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December 18, 1961.

motion, in that it appears that the movants themselves are not being prosecuted in the Mississippi courts. On the record before us the motion for a stay injunction pending appeal is denied.

MR. JUSTICE BLACK and MR. JUSTICE FRANKFURTER concur in the denial of a stay solely on the ground that the three movants are not themselves being prosecuted or threatened with prosecutions in Mississippi and they therefore reach no other questions.

CREST FINANCE CO., INC., *v.* UNITED STATES.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE SEVENTH CIRCUIT.

No. 325. Decided December 18, 1961.

Certiorari granted; judgment vacated; and case remanded.

Reported below: 291 F. 2d 1.

Edmund L. Jones for petitioner.

Solicitor General Cox, Assistant Attorney General Oberdorfer, Wayne G. Barnett, Joseph Kovner and George F. Lynch for the United States.

Benjamin M. Nathan and Theodore M. Newman for National Commercial Finance Conference, Inc., as *amicus curiae*, in support of the petition.

PER CURIAM.

In the light of the Solicitor General's concession that petitioner's lien is choate, and the Court agreeing therewith, certiorari is granted, the judgment is vacated and the case is remanded to the Court of Appeals for further proceedings not inconsistent with this opinion.