Cl. 133, 116 F. Supp. 740.

No. 704. SHAY ET AL. *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Cir-

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cuit. Certiorari denied. *De Long Harris* for petitioners. *Solicitor General Sobeloff*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Felicia Dubrovsky* for the United States. Reported below: 93 U. S. App. D. C. —, 212 F. 2d 809.

No. 707. *MAXWELL ET AL. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 4th Cir. Certiorari denied. *Robert Ash* for petitioners. *Solicitor General Sobeloff*, *Assistant Attorney General Holland*, *Ellis N. Slack* and *Robert N. Anderson* for respondent. Reported below: 208 F. 2d 542.

No. 709. *STEWART-JORDAN DISTRIBUTING CO., INC. v. MITCHELL, SECRETARY OF LABOR*. C. A. 5th Cir. Certiorari denied. *Marshall A. Pipin* for petitioner. *Solicitor General Sobeloff*, *Bessie Margolin* and *Sylvia S. Ellison* for respondent. Reported below: 210 F. 2d 427.

No. 711. *LEMKE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Hubert A. Gilbert* for petitioner. *Solicitor General Sobeloff* for the United States. Reported below: 211 F. 2d 73.

No. 721. *PILGRIM HOLINESS CHURCH CORPORATION v. MITCHELL, SECRETARY OF LABOR*. C. A. 7th Cir. Certiorari denied. *Carl Seet* and *Burke G. Slaymaker* for petitioner. *Solicitor General Sobeloff*, *Bessie Margolin* and *Joseph M. Stone* for respondent. Reported below: 210 F. 2d 879.

No. 722. *CAIN ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Norman B. Gillis, Jr.* and *William Saunders Henley* for petitioners. *Solicitor General Sobeloff*, *Assistant Attorney General Holland*, *Ellis N. Slack* and *Hilbert P. Zarky* for the United States. Reported below: 211 F. 2d 375.

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No. 723. *FISHER v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 6th Cir. Certiorari denied. *Benjamin E. Jaffe* for petitioner. *Solicitor General Sobeloff, Assistant Attorney General Holland, Ellis N. Slack, Hilbert P. Zarky and Meyer Rothwacks* for respondent. Reported below: 209 F. 2d 513.

No. 724. *BRESLIN v. NEW YORK*. Court of Appeals of New York. Certiorari denied. *Thomas J. Mackell* for petitioner. *Edward S. Silver and Aaron E. Koota* for respondent. Reported below: 306 N. Y. 294, 118 N. E. 2d 108.

No. 737. *MARYLAND JOCKEY CLUB OF BALTIMORE CITY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. *Llewellyn A. Luce* for petitioner. *Solicitor General Sobeloff, Assistant Attorney General Holland, Ellis N. Slack, Robert N. Anderson and Homer R. Miller* for the United States. Reported below: 210 F. 2d 367.

No. 739. *EMPLOYERS' LIABILITY ASSURANCE CORP., LTD. v. MITCHELL ET AL.* C. A. 5th Cir. Certiorari denied. *R. Emmett Kerrigan* for petitioner. Reported below: 211 F. 2d 441.

No. 743. *BOYT ET AL. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 8th Cir. Certiorari denied. *Thomas B. Roberts and Joseph I. Brody* for petitioners. *Solicitor General Sobeloff, Assistant Attorney General Holland, Ellis N. Slack and L. W. Post* for respondent. Reported below: 209 F. 2d 839.

No. 744. *VANDYKE v. BLUEFIELD GAS CO.* C. A. 4th Cir. Certiorari denied. *Frederick T. Kingdon* for petitioner. *LeRoy Katz* for respondent. Reported below: 210 F. 2d 620.

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NO. 746. BEKINS ET AL. *v.* BEKINS VAN & STORAGE CO. ET AL. C. A. 5th Cir. Certiorari denied. *Charles Romick* for petitioners. *Paul Carrington* for respondents. Reported below: 210 F. 2d 338.

NO. 748. YOUNG *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *James F. Reilly* and *Harry A. Calevas* for petitioner. *Solicitor General Sobeloff*, *Assistant Attorney General Olney*, *Robert S. Erdahl* and *John R. Wilkins* for the United States. Reported below: — U. S. App. D. C. —, 212 F. 2d 236.

NO. 756. SENS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. *Llewellyn A. Luce* for petitioner. *Solicitor General Sobeloff*, *Assistant Attorney General Holland*, *Ellis N. Slack*, *David L. Luce*, *Joseph M. Howard* and *Dickinson Thatcher* for the United States. Reported below: 212 F. 2d 795.

NO. 758. WILLIS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. *Virgil D. Willis* and *W. S. Walker* for petitioner. *Solicitor General Sobeloff*, *Assistant Attorney General Morton*, *Roger P. Marquis* and *S. Billingsley Hill* for the United States. Reported below: 211 F. 2d 1.

NO. 770. DIXIE TERMINAL CO. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 6th Cir. Certiorari denied. *John B. Hollister* for petitioner. *Solicitor General Sobeloff*, *George J. Bott*, *David P. Findling* and *Dominick L. Manoli* for respondent. Reported below: 210 F. 2d 538.

NO. 772. LAKE ONTARIO LAND DEVELOPMENT & BEACH PROTECTION ASSOCIATION, INC. *v.* FEDERAL POWER COMMISSION ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Clay-*

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ton L. Burwell and Walter S. Forsyth for petitioner. Solicitor General Sobeloff, Assistant Attorney General Burger, Robert L. Stern, Herman Marcuse and Willard W. Gatchell for the Federal Power Commission, Charles M. Goetz, Orrin G. Judd and Earle K. Moore for the Power Authority of the State of New York, and Murray Preston for the Great Lakes-St. Lawrence Association, respondents. Reported below: — U. S. App. D. C. —, 212 F. 2d 227.

No. 773. LOMBARDI ET AL., TRADING AS JOSEPH LOMBARDI & SONS, *v.* KEEFER ET AL. Supreme Court of Pennsylvania, Eastern District. Certiorari denied. Horace N. Lombardi and John Martin Doyle for petitioners. M. Stuart Goldin for respondents. Reported below: 376 Pa. 367, 102 A. 2d 695.

No. 779. MISSION CORPORATION *v.* BLAU ET AL. C. A. 2d Cir. Certiorari denied. Barnabas B. Hadfield and C. Lansing Hays, Jr. for petitioner. Morris J. Levy for Blau, respondent. Reported below: 212 F. 2d 77.

No. 664. CELLA *v.* UNITED STATES ET AL.; and

No. 782. MEYER *v.* UNITED STATES ET AL. C. A. 7th Cir. Certiorari denied. George F. Callaghan for petitioner in No. 664. John J. Kelly, Jr. for petitioner in No. 782. Solicitor General Sobeloff, Assistant Attorney General Barnes, Ralph S. Spritzer, Robert L. Farrington and Neil Brooks for respondents. Reported below: No. 664, 208 F. 2d 783; No. 782, 211 F. 2d 406.

No. 681. CALIFORNIA *v.* UNITED STATES. Court of Claims. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this application. Edmund G. Brown, Attorney General of California, Phil D. Swing, Howard C. Ellis, Robert F. Klepinger and Wil-

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liam W. Barron for petitioner. *Solicitor General Sobeloff*, *Assistant Attorney General Burger*, *Paul A. Sweeney* and *Benjamin Forman* for the United States. Reported below: 127 Ct. Cl. 624, 119 F. Supp. 174.

No. 699. *WAGNER v. WASHINGTON*. Supreme Court of Washington. Certiorari denied. Petitioner *pro se*. *Cyrus A. Dimmick*, Assistant Attorney General of Washington, for respondent.

No. 736. *McRAE v. WOODS, ACTING HOUSING EXPEDITER*. C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Sobeloff* for respondent. Reported below: 209 F. 2d 263.

No. 797. *MILLER v. THORN ET UX*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Charles William Freeman* for petitioner. *Ernest F. Henry* for respondents.

No. 701. *BOWMAN, ADMINISTRATRIX, v. BOWMAN*. Supreme Court of Georgia. Certiorari denied. *James L. Moore* for petitioner. *Margaret Hills Fairleigh* for respondent. Reported below: 210 Ga. 259, 78 S. E. 2d 801.

No. 718. *DANIELS ET AL. v. THOMAS*. Supreme Court of Colorado. Certiorari denied. *Bentley M. McMullin* for petitioners. *William V. Hodges* for respondent. Reported below: — Colo. —, 265 P. 2d 702.

No. 115, Misc. *GALLOWAY v. DOWD, WARDEN*. C. A. 7th Cir. Certiorari denied without prejudice to petitioner to initiate a new proceeding alleging refusal to allow an appeal. *James C. Cooper* for petitioner. *Edwin K. Steers*, Attorney General of Indiana, and *Carl M. Franceschini* and *Frank E. Spencer*, Deputy Attorneys General, for respondent. Reported below: 204 F. 2d 524.

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No. 284, Misc. *CORPOLONGO v. LAGAY*, SUPERINTENDENT, NEW JERSEY STATE PRISON FARM. Supreme Court of New Jersey. Certiorari denied. Petitioner *pro se*. *Grover C. Richman, Jr.*, Attorney General of New Jersey, and *Eugene T. Urbaniak*, Deputy Attorney General, for respondent. Reported below: 28 N. J. Super. 239, 100 A. 2d 503.

No. 297, Misc. *SLECHTA v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. Petitioner *pro se*. *Latham Castle*, Attorney General of Illinois, and *William C. Wines*, Assistant Attorney General, for respondent.

No. 343, Misc. *RICHARDSON v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *James A. Cobb*, *George E. C. Hayes*, *David Rein* and *Joseph Forer* for petitioner. *Robert L. Stern*, then Acting Solicitor General, *Assistant Attorney General Olney* and *Beatrice Rosenberg* for the United States. Reported below: — U. S. App. D. C. —, 208 F. 2d 41.

No. 345, Misc. *BROUSSARD v. CRANOR*, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY. C. A. 9th Cir. Certiorari denied.

No. 414, Misc. *WILLIAMS v. UNITED STATES*; and

No. 415, Misc. *ATKINS ET AL. v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *John J. Dwyer* for petitioner in No. 414. *James J. Laughlin* and *Albert J. Ahern, Jr.* for petitioners in No. 415. *Solicitor General Sobeloff*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Carl H. Imlay* for the United States. Reported below: — U. S. App. D. C. —, 210 F. 2d 712.

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No. 456, Misc. *FREDERICKS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion certiorari should be granted. *Bernard A. Golding* for petitioner. *Solicitor General Sobeloff, Assistant Attorney General Olney, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 208 F. 2d 712.

No. 468, Misc. *BRINGAZI v. EIDSON, WARDEN*. Supreme Court of Missouri. Certiorari denied. Petitioner *pro se. John M. Dalton*, Attorney General of Missouri, and *Samuel M. Watson*, Assistant Attorney General, for respondent.

No. 472, Misc. *SEYMOUR v. NEW YORK*. Appellate Division of the Supreme Court of New York, Third Judicial Department. Certiorari denied. Reported below: 282 App. Div. 982, 125 N. Y. S. 2d 759.

No. 509, Misc. *WHEELER v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Claire O. Ducker, Sr.* for petitioner. *Solicitor General Sobeloff, Assistant Attorney General Olney, Robert S. Erdahl and J. F. Bishop* for the United States. Reported below: — U. S. App. D. C. —, 211 F. 2d 19.

No. 523, Misc. *JACOBS ET AL. v. NEW YORK*. Court of Appeals of New York. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion certiorari should be granted. *Nancy Carley* for petitioners. *George Tilzer* for respondent. Reported below: 306 N. Y. 717, 117 N. E. 2d 904.

No. 541, Misc. *ALLEN v. RAGEN, WARDEN*. C. A. 7th Cir. Certiorari denied.

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No. 542, Misc. *MANFREDONIA ET AL. v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Joseph J. Lyman* for petitioners. *Solicitor General Sobeloff, Assistant Attorney General Olney, Beatrice Rosenberg and Carl H. Imlay* for the United States. Reported below: — U. S. App. D. C. —, 210 F. 2d 712.

No. 544, Misc. *RUSSELL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Sobeloff, Assistant Attorney General Olney, Robert S. Erdahl and Joseph A. Barry* for the United States. Reported below: 212 F. 2d 87.

No. 575, Misc. *HUGHES v. HEINZE, WARDEN*. Supreme Court of California. Certiorari denied.

No. 577, Misc. *TATE v. CALIFORNIA*. Supreme Court of California. Certiorari denied.

No. 589, Misc. *NEIGUT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Sobeloff, Assistant Attorney General Olney, Robert S. Erdahl and John R. Wilkins* for the United States. Reported below: 212 F. 2d 588.

No. 592, Misc. *GORE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Sobeloff, Assistant Attorney General Olney, Robert S. Erdahl and Robert G. Maysack* for the United States. Reported below: 209 F. 2d 345.

No. 606, Misc. *SANDERS v. SWOPE, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 607, Misc. *MILLER v. RANDOLPH, WARDEN*. Supreme Court of Illinois. Certiorari denied.

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No. 608, Misc. GLOVER ET AL. *v.* NORTH CAROLINA. Supreme Court of North Carolina. Certiorari denied.

No. 611, Misc. JEROME *v.* NEW YORK. Court of Appeals of New York. Certiorari denied. Reported below: 306 N. Y. 777, 118 N. E. 2d 599.

No. 612, Misc. JACKSON *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *T. Emmett McKenzie* for petitioner. Reported below: — U. S. App. D. C. —, — F. 2d —.

No. 613, Misc. WRIGHT *v.* RAGEN, WARDEN. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 614, Misc. JOHNSON *v.* ELLIS, GENERAL MANAGER OF THE TEXAS STATE PENITENTIARY. Court of Criminal Appeals of Texas. Certiorari denied.

No. 615, Misc. FERRE *v.* RANDOLPH, WARDEN. Supreme Court of Illinois. Certiorari denied.

No. 616, Misc. WILLIAMS *v.* ILLINOIS. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 618, Misc. FIESTER *v.* RAGEN, WARDEN. Circuit Court of Iroquois County, Illinois. Certiorari denied.

Rehearing Granted. (See No. 510, ante, p. 1006.)

Rehearing Denied.

No. 112, October Term, 1952. SOBELL *v.* UNITED STATES, 344 U. S. 838. Motion for leave to file a second petition for rehearing denied. THE CHIEF JUSTICE took no part in the consideration or decision of this application.

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No. 381. STATE CORPORATION COMMISSION OF KANSAS
v. FEDERAL POWER COMMISSION ET AL., 346 U. S. 927 ;

No. 382. NORTHERN NATURAL GAS CO. *v.* FEDERAL
POWER COMMISSION ET AL., 346 U. S. 922 ;

No. 648. BRAND ET AL. *v.* COMMISSIONER OF INTERNAL
REVENUE, *ante*, p. 968 ;

No. 264, Misc. JOHNSON *v.* ILLINOIS, *ante*, p. 955 ;

No. 442, Misc. LIPSCOMB *v.* UNITED STATES, *ante*, p.
962 ;

No. 502, Misc. PUFF *v.* UNITED STATES, *ante*, p. 963 ;
and

No. 535, Misc. MORAN *v.* DONALDSON ET AL., *ante*, p.
969. Petitions for rehearing denied.