

OCTOBER TERM, 1943

STATISTICS

	Original	Appellate	Total
Number of cases on docket.....	11	1, 107	1, 118
Cases disposed of.....	2	960	962
Remaining on docket.....	9	147	156

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By per curiam opinion.....	56
By denial or dismissal of petitions for certiorari.....	749
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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Barkley L. Clanahan, of Springfield, Ill.; James N. Vaughan, of New York City; Kenneth G. Speir, of Newton, Kans.; Louis E. Starr, of Portland, Oreg.; Joseph V. Lane, Jr., of New York City; Adrian C. Leiby, of New York City; Arthur B. Hanson, of Washington, D. C.; Hugh A. Kirk, of San Francisco, Calif.; Seton Towns Holsey, of Corsicana, Tex.; Glen H. Munkelt, of San Diego, Calif.; Louis J. Merrell, of Brooklyn, N. Y.; William Haywood Daggett of Marianna, Ark.; Chas. H. Murchison, of Jacksonville, Fla.; Edward Flam, of Los Angeles, Calif.; A. Trevor Jones, of Chicago, Ill.; Walter R. Gray, of Greeneville, Tenn.; William Burbridge Brown, of Chillicothe, Ohio; William Wallace Cochran, of Washington, D. C.; John J. McShane, of Indianapolis, Ind.; Winslow Van Horne, of East Chicago, Ind.; Merrick Irwin Campbell, of Norfolk, Va.; Lewis George Meader, of Ann Arbor, Mich.; and Joseph Brenner, of Los Angeles, Calif., were admitted to practice.

No. —. In re disbarment of George B. Johnson. It having been reported to the Court that George B. Johnson, of West Chester, Commonwealth of Pennsylvania, a member of the Bar of this Court, has been disbarred from the practice of the law in the Supreme Court of the Commonwealth of Pennsylvania; and this Court by order of May 24, 1943, having suspended the said George B. Johnson from the practice of law in this Court and directed that a rule issue requiring him to show cause why he should not be disbarred; and it appearing that the said rule was issued and served upon George B. Johnson, who has not filed a return thereto, and that the time to file such return has expired;

It is ordered that the said George B. Johnson be, and he hereby is, disbarred and that his name be stricken from the roll of attorneys admitted to practice in this Court.

No. —. In re disbarment of George S. Wolbert. It having been reported to the Court that George S. Wolbert, of Philadelphia, Commonwealth of Pennsylvania, a member of the Bar of this Court, has been disbarred from the practice of the law in the Supreme Court of the Commonwealth of Pennsylvania; and this Court by order of June 21, 1943, having suspended the said George S. Wolbert from the

practice of the law in this Court and directed that a rule issue requiring him to show cause why he should not be disbarred; and it appearing that the said rule was issued and served upon George S. Wolbert, who has not filed a return thereto, and that the time to file such return has expired;

It is ordered that the said George S. Wolbert be, and he hereby is, disbarred and that his name be stricken from the roll of attorneys admitted to practice in this Court.

No. 9, original. The State of Kansas, complainant, *v.* The State of Missouri. Report of the Special Master presented.

No. 3. A. M. Anderson, Receiver of National Bank of Kentucky, of Louisville, petitioner, *v.* Katherine Kirkpatrick Abbott, Administratrix, etc., et al. Motion of respondent to postpone reargument presented.

No. 4. J. Oliver Hill, Administrator, etc., petitioner, *v.* Francis L. Hawes, Individually, etc. Reported for failure to comply with the rules.

No. 150. The Petersime Incubator Company, petitioner, *v.* The Bundy Incubator Company. On petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit. Dismissed on motion of counsel for the petitioner.

Adjourned until Monday, October 11 next, at 12 o'clock.

The day call for Monday, October 11, will be as follows: Nos. 5, original, 5, 17, 18, 21, 23, 27 (and 41), 48, 28, and 19.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Louis J. O'Marr, of Sheridan, Wyo.; Robert B. Bushnell, of Boston, Mass.; Walter J. Cummings, Jr., of Chicago, Ill.; Arthur C. Gordon, of Lamar, Colo.; Eldon Wallingford, of Topeka, Kans.; A. B. Mitchell, of Topeka, Kans.; A. W. McHendrie, of Pueblo, Colo.; Robert M. Hitchcock, of Dunkirk, N. Y.; Walter Ragen Frizzell, of Atlanta, Ga.; John O. Harris, of Wetumpka, Ala.; Lester August Danielson, of Scottsbluff, Nebr.; Samuel M. Fleischman, of Buffalo, N. Y.; Alexander W. Staples, of Los Angeles, Calif.; Frank J. Donner, of New York City; James W. Aird, of Birmingham, Ala.; Alexander F. Whiting, of Montgomery, Ala.; and J. L. Searles, of Long Beach, Calif., were admitted to practice.

The Chief Justice announced the following orders of the Court:

No. 95. The Moody Bible Institute of Chicago, appellant, *v.* City of Chicago. Appeal from the Supreme Court of Illinois. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for the want of jurisdiction. Section 237 (a) of the Judicial Code, as amended, 28 U. S. C., Sec. 344 (a). Treating the papers whereon the appeal was allowed as an application for writ of certiorari as required by Sec. 237 (c) of the Judicial Code, as amended, 28 U. S. C., Sec. 344 (c), certiorari is denied.

No. 275. Elijah Parker and George Lewis, appellants, *v.* The State of Mississippi. Appeal from the Supreme Court of Mississippi. *Per curiam*: The motion for leave to proceed in forma pauperis is granted. The appeal is dismissed for the want of jurisdiction. Section 237 (a) of the Judicial Code, as amended, 28 U. S. C., Sec. 344 (a). Treating the papers whereon the appeal was allowed as an application for writ of certiorari as required by Sec. 237 (c) of the Judicial Code, as amended, 28 U. S. C., Sec. 344 (c), certiorari is denied. Mr. Justice Murphy is of opinion certiorari should be granted.

No. 213. Twisp Mining & Smelting Company, appellant, *v.* Chelan Mining Company, Seattle First National Bank, as Receiver, etc., et al. Appeal from and petition for writ of certiorari to the Supreme Court of Washington. *Per curiam*: The appeal is dismissed for failure to comply with Rule 12, paragraph 1. The petition for writ of certiorari is denied.

No. 294. V. D. Payne, appellant, *v. J. A. Kirchwehm*. Appeal from the Supreme Court of Ohio. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. (1) Alaska Packers Association *v. Commission*, 294 U. S. 532, 547; Pacific Insurance Co. *v. Commission*, 306 U. S. 493, 502; (2) Michigan Insurance Bank *v. Eldred*, 130 U. S. 693, 696; Platt *v. Wilmot*, 193 U. S. 602, 610; Guaranty Trust Co. *v. United States*, 304 U. S. 126, 136.

No. 308. Coit I. Hughes, H. B. Hughes, et al., appellants, *v. J. L. Gust*. Appeal from the Supreme Court of Arizona. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a properly presented federal question.

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —. Theodore Bentz, appellant, *v. State of Michigan*. The petition for appeal is denied for the reason that application therefor was not made within the time provided by law. Section 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C., section 350.

No. 9, Original. The State of Kansas, complainant, *v. The State of Missouri*. The report of the Special Master herein is received and ordered to be filed. It is ordered that exceptions to the said report, if any, be filed on or before November 15, next; that briefs upon such exceptions be filed on or before January 3, 1944; and that reply briefs, if any, be filed on or before January 24, 1944. The cause is assigned for hearing on Monday, January 31, 1944, at the head of the call for that day.

No. 3. A. M. Anderson, Receiver, etc., petitioner, *v. Katherine Kirkpatrick Abbott, Administratrix, etc. et al.* The motion of the respondent to postpone reargument until January is granted.

No. 73. Nick Falbo, petitioner, *v. The United States of America*. The motion to amend the petition for writ of certiorari is granted.

No. 98. Sarah Prince, appellant, *v. Commonwealth of Massachusetts*;

No. 105. Eastern-Central Motor Carriers Association et al., appellants, *v. The United States of America et al.*;

No. 198. Earl Dickerson, W. O. Page, et al., appellants, *v. Commonwealth of Virginia*;

No. 154. Anderson National Bank, suing on behalf of itself and all others similarly situated, appellants, *v. H. Clyde Reeves, Individually, etc., et al.* In these cases probable jurisdiction is noted.

No. 227. Thomas B. Dyett, Special Guardian, etc., appellant, *v.* Title Guarantee and Trust Company et al. In this case probable jurisdiction is noted and the case is assigned for argument immediately following No. 52.

No. 134. John Thomas Carter and Eugene Pearson Macemore, appellants, *v.* The Commonwealth of Virginia;

No. 252. J. Howell Flournoy, Sheriff, etc., appellant, *v.* Samuel G. Wiener et al.; and

No. 329. The United States of America, appellant, *v.* Berke Cake Co., Inc., et al. Further consideration of the question of the jurisdiction of this Court in these cases is postponed to the hearing of the cases on the merits.

No. 71. The United States of America, petitioner, *v.* Frank Laudani. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted.

No. 75. The United States, petitioner, *v.* Algernon Blair, Individually, and to the use of Roanoke Marble & Granite Company, Inc. Petition for writ of certiorari to the Court of Claims granted.

No. 84. Dixie Pine Products Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted.

No. 91. Bain Peanut Company of Texas, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted.

No. 94. Mary Tennant, Administratrix of the estate of Harold C. Tennant, deceased, petitioner, *v.* Peoria and Pekin Union Railway Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted.

No. 99. Illinois Steel Company, petitioner, *v.* Baltimore and Ohio Railroad Company. Petition for writ of certiorari to the Appellate Court, First District, State of Illinois, granted.

No. 112. Davies Warehouse Company, petitioner, *v.* Prentiss M. Brown, Price Administrator. Petition for writ of certiorari to the United States Emergency Court of Appeals granted.

No. 142. The United States, petitioner, *v.* Howard C. Myers;

No. 143. The United States, petitioner, *v.* John H. Arble;

No. 144. The United States, petitioner, *v.* Charles C. Martin;

No. 145. The United States, petitioner, *v.* Walter O. Plitz; and

No. 146. The United States, petitioner, *v.* George H. Spitz. Petition for writs of certiorari to the Court of Claims granted.

No. 158. The B. F. Goodrich Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted.

No. 183. B. H. Inness Brown, David Paine, et al., petitioners, *v.* John Gerdes and James D. Carpenter, Jr., Trustees of Reynolds Investing Co., Inc., debtor. Petition for writ of certiorari to the Court of Appeals of New York granted.

No. 195. Northwestern Electric Company and American Power & Light Company, petitioners, *v.* Federal Power Commission. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted.

No. 209. The United States of America, petitioner, *v.* John Waterhouse, Ernest Hay Wodehouse, et al., etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted.

No. 211. Delbert O. Stark, A. F. Stratton, et al., petitioners, *v.* Claude R. Wickard, Secretary of Agriculture of the United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted.

No. 265. Medo Photo Supply Corporation, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted.

No. 267. The United States of America, petitioner, *v.* Seattle-First National Bank, a National Banking Association. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted.

No. 276. The Security Flour Mills Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted.

No. 291. Union Brokerage Company, petitioner, *v.* Norman G. Jensen and Curtis M. Rime. Petition for writ of certiorari to the Supreme Court of Minnesota granted.

No. 115. Commissioner of Internal Revenue, petitioner, *v.* Lane-Wells Company et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. The case is transferred to the summary docket and assigned for argument immediately following No. 1.

No. 193. Samuel Feldman, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted, limited to the question whether petitioner's testimony given in the New York supplementary proceedings was properly admitted in evidence at the trial. Mr. Justice Murphy took no part in the consideration or decision of this application.

No. 200. Anton Mahnich, petitioner, *v.* The Southern Steamship Company. The motion to proceed on typewritten papers is granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted.

No. 215. Arthur Goodwyn Billings, petitioner, *v.* Karl Truesdell, Major General, United States Army. The motion to proceed on the typewritten record is granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted.

No. 217. Wilma E. Addison, Ernestine C. Lyles, et al., petitioners, *v.* Holly Hill Fruit Products, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. The Solicitor General is invited to file a brief amicus curiae if he is so advised.

No. 226. Polish National Alliance of the United States of North America, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted, limited to the first five questions presented by the petition for the writ.

No. 235. Great Northern Life Insurance Company, petitioner, *v.* Jess G. Read, Insurance Commissioner for the State of Oklahoma. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted. Counsel are requested to discuss in their briefs and on oral argument the right of petitioner to maintain its suit in a federal court.

No. 117. District of Columbia, petitioner, *v.* Elizabeth C. Pace. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted. Mr. Justice Black and Mr. Justice Rutledge took no part in the consideration or decision of this application.

No. 159. Mrs. Eula May Walton, Administratrix of Fred Walton, deceased, petitioner, *v.* Southern Package Corporation. The motion for leave to proceed in forma pauperis is granted. Petition for writ of certiorari to the Supreme Court of Mississippi granted.

No. 72. Mina L. Cowan, petitioner, *v.* Fallbrook Public Utility District, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 74. Marguerite Cahn Raphael, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 76. Dant and Russell, Incorporated, petitioner, *v.* Board of Supervisors of the County of Los Angeles, etc., et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 77. William W. McGregor, Perry Shilton, et al., petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 78. Finck Cigar Co., Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 79. Clarence Caldwell, petitioner, *v.* The Travelers Insurance Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 80. La Societe Francaise de Bienfaisance Mutuelle (A Corporation), petitioner, *v.* California Employment Commission, etc. Petition for writ of certiorari to the District Court of Appeal, 1st Appellate District, State of California, denied.

No. 81. Middle West Construction, Incorporated, petitioner, *v.* The Metropolitan District. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 82. Howard B. Parker, petitioner, *v.* The United States of America et al. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 89. Jacksonville Paper Company, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Customs & Patent Appeals denied.

No. 90. The Trust Company of Chicago, Administrator of the estate of Elizabeth Palmer Smith, deceased, et al., petitioners, *v.* City of Chicago et al. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 93. Charles J. McColgan, Franchise Tax Commissioner of the State of California, petitioner, *v.* Maier Brewing Company et al., etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 96. V. W. Petty, petitioner, *v.* Missouri and Arkansas Railway Company. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 97. West Virginia Glass Specialty Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 101. Keeshin Motor Express Co., Inc., petitioner, *v.* Interstate Commerce Commission. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 102. North Carolina Finishing Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 104. Pacific States Savings and Loan Company et al., petitioners, *v.* Babette M. Trede, and Superior Court of the State of California, etc. Petition for writ of certiorari to the Supreme Court of California denied.

No. 106. J. L. Seidenbach, petitioner, *v.* Maryland Casualty Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 107. Keasby & Mattison Company, petitioner, *v.* Walter J. Rothensies, Collector of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 108. John H. Wallace, Jr., doing business as Wallace Laboratories, petitioner, *v.* F. W. Woolworth Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 110. Harold H. Barnett, successor trustee in bankruptcy of the Allied Products Company, petitioner, *v.* Maryland Casualty Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 219. Continental Casualty Company, petitioner, *v.* Harold H. Barnett, trustee. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 111. Fred Pine, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 114. The J. L. Hudson Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 116. Lane-Wells Company, and Technicraft Engineering Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 118. Howard Kiker, petitioner, *v.* The City of Philadelphia, Bernard Samuel, acting Mayor of Philadelphia, et al. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 120. Olaf Oswald, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 121. Paul H. Barnes, petitioner, *v.* Commonwealth of Pennsylvania ex rel. Emma K. Barnes. Petition for writ of certiorari to the Superior Court of Pennsylvania denied.

No. 122. Muskegon Motor Specialties Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 124. Anna Royer, Administratrix of the estate of Lydia Brubaker, deceased, petitioner, *v.* Jerome K. Greiner. Petition for writ of certiorari to the Superior Court of Pennsylvania denied.

No. 126. Thomas P. Nichols & Son Company, petitioner, *v.* The National City Bank of Lynn et al. Petition for writ of certiorari to

the Superior Court, Essex County, Commonwealth of Massachusetts, denied.

No. 127. E. Creekmore, General Chairman of the Brotherhood of Maintenance of Way Employees of N. O. Public Belt Railroad, petitioner, *v.* Public Belt Railroad Commission of New Orleans et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 128. Alvin Emmett Skinner, petitioner, *v.* Wilbur L. Dingwell. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 129. Morris Investment Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 136. Conrad E. Langfield, doing business as The Solvite Company, petitioner, *v.* Solvental Chemical Products, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 138. Thomas W. Morell, on behalf of himself and all other persons similarly situated, petitioners, *v.* The City of New York et al. Petition for writ of certiorari to the Supreme Court of New York denied.

No. 139. Franklin Perry, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 140. Edwin K. Atwood and Alice B. Atwood, Individually, etc., petitioners, *v.* Alice G. K. Kleberg, Individually, etc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 147. Herbert Frederic Miller, petitioner, *v.* Elsie A. Miller. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 148. N. N. S. Matcovich, petitioner, *v.* Clifford C. Anglim, as Collector of Internal Revenue, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 149. Celanese Corporation of America, petitioner, *v.* Libbey-Owens-Ford Glass Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 151. First Trust & Deposit Company et al., as Executors of the last will and testament of William M. Ballard, deceased, petitioners, *v.* Frank J. Shaughnessy, Collector of Internal Revenue, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 152. The Buckeye Union Casualty Company, petitioner, *v.* Pat. J. Ranallo and United States Fidelity and Guaranty Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 153. J. E. Farrell, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 156. Peter W. Burns, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 160. Neil E. Reid, Circuit Judge of the Sixteenth Judicial Circuit sitting in and for the County of Saginaw, petitioner, *v.* Second National Bank and Trust Company of Saginaw, Michigan, etc., et al. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 162. John Klinger, alias Jacob Klinger, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 163. Western Cartridge Company et al., petitioners, *v.* National Labor Relations Board et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 164. Holland Furnace Company, petitioner, *v.* Department of Treasury of the State of Indiana et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 165. Interstate Roofing & Supply Company, petitioner, *v.* Department of Treasury of the State of Indiana et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 166. Great Lakes Dredge & Dock Company et al., petitioners, *v.* Department of Treasury of the State of Indiana et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 168. Guy Carleton Denney, petitioner, *v.* The Fort Recovery Banking Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 169. The I. T. S. Company, petitioner, *v.* Seiberling Rubber Company and The Seiberling Rubber Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 172. The Washington Water Power Company et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 173. Freddie Rich, petitioner, *v.* Eula Marlene Rich. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 174. The City of Youngstown, petitioner, *v.* The Erie Railroad Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 175. Antionette D. Andrews, petitioner, *v.* Commissioner of Internal Revenue;

No. 176. Bertha A. Rainey and Aquila W. Sweeney, as Executors, etc., petitioners, *v.* Commissioner of Internal Revenue;

No. 177. Bertha A. Rainey, petitioner, *v.* Commissioner of Internal Revenue;

No. 178. Mary A. Stoddard, petitioner, *v.* Commissioner of Internal Revenue; and

No. 179. Belle Andrews, petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 180. Transbay Construction Company, petitioner, *v.* City and County of San Francisco. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 181. Carl Lippard and Paul Lippard, petitioners, *v.* The State of North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 182. Schiavone-Bonomo Corporation, petitioner, *v.* Bouchard Transportation Company, Inc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 184. Harvey S. Cover, petitioner, *v.* Chicago Eye Shield Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 185. Allen M. Snyder, petitioner, *v.* The Provident Trust Co., Successor, etc. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 186. Allen J. Patch, petitioner, *v.* Perry G. Stahly. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 188. Francis E. Baumer, petitioner, *v.* Franklin County Distilling Company, Incorporated. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 192. William E. Evans, petitioner, *v.* The State of South Carolina. Petition for writ of certiorari to the Supreme Court of South Carolina denied.

No. 194. Lawrence M. Williams, as Liquidator of Sterling Sugars, Inc., etc., et al., petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 225. Insular Sugar Refining Corporation, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 196. Willie Gray Garrison, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 197. Delendo Corporation (Formerly Olde-Tyme Distillers Corporation) et al., petitioners, *v.* Philip Smolowe et al., etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 199. Alfred I. DuPont Testamentary trust et al., petitioners, *v.* Okeechobee County, Florida, Debtor. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 202. Pan American Airways, Inc., and National Surety Corporation, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 203. Mrs. Ida Rosser Barber, petitioner, *v.* Legh R. Powell, Jr., and H. W. Anderson, Receivers of Seaboard Air Line Railway Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 204. Mead Johnson & Company, petitioner, *v.* Hillman's Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 205. The Citizens and Southern National Bank, cotrustee of the estate of Emanuel Ulman, deceased, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 206. Mississippi Road Supply Company, petitioner, *v.* L. Metcalfe Walling, Administrator, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 207. The Raritan Company of Delaware, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 208. National Mineral Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 210. Richard W. Werner, petitioner, *v.* Hein-Werner Motor Parts Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 216. The People of Puerto Rico, on behalf of the Isabela Irrigation Service, petitioner, *v.* The United States of America et al. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 220. Walter Ford Gormley, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 221. J. Clyde Dean, doing business as Red River Barge Line, Owner of the Tug "Doris Dean," petitioner, *v.* Barge Transport Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 224. Vertex Investment Company, petitioner, *v.* Nora B. Schwabacher, Individually et al., etc. Petition for writ of certiorari to the District Court of Appeal, 1st Appellate District, State of California, denied.

No. 228. The Morris and Essex Railroad Company et al., petitioners, *v.* The Delaware, Lackawanna and Western Railroad Company et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 229. Julia C. Collins and Hattie L. Mosher, petitioners, *v.* Joe O'Connell and Jessie B. O'Connell, husband and wife. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 230. Elmore L. Westgate, petitioner, *v.* Fred G. Timmer, Receiver of the Direct Refinery Stations, et al. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 231. The United States of America, ex rel. Frank Parker, petitioner, *v.* Peter B. Carey, Sheriff of Cook County. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 233. Rufus Howard Nye, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 236. The United States of America, ex rel. Walter Gutterson, petitioner, *v.* E. E. Thompson, Warden of the United States House of Detention, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 237. R. K. Japha, suing on his own behalf and on behalf of all other owners of First and Refunding Mortgage Gold Bonds, Series A, etc., petitioner, *v.* Public Service Company of Northern Illinois et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 238. Daniel W. Norris et al., as Executors of the will of Fannie W. Norris, deceased, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 241. Underwriters' Laboratories, Inc., petitioner, *v.* Commissioner of Internal Revenue; and

No. 242. Underwriters' Laboratories, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 243. Solomon G. Salomon, petitioner, *v.* The City of New York et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 244. The Morrisdale Coal Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 245. Maurice Steckler, Administrator *c. t. a.* of the estate of David Steckler, deceased, etc., petitioner, *v.* The Pennroad Corporation et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 246. A. M. Byers Company, petitioner, *v.* Commonwealth of Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 248. General Management Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 249. The Evangelical Lutheran Synod of Kansas and Adjacent States, a corporation, petitioner, *v.* First English Lutheran Church of Oklahoma City, a corporation, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 253. Robert B. Twining et al., as Natural Guardians, etc., et al., petitioners, *v.* Land Title Bank and Trust Company, Trustee. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 254. Eastern Wine Corporation, petitioner, *v.* Winslow-Warren Ltd., Incorporated. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 255. J. O. B. Price, petitioner, *v.* Louisiana Rural Rehabilitation Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 256. Mary S. Whitmore, Robert Simpson, et al., petitioners, *v.* The Pennsylvania Society for prevention of cruelty to animals, a corporation. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 257. Federal Crude Oil Co., petitioner, *v.* The State of Texas. Petition for writ of certiorari to the Court of Civil Appeals, 3d Supreme Judicial District, State of Texas, denied.

No. 259. S. D. Tilney, W. C. Ham, et al., petitioners, *v.* City of Chicago et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 260. Martin A. Hirsch, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 263. Charlie Herndon, petitioner, *v.* The State of North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 268. George C. Bennett, petitioner, *v.* Julius De Geeter. Petition for writ of certiorari to the Court of Errors and Appeals of New Jersey denied.

No. 269. Geophysical Development Corporation et al., petitioners, *v.* Conway P. Coe, Commissioner of Patents. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 270. Stanley F. Wallace, petitioner, *v.* Delaware River Ferry Company of New Jersey. Petition for writ of certiorari to the Court of Errors and Appeals of New Jersey denied.

No. 272. Moses L. Parshelsky, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 273. In the matter of I. Walter Meckley, petitioner. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 279. Margaret Withrow, trading as Royal Blue Cab Company, et al., petitioners, *v.* Wilma Farmer Edwards, Administratrix, etc. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 281. Wade S. Thomson, John W. Thomson, et al., petitioners, *v.* Leta Butler, Rozell Griffith, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 290. American Anode, Inc., petitioner, *v.* Dewey & Almy Chemical Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 300. Adolph Axelrath, petitioner, *v.* Spencer Kellogg and Sons, Inc.; and

No. 304. Adolph Axelrath, petitioner, *v.* Spencer Kellogg and Sons, Inc. Petition for writs of certiorari to the Court of Appeals of New York denied.

No. 307. Home Ice Company of Memphis, petitioner, *v.* Brewer R. Chapman et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 92. The Swan Carburetor Company, petitioner, *v.* The Nash Motor Company. The motion to supplement and amend the petition for writ of certiorari is granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 100. William A. Doss, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied for the reason that application therefor was not made within the time provided by law. Section 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C., section 350.

No. 170. Arthur H. Stoike, petitioner, *v.* First National Bank of the City of New York. The motion to dispense with the printing of the record is granted. Petition for writ of certiorari to the Supreme Court of New York denied.

No. 191. Albert F. Coyle, petitioner, *v.* The People of the State of New York. The motion to proceed on typewritten papers is granted. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 212. Sammie Osborne, petitioner, *v.* The State of South Carolina. Petition for writ of certiorari to the Supreme Court of South Carolina denied. Mr. Justice Murphy is of the opinion that the petition should be granted.

No. 218. Jim Skidmore et al., petitioners, *v.* Swift & Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. Mr. Justice Black is of the opinion that the petition should be granted.

No. 271. Ralph A. Stilwell, petitioner, *v.* Robert Norment et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied for the reason that application therefor was not made within the time provided by law. Section 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C., section 350.

No. 288. Swiss National Insurance Company, Ltd., etc., petitioner, *v.* Leo T. Crowley, as Alien Property Custodian, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied. The Chief Justice, Mr. Justice Murphy, and Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 234. Jennings A. Snider, petitioner, *v.* Vida Ruth Kelly et al.; and

No. 240. Truman B. Wayne, petitioner, *v.* William W. Robinson, Jr., and The Texas Company. Petitions for writs of certiorari to

the United States Court of Appeals for the District of Columbia denied. Mr. Justice Rutledge took no part in the consideration or decision of these applications.

No. 125. Thaddeus Deatherage, petitioner, *v.* Clyde I. Plummer, Warden, etc. On petition for writ of certiorari to the Supreme Court of California;

No. 135. Bill Cannes, petitioner, *v.* The State of Oklahoma. On petition for writ of certiorari to the Criminal Court of Appeals of Oklahoma;

No. 137. Joe T. Powell, petitioner, *v.* Joseph W. Sanford, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 141. George William Bailey, petitioner, *v.* State of Missouri. On petition for writ of certiorari to the Supreme Court of Missouri;

No. 157. Ivy E. Atwood, petitioner, *v.* Walter A. Hunter, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit;

No. 171. R. B. Swearingin, petitioner, *v.* Milton F. Amrine, Warden, etc., et al. On petition for writ of certiorari to the Supreme Court of Kansas;

No. 189. Laconia Chapelle Burroughs, petitioner, *v.* Joseph W. Sanford, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 190. Harvey Bistany, petitioner, *v.* Joseph H. Brophy, Warden, etc. On petition for writ of certiorari to the Supreme Court of New York;

No. 264. Richard Carr, petitioner, *v.* Walter B. Martin, as Warden, etc. On petition for writ of certiorari to the County Court of Wyoming County, New York;

No. 277. Georgia M. Spruill, petitioner, *v.* Thomas T. Newby, Chairman, etc. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 289. Dale Stamphill, petitioner, *v.* James A. Johnston, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 297. Zebedee Tate, petitioner, *v.* Empire Building Corporation. On petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit;

No. 303. Charles Colley, petitioner, *v.* State of Tennessee. On petition for writ of certiorari to the Supreme Court of Tennessee; and

No. 332. Pantaleona Lumare, petitioner, *v.* The State of Missouri. On petition for writ of certiorari to the Supreme Court of Missouri.

The motions for leave to proceed in forma pauperis are granted. The petitions for writs of certiorari are denied.

No. 123. Wilbur Dear, petitioner, *v.* Nathan Mayo, as State Prison Custodian. The motion for leave to proceed in forma pauperis is

granted. Petition for writ of certiorari to the Supreme Court of Florida denied. The motion for leave to file petition for writ of habeas corpus is also denied.

No. 167. Edgar Flowers, petitioner, *v.* The State of Florida. The motion for leave to proceed in forma pauperis is granted. Petition for writ of certiorari to the Supreme Court of Florida denied. Mr. Justice Murphy and Mr. Justice Douglas are of the opinion that the petition should be granted.

No. 258. John Lawrence Coleman, petitioner, *v.* Clinton T. Duffy, Warden, etc. On petition for writ of certiorari to the Supreme Court of California. The motion for leave to proceed in forma pauperis is granted. The petition for writ of certiorari to the Supreme Court of California is denied on the ground that the case is moot.

No. 261. Howard M. Sharpe, petitioner, *v.* Commonwealth of Kentucky et al. The motion for leave to proceed in forma pauperis is granted. Petition for writ of certiorari to the Court of Appeals of Kentucky denied for the reason that the application therefor was not made within the time provided by law. Section 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C. section 350.

No. 187. The People of the State of New York on the relation of Stephen Rogalski, petitioner, *v.* Walter B. Martin, as Warden, etc. The motion for leave to proceed in forma pauperis is granted. It does not appear from the record that the federal question presented by the petition was necessarily decided by the Court of Appeals. The petition for writ of certiorari to the Court of Appeals of New York is denied. *Lynch v. New York ex rel. Pierson*, 293 U. S. 52; *Honeyman v. Hanan*, 300 U. S. 14, 18; *Bakery & Pastry Drivers Local 302 v. Wohl*, 313 U. S. 572.

No. —, Original, October Term, 1942. Ex parte Edward J. Borah, petitioner. Petition for rehearing denied. The application for writ of certiorari is also denied.

No. 2, October Term, 1942. William Schneiderman, petitioner, *v.* The United States of America. The petition for rehearing is denied. Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 4, October Term, 1942. The United States of America, petitioner, *v.* William R. Johnston; and

No. 5, October Term, 1942. The United States of America, petitioner, *v.* Jack Sommers et al. — The petitions for rehearing are denied. Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge took no part in the consideration or decision of these applications.

No. 517, October Term, 1942. Gaetano Ajello, petitioner, *v.* Pan American Airways Corporation et al. Fourth petition for rehearing

denied. Mr. Justice Rutledge took no part in the consideration or decision of this application.

No. 940, October Term, 1942. J. S. Potts, Trading as Southern Progress Publishing Company, petitioner, *v. Martin Dies*. The motion for leave to file petition for rehearing is granted. The petition for rehearing is denied. Mr. Justice Rutledge took no part in the consideration or decision of this application.

No. 1003, October Term, 1942. Nathan M. Lubar, Trustee, etc., petitioner, *v. Harry Hartman*. The petition for rehearing is denied. Mr. Justice Rutledge took no part in the consideration or decision of this application.

No. 1064, October Term, 1942. Milton Prebyl, appellant, *v. The Prudential Insurance Company of America and John S. Callan*. Petition for rehearing denied. Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 1069, October Term, 1942. Bernard Kushner, petitioner, *v. The United States of America*. Petition for rehearing denied. Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 824, October Term, 1942. Metropolitan-Columbia Stockholders, Inc., et al., petitioners, *v. The City of New York*. The motion for leave to file a third petition for rehearing is denied.

No. 955, October Term, 1942. Frank Valenti, petitioner, *v. The United States of America*. The motion for leave to file petition for rehearing is denied.

No. 369, October Term, 1942. Marconi Wireless Telegraph Company of America, petitioner, *v. The United States*;

No. 552, October Term, 1942. Interstate Transit Lines, petitioner, *v. Commissioner of Internal Revenue*;

No. 608, October Term, 1942. E. V. Davis, petitioner, *v. The State of Arizona*;

No. 628, October Term, 1942. The Interstate Commerce Commission et al., appellants, *v. Columbus and Greenville Railway Company*;

No. 698, October Term, 1942. Daniel F. Boone, petitioner, *v. Clarence M. Lightner et al.*;

No. 707, October Term, 1942. Benjamin W. Freeman, petitioner, *v. Bee Machine Company, Inc.*;

No. 709, October Term, 1942. Virginia Electric and Power Company, petitioner, *v. National Labor Relations Board*;

No. 726, October Term, 1942. Nathan Mayo and Roy Hutchinson, appellants, *v. The United States of America*;

No. 766, October Term, 1942. Virginian Hotel Corporation of Lynchburg, petitioner, *v. Commissioner of Internal Revenue*;

No. 958, October Term, 1942. Kennedy Laundry Company, petitioner, *v.* Commissioner of Internal Revenue;

No. 892, October Term, 1942. Harold E. Cole, appellant, *v.* Abel J. Violette et al.;

No. 895, October Term, 1942. Sherman L. Rumberger, petitioner, *v.* John H. Welsh et al.;

No. 964, October Term, 1942. Standard Dredging Corporation, petitioner, *v.* L. Metcalfe Walling, Administrator, etc.;

No. 967, October Term, 1942. William Elliott, petitioner, *v.* Jess Buchanan, Warden, etc.;

No. 987, October Term, 1942. Louis Burall, petitioner, *v.* James A. Johnston, Warden, etc.;

No. 989, October Term, 1942. The Gordon Form Lathe Company, petitioner, *v.* Ford Motor Company;

No. 996, October Term, 1942. Armin Ellerbrake, petitioner, *v.* The United States of America;

No. 1001, October Term, 1942. Hugh A. Bowen, petitioner, *v.* The United States of America;

No. 1024, October Term, 1942. Harry Becker, petitioner, *v.* Loew's Incorporated;

No. 1031, October Term, 1942. The Travelers Insurance Company, petitioner, *v.* John I. Magill, Conservator, etc.;

No. 1038, October Term, 1942. Oskar Tiedemann and Estonian State Steamship Line, petitioners, *v.* Estoduras Steamship Company, Inc.;

No. 1040, October Term, 1942. Edgar B. Davis, petitioner, *v.* Commonwealth of Massachusetts;

No. 1041, October Term, 1942. Michael Dubina, petitioner, *v.* People of the State of Michigan;

No. 1042, October Term, 1942. Alfred S. Davis, as Treasurer, etc., et al., petitioners, *v.* Dinny & Robbins, Inc.;

No. 1070, October Term, 1942. Charles H. Guyton, petitioner, *v.* The United States of America; and

No. 1077, October Term, 1942. Joseph A. Farrell, petitioner, *v.* Francis J. W. Lanagan, Warden, etc. Petitions for rehearing denied.

No. —, original. The State of Illinois, complainant, *v.* The State of Indiana et al. Motion for leave to file bill of complaint presented.

No. 318. Henry Allen Hill, petitioner, *v.* The State of Texas. On petition for writ of certiorari to the Court of Criminal Appeals of Texas. Dismissed on motion of counsel for the petitioner.

No. 5, original. The State of Colorado, complainant, *v.* The State of Kansas et al. Six hours allowed for oral argument. Argument on

exceptions to report of Special Master commenced by Mr. Gail L. Ireland for the complainant; continued by Mr. Jean S. Breitenstein for the complainant; and by Mr. W. E. Stanley for the defendants.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, October 12, will be as follows: Nos. 5, Original, 5, 17, 18, 21, 23, 27 (and 41), 48, 28, and 19.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Lucian Touchstone, of Dallas, Tex.; Falon Andrew Fraley, of Lepanto, Ark.; A. Karl Heyner, of Cleveland, Ohio; DeWitt K. Mason, Jr., of Marion, Ala.; Elsie M. Farris, of Long Beach, Calif.; Donald O. Hobart, of Newark, N. J.; Raymond Kit Carson, of Washington, D. C.; T. W. Kimber, of Akron, Ohio; Sol August, of Chicago, Ill.; and Thomas F. Murphy, of Wellsboro, Pa., were admitted to practice.

No. 398. Hazel-Atlas Glass Company, petitioner, *v.* Hartford-Empire Company; and

No. —. Shawkee Manufacturing Company et al., petitioners, *v.* Hartford-Empire Company. The motion of the respondent to be allowed to and including November 18, next, within which to file brief in opposition to the petition for writ of certiorari in each of these cases is granted.

No. 5, original. The State of Colorado, complainant, *v.* The State of Kansas et al. Argument on the exceptions to the report of the Special Master continued by Mr. W. E. Stanley and by Mr. Eldon Wallingford for the defendants and concluded by Mr. Henry C. Vidal for the complainant.

No. 5. The United States of America, petitioner, *v.* Joseph H. Dotterweich. Argued by Mr. Solicitor General Fahy for the petitioner and by Mr. Samuel M. Fleischman for the respondent.

No. 17. James Lanier Bell, petitioner, *v.* Preferred Life Assurance Society of Montgomery, Alabama, et al. Argument commenced by Mr. R. K. Wise for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, October 13, will be as follows: Nos. 17, 18, 21, 23, 27 (and 41), 48, 19, 24, 25, and 26.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

John H. Mitton, of Washington, D. C.; V. C. Shuttleworth, of Cedar Rapids; Iowa; I. Trumbull Wood, of Trenton, N. J.; and Samuel M. Amster, of El Paso, Tex., were admitted to practice.

No. 17. James Lanier Bell, petitioner, *v.* Preferred Life Assurance Society of Montgomery, Alabama, et al. Argument continued by Mr. Warren E. Miller for the petitioner; by Mr. Richard T. Rives for the respondent; and concluded by Mr. Warren E. Miller for the petitioner.

No. 18. Thad Benson Carter, petitioner, *v.* George A. Kubler. Argued by Mr. Elmer McClain for the petitioner and by Mr. T. W. Kimber for the respondent.

No. 21. The United States of America, ex rel. Murray Brensilber et al., etc., petitioners, *v.* Bausch & Lomb Optical Company et al. Argument commenced by Mr. William Stanley for the petitioners and continued by Mr. Whitney North Seymour for respondents, Bausch & Lomb Optical Co. et al.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, October 14, will be as follows: Nos. 21, 23, 27 (and 41), 48, 19, 24, 25, 26, 30, and 33.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Edward Goodell Jennings, of Minneapolis, Minn.; Russell B. Day, of Cleveland, Ohio; Francis R. Cross, of Baltimore, Md.; Richard L. Johnston, of Chicago, Ill.; and Lloyd C. Root, of Chicago, Ill., were admitted to practice.

No. 21. The United States of America, ex rel. Murray Brensilber et al., etc., petitioners, *v.* Bausch & Lomb Optical Company et al. Argument continued by Mr. Whitney North Seymour for the respondents, Bausch & Lomb Optical Co. et al.; by Mr. Raymond M. White for respondent, Carl Zeiss, Inc.; and concluded by Mr. William Stanley for the petitioners.

No. 23. General Committee of Adjustment of the Brotherhood of Locomotive Engineers for the Missouri-Kansas-Texas Railroad, an unincorporated Association, petitioner, *v.* Missouri-Kansas-Texas Railroad Company et al. Argument commenced by Mr. John W. Madden, Jr., for the petitioner; continued by Mr. Harold C. Heiss for the respondent, General Grievance Committee of the Brotherhood of Locomotive Firemen and Engineers; by Mr. Lucien Touchstone for the respondents, Missouri-Kansas-Texas R. R. Co. et al.; and concluded by Mr. Harold N. McLaughlin for the petitioner.

No. 27. General Committee of Adjustment of the Brotherhood of Locomotive Engineers for the Pacific Lines of Southern Pacific Company, petitioner, *v.* Southern Pacific Company et al; and

No. 41. General Grievance Committee of the Brotherhood of Locomotive Firemen and Enginemen, petitioner, *v.* General Committee of Adjustment of The Brotherhood of Locomotive Engineers for the Southern Pacific Lines of Southern Pacific Company, etc., et al. Argument commenced by Mr. Clarence E. Weisell for the General Committee of Adjustment of the Brotherhood of Locomotive Engineers, etc., and continued by Mr. Burton Mason for the Southern Pacific Company.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, October 15, will be as follows: Nos. 27 (and 41), 48, 19, 24, 25, 26, 30, 33, 34 (and 35), and 32.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

John M. Madison, of Shreveport, La.; David Elden Tolman, of Bountiful, Utah; Charles Morgan Price, of Chicago, Ill.; Hale Boggs, of New Orleans, La.; R. B. Cannon, of Fort Worth, Tex.; Arthur O'Quin, of Shreveport, La.; and Matthew Cary Thompson, of Monroe, La., were admitted to practice.

No. 27. General Committee of Adjustment of the Brotherhood of Locomotive Engineers for the Pacific Lines of Southern Pacific Company, etc., petitioner, *v.* Southern Pacific Company et al.; and

No. 41. General Grievance Committee of the Brotherhood of Locomotive Fireman and Enginemen, petitioner, *v.* General Committee of Adjustment of the Brotherhood of Locomotive Engineers for the Southern Pacific Lines of Southern Pacific Company, etc., et al. Argument continued by Mr. George M. Naus for the General Committee of Adjustment of the Brotherhood of Locomotive Engineers, etc.; by Mr. Donald R. Richberg for General Grievance Committee of the Brotherhood of Locomotive Firemen and Enginemen, and concluded by Mr. Clarence E. Weisell for the General Committee of Adjustment of the Brotherhood of Locomotive Engineers, etc.

No. 48. Switchmen's Union of North America, in its own right, etc., et al., petitioners, *v.* National Mediation Board, George A. Cook, et al. Argued by Mr. Donald R. Richberg for the petitioners; by Mr. Robert L. Stern for respondent, National Mediation Board; and by Mr. Bernard M. Savage for respondent, Brotherhood of Railroad Trainmen.

No. 19. Frank Roberts, petitioner, *v.* The United States of America. Argument commenced by Mr. Newton B. Powell for the petitioner.

Argument commenced by Mr. Newton B. Powell for the petitioner.

The day call for Monday, October 18, will be as follows: Nos. 19, 24, 25, 26, 30, 33, 34 (and 35), 32, 40, and 42.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Frank P. Griffee, of Bassett, Nebr.; Hamilton O'Dunne, of Baltimore, Md.; Edward F. Farrington, of Milwaukee, Wis.; Herbert J. Hartzog, of Bethlehem, Pa.; Samuel H. Goodman, of Bethlehem, Pa.; LeDoux R. Provosty, of Alexandria, La.; Burdette J. Daniels, of Los Angeles, Calif.; Chas. B. Wallace, of Dallas, Tex.; Sol I. Golden, of Atlanta, Ga.; Bernard C. Mayberry, of Lincoln, Ill.; Benjamin H. Pester, of Casper, Wyo.; L. Nelson Hayhurst, of Fresno, Calif.; S. Webster Tull, of Columbus, Ohio; Theo. J. Roche, of San Francisco, Calif.; and Norbert Korte, of San Francisco, Calif., were admitted to practice.

The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 61. Harold L. Ickes, Secretary of the Interior, and Dan H. Wheeler, Director of the Bituminous Coal Division of the Department of the Interior, petitioners, *v.* Associated Industries of New York State, Inc. On writ of certiorari to the Circuit Court of Appeals for the Second Circuit. *Per curiam*: This is a proceeding brought by respondent pursuant to sec. 6 (b) of the Bituminous Coal Act of 1937, 50 Stat. 85, 15 U. S. C. sec. 836 (b), as amended, to review an order of the Bituminous Coal Commission prescribing minimum prices for Minimum Price Area No. 1. We granted certiorari June 14, 1943, to review an order of the Circuit Court of Appeals refusing to dismiss the proceeding for want of capacity of respondent to bring it. Both parties now suggest that the cause has become moot by reason of the expiration of the Bituminous Coal Act on August 24, 1943. They disagree as to the proper disposition to be made of the cause. The record does not disclose and we are not informed whether the order of the Commission, which by its terms became effective on October 1, 1942, remained in effect between that date and August 24, 1943, or to what extent rights arose and liabilities and obligations were incurred under the Commission's order during that period, which survive the expiration of the Act. Accordingly we vacate the order of the Circuit Court of Appeals and remand the cause to that court for such further proceedings as may be appropriate.

No. 155. Bessie Mathews and Lavon Kelley, petitioners, *v.* State of West Virginia, *ex rel.* Lorentz C. Hamilton, Prosecuting Attorney of Calhoun County. On petition for writ of certiorari to the Circuit Court of Calhoun County, West Virginia. *Per curiam:* The petition for writ of certiorari is granted. Subsequent to the decision of the Supreme Court of Appeals of West Virginia, denying leave to appeal on the ground that the decree of the Circuit Court of Calhoun County was "plainly right", this Court in *Taylor v. Mississippi*, *Benoit v. Mississippi*, *Cummings v. Mississippi*, and *West Virginia State Board of Education v. Barnette*, all decided June 14, 1943, considered questions having a bearing on the issues in the present case. Accordingly we vacate the judgment and remand the cause to the Circuit Court of Calhoun County for further consideration in the light of our decisions in those cases. *New York, ex rel. Whitman v. Wilson*, 318 U. S. 688, 690-91, and cases cited.

No. 278. Menza B. Grace, appellant, *v.* The Board of Commissioners of the State Bar of Alabama. Appeal from the Supreme Court of Alabama. *Per curiam:* The appeal is dismissed for the want of a substantial federal question. *Ex parte Burr*, 9 Wheat. 528, 530; *Ex parte Secombe*, 19 How. 9, 13; *Ex parte Robinson*, 19 Wall. 505, 512; *Selling v. Radford*, 243 U. S. 46, 49.

No. 2. The United States of America, appellant, *v.* Aluminum Company of America, et al.; and

No. 6. The North American Company, petitioner, *v.* Securities and Exchange Commission. As four Justices have disqualified themselves from participating in the decision in each of these cases, the Court is unable to make final disposition of them because of the absence of a quorum of six Justices as prescribed by 28 U. S. C. sec. 321. These cases will accordingly be transferred to a special docket and all further proceedings in them postponed in each case until such time as there is a quorum of Justices qualified to sit in it, when it will be restored to the regular docket for such further proceedings as may be appropriate.

No. —. *Ex parte* Earle Golden, petitioner; and

No. —. *Ex parte* Ralph Barton Butz, petitioner. Applications denied.

No. —. *Ex parte* Daisy D. Wilson, petitioner;

No. —. *Ex parte* Oliver Gobin, petitioner;

No. —. *Ex parte* Robert L. Peyton, petitioner; and

No. —. *Ex parte* Forrest Holiday, petitioner. The motions for leave to file petitions for writs of mandamus are denied.

No. —. *Ex parte* Charles Abernathy, petitioner;

No. —. *Ex parte* Dexter C. Dayton, petitioner;

No. —. *Ex parte* Frederick T. Hansen and Sam Bonjiorno, petitioners;

No. —. *Ex parte* Floyd J. Kesling, petitioner;

No. —. *Ex parte* Louis Burall, petitioner;

No. —. *Ex parte* Oliver Gobin, petitioner;

No. —. *Ex parte* Peter J. C. Donnelly, petitioner;

No. —. *Ex parte* Alfred Maurice, petitioner;

No. —. *Ex parte* Sol Goldsmith, petitioner;

No. —. *Ex parte* Paul Davis, petitioner;

No. —. *Ex parte* Robert Hutto, petitioner;

No. —. *Ex parte* Alfred Friters, petitioner;

No. —. *Ex parte* Wilfred Doza, petitioner;

No. —. *Ex parte* R. J. Hughes, petitioner; and

No. —. *Ex parte* John Russell Miller, petitioner. Motions for leave to file petitions for writs of habeas corpus.

The applications are severally denied.

In these cases petitioners invoke the exercise of the jurisdiction conferred on this Court by 28 U. S. C. sections 377, 451, to issue writs of habeas corpus in aid of its appellate jurisdiction. Cf. *Ex parte* Peru, 318 U. S. 578, 582-3. That jurisdiction is discretionary, id. 584; *Bowen v. Johnston*, 306 U. S. 19, 27, and this Court does not, save in exceptional circumstances, exercise it in cases where an adequate remedy may be had in a lower federal court, *Ex parte* Current, 314 U. S. 578; *Ex parte* Spaulding, 317 U. S. 593; *Ex parte* Hawk, 318 U. S. 746, or, if the relief sought is from the judgment of a state court, where the petitioner has not exhausted his remedies in the state courts, *Mooney v. Holohan*, 294 U. S. 103, 115; *Ex parte* Botwinski, 314 U. S. 586; *Ex parte* Davis, 317 U. S. 592, 318 U. S. 412; *Ex parte* Williams, 317 U. S. 604. Refusal of the writ, without more, is not an adjudication on the merits and is to be taken as without prejudice to an application to any other court for the relief sought.

No. 11, Original. The State of Illinois, complainant, *v.* The State of Indiana et al. The motion for leave to file bill of complaint is granted and process is ordered to issue returnable December 20, next.

No. 34. Federal Power Commission et al., petitioners, *v.* Hope Natural Gas Company; and

No. 35. City of Cleveland, petitioner, *v.* Hope Natural Gas Company. The motion of Cities Service Gas Company for leave to file a brief as *amicus curiae* is granted.

No. 34. Federal Power Commission et al., petitioners, *v.* Hope Natural Gas Company; and

No. 35. City of Cleveland, petitioner, *v.* Hope Natural Gas Company. The motion of the State of West Virginia for leave to participate in the oral argument as *amicus curiae* is granted.

No. 38. Colgate-Palmolive-Peet Company, petitioner, *v.* The United States of America; and

No. 39. Colgate-Palmolive-Peet Company, petitioner, *v.* The United States of America. The motion of the petitioner to remove these cases from the summary docket is denied.

No. 252. J. Howell Flournoy, Sheriff, etc., appellant, *v.* Samuel G. Wiener et al. In view of the Act of August 24, 1937, 28 U. S. C. section 401, the Court hereby certifies to the Attorney General of the United States that the constitutionality of Section 402 (b) (2) of the Revenue Act of 1942, is drawn in question in this case.

No. 316. The Hecht Company, petitioner, *v.* Prentiss M. Brown, Price Administrator, etc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted.

No. 232. J. M. Sartor et al., petitioners, *v.* Arkansas Natural Gas Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted.

No. 262. The Goodyear Tire & Rubber Company, Inc., et al., petitioners, *v.* Ray-O-Vac Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted.

No. 343. The Order of Railroad Telegraphers, petitioner, *v.* Railway Express Agency, Incorporated. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted and the case assigned for argument immediately following No. 28.

No. 201. Trojan Powder Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 334. National Labor Relations Board, petitioner, *v.* American Tube Bending Co., Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 293. A. F. Brooks, doing business as East Side Ice and Fuel Company, et al., petitioners, *v.* State Farm Mutual Automobile Insurance Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 298. C. A. Roberts, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 306. H. V. Watkins, Sr., et al., Executors of the Estate of Richard Howard Green, deceased, et al., petitioners, *v.* Eugene Fly,

Collector of Internal Revenue, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 309. Werner Von Clemm, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 313. George W. Green et al., petitioners, *v.* City of Stuart, Florida. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 314. Pauline A. Selser et al., petitioners, *v.* City of Stuart et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 315. Nat Rogan, as United States Collector of Internal Revenue at Los Angeles, California, petitioner, *v.* Samson Tire & Rubber Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 319. William Davies Co., Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 321. The Norstrand Corporation and Leif Norstrand, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 322. Attilio Semerio, Fred Fattor, et al., petitioners, *v.* Theodore Rosenberg, Gussie Rosenberg, et al., etc.;

No. 323. Attilio Semerio, Fred Fattor, et al., petitioners, *v.* Theodore Rosenberg, Gussie Rosenberg, et al., etc.; and

No. 324. Attilio Semerio, Fred Fattor, et al., petitioners, *v.* Theodore Rosenberg, Gussie Rosenberg, et al., etc. Petition for writs of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 325. New England Fish Company of Oregon, a corporation, et al., petitioners, *v.* Margaret Meyer, Administratrix of the estate of Ernest Kruse, deceased, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 327. Mrs. Reginald Reichman, petitioner, *v.* Compagnie Generale Transatlantique. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 330. G. T. Fogle & Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 331. Pennington Engineering Company, petitioner, *v.* Houde Engineering Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 333. Earl Moore, petitioner, *v.* Illinois Central Railroad Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 341. Amos S. Marchus, petitioner, *v.* Otto C. Druge and Dan O. Druge, copartners, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 342. Jacksonville Paper Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 88. Mrs. Leslie F. Slade et al., petitioners, *v.* Shell Oil Company, Inc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 214. Gilcrease Oil Company, petitioner, *v.* G. M. Cosby et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 222. Seneca Coal and Coke Company, petitioner, *v.* Milo Loftin. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 250. Leland Stanford Junior University and Elmer H. Shine, petitioners, *v.* The National Supply Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 282. Jack Liss and Frank Conte, petitioners, *v.* The United States of America;

No. 283. Charles Londoner, petitioner, *v.* The United States of America;

No. 284. I. David Cohen and Huel's Chemists, Inc., petitioners, *v.* The United States of America;

No. 285. Alfred Mainella, petitioner, *v.* The United States of America;

No. 286. Al N. Fox and Max Fox, petitioners, *v.* The United States of America; and

No. 287. David Lowenstein, petitioner, *v.* The United States of America. Petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 296. Charles J. Mach, debtor, petitioner, *v.* The Abbott Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 301. Radiant Point Pen Corporation, petitioner, *v.* C. Howard Hunt Pen Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 103. Ralph Rea, Mary Boland, et al., petitioners, *v.* William B. Devanney, Lulu Devanney, et al. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 326. Inland Overseas Steamship Corporation, petitioner, *v.* Polar Steamship Corporation. The motion to proceed on the type-written record is granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 113. Thomas Emmett, petitioner, *v.* The State of Georgia. The motion to proceed on typewritten papers is granted. Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. 347. George Wilbur Smith, petitioner, *v.* P. J. Squier, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit; and

No. 348. Robert Redus, petitioner, *v.* Pitt Williams, as Warden, etc. On petition for writ of certiorari to the Supreme Court of Alabama. The motions for leave to proceed in forma pauperis are granted. The petitions for writs of certiorari are denied.

No. 161. Paul S. Campbell, petitioner, *v.* The State of Missouri. The motion for leave to proceed in forma pauperis is granted. The motion to strike the respondent's brief is denied. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 1034, October Term, 1942. James Allen, alias James Robert Allen, etc., petitioner, *v.* The United States of America. Second petition for rehearing and "for vacating of judgment" denied.

No. 167. Edgar Flowers, petitioner, *v.* The State of Florida. Petition for rehearing denied.

The Court will take a recess from Monday, October 25, until Monday, November 8, next.

No. 19. Frank Roberts, petitioner, *v.* The United States of America. Argument continued by Mr. Newton B. Powell for the petitioner and concluded by Mr. Paul A. Freund for the respondent.

No. 24. Securities and Exchange Commission, petitioner *v.* C. M. Joiner Leasing Corporation and C. N. Joiner. Argued by Mr. John F. Davis for the petitioner and by Mr. David A. Frank for the respondent.

No. 25. The Hunter Company, Inc., appellant, *v.* Joseph L. McHugh, Commissioner of Conservation of the State of Louisiana, et al. Motion to dismiss submitted by Mr. Arthur O'Quinn for appellee, Southern Production Company, Inc. Argued on the

motion to dismiss by Mr. Arthur O'Quinn for appellee, Southern Production Company, in support of the motion and by Mr. John M. Madison for the appellant in opposition thereto. Argument on the merits commenced by Mr. Joe T. Cawthorn for the appellant; continued by Mr. John M. Madison for the appellant; and by Mr. George H. Wilson for appellee, Joseph L. McHugh, Commissioner, etc.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, October 19, will be as follows: Nos. **25, 26, 30, 33, 34** (and **35**), **32, 40, 42, 36** (and **37**), and **38** (and **39**).

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Thomas Patrick Hanagan, of New York City; Harold A. Scragg, of Scranton, Pa.; Clyde B. Macdonald, of Akron, Ohio; Horace P. Lockett, of Washington, D. C.; Irene Kuckinskas, of Chicago, Ill.; and William Wallace Goldsmith, of Charleston, W. Va., were admitted to practice.

No. 4. J. Oliver Hill, Administrator, etc., petitioner, *v.* Francis L. Hawes, Individually, etc. The motion of petitioner to print an abbreviated record is granted. The motion of respondent designating additional matter for printing is also granted and it is ordered that those portions of the record designated for printing by either party be printed, without prejudice to the authority of the Court to make such order as to costs as it may deem proper, if it appears that the respondent has caused unnecessary parts of the record to be printed.

No. 25. The Hunter Company, Inc., appellant, *v.* Joseph L. McHugh, Commissioner of Conservation of the State of Louisiana, et al. Argument continued by Mr. George A. Wilson and Mr. T. Hale Boggs for appellee, Joseph L. McHugh, Commissioner, etc., and concluded by Mr. John M. Madison for the appellant.

No. 26. Irene Brady, Administratrix, etc., petitioner, *v.* Southern Railway Company. Argued by Mr. Welch Jordan and Mr. D. E. Hudgins for the petitioner and by Mr. Sidney S. Alderman for the respondent.

No. 30. Merchants National Bank of Boston, Executor, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. Edward C. Thayer for the petitioner and by Mr. Arnold Raum for the respondent.

No. 33. Northwest Airlines, Inc., petitioner, *v.* State of Minnesota. Argument commenced by Mr. Michael J. Doherty for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, October 20, will be as follows: Nos. 33, 34 (and 35), 32, 40, 42, 36 (and 37), 38 (and 39), 43, and 29.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Edward J. deVerges, of New Orleans, La.; John Willard Martin, of Washington, D. C.; Walter J. Milde, of Cleveland, Ohio; Glen McCarty, of Portland, Oreg.; and Herber C. Leney, of Oklahoma City, Okla., were admitted to practice.

No. 29. Magnolia Petroleum Company et al., petitioners, *v.* Sullivan H. Hunt. Submitted by Mr. Homer Hendricks and Mr. Cullen R. Liskow for the petitioners and by Mr. Sullivan H. Hunt, *pro se*.

No. 33. Northwest Airlines, Inc., petitioner, *v.* State of Minnesota. Argument continued by Mr. Michael J. Doherty for the petitioner; by Mr. Andrew R. Bratter for the respondent; and concluded by Mr. George S. Sjoselius for the respondent.

No. 34. Federal Power Commission et al., petitioners, *v.* Hope Natural Gas Company; and

No. 35. City of Cleveland, petitioner, *v.* Hope Natural Gas Company. Four and one-half hours allowed for oral argument. Argument commenced by Mr. Assistant Attorney General Shea for petitioners in No. 34; continued by Mr. Spencer W. Reeder for the petitioner in No. 35; and by Mr. William B. Cockley for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, October 21, will be as follows: Nos. 34 (and 35), 32, 40, 42, 36 (and 37), and 38 (and 39).

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Frank C. Brooks, of Dallas, Tex.; Harry M. Montgomery, of Pittsburgh, Pa.; Urbano A. Zafra, of Washington, D. C.; Thomas W. Conely, Jr., of Okeechobee, Fla.; Joseph Peyton Lea, Jr., of Orlando, Fla.; Willis T. Pierson, of New York City; Martin A. Fromer, of New York City; Thomas Chalmers Buchanan, of Beaver, Pa.; Amos W. Jackson, of Versailles, Ind., and Leo E. Sherman, of New York City, were admitted to practice.

No. 34. Federal Power Commission et al., petitioners, *v.* Hope Natural Gas Company; and

No. 35. City of Cleveland, petitioner, *v.* Hope Natural Gas Company. Argument continued by Mr. William B. Cockley for the respondent; by Mr. M. M. Neeley for the State of West Virginia, as amicus curiae by special leave of Court; and concluded by Mr. Spencer W. Reeder for the petitioner in No. 35.

No. 32. Consumers Import Co., Inc., et al., petitioners, *v.* Kabushiki Kaisha Kawasaki Zosenjo et al. Argued by Mr. T. Catesby Jones for the petitioners and by Mr. George C. Sprague for the respondents. Leave granted respondent to file a supplemental brief.

No. 40. Midstate Horticultural Co., Inc., petitioner, *v.* The Pennsylvania Railroad Company. Argument commenced by Mr. Theo. J. Roche for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, October 22, will be as follows: Nos. 40, 42, 36 (and 37), and 38 (and 39).

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

G. A. Connatser, of Knoxville, Tenn.; Seymour D. Lewis, of New York City; Earl Ramage Lewis, of Saint Clairsville, Ohio; and Blevins C. Dunklin, of Bronxville, N. Y., were admitted to practice.

No. 40. Midstate Horticultural Co., Inc., petitioner, *v.* The Pennsylvania Railroad Company. Argument continued by Mr. Theo. J. Roche for the petitioner; by Mr. John Dickinson for the respondent; and concluded by Mr. Theo. J. Roche for the petitioner.

No. 42. W. J. Meredith, James G. Martin, et al., petitioners, *v.* The City of Winter Haven. Argument commenced by Mr. D. C. Hull for the petitioners; continued by Mr. Giles J. Patterson for the respondent; and concluded by Mr. John L. Graham for the petitioners.

Adjourned until Monday, October 25, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Daniel B. Bryan, Jr., of Wake Forest, N. C.; Robert Ross Michener, of Bridgeport, Ohio; Edward S. Nelson, of Olympia, Wash.; A. G. Lancione, of Bellaire, Ohio; Chester C. Sedgwick, of Bellaire, Ohio; Jesse Frank Nicholson, of Chevy Chase, Md.; Morris M. Schnitzer, of Newark, N. J.; Leroy Money Adams, of Jackson, Miss.; Joseph S. Brock, of Washington, D. C.; Paul L. Bleakley, of Yonkers, N. Y.; John J. Broderick, of Yonkers, N. Y.; George Cutler, of Hartford, Conn.; David Findling, of New York City; Jacob I. Karro, of New York City; Maurice R. Kraines, of Chicago, Ill.; and Malcolm A. Hoffmann, of New York City, were admitted to practice.

The Chief Justice announced the following orders of the Court:

No. 360. W. E. Callison, appellant, *v.* The State of Texas. Appeal from the Court of Civil Appeals, 8th Supreme Judicial District, State of Texas. *Per curiam*: The appeal is dismissed for the want of a substantial federal question. *Ah Sin v. Wittman*, 198 U. S. 500, 505; *Marvin v. Trout*, 199 U. S. 212, 224; cf. *Federal Trade Commission v. Keppel & Bros.*, 291 U. S. 304.

No. 368. Riss & Company, Inc., appellant, *v.* The United States of America and Interstate Commerce Commission. Appeal from the District Court of the United States for the Northern District of Oklahoma. *Per curiam*: The motion to affirm is granted and the judgment is affirmed on the authority of *Gregg Cartage Co. v. United States*, 316 U. S. 74. Dissenting: Mr. Justice Black and Mr. Justice Douglas.

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —. *Ex parte* Arthur Doyle, petitioner;

No. —. *Ex parte* Oral S. Evenson, petitioner;

No. —. *Ex parte* Louis T. McConnell, petitioner; and

No. —. *Ex parte* Chesteen McConnell, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied.

No. —. *Ex parte* Mars, Incorporated, petitioner. The motion for leave to file the petition for writ of mandamus is denied without consideration of the merits and without prejudice to its presentation to the Circuit Court of Appeals for the Eighth Circuit, as is deemed to be the more appropriate procedure. *Ex parte* Peru, 318 U. S. 578, 584, and cases cited; *Ex parte* Fred Benioff Co., 317 U. S. 594. Proceedings before the Special Master will be stayed for ten days to afford petitioner an opportunity to present its petition to the Circuit Court of Appeals.

No. —. George Washington James, petitioner, *v.* State of Florida. Petition for stay of execution denied.

No. 345. Emanuel Pollock, appellant, *v.* H. T. Williams, as Sheriff of Brevard County, Florida. In this case probable jurisdiction is noted and the case is transferred to the summary docket.

No. 354. The United States of America, appellant, *v.* South-Eastern Underwriters Association et al. In this case probable jurisdiction is noted and the case is set for argument immediately following No. 226.

No. 355. International Harvester Company and International Harvester Company of America, appellants, *v.* Department of Treasury of the State of Indiana et al.;

No. 384. Cornell Steamboat Company, appellant, *v.* The United States of America et al.; and

No. 385. Boston Towboat Company, appellant, *v.* The United States of America et al. In these cases probable jurisdiction is noted.

No. 417. The United States of America et al., appellants, *v.* County of Allegheny, Pennsylvania. Further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing of the case on the merits.

No. 336. National Labor Relations Board, petitioner, *v.* Hearst Publications, Incorporated;

Nq. 337. National Labor Relations Board, petitioner, *v.* Stockholders Publishing Company, Inc.;

No. 338. National Labor Relations Board, petitioner, *v.* Hearst Publications, Incorporated; and

No. 339. National Labor Relations Board, petitioner, *v.* The Times-Mirror Company. Petition for writs of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted.

No. 311. Murray B. McLeod, Commissioner of Revenues of the State of Arkansas, petitioner, *v.* J. E. Dilworth Company and Reichman-Crosby Company. Petition for writ of certiorari to the Supreme Court of Arkansas granted.

No. 391. E. E. Ashcraft and John Ware, petitioners, *v.* State of Tennessee. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Supreme Court of Tennessee is granted.

No. 247. William T. Reid, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 320. United States Gypsum Company, petitioner, *v.* Prentiss M. Brown, Price Administrator. Petition for writ of certiorari to the United States Emergency Court of Appeals denied.

No. 344. C. F. Moody, petitioner, *v.* Claude R. Wickard, Secretary of Agriculture, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 346. Washington Brewers Institute, a corporation, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 350. Public Service Company of Oklahoma, a corporation, petitioner, *v.* Joe T. Parkinson, County Treasurer of Tulsa County, Oklahoma. Petition for writ of certiorari to the Supreme Court of Oklahoma denied.

No. 351. Clarence H. Rayno et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 353. Harold Christoffel and Allis-Chalmers Workers Union, Local No. 248, etc., et al., petitioners, *v.* The Wisconsin Employment Relations Board et al. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 357. Marine Engineers' Beneficial Association Local No. 33, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 358. Cosgrove-Meehan Coal Corporation et al., petitioners, *v.* Maurice P. Angland et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 364. J. H. Smith Richardson and Lunsford Richardson, Jr., Executors, etc., et al., petitioners, *v.* Robert R. King, Sr., et al., etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 365. Metropolitan Life Insurance Company, petitioner, *v.* Adrian Ettelson et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 370. Edith Henry Barbour, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 373. Ladoga Canning Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 378. The Glemby Co., Inc., et al., petitioners, *v.* Monogram Manufacturing Co. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 379. Joe Degnan, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 383. Joseph William Letourneau and Marcellene F. Letourneau, petitioners, *v.* Commercial Merchants National Bank and Trust Company of Peoria. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 312. Murray B. McLeod, Commissioner of Revenues of the State of Arkansas, petitioner, *v.* Binswanger and Company. Petition for writ of certiorari to the Supreme Court of Arkansas denied for want of a final judgment.

No. 280. Charles DeJordan, petitioner, *v.* Walter A. Hunter, Warden, etc. The motion for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit is denied. The motion for leave to file petition for writ of habeas corpus is also denied.

No. 382. Andy Vanover, petitioner, *v.* O. H. Cox, Warden, etc. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit is denied on the ground that the cause is moot, it appearing that petitioner is no longer in the respondent's custody.

No. 328. Isaac Irwin, petitioner, *v.* R. H. Lawrence, Warden. On petition for writ of certiorari to the Supreme Court of Georgia;

No. 335. Wildon Lloyd, petitioner, *v.* United States Fidelity & Guaranty Company. On petition for writ of certiorari to the Municipal Court of Appeals for the District of Columbia;

No. 376. James Widmer, petitioner, *v.* James A. Johnston, Warden, United States Penitentiary, Alcatraz, California. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 302. Sylvester Andrews, petitioner, *v.* The State of Georgia. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Supreme Court of Georgia is

denied. Mr. Justice Murphy is of the opinion that certiorari should be granted.

No. ——. Theodore Bentz, appellant, *v.* State of Michigan. Petition for rehearing denied.

No. 184. Harvey S. Cover, petitioner, *v.* Chicago Eye Shield Company. Petition for rehearing denied.

Adjourned until Monday, November 8, next, at 12 o'clock.

The day call for Monday, November 8, will be as follows: Nos. 36 (and 37), 38 (and 39), 44 (45, 46, and 47), 49 (and 50), 43, 28, 343, 51, 53, and 31.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

William G. McRae, of Atlanta, Ga.; Victor P. Keay, of St. Louis, Mo.; Ray A. Brown, of Washington, D. C.; George D. Spohn, of Milwaukee, Wis.; Henry M. Evans, of Gloucester City, N. J.; Wesley A. Dierberger, of Great Falls, Mont.; Charles Walter Nyquist, of St. Paul, Minn.; Monroe I. Katcher II, of New York City; William L. Prosser, of Minneapolis, Minn.; Geo. C. Kemble, of Fort Worth, Tex.; John W. Michael, of Milwaukee, Wis.; Raymond C. Stoecker, of Chicago, Ill.; Charles F. Meroni, of Chicago, Ill.; Paul E. Mathias, of Chicago, Ill.; Ellen E. O'Neil, of New York City; James H. Shelton, of Washington, D. C.; Lawrence R. Condon, of New York City; Arthur D. Shores, of Birmingham, Ala.; and Lindsay Pratt Walden, of Fort Worth, Tex., were admitted to practice.

No. 32. Consumers Import Co., Inc., et al., petitioners, *v.* Kabushiki Kaisha Kawasaki Zosenjo and Kawasaki Kisen Kabushiki Kaisha. On writ of certiorari to the Circuit Court of Appeals for the Second Circuit. Judgment affirmed with costs, and cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Jackson.

No. 18. That Benson Carter, petitioner, *v.* George A. Kubler. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Northern District of Ohio. Opinion by Mr. Justice Murphy.

No. 17. James Lanier Bell, petitioner, *v.* Preferred Life Assurance Society of Montgomery, Alabama, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Middle District of Alabama for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black.

No. 371. United States of America, ex rel. Gene McCann, petitioner, *v.* William A. Adams, Warden, etc., et al. On petition for

writ of certiorari to the Circuit Court of Appeals for the Second Circuit. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari granted. Judgment reversed and cause remanded to the District Court of the United States for the Southern District of New York for further proceedings not inconsistent with the opinion of this Court. Opinion, *per curiam*, announced by Mr. Chief Justice Stone. Dissenting: Mr. Justice Jackson.

No. 25. The Hunter Company, Inc., appellant, *v.* Joseph L. McHugh, Commissioner of Conservation of the State of Louisiana, et al. Appeal from the Supreme Court of the State of Louisiana. Appeal dismissed for want of a properly presented substantial federal question. Opinion, *per curiam*, announced by Mr. Chief Justice Stone.

No. 42. W. J. Meredith, James G. Martin, and A. R. Ohmart, petitioners, *v.* The City of Winter Haven. On writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit. Judgment reversed with costs and cause remanded to the Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Stone. Dissenting: Mr. Justice Black and Mr. Justice Jackson.

The Chief Justice announced the following orders of the Court:

No. 438. Mart Gilmore, appellant, *v.* The State of New Mexico. Appeal from the Supreme Court of New Mexico. *Per curiam*: The appeal is dismissed for the want of a substantial federal question. *Hoke v. United States*, 227 U. S. 308, 324; *Berger v. United States*, 295 U. S. 78, 82.

No. 412. Harold Kramer, appellant, *v.* The State of Ohio. Appeal from the Supreme Court of Ohio. *Per Curiam*: The motion for leave to file statement as to jurisdiction is granted. The motion to dismiss is granted and the appeal is dismissed for the want of a substantial federal question. *McNaughton v. Johnson*, 242 U. S. 344, 348-9; *Graves v. Minnesota*, 272 U. S. 425, 428; *Roschen v. Ward*, 279 U. S. 337, 339-40; *Semler v. Board of Dental Examiners*, 294 U. S. 608, 611. The petition for writ of certiorari is denied.

No. 21. The United States of America, ex rel. Murray Brensilber, et al., etc., petitioners, *v.* Bausch & Lomb Optical Company, Carl Zeiss, Inc., et al. On writ of certiorari to the Circuit Court of Appeals for the Second Circuit. *Per curiam*: Judgment affirmed by an equally divided Court. Mr. Justice Jackson took no part in the consideration or decision of this case.

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —. *Ex parte* Albert O. Hegney, petitioner;

No. —. *Ex parte* William Ira Jenkins, petitioner; and

No. —. *Ex parte* John O. Story, petitioner. Applications denied.

No. —. *Ex parte* Mary A. Ruthven, petitioner; and

No. —. *Ex parte* Stanley B. Peplowski, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied.

No. —. Daisy D. Wilson, petitioner, *v.* Ralph S. Hinman. The motion for leave to file petition for writ of mandamus is denied.

No. 10, original. The United States of America, complainant, *v.* The State of Louisiana et al. The transcript of testimony is received and ordered to be filed. The Commissioner having waived compensation, his expenses of \$70.00 are approved and directed to be paid by the United States and to be charged as costs.

No. 51. Lonnie E. Smith, petitioner, *v.* S. E. Allwright, Election Judge, et al. The motions of American Civil Liberties Union and National Lawyers Guild for leave to file briefs as amici curiae are granted.

No. 211. Delbert O. Stark, A. F. Stratton, et al., petitioners, *v.* Claude R. Wickard, Secretary of Agriculture of the United States. The motion of petitioners to join Marvin Jones, War Food Administrator, as a party respondent is granted.

No. 317. Crites, Incorporated, petitioner, *v.* Prudential Insurance Company of America et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted.

No. 362. Augustus P. Norton, Deputy Commissioner etc., petitioner, *v.* Warner Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted.

No. 381. The United States of America, petitioner, *v.* American Surety Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted and the case transferred to the summary docket.

No. 366. The United States of America, petitioner, *v.* Jasper White. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted.

No. 388. City of Coral Gables, Florida, petitioner, *v.* Ed. C. Wright, Doing business as Ed. C. Wright & Company, etc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted.

No. 396. Fred M. Vinson, Director of Economic Stabilization, etc., et al., petitioners, *v.* Washington Gas Light Company et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted.

No. 374. Albert Yakus, petitioner, *v.* The United States of America; and

No. 375. Benjamin Rottenberg et al., petitioners, *v.* The United States of America. Petitions for writs of certiorari to the Circuit Court of Appeals for the First Circuit granted and the cases are consolidated for argument.

No. 406. Anthony Cramer, petitioner, *v.* The United States of America. The motion for leave to proceed in forma pauperis is granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. The Court directs that the expense of printing the record be paid by the United States pursuant to 28 U. S. C., sec. 832.

No. 387. Prudential Insurance Company of America et al., petitioners, *v.* Crites, Incorporated. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 340. John O. Murray, petitioner, *v.* Buster Ned, a minor, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 352. Consolidated Freightways, Inc., petitioner *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 377. Nathan Goldsmith et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 390. William Niklaus, Mary V. Niklaus et al., petitioners, *v.* The Lincoln Joint Stock Land Bank of Lincoln, Nebraska. Petition for writ of certiorari to the Supreme Court of Nebraska denied.

No. 393. Durkee Famous Foods, Inc., petitioner, *v.* Carter H. Harrison, Collector of Internal Revenue, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 401. Gertrude Koller Brown, petitioner, *v.* The School District of The City of Bethlehem, Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 405. Schenley Import Corp., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Customs & Patent Appeals denied.

No. 359. Atlanta Flooring & Insulation Company, Inc., et al., petitioners, *v.* Oberdorfer Insurance Agency and Marvin G. Russell,

Receiver. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 356. Jillo Bynum et al., petitioners, v. The Firestone Tire & Rubber Company. Petition for writ of certiorari to the Court of Appeals of Tennessee denied.

No. 361. Bartol Sikich, Emma Sikich, et al., petitioners, v. Glenn W. Springmann, as Trustee, etc. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 386. John H. Rowe, petitioner, v. John B. Colpoys, United States Marshal, District of Columbia, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 389. Wayne M. Neal, The Louisville Drying Machinery Company, et al., petitioners, v. State of Florida, The State Board of Education of Florida, et al. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 397. The New York Great Atlantic & Pacific Tea Company et al., petitioners, v. The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 399. Triangle Conduit & Cable Company, Inc., petitioner, v. National Electric Products Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 407. Joe Lash, petitioner, v. State of Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 413. Andrew Jergens, petitioner, v. Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 416. M. W. Alworth and R. D. Alworth, as Trustees, etc., petitioners, v. Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 85. Missouri Pacific Railroad Company, Debtor, et al., petitioners, v. Guy A. Thompson, Trustee, Missouri Pacific Railroad Company, Debtor, et al.;

No. 86. Protective Committee for Holders of Common Stock of Missouri Pacific Railroad Company, Debtor, petitioner, v. Guy A. Thompson, Trustee, Missouri Pacific Railroad Company, Debtor, et al.; and

No. 87. Alleghany Corporation, petitioner, v. Guy A. Thompson, Trustee, Missouri Pacific Railroad Company, Debtor, et al. On petition for writs of certiorari to the Circuit Court of Appeals for the Eighth Circuit. The petition for writs of certiorari in these cases

is dismissed as to all petitioners other than the Protective Committee for Holders of First Mortgage Bonds of International-Great Northern Railroad Company on motion of counsel for those petitioners. The petition for a writ of certiorari of the Protective Committee for Holders of First Mortgage Bonds of International-Great Northern Railroad Company, one of the petitioners in No. 85, is denied.

No. 363. Sada Yoshinuma, as Debtor, petitioner, *v.* Oberdorfer Realty Agency and Marvin G. Russell, Receiver. The motion for leave to proceed on the typewritten record is granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 426. Lester Ettman, petitioner, *v.* Federal Life Insurance Company. Petition or writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. Mr. Justice Black is of the opinion that the petition for writ of certiorari should be granted.

No. 295. J. Ralph DeMarcos, petitioner, *v.* Dr. Winfred Overholser, Superintendent of Saint Elizabeths Hospital. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 367. Fannie L. Lonas, petitioner, *v.* National Linen Service Corporation. On petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit;

No. 394. Martin Kane Flavin, petitioner, *v.* Franklin Society for Home Building and Savings. On petition for writ of certiorari to the Court of Appeals of New York;

No. 408. Garfield J. Kelly, petitioner, *v.* Alfred F. Dowd, Warden, Indiana State Prison. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit; and

No. 369. Norman Baker, Norman Baker, Inc., et al., petitioners, *v.* Dortha Bellows, Executrix, etc. On petition for writ of certiorari to the Supreme Court of Arkansas. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 347. October Term, 1941. Tasty Baking Company, petitioner, *v.* The United States. The motion for leave to file petition for rehearing is denied. Mr. Justice Rutledge took no part in the consideration or decision of this application.

No. 987, October Term, 1942. Louis Burall, petitioner, *v.* James A. Johnston, Warden, etc. Second petition for rehearing denied.

No. 240. Truman B. Wayne, petitioner, *v.* William W. Robinson, Jr., et al. Petition for rehearing denied. Mr. Justice Rutledge took no part in the consideration or decision of this application.

No. 92. The Swan Carburetor Company, petitioner, *v.* The Nash Motor Company;

No. 96. V. W. Petty, petitioner, *v.* Missouri and Arkansas Railway Company;

No. 121. Paul H. Barnes, petitioner, *v.* Commonwealth of Pennsylvania, ex rel. Emma K. Barnes;

No. 168. Guy Carleton Denney, petitioner, *v.* The Fort Recovery Banking Company;

No. 185. Allen M. Snyder, petitioner, *v.* The Provident Trust Co., Successor, etc.;

No. 218. Jim Skidmore, et al., petitioners, *v.* Swift & Company;

No. 247. William T. Reid, petitioner, *v.* The United States of America;

No. 268. George C. Bennett, petitioner, *v.* Julius DeGeeter;

No. 277. Georgia M. Spruill, petitioner, *v.* Thomas T. Newby, Chairman, etc.;

No. 281. Wade S. Thomson, et al., petitioners, *v.* Leta Butler, et al.;

No. 294. V. D. Payne, appellant, *v.* J. A. Kirchwehm; and

No. 313. George W. Green, et al., petitioners, *v.* City of Stuart, Florida. Petitions for rehearing denied.

No. 372. In re Amos Gayle, petitioner. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit. Dismissed on motion of counsel for the petitioner.

No. 36. Cafeteria Employees Union, Local 302, et al., petitioners, *v.* Gus Angelos, et al.; and

No. 37. Cafeteria Employees Union, Local 302, et al., petitioners, *v.* Elias Tsakires et al. Argued by Mr. Louis B. Boudin for the petitioners and cases submitted by Mr. Abraham Michael Katz for the respondents.

No. 38. Colgate-Palmolive-Peet Company, petitioner, *v.* The United States of America; and

No. 39. Colgate-Palmolive-Peet Company, petitioner, *v.* The United States of America. Argued by Mr. Mason Trowbridge for the petitioner and by Mr. Alvin J. Rockwell for the respondent.

No. 44. John V. Dobson, petitioner, *v.* Commissioner of Internal Revenue;

No. 45. E. W. Dobson, petitioner, *v.* Commissioner of Internal Revenue;

No. 46. Estate of James N. Collins, deceased, etc., petitioner, *v.* Commissioner of Internal Revenue; and

No. 47. H. J. Harwick, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. William L. Prosser for the petitioners and by Mr. Samuel H. Levy for the respondent.

No. 49. Ford Motor Company, petitioner, *v.* Gordon Form Lathe Company; and

No. 50. Ford Motor Company, petitioner, *v.* Gordon Form Lathe Company. Argument commenced by Mr. I. Joseph Farley for the petitioner.

Adjourned until tomorrow at 1 o'clock.

The day call for Tuesday, November 9, will be as follows: Nos. 49 (and 50), 43, 28, 343, 51, 53, 63, 31, 112, and 56.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

John W. Joynt, of St. Louis, Mo.; Kenneth G. Avery, of Fresno, Calif.; George Addison Hobart, of Newark, N. J.; Jens Grothe, of Des Moines, Iowa; Newton A. Burgess, of New York City; Harold Hamilton McLean, of New York City; Henry P. Goldstein, of New York City; A. L. Pierovich, of Jackson, Calif.; Benjamin Brown Taylor, Jr., of Baton Rouge, La.; and Thomas J. McBride, of Youngstown, Ohio, were admitted to practice.

No. 49. Ford Motor Company, petitioner, *v.* Gordon Form Lathe Company; and

No. 50. Ford Motor Company, petitioner, *v.* Gordon Form Lathe Company. Argument continued by Mr. I. Joseph Farley for the petitioner; by Mr. F. O. Richey for the respondent; and concluded by Mr. George D. Spohn for the respondent.

No. 43. Interstate Commerce Commission et al., appellants, *v.* Hoboken Manufacturers' Railroad Company. Argued by Mr. Edward M. Reidy for the appellant, Interstate Commerce Commission; by Mr. Willis T. Pierson for the appellants, Baltimore and Ohio Railroad Company et al.; and by Mr. Parker McCollester for the appellee.

No. 28. The Brotherhood of Railroad Trainmen, Enterprise Lodge, No. 27, et al., petitioners, *v.* Toledo, Peoria & Western Railroad. Argument commenced by Mr. John E. Cassidy for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, November 10, will be as follows: Nos. 28, 343, 51, 53, 63, 31, 112, 56, 66, and 54 (and 55).

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Rodney Trenton Schroyer, of Waynesboro, Pa.; Roy Wood Lewis, of Saint Clairsville, Ohio; Reginald Lyon Dyer, of Los Angeles, Calif.; Philip F. Schmehl, of Reading, Pa.; William J. Durham, of Dallas, Tex.; Ralston P. Edmunds, of Tulsa, Okla.; Warren H. Willner, of Richmond, Va.; Ira J. Schuster, of New York City; and William H. Hastie, of Washington, D. C., were admitted to practice.

No. 371. The United States of America, ex rel. Gene McCann, petitioner, *v.* William A. Adams, Warden etc., et al. Mandate ordered to issue forthwith, per stipulation of counsel.

No. 28. The Brotherhood of Railroad Trainmen, Enterprise Lodge, No. 27, et al., petitioners, *v.* Toledo, Peoria & Western Railroad. Argument continued by Mr. John E. Cassidy for the petitioners and concluded by Mr. Clarence W. Heyl for the respondent. Leave granted petitioners to file an additional brief on or before November 18, next.

No. 343. The Order of Railroad Telegraphers, petitioner, *v.* Railway Express Agency, Incorporated. Argued by Mr. William G. McRae for the petitioner and by Mr. Blair Foster for the respondent.

No. 51. Lonnie E. Smith, petitioner, *v.* S. E. Allwright, Election Judge, et al. Argument commenced by Mr. Thurgood Marshall for the petitioner and continued by Mr. William H. Hastie for the petitioner.

Adjourned until Friday, November 12, next, at 12 o'clock.

The day call for Friday, November 12, will be as follows: Nos. 51, 53, 63, 31, 112, 56, 66, 65, 68, and 70.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Charles Kanter, of Newark, N. J.; Elias A. Kanter, of Newark, N. J.; Darrel L. Hodson, of Kokomo, Ind.; Hugh M. Joseloff, of West Hartford, Conn.; and Willie Yeates Rylee, of Clarksdale, Miss., were admitted to practice.

No. 51. Lonnie E. Smith, petitioner, *v.* S. E. Allwright, Election Judge, et al. Argument concluded by Mr. William H. Hastie for the petitioner. No appearance for the respondents.

No. 53. Commissioner of Internal Revenue, petitioner, *v.* Gooch Milling & Elevator Company. Argued by Miss Helen R. Carloss for the petitioner and by Mr. D. M. Kelleher for the respondent.

No. 63. Commissioner of Internal Revenue, petitioner, *v.* S. B. Heininger. Argued by Mr. Valentine Brookes for the petitioner and by Mr. Floyd Lanham for the respondent.

No. 31. McLean Trucking Company, Inc., The Secretary of Agriculture of the United States, et al., appellants, *v.* The United States of America, Interstate Commerce Commission, et al. Four hours allowed for oral argument. Argument commenced by Mr. Arne C. Wiprud for the appellant, The Secretary of Agriculture and continued by Mr. Daniel W. Knowlton for the appellee, Interstate Commerce Commission.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 15, will be as follows: Nos. 31, 7 (8, 9, 10, 11, 12, 13, 14, 15, and 16), 112, 56, 66, 65, 73, and 83.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Charles Wheeler Green, of De Soto, Mo.; Joseph D. Stecher, of Toledo, Ohio; Roy K. Murphey, of Morristown, Tenn.; Stephen Arnold Mitchell, of Chicago, Ill.; Thomas O. Nevison, of Cleveland, Ohio; Fred Andrew Smith, of Toledo, Ohio; Jerrold G. Van Cise, of New York City; Stuart S. Wall, of Toledo, Ohio; Louis Glickhouse, of New York City; Frederick G. Hamley, of Seattle, Wash.; Roy T. Parker, Jr., of New York City; Nestor Shea Foley, of New York City; W. M. Whitman, of Balboa Heights, Canal Zone; and Ruth Lloyd, of Columbus, Ohio, were admitted to practice.

No. 30. Merchants National Bank of Boston, Executor, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Rutledge. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Jackson concurs.

The Chief Justice announced the following orders of the Court:

No. 452. Fred Bennett, appellant, *v.* City of Dalton, Georgia. Appeal from the Court of Appeals of Georgia. *Per curiam:* The appeal is dismissed for the want of a substantial federal question. *Cox v. New Hampshire*, 312 U. S. 569, 574; *Chaplinsky v. New Hampshire*, 315 U. S. 568, 571-2.

No. 60. Mike Marvich, petitioner, *v.* The People of the State of California and Clyde I. Plummer, Warden, et al. On writ of certiorari to the Supreme Court of California. *Per curiam:* The motion of respondent to remand is granted, the judgment is vacated and the cause is remanded to the Supreme Court of California for further proceedings.

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the clerk and will not be announced orally."

No. —. In the matter of George S. Wolbert. The Court having been advised of the death of George S. Wolbert on July 26, 1943, during the pendency of the rule to show cause, the order of disbarment entered on October 4, 1943, is vacated and the rule to show cause issued on June 21, 1943, is discharged as moot.

No. —. Ex parte Kenneth M. Ring, petitioner;

No. —. Ex parte Paul S. Campbell, petitioner;

No. —. Ex parte George Diehl, petitioner;

No. —. Ex parte Jake Hinley, petitioner; and

No. —. Ex parte Kenneth L. Hendrix, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied.

No. —. Ex parte Rex Bayless, petitioner; and

No. —. Ex parte Frank E. Potts, petitioner. The motions for leave to file petitions for writs of mandamus are denied.

No. 8. Corning Glass Works et al., appellants, *v.* The United States of America. The motion for leave to withdraw the appearance of Boykin C. Wright, as counsel for the appellants, is granted.

No. 91. Bain Peanut Company of Texas, petitioner, *v.* Commissioner of Internal Revenue. The motion of Insular Sugar Refining Corporation for leave to participate in the oral argument as *amicus curiae* is granted.

No. 398. Hazel-Atlas Glass Company, petitioner, *v.* Hartford-Empire Company; and

No. 423. Shawkee Manufacturing Company et al., petitioners, *v.* Hartford-Empire Company. The motion of respondent for an extension of time until December 1, next, within which to file briefs in opposition to the petitions for certiorari is granted.

No. 464. Prentiss M. Brown, as Administrator, etc., appellant, *v.* Mrs. Kate C. Willingham and J. R. Hicks, Jr. In this case probable jurisdiction is noted and the case is assigned for argument immediately following Nos. 374 and 375.

No. 392. Universal Oil Products Company, petitioner, *v.* Globe Oil & Refining Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 409. Tennessee Coal, Iron & Railroad Company et al., petitioners, *v.* Muscoda Local, No. 123, etc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted.

No. 395. The United States of America, petitioner, *v.* Elinor Close Cushman, Executrix, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 419. Augustus E. Staley, Jr., Executor, etc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 424. Hartford-Empire Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 427. Inland Steel Company, petitioner, *v.* Foreman M. Lebold and Samuel N. Lebold;

No. 428. Inland Steel Company, petitioner, *v.* Foreman M. Lebold and Samuel N. Lebold;

No. 429. Foreman M. Lebold and Samuel N. Lebold, petitioners, *v.* Inland Steel Company; and

No. 430. Foreman M. Lebold and Samuel N. Lebold, petitioners, *v.* Inland Steel Company. Petitions for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 305. Stanley W. Taylor, petitioner, *v.* Prentiss M. Brown, Price Administrator. Petition for writ of certiorari to the United States Emergency Court of Appeals denied.

No. 400. J. L. Wilkey and J. L. Wilkey, Adjuster, Inc., a corporation, petitioner, *v.* State of Alabama, ex rel. Jim C. Smith and Jim C. Smith. The motions of Benjamin P. Burman and Vincent Scully, partners in trade as Standard Claims Adjustment Service; Nichols Company; Pennsylvania Casualty Company; Indiana Association Independent Insurance Adjusters; Trinity Universal Insurance Company; and Forrest A. Betts, for leave to file briefs as *amici curiae* are denied. Petition for writ of certiorari to the Supreme Court of Alabama denied. Mr. Justice Black took no part in the consideration or decision of these applications.

No. 410. Louis H. Egan, petitioner, *v.* The United States of America; and

No. 414. Union Electric Company of Missouri, petitioner, *v.* The United States of America. Petitions for writs of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. The Chief Justice, Mr. Justice Douglas, and Mr. Justice Jackson took no part in the consideration or decision of these applications.

No. 415. Meyer Abrams, Harry J. Myerson, and Fannie B. Stern, Executrix, etc., petitioners, *v.* Cleveland Terminals Building Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 251. Bernard Paul Coy, petitioner, *v.* James A. Johnston, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 411. The People of the State of Illinois, ex rel. William Vieaux, petitioner, *v.* Joseph E. Ragen, Warden, etc., et al. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 418. William Wade, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the County Court, Westchester County, New York;

No. 442. Mark C. Murphy, petitioner, *v.* The State of Missouri. On petition for writ of certiorari to the Supreme Court of Missouri; and

No. 450. Lawrence Maynard, petitioner, *v.* State of Michigan. On petition for writ of certiorari to the Supreme Court of Michigan. Motions for leave to proceed *in forma pauperis* granted. Petitions for writs of certiorari denied.

No. 100. William A. Doss, petitioner, *v.* People of the State of Illinois;

No. 124. Anna Royer, Administratrix, etc., petitioner, *v.* Jerome K. Greiner;

No. 201. Trojan Powder Company, petitioner, *v.* National Labor Relations Board;

No. 220. Walter Ford Gormly, petitioner, *v.* The United States of America;

No. 238. Daniel W. Norris et al., as Executors, etc., petitioners, *v.* Commissioner of Internal Revenue; and

No. 330. G. T. Fogle & Company, petitioner, *v.* The United States of America. Petitions for rehearing denied.

The Court will take a recess from Monday, November 22d, until Monday, December 6, next.

No. —, *Ex parte* United States of America, upon the relation and for the use of the Tennessee Valley Authority, petitioner. Motion for leave to file petition for writ of mandamus or writ of prohibition presented.

No. 31. McLean Trucking Company, Inc., The Secretary of Agriculture of the United States, et al., appellants *v.* The United States of America, Interstate Commerce Commission, et al. Argument continued by Mr. Daniel W. Knowlton for the appellee, Interstate Commerce Commission; by Mr. Mortimer Allen Sullivan for appellees, Associated Transport, Inc., et al.; and concluded by Mr. Arne C. Wiprud for the appellants. Case submitted by Mr. E. B. Ussery for appellant, McLean Trucking Company; and Mr. Martin Burns and Mr. Paul E. Mathias for appellant, American Farm Bureau Federation.

No. 7. Hartford-Empire Company et al., appellants, *v.* The United States of America;

No. 8. Corning Glass Works et al., appellants, *v.* The United States of America;

No. 9. Owens-Illinois Glass Company et al., appellants, *v.* The United States of America;

No. 10. Hazel-Atlas Glass Company et al., appellants, *v.* The United States of America;

No. 11. Thatcher Manufacturing Company et al., appellants, *v.* The United States of America;

No. 12. Lynch Corporation et al., appellants, *v.* The United States of America;

No. 13. Ball Brothers Company et al., appellants, *v.* The United States of America;

No. 14. Glass Container Association of America, Inc., et al., appellants, *v.* The United States of America;

No. 15. Isaac J. Collins, appellant, *v.* The United States of America; and

No. 16. T. C. Fulton et al., appellants, *v.* The United States of America. Thirteen hours allowed for oral argument. Argument commenced by Mr. John T. Cahill-for the appellants in No. 7; continued by Mr. Thurlow M. Gordon for the appellants in No. 8; and by Mr. Stephen H. Philbin for the appellants in No. 10.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, November 16, will be as follows: Nos. 7 (8, 9, 10, 11, 12, 13, 14, 15, and 16), 112, 66, 65, 73, and 83.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Barry T. Whipple, of Detroit, Mich.; Walter J. Derenberg, of New York City; John C. Finley, Jr., of Ashdown, Ark.; and Charles R. Holton, of Whittier, Calif., were admitted to practice.

No. 112. Davies Warehouse Company, petitioner, *v.* Prentiss M. Brown, Price Administrator;

No. 299. Mars, Inc., petitioner, *v.* Prentiss M. Brown, Administrator, etc.;

No. 305. Stanley W. Taylor, petitioner, *v.* Prentiss M. Brown, Price Administrator, etc.;

No. 316. The Hecht Company, petitioner, *v.* Prentiss M. Brown, Price Administrator, etc.;

No. 396. Fred M. Vinson, Director of Economic Stabilization, by Prentiss M. Brown, Administrator, etc., petitioner, *v.* Washington Gas Light Company et al.;

No. 464. Prentiss M. Brown, as Administrator, etc., appellant, *v.* Mrs. Kate C. Willingham et al.

No. 481. Safeway Stores, Inc., petitioner, *v.* Prentiss M. Brown, Administrator, etc. Chester Bowles, present Administrator of the Office of Price Administration, substituted as a party in these cases in the place and stead of Prentiss M. Brown, resigned, on motion of the Solicitor General in that behalf.

No. 476. United States Gypsum Company, petitioner, *v.* Chester Bowles, Acting Price Administrator. Chester Bowles, present Administrator of the Office of Price Administration, substituted as party respondent in the place of Chester Bowles, as Acting Price Administrator, on motion of Mr. Charles M. Price for the petitioner.

No. 7. Hartford-Empire Company et al., appellants, *v.* The United States of America;

No. 8. Corning Glass Works et al., appellants, *v.* The United States of America;

No. 9. Owens-Illinois Glass Company et al., appellants, *v.* The United States of America;

No. 10. Hazel-Atlas Glass Company et al., appellants, *v.* The United States of America;

No. 11. Thatcher Manufacturing Company et al., appellants, *v.* The United States of America;

No. 12. Lynch Corporation et al., appellants, *v.* The United States of America;

No. 13. Ball Brothers Company et al., appellants, *v.* The United States of America;

No. 14. Glass Container Association of America, Inc., et al., appellants, *v.* The United States of America;

No. 15. Isaac J. Collins, appellant, *v.* The United States of America; and

No. 16. T. C. Fulton et al., appellants, *v.* The United States of America. Argument continued by Mr. Stephen H. Philbin for the appellants in No. 10; by Mr. Robert T. Swaine for the appellants in No. 9; by Mr. E. W. McCallister for the appellants in No. 13; by Mr. Lehr Fess for the appellants in No. 12; by Mr. Ralph Emery for the appellants in No. 11; by Mr. Fred E. Fuller for the appellants in Nos. 15 and 16; by Mr. Luther Day for the appellants in No. 14; and by Mr. Samuel S. Isseks for the appellee.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, November 17, will be as follows: Nos. 7 (8, 9, 10, 11, 12, 13, 14, 15, and 16), 112, 66, 65, 73, and 83.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Frederick Hawley Knight, of Corning, N. Y.; Solomon J. Pokrass, of Milwaukee, Wis.; James Fulton Hoge, of New York City; and Frederick W. Mielke, of San Francisco, Calif., were admitted to practice.

No. 7. Hartford-Empire Company et al., appellants, *v.* The United States of America;

No. 8. Corning Glass Works et al., appellants, *v.* The United States of America;

No. 9. Owens-Illinois Glass Company et al., appellants, *v.* The United States of America;

No. 10. Hazel-Atlas Glass Company et al., appellants, *v.* The United States of America;

No. 11. Thatcher Manufacturing Company et al., appellants, *v.* The United States of America;

No. 12. Lynch Corporation et al., appellants, *v.* The United States of America;

No. 13. Ball Brothers Company et al., appellants, *v.* The United States of America;

No. 14. Glass Containers Association of America, Inc., et al., appellants, *v.* The United States of America;

No. 15. Isaac J. Collins, appellant, *v.* The United States of America; and

No. 16. T. C. Fulton et al., appellants, *v.* The United States of America. Argument continued by Mr. Samuel S. Isseks for the appellee and by Mr. Assistant Attorney General Cox for the appellee.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, November 18, will be as follows: Nos. 7 (8, 9, 10, 11, 12, 13, 14, 15, and 16), 112, 66, 65, 73.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Edmond J. Leeney, of Hammond, Ind.; Timothy P. Galvin, of Hammond, Ind.; Harry Hugh Stilley, of Hammond, Ind.; George Furst, of Newark, N. J.; Morris H. Cohn, of Newark, N. J.; Geo. Black, Jr., of Portland, Oreg.; John S. Arcana, of Mineola, N. Y.; Charles Effinger Smoot, of Washington, D. C.; Cecil A. Beasley, Jr., of Washington, D. C.; Wm. Walker Johnson, of Cincinnati, Ohio; Charles D. Marsh, of Cleveland, Ohio; and Benjamin Daily Frantz, of Sacramento, Calif., were admitted to practice.

No. 7. Hartford-Empire Company et al., appellants, *v.* The United States of America;

No. 8. Corning Glass Works et. al, appellants, *v.* The United States of America;

No. 9. Owens-Illinois Glass Company et al., appellants, *v.* The United States of America;

No. 10. Hazel-Atlas Glass Company et al., appellants, *v.* The United States of America;

No. 11. Thatcher Manufacturing Company et al., appellants, *v.* The United States of America;

No. 12. Lynch Corporation et al., appellants, *v.* The United States of America;

No. 13. Ball Brothers Company et al., appellants, *v.* The United States of America;

No. 14. Glass Container Association of America, Inc., et al., appellants, *v.* The United States of America;

No. 15. Isaac J. Collins, appellant, *v.* The United States of America; and

No. 16. T. C. Fulton et al., appellants, *v.* The United States of America. Argument continued by Mr. Assistant Attorney General Cox for the appellee; by Mr. E. W. McCallister for the appellants in No. 13; by Mr. Robert T. Swaine for the appellants in No. 9; and concluded by Mr. John T. Cahill for the appellants in No. 7.

No. 112. Davies Warehouse Company, petitioner, *v.* Chester Bowles, Price Administrator. Argued by Mr. Reginald L. Vaughan

for the petitioner and by Mr. Nathaniel L. Nathanson for the respondent.

No. 66. Estate of Henry H. Rogers, deceased, et al., etc., petitioners, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Argument commenced by Mr. John W. Drye, Jr., for the petitioner, and continued by Mr. Assistant Attorney General Clark, Jr., for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, November 19, will be as follows: Nos. 66, 65, and 73.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Leo F. Laughren, of St. Louis, Mo.; Robert W. Kenny, of Sacramento, Calif.; Charles H. Walker, of New York City; Robert B. Whittredge, of New York City; Wendell D. Allen, of Baltimore, Md.; Alexander Gordon III, of Baltimore, Md.; and Harvey Locke Carey, of Shreveport, La., were admitted to practice.

No. 66. Estate of Henry H. Rogers, deceased, et al., petitioners, *v.* Commissioner of Internal Revenue. Argument continued by Mr. Assistant Attorney General Samuel O. Clark, Jr., for the respondent and concluded by Mr. John W. Drye, Jr., for the petitioners.

No. 65. Crescent Express Lines, Inc., appellant, *v.* The United States of America et al. Argued by Mr. George H. Rosen for the appellant and by Mr. Edward M. Reidy for the appellees, The United States and Interstate Commerce Commission, and case submitted by Mr. Henry P. Goldstein for appellee, Mountain Transit Corporation, and by Mr. James F. X. O'Brien for appellee, Hudson Transit Lines, Inc.

No. 73. Nick Falbo, petitioner, *v.* The United States of America. Argued by Mr. Hayden C. Covington for the petitioner and by Mr. Solicitor General Fahy for the respondent.

Adjourned until Monday, November 22, next.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Chas. S. Reid, of Atlanta, Ga.; Kenneth Clayton West, of Kansas City, Mo.; Ernest Elias Williams, of San Francisco, Calif.; William E. Friedman, of New York City; Charles F. Short, Jr., of Chicago, Ill.; Paul MacGuffin, of Libertyville, Ill.; William Gresham Ward, of Miami, Fla.; John Edwin Lesow, Jr., of Indianapolis, Ind.; I. Henry Harris, Jr., of Los Angeles, Calif.; Roy L. Washington, of Chicago, Ill.; and Roland Rich Woolley, of Los Angeles, Calif., were admitted to practice.

No. 40. Midstate Horticultural Co., Inc., petitioner, *v.* The Pennsylvania Railroad Company. On writ of certiorari to the Supreme Court of the State of California. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Rutledge.

No. 24. Securities and Exchange Commission, petitioner, *v.* C. M. Joiner Leasing Corporation and C. M. Joiner. On writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit. Judgment reversed and cause remanded to the District Court of the United States for the Northern District of Texas for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Jackson. Dissenting: Mr. Justice Roberts. Mr. Justice Douglas took no part in the consideration or decision of this case.

No. 48. Switchmen's Union of North America, in its own right, etc., T. C. Cashen, et al., petitioners, *v.* National Mediation Board, George A. Cook, William M. Leiserson, et al. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment reversed at the cost of petitioners and cause remanded to the District Court of the United States for the District of Columbia for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Mr. Justice Black and Mr. Justice Rutledge took no part in the consideration or decision of this case. Dissenting opinion by Mr. Justice Reed in which Mr. Justice Roberts and Mr. Justice Jackson join.

No. 23. General Committee of Adjustment of the Brotherhood of Locomotive Engineers for the Missouri-Kansas-Texas Railroad, an unincorporated Association, petitioner, *v.* Missouri-Kansas-Texas Railroad Company et al. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment reversed at the cost of petitioner and cause remanded to the District Court of the United States for the Northern District of Texas for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Mr. Justice Jackson concurs in the result. Dissenting: Mr. Justice Roberts and Mr. Justice Reed.

No. 27. General Committee of Adjustment of the Brotherhood of Locomotive Engineers for the Pacific Lines of Southern Pacific Company (an unincorporated association), petitioner, *v.* Southern Pacific Company and General Grievance Committee of the Brotherhood of Locomotive Firemen and Enginemen (an unincorporated association); and

No. 41. General Grievance Committee of the Brotherhood of Locomotive Firemen and Enginemen (an unincorporated association), petitioner, *v.* General Committee of Adjustment of the Brotherhood of Locomotive Engineers for the Southern Pacific Lines of Southern Pacific Company, etc., et al. On writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed at the cost of petitioner and cases remanded to the District Court of the United States for the Northern District of California for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Mr. Justice Jackson concurs in the result. Dissenting: Mr. Justice Roberts and Mr. Justice Reed.

No. 5. The United States of America, petitioner, *v.* Joseph H. Dotterweich. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment reversed and cause remanded to the District Court of the United States for the Western District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Roberts, Mr. Justice Reed, and Mr. Justice Rutledge join.

No. 36. Cafeteria Employees Union, Local 302, and William Mesevich, petitioners, *v.* Gus Angelos, John Harris, Lucas Harris, et al.; and

No. 37. Cafeteria Employees Union, Local 302, and William Mesevich, petitioners, *v.* Elias Tsakires, Kallis Constantinon, Christ Lymbouris, et al. On writs of certiorari to the Court of Appeals of New York. Judgments reversed with costs and cases remanded to the said Court of Appeals for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Frankfurter.

No. 19. Frank Roberts, petitioner, *v.* The United States of America. On writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit. Judgment reversed and case remanded to the District Court of the United for the Northern District of Alabama for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Frankfurter in which the Chief Justice and Mr. Justice Reed concur.

The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 437. Anthony Wilson, appellant, *v.* State of Louisiana. Appeal from the Supreme Court of Louisiana. *Per curiam*: The motion for leave to proceed *in forma pauperis* is granted. The motion to dismiss is granted and the appeal is dismissed it appearing that the decision is based upon a nonfederal ground adequate to support it.

No. —. Ex parte C. E. Phillips, petitioner;

No. —. Ex parte John Keating, petitioner; and

No. —. Ex parte William A. Youell, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 453. The United States of America et al., appellants, *v.* Wabash Railroad Company et al. In this case probable jurisdiction is noted.

No. 436. L. Metcalfe Walling, Administrator, etc., petitioner, *v.* James V. Reuter, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted.

No. 441. General Trading Company, a corporation, etc., petitioner, *v.* State Tax Commission of the State of Iowa. Petition for writ of certiorari to the Supreme Court of Iowa granted and case transferred to the summary docket and assigned for argument immediately following No. 311, which is also placed on the summary docket.

No. 447. Walter B. Johnson, T. R. Husted, et al., petitioners, *v.* Yellow Cab Transit Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted and the case assigned for argument immediately following No. 198, which is set to follow No. 134.

No. 433. W. D. Lyons, petitioner, *v.* The State of Oklahoma. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Court of Criminal Appeals of Oklahoma is also granted.

No. 274. Butler Brothers, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 380. Alex Wasleff, doing business as Alex Wasleff Building Maintenance Co., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 420. The American Distilling Company, petitioner, *v.* Los Angeles Warehouse Company. Petition for writ of certiorari to the Supreme Court of California denied.

No. 425. William K. Jacobs, Jr., petitioner, *v.* Jane M. Hoey, as Executrix, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 431. Vincent Raymond Dunne et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 434. Morris U. Schappes, petitioner, *v.* People of the State of New York. Petition for writ of certiorari to the Court of General Sessions of County of New York, State of New York, denied.

No. 443. Harden Mortgage Loan Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 446. C. K. Benson and W. Havard Perkins, doing business as Perkins and Company, a partnership, petitioners, *v.* L. Metcalfe Walling, Administrator, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 465. Wayne Apartments, Inc., et al., petitioners, *v.* Michigan Unemployment Compensation Commission. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 473. Max Krauss, Trading as American Cord and Webbing Company, petitioner, *v.* Benjamin Greenberg and Joseph Greenberg, trading as King Kard Overall Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 402. Harold L. Ickes, Secretary of the Interior, petitioner, *v.* Mazine Z. Fox et al.;

No. 403. Harold L. Ickes, Secretary of the Interior, petitioner, *v.* Philip Louis Parks et al.; and

No. 404. Harold L. Ickes, Secretary of the Interior, petitioner, *v.* Christina Mariea Eder, Executrix, etc. Petition for writs of certiorari to the United States Court of Appeals for the District of Columbia denied. Mr. Justice Reed took no part in the consideration or decision of this application.

No. 432. Milton Roe Sabin and Bertha Florence Sabin, petitioners, *v.* A. I. Levorsen et al. The motion for leave to proceed on typewritten papers is granted. Petition for writ of certiorari to the Supreme Court of Oklahoma denied for the reason that application therefor

was not made within the time provided by law. Section 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C., section 350.

No. 444. Eugene W. Osmont, petitioner, *v.* Norman B. Pitcairn and Frank C. Nicodemus, Jr., Receivers of the Wabash Railway Company. Petition for writ of certiorari to the Supreme Court of Missouri denied for want of a reviewable judgment of the highest court of the state.

No. 448. The Niagara Falls Power Company, petitioner, *v.* Federal Power Commission. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 292. Jack L. Carroll, petitioner, *v.* P. J. Squier, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit; and

No. 459. Raymond Pyle, petitioner, *v.* James A. Johnston, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit. The motions for leave to proceed in *forma pauperis* are granted. Petitions for writs of certiorari denied.

No. 295. J. Ralph DeMarcos, petitioner, *v.* Dr. Winfred Overholser, Superintendent of Saint Elizabeths Hospital; and

No. 335. Wildon Lloyd, petitioner, *v.* United States Fidelity & Guaranty Company. Petitions for rehearing denied.

Adjourned until Monday, December 6, at 12 o'clock.

The day call for Monday, December 6, will be as follows: Nos. 4, 20 (and 22), 56, 70, 68, 62 (and 64), 83, 54 (and 55), 58 (and 59), and 52.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

K. Norman Diamond, of Brooklyn, N. Y.; Sidney Isaacs, of Cincinnati, Ohio; Jep S. Fuller, of Port Arthur, Tex.; Samuel S. Dubin, of Gary, Ind.; John E. Roszkowski, of Gary, Ind.; Richard H. MacCracken, of Gary, Ind.; Richard P. Tinkham, of Hammond, Ind.; Robert Wesley Castleberry, of Fort Worth, Tex.; John K. Butt, of Eureka Springs, Ark.; Robert E. Mills, of Ottawa, Ill.; Clyde A. Epperson, of Miami, Fla.; Ara Russell Ash, Jr., of Cordell, Okla.; Jefferson Edwin Peyser, of San Francisco, Calif.; Marshall L. Bowden, of Suffolk, Va.; Eula Brakke Hadlick, of Jefferson City, Mo.; Nadine Lane Gallagher, of Washington, D. C.; Richard FitzPatrick, of Los Angeles, Calif.; Herbert Homer Holland, of Dubuque, Iowa; Collins Mason, of Los Angeles, Calif.; W. A. Singfield, Sr., of Little Rock, Ark.; Charles A. Van Hagen, Jr., of New York City; George H. Fisher, of St. Louis Park, Minn.; Charles B. Spangenberg, of Philadelphia, Pa.; Samuel Fishman, of Boston, Mass.; Emanuel G. Scoblionko, of Allentown, Pa.; and Henry Lincoln Johnson, Jr., of Washington, D. C., were admitted to practice.

No. 53. Commissioner of Internal Revenue, petitioner, *v.* Gooch Milling and Elevator Company. On writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit. Judgment of the Circuit Court of Appeals is reversed and that of the Board of Tax Appeals affirmed and cause remanded to the Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Murphy.

No. 66. Estate of Henry H. Rogers, deceased, H. Larkin, et al., petitioners *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Frankfurter. Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this case. Dissenting opinion by the Chief Justice and Mr. Justice Roberts announced by the Chief Justice.

No. 65. Crescent Express Lines, Inc., appellant, *v.* The United States of America, Interstate Commerce Commission, Hudson Transit Lines, Inc., et al. Appeal from the District Court of the United States for the Southern District of New York. Judgment affirmed. Opinion by Mr. Justice Reed.

No. 5, original. The State of Colorado, complainant, *v.* The State of Kansas et al. Decree should be entered enjoining the further prosecution of the Finney County Association's suits, and dismissing the prayers of both States for other relief. The parties may submit such a decree. Opinion by Mr. Justice Roberts.

No. 43. Interstate Commerce Commission, The Baltimore and Ohio Railroad Company, et al., appellants; *v.* Hoboken Manufacturers' Railroad Company. Appeal from the District Court of the United States for the District of New Jersey. Judgment reversed and cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Stone.

The Chief Justice announced the following orders of the Court.

No. 49. Ford Motor Company, petitioner, *v.* Gordon Form Lathe Company; and

No. 50. Ford Motor Company, petitioner, *v.* Gordon Form Lathe Company. On writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit. *Per curiam*: The judgments are affirmed by an equally divided Court. Mr. Justice Murphy took no part in the consideration or decision of these cases.

No. 421. The Second National Bank of St. Clairsville, Ohio, appellant, *v.* Homer J. Findley, as County Treasurer of Belmont County, Ohio; and

No. 422. The First National Bank of St. Clairsville, Ohio, appellant, *v.* Homer J. Findley, as County Treasurer of Belmont County, Ohio, et al. Appeals from the Supreme Court of the State of Ohio. *Per curiam*: The judgments are affirmed on the authority of *Abereen Bank v. Chehalis County*, 166 U. S. 440, 443-6; *Citizens National Bank v. Kentucky*, 217 U. S. 443, 451; *Des Moines National Bank v. Fairweather*, 263 U. S. 103, 110-12; and *Colorado National Bank v. Bedford*, 310 U. S. 41, 52-3.

No. 435. Brotherhood of Railway & Steamship Clerks, Freight Handlers, Express and Station Employees et al., petitioners, *v.* United Transport Service Employees of America et al. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia. *Per curiam*: The petition for writ of certiorari is granted and the judgment is reversed on the authority of General Committee

of Adjustment *v.* Missouri-Kansas-Texas Railroad Co.; General Committee of Adjustment *v.* Southern Pacific Company; General Grievance Committee *v.* General Committee of Adjustment; and Switchmen's Union of North America *v.* National Mediation Board, Nos. 23, 27, 41, and 48, respectively, decided November 22, 1943.

No. 487. George Kelley, appellant *v.* State of California. Appeal from the Supreme Court of California. *Per curiam*: The motion for leave to proceed *in forma pauperis* is granted. The appeal is dismissed for want of jurisdiction. Section 237 (a), Judicial Code, as amended, 28 U. S. C., sec. 344 (a). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari as required by section 237 (c) of the Judicial Code as amended, 28 U. S. C., sec. 344 (c), certiorari is denied.

No. 213. Twisp Mining & Smelting Company, appellant, *v.* Chelan Mining Company, Seattle First National Bank, as Receiver, etc., et al. Appeal from the Supreme Court of Washington. *Per curiam*: Appellant having filed a petition for rehearing and an amended jurisdictional statement which conforms to Rule 12, par. 1, the petition for rehearing is granted and the order of October 11, 1943, dismissing the appeal and denying the petition for writ of certiorari is vacated. The appeal is dismissed for want of jurisdiction. Section 237 (a) of the Judicial Code, as amended, 28 U. S. C. sec. 344 (a). The petition for a writ of certiorari is denied. Mr. Justice Douglas took no part in the consideration or decision of this case.

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the clerk and will not be announced orally."

No. —. Arthur S. Humes, petitioner, *v.* The United States. Application denied. Mr. Justice Murphy took no part in the consideration or decision of this application.

No. —. Robert Blaydes, petitioner, *v.* Joseph E. Ragen, Warden, etc. Application denied.

No. —. Harold D. Reed, petitioner, *v.* Ray L. Huff, General Superintendent, etc. The motion for leave to file a petition for a writ of certiorari is denied.

No. —. Ex parte Raymond Paul Hile, petitioner;

No. —. Ex parte Dewey Gooch, petitioner;

No. —. Ex parte Paul O'Neil, petitioner;

No. —. Ex parte Harry Miller, petitioner; and

No. —. Ex parte Harold Jackson, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied.

No. —. *Ex parte* United States of America upon the relation and for the use of The Tennessee Valley Authority, petitioner. The motion for leave to file a petition for writ of mandamus or writ of prohibition is denied without prejudice to the filing of an application for a writ of certiorari. Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Murphy, and Mr. Justice Rutledge think that a rule to show cause should issue.

No. 499. Patricia R. O'Brien, petitioner, *v.* Edwin J. O'Brien, Jr., et al. The rule requiring the printing of the record is waived in this case and the petition for writ of certiorari will be considered on the typewritten record with leave to the parties to refer to and quote from the typewritten record in their briefs.

No. 51. Lonnie E. Smith, petitioner, *v.* S. E. Allright, Election Judge, et al. The motion of the State of Texas for leave to file a brief and to present oral argument as *amicus curiae* is granted and the case is restored to the docket and assigned for reargument on Monday, January 10, next.

No. 105. Eastern-Central Motor Carriers Association et al., appellants, *v.* The United States of America et al. The motion of The National Industrial Traffic League to intervene is granted.

No. 251. Bernard Paul Coy, petitioner, *v.* James A. Johnston, Warden, etc. Time within which to file petition for rehearing extended to and including January 3, 1944.

No. 238, October Term, 1942. Thelma Martin, appellant, *v.* City of Struthers, Ohio. The motion of appellee to reassess costs in this case is denied and it is ordered that costs in the amount of \$175.90 be assessed against appellee.

No. 119. William Roy Miller, petitioner, *v.* The United States of America. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit is also granted.

No. 439. Harrison E. Fryberger, petitioner, *v.* Consolidated Electric and Gas Company et al. Petition for writ of certiorari to the Supreme Court of New York, County of New York, denied.

No. 445. Bonwit Teller, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 449. Merger Mines Corporation et al., petitioners, *v.* J. V. Grismer, P. R. Simpson, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 455. Le Roy J. Leishman, petitioner, *v.* Associated Wholesale Electric Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 458. National Securities Corporation, Successor, etc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 461. George F. Salomon, petitioner, *v.* The City of New York. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 466. Daniel S. Gillmor, petitioner, *v.* The Indianapolis Gas Company and City of Indianapolis;

No. 467. Henry H. Abrams, petitioner, *v.* The Indianapolis Gas Company and City of Indianapolis; and

No. 468. Pyramid Commercial Corporation, suing on its own behalf etc., petitioner, *v.* The Indianapolis Gas Company and City of Indianapolis. Petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 485. Guy Whiteford, petitioner, *v.* The Hecht Company. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 460. C. D. Robinson, as Administrator, etc., petitioner, *v.* Linfield College, a corporation, State of Washington, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 440. Rose M. O'Hara, petitioner, *v.* Maurice J. Murphy, Special Administrator, et al. Motion for leave to proceed on the type-written record granted. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 454. Alice Billingsley, petitioner, *v.* C. B. Horrall, Chief of Police. Petition for writ of certiorari to the Supreme Court of California denied. The motion for leave to file a petition for writ of habeas corpus is also denied.

No. 451. Roy Bess, petitioner, *v.* Nathan Mayo, as Custodian of the Florida State Prison. The motion for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the Supreme Court of Florida denied. Motion for leave to file petition for writ of habeas corpus also denied.

No. 475. Georgia M. Spruill, petitioner, *v.* William T. Ballard et al. The motion for leave to proceed *in forma pauperis* is granted. The motion to strike and expunge brief of respondent from the record is denied. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 480. Virginia Harris Cohen, petitioner, *v.* Lewis Randall, as Executor, etc. The motion for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 18. Thad Benson Carter, petitioner, *v.* George A. Kubler;
 No. 137. Joe T. Powell, petitioner, *v.* Joseph W. Sanford, Warden,
 etc.;

No. 187. The People of the State of New York on the relation of
 Stephen Rogalski, petitioner, *v.* Walter B. Martin, as Warden, etc.;

No. 214. Gilcrease Oil Company, petitioner, *v.* G. M. Cosby et al.;

No. 377. Nathan Goldsmith et al., petitioners, *v.* The United States
 of America;

No. 389. Wayne M. Neal et al., petitioners, *v.* State of Florida
 et al.;

No. 390. William Niklaus et al., petitioners, *v.* The Lincoln Joint
 Stock Land Bank of Lincoln, Nebraska;

No. 407. Joe Lash, petitioner, *v.* State of Alabama; and

No. 431. Vincent Raymond Dunne et al., petitioners, *v.* The United
 States of America. The petitions for rehearing are denied.

No. 21. The United States of America, ex. rel. Murray Brensilber,
 et al., etc., petitioners, *v.* Bausch & Lomb Optical Company et al. The
 petitions for rehearing are denied. Mr. Justice Black, Mr. Justice
 Douglas, Mr. Justice Murphy, and Mr. Justice Rutledge think the
 petitions should be granted. Mr. Justice Jackson took no part in the
 consideration or decision of these applications.

No. 448. The Niagara Falls Power Company, petitioner, *v.* Federal
 Power Commission. The petition for rehearing is denied. Mr. Jus-
 tice Jackson took no part in the consideration or decision of this
 application.

No. —. Ex parte Wade H. Cooper, petitioner. Motion for leave to
 file petition for writ of mandamus presented.

No. 52. William J. Demorest, Jr., et al., appellants, *v.* City Bank
 Farmers Trust Company, as Trustee, etc., et al. Francis J. Mahoney,
 special guardian, substituted as a party appellant in the place and stead
 of Gerald P. Culkin, on motion of counsel for appellants.

No. 4. J. Oliver Hill, Administrator etc., petitioner, *v.* Francis L.
 Hawes, Individually, etc. Argued by Mr. Henry L. Johnson, Jr., for
 the petitioner and by Mr. John B. Gunion for the respondent.

No. 20. State of California et al., appellants, *v.* The United States
 of America, et al.; and

No. 22. City of Oakland, a municipal corporation, etc., appellant,
v. The United States of America et al. Three hours allowed for oral
 argument. Argued by Mr. Lucas E. Kilkenny for the appellants in

No. 20; by Mr. W. Reginald Jones for the appellant in No. 22; and by Mr. Solicitor General Fahy for the appellee.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, December 7, will be as follows: Nos. 56, 70, 68, 62 (and 64), 83, 54 (and 55), 58 (and 59), 52, 227, and 57.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

M. L. Bluhm, of Chicago, Ill.; and George H. Happ, of Washington, D. C., were admitted to practice.

No. 56. The Atlantic Refining Company, Owner, etc., petitioner, *v.* A. P. Moller, Claimant, etc. Argued by Mr. Otto Wolff, Jr., for the petitioner and by Mr. J. Harry LaBrum for the respondent.

No. 70. Charles M. Thomson, as Trustee, etc., appellant, *v.* The United States of America et al. Argued by Mr. Nye F. Morehouse for the appellant and by Mr. Robert L. Pierce for the appellees.

No. 68. The United States of America, appellant, *v.* Charles A. Gaskin. Argument commenced by Mr. W. Marvin Smith for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, December 8, will be as follows: Nos. 68, 62 (and 64), 83, 54 (and 55), 58 (and 59), 52, 227, 57, 117, and 109.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Richard B. Persinger, of New York City, was admitted to practice.

No. 68. The United States of America, appellant, *v.* Charles A. Gaskin. Argument concluded by Mr. Marion B. Knight for the appellee.

No. 62. The United States of America, appellant, *v.* Bausch & Lomb Optical Company et al.; and

No. 64. Soft-Lite Lens Company, Inc., et al., appellants, *v.* The United States of America. Three and one-half hours allowed for oral argument. Argued by Mr. Assistant Attorney General Berge for The United States; by Mr. Bethuel M. Webster for Soft-Lite Lens Co., Inc., et al.; and by Mr. Whitney North Seymour for Bausch & Lomb Optical Company et al.

No. 83. The United States of America, appellant, *v.* Jacob Hark and Hyman Yaffee, Co-partners, etc. Argument commenced by Mr. Paul A. Freund for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, December 9, will be as follows: Nos. 83, 54 (and 55), 58 (and 59), 52, 227, 57, 117, 109, 84, and 94.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Albert Stickney, of New York City, and Joseph Bernard Dawsey, of Detroit, Mich., were admitted to practice.

No. 83. The United States of America, appellant, *v.* Jacob Hark and Hyman Yaffee, Copartners, etc. Argument continued by Mr. Paul A. Freund for the appellant; Mr. William H. Lewis for the appellee; and concluded by Mr. Paul A. Freund for the appellant.

No. 54. The Mercoid Corporation, petitioner, *v.* Mid-Continent Investment Company et al.; and

No. 55. The Mercoid Corporation, petitioner, *v.* Mid-Continent Investment Company et al. Argued by Mr. George L. Wilkinson for the petitioner; by Mr. Casper W. Ooms for the respondent, Mid-Continent Investment Company; and by Mr. W. P. Bair for the respondent, Minneapolis-Honeywell Regulator Company.

No. 58. The Mercoid Corporation, petitioner, *v.* Minneapolis-Honeywell Regulator Company; and

No. 59. The Mercoid Corporation, petitioner, *v.* Minneapolis-Honeywell Regulator Company. Argument commenced by Mr. George L. Wilkinson for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, December 10, will be as follows: Nos. 58 (and 59), 52, 227, 57, 117, 109, 98, 84, 94, and 105.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Hugh Huntington, of Columbus, Ohio; Gabriel de la Haba, of San Juan, P. R.; Richard A. Williams, of Washington, D. C.; Roy Halquist, of Washington, D. C.; Samuel G. Coler, of Brooklyn, N. Y.; Elmer E. Hazard, of Jacksonville, Fla., and Hardy Moore Graham, of Meridian, Miss., were admitted to practice.

No. 58. The Mercoid Corporation, petitioner, *v.* Minneapolis-Honeywell Regulator Company; and

No. 59. The Mercoid Corporation, petitioner, *v.* Minneapolis-Honeywell Regulator Company. Argument continued by Mr. George L. Wilkinson for the petitioner and by Mr. Will Freeman for respondent; and concluded by Mr. George L. Wilkinson for the petitioner.

No. 52. William J. Demorest, Jr., et al., appellants, *v.* City Bank Farmers Trust Company, etc., et al. Argued by Mr. Francis J. Mahoney for appellants; by Mr. Albert Stickney for the appellee, Emma M. West; and by Mr. C. Alexander Capron for the appellee, City Bank Farmers Trust Co., Trustee.

No. 227. Thomas B. Dyett, etc., appellant, *v.* Title Guarantee and Trust Co. et al. Argued by Mr. James N. Vaughan for the appellant and Mr. Louis J. Merrell for the appellees.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 13, will be as follows: Nos. 57, 117, 109, 98, 84, 94, 105, 71, 142 (143, 144, 145, and 146), and 199.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Maurice Dorian Powell, of Kirkland, Wash.; Melvin Richter, of Boston, Mass.; Leonard Blaylock, of Cameron, Tex.; Robert Fenton Garfield, of San Diego, Calif.; James A. Emmert, of Shelbyville, Ind.; and James S. McCarthy, of Whiting, Ind., were admitted to practice.

No. 38. Colgate-Palmolive-Peet Company, petitioner, *v.* The United States of America; and

No. 39. Colgate-Palmolive-Peet Company, petitioner, *v.* The United States of America. On writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgments affirmed and cases remanded to the District Court of the United States for the District of Delaware. Opinion by Mr. Justice Reed. Mr. Justice Roberts and Mr. Justice Jackson took no part in the consideration or decision of these cases.

The Chief Justice said:

"The orders of the Court appear upon the list certified by The Chief Justice and filed with the clerk and will not be announced orally."

No. 502. Bernard Eugene Smith et al., as co-partners, trading and doing business under the firm name and style of Thomson & McKinnon, appellants, *v.* J. N. Lummas, Jr., as Tax Assessor of Dade County, Florida, et al. Appeal from the Supreme Court of Florida. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for the want of a substantial federal question. *Metropolitan Life Ins. Co. v. New Orleans*, 205 U. S. 395; *Liverpool Ins. Co. v. Board of Assessors*, 221 U. S. 346; *Curry v. McCanless*, 307 U. S. 357, 368.

No. —. *Ex parte* Edward Casebeer, petitioner; and

No. —. *Ex parte* Frank J. Kane, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied.

No. —. *Ex parte* Henry Hawk, petitioner. A rule is ordered to issue returnable January 10, 1944, requiring respondent to show cause why leave to file the petition for writ of habeas corpus should not be granted.

No. —. *Ex parte* Wade H. Cooper, petitioner. The motion to waive printing of the motion for leave to file and petition for writ of mandamus is granted. The motion for leave to file petition for writ of mandamus is denied.

No. 119. William Roy Miller, petitioner, *v.* The United States of America. The Court directs that the expense of printing the record in this case be paid by the United States pursuant to 28 U. S. C. sec. 832.

No. 482. Chicago, Saint Paul, Minneapolis & Omaha Railway Company, et al., appellants, *v.* The United States of America et al.; and

No. 486. Lester Follett, appellant, *v.* Town of McCormick, South Carolina. In these cases probable jurisdiction is noted and the cases are transferred to the summary docket.

No. 398. Hazel-Atlas Glass Company, petitioner, *v.* Hartford-Empire Company; and

No. 423. Shawkee Manufacturing Company et al., petitioners, *v.* Hartford-Empire Company. Petitions for writs of certiorari to the Circuit Court of Appeals for the Third Circuit granted.

No. 483. Clifford F. MacEvoy Company et al., petitioners, *v.* The United States of America for the use and benefit of Calvin Tomkins Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted and the case is transferred to the summary docket. The Solicitor General is invited to file a brief as *amicus curiae* if he is so advised.

No. 456. Charles E. Leydecker, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 471. Rathjen Brothers, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 478. Fides, A. G., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 481. Safeway Stores, incorporated, petitioner, *v.* Chester Bowles, Price Administrator. Petition for writ of certiorari to the United States Emergency Court of Appeals denied.

No. 484. Ann Stanziale, petitioner, *v.* Lt. Col. Holmes G. T. Paulin, Commanding Officer, Fort Dix, N. J. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 462. Richard A. Knight, petitioner, *v.* The Bar Association of the City of New York. Petition for writ of certiorari to the Court of Appeals of New York denied. Mr. Justice Murphy is of opinion that certiorari should be granted.

No. 479. Mittie Maude Lena Gordon and Seon Emanuel Jones, petitioners, *v.* The United States of America. The motion for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 426. Lester Ettman, petitioner, *v.* Federal Life Insurance Company. Petition for rehearing denied.

ORDER

The Court will take a recess from Monday, December 20, until Monday, January 3, 1944.

No. 57. Joseph E. Snowden, petitioner, *v.* Edward J. Hughes, Louie E. Lewis, et al., etc. Argued by Mr. W. R. Ming for the petitioner and by Mr. William C. Wines for the respondents, Edward J. Hughes et al., and case submitted by Mr. Isaac E. Ferguson for the respondents Robert E. Straus et al., as Co-executors etc. Leave granted petitioner to file memorandum by Friday, next.

No. 117. District of Columbia, petitioner, *v.* Elizabeth C. Pace. Argued by Mr. Glenn Simmon for the petitioner and by Mr. Elmer E. Hazard for the respondent.

No. 109. City of Yonkers and John W. Tooley, Jr., as President of Committee of Yonkers Commuters, etc., appellants, *v.* The United States of America et al. Argument commenced by Mr. John J. Broderick for the appellant, City of Yonkers.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, December 14, will be as follows: Nos. 109, 98, 84, 94, 105, 71, 142 (143, 144, 145, and 146), 99, 159, and 158.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Myron K. Wilson, of New York City, was admitted to practice.

No. 475. Georgia M. Spruill, petitioner, *v.* William T. Ballard et al. Time within which to file petition for rehearing extended to and including January 29, 1944.

No. 109. City of Yonkers and John W. Tooley, Jr., as President of Committee of Yonkers Commuters, etc., appellants, *v.* The United States of America et al. Argument continued by Mr. Horace M. Gray for the appellant, John W. Tooley, Jr., as President, etc.: by Mr. J. Stanley Payne for appellees, The United States and Interstate Commerce Commission; by Mr. Harold E. McLean for appellee, New York Central Railroad Company; by Mr. John J. Broderick for appellant, City of Yonkers; and concluded by Mr. Horace M. Gray for appellant, John W. Tooley, Jr., President, etc.

No. 98. Sarah Prince, appellant, *v.* Commonwealth of Massachusetts. Argued by Mr. Hayden C. Covington for the appellant and by Mr. R. T. Bushnell for the appellee.

No. 84. Dixie Pine Products Company, petitioner, *v.* Commissioner of Internal Revenue. Argument commenced by Mr. T. J. Wills for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, December 15, will be as follows: Nos. 84, 94, 105, 71, 99, 142 (143, 144, 145, and 146), 159, 193, and 200.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Seddon G. Boxley, of Washington, D. C.; Benjamin Busch, of New York City; Sanford A. Headley, of Cincinnati, Ohio; David S. Jackson, of Buffalo, N. Y.; Scott Jordan, of Fairfield, Iowa; Henry W. Dieringer, of Chicago, Ill.; and William T. Murphy, of Chicago, Ill., were admitted to practice.

No. 158. The B. F. Goodrich Company, petitioner, *v.* The United States of America. Leave granted to withdraw appearances of E. Barrett Prettyman, F. G. Awalt, and Raymond Sparks as counsel for the petitioner, on motion of Mr. E. Barrett Prettyman, Mr. F. G. Awalt, and Mr. Raymond Sparks in that behalf.

No. 84. Dixie Pine Products Company, petitioner, *v.* Commissioner of Internal Revenue. Argument continued by Mr. T. J. Wills for the petitioner and concluded by Mr. Arnold Raum for the respondent.

No. 94. Mary Tennant, Administratrix etc., petitioner, *v.* Peoria and Pekin Union Railway Company. Argued by Mr. William H. Allen for the petitioner and by Mr. Eugene E. Horton for the respondent.

No. 105. Eastern-Central Motor Carriers Association et al., appellants, *v.* The United States of America et al. Argument commenced by Mr. Charles B. Cotterill for the appellants and continued by Mr. Robert L. Pierce for appellees, The United States and Interstate Commerce Commission.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, December 16, will be as follows: Nos. 105, 71, 99, 142 (143, 144, 145, and 146), 159, 193, and 200.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Clarence F. Purdy, of Celina, Ohio; James J. Cannon, of New York City; Orville A. Troy, of Cincinnati, Ohio; Freeman B. Irby, of Topeka, Kans.; Elizabeth Watkins Hulen, of Jackson, Miss.; and Rosemary Brennan, of Indianapolis, Ind., were admitted to practice.

No. 105. Eastern-Central Motor Carriers Association et al., appellants, *v.* The United States of America et al. Argument concluded by Mr. Robert L. Pierce for the appellees and case submitted by Mr. Luther M. Walter, Mr. Nuel D. Belnap, and Mr. John S. Burchmore for intervener, The National Industrial Traffic League.

No. 71. The United States of America, petitioner, *v.* Frank Laudani. Argued by Mr. Chester T. Lane for the petitioner and case submitted by Mr. Harold Simandl for the respondent.

No. 99. Illinois Steel Company, petitioner, *v.* Baltimore and Ohio Railroad Company. Argued by Mr. Paul R. Conaghan for the petitioner and by Mr. Francis R. Cross for the respondent.

No. 142. The United States, petitioner, *v.* Howard C. Myers;

No. 143. The United States, petitioner, *v.* John H. Arble;

No. 144. The United States, petitioner, *v.* Charles C. Martin;

No. 145. The United States, petitioner, *v.* Walter O. Plitz; and

No. 146. The United States, petitioner, *v.* George H. Spitz. Argument commenced by Mr. Assistant Attorney General Shea for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, December 17, will be as follows: Nos. 142 (143, 144, 145, and 146), 159, and 193.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

K. Elizabeth Ohi, of Chicago, Ill.; Erskine Biddle Wood, of Portland, Oreg.; Seymour Miller Klein, of New York City; Oppie L. Hedrick, of Beckley, W. Va.; and Irvin Long, of Detroit, Mich., were admitted to practice.

No. 119. William Roy Miller, petitioner, *v.* The United States of America. It is ordered that Gerhard A. Gesell, Esq., of Washington, D. C., a member of the bar of this Court, be appointed to serve as counsel for the petitioner in this case.

No. 142. The United States, petitioner, *v.* Howard C. Myers;
 No. 143. The United States, petitioner, *v.* John H. Arble;
 No. 144. The United States, petitioner, *v.* Charles C. Martin;
 No. 145. The United States, petitioner, *v.* Walter O. Plitz; and
 No. 146. The United States, petitioner, *v.* George H. Spitz. Argument continued by Mr. Assistant Attorney General Shea for the petitioner and concluded by Mr. Robert M. Drysdale for the respondents.

No. 159. Mrs. Eula May Walton, Administratrix, etc., petitioner, *v.* Southern Package Corporation. Argued by Mr. Robert L. Stern for the Administrator of Wage and Hour Division, United States Department of Labor, as amicus curiae, by special leave of Court, and by Mrs. Elizabeth Hulen for the respondent; and case submitted by Mr. Charles F. Engle for the petitioner.

No. 193. Samuel Feldman, petitioner, *v.* The United States of America. Argued by Mr. Seymour M. Klein for the petitioner and by Mr. Chester T. Lane for the respondent. Leave granted petitioner to file a reply brief within one week.

Adjourned until Monday, December 20 next, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Allen P. Twyman, of East Chicago, Ind.; Jim Bolger, of Los Angeles, Calif.; Austin J. Lilly, of Baltimore, Md.; Jewell I. Dilsaver, of Mattoon, Ill.; Russell B. James, of Mattoon, Ill.; Reuben Goldberg, of Washington, D. C.; and Claude O. Percy, of St. Louis, Mo., were admitted to practice.

No. 44. John V. Dobson, petitioner, *v.* Commissioner of Internal Revenue;

No. 45. E. W. Dobson, petitioner, *v.* Commissioner of Internal Revenue;

No. 46. Estate of James N. Collins, deceased, First National Bank and Trust Company of Minneapolis, Executor, petitioner, *v.* Commissioner of Internal Revenue; and

No. 47. H. J. Harwick, petitioner, *v.* Commissioner of Internal Revenue. On writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment in No. 47 affirmed; judgments in Nos. 44, 45, and 46 reversed, and causes remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Jackson.

No. 26. Irene Brady, Administratrix of the estate of Earle A. Brady, deceased, petitioner, *v.* Southern Railway Company. On writ of certiorari to the Supreme Court of the State of North Carolina. Judgment affirmed with costs. Opinion by Mr. Justice Reed. Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas, Mr. Justice Murphy, and Mr. Justice Rutledge concur.

No. 56. The Atlantic Refining Company, owner of The Tank Steamship "Bohemian Club," petitioner, *v.* A. P. Moller, Claimant of The Motor-Vessel "Laura Maersk." On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Eastern District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black.

No. 63. Commissioner of Internal Revenue, petitioner, *v.* S. B. Heininger. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment affirmed and cause remanded to said Circuit Court of Appeals. Opinion by Mr. Justice Black.

No. 29. Magnolia Petroleum Company et al., petitioners, *v.* Sullivan H. Hunt. On writ of certiorari to the Court of Appeal, First Circuit, State of Louisiana. Judgment reversed with costs and cause remanded to said Court of Appeal for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Stone. Opinion by Mr. Justice Jackson concurring in the opinion of the Chief Justice. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Murphy joins. Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas, Mr. Justice Murphy, and Mr. Justice Rutledge concur.

The Chief Justice announced the following orders of the Court:

No. 504. Chicago and North Western Railway Company, appellant, *v.* The United States of America, Interstate Commerce Commission, et al. Appeal from the District Court of the United States for the Northern District of Illinois: *Per curiam*: The motions to affirm are granted and the judgment is affirmed. (1) Sec. 77 (e) and (f) of the Bankruptcy Act; *Ecker v. Western Pacific Railroad Corporation*, 318 U. S. 448, 471-475; *Group of Investors v. C. M. St. P. & P. Railroad Co.*, 318 U. S. 523, 564. (2) *Great Northern Railway v. United States*, 277 U. S. 172, 180-183; *United States v. Griffin*, 303 U. S. 226, 234-237.

No. 266. Carter H. Harrison, Collector of Internal Revenue for the First District of Illinois, petitioner, *v.* Durkee Famous Foods, Inc., a corporation. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. *Per curiam*: The petition for writ of certiorari in this case is granted. The judgment is reversed upon the authority of Nos. 38 and 39, *Colgate-Palmolive-Peet Co. v. The United States*, decided December 13, 1943.

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —. *Ex parte Percy Watts*, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. 5, original. The State of Colorado, complainant, *v.* The State of Kansas et al. The motion of defendants to extend the time within which to file petition for rehearing is granted and the time is extended 60 days from December 31 next.

No. 463. Lee Arenas, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted.

No. 492. The Equitable Life Assurance Society of the United States, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted limited to the second question presented by the petition and the case is transferred to the summary docket.

No. 299. Mars, Incorporated, petitioner, *v.* Chester Bowles, Administrator, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 469. Oil City Refiners, Inc., petitioner, *v.* Socony-Vacuum Oil Company, Incorporated; and

No. 503. Socony-Vacuum Oil Company, Incorporated, petitioner, *v.* Oil City Refiners, Inc. Petitions for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 474. Martin B. Robinson, petitioner, *v.* State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied. Mr. Justice Rutledge took no part in the consideration or decision of this application.

No. 490. Trico Products Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 5. The United States of America, petitioner, *v.* Joseph H. Dotterweich.

No. 189. Laconia Chapelle Burroughs, petitioner, *v.* Joseph W. Sanford, Warden, etc.;

No. 432. Milton Roe Sabin and Bertha Florence Sabin, petitioners, *v.* A. I. Levorsen et al.; and

No. 473. Max Krauss, Trading as American Cord and Webbing Company, petitioner, *v.* Benjamin Greenbarg and Joseph Greenbarg, Trading as King Kard Overall Company. Petitions for rehearing denied.

No. —. *Ex parte* The Alliance Brass & Bronze Company, petitioner. Motion for leave to file petition for writ of prohibition or in the alternative writ of mandamus presented.

No. 329. The United States of America, appellant, *v.* Berke Cake Co., Inc., E. L. K. Baking Co., Inc., Irving Berke, et al. Appeal from the District Court of the United States for the Eastern District of New York. Dismissed on motion of counsel for the appellant.

Adjourned until Monday, January 3, 1944, at 12 o'clock.

The day call for Monday, January 3, 1944 will be as follows: Nos. 67, 158, 183, 195, 200, 154, 134, 198, 447, and 209.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Howard R. Johnson, of Milwaukee, Wis.; Wilbert S. Hamilton, of Los Angeles, Calif.; Benjamin H. Dewey, Jr., of New York City; Sol Romaner, of New York City; Robert B. Garnett, of New York City; William H. Bemis, of Cleveland, Ohio; Henry Clyde Johnson, of Boston, Mass.; and William C. Scott, of New York City, were admitted to practice.

No. 34. Federal Power Commission, City of Akron and Pennsylvania Public Utility Commission, petitioners, *v.* Hope Natural Gas company; and

No. 35. City of Cleveland, petitioner, *v.* Hope Natural Gas Company. On writs of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment reversed and cases remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Mr. Justice Roberts took no part in the consideration or decision of these cases. Opinion by Mr. Justice Black and Mr. Justice Murphy. Dissenting opinion by Mr. Justice Reed. Dissenting opinion by Mr. Justice Frankfurter. Separate opinion by Mr. Justice Jackson.

No. 54. The Mercoid Corporation, petitioner, *v.* Mid-Continent Investment Company and Minneapolis-Honeywell Regulator Company; and

No. 55. The Mercoid Corporation, petitioner, *v.* Mid-Continent Investment Company and Minneapolis-Honeywell Regulator Company; On writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgments reversed with costs and cases remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Opinion of Mr. Justice Black in which Mr. Justice Murphy concurs. Dissenting opinion by Mr. Justice Roberts in which Mr. Justice Reed joins. Dissenting opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Jackson.

No. 58. The Mercoid Corporation, petitioner, *v.* Minneapolis-Honeywell Regulator Company; and

No. 59. The Mercoid Corporation, petitioner, *v.* Minneapolis-Honeywell Regulator Company. On writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgments reversed with costs and cases remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Mr. Justice Roberts, Mr. Justice Reed, Mr. Justice Frankfurter, and Mr. Justice Jackson concur in the result on the authority of *Morton Salt Co. v. G. S. Suppiger Co.*, 314 U. S. 488.

No. 109. City of Yonkers and John W. Tooley, Jr., as President of Committee of Yonkers Commuters, etc., appellants, *v.* The United States of America, Interstate Commerce Commission, et al. Appeal from the District Court of the United States for the Southern District of New York. Judgment reversed and cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Reed and Mr. Justice Jackson join.

No. 20. State of California and Board of State Harbor Commissioners for San Francisco Harbor, appellants, *v.* The United States of America, United States Maritime Commission, et al.; and

No. 22. City of Oakland, a municipal corporation acting by and through its Board of Port Commissioners, appellant, *v.* The United States of America, United States Maritime Commission, et al. Appeals from the District Court of the United States for the Northern District of California. Judgments affirmed. Opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Roberts in which Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Murphy join.

No. 142. The United States, petitioner, *v.* Howard C. Myers;

No. 143. The United States, petitioner, *v.* John H. Arble;

No. 144. The United States, petitioner, *v.* Charles C. Martin;

No. 145. The United States, petitioner, *v.* Walter O. Plitz; and

No. 146. The United States, petitioner, *v.* George H. Spitz. On writs of certiorari to the Court of Claims. Judgment reversed and proceeding remanded to the Court of Claims for determination of the claim of the inspectors in accordance with the opinion of this Court. Opinion by Mr. Justice Reed. Mr. Chief Justice Stone is of the opinion that the judgment should be reversed in its entirety and the suits dismissed.

No. 159. Mrs. Eula May Walton, as Administratrix of Fred Walton, deceased, petitioner, *v.* Southern Package Corporation. On writ of certiorari to the Supreme Court of the State of Mississippi. Judgment reversed with costs and cause remanded to the said Supreme

Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black. Mr. Justice Roberts concurs in the result.

No. 71. The United States of America, petitioner, *v.* Frank Laudani. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment reversed and cause remanded to the said Circuit Court of Appeals for consideration and disposition of other questions not here involved. Opinion by Mr. Justice Black.

No. 73. Nick Falbo, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the Western District of Pennsylvania. Opinion by Mr. Justice Black. Concurring opinion by Mr. Justice Rutledge. Dissenting opinion by Mr. Justice Murphy.

No. 84. Dixie Pine Products Company, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Roberts.

No. 4. J. Oliver Hill, Administrator of the Estate of Bertha Byrd, deceased, petitioner, *v.* Francis L. Hawes, individually and as trustee and Raymond D. Evans, Trustee. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment reversed with costs and cause remanded to the said Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts. Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Murphy concurs.

No. 68. The United States of America, appellant, *v.* Charles A. Gaskin. Appeal from the District Court of the United States for the Northern District of Florida. Judgment reversed and cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts. Dissenting opinion by Mr. Justice Murphy.

No. 83. The United States of America, appellant, *v.* Jacob Hark and Hyman Yaffee, copartners doing business as Liberty Beef Company. Appeal from the District Court of the United States for the District of Massachusetts. Judgment reversed and cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts. Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Douglas and Mr. Justice Rutledge join.

No. 99. Illinois Steel Company, petitioner, *v.* Baltimore and Ohio Railroad Company. On writ of certiorari to the Appellate Court of the State of Illinois, First District. Judgment reversed with costs and cause remanded to the said Appellate Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Stone.

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —. Ex parte Andrew Barnett, petitioner; and

No. —. Ex parte Jack A. McCoy, petitioner. Applications denied.

No. —. Ex parte The Alliance Brass & Bronze Company, petitioner. The motion for leave to file petition for writ of prohibition or, in the alternative, mandamus, is denied.

No. —. Ex parte Ralph O. Lucas, petitioner;

No. —. Ex parte N. M. Maxwell, petitioner;

No. —. Ex parte James Sparks, petitioner;

No. —. Ex parte Bernard Nelson, petitioner;

No. —. Ex parte Norman Michaud, petitioner; and

No. —. Ex parte H. Ely Goldsmith, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied.

No. —. Ex parte Selvie W. Wells, petitioner. A rule is ordered to issue, returnable within 30 days, requiring the respondent to show cause why leave to file the petition for writ of habeas corpus should not be granted.

No. 966, October Term, 1941. Charles Jobin, appellant, *v.* The State of Arizona. Upon consideration of appellant's motion to compel payment of costs and appellee's reply, it is ordered that appellant's motion be denied without prejudice to its renewal in the event that the Attorney General of the State of Arizona does not report the judgment to the Arizona Legislature at its next session and if so reported the Legislature does not make provision for payment.

No. 159. Mrs. Eula May Walton, Administratrix, etc., petitioner, *v.* Southern Package Corporation. The motion for additional attorney's fee is denied without prejudice to an appropriate application to the Supreme Court of Mississippi.

No. 462. Richard A. Knight, petitioner, *v.* The Bar Association of the City of New York. Time within which to file petition for rehearing extended to and including February 7, next.

No. 487. George Kelley, appellant, *v.* State of California. Time within which to file petition for rehearing extended to and including January 31, next, and mandate stayed.

No. 49. Ford Motor Company, petitioner, *v.* Gordon Form Lathe Company; and

No. 50. Ford Motor Company, petitioner, *v.* Gordon Form Lathe Company. Motion for stay of mandate granted and mandate stayed pending the determination of the petition for rehearing.

No. 142. The United States, petitioner, *v.* Howard C. Myers;

No. 143. The United States, petitioner, *v.* John H. Arble;

No. 144. The United States, petitioner, *v.* Charles C. Martin;

No. 145. The United States, petitioner, *v.* Walter O. Plitz; and

No. 146. The United States, petitioner, *v.* George H. Spitz. Motion for leave to file supplemental memorandum for respondents granted.

No. 472. The United States of America, petitioner, *v.* Edna W. Ballard and Donald Ballard. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted.

No. 476. United States Gypsum Company, petitioner, *v.* Chester Bowles, Price Administrator. Petition for writ of certiorari to the United States Emergency Court of Appeals denied.

No. 500. Henry Baker, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 510. Wilson Milling Company, a dissolved corporation, by A. J. Landrum, et al., etc., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 517. Pen-Ken Gas & Oil Corporation, petitioner, *v.* Warfield Natural Gas Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 494. Fred Wayne, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 495. Frank W. Lyman et al., executors, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 501. Sidney Zernit, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 512. Joseph M. Kaiser, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 513. Grant Lunch Corporation, petitioner, *v.* Alfred E. Driscoll, Commissioner of the State Department of Alcoholic Beverage Control. Petition for writ of certiorari to the Court of Errors and Appeals of New Jersey denied.

No. 516. William C. Rafert, Debtor, petitioner, *v.* The Equitable Life Assurance Society of the United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 519. The United States of America, ex rel. Robert E. Lee Jordan, petitioner, *v.* Harold L. Ickes, Secretary of the Interior. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 523. Middleton & Co. (Canada), Ltd., et al., petitioners, *v.* Ocean Dominion Steamship Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 537. Kersh Lake Drainage District, petitioner, *v.* State Bank & Trust Company of Wellston, Missouri. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 488. William H. Neblett, Vernon Bettin, et al., petitioners, *v.* Anthony Caminetti, Jr., Insurance Commissioner of the State of California, et al.; and

No. 489. William H. Neblett, Vernon Bettin, Alfred F. McDonald, et al., petitioners, *v.* The Pacific Mutual Life Insurance Company of California et al. Petition for writs of certiorari to the Supreme Court of California denied. Mr. Justice Reed took no part in the consideration or decision of this application.

No. 491. Benguet Consolidated Mining Company, petitioner, *v.* Idonah Slade Perkins, Samuel I. Hartman, as Receiver, et al. The motion to use the certified record in Benguet Consolidated Mining Company *v.* Perkins et al., No. 968, October Term, 1942, is granted. The petition for writ of certiorari to the District Court of Appeal, 1st Appellate District, State of California, is denied. The petition for rehearing in No. 968, October Term, 1942, is denied. Mr. Justice Murphy took no part in the consideration or decision of these applications.

No. 511. W. T. Beckham, Clerk, United States District Court, Western District of Kentucky, petitioner, *v.* Prentiss M. Brown, Administrator, Office of Price Administration. The motion to substitute Chester Bowles, present Administrator, Office of Price Admin-

istration, as the party respondent in the place and stead of Prentiss M. Brown, resigned, is granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 470. H. V. Byers et ux, petitioners, *v.* J. M. Ward et al. On petition for writ of certiorari to the Supreme Court of Tennessee;

No. 496. Jessie William Miller, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit; and

No. 498. James Dobry, petitioner, *v.* Neil Olson, Warden of the Nebraska State Penitentiary at Lancaster, etc. On petition for writ of certiorari to the Supreme Court of Nebraska. The motions for leave to proceed in forma pauperis are granted. The petitions for writs of certiorari are denied.

No. 477. Cassius McDonald, petitioner, *v.* The United States of America. The motion for leave to proceed in forma pauperis is granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. Mr. Justice Murphy took no part in the consideration or decision of these applications.

No. 553. Clyde Brazel, petitioner, *v.* Harry H. Jackson, Warden of the State Prison of Southern Michigan. The motion for leave to proceed in forma pauperis is granted. Petition for writ of certiorari to the Supreme Court of Michigan denied. The motion for leave to file petition for writ of habeas corpus is also denied.

No. 191. Albert F. Coyle, petitioner, *v.* The People of the State of New York. The motion for leave to file a petition for rehearing is granted. The motion for leave to file a brief of certain attorneys, as amici curiae, is denied. The petition for rehearing is denied.

No. 418. William Wade, petitioner, *v.* The People of the State of New York. The motion for leave to file a petition for rehearing is granted. The petition for rehearing is denied.

No. 431. Vincent Raymond Dunne, James P. Cannon, et al., petitioners, *v.* The United States of America. The motion for leave to file a second petition for rehearing is granted. The second petition for rehearing is denied.

No. 251. Bernard Paul Coy, petitioner, *v.* James A. Johnston, Warden, United States Penitentiary, Alcatraz, California. Petition for rehearing denied.

No. 11, Original. State of Illinois, complainant, *v.* State of Indiana et al. Motion of defendant State of Indiana to dismiss and answers presented.

No. 67. J. I. Case Company, petitioner, *v.* National Labor Relations Board. Argued by Mr. Clark M. Robertson for the petitioner and by Mr. Alvin J. Rockwell for the respondent.

No. 158. The B. F. Goodrich Company, petitioner, *v.* The United States of America. Argument commenced by Mr. William H. Bemis for the petitioner and continued by Mr. Valentine Brookes for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, January 4, will be as follows: Nos. 158, 183, 195, 200, 209, 134, 198, 447, 374 (and 375), and 464.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Sam H. Lattimore, of Oklahoma City, Okla.; William K. Tell, of Findlay, Ohio; William F. Kennedy, of New York City; and Houston H. Wasson, of New York City, were admitted to practice.

No. 158. The B. F. Goodrich Company, petitioner, *v.* The United States of America. Argument continued by Mr. Valentine Brookes for the respondent and concluded by Mr. William H. Bemis for the petitioner.

No. 183. B. H. Inness Brown, David Paine, et al., petitioners, *v.* John Gerdes and James D. Carpenter, Jr., Trustees, etc. Argued by Mr. William C. Scott for the petitioners and by Mr. John Gerdes for the respondents.

No. 195. Northwestern Electric Company and American Power & Light Company, petitioners, *v.* Federal Power Commission. Argument commenced by Mr. A. J. G. Priest for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, January 5, will be as follows: Nos. 195, 200, 209, 134, 198, 447, 374 (and 375), 464, 217, and 354.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Frank R. Byrne, of Washington, D. C., and Gordon B. Kinder, of Martins Ferry, Ohio, were admitted to practice.

No. 195. Northwestern Electric Company and American Power & Light Company, petitioners, *v.* Federal Power Commission. Argument continued by Mr. Charles V. Shannon for the respondent and concluded by Mr. A. J. G. Priest for the petitioners.

No. 200. Anton Mahnich, petitioner, *v.* The Southern Steamship Company. Argued by Mr. Abraham E. Freedman for the petitioner and by Mr. Joseph W. Henderson for the respondent.

No. 209. The United States of America, petitioner, *v.* John Waterhouse et al. Argument commenced by Mr. Assistant Attorney General Littell for the petitioner and continued by Mr. Herman Phleger for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, January 6, will be as follows: Nos. 209, 134, 198, 447, 374 (and 375), 464, 217, 354, 226, and 1.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Jackson, and Mr. Justice Rutledge.

Joseph Kruger, of Boston, Mass.; Ralph R. Quillian, of Atlanta, Ga.; Robert E. Coughlan, Jr., of Baltimore, Md.; Ellis F. Davis, of Kissimmee, Fla.; Robert B. Huffaker, of Bartow, Fla.; and Edward Gibbon Hobbs, of Selma, N. C., were admitted to practice.

No. 209. The United States of America, petitioner, *v.* John Waterhouse et al., etc. Argument continued by Mr. Herman Phleger for the respondents and concluded by Mr. Assistant Attorney General Littell for the petitioner.

No. 134. John Thomas Carter and Eugene Pearson Macemore, appellants, *v.* The Commonwealth of Virginia. Argued by Mr. John S. Battle for the appellants and by Mr. Abram P. Staples for the appellee.

No. 198. Earl Dickerson, W. O. Page, et al., appellants, *v.* Commonwealth of Virginia. Argued by Mr. Warren E. Miller for the appellants and by Mr. Abram P. Staples for the appellee.

No. 447. Walter B. Johnson, T. R. Husted, et al., petitioners, *v.* Yellow Cab Transit Company. Argument commenced by Mr. Sam H. Lattimore for the petitioners and continued by Mr. John B. Dudley for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, January 7, will be as follows: Nos. 447, 374 (and 375), 464, 217, 354, 226, 1, 115, 51, and 3.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Jackson, and Mr. Justice Rutledge.

Pauline Weinstein, of Los Angeles, Calif., was admitted to practice.

No. 447. Walter B. Johnson, T. R. Husted, et al., petitioners, *v.* Yellow Cab Transit Company. Argument continued by Mr. John B. Dudley for the respondent and concluded by Mr. Duke Duvall for the respondent.

No. 374. Albert Yakus, petitioner, *v.* The United States of America; and

No. 375. Benjamin Rottenberg and B. Rottenberg, Inc., petitioners *v.* The United States of America. Argument commenced by Mr. Joseph Kruger for the petitioner in No. 374; continued by Mr. Leonard Poretsky for the petitioners in Nos. 374 and 375; by Mr. William H. Lewis for the petitioner in No. 375; by Mr. Solicitor General Fahy for the respondent; and concluded by Mr. Joseph Kruger for the petitioner in No. 374.

No. 464. Chester Bowles, as Administrator etc., appellant, *v.* Mrs. Kate C. Willingham and J. R. Hicks, Jr. Argument commenced by Mr. Paul A. Freund for the petitioner.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 10, will be as follows: Nos. 464, 217, 354, 226, 1, 115, 51, 3, 409, and 235.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Jackson, and Mr. Justice Rutledge.

Joseph M. Friedman, of Hartford, Conn.; Robert J. Berens, of Washington, D. C.; Lester C. Wilhelm, of Arlington, Va.; Charlotte Slavitt, of Chicago, Ill.; Ewart S. Harris, of Chicago, Ill.; Allen P. Dodd, Jr., of Louisville, Ky.; Martin M. Reed, of Philadelphia, Pa.; Samuel M. Bronaugh, of Birmingham, Ala.; E. L. All, of Birmingham, Ala.; Irving H. Jurow, of New York City; James A. Lipscomb, of Bessemer, Ala.; Julien Cornell, of New York City; R. H. Fryberger, of Minneapolis, Minn.; and John William Sherrill, Jr., of Decatur, Ala., were admitted to practice.

No. 117. District of Columbia, petitioner, *v.* Elizabeth C. Pace. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment affirmed with costs and cause remanded to the said Court of Appeals. Opinion by Mr. Justice Jackson. Mr. Justice Black and Mr. Justice Rutledge took no part in the consideration or decision of this case.

The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —. *Ex parte* Chesteen McConnell, petitioner;

No. —. *Ex parte* Harrison Howard, petitioner;

No. —. *Ex parte* Leonard Palmore, petitioner; and

No. —. *Ex parte* Carl Jackson, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 11, original. The State of Illinois, complainant, *v.* The State of Indiana et al. The motion of the defendant, State of Indiana, to dismiss and the several answers of the defendants are received and ordered to be filed. The complainant, State of Illinois, is requested to file within three weeks a response and brief on the motion of the defendant, State of Indiana, to dismiss.

No. 130. Bessie P. Douglas, petitioner, *v.* Commissioner of Internal Revenue;

No. 131. Bessie P. Douglas, petitioner, *v.* Commissioner of Internal Revenue;

No. 132. Estate of Charles H. Robinson et al., petitioners, *v.* Commissioner of Internal Revenue; and

No. 133. Bernice B. Dalrymple, petitioner, *v.* Commissioner of Internal revenue. Petition for writs of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted.

No. 531. Elmer Hartzel, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted.

No. 521. Franks Bros. Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted and case transferred to the summary docket and assigned for hearing immediately following No. 265.

No. 520. Irwin Unger, petitioner, *v.* The Ohio State Dental Board. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 522. Balfour, Guthrie & Co. Ltd., and Commonwealth African, Ltd., petitioners, *v.* Steamship "Zarembo" her engines, etc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 526. Chicago, Milwaukee, St. Paul, and Pacific Railroad Company et al., petitioners, *v.* The Chicago, Rock Island and Pacific Railway Company, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 534. Shelton Pitney and Walter P. Gardner, Trustees of the Central Railroad Company of New Jersey, a debtor, petitioners, *v.* The State of New Jersey, a creditor; and

No. 535. Shelton Pitney and Walter P. Gardner, Trustees of the Central Railroad Company of New Jersey, a debtor, petitioners. *v.* The State of New Jersey, a creditor, and the City of Jersey City. Petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 435. Brotherhood of Railway & Steamship Clerks, Freight Handlers, Express and Station Employees, et al., petitioners, *v.* United Transport Service Employees of America et al. Petition for rehearing denied. Mr. Justice Rutledge is of opinion that the petition for rehearing should be granted, the case restored to the docket and set for argument.

No. 38. Colgate-Palmolive-Peet Company, petitioner, *v.* The United States of America; and

No. 39. Colgate-Palmolive-Peet Company, petitioner, *v.* The United States of America. Petition for rehearing denied. Mr. Jus-

tice Roberts and Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 49. Ford Motor Company, petitioner, *v.* Gordon Form Lathe Company; and

No. 50. Ford Motor Company, petitioner, *v.* Gordon Form Lathe Company. Petition for rehearing denied. Mr. Justice Murphy took no part in the consideration or decision of this application.

No. 124. Anna Royer, Administratrix etc., petitioner, *v.* Jerome K. Greiner. Motion for leave to file second petition for rehearing granted. Second petition for rehearing denied.

No. 439. Harrison E. Fryberger, petitioner, *v.* Consolidated Electric and Gas Company et al.;

No. 455. Le Roy J. Leishman, petitioner, *v.* Associated Wholesale Electric Company;

No. 478. Fides, A. G., petitioner, *v.* Commissioner of Internal Revenue;

No. 479. Mittie Maude Lena Gordon et al., petitioners, *v.* The United States of America; and

No. 485. Guy Whiteford, petitioner, *v.* The Hecht Company. Petitions for rehearing denied.

ORDER

The Court will take a recess from Monday, January 17, until Monday, January 31, next.

No. 464. Chester Bowles, as Administrator of the Office of Price Administration, appellant, *v.* Mrs. Kate C. Willingham and J. R. Hicks, Jr. Argument continued by Mr. Paul A. Freund for the appellant; by Mr. Charles J. Bloch for the appellees; and concluded by Mr. Paul A. Freund for the appellant. Leave granted appellee to file a reply brief by Thursday.

No. 217. Wilma E. Addison et al., petitioners, *v.* Holly Hill Fruit Products, Inc. Argument commenced by Mr. George Palmer Garrett for the petitioners; continued by Mr. Douglas B. Maggs, for the Administrator of the Wage and Hour Division, U. S. Department of Labor, as amicus curiae, by special leave of Court; by Mr. G. L. Reeves for the respondent; and concluded by Mr. Ellis F. Davis for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, January 11, will be as follows: Nos. 354, 226, 51, 1, 115, 3, 409, 211, and 75.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Neil C. Head, of Boston, Mass.; Howard C. Wood, of New York City; Francis M. Seaman, of Perth Amboy, N. J.; Frank B. Wallis, of Boston, Mass.; Edward B. Hanify, of Boston, Mass.; and H. G. Hedrick, of Washington, D. C., were admitted to practice.

No. 354. The United States of America, appellant, *v.* South-Eastern Underwriters Association et al. Argued by Mr. Attorney General Biddle for the appellant and by Mr. John T. Cahill and Mr. Dan MacDougals for the appellees. Leave granted appellant to file an additional brief by Thursday next.

No. 226. Polish National Alliance of the United States of North America, petitioner, *v.* National Labor Relations Board. Argument commenced by Mr. Ewart Harris for the petitioner and continued by Mr. Attorney General Biddle for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, January 12, will be as follows: Nos. 226, 51, 1, 115, 3, 409, 211, and 75.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Jackson, and Mr. Justice Rutledge.

Morton L. Wallerstein, of Richmond, Va., was admitted to practice.

No. 538. Paul Williams, otherwise called Paul Le Roy Williams, petitioner, *v.* The People of the State of Illinois. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied. The application for a stay is also denied. Mr. Justice Murphy took no part in the consideration or decision of these applications.

No. 226. Polish National Alliance of the United States of North America, petitioner, *v.* National Labor Relations Board. Argument continued by Mr. Attorney General Biddle for the respondent and concluded by Mr. Ewart Harris for the petitioner.

No. 51. Lonnie E. Smith, petitioner, *v.* S. E. Allwright, Election Judge, et al. Reargued by Mr. Thurgood Marshall and Mr. William H. Hastie for the petitioner and by Mr. George W. Barcus for Gerald C. Mann, Attorney General of Texas, as *amicus curiae*, by special leave of Court. No appearance for the respondents. Leave granted to file additional brief for petitioner by Friday next.

No. 1. R. Simpson & Co., Inc., petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. Gerald Donovan for the petitioner and by Mr. J. Louis Monarch for the respondent.

No. 115. Commissioner of Internal Revenue, petitioner, *v.* Lane-Wells Company and Technicraft Engineering Corporation. Argued by Mr. J. Louis Monarch for the petitioner and by Mr. Raphael Dechter for the respondent.

No. 3. A. M. Anderson, Receiver of National Bank of Kentucky, etc., petitioner, *v.* Katherine Kirkpatrick Abbott, Administratrix, etc., et al. Reargument commenced by Mr. Robert S. Marx for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, January 13, will be as follows: Nos. 3, 409, 211, and 75.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Roger M. Blough, of Pittsburgh, Pa.; Ezra E. Hamstead, of Morgantown, W. Va.; Richard Lester Bloss, Jr., of Kansas City, Mo.; and Daniel J. McNally, of Milwaukee, Wis., were admitted to practice.

No. 3. A. M. Anderson, Receiver of National Bank of Kentucky, etc., petitioner, *v.* Katherine Kirkpatrick Abbott, Administratrix, etc. Reargument continued by Mr. Robert S. Marx for the petitioner; by Mr. Allen P. Dodd for the respondent; and concluded by Mr. Robert S. Marx for the petitioner.

No. 409. Tennessee Coal, Iron & Railroad Company, et al., petitioners, *v.* Muscoda Local No. 123, etc., et al. Three hours allowed for oral argument. Argument commenced by Mr. Nathan L. Miller for the petitioner, Tennessee Coal, Iron & R. R. Co., and continued by Mr. Crampton Harris for the respondents, Muscoda Local No. 123, etc., et al.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, January 14, 1944, will be as follows: Nos. 409, 211, and 75.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Fred S. Ball, Jr., of Montgomery, Ala.; John Edwin Anderton, of San Francisco, Calif.; David London, of Minneapolis, Minn.; Edward F. Clark, of New York City; Claude D. Stout, of Edgerton, Wis.; Edward L. Butterworth, of Beverly Hills, Calif.; and John S. Redditt, of Lufkin, Tex., were admitted to practice.

No. 409. Tennessee Coal, Iron & Railroad Company et al., petitioners, *v.* Muscoda Local No. 123, etc., et al. Argument continued by Mr. Solicitor General Fahy for the respondent, Administrator of the Wage and Hour Division, United States Department of Labor, and concluded by Mr. Borden Burr for petitioner, Tennessee Coal, Iron & Railroad Co. Case submitted by Mr. E. L. All, Mr. S. M. Bronaugh, and Mr. William B. White for petitioner, Sloss-Sheffield Steel & Iron Co., and by Mr. T. F. Patton, Mr. R. T. Rives and Mr. Borden Burr for petitioner, Republic Steel Corporation.

No. 211. Delbert O. Stark, A. F. Stratton, et al., petitioners, *v.* Claude R. Wickard, Secretary of Agriculture of the United States, et al. Argued by Mr. Edward B. Hanify for the petitioners and by Mr. Paul A. Freund for the respondent.

Adjourned until Monday, January 17, at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Philip Todres, of New York City; Julius Hallheimer, of New York City; Wendell Lund, of Washington, D. C.; Edward H. Fenlon, of Saint Ignace, Mich.; George T. Nickell, of Seattle, Wash.; Manuel M. Gorman, of New York City; James A. Farmer, of Belleville, Ill.; Herbert L. Wasserman, of New York City; Eli Freed, of San Francisco, Calif.; Ruby Freed, of San Francisco, Calif.; Francis L. Cross, of San Francisco, Calif.; Milton Maxwell Newmark, of San Francisco, Calif.; and Churchill Rodgers, of New York City, were admitted to practice.

No. 28. The Brotherhood of Railroad Trainmen, Enterprise Lodge No. 27, et al., petitioners, *v.* Toledo, Peoria & Western Railroad. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Southern District of Illinois for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Rutledge.

No. 31. McLean Trucking Company, Inc., The Secretary of Agriculture of the United States, et al., appellants, *v.* The United States of America, Interstate Commerce Commission, Associated Transport, Inc., et al. Appeal from the District Court of the United States for the Southern District of New York. Judgment affirmed. Opinion by Mr. Justice Rutledge. Dissenting: Mr. Justice Murphy. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black concurs.

No. 52. William J. Demorest, Jr., Ann Demorest, and Carolyn Demorest, by Francis J. Mahoney, their special guardian, appellants, *v.* City Bank Farmers Trust Company, as trustee under the will of Henry C. West, deceased, et al.; and

No. 227. Thomas B. Dyett, Special Guardian for Joachim Heinrich Schmidt, appellant, *v.* Title Guarantee and Trust Company et al. Appeals from the Surrogate's Court, County of New York, State of New York. Judgments affirmed with costs. Opinion by Mr. Justice Jackson. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black concurs.

No. 70. Charles M. Thomson, as Trustee of the property of the Chicago and North Western Railway Company, appellant, *v.* The United States of America and Interstate Commerce Commission. Appeal from the District Court of the United States for the Northern District of Illinois. Decree reversed and cause remanded to the said District Court with directions to remand it to the Interstate Commerce Commission for such further proceedings, consistent with the opinion of this Court, as may be appropriate. Opinion by Mr. Justice Murphy. Dissenting: Mr. Justice Jackson. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black concurs.

No. 94. Mary Tennant, Administratrix of the estate of Harold C. Tennant, deceased, petitioner, *v.* Peoria and Pekin Union Railway Company. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment reversed with costs and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Murphy. Mr. Justice Frankfurter and Mr. Justice Jackson concur in the result. Dissenting: Mr. Chief Justice Stone and Mr. Justice Roberts.

No. 57. Joseph E. Snowden, petitioner, *v.* Edward J. Hughes, Louie E. Lewis, and Robert E. Straus, et al., etc. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment affirmed with costs for failure of the complaint to state a cause of action within the jurisdiction of the District Court, and cause remanded to the District Court of the United States for the Northern District of Illinois. Opinion by Mr. Chief Justice Stone. Mr. Justice Rutledge concurs in the result. Concurring opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Murphy concurs.

The Chief Justice announced the following order of the Court:

No. 209. The United States of America, petitioner, *v.* John Waterhouse, Ernest Hay Wodehouse, et al. On writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit. *Per curiam*: Judgment affirmed by an equally divided Court. Mr. Justice Jackson states that, the proceeding having been commenced as the record shows, "under the instructions of the Attorney General" and the valuation for which the Government now contends appearing to have been fixed, at the time when he held that office, he thinks it inappropriate that he should now participate in the determination of the case, notwithstanding he has no recollection of personal participation in the Departmental action.

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —. *Ex parte* Louis Red Cloud, petitioner. Application denied.

No. —. *Ex parte* Frank Harris, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. —. Benjamin Olweiss et al., petitioners, *v.* The United States of America. The motion for leave to file a petition for writ of certiorari nunc pro tunc is denied.

No. 362. Augustus P. Norton, Deputy Commissioner, etc., petitioner, *v.* Warner Company. The motion of Maurice S. Levy for leave to appear and present oral argument on behalf of Nicholas Rusin as amicus curiae is denied. Leave is granted Mr. Levy to file a brief as amicus curiae.

No. 493. Carl Wilhelm Baumgartner, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted.

No. 514. The United States of America, petitioner, *v.* James P. Mitchell; and

No. 515. The United States of America, petitioner, *v.* James P. Mitchell. Petition for writs of certiorari to the United States Court of Appeals for the District of Columbia granted. The motion of respondent for leave to proceed in forma pauperis is also granted.

No. 518. Patrick Cudahy Family Company, petitioner, *v.* Chester Bowles, Price Administrator. Petition for writ of certiorari to the United States Emergency Court of Appeals denied.

No. 530. Nellie Faye Beamer, Administratrix of the Estate of Robert P. Beamer, deceased, petitioner, *v.* The Virginian Railway Company. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 543. The Consumers Brewing Company, petitioner, *v.* The E. F. Prichard Company and The Heidelberg Brewing Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 545. Fred Schroeffer, Charles R. Schroeffer, and Abraham Berry, petitioners, *v.* The A. S. Abell Company, Inc. The motion for leave to proceed on the typewritten record is granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 539. Martin J. Bernards and Lena Bernards, petitioners, *v.* M. R. Johnson, Catherine Collins, et al. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. —. Ex parte Arthur S. Humés, petitioner. Petition for rehearing denied. Mr. Justice Murphy took no part in the consideration or decision of this application.

No. 490. Trico Products Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for rehearing denied. Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 29. Magnolia Petroleum Company, petitioner, *v.* Sullivan H. Hunt;

No. 492. The Equitable Life Assurance Society of the United States, petitioner, *v.* Commissioner of Internal Revenue; and

No. 502. Bernard Eugene Smith et al., as copartners, etc., appellants, *v.* J. N. Lummas, Jr., as Tax Assessor, etc., et al. Petitions for rehearing denied.

No. 517. Pen-Ken Gas & Oil Corporation, petitioner, *v.* Warfield Natural Gas Company. Time within which to file petition for rehearing extended to and including February 28 next on motion of counsel for the petitioner.

Adjourned until Monday, January 31, at 12 o'clock.

The day call for Monday, January 31, will be as follows: Nos. 9 Original, 235, 291, 75, 154, 262, 232, 316, 311, and 441.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Eldon S. Dummit, of Lexington, Ky.; Gregory J. Holbrock, of Hamilton, Ohio; Narciso Frigillana y Olaes, of Washington, D. C.; Felix H. Garcia, of Dallas, Tex.; Albert Lee Stephens, Jr., of Los Angeles, Calif.; Howard R. Klostermeyer, of Charleston, W. Va.; Leonard J. Mandl, of Brooklyn, N. Y.; Jeter Seehorn Ray, of Nashville, Tenn.; Arthur J. Stanley, of Kansas City, Kans.; Richard H. Forster, of Los Angeles, Calif.; William J. Maloney, of Rochester, N. Y.; Harry Grossman, of New York City; John A. Johnson, of Oklahoma City, Okla.; Charles R. Holton, of Chicago, Ill.; William E. Evenson, Jr., of Seattle, Wash.; Robert H. Bush, of Des Moines, Iowa; Earl S. Wilson, of Louisville, Ky.; W. B. Shelby Crichlow, of Bradenton, Fla.; Joseph Edwin Schroeder, of Kansas City, Kans.; Tyre W. Burton, of Jefferson City, Mo.; and Frank W. Hayes, of Sedalia, Mo., were admitted to practice.

No. 98. Sarah Prince, appellant, *v.* Commonwealth of Massachusetts. Appeal from the Superior Court, County of Plymouth, Commonwealth of Massachusetts. Judgment affirmed with costs. Opinion by Mr. Justice Rutledge. Dissenting opinion by Mr. Justice Murphy. Separate opinion by Mr. Justice Jackson in which Mr. Justice Roberts and Mr. Justice Frankfurter join.

No. 112. Davies Warehouse Company, petitioner, *v.* Chester Bowles, Price Administrator. On writ of certiorari to the United States Emergency Court of Appeals. Judgment reversed and cause remanded to said Emergency Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Jackson. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Murphy concur.

No. 134. John Thomas Carter and Eugene Pearson Macemore, appellants, *v.* Commonwealth of Virginia; and

No. 198. Earl Dickerson, W. O. Page, et al., appellants, *v.* Commonwealth of Virginia. Appeals from the Supreme Court of Appeals of the State of Virginia. Judgments affirmed with costs. Opinion by

Mr. Justice Reed. Mr. Justice Jackson concurs in the result only, for the reasons stated in his separate opinion in *Duckworth v. Arkansas*, 314 U. S. 390. Concurring opinion by Mr. Justice Black. Concurring opinion by Mr. Justice Frankfurter.

No. 158. The B. F. Goodrich Company, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the Southern District of California. Opinion by Mr. Justice Black.

No. 195. Northwestern Electric Company and American Power & Light Company, petitioners, *v.* Federal Power Commission. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Roberts.

No. 200. Anton Mahnich, petitioner, *v.* The Southern Steamship Company. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Eastern District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Stone. Dissenting opinion by Mr. Justice Roberts in which Mr. Justice Frankfurter joins.

No. —. *Ex parte* Henry Hawk, petitioner. Motion for leave to file petition for writ of habeas corpus denied without prejudice. Opinion, *per curiam*, announced by Mr. Chief Justice Stone.

The Chief Justice announced the following orders of the Court:

No. 457. Eddie J. Viator, J. A. Viator, et al., appellants, *v.* R. C. Edwins, Sheriff of Harrison County, Mississippi, et al. Appeal from and on petition for writ of certiorari to the Supreme Court of Mississippi. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for the reason that the judgment of the court below is based upon a non-federal ground adequate to support it. The petition for writ of certiorari is denied.

No. 560. Lou Nathanson, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit. *Per curiam*: The petition for writ of certiorari is granted. The judgment of the Circuit Court of Appeals is vacated and the cause is remanded to the District Court of the United States for the Western District of Missouri with directions to proceed in conformity with the Act of December 23, 1943, Public Law No. 213.

The Chief Justice said :

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —. People of the State of Illinois ex rel. Joseph Williams, petitioner, *v.* Joseph E. Ragen, Warden, etc.; and

No. —. Ex parte Garfield J. Kelly, petitioner. Applications denied.

No. —. Ex parte Taylor Seals, petitioner. The motion for leave to file petition for writ of prohibition is denied.

No. —. Ex parte James Thomas, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. —. Ex parte Joseph E. Jones, petitioner. The motion for leave to file petition for writ of certiorari is denied.

No. —. Ex parte Merritt R. Longbrake, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No. 235. Great Northern Life Insurance Company, petitioner, *v.* Jess G. Read, Insurance Commissioner for the State of Oklahoma. The motion for leave to file brief of John H. Miley and Russell V. Johnson as amici curiae is granted.

No. 417. The United States of America and Mesta Machine Company, appellants, *v.* County of Allegheny, Pennsylvania. The motion of National Institute of Municipal Law Officers for leave to appear and present oral argument as amicus curiae is denied.

No. 486. Lester Follett, appellant, *v.* Town of McCormick, South Carolina. The motion of American Civil Liberties Union for leave to file a brief as amicus curiae is granted.

No. 109. City of Yonkers and John W. Tooley, Jr., as President, etc., appellants, *v.* The United States of America et al. The motion to stay the mandate until March 1, next, is granted. Mr. Justice Black states: "I dissent. As this record stands, railroad service to Yonkers has been abandoned without any valid order authorizing such action. I therefore would permit the Court's mandate to go down. But if the mandate is to be stayed, I think that, at the very least, since the stay is equivalent to an injunction, a bond should be required of the railroad in an amount sufficient to protect the people of Yonkers against such loss as the city or its citizens may sustain in case it is ultimately decided that the railroad had no legal right to abandon its service. Cf. *Inland Steel Co. v. United States*, 306 U. S. 153, 156-157." Mr. Justice Douglas and Mr. Justice Murphy agree with this dissent.

No. 589. The United States of America et al., appellants, *v.* Marshall Transport Company et al. In this case probable jurisdiction is noted.

No. 559. Hans Pete Mortensen and Lorraine Mortensen, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted and the case transferred to the summary docket.

No. 565. Wisconsin Gas and Electric Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted and the case transferred to the summary docket.

No. 542. Hermosa Amusement Corporation, Ltd., a corporation, and J. M. Andersen, petitioners, *v.* Sterling Carr, as Trustee in Bankruptcy of Nippon Yusen Kabushiki Kaisya, a corporation, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 546. The Union Trust Company of Pittsburgh, Administrator of the estate of Melissa Stewart McKee Carnahan, deceased, petitioner, *v.* William Driscoll, individually and as former Collector of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 547. Commonwealth Trust Company of Pittsburgh et al., Executors of the Estate of John W. Herron, deceased, petitioners, *v.* William Driscoll, individually and as former Collector of Internal Revenue for the Twenty-Third Collection District of Pennsylvania. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 548. The Columbian National Life Insurance Company, petitioner, *v.* Marguerite W. Keyes; and

No. 549. The Columbian National Life Insurance Company, petitioner, *v.* Marguerite Keyes, Incorporated. Petition for writs of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 550. George F. Wood, Grace Schmidt, et al., petitioners, *v.* First National Bank of Woodlawn, Illinois, et al. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 551. Curacao Trading Co., Inc., petitioner, *v.* Federal Insurance Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 580. The Columbian National Life Insurance Company, petitioner, *v.* Abraham Goldberg. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 554. Julius Aronoff, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 555. The United States of America, ex rel. Carl Silver, petitioner, *v.* Thomas J. O'Brien, Sheriff of Cook County, Illinois. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 557. Edith Harrison Epp, a secured creditor, petitioner, *v.* Robert F. Bicknell, debtor. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 563. Empire Trust Company, as trustee under indentures securing debentures of Associated Gas and Electric Corporation, due 1973, petitioner, *v.* Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation, debtor. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 564. Fidelity and Deposit Company of Maryland, petitioner, *v.* Pinkerton's National Detective Agency, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 570. Black Diamond Lines, Inc., petitioner, *v.* Pioneer Import Corporation and Tampa-Inter-Ocean Steamship Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 499. Patricia R. O'Brien, petitioner, *v.* Edwin J. O'Brien, Jr., James G. O'Brien, et al. Petition for writ of certiorari to the Court of Appeals of Kentucky denied. Mr. Justice Murphy took no part in the consideration or decision of this application.

No. 600. Samuel Kelly, petitioner, *v.* Commonwealth of Virginia; and

No. 601. Samuel Kelly, petitioner, *v.* W. Frank Smyth, as Superintendent of the Virginia State Penitentiary. The motion for bail is denied. Petition for writs of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 505. Albert L. Linn, petitioner, *v.* The State of Illinois;

No. 507. The People of the State of Illinois ex rel. Harry Bachalder, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 508. Harry Meyer, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 524. People of the State of Illinois, ex rel. Joseph Di Chiara, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 527. Francis Haines, petitioner, *v.* The People of the State of Illinois, et al.;

No. 528. Walter Davidson, petitioner, *v.* Arthur A. Bennett, Warden, etc., et al.;

No. 532. Royal Provost, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 533. John Avonts, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 536. The People of the State of Illinois, ex rel. James Doyle, petitioner, *v.* Joseph E. Ragen, Warden, etc., et al.; and

No. 540. Alvin Scheib, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petitions for writs of certiorari to the Supreme Court of Illinois;

No. 529. The People of the State of New York, ex rel. Joseph Richards, alias Joseph Richetsky, petitioner, *v.* Robert J. Kirby, as Warden, etc. On petition for writ of certiorari to the Court of Appeals of New York;

No. 544. Paul Cullen Whittington, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 562. James B. Edwards, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia; and

No. 571. Ruby Lee Rucker, Margie Van Sickle, et al., petitioners, *v.* The First National Bank of Miami, Oklahoma. On petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit. The motions for leave to proceed in forma pauperis are granted. The petitions for writs of certiorari are denied.

No. —. Ex parte H. Ely Goldsmith, petitioner. The petition for rehearing is denied. The applications to individual Justices have been considered by them individually and they are denied.

No. 43. Interstate Commerce Commission et al., appellants, *v.* Hoboken Manufacturers' Railroad Company; and

No. 56. The Atlantic Refining Company, Owner of the Tank Steamship "Bohemian Club," petitioner, *v.* A. P. Moller, Claimant, etc. The motions for leave to file petitions for rehearing are granted. The petitions for rehearing are denied.

No. 553. Clyde Brazel, petitioner, *v.* Harry H. Jackson, Warden, etc. The motion for leave to submit additional matter in support of the petition for rehearing is granted. The petition for rehearing is denied.

No. 4. J. Oliver Hill, Administrator, etc., petitioner, *v.* Francis L. Hawes, Individually and as Trustee, etc.;

No. 20. State of California and Board of State Harbor Commissioners for San Francisco Harbor, appellants, *v.* The United States of America, et al.;

No. 22. City of Oakland, a municipal corporation, etc., appellant, *v.* The United States of America, et al.;

No. 73. Nick Falbo, petitioner, *v.* The United States of America; and

No. 83. The United States of America, appellant, *v.* Jacob Hark and Human Yaffee, copartners, etc. Petitions for rehearing denied.

No. 9. Original. The State of Kansas, complainant, *v.* The State of Missouri. Argued on the exceptions of the complainant to the report of the Special Master by Mr. Joseph E. Schroeder for the complainant and by Mr. Tyre W. Burton and Mr. Frank W. Hayes for the defendant.

No. 235. Great Northern Life Insurance Company, petitioner, *v.* Jess G. Read, Insurance Commissioner for the State of Oklahoma. Argued by Mr. Charles R. Holton and by Mr. John A. Johnson for the petitioner and by Mr. Fred Hansen for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, February 1, will be as follows: Nos. 291, 75, 154, 215, 262, 232, 316, 311, 441, and 252.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Malcolm D. Miller, of Arlington, Va.; Kelly Kash, of Washington, D. C.; Harrison Combs, of Christopher, Ky.; J. Fred Brown, of Memphis, Tenn.; A. Matt. Werner, of Sheboygan, Wis.; Mary Farris Willey, of Boston, Mass.; Frank Rashap, of New York City; John F. Ward, Jr., of New York City; Leonard Lloyd Lockard, of Shreveport, La.; and Gene Lary, of Dallas, Tex., were admitted to practice.

No. 291. Union Brokerage Company, petitioner, *v.* Norman G. Jensen and Curtis M. Rime. Argued by Mr. Leonard Eriksson for the petitioner and by Mr. Ordner T. Bundlie for the respondents.

No. 75. The United States, petitioner, *v.* Algernon Blair, Individually, etc. Argued by Mr. Assistant Attorney General Shea for the petitioner and by Mr. H. Cecil Kilpatrick and Mr. Richard S. Doyle for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, February 2, will be as follows: Nos. 215, 154, 262, 232, 316, 311, 441, 252, 398, and 423.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Clinton Tompkins Graydon, of Columbia, S. C.; Richard M. Keck, of Chicago, Ill.; Irving B. Drachlis, of Los Angeles, Calif.; and Wesley E. Brown, of Hutchinson, Kans., were admitted to practice.

No. 57. Joseph E. Snowden, petitioner, *v.* Edward J. Hughes, Louie E. Lewis, et al., etc. Time within which to file petition for rehearing extended to and including March 6, next, and mandate stayed, on motion of counsel for petitioner.

No. 417. The United States of America et al., appellants, *v.* County of Allegheny, Pennsylvania. Leave granted to withdraw appearance of Walter P. Smart, as counsel for appellee, on motion of Mr. Walter P. Smart in that behalf.

No. 215. Arthur Goodwyn Billings, petitioner, *v.* Karl Truesdell, Major General, United States Army. Argued by Mr. Edward G. Jennings for the respondent and case submitted by Mr. Lee Bond for the petitioner.

No. 154. Anderson National Bank, suing on behalf of itself, etc., appellants, *v.* H. Clyde Reeves, individually, etc., et al. Argument commenced by Mr. William Marshall Bullitt for the appellants; continued by Mr. Earl S. Wilson for the appellees; by Mr. Clarence A. Linn for the State of California, as *amicus curiae*, by special leave of Court; and concluded by Mr. Charles W. Milner for the appellants.

No. 262. The Goodyear Tire & Rubber Company, Inc., et al., petitioners, *v.* Ray-O-Vac Company. Argument commenced by Mr. William E. Chilton for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, February 3, will be as follows: Nos. 262, 232, 316, 311, 441, 252, 398, 423, 267, and 336 (337, 338, and 339).

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

C. G. Stidham, of Houston, Tex.; William S. Cole, of Bangor, Maine; Elizabeth M. Doyle, of San Francisco, Calif.; Walker Brainerd Spencer, Jr., of New Orleans, La.; J. J. Moore, of Pikeville, Ky.; Allan Wilbur Denny, of Des Moines, Iowa; Muriel S. Paul, of New York City; and Arthur B. Carton, of Brooklyn, N. Y., were admitted to practice.

No. 262. The Goodyear Tire & Rubber Company, Inc., et al., petitioners, *v.* Ray-O-Vac Company. Argument continued by Mr. William E. Chilton for the petitioners; by Mr. Bernard A. Schroeder and Mr. Gerhard A. Gesell for the respondent; and concluded by Mr. Albert R. Golrick for the petitioners.

No. 232. J. M. Sartor et al., petitioners, *v.* Arkansas Natural Gas Corporation. Argued by Mr. Gilbert P. Bullis for the petitioners and Mr. Elias Goldstein for the respondent.

No. 316. The Hecht Company, petitioner, *v.* Chester Bowles, Price Administrator, etc. Argument commenced by Mr. Charles A. Horsky for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, February 4, will be as follows: Nos. 316, 311, 441, 252, 398, 423, 267, 336 (337, 338, and 339), 276, and 345.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Robert B. Sales, of Louisville, Ky.; Louis Charles Chubb Moore, of Salinas, Calif.; Albert E. Chandler, of San Francisco, Calif.; Leslie Craig Scholle, of Minneapolis, Minn.; David S. Craig, of Columbus, Ohio; Jesse Bowman Mann, of Chicago, Ill.; Edward G. Chandler, of San Francisco, Calif.; Ely H. Chayet, of Boston, Mass.; William V. McDermott, of Mobile, Ala.; and John Patrick Hearne, of San Francisco, Calif., were admitted to practice.

No. 462. Richard A. Knight, petitioner, *v.* The Bar Association of the City of New York. Time within which to file petition for rehearing extended to and including February 28 next.

No. 316. The Hecht Company, petitioner, *v.* Chester Bowles, Price Administrator, etc. Argument continued by Mr. Charles A. Horsky for the petitioner and concluded by Mr. Chester T. Lane for the respondent.

No. 311. Murray B. McLeod, Commissioner of Revenues of the State of Arkansas, petitioner, *v.* J. E. Dilworth Company et al. Argued by Mr. Leffel Gentry for the petitioner; by Mr. J. Fred Brown for the respondent, J. E. Dilworth Co.; and by Mr. William H. Daggett for the respondent, Reichman-Crosby Co.

No. 441. General Trading Company, a corporation doing business as Minneapolis Iron Store, petitioner, *v.* State Tax Commission of the State of Iowa. Argued by Mr. Edward S. Stringer for the petitioner and by Mr. Jens Grothe for the respondent.

No. 252. J. Howell Flournoy, Sheriff and Ex-officio Tax Collector, appellant, *v.* Samuel G. Wiener et al. Argument commenced by Mr. Leonard L. Lockard for the appellant.

Adjourned until Monday next, at 12 o'clock.

The day call for Monday, February 7, will be as follows: Nos. 252, 267, 336 (337, 338, and 339), 398 (and 423), 276, 345, 388, 486, 396, and 362.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Edward L. Compton, of Los Angeles, Calif.; John MacFarland Hall, of Los Angeles, Calif.; Lewis Bailey Binford, of Los Angeles, Calif.; Harry Baum, of Washington, D. C.; W. Bertram Waychoff, of Waynesburg, Pa.; Laurence Black Jacobs, of Chicago, Ill.; Jacob Brenner, of New York City; Paul Emil Fusco, of New York City; Arthur L. Shipman, Jr., of Hartford, Conn.; Lucas Soren Miel, of Detroit, Mich.; Henry Whitcomb Sweeney, of Washington, D. C.; Arnold Landon Graves, of Spokane, Wash.; and Harry T. Zucker, of New York City, were admitted to practice.

No. 105. Eastern-Central Motor Carriers Association, Middle Atlantic States Motor Carrier Conference, Inc., and Central States Motor Freight Bureau, Inc., appellants, *v.* The United States of America and Interstate Commerce Commission. Appeal from the District Court of the United States for the Southern District of New York. Judgment reversed and cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Rutledge. Dissenting opinion by Mr. Justice Frankfurter in which the Chief Justice and Mr. Justice Reed concur.

No. 183. B. H. Inness Brown, David Paine, et al., petitioners, *v.* John Gerdes and James D. Carpenter, Jr., Trustees of Reynolds Investing Co., Inc., debtor. On writ of certiorari to the Court of Appeals of the State of New York. Judgment affirmed with costs and cause remanded to the said Court of Appeals. Opinion by Mr. Justice Douglas. Mr. Justice Roberts concurs in the result. Concurring opinion by Mr. Justice Frankfurter in which Mr. Justice Jackson joins.

The Chief Justice said:

“The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally.”

No. 603. George H. Beilfuss, appellant, *v.* The People of the State of California. Appeal from the District Court of Appeals, 2d Appellate District, State of California. *Per curiam:* The appeal is dis-

missed for want of jurisdiction. Section 237 (a), Judicial Code, as amended, 28 U. S. C., sec. 344 (a). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari as required by section 237 (c) of the Judicial Code as amended, 28 U. S. C., sec. 344 (c), certiorari is denied.

No. —. Ex parte Norman Baker, petitioner;

No. —. Ex parte Charles Janulis, petitioner; and

No. —. Ex parte Charles E. Raggio, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied.

No. —. Ex parte Garfield J. Kelly, petitioner. Application denied.

No. —. **11**, Original. The State of Illinois, complainant, *v.* The State of Indiana et al. The motion of the State of Indiana to dismiss is denied without prejudice to any question presented, *Wisconsin v. Illinois*, 270 U. S. 634. The replies of the complainant to the answers are received and ordered filed.

No. **560**. Lou Nathanson, petitioner, *v.* The United States of America. The order entered January 31st is amended to read as follows:

“Per curiam: The petition for writ of certiorari is granted. The judgment of the Circuit Court of Appeals is vacated and the cause is remanded to the District Court of the United States for the Western District of Missouri with directions to proceed in conformity with the Act of December 23, 1943, Public Law No. 213, but without prejudice to the consideration of any questions which petitioner may wish to raise as to the validity or application of that Act.”

No. **154**. Anderson National Bank, suing on behalf of itself and all others similarly situated, appellants, *v.* H. Clyde Reeves, individually and as Commissioner of Revenue of the State of Kentucky, etc., et al. J. E. Lockett, the present Commissioner of Revenue of the State of Kentucky, J. J. Tye, and Charles E. Whittle, the present members of the Kentucky Tax Commission and Associate Commissioners of Revenue of the State of Kentucky, and Eldon S. Dummit, the present Attorney General, are substituted as parties appellee in the place and stead of H. Clyde Reeves, C. M. Porter, R. L. McFarland, and Hubert Meredith, respectively, per stipulation of counsel.

No. **362**. Augustus P. Norton, Deputy Commissioner for the Third Compensation District, petitioner, *v.* Warner Company. Leave granted Abraham E. Freedman to appear and present oral argument as *amicus curiae* within the time allotted respondent.

No. **482**. Chicago, Saint Paul, Minneapolis & Omaha Railway Company et al., appellants, *v.* The United States of America et al. The

application of appellee, Glendenning Motorways, Inc., for the allowance of twenty minutes for the presentation of oral argument is granted.

No. 388. City of Coral Gables, Florida, petitioner, *v.* Ed. C. Wright, doing business as Ed. C. Wright & Company, etc., et al. The motion of Fiduciary Council, Inc., for leave to file a brief as *amicus curiae* is granted.

No. 592. Allen Calculators, Inc., appellant, *v.* The National Cash Register Company et al. Further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing of the case on the merits and the case is transferred to the summary docket. The Chief Justice took no part in the consideration or decision of this question.

No. 552. Crown Can Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 566. Winnie W. Scyphers, petitioner, *v.* St. Paul National Bank. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 567. The Wholesale Dry Goods Institute, Inc., et al., petitioners, *v.* Federal Trade Commission. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 572. Simon L. Levy and Charles B. Levy, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 574. Samuel M. Coombs, Jr., Trustee, etc., petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 575. Israel A. Abrams et al., petitioners, *v.* Henry A. Scandrett et al., Trustees of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 583. Grand Rapids Furniture Company, an Illinois Corporation, petitioner, *v.* Grand Rapids Furniture Company, a corporation, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 584. William Bernard Wernecke, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 616. Mary V. Murray, Phebe Keil, et al., petitioners, *v.* Fiorello H. LaGuardia, as Mayor, etc., et al. Petition for writ of certiorari to the Supreme Court of New York denied.

No. 593. Toffenetti Restaurant Company, Inc., petitioner, *v.* New York State Labor Relations Board. The application for a stay is denied. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 622. Edward Bernatowicz, petitioner, *v.* Joseph E. Ragen, Warden, etc.: On petition for writ of certiorari to the Supreme Court of Illinois;

No. 506. Everett Heath, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois; and

No. 556. Gerald Churchill Mackreth, petitioner, *v.* State of Alabama. On petition for writ of certiorari to the Supreme Court of Alabama. The motions for leave to proceed in forma pauperis are granted. The petitions for writs of certiorari are denied.

No. 541. Clyde Fitzjerrell, petitioner, *v.* C. F. Becker, as Warden, etc. The motion for leave to proceed in forma pauperis is granted. Petition for writ of certiorari to the Supreme Court of Illinois denied. The motion for leave to file petition for writ of habeas corpus is also denied.

No. 54. The Mercoid Corporation, petitioner, *v.* Mid-Continent Investment Company et al.; and

No. 55. The Mercoid Corporation, petitioner, *v.* Mid-Continent Investment Company et al.;

No. 58. The Mercoid Corporation, petitioner, *v.* Minneapolis-Honeywell Regulator Company; and

No. 59. The Mercoid Corporation, petitioner, *v.* Minneapolis-Honeywell Regulator Company; and

No. 487. George Kelley, appellant, *v.* State of California. Petitions for rehearing denied.

The Court will take a recess from Monday, February 14, until Monday, February 28, next.

No. 336. National Labor Relations Board, petitioner, *v.* Hearst Publications, Incorporated;

No. 337. National Labor Relations Board, petitioner, *v.* Stockholders Publishing Company, Inc.;

No. 338. National Labor Relations Board, petitioner, *v.* Hearst Publications, Incorporated; and

No. 339. National Labor Relations Board, petitioner, *v.* The Times-Mirror Company. Motion for leave to file brief of International

Printing Pressmen & Assistants' Union of North America, American Federation of Labor, as amicus curiae submitted by Mr. Arthur W. A. Cowan in that behalf, and the motion granted.

No. 252. J. Howell Fournoy, Sheriff and ex officio Tax Collector, appellant, *v.* Samuel G. Wiener et al. Argument continued by Mr. Leonard L. Lockard for the appellant; by Mr. Assistant Attorney General Clark for the United States, as amicus curiae, by special leave of Court; by Mr. Sidney L. Herold for appellees; and concluded by Mr. Max Radin for the States of California et al., as amici curiae by special leave of Court.

No. 267. The United States of America, petitioner, *v.* Seattle-First National Bank, a national banking association. Argument commenced by Mr. Valentine Brookes for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, February 8, will be as follows: Nos. 267, 336 (337, 338, and 339), 398 (and 423), 276, 345, 388, 486, 396, and 362.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Richard Liebman, of Oakland, Calif.; Gordon Campbell, of Monterey, Calif.; Maxwell Barus, of New York City; W. Terry Gibson, of West Palm Beach, Fla.; Morton B. Adams, of Miami, Fla.; Samuel M. Watson, of St. Louis, Mo.; Philip A. Maxeiner, of St. Louis, Mo.; and Winston F. Groom, of Mobile, Ala., were admitted to practice.

No. 493. Carl Wilhelm Baumgartner, petitioner, *v.* The United States of America. It is ordered that Harold Evans, Esq., of Philadelphia, Pa., a member of the bar of this Court, be appointed to serve as counsel for the petitioner in this case.

No. 267. The United States of America, petitioner, *v.* Seattle-First National Bank, a National Banking Association. Argument continued by Mr. Valentine Brookes for the petitioner; by Mr. Arnold L. Graves for the respondent; and concluded by Mr. Valentine Brookes for the petitioner.

No. 336. National Labor Relations Board, petitioner, *v.* Hearst Publications, Incorporated;

No. 337. National Labor Relations Board, petitioner, *v.* Stockholders Publishing Company, Inc.;

No. 338. National Labor Relations Board, petitioner, *v.* Hearst Publications, Incorporated; and

No. 339. National Labor Relations Board, petitioner, *v.* The Times-Mirror Company. Three and one-half hours allowed for oral argument. Argument commenced by Mr. Alvin J. Rockwell for the petitioner; continued by Mr. John M. Hall for the respondent in No. 336; and by Mr. Edward L. Compton for the respondent in No. 338.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, February 9, will be as follows: Nos. 336 (337, 338, and 339), 398 (and 423), 276, 345, 388, 486, 396, and 362.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

W. Inman Curry, of Augusta, Ga.; Milton E. Sahn, of New York City; John C. Wynn, of Tallahassee, Fla.; Murray Sendler, of New York City; Mason Ladd, of Iowa City, Iowa; Howard A. Cashmore, of New York City; C. Alfred Capen, of New York City; and John F. Eberhardt, of Wichita, Kans., were admitted to practice.

No. **336**. National Labor Relations Board, petitioner, *v.* Hearst Publications, Incorporated;

No. **337**. National Labor Relations Board, petitioner, *v.* Stockholders Publishing Company, Inc.;

No. **338**. National Labor Relations Board, petitioner, *v.* Hearst Publications, Incorporated; and

No. **339**. National Labor Relations Board, petitioner, *v.* The Times-Mirror Company. Argument continued by Mr. Lewis B. Binford for the respondent in No. **337**; by Mr. T. B. Cosgrove for the respondent in No. **339**; and concluded by Mr. Alvin J. Rockwell for the petitioner.

No. **398**. Hazel-Atlas Glass Company, petitioner, *v.* Hartford-Empire Company; and

No. **423**. Shawkee Manufacturing Company et al., petitioners, *v.* Hartford-Empire Company. Argument commenced by Mr. Stephen H. Philbin for the petitioner in No. **398**; continued by Mr. William B. Jaspert for the petitioner in No. **423**; and by Mr. Francis W. Cole for the respondent. Leave granted respondent to file reply to brief of the Government, as amicus curiae, by Friday, next.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, February 10, will be as follows: Nos. **398** (and **423**), **276**, **345**, **388**, **486**, and **396**.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Letitia Armistead, of Williamsburg, Va.; Paul J. Kilday, of San Antonio, Tex.; Harry Troth Gross, of Baltimore, Md.; and Jeff D. Griffith, of Saluda, S. C., were admitted to practice.

No. 398. Hazel-Atlas Glass Company, petitioner, *v.* Hartford-Empire Company; and

No. 423. Shawkee Manufacturing Company et al., petitioners, *v.* Hartford-Empire Company. Argument concluded by Mr. Francis W. Cole for the respondent.

No. 276. The Security Flour Mills Company, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. Robert C. Foulston and Mr. John F. Eberhardt for the petitioner and by Mr. J. Louis Monarch for the respondent.

No. 345. Emanuel Pollock, appellant, *v.* H. T. Williams, as Sheriff of Brevard County, Florida. Argued by Mr. Raymer F. Maguire for the appellant and by Mr. John C. Wynn for the appellee.

No. 388. City of Coral Gables, Florida, petitioner, *v.* Ed. C. Wright, doing business as Ed. C. Wright & Company, etc. Argument commenced by Mr. Morton B. Adams for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, February 11, will be as follows: Nos. 388, 486, and 396.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Arthur L. Rowe, of Columbus, Ohio; William Orr Sawyers, of St. Joseph, Mo.; Grover C. Powell, of Atlanta, Ga.; William N. Gurtman, of Passaic, N. J.; Charles J. Bodner, of Passaic, N. J.; Lamar Ellsworth Chamberlain, of Washington, D. C.; B. Rhoden Coward, of Washington, D. C.; and George A. Newton, of Chicago, Ill., were admitted to practice.

No. 475. Georgia M. Spruill, petitioner, *v.* William T. Ballard et al. Time within which to file petition for rehearing extended to and including March 1 next.

No. 388. City of Coral Gables, Florida, petitioner, *v.* Ed. C. Wright, doing business as Ed. C. Wright & Company, etc., et al. Argument continued by Mr. Morton B. Adams for the petitioner; by Mr. Miller Walton for the respondent, Ed. C. Wright; by Mr. F. A. Berry for the respondent, The American National Bank of Nashville; and concluded by Mr. Ira C. Haycock for the petitioner.

No. 486. Lester Follett, appellant, *v.* Town of McCormick, South Carolina. Argued by Mr. Hayden C. Covington for the appellant and by Mr. J. Fred Buzhardt and Mr. Jeff D. Griffith for the appellee.

No. 396. Fred M. Vinson, Director of Economic Stabilization, etc., et al., petitioners, *v.* Washington Gas Light Company et al. Argument commenced by Mr. Paul A. Freund for the petitioners and continued by Mr. Richmond B. Keech for the respondent, Public Utilities Commission.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, February 14, will be as follows: No. 396.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

W. H. Barnes, of Terrell, Tex.; Alex Elson, of Chicago, Ill.; L. Presley Gill, of Seattle, Wash.; Lyman B. Gillett, of Racine, Wis.; Frederick W. Turner, Jr., of Chicago, Ill.; Daniel Kornblum, of New York City; and Ferdinand F. E. Kopecky, of Dewey, Okla., were admitted to practice.

No. 115. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Lane-Wells Company, and Technicraft Engineering Corporation. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed and cause remanded to the said Circuit Court of Appeals with directions to remand to the Tax Court for further proceedings in accordance with the opinion of this Court. Opinion by Mr. Justice Jackson.

No. 1. R. Simpson & Co., Inc., petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Writ of certiorari dismissed for want of jurisdiction. Opinion by Mr. Justice Jackson. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Murphy and Mr. Justice Rutledge concur.

No. 44. John V. Dobson, petitioner, *v.* Commissioner of Internal Revenue; and

No. 47. H. J. Harwick, petitioner, *v.* Commissioner of Internal Revenue. On writs of certiorari to the Circuit Court of Appeals for the Eighth Circuit. Petition for rehearing denied. Opinion by Mr. Justice Jackson. Dissenting: Mr. Justice Douglas.

The Chief Justice announced the following orders of the Court:

No. 577. Andrew Jackson Trimble (Jack Trimble) and Joe Trimble, an infant, etc., appellants, *v.* Zack Justice and K. L. Arnold, Executors, et al. Appeal from and on writ of certiorari to the Court of Appeals of Kentucky. *Per curiam*: The motion for leave to file the statement as to jurisdiction is granted. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Sec-

tion 237 (a), Judicial Code, as amended, 28 U. S. C., sec. 344 (a). The petition for writ of certiorari is denied.

No. 619. Helen Calhoun Cash, appellant, *v.* The Metropolitan Trust Company and The People of the State of Illinois. 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 properly presented substantial federal question. (1) *Simons v. Craft*, 182 U. S. 427, 428, 434-5; *Chaloner v. Sherman*, 242 U. S. 455, 459-60; (2) *Milk Wagon Drivers' Union v. Meadowmoor Co.*, 312 U. S. 287, 294; (3) *Milwaukee Elevated Ry. v. Milwaukee*, 252 U. S. 100, 106.

The Chief Justice said :

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —. *Ex parte* Harry C. Kelly, petitioner. Application denied.

No. —. *Ex parte* William Clark, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. —. *Ex parte* Selvie W. Wells, petitioner. The motion for leave to file petition for writ of habeas corpus is denied and the rule to show cause is discharged.

No. 195. Northwestern Electric Company et al., petitioners, *v.* Federal Power Commission. It is ordered that the opinion of the Court in this case be amended by striking out the sentence beginning "In a brief", at line 10, page 4, and by altering the first sentence of the succeeding paragraph, beginning with the word "although", to read as follows: "Although, as suggested in a brief filed by the American Institute of Accountants, the Commission's prescribed method of eliminating the write-up may not accord with the best accounting practice, it is sustained by expert evidence."

No. 70. Charles M. Thomson, as Trustee of the property of the Chicago and North Western Railway Company, appellant, *v.* The United States and Interstate Commerce Commission. The motion to substitute Claude A. Roth as Trustee in the place and stead of Charles M. Thomson, deceased, is granted.

No. 98. Sarah Prince, appellant, *v.* Commonwealth of Massachusetts. Time within which to file petition for rehearing extended to and including March 26th next, and mandate stayed.

No. 568. Terry Linnell Harper, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 573. Herbert Otto Schuchardt, petitioner, *v.* The People of the State of Michigan. Petition for writ of certiorari to the Circuit Court of Midland County, Michigan, denied.

No. 576. Amy Meeks, petitioner, *v.* Roland L. Taylor, Individually, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 582. The United States of America upon the relation and for the use of the Tennessee Valley Authority, petitioner, *v.* W. V. N. Powelson, Assignee and successor in interest of Southern States Power Company, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 585. Jeanette A. Noel et al., petitioners, *v.* Edson B. Olds, Jr., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 591. Cooperative Transit Company et al., petitioners, *v.* The State Road Commission of West Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 581. Forest G. Wood, petitioner, *v.* Alfred F. Dowd, Warden, etc. On petition for writ of certiorari to the Supreme Court of Indiana;

No. 596. Rowdy K. Reaves, petitioner, *v.* The State of Missouri. On petition for writ of certiorari to the Supreme Court of Missouri;

No. 599. J. B. Lumley, petitioner, *v.* The State of Missouri. On petition for writ of certiorari to the Supreme Court of Missouri;

No. 645. John Locke, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 653. Thomas Shellenberg, petitioner, *v.* C. F. Becker, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois; and

No. 586. Wayne Sprague, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois. The motions for leave to proceed in forma pauperis are granted. The petitions for writs of certiorari are denied.

No. 612. Walter Evenow, petitioner, *v.* The People of the State of Illinois. The motion for leave to proceed in forma pauperis is granted. The petition for writ of certiorari to the Supreme Court of Illinois is denied for the reason that application therefor was not made within the time provided by law. Section 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C., section 350.

No. 94. Mary Tennant, Administratrix, etc., petitioner, *v.* Peoria and Pekin Union Railway Company. Petition for rehearing denied.

No. 4. J. Oliver Hill, Administrator, etc., petitioner, *v.* Francis L. Hawes, individually, etc. Mr. Justice Douglas is of the view that a rehearing of this case should be ordered.

No. 396. Fred M. Vinson, Director of Economic Stabilization, etc., et al., petitioners, *v.* Washington Gas Light Company et al. Argument continued by Mr. Stoddard M. Stevens, Jr., for the respondent, Washington Gas Light Co., and concluded by Mr. Paul A. Freund for the petitioners.

Adjourned until Monday, February 28, at 12 o'clock.

The day call for Monday, February 28, will be as follows: Nos. 391, 362, 355, 417, 317, 384 (and 385), 265, 521, 392, and 472.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Maurice S. Levy, of Philadelphia, Pa.; Herbert Hall McAdams, Jr., of Jonesboro, Ark.; Harry M. Wilson, of Waycross, Ga.; Franklin B. Hosbach, of Erie, Pa.; Albert B. Chipman, of Plymouth, Ind.; Wendell S. Holmes, of Hutchinson, Kans.; Dale W. Maxwell, of Columbus, Kans.; Samuel B. Fortenbaugh, Jr., of Philadelphia, Pa.; Milton Cole, of Tucson, Ariz.; Joseph Rosenbaum, of Chicago, Ill.; Robert F. Cotton, of Paris, Ill.; Elizabeth W. Eisenhart, of Washington, D. C.; L. Bryan Dabney, of Vicksburg, Miss.; E. F. Vanderstucken, Jr., of Washington, D. C.; Frederick Lewis Church, of Washington, D. C.; Edward R. Lewis, of Chicago, Ill.; Donald L. Robertson, of Minneapolis, Minn.; Marvin A. Hathcoat, of Harrison, Ark.; Joseph Morrison, of Stuttgart, Ark.; Aaron E. Koota, of New York City; J. George Levy, of New York City; G. R. Atkinson, of Covington, Ky.; Alfred C. Hirth, of Toledo, Ohio; Alton T. Milam, of Atlanta, Ga.; Jas. F. Bickers, of Memphis, Tenn.; Ross Carlton, of Dallas, Tex.; and Searcy L. Johnson, of Dallas, Tex., were admitted to practice.

No. 67. *J. I. Case Company, petitioner, v. National Labor Relations Board.* On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Decree modified as indicated in the opinion and, as so modified, affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Jackson. Dissenting: Mr. Justice Roberts.

No. 343. *The Order of Railroad Telegraphers, petitioner, v. Railway Express Agency, Incorporated.* On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment reversed with costs and cause remanded to District Court of the United States for the Northern District of Georgia for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Jackson. Dissenting: Mr. Justice Roberts.

No. 316. *The Hecht Company, petitioner, v. Chester Bowles, Price Administrator of the Office of Price Administration.* On writ of certiorari to the United States Court of Appeals for the District of

Columbia. Judgment reversed and cause remanded to the said Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Mr. Justice Frankfurter agrees that Sec. 205 (a) of the Emergency Price Control Act, apart from dispensing with any requirement for a bond, does not change the historic conditions for the exercise by courts of equity of their power to issue injunctions, according to which the Court of Appeals should now dispose of this cause. Mr. Justice Roberts of opinion that the judgment of the Court of Appeals should be reversed and that of the District Court affirmed.

No. 211. Delbert O. Stark, A. F. Stratton, A. R. Denton, et al., petitioners, *v.* Claude R. Wickard, Secretary of Agriculture of the United States, et al. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment reversed and cause remanded to the District Court of the United States for the District of Columbia for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Reed. Mr. Justice Black is of the view that the judgment should be affirmed for the reasons given in the opinion of the Court of Appeals. Mr. Justice Jackson took no part in the consideration or decision of this case. Dissenting opinion by Mr. Justice Frankfurter.

No. 262. The Goodyear Tire & Rubber Company, Inc., and General Dry Batteries, Inc., petitioners, *v.* Ray-O-Vac Company. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Decree affirmed with costs and cause remanded to the District Court of the United States for the Eastern District of Illinois. Opinion by Mr. Justice Roberts. Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas and Mr. Justice Murphy concur. Dissenting: Mr. Justice Jackson.

No. 276. The Security Flour Mills Company, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Roberts. Dissenting: Mr. Justice Douglas and Mr. Justice Jackson.

No. 154. Anderson National Bank, suing on behalf of itself and all others similarly situated, appellants, *v.* J. E. Luckett, Individually and as Commissioner of Revenue of the State of Kentucky, etc., et al. Appeal from the Court of Appeals of the State of Kentucky. Judgment affirmed with costs and cause remanded to the said Court of Appeals. Opinion by Mr. Chief Justice Stone.

No. 252. J. Howell Flournoy, Sheriff and Ex-officio Tax Collector, appellant, *v.* Samuel G. Wiener, William B. Wiener, and Jacques

L. Wiener. Appeal from the Supreme Court of the State of Louisiana. Appeal dismissed for want of jurisdiction. Opinion by Mr. Chief Justice Stone. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Roberts and Mr. Justice Jackson concur.

The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —. *Ex parte John Foster*, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. —. *Robert L. Peyton*, petitioner, *v. Railway Express Agency, Inc.*, et al.;

No. —. *Mason B. Patten*, petitioner, *v. J. Charles Dennis*, U. S. Attorney, et al.; and

No. —. *John Exum*, petitioner, *v. People of the State of Illinois*. Applications denied.

No. —. *John Dioguardi*, appellant, *v. City of New York Parks et al.* Petition for appeal denied.

No. —. *L. P. Steuart & Bro., Inc.*, petitioner, *v. Chester Bowles, Administrator, etc.* The motion of petitioner to stay the mandate and to continue the temporary restraining order is granted and the mandate is stayed and the temporary restraining order continued until March 15 next, and if on or before that date a petition for a writ of certiorari is filed in this Court in this case, it is ordered that the mandate be stayed and the temporary restraining order be continued until the final disposition of the case by this Court.

No. 514. *The United States of America*, petitioner, *v. James P. Mitchell*; and

No. 515. *The United States of America*, petitioner, *v. James P. Mitchell*. The motion to enlarge the record is denied.

No. 436. *L. Metcalfe Walling, Administrator, etc.*, petitioner, *v. James V. Reuter, Inc.* Further consideration of the motion to recall the writ of certiorari is postponed to the hearing of the case on the merits.

No. 142. *The United States*, petitioner, *v. Howard C. Myers*;

No. 143. *The United States*, petitioner, *v. John H. Arble*;

No. 144. *The United States*, petitioner, *v. Charles C. Martin*;

No. 145. *The United States*, petitioner, *v. Walter O. Plitz, and*

No. 146. *The United States*, petitioner, *v. George H. Spitz*. On respondents' petition for clarification of the opinion of the Court, it is ordered that the two paragraphs beginning on page 10 of the slip opinion be amended to read as follows:

"As to Sundays and holidays, we construe the statute to require extra compensation for inspectors without regard to the hours of the day or whether such services are additional to a regular weekly tour of duty. Before Section 5 there was no authority to pay extra compensation for Sunday and holiday work. Revised Statutes, Section 2871, allowed extra pay for nighttime work only. Somewhat indirectly the Act of February 13, 1911, gave Sunday and holiday pay and the 1920 amendment made the right to that extra compensation clear by saying extra compensation shall be paid inspectors 'who may be required to remain on duty between the hours of five o'clock postmeridian and eight o'clock antemeridian, or on Sundays or holidays'. This language and the Customs Regulations, note 18, supra, give an employee who works regular hours weekdays in daytime extra pay for Sunday and holiday work. The statute covers also those who work outside the statutory normal hours. Logically, if Sundays and holidays were not to receive extra compensation, without regard to whether services on those days were overtime, there would have been no occasion to add Sundays and holidays to the overtime. Overtime would cover every situation.

"The proviso of Section 5 does not give the Collector of Customs authority to make assignments which deprive inspectors of this Sunday and holiday pay. It authorizes adjustments of hours but specifically forbids alteration of overtime pay. It is silent as to Sundays and holidays which leaves the earlier grant of extra compensation for those days in effect. Overtime pay is also applicable to Sundays and holidays when inspectors work longer than nine hours with one hour for food and rest. The rate of overtime extra compensation on Sundays and holidays is the same as the rate for week days. The administrative practice is uncertain. It does not support a contrary conclusion. The Government cites excerpts from testimony on amendatory bills, not here directly involved, which indicate the extra compensation is paid for Sundays and holidays.²² Findings 5 and 6 of the Court of Claims, note 17, supra, show that extra compensation was paid at times for Sunday and holiday services.²³"

No. 634. Kenneth M. Keefe and Wallace D. Bradford, appellants, *v.* Earl L. Clark, Drain Commissioner of Oakland County, Michigan, et al.;

No. 620. International Harvester Company, appellant, *v.* Wisconsin Department of Taxation; and

No. 621. Minnesota Mining and Manufacturing Company, appellant, *v.* Wisconsin Department of Taxation. In these cases probable jurisdiction is noted.

No. 662. The United States of America, appellant, *v.* Crescent Amusement Company et al.;

No. 663. The United States of America, appellant, *v.* Crescent Amusement Company et al.; and

No. 664. Crescent Amusement Company et al., appellants, *v.* The United States of America. Further consideration of the question of the jurisdiction of this Court in these cases is postponed to the hearing of the cases on the merits.

No. 349. Carlos M. DeCastro, petitioner, *v.* Board of Commissioners of San Juan. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted.

No. 613. American Seating Company, petitioner, *v.* Lucian T. Zell. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted.

No. 649. Barge "Anaconda" and Smith-Rowland Company, Inc., petitioners, *v.* American Sugar Refining Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted.

No. 497. Mario Mercado E Hijos, petitioner, *v.* Elvira Olivieri Commins et al. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted and the case is assigned for argument immediately following No. 349. The motion for leave to file petition for writ of mandamus is denied.

No. 558. Sea Gull Lubricants, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 579. United States Lines Operations, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 590. C. Edward Davis, petitioner, *v.* The United States of America et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 594. Ben Pearson, Carl B. Haun, and J. T. Haun, doing business as Ben Pearson Company, petitioners, *v.* L. Metcalfe Walling, Administrator, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 595. Co-operative Transit Company, petitioner, *v.* Hypha Dayoub. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 604. International Ladies' Garment Workers Union (an unincorporated association) et al., petitioners, *v.* Superior Court of the State of California, in and for the City and County of San Francisco, et al. Petition for writ of certiorari to the District Court of Appeal, 1st Appellate District, State of California, denied.

No. 608. Charles B. Van Dusen, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 609. Minnie B. Van Dusen, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 610. International Typographical Union, a voluntary association, petitioner, *v.* County of Macomb, Martin Drain et al. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 614. Columbia Cheese Co., Conestoga Cream and Cheese Mfg. Corp., et al., petitioners, *v.* Paul V. McNutt, as Federal Security Administrator of the United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 615. Jasper Chair Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 618. New Southern Ohio Gas Company and Charles Ebersbach, petitioners, *v.* Sylvia Roush, Wilbur Roush, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 626. Grover L. Derrick et al., petitioners, *v.* The City Council of Augusta et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 627. Charleston Transit Company et al., petitioners, *v.* Sterling National Bank & Trust Company of New York, etc., as Trustee. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 605. Evelyn Flynn, petitioner, *v.* Chester Bowles, Price Administrator. Petition for writ of certiorari to the United States Emergency Court of Appeals denied.

No. 623. Joseph J. Bodell, Executor, Estate of Frederick Bodell, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 629. Edward M. Bryan et al., petitioners, *v.* A. A. Creaves. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 630. Edward G. Budd Manufacturing Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 631. Benjamin E. Cohen et al., petitioners, *v.* Leonard A. Young et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 651. S. Duke, doing business under the name and style of Roosevelt Chair & Supply Company, petitioner, *v.* Herbert A. Everest and Harry C. Jennings. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 607. Harmon Metz Waley, petitioner, *v.* James A. Johnston, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 611. George Duncan, petitioner, *v.* State of Iowa. On petition for writ of certiorari to the Supreme Court of Iowa;

No. 672. Marion Taylor, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit;

No. 677. Perry Frame, petitioner, *v.* Milton F. Amrine, Warden, etc. On petition for writ of certiorari to the Supreme Court of Kansas;

No. 509. E. Z. Lang, petitioner, *v.* E. B. Swope, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit; and

No. 666. Woody Johnson et al., petitioners, *v.* Masonic Building Company. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 70. Claude A. Roth, as Trustee of the Property of the Chicago and North Western Railway Company, appellant, *v.* The United States of America et al.;

No. 158. The B. F. Goodrich Company, petitioner, *v.* The United States of America; and

No. 529. The People of the State of New York, ex rel. Joseph Richards, etc., petitioner, *v.* Robert J. Kirby, as Warden, etc. The petitions for rehearing are denied.

No. 391. E. E. Ashcraft and John Ware, petitioners, *v.* State of Tennessee. Argument commenced by Mr. James F. Bickers for the petitioners; continued by Mr. Nat Tipton for the respondent; and concluded by Mr. Grover N. McCormick for the petitioners.

No. 362. Augustus P. Norton, Deputy Commissioner, etc., petitioner, *v.* Warner Company. Argument commenced by Mr. Assistant Attorney General Shea for the petitioner and continued by Mr. Samuel B. Fortenbaugh, Jr., for the respondent; and by Mr. Abraham E.

Freedman for National Marine Engineers Beneficial Association, as amicus curiae, by special leave of Court.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, February 29, will be as follows: Nos. 362, 355, 417, 317, 384 (and 385), 265, 521, 392, 472, and 366.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Osmer C. Ingalls, of Columbus, Ohio; Thorley von Holst, of Chicago, Ill.; Harold Irving Baynton, of Reno, Nev.; Earl S. Nelson, of Portland, Oreg.; Robert W. Poore, of Chicago, Ill.; Elmer M. Million, of Moscow, Idaho; Francis Fay Miller, of Manchester, Mass.; William Harry Phillips, of Watertown, Tenn.; Edward J. Ross, of New York City; and James B. Donovan, of New York City, were admitted to practice.

No. 362. Augustus P. Norton, Deputy Commissioner, etc., petitioner, *v.* Warner Company. Argument concluded by Mr. Abraham E. Freedman for National Marine Engineers Beneficial Association, as amicus curiae, by special leave of Court.

No. 355. International Harvester Company et al., appellants, *v.* Department of Treasury of the State of Indiana et al. Argument commenced by Mr. Edward R. Lewis for the appellants; continued by Mr. Winslow Van Horne and Mr. John J. McShane for the appellees; and concluded by Mr. Joseph J. Daniels for the appellant.

No. 417. The United States of America et al., appellants, *v.* County of Allegheny, Pennsylvania. Argument commenced by Mr. Solicitor General Fahy for the appellant, The United States, and continued by Mr. Edward G. Bothwell for the appellee.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, March 1, will be as follows: Nos. 417, 317, 384 (and 385), 265, 521, 392, 472, 366, 463, and 130 (131, 132, and 133).

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Benjamin E. Gordon, of Boston, Mass.; Oliver O. Clark, of Los Angeles, Calif.; Charles M. Thomas, of Washington, D. C.; Charles S. Bolster, of Boston, Mass.; Christopher E. Heckman, of New York City; Paul Port, of Houston, Tex.; Ben Meyers, of Chicago, Ill.; and Ernest Goodman, of Detroit, Mich., were admitted to practice.

No. 109. City of Yonkers and John W. Tooley, Jr., as President of Committee of Yonkers Commuters, etc., appellants, *v.* The United States of America et al. Mandate stayed until March 30 next, on motion of counsel for the appellee, the New York Central Railroad Company.

No. 417. The United States of America and Mesta Machine Company, appellants, *v.* County of Allegheny, Pennsylvania. Argument continued by Mr. Edward G. Bothwell for the appellee; by Miss Anne X. Alpern for the Member Cities of the National Institute of Municipal Law Officers, as amici curiae, by special leave of Court; and concluded by Mr. Solicitor General Fahy for the appellant, the United States; and case submitted by Mr. Elder W. Marshall and Mr. Carl E. Glock for the appellant, Mesta Machine Company.

No. 317. Crites, Incorporated, petitioner, *v.* Prudential Insurance Company of America et al. Argument commenced by Mr. Isaac E. Ferguson for the petitioner; continued by Mr. Clarence D. Laylin and Mr. Osmer C. Ingalls for the respondents; and concluded by Mr. Joseph Rosenbaum for the petitioner.

No. 384. Cornell Steamboat Company, appellant, *v.* The United States of America et al.; and

No. 385. Boston Towboat Company, appellant, *v.* The United States of America et al. Argument commenced by Mr. Robert S. Erskine for the appellant in No. 384.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, March 2, will be as follows: Nos. 384 (and 385), 265, 521, 392, 472, 366, 463, 130 (131, 132, and 133), 483, and 453.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Fred M. Harris, of Bartow, Fla.; James Frank Wiedemann, of Marion, Ohio; Joseph F. Rank, of Los Angeles, Calif.; Harry Henke, Jr., of Seattle, Wash.; Ralph C. Curren, of Los Angeles, Calif.; Benjamin F. Morrison, of Chicago, Ill.; Isidore Nussbaum, of New York City; and Warren Arthur Grauel, of St. Louis, Mo., were admitted to practice.

No. 384. Cornell Steamboat Company, appellant, *v.* The United States of America et al.; and

No. 385. Boston Towboat Company, appellant, *v.* The United States of America et al. Argument continued by Mr. Robert S. Erskine for the appellant in No. 384; by Mr. Charles S. Bolster for the appellant in No. 385; by Mr. Robert L. Pierce for the appellees, the United States and Interstate Commerce Commission; and concluded by Mr. Christopher E. Heckman for the appellee, National Water Carriers Association, Inc.

No. 265. Medo Photo Supply Corporation, petitioner, *v.* National Labor Relations Board. Argued by Mr. William E. Friedman for the petitioner and by Miss Ruth Weyand for the respondent.

No. 521. Franks Bros. Company, petitioner, *v.* National Labor Relations Board. Argument commenced by Mr. Benjamin E. Gordon for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, March 3, will be as follows: Nos. 521, 392, 472, 366, 463, 130 (131, 132, and 133), 483, 453, 482, and 492.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

J. Albert Hutchinson, of San Francisco, Calif.; James E. O'Brien, of Minneapolis, Minn.; Kimball B. DeVoy, of Minneapolis, Minn.; and Jerome A. Rothenberg, of Detroit, Mich., were admitted to practice.

No. 392. Universal Oil Products Company, petitioner, *v.* Globe Oil & Refining Company. Three hours allowed for oral argument. Argument commenced by Mr. William D. Whitney for the petitioner; continued by Mr. Charles M. Thomas for the petitioner; by Mr. Thorley Von Holst and Mr. J. Bernhard Thies for the respondents; and concluded by Mr. William D. Whitney for the petitioner. Leave granted respondents to file an additional brief by Friday, next.

No. 472. The United States of America, petitioner, *v.* Edna W. Ballard and Donald Ballard. Argument commenced by Mr. Solicitor General Fahy for the petitioner and continued by Mr. Roland Rich Woolley for the respondents.

Adjourned until Monday, next, at 12 o'clock.

The day call for Monday, March 6, will be as follows: Nos. 472, 366, 463, 130 (131, 132, and 133), 483, 453, 482, 492, 406, and 559.

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SUPREME COURT OF THE UNITED STATES

The Court met in Special Session pursuant to a call of the Chief Justice having the approval of all the Associate Justices.

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

No. 760. Louis Buchalter, petitioner, *v.* The Warden of Sing Sing Prison. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this application.

Adjourned until Monday, March 6 next, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES .

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Roy W. McDonald, of Dallas, Tex.; Logan Ford, of Dallas, Tex.; Erma R. Hallett, of Niagara Falls, N. Y.; Perry R. Moore, of Minneapolis, Minn.; Fred W. Fickett, of Tucson, Ariz.; Herbert L. Swett, of Portland, Oreg.; Katherine Drew, of San Francisco, Calif.; and Charles W. Quick, of Cleveland, Ohio, were admitted to practice.

No. 3. A. M. Anderson, Receiver of National Bank of Kentucky, of Louisville, petitioner, *v.* Katherine Kirkpatrick Abbott, Administratrix, etc., et al. On writ of certiorari to the United States Circuit Court of Appeals of the Sixth Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Western District of Kentucky for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Jackson in which Mr. Justice Roberts, Mr. Justice Reed, and Mr. Justice Frankfurter join.

The Chief Justice announced the following orders of the Court:

No. 698. Richard Vaughn, d. b. a. Vaughn's Used Cars, appellant, *v.* The Board of Police Commissioners of the City of Los Angeles. Appeal from the District Court of Appeal, 2nd Appellate District, State of California. *Per curiam:* The appeal is dismissed for want of a substantial federal question. (1) *Hall v. Geiger-Jones Co.*, 242 U. S. 539; 552-4; *Lehmann v. Board of Accountancy*, 263 U. S. 394, 398; cf. *Nash v. United States*, 229 U. S. 373, 376-7; (2) *Caldwell v. Texas*, 137 U. S. 692, 698; *Bergemann v. Backer*, 157 U. S. 655, 656; cf. *Dohany v. Rogers*, 281 U. S. 362, 369; (3) *Cincinnati, N. O. & T. P. Ry. Co. v. Slade*, 216 U. S. 78, 83; *Mobile, Jackson & K. C. R. R. Co. v. Mississippi*, 210 U. S. 187, 204.

No. 704. John J. Casale, Inc., appellant, *v.* The United States of America and Interstate Commerce Commission. Appeal from the District Court of the United States for the District of Delaware. *Per curiam:* The motion to affirm is granted and the judgment is affirmed. *United States v. Illinois Central R. R. Co.*, 244 U. S. 82, 89; Federal

Power Commission *v.* Edison Co., 304 U. S. 375, 384-5; Rochester Telephone Corporation *v.* United States, 307 U. S. 125, 130.

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 119. William Roy Miller, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. *Per curiam*: On consideration of the stipulation between counsel for the petitioner and the Solicitor General, the judgment of the Circuit Court of Appeals is reversed and the cause is remanded to the District Court of the United States for the Northern District of Texas with directions that petitioner, after reasonable notice, be accorded a hearing on the issues involved before a judge other than the sentencing judge, and that at such hearing petitioner be allowed to be present and represented by counsel, with opportunity to adduce testimony and cross-examine witnesses. It is ordered that the mandate issue forthwith.

No. —. *Ex parte* Frank Roberson, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No. 499. Patricia R. O'Brien, petitioner, *v.* Edwin J. O'Brien, Jr., et al. The motion for leave to withdraw the appearance of Joseph B. Keenan, as counsel for the petitioner, is granted.

No. 716. The United States of America, appellant, *v.* Clyde Saylor, J. Henderson Brook, et al.; and

No. 717. The United States of America, appellant, *v.* Clarence Poer et al. In these cases probable jurisdiction is noted and the cases are consolidated for hearing.

No. 648. The United States of America, petitioner, *v.* D. B. Hellard. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted.

No. 578. Southern Railway Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims granted and the case transferred to the summary docket.

No. 628. Frank L. Huddleston et al., etc., petitioners, *v.* R. H. Dwyer, T. G. Meister, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted and the case transferred to the summary docket.

No. 636. James W. Butler, Mary L. Butler, et al., petitioners, *v.* Grace Appleton McKey. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 637. James Gordon Steadman, petitioner, *v.* Atlantic Coast Line Railroad Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 638. The West Laurel Hill Cemetery Company, petitioner, *v.* W. J. Rothensies, Collector of Internal Revenue, etc.;

No. 639. The West Laurel Hill Cemetery Company, petitioner, *v.* W. J. Rothensies, Collector, etc.; and

No. 640. The West Laurel Hill Cemetery Company, petitioner, *v.* W. J. Rothensies, Collector, etc. Petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 641. Aetna Life Insurance Company, petitioner, *v.* Jeannette E. Barnett and Leon E. Stropp;

No. 642. Aetna Life Insurance Company, petitioner, *v.* Savings Investment & Trust Company; and

No. 643. The Equitable Life Assurance Society of the United States, petitioner, *v.* Jeannette E. Barnett. Petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 646. Birmingham Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 650. James A. Convey, petitioner, *v.* The Omaha National Bank. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 652. Cleo Syrup Corporation, petitioner, *v.* The Coca-Cola Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 655. Radcliff Gravel Company, Inc., et al., petitioners, *v.* Joseph W. Henderson, as Deputy Commissioner, United States Employees' Compensation Commission, etc., et al.; and

No. 656. Radcliff Gravel Company, Inc., et al., petitioners, *v.* Joseph W. Henderson, as Deputy Commissioner, United States Employees' Compensation Commission, etc., et al. Petitions for writs of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 659. De Fremery & Co., petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 665. Bernard O. Mattson, petitioner, *v.* Amusement Corporation of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 668. William F. Esenwein, petitioner, *v.* Commonwealth, ex rel. May H. Esenwein. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 633. Robert North, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 597. Dewey Wallace McMurtry, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 647. Broadus B. Booth, petitioner, *v.* State Farm Mutual Automobile Insurance Company. On petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit;

No. 667. Garfield J. Kelly, petitioner, *v.* Alfred F. Dowd, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit; and

No. 676. Garfield J. Kelly, petitioner, *v.* Alfred F. Dowd, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 625. William Lynch, petitioner, *v.* The United States of America. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit is denied for the reason that application therefor was not made within the time provided by law. Rule XI of the Criminal Appeals Rules, 292 U. S. 665-6.

No. 714. John Ferguson, petitioner, *v.* Commonwealth of Massachusetts. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Superior Court of Massachusetts is denied for the reason that application therefor was not made within the time provided by law. Section 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C., section 350.

No. 5, original. State of Colorado, complainant, *v.* State of Kansas et al.;

No. 475. Georgia M. Spruill, petitioner, *v.* William T. Ballard et al.;

No. 517. Pen-Ken Gas & Oil Corporation, petitioner, *v.* Warfield Natural Gas Company;

No. 572. Simon L. Levy and Charles B. Levy, petitioners, *v.* The United States of America; and

No. 584. William Bernard Wernecke, petitioner, *v.* The United States of America. Petitions for rehearing denied.

No. 462. Richard A. Knight, petitioner, *v.* The Bar Association of the City of New York. The petition for rehearing is denied and the petition is ordered stricken from the files as scandalous.

The Court will take a recess from Monday, March 13, until Monday, March 27, next.

No. 91. Bain Peanut Company of Texas, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Dismissed on motion of counsel for the petitioner.

No. 472. The United States of America, petitioner, *v.* Edna W. Ballard and Donald Ballard. Argument continued by Mr. Roland Rich Woolley and by Mr. Joseph F. Rank for the respondents and concluded by Mr. Solicitor General Fahy for the petitioner.

No. 366. The United States of America, petitioner, *v.* Jasper White. Argued by Mr. Assistant Attorney General Tom C. Clark for the petitioner and by Mr. Robert J. Fitzsimmons for the respondent.

No. 463. Lee Arenas, petitioner, *v.* The United States of America. Argument commenced by Mr. John W. Preston for the petitioner and continued by Mr. Oliver O. Clark for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, March 7, will be as follows: Nos. 463, 130 (131, 132, and 133), 483, 453, 482, 492, 406, 559, 565, and 436.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Robert C. M. Winter, of Detroit, Mich.; Edward T. Kelley, of Detroit, Mich.; John A. Shorten, of New York City; Louis M. Brown, of Los Angeles, Calif.; Harry Albert Thornton, of San Francisco, Calif.; and Clarence Joseph Coleman, of Everett, Wash., were admitted to practice.

No. 11, original. State of Illinois, complainant, *v.* State of Indiana et al. It is ordered that Luther Ely Smith, Esquire, of Saint Louis, Missouri, be, and he is hereby, appointed Special Master in this cause, with authority to summon witnesses, issue subpoenas, and to take such evidence as may be introduced and such as he may deem it necessary to call for. The Master is directed to make findings of fact and conclusions of law, and to submit the same to this Court with all convenient speed, together with his recommendations for a decree. The findings, conclusions, and recommendations 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 Chief Justice shall have authority to make a new designation which shall have the same effect as if originally made by the Court herein.

No. 130. Bessie P. Douglas, petitioner, *v.* Commissioner of Internal Revenue;

No. 131. Bessie P. Douglas, petitioner, *v.* Commissioner of Internal Revenue;

No. 132. Estate of Charles H. Robinson et al., petitioners, *v.* Commissioner of Internal Revenue; and

No. 133. Bernice B. Dalrymple, petitioner, *v.* Commissioner of Internal Revenue. Motion of F. G. Davidson, Jr., Theodore L. Har-

rison, J. Donald Rawlings, and W. A. Sutherland for leave to file brief as amici curiae presented.

No. 463. Lee Arenas, petitioner, *v.* The United States of America. Argument continued by Mr. Norman MacDonald for the respondent and concluded by Mr. Oliver O. Clark for the petitioner.

No. 130. Bessie P. Douglas, petitioner, *v.* Commissioner of Internal Revenue;

No. 131. Bessie P. Douglas, petitioner, *v.* Commissioner of Internal Revenue;

No. 132. Estate of Charles H. Robinson et al., petitioners, *v.* Commissioner of Internal Revenue; and

No. 133. Bernice B. Dalrymple, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. Kimball B. DeVoy for the petitioners and by Miss Helen R. Carloss for the respondent.

No. 483. Clifford F. MacEvoy Company et al., petitioners, *v.* The United States of America, for the use and benefit of the Calvin Tomkins Company. Argued by Mr. Edward F. Clark for the petitioner and by Mr. Benjamin P. DeWitt for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, March 8, will be as follows: Nos. 453, 482, 492, 406, 559, 565, and 436.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Hugh D. Scott, Jr., of Philadelphia, Pa.; Horace M. Barba, of Philadelphia, Pa.; and Kurt Borchardt, of Washington, D. C., were admitted to practice.

No. 453. The United States of America et al., appellants, *v.* Wabash Railroad Company et al. Argued by Mr. Allen Crenshaw for the appellants; by Mr. Elmer A. Smith for the appellees, Wabash Railroad Company et al.; and by Mr. John S. Burchmore for appellee, A. E. Staley Manufacturing Company.

No. 482. Chicago, Saint Paul, Minneapolis & Omaha Railway Company et al., appellants, *v.* The United States of America et al. Argued by Mr. Amos M. Mathews for the appellants; by Mr. Nelson Thomas for the appellees, the United States and Interstate Commerce Commission; by Mr. Perry R. Moore for the appellee, Cornelius W. Styer; and by Mr. Fred W. Putnam for the appellee, Glendenning Motorways, Inc.

No. 492. The Equitable Life Assurance Society of the United States, petitioner, *v.* Commissioner of Internal Revenue. Argument commenced by Mr. John L. Grant for the petitioner and continued by Mr. Chester T. Lane for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, March 9, will be as follows: Nos. 492, 406, 559, 565, and 436.

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554209—44—86

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Frances Green Ratcliff, of Washington, D. C.; Roger Ratcliff, of Washington, D. C.; and Joseph F. Padlow, of New York City, were admitted to practice.

No. 492. The Equitable Life Assurance Society of the United States, petitioner, *v.* Commissioner of Internal Revenue. Argument continued by Mr. Chester T. Lane for the respondent and concluded by Mr. John T. Grant for the petitioner.

No. 406. Anthony Cramer, petitioner, *v.* The United States of America. Three hours allowed for oral argument. Argued by Mr. Harold R. Medina for the petitioner and by Mr. Solicitor General Fahy for the respondent.

No. 559. Hans Pete Mortensen and Lorraine Mortensen, petitioners, *v.* The United States of America. Argument commenced by Mr. Eugene D. O'Sullivan for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, March 10, will be as follows: Nos. 559, 565, and 436.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Whiteford S. Blakeney, of Charlotte, N. C., and William Gordon Belser, Jr., of Columbia, S. C., were admitted to practice.

No. 559. Hans Pete Mortensen and Lorraine Mortensen, petitioners, *v.* The United States of America. Argument continued by Mr. Eugene D. O'Sullivan for the petitioners and concluded by Mr. Robert L. Stern for the respondent.

No. 565. Wisconsin Gas and Electric Company, petitioner, *v.* The United States of America. Argued by Mr. Van B. Wake for the petitioner and by Mr. Assistant Attorney General Samuel O. Clark for the respondent.

No. 436. L. Metcalfe Walling, Administrator, etc., petitioner, *v.* James V. Reuter, Inc. Argued by Mr. Douglas B. Maggs for the petitioner and by Mr. Frank S. Normann for the respondent, James V. Reuter Co., Inc., prior to dissolution.

Adjourned until Monday, March 13 next, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

George S. Steele, of Rockingham, N. C.; Gath P. Freeman, of Richmond, Ind.; Edwin Robert Eckersall, of Chicago, Ill.; Paul Berman, of Baltimore, Md.; William Allen Quinlan, of Washington, D. C.; Jerome N. Wanshel, of Brooklyn, N. Y.; Jack E. Hursh, of San Francisco, Calif.; and Spurgeon Avakian, of Fresno, Calif., were admitted to practice.

No. 447. Walter B. Johnson, T. R. Husted, B. A. West, et al., petitioners, *v.* Yellow Cab Transit Company. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Western District of Oklahoma. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Roberts joins.

The Chief Justice announced the following orders of the Court:

No. 388. City of Coral Gables, Florida, petitioner, *v.* Ed. C. Wright, doing business as Ed. C. Wright & Company, Successor to Ed. C. Wright & Company, Inc., et al. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. *Per curiam:* The judgment is affirmed by an equally divided Court. Mr. Justice Douglas took no part in the consideration or decision of this case.

No. 710. Kohlmeyer, Newberger & Company, Woodfin & Company, etc., appellants, *v.* W. A. Cooper, Collector of Revenue. Appeal from the Supreme Court of Louisiana. *Per Curiam:* The appeal is dismissed for want of a substantial federal question. *Ware & Leland v. State of Alabama*, 209 U. S. 405; *Moore v. New York Cotton Exchange*, 270 U. S. 593, 604; cf. *Minnesota v. Blasius*, 290 U. S. 1, 8; *Parker v. Brown*, 317 U. S. 341, 360-63.

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —. People of the State of Illinois ex rel. Bennie Truitt, petitioner, *v.* Walter Neirstheimer, Warden. Application denied.

No. —. Daisy D. Wilson, petitioner, *v.* Ralph D. Hinman et al. The motion for leave to file petition for writ of mandamus is denied.

No. —. Ex parte Stephen Mitchell, petitioner; and

No. —. Ex parte Erhardt Elowson, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 130. Bessie P. Douglas, petitioner, *v.* Commissioner of Internal Revenue;

No. 131. Bessie P. Douglas, petitioner, *v.* Commissioner of Internal Revenue;

No. 132. Estate of Charles H. Robinson et al., petitioners, *v.* Commissioner of Internal Revenue; and

No. 133. Bernice B. Dalrymple, petitioner, *v.* Commissioner of Internal Revenue. Motion for leave to file brief of F. G. Davidson, Jr., Theodore L. Harrison, J. Donald Rawlings, and W. A. Sutherland, as amici curiae, granted.

No. 669. The Fraternal Order of Police, a corporation not for profit, etc., et al., petitioners, *v.* D. D. Harris, Elmer Hammond, et al. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 670. Addison Miller et al., partners, etc., et al., petitioners, *v.* L. Metcalfe Walling, Administrator, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 675. John T. Dempsey, as Administrator, etc., petitioner *v.* Guaranty Trust Company of New York. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 686. Miles National Farm Loan Association, petitioner, *v.* The Federal Land Bank of Houston. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 689. Taylor Instrument Companies, petitioner, *v.* Fawley-Brost Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 693. L. Metcalfe Walling, Administrator, etc., petitioner, *v.* L. Wiemann Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 657. Western Cartridge Company, Winchester Repeating Arms Company Division, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 660. Vancouver Book & Stationery Co., Inc., petitioner, *v.* L. C. Smith & Corona Typewriters, Inc., J. K. Gill Co. et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 683. Charles Hughes & Company, Inc., petitioner, *v.* Securities and Exchange Commission. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 588. Adolph T. Spalek and William J. Zrenchik, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeal for the Sixth Circuit denied. Mr. Justice Murphy took no part in the consideration or decision of this application.

No. 606. Claud Nivens, petitioner, *v.* The United States. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 703. Raymond W. Nichols, petitioner, *v.* The United States Circuit Court of Appeals for the Seventh Circuit. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit; and

No. 739. Roy S. Ransin, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 713. Cameron Moore, petitioner, *v.* The People of the State of Michigan. The motion for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the Supreme Court of Michigan denied for the reason that it does not appear from the record that application therefor was made within the time provided by law. Section 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C., section 350.

No. —. *Ex parte* Selvie W. Wells, petitioner;

No. 1. R. Simpson & Co., Inc., petitioner, *v.* Commissioner of Internal Revenue;

No. 57. Joseph E. Snowden, petitioner, *v.* Edward J. Hughes, Louie E. Lewis, et al., etc.;

No. 457. Eddie J. Viator, J. A. Viator, et al., appellants, *v.* R. C. Edwins, Sheriff, etc., et al.;

No. 509. E. Z. Lang, petitioner, *v.* E. B. Swope, Warden, etc.; and

No. 619. Helen Calhoun Cash, appellant, *v.* The Metropolitan Trust Company et al. Petitions for rehearing denied.

No. 607. Harmon Metz Waley, petitioner, *v.* James A. Johnston, Warden, etc. Time within which to file petition for rehearing extended to and including April 3 next.

Adjourned until Monday, March 27, next, at 12 o'clock.

The day call for Monday, March 27, will be as follows: Nos. 521, 514 (and 515), 381, 589, 592, 613, 649, 578, and 531.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Justice Roberts, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Harold A. Boire, of De Land, Fla.; Charles S. Murphy, of Durham, N. C.; Harry E. Olsen, of Wayzata, Minn.; George H. Hunker, Jr., of Santa Fe, N. Mex.; Marvin J. Sonosky, of Duluth, Minn.; Jesse G. Benson, of Oakland, Calif.; Ralph R. Gilby, of Spokane, Wash.; Harry D. Fenske, of Dearborn, Mich.; Morris Hadley, of New York City; Willis Pirtle Watts, of Austin, Tex.; Karl M. Gibbon, of Harlingen, Tex.; Calvin L. Rampton, of Salt Lake City, Utah; Gordon F. Hook, of Chicago, Ill.; Sidney Kocin, of New York City; Nathan L. Reibman, of Easton, Pa.; Howell Purdue, of Los Angeles, Calif.; and J. Frank O'Brien, of Washington, D. C., were admitted to practice.

No. 232. J. M. Sartor et al., petitioners, *v.* Arkansas Natural Gas Corporation. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Western District of Louisiana for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Jackson. Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Reed joins.

No. 267. The United States of America, petitioner, *v.* Seattle-First National Bank, a national banking association. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the Eastern District of Washington. Opinion by Mr. Justice Murphy.

No. 409. Tennessee Coal, Iron & Railroad Company, Sloss-Sheffield Steel & Iron Company and Republic Steel Corporation, petitioners, *v.* Muscoda Local No. 123, etc., et al. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Northern District of Alabama. Opinion by Mr. Justice Murphy. Concurring opinion by Mr. Justice Jackson. Concurring opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Roberts in which the Chief Justice joins.

No. 464. Chester Bowles, as Administrator of the Office of Price Administration, appellant, *v.* Mrs. Kate C. Willingham and J. R. Hicks, Jr. Appeal from the District Court of the United States for the Middle District of Georgia. Judgment reversed and cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Concurring opinion by Mr. Justice Rutledge. Dissenting opinion by Mr. Justice Roberts.

No. 215. Arthur Goodwyn Billings, petitioner, *v.* Karl Truesdell, Major General, United States Army. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgment reversed and cause remanded to the District Court of the United States for the District of Kansas for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting: Mr. Justice Roberts. Separate opinion by Mr. Justice Frankfurter.

No. 492. The Equitable Life Assurance Society of The United States, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Douglas.

No. 362. Augustus P. Norton, Deputy Commissioner for the Third Compensation District, petitioner, *v.* Warner Company. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the Eastern District of Pennsylvania. Opinion by Mr. Justice Douglas. Mr. Justice Roberts concurs in the result.

No. 486. Lester Follett, appellant, *v.* Town of McCormick, South Carolina. Appeal from the Supreme Court of South Carolina. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Douglas. Concurring opinion by Mr. Justice Murphy. Concurring opinion by Mr. Justice Reed. Separate opinion by Mr. Justice Roberts, Mr. Justice Frankfurter, and Mr. Justice Jackson.

No. 396. Fred M. Vinson, Director of Economic Stabilization, etc., et al., petitioners, *v.* Washington Gas Light Company et al. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment affirmed and cause remanded to the District Court of the United States for the District of Columbia. Opinion by Mr. Justice Roberts. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Murphy concur.

No. 453. The United States of America and Interstate Commerce Commission, appellants, *v.* Wabash Railroad Company, Illinois Central Railroad Company, and Illinois Terminal Railroad Company. Appeal from the District Court of the United States for the Southern District of Illinois. Judgment reversed and cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Stone announced by Mr. Justice Roberts.

No. 374. Albert Yakus, petitioner, *v.* The United States of America; and

No. 375. Benjamin Rottenberg and B. Rottenberg, Inc., petitioners, *v.* The United States of America. On writs of certiorari to the United States Circuit Court of Appeals for the First Circuit. Judgments affirmed. Opinion by Mr. Chief Justice Stone announced by Mr. Justice Roberts. Dissenting opinion by Mr. Justice Rutledge in which Mr. Justice Murphy joins. Dissenting opinion by Mr. Justice Roberts.

Mr. Justice Roberts said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —. *Ex parte* Jesse T. Sylence, petitioner; and

No. —. *Ex parte* Dennis W. Rosier, petitioner. Applications denied.

No. —. *Ex parte* James Goode, petitioner;

No. —. *Ex parte* Richard O'Neill, petitioner;

No. —. *Ex parte* Louis Berman, petitioner;

No. —. Charles Franklin Johnson, petitioner, *v.* W. Nierstheimer, Warden; and

No. —. United States *ex rel.* Nathaniel Hill, petitioner, *v.* Joseph E. Ragen, Warden. The motions for leave to file petitions for writs of habeas corpus denied.

No. 935. October Term, 1942. H. W. Kelley et al., petitioners, *v.* Everglades Drainage District. The motion to correct or amend the mandate is denied without prejudice to any other appropriate remedy.

No. 569. R. J. Thomas, appellant, *v.* H. W. Collins, Sheriff of Travis County, Texas. Further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing of the case on the merits.

No. 701. Claridge Apartments Company, petitioner, *v.* Commissioner of Internal Revenue; and

No. 702. Claridge Apartments Company, petitioner, *v.* Commissioner of Internal Revenue. Petitions for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted.

No. 681. Victor J. Herb, petitioner, *v.* Norman B. Pitcairn and Frank C. Nicodemus, Jr., Receivers for Wabash Railway Company; and

No. 682. Benjamin F. Belcher, petitioner, *v.* Louisville and Nashville Railroad Company. Petitions for writs of certiorari to the Supreme Court of Illinois granted and the cases consolidated for argument.

No. 699. L. Metcalfe Walling, Administrator etc., petitioner, *v.* Helmerich & Payne, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted limited to the first question presented by the petition and the case transferred to the summary docket. Counsel are requested to discuss in their briefs and on oral argument the question whether the case is moot.

No. 679. Fred Toyosaburo Korematsu, petitioner, *v.* The United States of America. The motion for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. The Court directs that the expense of printing the record be paid by the United States pursuant to 28 U. S. C. sec. 832.

No. 310. Wells Fargo Bank & Union Trust Co., substituted as Executor of the last will of Mary E. Morris, deceased, et al., petitioners, *v.* Imperial Irrigation District et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 525. Gilbert Lorenz Godbersen, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 661. Edith F. Perley, petitioner, *v.* Frank W. Roberts et al. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 685. L. Metcalfe Walling, Administrator, etc., petitioner, *v.* Max Harry Block, an individual etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 690. Max Kaplan and Jacob Kaplan, copartners, etc., petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 691. The Pennsylvania Company for Insurances on Lives and Granting Annuities, Trustee, etc., petitioner, *v.* The United States of America; and

No. 692. The Pennsylvania Company for Insurance on Lives and Granting Annuities, Trustee, etc., petitioner *v.* The United States of America. Petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 696. William A. Doss, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 697. Claude A. Roth, Trustee, Chicago and North Western Railway Company, petitioner, *v.* Lillian Carlson, as Administrator, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 700. Norman G. Baker, petitioner, *v.* Walter A. Hunter, Warden, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 705. Piedmont Fire Insurance Company, petitioner, *v.* Harry J. Aaron, Mrs. D. E. Roles, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 707. John W. Gaines, Guardian, etc., petitioner, *v.* Sun Life Assurance Company of Canada. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 718. National Surety Corporation, petitioner, *v.* Provident Trust Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 720. James O. Hartman, petitioner, *v.* Willie Ross. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 738. Albert W. Iselin and Louise G. Iselin, petitioners, *v.* Arnaud Lacoste. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 624. Cape Ann Granite Company, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 671. Joseph Irving McMullen, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 708. Willard Irwin Singer and Martin H. Singer, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 712. Patrick Henry Kelley, petitioner, *v.* American Sugar Refining Company. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 715. The Dixie Margarine Company, petitioner, *v.* A. H. Shaefer, Formerly Deputy Collector of Internal Revenue for the District of Tennessee. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 719. Eugene Russell Jaffe, alias E. J. Russell, an individual, etc., petitioner, *v.* Federal Trade Commission. Petition for writ of

certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 724. Clyde H. Walker, petitioner, *v.* P. J. Squier, Warden, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 725. Northwestern Oil Company, petitioner, *v.* Socony-Vacuum Oil Company, Inc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 727. Arthur G. Vescelius, Trustee, etc., petitioner, *v.* Abraham A. Wedeen, Assignee, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 729. Joseph B. Decker, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 752. George Arky, formerly doing business as Lawrence Electric Construction Co., Bankrupt, petitioner, *v.* Louis P. Rosenberg, Trustee. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 723. City of Los Angeles and Department of Water and Power of the City of Los Angeles, petitioners, *v.* Natural Soda Products Company. The motion for leave to proceed on the typewritten record is granted. Petition for writ of certiorari to the Supreme Court of California denied.

No. 632. State of Missouri, upon the information of Roy McKittrick, Attorney General of the State of Missouri, etc., petitioner *v.* Missouri Public Service Corporation. Petition for writ of certiorari to the Supreme Court of Missouri denied. Mr. Justice Roberts took no part in the consideration or decision of this application.

No. 709. In the matter of Sam Catanzaro, Jr., petitioner. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. Mr. Justice Rutledge is of the opinion that the petition should be granted.

No. 695. George Sylvester Viereck, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 706. Walter H. McGee, petitioner, *v.* Paul E. Kaiser, Warden, etc. On petition for writ of certiorari to the Supreme Court of Missouri;

No. 761. Elmer Whited, petitioner, *v.* Warden, Illinois State Penitentiary, Menard Branch. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 561. William Mitchell, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit; and

No. 617. Henry E. Terrell, petitioner, *v.* Dr. M. J. Pescor, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 782. Vincent J. Cullotta, petitioner, *v.* Joseph E. Ragen, Warden, etc. The motion for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the Supreme Court of Illinois denied for the reason that application therefor was not made within the time provided by law. Section 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C., section 350.

No. 98. Sarah Prince, appellant, *v.* Commonwealth of Massachusetts; and

No. 605. Evelyn Flynn, petitioner, *v.* Chester Bowles, Price Administrator. Petitions for rehearing denied.

No. 252. J. Howell Flournoy, Sheriff and ex-officio Tax Collector, appellant, *v.* Samuel G. Wiener, William B. Wiener, and Jacques L. Wiener. It is ordered that the opinion in this case be amended by adding, at the end of the opinion, the following paragraph:

"Appellant having assigned as error the decision of the Louisiana Supreme Court holding the Federal Act invalid, the case is properly an appeal, and appellant could have included in his assignments of error any other denial of federal right whether or not capable in itself of being brought here by appeal. Prudential Insurance Co. *v.* Cheek, 259 U. S. 530, 547. Or he could have filed a petition for writ of certiorari in addition to his appeal. Columbus & Greenville Ry. Co. *v.* Miller, 283 U. S. 93, 98. But since he failed to raise or brief in this Court any question as to the validity of the Louisiana statute under the Fourteenth Amendment, we have no jurisdiction of the case either on certiorari or on appeal, and there is no occasion for the application of Judicial Code, sec. 237 (c), 28 U. S. C. sec. 344 (c). See Robertson and Kirkham, Jurisdiction of the Supreme Court of the United States, page 40, and cases cited."

The petition for rehearing is denied.

The Court will take a recess from Monday, April 3, until Monday, April 10, and from that day until Monday, April 24, next.

No. 521. Franks Bros. Company, petitioner, *v.* National Labor Relations Board. Argued by Mr. Benjamin E. Gordon for the petitioner and by Mr. Alvin J. Rockwell for the respondent.

No. 514. The United States of America, petitioner, *v.* James P. Mitchell; and

No. 515. The United States of America, petitioner, *v.* James P. Mitchell. Argued by Mr. Solicitor General Fahy for the petitioner and by Mr. James J. Laughlin for the respondent.

No. 381. The United States of America, petitioner, *v.* American Surety Company. Argument commenced by Mr. Robert L. Stern for the petitioner and continued by Mr. Homer Cummings for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, March 28, will be as follows: 381, 589, 592, 578, and 649.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Robt. H. Polk, of Franklin, Tenn.; Hugh McD. Ritchey, of Cincinnati, Ohio; Leslie M. Rapp, of Arlington, Va.; Chauncey B. Garver, of New York City; Andrew G. Ponder, of Walnut Ridge, Ark.; Louis B. Arnold, of Washington, D. C.; Frank R. Bruce, of New York City; Robert Benton Burns, of Los Angeles, Calif.; Ivan Robinette, of Phoenix, Ariz.; Arthur S. Lorch, of Philadelphia, Pa.; E. Nobles Lowe, of New York City; Milton M. Burke, of Washington, D. C.; Arnold H. Hirsch, of Philadelphia, Pa.; Philip White, of Cheyenne, Wyo.; Bruce M. Docherty, of Providence, R. I.; George Gardner Beckett, of Boston, Mass.; Howard A. Twitty, of Phoenix, Ariz.; William J. Cerny, of Chicago, Ill.; James M. Stewart, of Des Moines, Iowa; Bernard A. Stol, of Chicago, Ill.; and Rudolph Halley, of New York City, were admitted to practice.

No. 381. The United States of America, petitioner, *v.* American Surety Company. Argument concluded by Mr. Homer Cummings for the respondent.

No. 589. The United States of America et al., appellants, *v.* Marshall Transport Company et al. Argued by Mr. Daniel H. Kunkel for appellants, The United States and Interstate Commerce Commission; by Mr. Charles E. Cotterill for appellants, Coastal Tank Lines, Inc., et al.; and by Mr. Robert C. Winter for the appellees.

No. 592. Allen Calculators, Inc., appellant, *v.* The National Cash Register Company and The United States of America. Argued by Mr. Murray Seasongood for the appellant and by Mr. Hugh McD. Ritchey for the appellee, National Cash Register Co.; and case submitted by Mr. Solicitor General Fahy, Mr. Assistant Attorney General Berge, Mr. Charles H. Weston, Mr. Elliott H. Moyer, and Mr. Robert L. Stern for appellee, The United States.

No. 578. Southern Railway Company, petitioner, *v.* The United States. Argument commenced by Mr. Sidney S. Alderman for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, March 29, will be as follows: Nos. 578 and 649.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

John W. R. Zisgen, of New York City; Allen Conley Mathias, of Jersey City, N. J.; Clarence L. Yancey, of Shreveport, La.; James R. McKnight, of Chicago, Ill.; George C. Heath, of Waterloo, Iowa; Harry M. Reed, of Waterloo, Iowa; Albert Brick, of Washington, D. C.; Henry Klepak, of Dallas, Tex.; George A. Lazar, Jr., of San Diego, Calif.; W. Palmer Van Arsdale, of Louisville, Ky.; Mortimer L. Clopton, of Los Angeles, Calif.; Harry M. Brostoff, of Chicago, Ill.; and Roger S. Foster, of New Haven, Conn., were admitted to practice.

No. 578. Southern Railway Company, petitioner, *v.* The United States. Argument continued by Mr. Sidney S. Alderman for the petitioner and concluded by Mr. Assistant Attorney General Shea for the respondent.

No. 649. Barge "Anaconda" and Smith-Rowland Company, Inc., petitioners, *v.* American Sugar Refining Company. Argued by Mr. Cody Fowler for the petitioners and by Mr. Henry N. Longley for the respondent.

Adjourned until Monday, April 3 next, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Howard L. Campbell, of Manistee, Mich.; Errett P. Scrivner, of Kansas City, Kans.; Leo H. Miller, of Hagerstown, Md.; R. B. Yadon, Jr., of Woodward, Okla.; W. Bruce Beckley, of San Francisco, Calif.; Martin Tollefson, of Des Moines, Iowa; Louis H. Shereff, of New York City; Walter LeRoy Green, of Hyattsville, Md.; George Bowie McCeney, of Laurel, Md.; John Franklin Lillard, Jr., of Hyattsville, Md.; Hyman Edelman, of Minneapolis, Minn.; Nora O. Rentz, of Washington, D. C.; Henrietta Kriger, of Brooklyn, N. Y.; Charles H. Kriger, of Brooklyn, N. Y.; Lamoin Oldham, of Longview, Tex.; Lucia T. Thomas, of Chicago, Ill.; Samuel G. Winstead, of Dallas, Tex.; Edward I. Weisberg, of Philadelphia, Pa.; Jay H. Sikkenga, of Shelby, Mich.; John G. Thompson, of Miami, Fla.; Armand E. Lackenbach, of New York City; and Lewis M. Stevens, of Philadelphia, Pa., were admitted to practice.

No. 51. Lonnie E. Smith, petitioner, *v.* S. E. Allwright, Election Judge, and James E. Liuzza, Associate Election Judge, 48th Precinct of Harris County, Texas. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Southern District of Texas for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Reed. Mr. Justice Frankfurter concurs in the result. Dissenting opinion by Mr. Justice Roberts.

No. 385. Boston Towboat Company, appellant, *v.* The United States of America, Interstate Commerce Commission, and National Water Carriers Association, Inc. Appeal from the District Court of the United States for the Southern District of New York. Appeal dismissed. Opinion by Mr. Justice Black.

No. 384. Cornell Steamboat Company, appellant, *v.* The United States of America, Interstate Commerce Commission, and National Water Carriers Association, Inc. Appeal from the District Court of the United States for the Southern District of New York. Judgment affirmed. Opinion by Mr. Justice Black. Opinion by Mr. Justice Frankfurter dissenting in part in which Mr. Justice Roberts joins.

The Chief Justice announced the following orders of the Court:

No. 766. The Hudson & Manhattan Railroad Company, appellant, *v.* The City of Jersey City, Fred M. Vinson, Stabilization Director, by Chester Bowles, Price Administrator. Appeal from the District Court of the United States for the District of New Jersey. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed. *Smith v. Illinois Bell Telephone Co.*, 270 U. S. 587, 588-9; *Sterling v. Constantin*, 287 U. S. 378, 386.

No. 794. Abraham S. Ratner, appellant, *v.* The People of the State of California. Appeal from the Superior Court of the County of Los Angeles, Appellate Department, State of California. *Per curiam*: The appeal is dismissed for want of a substantial federal question. (1) *Nash v. United States*, 229 U. S. 373, 376-7; *United States v. Ragen*, 314 U. S. 513, 523-4; (2) *Casey v. United States*, 276 U. S. 413, 418; *Bandini Petroleum Co. v. Superior Court*, 284 U. S. 8, 18-19.

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —. *Ex parte* Walter D. Stewart, petitioner;

No. —. *Ex parte* Edward E. P. Boyens, petitioner. Applications denied.

No. —. Mary B. Betz (for herself and in behalf of John Philip Betz, 3rd), petitioner, *v.* The Government of The United States. Petition denied.

No. —. Alfred Minntole, petitioner, *v.* James A. Johnston, Warden, etc. Motion for leave to file petition for writ of habeas corpus denied.

No. —. James M. Smith, petitioner, *v.* Francis Biddle, Attorney General, etc. Motion for leave to file petition for writ of certiorari denied.

No. 657. Western Cartridge Company, etc., petitioner, *v.* National Labor Relations Board. Time within which to file petition for rehearing extended to and including April 21, next, on motion of counsel for the petitioner.

No. 767. The Interstate Commerce Commission and Hudson & Manhattan Railroad Company, appellants, *v.* The City of Jersey City et al. In this case probable jurisdiction is noted.

No. 788. Gath P. Freeman, Trustee, etc., appellant, *v.* Gilbert K. Hewit, Director of Gross Income Tax Division, Department of Treasury, State of Indiana. In this case probable jurisdiction is noted and the case is transferred to the summary docket.

No. 711. James Karl Muschany and Vera Muschany, petitioners, *v.* The United States of America; and

No. 726. William M. Andrews and Bertha L. Andrews, petitioners, *v.* The United States of America. Petitions for writs of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted.

No. 741. Commissioner of Internal Revenue, petitioner, *v.* C. C. Harmon. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted.

No. 674. Carolene Products Company et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted limited to the first four questions presented by the petition.

No. 680. E. Jack Smith et al., Partners, etc., petitioners, *v.* Comer Davis et al., etc. Petition for writ of certiorari to the Supreme Court of Georgia granted and the case transferred to the summary docket.

No. 684. Allen Pope, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims granted. Counsel are requested to discuss in their briefs and on oral argument the question whether the present action, authorized by the Special Act of February 27, 1942 (56 Stat. 1122), is of a nature to admit of review by this Court under Article III of the Constitution.

No. 793. L. P. Steuart & Bro., Inc., petitioner, *v.* Chester Bowles, Administrator, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted and the case assigned for argument on Monday, May 1, next.

No. 721. Board of County Commissioners of Pawnee County, State of Oklahoma, et al., petitioners, *v.* The United States of America; and

No. 722. Board of County Commissioners of Pawnee County, State of Oklahoma, et al., petitioners, *v.* The United States of America. Petition for writs of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 730. Ferdinand A. Kertess, petitioner, *v.* The United States of America;

No. 731. Ferdinand A. Kertess, petitioner, *v.* The United States of America;

No. 732. Ferdinand A. Kertess, petitioner, *v.* The United States of America; and

No. 733. Ferdinand A. Kertess, petitioner, *v.* The United States of America. Petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 735. The Baltimore Transit Company and The Baltimore Coach Company, petitioners, *v.* The National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 737. Atlantic Coastline Railroad Company, petitioner, *v.* Sidney Blumenthal & Company, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 743. M. P. Depaoli and Lena Depaoli, his wife, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 746. Rudolph Spitzer et al., petitioners, *v.* Standard Gas and Electric Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 747. Christine Wilson and Margaret Joyner, petitioners, *v.* Beatrice Fuhrhop, Gertrude Austin, et al. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 678. Robert Stroud, petitioner, *v.* James A. Johnston, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit; and

No. 744. Kenneth J. Nelson, petitioner, *v.* Bert C. Webb, Superintendent of Washington State Penitentiary. On petition for writ of certiorari to the Supreme Court of Washington. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 3. A. M. Anderson, Receiver, etc., petitioner, *v.* Katherine Kirkpatrick Abbott, Administratrix, etc., et al.;

No. 606. Claud Nivens, petitioner, *v.* The United States of America;

No. 607. Harmon Metz Waley, petitioner, *v.* James A. Johnston, Warden, etc.;

No. 625. William Lynch, petitioner, *v.* The United States of America; and

No. 713. Cameron Moore, petitioner, *v.* The People of the State of Michigan. Petitions for rehearing denied.

Adjourned until Monday April 10, next, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Sherry Basil Myers, of Canandaigua, N. Y.; Elizabeth Scott Salisbury, of Washington, D. C.; Anne Clark Chatterton, of Des Moines, Iowa; William Otis Chatterton, of Des Moines, Iowa; Al. G. Rivers, of Birmingham, Ala.; Howard F. Houk, of Santa Fe, N. Mex.; Harold Turner Loftin, of Houston, Tex.; Paul Kern Hirsch, of Pittsburgh, Pa.; Cresswell S. Shumaker, of Pittsburgh, Pa.; Walter B. Emery, of Washington, D. C.; William J. Crowe, of Oklahoma City, Okla.; Jacob E. Davis, of Waverly, Ohio; Chas. C. Crabtree, of Memphis, Tenn.; W. O. Leftwich, of Pulaski, Va.; and Edith H. Cockrill, of Covington, Tenn., were admitted to practice.

No. 482. Chicago, Saint Paul, Minneapolis & Omaha Railway Company, et al., appellants, *v.* The United States of America, Interstate Commerce Commission, et al. Appeal from the District Court of the United States for the District of Minnesota. Judgment affirmed. Opinion by Mr. Justice Jackson.

No. 345. Emanuel Pollock, appellant, *v.* H. T. Williams, as Sheriff of Brevard County, Florida. Appeal from the Supreme Court of the State of Florida. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Jackson. Dissenting opinion by Mr. Justice Reed in which Mr. Chief Justice Stone joins.

No. 75. The United States, petitioner, *v.* Algernon Blair, Individually and to the use of Roanoke Marble & Granite Company. On writ of certiorari to the Court of Claims. Judgment reversed in part and affirmed in part and cause remanded to the said Court of Claims for further proceedings. Opinion by Justice Murphy. Opinion by Mr. Justice Frankfurter dissenting in part in which Mr. Justice Roberts joins.

No. 62. The United States of America, appellant, *v.* Bausch & Lomb Optical Company, M. Herbert Eisenhart, Ben A. Ramaker, et al.; and

No. 64. Soft-Lite Lens Company, Inc., Nathaniel Singer, and R. G. Landis, appellants, *v.* The United States of America. Appeals from the District Court of the United States for the Southern District of New York. Decree modified as indicated in the opinion and, as so modified, affirmed. Opinion by Mr. Justice Reed. Mr. Justice Jackson took no part in the consideration or decision of these cases.

No. 521. Franks Bros. Company, petitioner, *v.* National Labor Relations Board. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Black. The Chief Justice took no part in the consideration or decision of this case.

No. 436. L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor, petitioner, *v.* James V. Reuter, Inc. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment of the Circuit Court of Appeals vacated and cause remanded to the District Court of the United States for the Eastern District of Louisiana where petitioner will be free to take such proceedings for the enforcement of the judgment of the District Court as he may deem advisable and as may be proper in the circumstances of the case. Opinion by Mr. Chief Justice Stone.

No. 265. Medo Photo Supply Corporation, petitioner, *v.* National Labor Relations Board. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Chief Justice Stone. Dissenting: Mr. Justice Roberts. Dissenting opinion by Mr. Justice Rutledge.

The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —. U. S. ex rel. Robert Tigney, petitioner, *v.* Joseph E. Ragen, Warden, etc.; and

No. —. People of the State of New York ex rel. Andrew W. Vialva, petitioner, *v.* Blakely R. Webster, Superintendent. Applications denied.

No. —. People of the State of Illinois ex rel. William Sullivan, petitioner, *v.* Joseph E. Ragen, Warden, etc.; and

No. —. Ex parte Allan Lambus, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 811. The United States of America, appellant, *v.* Margaret M. Johnson and Mary E. Layton, doing business as the United States Dental Company et al. In this case probable jurisdiction is noted and the case is transferred to the summary docket.

No. 759. Gustav H. Kann, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted.

No. 781. The Hooven & Allison Company, petitioner, *v.* William S. Evatt, Tax Commissioner of Ohio. Petition for writ of certiorari to the Supreme Court of Ohio granted.

No. 745. The Sage Stores Company and Carolene Products Company, petitioners, *v.* The State of Kansas, ex rel. A. B. Mitchell, etc. Petition for writ of certiorari to the Supreme Court of Kansas granted limited to the first question presented by the petition and the case assigned for argument immediately following No. 674.

No. 768. Michael F. McDonald, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted the case transferred to the summary docket.

No. 736. C. M. Hargrove, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 753. John A. Johnson Contracting Corporation, formerly known as J. A. J. Construction Company et al., petitioners, *v.* The United States of America for the use and benefit of Worthington Pump and Machinery Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 755. C. E. Mottaz, I. C. Smith, et al., petitioners, *v.* Edward L. Scheufler, Superintendent of the Insurance Department of the State of Missouri, et al. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 756. American Creosoting Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 764. Alfred Fenton, petitioner, *v.* L. Metcalfe Walling, Administrator, etc.; and

No. 765. Russell G. Smith, petitioner, *v.* L. Metcalfe Walling, Administrator, etc. Petitions for writs of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 769. Pennsylvania Power & Light Company, petitioner, *v.* Federal Power Commission. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 774. Jack Barg, petitioner, *v.* The People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 776. Dealer's Transport Company, petitioner, *v.* Essie Mae Reese, as Administratrix, etc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 783. The Connecticut Mutual Life Insurance Company, petitioner, *v.* Samuel A. Sperber; and

No. 784. The New York Life Insurance Company, petitioner, *v.* Samuel A. Sperber. Petition for writs of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 805. John Capetola, Jr., a minor, etc., et al., petitioners, *v.* Barclay White Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 829. Bernard B. Bailey, petitioner, *v.* J. A. Anderson, State Highway Commissioner, et al. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied. The application for a stay is also denied.

No. 687. Boyd Gilliland, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 688. Edwin Albert Burt et al., petitioners, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 694. Emmet H. Bozel, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit; and

No. 773. Mrs. Lorena Marbry, petitioner, *v.* George W. Cain, and Garnishee, American Central Insurance Company. On petition for writ of certiorari to the Supreme Court of Tennessee. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

Adjourned until Monday, April 24 next, at 12 o'clock.

The day call for Monday, April 24, will be as follows: Nos. 349, 497, 613, 531, 433, 493, 620, 621, 628, and 634.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Robert L. Wiley, of Chippewa Falls, Wis.; John B. Mellott, of Ann Arbor, Mich.; Elmer W. Freytag, of Chicago, Ill.; Asa E. Phillips, Jr.; of Boston, Mass.; Robert I. Wilson, of Kerrville, Tex.; Gene Eckerty, of Princeton, Ind.; Wayne M. Collins, of San Francisco, Calif.; Harry Louis Fisher, of Muscatine, Iowa; Ray M. Stroud, of Madison, Wis.; Richard R. Teschner, of Madison, Wis.; Douglas H. Kenyon, of New York City; Charles V. Schwenker, of Columbus, Ohio; Lloyd Francis Harris, of Los Angeles, Calif.; Martin Marcus Morrissey, of Madison, Wis.; John Ashfield McGuire, of Yuma, Ariz.; H. Albert Young, of Wilmington, Del.; Geo. M. Ethridge, Jr.; of Meridian, Miss.; Minnie Cottle Keller, of Minneapolis, Minn.; Wm. A. Stuart, of Abington, Va.; Milton Carr Ferguson, of Washington, D. C.; W. Dean Nutting, of Holbrook, Ariz.; and George W. Tackabury, of Los Angeles, Calif., were admitted to practice.

No. 336. National Labor Relations Board, petitioner, *v.* Hearst Publications, Incorporated;

No. 337. National Labor Relations Board, petitioner, *v.* Stockholders Publishing Company, Inc.;

No. 338. National Labor Relations Board, petitioner, *v.* Hearst Publications, Incorporated; and

No. 339. National Labor Relations Board, petitioner, *v.* The Times-Mirror Company. On writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgments reversed and cases remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Rutledge. Mr. Justice Reed concurs in the result. Dissenting opinion by Mr. Justice Roberts.

No. 381. The United States of America, petitioner, *v.* American Surety Company. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the District of Montana. Opinion by Mr. Justice Murphy.

No. 483. Clifford F. MacEvoy Company and The Aetna Casualty and Surety Company, petitioners, *v.* The United States of America,

for the use and benefit of the Calvin Tompkins Company. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the District of New Jersey for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Murphy.

No. 578. Southern Railway Company, petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Douglas.

No. 472. The United States of America, petitioner, *v.* Edna W. Ballard and Donald Ballard. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Roberts and Mr. Justice Frankfurter join. Dissenting opinion by Mr. Justice Jackson.

No. 514. The United States of America, petitioner, *v.* James P. Mitchell; and

No. 515. The United States of America, petitioner, *v.* James P. Mitchell. On writs of certiorari to the United States Court of Appeals for the District of Columbia. Judgments reversed and cases remanded to the District Court of the United States for the District of Columbia for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Frankfurter. Mr. Justice Douglas and Mr. Justice Rutledge concur in the result. Mr. Justice Black dissents. Opinion by Mr. Justice Reed concurring in the result.

No. 235. Great Northern Life Insurance Company, petitioner, *v.* Jess G. Read, Insurance Commissioner for the State of Oklahoma. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgment of the Circuit Court of Appeals vacated and cause remanded to the District Court of the United States for the Western District of Oklahoma with directions to dismiss the complaint for want of jurisdiction. Costs to be paid by petitioner. Opinion by Mr. Justice Reed. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Chief Justice Stone and Mr. Justice Roberts concur.

No. 649. Barge "Anaconda" and Smith Rowland Company, Inc., petitioners, *v.* American Sugar Refining Company. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Southern District of Florida. Opinion by Mr. Justice Roberts.

No. 589. The United States of America, Interstate Commerce Commission, Coastal Tank Lines, Inc., et al., appellants, *v.* Marshall

Transport Company, Warren C. Marshall, Refiners Transport Terminal Corporation. Appeal from the District Court of the United States for the District of Maryland. Judgment reversed and cause remanded to the District Court of the United States for the District of Maryland for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Stone. Dissenting: Mr. Justice Roberts.

The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —. *Ex parte* Oliver Gobin, petitioner; and

No. —. *Ex parte* Noel Gaines, petitioner. Application denied.

No. —. Garfield J. Kelley, petitioner, *v.* The United States of America. The motion for leave to file petition for writ of certiorari is denied.

No. —. Horace W. Trice, petitioner, *v.* Dr. J. LeRoy Wright, Warden. The motion for leave to file petition for writ of habeas corpus is denied.

No. 845. The United States of America et al., appellants, *v.* The Pennsylvania Railroad Company et al.; and

No. 846. The Pennsylvania Railroad Company et al., appellants, *v.* The United States of America et al. A rule is ordered to issue, returnable May 1, next, requiring the parties to show cause on briefs, accompanied by supporting affidavits if so desired, why the cause should not be dismissed as moot. Reply briefs and affidavits may be filed not later than 12 noon, May 5, next.

No. 804. M. Claude Screws, Frank Edward Jones, and Jim Bob Kelley, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted.

No. 644. Valentine-Clark Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 777. Northwest Bancorporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 749. Fred Gable and Charlie Hutter, petitioners, *v.* State of Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 757. Irving Feinberg and Mark Godfrey, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 763. The United States of America, ex rel. Theodore Roosevelt Potts, petitioner, *v.* Robert W. Rabb, United States Marshal, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 770. Fannie E. Williams, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 778. Mitchell Irrigation District, a corporation, petitioner, *v.* John A. Whiting, Jr., Water Commissioner, District 14, Division 1, State of Wyoming. Petition for writ of certiorari to the Supreme Court of Wyoming denied.

No. 792. Town of Pelham, Westchester County, New York, petitioner, *v.* The Employers' Liability Assurance Corporation, Ltd. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 796. Charles B. Eells, petitioner, *v.* J. W. Hall. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 797. The Starr Piano Company, Pacific Division, a corporation, petitioner, *v.* Ethel Strickland Rogan, Executrix, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 807. Sun Publishing Company, petitioner, *v.* L. Metcalfe Walling, Administrator, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 602. Karp Metal Products Company, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 673. Roy Charles Thompson, Debtor-Bankrupt, petitioner, *v.* Farmers Bank of Lohman, Lohman, Missouri. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 808. Jacob Reichert, petitioner, *v.* The Federal Land Bank of St. Paul. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 775. Great Southern Trucking Company and L. A. Raulerson, petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 787. California Retail Grocers & Merchants Association, Ltd., et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 795. Thomas H. O'Neal, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 799. Metropolitan Life Insurance Company, petitioner, *v.* Madden Furniture, Inc., and Marguerite Madden. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 810. Philip Egner, Frederick C. Mayer, and Shapiro Bernstein & Co., Inc., petitioners, *v.* E. C. Schirmer Music Company. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 812. American Stores, Inc., petitioner, *v.* Chester Bowles, Administrator, Office of Price Administration. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 818. The City of New York, petitioner, *v.* The National City Bank of New York. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 658. Walter McDonald, petitioner, *v.* The United States of America. The motion for leave to proceed on typewritten papers is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit is denied.

No. 786. Edward M. Winston, petitioner, *v.* Thomas J. Courtney, State's Attorney, County of Cook, a Municipal Corporation of the State of Illinois, and others. The petition for writ of certiorari to the Supreme Court of Illinois is denied for failure to comply with paragraphs 1 and 2 of Rule 38 and paragraph 1 of Rule 12. Mr. Justice Rutledge took no part in the consideration or decision of this application.

No. 802. The Independent Association of Mill Workers et al., petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. The Chief Justice took no part in the consideration or decision of this application.

No. 751. Otis Spencer, petitioner, *v.* Dr. M. J. Pescor, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit.

No. 800. Bernard M. Shotkin, petitioner, *v.* Mutual Benefit Health & Accident Association. On petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit;

No. 833. Anthony Adams, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 837. Joseph Smith, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 859. Henry Sheppard, petitioner, *v.* Hon. Walter Nierstheimer, Warden, etc. On motion for writ of certiorari to the Supreme Court of Illinois;

No. 772. John Gardner, petitioner, *v.* Paul E. Kaiser, Warden, etc. On petition for writ of certiorari to the Supreme Court of Missouri;

No. 852. Francis Haines, petitioner, *v.* Thos. J. Bowles, Clerk, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 872. Joel R. Hall, petitioner, *v.* Walter Neirstheimer, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois; and

No. 879. Joseph Bernovich, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois. The motions for leave to proceed in forma pauperis are granted. The petitions for writs of certiorari are denied.

No. 822. Henry Long, petitioner, *v.* Ralph E. Benson, Warden, etc. The motion for leave to proceed in forma pauperis is granted. The motion for leave to file certain briefs is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit is denied. The motion for leave to file petition for writ of mandamus is also denied.

No. 875. Edith Haskins, petitioner, *v.* Federal Farm Mortgage Corporation. The motion for leave to proceed in forma pauperis is granted. The application for a stay is denied. The petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit is denied for the reason that application therefor was not made within the time provided by law. Section 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C., section 350.

No. 801. George Hodge, petitioner, *v.* Ray L. Huff. The motion for leave to proceed in forma pauperis is granted. The petition for writ of certiorari to the United States Court of Appeals for the District of Columbia is denied. Mr. Justice Rutledge took no part in the consideration or decision of this application.

No. 780. Martin Voorhees, petitioner, *v.* Ora H. Cox, Warden, etc. The motion for leave to proceed in forma pauperis is denied. The petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit is also denied.

No. 232. J. M. Sartor, et al., petitioners, *v.* Arkansas Natural Gas Corporation. The petitions for rehearing are denied.

No. 310. Wells Fargo Bank & Union Trust Co., substituted as Executor of the Last Will of Mary E. Morris, deceased, et al., petitioners, *v.* Imperial Irrigation District et al.;

No. 492. The Equitable Life Assurance Society of the United States, petitioner, *v.* Commissioner of Internal Revenue;

No. 617. Henry E. Terrell, petitioner, *v.* Dr. M. J. Pescor, Warden, etc.;

No. 624. Cape Ann Granite Company, Inc., petitioner, *v.* The United States;

No. 657. Western Cartridge Company, 'Winchester Repeating Arms Company Division, petitioner, *v.* National Labor Relations Board;

No. 723. City of Los Angeles and Department of Water and Power of the City of Los Angeles, petitioners, *v.* Natural Soda Products Company; and

No. 782. Vincent J. Cullotta, petitioner, *v.* Joseph E. Ragen, Warden, etc. Petitions for rehearing denied.

No. 388. City of Coral Gables, Florida, petitioner, *v.* Ed. C. Wright, doing business as Ed. C. Wright & Company, etc., et al. The petition for rehearing is denied. Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 349. Carlos M. DeCastro, petitioner, *v.* Board of Commissioners of San Juan. Argued by Mr. William Cattron Rigby for the petitioner and by Mr. F. F. Cuyar for the respondent.

No. 497. Mario Mercado E. Hijos, petitioner, *v.* Elvira Olivieri Commins et al. Argued by Mr. William Cattron Rigby and Mr. Pedro M. Porrata for the petitioner and case submitted by Mr. Celestino Dominquez Rubio for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, April 25, will be as follows: Nos. 613, 531, 628, 433, 493, 620, 621, 634, 648, and 716 (and 717).

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Lauson H. Stone, of New York City; Fleming B. Bomar, of Washington, D. C.; Orrin H. Bonney, of Houston, Tex.; Percy B. Revels, of Palatka, Fla.; Marian DeBelle, of Washington, D. C.; Ward T. Jones, of Houston, Tex.; R. Sidney Johnson, of Washington, D. C.; Warren H. Atherton, of Stockton, Calif.; William E. Davis, of Kansas City, Mo.; and Paul J. Christiansen, of West Orange, N. J., were admitted to practice.

No. 613. American Seating Company, petitioner, *v.* Lucian T. Zell. Argued by Mr. William Dwight Whitney for the petitioner and by Mr. J. Edward Lombard, Jr., for the respondent.

No. 531. Elmer Hartzel, petitioner, *v.* The United States of America. Argued by Mr. Ode L. Rankin for the petitioner and Mr. Solicitor General Fahy for the respondent.

No. 628. Frank L. Huddleston et al., etc., petitioners, *v.* R. H. Dwyer et al. Argued by Mr. William E. Davis for the petitioners and case submitted by Mr. William L. Curtis for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, April 26, will be as follows: Nos. 433, 493, 620 (and 621), 634, 648, 716 (and 717), 679, 569, 793, and 767.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Emanuel N. Frankel, of New York City; Samuel H. Fowler, of Tucson, Ariz.; W. Edward Swinson, of Columbus, Ga.; Harry J. Merritt, of Royal Oak, Mich.; Leo E. Fitzgibbons, of Estherville, Iowa; Robert E. White, of Florence, S. C.; Charles Lyon Beckler, of Washington, D. C.; Robert E. Canfield, of New York City; and Warren E. Magee, of Chevy Chase, Md., were admitted to practice.

No. 433. W. D. Lyons, petitioner, *v.* The State of Oklahoma. Argued by Mr. Thurgood Marshal for the petitioner and by Mr. Sam H. Lattimore for the respondent. Leave granted respondent to file a brief by May 17 next.

No. 493. Carl Wilhelm Baumgartner, petitioner, *v.* The United States of America. Argued by Mr. Harold Evans for the petitioner and by Mr. Solicitor General Fahy for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, April 27, will be as follows: Nos. 620 (and 621), 634, 648, 716 (and 717), 569, 793, and 767.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Roy L. Herndon, of Los Angeles, Calif.; Niel R. Allen, of Grants Pass, Oreg.; Hugh Francis, of Detroit, Mich.; Joseph Andrews III, of Washington, D. C.; Bernard F. Powell, of Detroit, Mich.; Harry B. Miller, of Lexington, Ky.; Alfred Berman, of New York City; Edward G. Fenwick, of Washington, D. C.; Frank F. Reynolds, of Alexandria, Va.; Henry Ford, Jr., of Kalamazoo, Mich.; and James R. Eagleton, of Oklahoma City, Okla., were admitted to practice.

No. 620. International Harvester Company, appellant, *v.* Wisconsin Department of Taxation; and

No. 621. Minnesota Mining and Manufacturing Company, appellant, *v.* Wisconsin Department of Taxation. Argument commenced by Mr. Ray M. Stroud for the appellant in No. 620; continued by Mr. Edward R. Lewis for the appellant in No. 620; by Mr. G. Burgess Ela for the appellant in No. 621; by Mr. Harold H. Persons for the appellee; and concluded by Mr. Edward R. Lewis for the appellant in No. 620.

No. 634. Kenneth M. Keefe and Wallace D. Bradford, appellants, *v.* Earl L. Clark, Drain Commissioner of Oakland County, Michigan, et al. Argument commenced by Mr. Irvin Long for the appellants and continued by Mr. Harry J. Merritt for the appellees.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, April 28, will be as follows: Nos. 634, 648, 716 (and 717), 569, 793, and 767.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Peter A. Schwabe, of Portland, Oreg.; John Carroll Morrissey, of New York City; Haskell Donoho, of Washington, D. C.; David K. Breed, of St. Louis, Mo.; Owen H. George, of Dallas, Tex.; Marion T. Bennett, of Springfield, Mo.; Brandt S. Hervey, of Newark, Ohio; and Vernon B. Lowery, of Washington, D. C., were admitted to practice.

No. —, original. Sam H. Jones, Governor of the State of Louisiana, *ex rel.* the State of Louisiana, Louisiana Farmers' Protective Union, Inc., et al., complainants, *v.* Chester Bowles, Administrator of The Office of Price Administration. Motion for leave to file complaint presented.

No. 634. Kenneth M. Keefe and Wallace D. Bradford, appellants, *v.* Earl L. Clark, Drain Commissioner of Oakland County, Michigan, et al. Argument continued by Mr. Harry J. Merritt for the appellees and concluded by Mr. William Clarence Hudson for the appellees.

No. 648. The United States of America, petitioner, *v.* D. B. Helgard. Argued by Mr. Marvin J. Sonosky for the petitioner and by Mr. George H. Jennings for the respondent.

No. 716. The United States of America, appellant, *v.* Clyde Saylor et al.; and

No. 717. The United States of America, appellant, *v.* Clarence Poer et al. Argued by Mr. Paul A. Freund for the appellant and by Mr. Harry B. Miller for the appellees.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, May 1, will be as follows: Nos. 569, 793, and 767.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Mildred Brooks Fitch, of Tulsa, Okla.; Fagan Dickson, of Austin, Tex.; Cecil W. Collins, of Los Angeles, Calif.; F. M. Ryburn, of Dallas, Tex.; Ray A. Pittman, Jr., of Dallas, Tex.; Hirsch E. Soble, of Chicago, Ill.; Daniel R. Jones, of St. Paul, Minn.; Richard B. McEntire, of Topeka, Kans.; Joseph F. Mattice, of Asbury Park, N. J.; Roland H. Rogers, of Toledo, Ohio; Mortimer A. Kline, of Los Angeles, Calif.; Thomas J. Reynolds, of Beverly Hills, Calif.; John LeRoy Peterson, of Council Bluffs, Iowa; John D. Randall, of Cedar Rapids, Iowa; Philip Reich, of Bridgeport, Conn.; James C. Shannon, of Bridgeport, Conn.; Allan E. Brosmith, of Hartford, Conn.; James C. Tormey, of Syracuse, N. Y.; Martin M. Larson, of Salt Lake City, Utah; Harold Forstenzer, of New York City; John E. Buck, of New York City; David F. Cavers, of Falls Church, Va.; Thomas A. Halleran, of New York City; James A. Fowler, Jr., of New York City; Frederic H. Stafford, of Chicago, Ill.; Karl P. Spencer, of St. Louis, Mo.; Dorathea Merrill Dryer, of Salt Lake City, Utah; Daniel James, of New York City; and Herman M. Buck, of Uniontown, Pa., were admitted to practice.

No. 417. The United States of America and Mesta Machine Company, appellants, *v.* County of Allegheny, Pennsylvania. Appeal from the Supreme Court of the State of Pennsylvania. Judgment reversed and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Jackson. Mr. Justice Black and Mr. Justice Douglas concur in the result. Dissenting opinion by Mr. Justice Roberts. Dissenting opinion by Mr. Justice Frankfurter.

No. 391. E. E. Ashcraft and John Ware, petitioners, *v.* State of Tennessee. On writ of certiorari to the Supreme Court of the State of Tennessee. Judgment of the Supreme Court of Tennessee affirming Ware's conviction vacated with costs and judgment of the Supreme Court of Tennessee affirming Ashcraft's conviction reversed with costs and cause remanded to said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr.

Justice Black. Dissenting opinion by Mr. Justice Jackson in which Mr. Justice Roberts and Mr. Justice Frankfurter join.

No. 592. Allen Calculators, Inc., appellant, *v.* The National Cash Register Company and The United States of America. Appeal from the District Court of the United States for the Southern District of Ohio. Appeal dismissed. Opinion by Mr. Justice Roberts. The Chief Justice took no part in the consideration or decision of this case. Dissenting: Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Murphy.

The Chief Justice announced the following orders of the Court:
 No. 874. Joseph S. Donovan, as Administrator, etc., appellant, *v.* Kansas City, Missouri. Appeal from the Supreme Court of Missouri. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Thomas v. City of Richmond*, 12 Wall. 349, 356-57; *Hedges v. Dixon County*, 150 U. S. 182, and cases cited.

No. —, original. Sam H. Jones, Governor of the State of Louisiana, ex. rel. The State of Louisiana et al., complainants, *v.* Chester Bowles, Administrator, etc. The motion for leave to file the complaint is denied for want of jurisdiction of this Court to entertain it under Article III, Section 2, of the Constitution. Cf. (1) *Massachusetts v. Mellon*, 262 U. S. 447, 485-86; *Florida v. Mellon*, 273 U. S. 12, 18; (2) *New Hampshire v. Louisiana*, 108 U. S. 76; *Oklahoma v. Atchison, Topeka and Santa Fe Railway Co.*, 220 U. S. 277; *Oklahoma ex rel. Johnson v. Cook*, 304 U. S. 387.

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —. *Ex parte* Samuel Jackson, petitioner;

No. —. *Ex parte* Percy Arthur Whistler, petitioner; and

No. —. Burkett Patterson, petitioner, *v.* Joseph W. Sanford, Warden, etc. The motions for leave to file petitions for writs of habeas corpus are denied.

No. —. *Ex parte* William Hanley, petitioner; and

No. —. *Ex parte* John Welch, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied. *Ex parte* Hawk, 321 U. S. 114, 117. Treating the papers as petitions for writs of certiorari to the Supreme Court of Illinois, leave to proceed *in forma pauperis* is granted and the petitions are denied.

No. 5, original. The State of Colorado, complainant, *v.* The State of Kansas and the Finney County Water Users' Association, a corporation.

This cause having been heretofore submitted on the pleadings and the evidence taken before and reported by the Commissioner and the Special Master appointed for the purpose, and the Court being now fully advised in the premises:

It is considered, ordered, and decreed that the defendant, The Finney County Water Users' Association, its officers, attorneys, agents, and employees, be, and they are hereby, severally enjoined from prosecuting further those certain cases now pending in the District Court of the United States for the District of Colorado entitled the Finney County Water Users' Association, a corporation of Kansas, plaintiff, versus The Graham Ditch Company and others, defendants, and The Finney County Water Users' Association, a corporation of Kansas, plaintiff, versus The Coler Ditch and Reservoir Company, a corporation of Colorado, and others, defendants, said cases being numbered 6633 and 7493 respectively on the docket of said United States District Court.

It is further considered, ordered, and decreed that the prayers of both the State of Colorado and the State of Kansas for relief other than that decreed herein be, and they are hereby dismissed.

It is also considered, ordered, and decreed that costs in this cause shall be borne and paid in equal parts by the States of Colorado and Kansas.

No. 5, original. The State of Colorado, complainant, *v.* The State of Kansas et al. The expenses of the Special Master are approved.

No. 878. Southern Pacific Company, appellant, *v.* State of Arizona, ex rel. Joe Conway, Attorney General of the State of Arizona. In this case probable jurisdiction is noted.

No. 803. Wilson McCarthy and Henry Swan, Trustees of the Denver & Rio Grande Western Railroad Company, et al., petitioners, *v.* E. E. Bruner. Petition for writ of certiorari to the Supreme Court of Utah granted.

No. 223. Nils P. Severin, as Surviving Partner of Nils P. Severin and Alfred N. Severin (Now deceased), formerly copartners, etc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 758. Grand River Dam Authority, a public corporation, petitioner, *v.* The Board of Education of the Town of Wyandotte, Oklahoma, etc. Petition for writ of certiorari to the Supreme Court of Oklahoma denied.

No. 798. J. S. Garlington and Jennie Lou Garlington, petitioners, *v.* A. L. Wasson. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 806. Arthur Lederer, petitioner, *v.* The United States of America, *ex rel.* Prentiss M. Brown, Administrator, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 809. Robert F. Klepinger, Miriam Klepinger, et al., petitioners, *v.* Fred B. Rhodes. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 813. George Goumas, petitioner, *v.* K. Karras & Son and S. S. "Karras," her engines, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 816. City of Milwaukee, J. J. Krueger, City Treasurer, etc., et al., petitioners, *v.* The United States of America et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 823. American West African Line, Inc., et al., petitioners, *v.* "Huilever" S. A. Division Huileries du Congo Belge et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 824. Katie M. Howell, petitioner, *v.* Commissioner of Internal Revenue; and

No. 825. Estate of J. H. Howell, deceased, petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 827. Eleanor G. Murphy, petitioner, *v.* The City of Asbury Park, a municipal corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 832. Helen Elizabeth McClure Innis, petitioner, *v.* United Mercantile Agencies, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 843. Safeway Trails, Inc., petitioner, *v.* Aaron E. Greenleaf. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 748. Jogger Manufacturing Corporation, petitioner, *v.* Wendell H. Roquemore, doing business as Multigraph Sales Agency. The motion to use the certified record in No. 90, October Term, 1940, is granted. The motion for leave to file affidavits of E. F. Koenig and W. C. Dunlap and to have same considered in conjunction with the record is denied. The petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit is denied.

No. 754. Rufus Meshberger and Lelia B. Meshberger, petitioners, *v.* The Federal Land Bank of Louisville, Kentucky. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. The application for appeal is also denied.

No. 789. E. G. Blue et al., petitioners, *v.* The United States of America;

No. 790. Wm. N. Clark et al., petitioners, *v.* The United States of America; and

No. 791. Earl Pardee et al., petitioners, *v.* The United States of America. The motion for leave to proceed on the typewritten record is granted. The petition for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit is denied. Mr. Justice Murphy is of opinion that the petition should be granted. Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 771. Charles Telfian, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit;

No. 891. Earl Watson, petitioner, *v.* Alfred F. Dowd, Warden, Indiana State Prison; and

No. 898. Chester Taylor, petitioner, *v.* Alfred F. Dowd, Warden, Indiana State Prison. On petitions for writs of certiorari to the Supreme Court of Indiana;

No. 899. Fred Dugan et al., petitioners, *v.* Joseph E. Ragen et al., etc.;

No. 900. George Smith, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 901. Howard O. Bonham, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 902. Paul Stockey, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 903. Arthur Shelling, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 904. Charles Gunther, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 917. Carl Anderson, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 918. Tony Lullo, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 919. Roy Hogmire, petitioner, *v.* Joseph E. Ragen, Warden, etc.; and

No. 920. Carlos R. Lashbrook, petitioner, *v.* T. P. Sullivan, Director of Public Safety, etc. On petitions for writs of certiorari to the Supreme Court of Illinois; and

No. 762. William Ray Butsch, petitioner, *v.* Omar O'Harrow, as Special Judge, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are severally denied.

The Chief Justice said:

"The Court will take a recess at 1 o'clock to enable the justices to attend the funeral of Mr. Secretary Knox and will reconvene at 3 o'clock or shortly thereafter."

No. 845. The United States of America et al., appellants, *v.* The Pennsylvania Railroad Company et al.; and

No. 846. The Pennsylvania Railroad Company et al., appellants, *v.* The United States of America et al. Returns to the rule to show cause presented.

No. 569. R. J. Thomas, appellant, *v.* H. W. Collins, Sheriff of Travis County, Texas. Argued by Mr. Lee Pressman and Mr. Ernest Goodman for the appellant and by Mr. Fagan Dickson for the appellee. Motion to file amended transcript and for an order requiring appellant to give recognizance submitted by Mr. Fagan Dickson for the appellee.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, May 2, will be as follows: Nos. 793 and 767.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

George Moskowitz, of New York City; Eugene Sherrod, Jr., of Wichita Falls, Tex.; Byron S. Miller, of Chicago, Ill.; Jeremiah C. Waterman, of New York City; Hyman Lee Ratner, of Pittsburgh, Pa.; W. C. Ratliff, of Cooper, Tex.; Herman Tocker, of New York City; Arthur E. Fay, of Washington, D. C.; and Alfred Moore, of Hattiesburg, Miss., were admitted to practice.

No. 793. L. P. Steuart & Bro., Inc., petitioner, *v.* Chester Bowles, Administrator, Office of Price Administration, et al. Argued by Mr. Renah F. Camalier for the petitioner and by Mr. Thomas I. Emerson for the respondent.

No. 767. The Interstate Commerce Commission and Hudson & Manhattan Railroad Company, appellants, *v.* The City of Jersey City, Fred M. Vinson, Stabilization Director, by Chester Bowles, Price Administrator. Three hours allowed for oral argument. Argument commenced by Mr. Edward M. Reidy for the appellant, Interstate Commerce Commission; and continued by Mr. John F. Finerty for appellant, Hudson and Manhattan Railroad Company; and by Mr. Charles Hershenstein for appellee, City of Jersey City.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, May 3, will be as follows: No. 767.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

James McEvoy, Jr., of Detroit, Mich.; Balfour S. Jeffrey, of Topeka, Kans.; Joseph A. Sizoo, of Arlington, Va.; John P. Southmayd, of Great Falls, Mont.; and Kennett H. Malam, of Ogden, Utah, were admitted to practice.

No. 767. The Interstate Commerce Commission and Hudson & Manhattan Railroad Company, appellants, *v.* The City of Jersey City, Fred M. Vinson, Economic Stabilization Director, etc. Argument continued by Mr. David F. Cavers for the appellee, Fred M. Vinson, Economic Stabilization Director, and concluded by Mr. John F. Finerty for the appellant, Hudson & Manhattan Railroad Company.

Adjourned until Monday, May 8, next, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Joseph Vernon Hodgson, of Honolulu, Hawaii; Charles Howard Harry, Jr., of Norristown, Pa.; Joseph Edward Casey, of Boston, Mass.; Eugene T. Kinnaly, of Washington, D. C.; John C. Harrington, of Washington, D. C.; Richard H. Cloyd, of Norman, Okla.; Eugene T. Brennan, of Elizabeth, N. J.; Eugene P. Lacy, of Booneville, Miss.; Otto Rohwer, of Sacramento, Calif.; Clyde R. Ellis, of Anchorage, Alaska; Charles H. Wills, of South Bend, Ind.; John E. Owens, of Chicago, Ill.; Thomas L. Owens, of Chicago, Ill.; Vincent G. Rinn, of Chicago, Ill.; Robert D. Blasier, of Pittsburgh, Pa.; William E. Miller, of Pittsburgh, Pa.; Amos T. Hall, of Tulsa, Okla.; Effie Crittenden Dunstan, of Montgomery, Ala.; Albert Philipson, of Washington, D. C.; Austin S. Phillips, of Larchmont, N. Y.; Edward R. Schoen, of St. Albans, N. Y.; Green Rayner Gaillard, of Meridian, Miss.; George B. Gose, of Los Angeles, Calif.; John Martin Evans, of Boulder, Colo.; Carlton G. Nelson, of Grand Forks, N. Dak.; Margaret L. Fassig, of Kansas City, Mo.; Margaret M. Farmer, of Washington, D. C.; William I. Horner, of Arlington, Va.; A. Holly Patterson, of Hempstead, N. Y.; Herbert Sharfman, of Allentown, Pa.; Henry O. Eversole, Jr., of Los Angeles, Calif.; Elliott M. Weiner, of Monroe, N. Y.; Percy Bateman Ennis, of Washington, D. C.; Joseph F. Smith, of Cleveland, Ohio; Frank Syer Barrett, of San Francisco, Calif.; Joseph Gustave Werner, of Madison, Wis.; Samuel B. Lesser, of Newark, N. J.; Myron L. Levy, of Somerville, N. J.; Markus S. Simon, of Detroit, Mich.; and Edward Stern, of Boston, Mass., were admitted to practice.

No. 9. Original. The State of Kansas, complainant, *v.* The State of Missouri. Land in dispute awarded to Missouri and boundary will be fixed as the master has recommended in his report. A decree will be entered accordingly. Opinion by Mr. Justice Rutledge.

No. 291. Union Brokerage Company, petitioner, *v.* Norman G. Jensen and Curtis M. Rime. On writ of certiorari to the Supreme Court of the State of Minnesota. Judgment affirmed with costs and cause remanded to said Supreme Court. Opinion by Mr. Justice

Frankfurter. Dissenting: Mr. Justice Jackson and Mr. Justice Rutledge.

No. 453. The United States et al., appellants, *v.* Wabash Railroad Company et al. Appeal from the District Court of the United States for the Southern District of Illinois. Petition for rehearing denied. Opinion by Mr. Chief Justice Stone.

The Chief Justice announced the following orders of the Court:

No. 613. American Seating Company, petitioner, *v.* Lucian T. Zell. On writ of certiorari to the Circuit Court of Appeals for the Second Circuit. *Per curiam*: In this case two members of the Court think that the judgment of the Circuit Court of Appeals should be affirmed. Seven are of opinion that the judgment should be reversed and the judgment of the District Court affirmed—four because proof of the contract alleged in respondent's affidavits on the motion for summary judgment is precluded by the applicable state parol evidence rule, and three because the contract is contrary to public policy and void, see *Tool Company v. Norris*, 2 Wall. 45, 54; *Hazelton v. Sheckells*, 202 U. S. 71, 79; Executive Order No. 9001, Tit. II, par. 5, 6 Fed. Reg. 6788; War Department Procurement Regulations, 10 Code Fed. Reg. (Cum. Supp.) sec. 81.1181. The judgment of the Circuit Court of Appeals is reversed.

No. 598. Bernard G. McGuire, petitioner, *v.* Walter A. Hunter, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit. *Per curiam*: The motions for leave to proceed *in forma pauperis* and to add to the record the order of the District Court for the Western District of Michigan, dated April 7, 1944, are granted. The petition for writ of certiorari is also granted. In view of the new issues raised by the order of April 7, 1944, and with the consent of the Solicitor General, the judgments of the Circuit Court of Appeals and of the District Court are vacated, and the cause is remanded to the District Court, with leave to each party to present further evidence upon the material issues of the case.

No. 936. Albert R. House, appellant, *v.* Nathan Mayo, State Prison Custodian. Appeal from the Supreme Court of Florida. *Per curiam*: The motion for leave to proceed *in forma pauperis* is granted. The appeal is dismissed for want of jurisdiction. Section 237 (a), Judicial Code, as amended, 28 U. S. C., sec. 344 (a). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari as required by section 237 (c) of the Judicial Code as amended, 28 U. S. C., sec. 344 (c), certiorari is denied.

No. —. James M. Smith, appellant, *v.* Dr. M. J. Pescor, Warden. The petition for appeal is denied.

No. —. *Ex parte Stanley B. Peplowski*, petitioner. The motion for leave to file petition for writs of habeas corpus and mandamus is denied.

No. —. *Ex parte Harold D. Reed*, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No. —. *Ex parte Raymond Jones*, petitioner; and

No. —. *Ex parte Clarence Williams*, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 932. *Mitsuye Endo v. Milton Eisenhower*, Director, etc. In accordance with section 239 of the Judicial Code (28 U. S. C., section 346), it is ordered that the entire record in this case be certified up to this Court so that the whole matter in controversy may be considered by the Court. The case is assigned for argument immediately following the hearing of No. 679.

No. 845. *The United States of America et al.*, appellants, *v. The Pennsylvania Railroad Company et al.*; and

No. 846. *The Pennsylvania Railroad Company et al.*, appellants, *v. The United States of America et al.* In these cases the rule to show cause is discharged and probable jurisdiction is noted.

No. 880. *The Associated Press et al.*, appellants, *v. The United States of America*;

No. 881. *Tribune Company and Robert Rutherford McCormick*, appellants, *v. The United States of America*; and

No. 882. *The United States of America*, appellant, *v. The Associated Press et al.* In these cases probable jurisdiction is noted.

No. 847. *The Western Union Telegraph Company*, petitioner, *v. Katharine F. Lenroot*, Chief of the Children's Bureau, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted.

No. 815. *Philip Zalkind*, petitioner, *v. Sol Scheinman et al.* Petition for writ or certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 819. *Illinois Central Railroad Company*, petitioner, *v. Wesley C. Kelley*. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 820. *James J. Laughlin*, petitioner, *v. Leslie C. Garnett et al.* Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 830. *Melvin Hyman*, as Trustee, etc., et al., petitioners, *v. R. W. McLendon et al.* Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 831. *Maceo Thomas*, petitioner, *v. State of Kansas*. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 836. Ira J. McCullough, petitioner, *v.* Kammerer Corporation et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 840. Claire A. Pekras, petitioner, *v.* Commissioner of Internal Revenue; and

No. 841. John Pekras, petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 842. James P. Dovel and James P. Dovel & Company, Inc., petitioners *v.* Sloss-Sheffield Steel & Iron Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 850. Orange Theatre Corporation, petitioner, *v.* Harry Brandt, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 851. Rowan Cotton Mills Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 858. Santly Brothers, Inc., petitioner, *v.* W. A. Wilkie, sometimes known as Bud Wilkie. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 728. Paysoff Tinkoff, Individually, etc., et al., petitioners, *v.* West Publishing Company et al. The motion for leave to proceed on typewritten papers is granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 740. William Barber, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit;

No. 834. Jacob Segal, petitioner, *v.* The People of the State of New Jersey. On petition for writ of certiorari to the Supreme Court of New Jersey; and

No. 860. Clarence Bertrand, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 835. Edward Blaine Chalfonte, petitioner, *v.* Herbert A. Smith, Warden, Eastern State Penitentiary. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Supreme Court of Pennsylvania is denied for the reason that application therefor was not made within the time provided by law. Section 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C., sec. 350.

No. —. Ex parte Mary B. Betz, petitioner;

No. 75. The United States, petitioner, *v.* Algernon Blair, Individually, etc.;

No. 561. William Mitchell, petitioner, *v.* The United States of America;

No. 694. Emmet H. Bozel, petitioner, *v.* The United States of America;

No. 724. Clyde H. Walker, petitioner, *v.* P. J. Squier, Warden, etc.;

No. 774. Jack Barg, petitioner, *v.* The People of the State of Illinois; and

No. 794. Abraham S. Ratner, appellant, *v.* The People of the State of California. Petitions for rehearing denied.

No. 51. Lonnie E. Smith, petitioner, *v.* S. E. Allwright, Election Judge, et al. Petitions for rehearing denied.

No. 499. Patricia R. O'Brien, petitioner, *v.* Edwin J. O'Brien, Jr., et al. Petition for rehearing denied. Mr. Justice Murphy took no part in the consideration or decision of this application.

No. 1064. October Term, 1942. Milton Prebyl, appellant, *v.* The Prudential Insurance Company of America and John S. Callan; and

No. 617. Henry E. Terrell, petitioner, *v.* Dr. M. J. Pescor, Warden, etc. Second petitions for rehearing denied.

ORDER

The Court will take a recess from today until Monday, May 15, from that day until Monday, May 22, and from that day until Monday, May 29, upon which day it will adjourn for the term unless otherwise ordered.

No motions, except motions for admission to practice, will be received after the session next before the date fixed for adjournment of the term.

Adjourned until Monday, May 15 next at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Leonard G. Muse, Roanoke, Va.; Frank W. Rogers, of Roanoke, Va.; Bob N. Massengale, of Maysfield, Tex.; J. Henry King, of Dallas, Tex.; Max H. Margolis, of San Francisco, Calif.; Evelyn Lincoln Archer, of Rockport, Tex.; Martin D. Jacob, of New York City; Robert E. Ennis, of Capitol Heights, Md.; Henderson H. Carson, of Canton, Ohio; Ruth C. Laubinger, of Washington, D. C.; Donald B. Anderson, of Caldwell, Idaho; Albert C. Mittendorf, Jr., of Toledo, Ohio; Alfred J. Cilella, of Chicago, Ill.; William G. McCarthy, of Manchester, N. H.; Lawrence E. Irell, of Los Angeles, Calif.; Kenneth M. Landis, of Logansport, Ind.; Dennis J. Collins, of De Kalb, Ill.; William M. Rains, of Los Angeles, Calif.; and Eugene M. Berger, of Los Angeles, Calif., were admitted to practice.

No. 559. Hans Pete Mortensen and Lorraine Mortensen, petitioners, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment reversed and cause remanded to the District Court of the United States for the District of Nebraska for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Murphy. Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Black, Mr. Justice Reed, and Mr. Justice Douglas join.

No. 355. International Harvester Company and International Harvester Company of America, appellants, *v.* Department of Treasury of the State of Indiana et al., etc. Appeal from the Supreme Court of the State of Indiana. Judgment affirmed with costs. Opinion by Mr. Justice Douglas. Dissenting: Mr. Justice Jackson. Mr. Justice Roberts took no part in the consideration or decision of this case. Concurring opinion by Mr. Justice Rutledge.

No. 648. The United States of America, petitioner, *v.* D. B. Helgard. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgment reversed and cause remanded to the District Court of the United States for the Northern District of Oklahoma for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas.

No. 33. Northwest Airlines, Inc., petitioner, *v.* State of Minnesota. On writ of certiorari to the Supreme Court of the State of Minnesota. Judgment affirmed with costs. Conclusion and judgment announced by Mr. Justice Frankfurter. Concurring opinion by Mr. Justice Jackson. Concurring opinion by Mr. Justice Black. Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Roberts, Mr. Justice Reed, and Mr. Justice Rutledge join.

No. 311. Murray B. McLeod, Commissioner of Revenues of the State of Arkansas, petitioner, *v.* J. E. Dilworth Company and Reichman-Crosby Company. On writ of certiorari to the Supreme Court of the State of Arkansas. Judgment affirmed with costs. Opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Rutledge. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Murphy concur.

No. 441. General Trading Company, a corporation doing business as Minneapolis Iron Store, petitioner, *v.* State Tax Commission of the State of Iowa. On writ of certiorari to the Supreme Court of the State of Iowa. Judgment affirmed with costs. Opinion by Mr. Justice Frankfurter. Concurring opinion by Mr. Justice Rutledge. Dissenting opinion by Mr. Justice Jackson in which Mr. Justice Roberts joins.

No. 130. Bessie P. Douglas, petitioner, *v.* Commissioner of Internal Revenue;

No. 131. Bessie P. Douglas, petitioner, *v.* Commissioner of Internal Revenue;

No. 132. Estate of Charles H. Robinson, Northwestern National Bank and Trust Company of Minneapolis, et al., etc., petitioners, *v.* Commissioner of Internal Revenue; and

No. 133. Bernice B. Dalrymple, petitioner, *v.* Commissioner of Internal Revenue. On writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment in No. 131 affirmed by an equally divided Court. Judgments in Nos. 130, 132, and 133, affirmed and cases remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Reed. Mr. Justice Jackson took no part in the consideration or decision of these cases. Dissenting opinion by Mr. Justice Rutledge in which Mr. Justice Murphy joins.

No. 398. Hazel-Atlas Glass Company, petitioner, *v.* Hartford-Empire Company. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment reversed with costs and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Roberts in which Mr. Justice Reed and Mr. Justice Frankfurter join. Mr. Chief Justice Stone agrees with the result suggested in the dissent of Mr. Justice Roberts.

No. 423. Shawkee Manufacturing Company, Glen-Shaw Glass Company, et al., petitioners, *v.* Hartford-Empire Company. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment reversed with costs and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Roberts in which Mr. Justice Reed and Mr. Justice Frankfurter join. Mr. Chief Justice Stone agrees with the result suggested in the dissent of Mr. Justice Roberts.

No. 628. Frank L. Huddleston, M. A. Stewart, et al., petitioners, *v.* R. H. Dwyer, T. G. Meister, Brunette Daniels, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgment vacated without costs to either party and cause remanded to the said Circuit Court of Appeals so that it may reconsider its decision in the light of the decisions and opinions of the Supreme Court of Oklahoma in the Wilson and later cases. Opinion, *per curiam*, announced by Mr. Chief Justice Stone.

The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —. *Ex parte* Monroe D. Neely, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. —. Harold Lewis Browder, appellant, *v.* The United States of America. Petition for appeal denied for want of jurisdiction to entertain it.

No. 569. R. J. Thomas, appellant, *v.* H. W. Collins, Sheriff, etc. The motion of appellee for leave to file an amended transcript is granted. The motion of appellee for an order requiring appellant to give recognizance is denied.

No. 786. Edward M. Winston, petitioner, *v.* Thomas J. Courtney, State's Attorney, County of Cook, etc., et al. The motion of petitioner to extend the time to file petition for rehearing is granted and the time is extended to and including May 25 next.

No. 7. Hartford-Empire Company et al., appellants, *v.* The United States of America;

No. 8. Corning Glass Works et al., appellants, *v.* The United States of America;

No. 9. Owens-Illinois Glass Company et al., appellants, *v.* The United States of America;

No. 10. Hazel-Atlas Glass Company et al., appellants, *v.* The United States of America;

No. 11. Thatcher Manufacturing Company et al., appellants, *v.* The United States of America;

No. 12. Lynch Corporation et al., appellants, *v.* The United States of America;

No. 13. Ball Brothers Company et al., appellants, *v.* The United States of America;

No. 14. Glass Container Association of America, Inc., et al., appellants, *v.* The United States of America;

No. 15. Isaac J. Collins, appellant, *v.* The United States of America; and

No. 16. T. C. Fulton et al., appellants, *v.* The United States of America.

These cases are restored to the docket and assigned for reargument during the first week of argument in the October Term, 1944.

The Court does not desire further argument concerning the District Court's findings of violation of the Sherman Act and the Clayton Act.

The Court desires further argument respecting the propriety of the terms and provisions of the interlocutory decree and the final decree entered by the District Court, as those provisions apply to the corporate and individual appellants respectively.

It will aid the Court if counsel will specify the numbered paragraphs of the decree to which each appellant, corporate or individual, objects; and if objections common to several defendants are jointly briefed and argued.

No. 857. Stella Barber, petitioner, *v.* B. George Barber. Petition for writ of certiorari to the Supreme Court of Tennessee granted.

No. 855. The Dow Chemical Company, petitioner, *v.* Halliburton Oil Well Cementing Company; and

No. 895. Halliburton Oil Well Cementing Company, petitioner, *v.* The Dow Chemical Company. Petitions for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted.

No. 785. Wilbur V. Keegan, petitioner, *v.* The United States of America; and

No. 821. Gerhard Wilhelm Kunze et al., petitioners, *v.* The United States of America. The motions for leave to proceed *in forma pauperis* are granted. Petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit granted and the Court directs that the expense of printing the record be paid by the United States, pursuant to 28 U. S. C., sec. 832.

No. 838. Arch S. Rhodes, petitioner, *v.* The Federal Land Bank of St. Paul and Federal Farm Mortgage Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 839. L. Metcalfe Walling, Administrator, etc., petitioner, *v.* Plymouth Manufacturing Corp. et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 848. Lynbrook Gardens, Inc., petitioner, *v.* Bernard C. Ullman. Petition for writ of certiorari to the Supreme Court of New York denied.

No. 849. J. J. Bowman and James S. Bowman, d. b. a. Bowman Realty Company, petitioner, *v.* Chester Bowles, Price Administrator. Petition for writ of certiorari to the United States Emergency Court of Appeals denied.

No. 853. Paul J. Bellavance, petitioner, *v.* Frank Morrow Co., Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 877. H. Highfill and Valley Credit Company, petitioners, *v.* Lulu J. Dilatush. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 888. George E. Sullivan, petitioner, *v.* Eugene Meyer. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 893. Helen Van Zile Anthony and William D. Smith, petitioners, *v.* United States Trust Company of New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 924. Dental Products Company, Inc., petitioner, *v.* Arthur E. Smith. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 817. Raymond E. Beegle, doing business as Beegle Tie Service Company, petitioner, *v.* Charles M. Thompson, as Trustee, etc., et al. Claude A. Roth, Trustee for Chicago and North Western Railway Company substituted as a party respondent in the place and stead of Charles M. Thompson, deceased. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 946. Steve Ruzon, petitioner, *v.* James V. Bartley, Judge, et al. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 968. James Pappas, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois; and

No. 734. Hilliard Sanders, petitioner, *v.* Joseph W. Sanford, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit. The motions for leave to proceed in forma pauperis are granted. The petitions for writs of certiorari are denied.

No. 658. Walter McDonald, petitioner, *v.* The United States of America;

No. 764. Alfred Fenton, petitioner, *v.* L. Metcalfe Walling, Administrator, etc.; and

No. 765. Russell G. Smith, petitioner, *v.* L. Metcalfe Walling, Administrator, etc. Petitions for rehearing denied.

No. 606. Claud Nivens, petitioner, *v.* The United States of America. Second petition for rehearing denied.

Adjourned until Monday, May 22 next, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Daniel Miller, of Stamford, Conn.; Samuel Eakin Shull, of Stroudsburg, Pa.; Joseph H. Shull, of Stroudsburg, Pa.; David R. Bookstaver, of East Hampton, N. Y.; William C. Cole, of St. Joseph, Mo.; Earl W. Mounce, of St. Joseph, Mo.; William P. Elmer, of Salem, Mo.; Ignatius Donnelly Conroy, of Los Angeles, Calif.; Ray E. Barrickman, of Pine Bluff, Ark.; George W. Robinson, of Merced, Calif.; Warden L. Noe, of Holton, Kans.; John N. Bradley, of Washington, D. C.; Lawrence W. Renner, of East Canton, Ohio; Robert Hollowell, Jr., of Danville, Ind.; Ernest Edward Dematatis, of Washington, D. C.; Harold C. Wilkenfeld, of Brooklyn, N. Y.; Curtis C. Shears, of New York City; Robert M. Dulin, of Beverly Hills, Calif.; Joseph Victor Juraszek, of Elizabeth, N. J.; Norman Brand, of Los Angeles, Calif.; Robert D. Mackenzie, of San Francisco, Calif.; Adelaide G. Seip, of Springfield, Ohio; Fae Schaller, of Los Angeles, Calif.; K. Konfried Otto, of Cincinnati, Ohio; Herbert W. Kiser, of Cleveland, Ohio; William F. Young, of New York City; George Stone, of Detroit, Mich.; W. Homer Turner, of New York City; Wm. A. Onderdonk, of New York City; Abraham Frankel, of Asbury Park, N. J.; A. Walter Socolow, of New York City; Jerome J. Dunn, of Ridgewood, N. J.; Ernest W. Goodrich, of Surry, Va.; Orson L. St. John, of Greenwich, Conn.; John L. Culler, of Arlington, Va.; Grace Brown Stiles, of Washington, D. C.; Kenneth Dobson Miller, of Springfield, Mo.; Stewart Holmes, of Cedar Rapids, Iowa; George Curtis Peck, of Washington, D. C.; F. Gilman Spencer, of Philadelphia, Pa.; and Ferd J. Frankenhoff, of St. Joseph, Mo., were admitted to practice.

No. 463. Lee Arenas, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed and cause remanded to the District Court of the United States for the Southern District of California for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Jackson.

No. 317. Crites, Incorporated, petitioner, *v.* Prudential Insurance Company of America, Richard Simkins, George Florence. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment reversed with costs and cause remanded

to the District Court of the United States for the Southern District of Ohio for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Murphy. Dissenting opinion by Mr. Justice Roberts.

No. 793. L. P. Steuart & Bro., Inc., petitioner, *v.* Chester Bowles, Administrator, Office of Price Administration, et al. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment affirmed and cause remanded to the District Court of the United States for the District of Columbia. Opinion by Mr. Justice Douglas. Dissenting: Mr. Justice Roberts.

No. 634. Kenneth M. Keefe and Wallace D. Bradford, appellants, *v.* Earl L. Clark, Drain Commissioner of Oakland County, Michigan, et al. Appeal from the Supreme Court of the State of Michigan. Judgment affirmed with costs. Opinion by Mr. Justice Black. Mr. Justice Roberts concurs in the result. Mr. Justice Murphy took no part in the consideration or decision of this case.

No. 716. The United States of America, appellant, *v.* Clyde Saylor, J. Henderson Brock, et al.; and

No. 717. The United States of America, appellant, *v.* Clarence Poer, Sidney Solomon Pope, et al. Appeals from the District Court of the United States for the Eastern District of Kentucky. Judgments reversed and cases remanded to the District Court of the United States for the Eastern District of Kentucky for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Reed concur.

No. 814. Columbia Gas & Electric Corporation, appellant, *v.* American Fuel and Power Company, etc., et al. Appeal from the District Court of the United States for the District of Kentucky. Appeal dismissed for want of jurisdiction. Opinion, *per curiam*, announced by Mr. Chief Justice Stone.

The Chief Justice announced the following orders of the Court:

No. 942. Rock Island Refining Company, appellant, *v.* Oklahoma Tax Commission. Appeal from the Supreme Court of Oklahoma. *Per curiam*: The appeal is dismissed for want of a substantial federal question. (1) *U. S. Glue Co. v. Oak Creek*, 247 U. S. 321; *Matson Navigation Co. v. State Board*, 297 U. S. 441, 443-44; *Western Live Stock v. Bureau of Revenue*, 303 U. S. 250, 255. (2) *Lawrence v. State Tax Commission*, 286 U. S. 276; *New York ex rel. Cohn v. Graves*, 300 U. S. 308.

No. 943. State of Texas, ex rel. The City of West University Place et al., appellants, *v.* The City of Houston et al. Appeal from the Supreme Court of Texas. *Per curiam*: The appeal is dismissed for

want of a substantial federal question. (1) *Pawhuska v. Pawhuska Oil Co.*, 250 U. S. 394; *Trenton v. New Jersey*, 262 U. S. 182, 187, 191-92; *Risty v. Chicago, R. I. & Pacific Ry. Co.*, 270 U. S. 378, 390; *Williams v. Mayor*, 289 U. S. 36, 40. (2) *King Mfg. Co. v. City Council of Augusta*, 277 U. S. 100, 103-4.

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —. *Rolls-Royce, Inc.*, petitioner, *v. Henry L. Stimson*, Secretary of War. The motion for leave to file petition for writ of prohibition or mandamus is denied.

No. —. *Ex parte Sylvan Blumenfeld*, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No. —. *Ex parte Raymond Decker*, petitioner;

No. —. *Ex parte John H. Rooney*, petitioner;

No. —. *Ex parte Louis B. Ames*, petitioner; and

No. —. *People of the United States ex rel. Henry Townsend*, petitioner, *v. Joseph E. Ragen*, Warden, etc. The motions for leave to file petitions for writs of habeas corpus are denied.

No. —. *Garfield J. Kelley*, petitioner, *v. Alfred F. Dowd*, Warden. The motion for leave to file petition for writ of certiorari is denied.

No. 406. *Anthony Cramer*, petitioner, *v. The United States of America*. This case is restored to the docket and assigned for re-argument during the first week of argument in the October Term, 1944.

The Court does not desire further argument on the admissibility of evidence or as to the effect of error, if any, in admitting evidence.

Further briefs and argument are desired as to the questions raised under the treason clause of the Constitution, particularly as to the meaning of "treason" and of "overt act" and as to the requirement that such overt acts be proved by testimony of two witnesses; also as to whether each overt act submitted to the jury complied with constitutional requirements.

No. 939. *Roscoe A. Coffman*, appellant, *v. Breeze Corporations, Inc.*, and *The United States of America*. Further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing of the case on the merits.

No. 929. *The City of Cleveland*, appellant, *v. The United States of America et al.*; and

No. 930. *John J. Boyle*, County Treasurer of Cuyahoga County, et al., appellants, *v. The United States of America et al.* Further

consideration of the question of the jurisdiction of this Court in these cases is postponed to the hearing of the cases on the merits.

Counsel are requested to discuss in their briefs and on oral argument the questions (1) whether sec. 266 of the Judicial Code is properly applicable to these cases so as to give this Court jurisdiction of the appeals (compare, e. g., *Ex parte Public National Bank*, 278 U. S. 96 and *Rorick v. Commissioners*, 307 U. S. 208, with *Spielman Motor Sales Co. v. Dodge*, 295 U. S. 89); and (2) whether the land in controversy would be taxable even if the Federal Housing Act of 1937 were unconstitutional.

No. 701. Claridge Apartments Company, petitioner, *v. Commissioner of Internal Revenue*; and

No. 702. Claridge Apartments Company, petitioner, *v. Commissioner of Internal Revenue*. Leave granted to withdraw appearances of Jesse Andrews and Cornelius E. Lombardi as counsel for petitioner.

No. 724. Clyde H. Walker, petitioner, *v. P. J. Squier*, Warden, United States Penitentiary, McNeil Island, Washington. Time within which to file second petition for rehearing extended to and including September 1 next.

No. 708. Willard Irwin Singer and Martin H. Singer, petitioners, *v. The United States of America*. The order denying certiorari is vacated and the petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit is granted limited to the second question presented by the petition. The case is transferred to the summary docket and assigned for argument immediately following the hearing of Nos. 785 and 821.

No. 873. Pacific Gas and Electric Company, petitioner, *v. Securities and Exchange Commission*. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted.

No. 905. Spector Motor Service, Inc., petitioner, *v. Charles J. McLaughlin*, Tax Commissioner, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted.

No. 856. J. D. Collins, petitioner, *v. W. R. Wayland*, Jane Wayland, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 876. New England Mutual Life Insurance Company, petitioner, *v. Ruth Cohen*, personally, etc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 883. Herman H. Grieme, petitioner, *v. The United States of America*. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 884. The United States of America, ex rel. William Henry Lohrberg, Sr., petitioner, *v. Claude O. Nicholson*, Warden, et al.

Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 885. The United States of America, ex rel. Ralph Falbo, Sr., petitioner, *v.* M. L. Kennedy, Superintendent, et al. Petition for writ of certiorari to the Circuit of Appeals for the Fourth Circuit denied.

No. 886. Charles Milburn Clayton, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 887. Thomas Howard Stull, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 889. Lenore S. Robinette, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 894. Walter Judson Lundgren, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 897. Henry I. Warden, petitioner, *v.* City of St. Louis, Missouri. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 906. Walter Scott Watson, petitioner, *v.* Massachusetts Mutual Life Insurance Company; and

No. 907. Kenneth Nicoll Watson, petitioner, *v.* Massachusetts Mutual Life Insurance Company. Petition for writs of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 908. George Lawley & Son Corporation, petitioner, *v.* Charles J. South. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 909. Phoenix-El Paso Express, Inc., petitioner, *v.* National Carloading Corporation. Petition for writ of certiorari to the Supreme Court of Texas denied.

No. 911. Chicago & Eastern Illinois Railroad Company and Wabash Railroad Company, petitioners, *v.* Grand Trunk Western Railroad Company, et al.;

No. 912. Chicago & Eastern Illinois Railroad Company and Wabash Railroad Company, petitioners, *v.* Grand Trunk Western Railroad Company, et al.; and

No. 913. Chicago & Eastern Illinois Railroad Company and Wabash Railroad Company, petitioners, *v.* Grand Trunk Western Railroad Company, et al. Petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 916. Berkshire Knitting Mills, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 921. The City of New York, petitioner, *v.* Brooklyn Eastern District Terminal. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 938. W. E. Valliant Co., Inc., petitioner, *v.* Rayonier, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 854. Foy O. Wilemon and Amos E. Wilemon, doing business under the trade name of Good Luck Oil Company, a partnership, petitioners, *v.* Chester Bowles, Administrator, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 654. Arthur Lee Flynn, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 828. George Phillips, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the Court of Appeals of New York;

No. 910. John Richard Bayless, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 978. William Tekson, petitioner, *v.* The State of Michigan. On petition for writ of certiorari to the Supreme Court of Michigan;

No. 979. George Page, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 980. Edwin Lyons, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 981. Mario Vinci, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 984. Corinne C. Waterman, petitioner, *v.* Lillie B. McMillan and Harry S. Wender. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia; and

No. 994. Frederick P. Haines, petitioner, *v.* The State of Missouri. On petition for writ of certiorari to the Supreme Court of Missouri. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 861. Edmond C. Fletcher, petitioner, *v.* A. Esther Wool and Joseph C. Wool, Administrator, etc.;

No. 862. Edmond C. Fletcher, petitioner, *v.* Willard R. Cook & Company, Inc., et al.;

No. 863. Edmond C. Fletcher, petitioner, *v.* D. H. Goodman, Incorporated;

No. 864. Edmond C. Fletcher, petitioner, *v.* A. E. Krise, Receiver, etc., et al.;

No. 865. Edmond C. Fletcher, petitioner, *v.* Kate R. Barron, as an Individual, et al.;

No. 866. Edmond C. Fletcher, petitioner, *v.* National Bank of Commerce of Norfolk;

No. 867. Edmond C. Fletcher, petitioner, *v.* National Bank of Commerce of Norfolk, et al.; and

No. 868. Edmond C. Fletcher, petitioner, *v.* William G. Maupin. The motions for leave to proceed *in forma pauperis* are granted. Petitions for writs of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of these applications.

No. 931. The United States of America ex rel. Gene McCann, petitioner, *v.* E. E. Thompson, Warden, etc., et al. The motion for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. Petitioner's applications for other relief are also denied.

No. —. Ex parte Stanley B. Peplowski, petitioner;

No. 336. National Labor Relations Board, petitioner, *v.* Hearst Publications, Incorporated;

No. 337. National Labor Relations Board, petitioner, *v.* Stockholders Publishing Company, Inc.;

No. 338. National Labor Relations Board, petitioner, *v.* Hearst Publications, Incorporated;

No. 339. National Labor Relations Board, petitioner, *v.* The Times-Mirror Company;

No. 771. Charles Telfian, petitioner, *v.* The United States of America; and

No. 822. Henry Long, petitioner, *v.* Ralph E. Benson. Petitions for rehearing denied.

No. 73. Nick Falbo, petitioner, *v.* The United States of America. The motion for leave to file a second petition for rehearing is granted. The motion to recall the mandate is denied. The second petition for rehearing is also denied.

No. 335. Wildon Lloyd, petitioner, *v.* United States Fidelity & Guaranty Company. The second petition for rehearing is denied.

No. 545. Fred Schroepfer, Charles R. Schroepfer, and Abraham Berry, petitioners, *v.* The A. S. Abell Company, Inc.; and

No. 703. Raymond W. Nichols, petitioner, *v.* The United States Circuit Court of Appeals for the Seventh Circuit. The motions for leave to file petitions for rehearing are granted. The petitions for rehearing are denied.

No. 896. Henry Huber and Frank Huber, petitioners, *v.* M. T. Moran. On petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit. Dismissed on motion of counsel for the petitioners.

No. 967. Walter Bachrach, as Trustee in Bankruptcy of Commonwealth Light and Power Company, petitioner *v.* Central Hanover Bank & Trust Co., as Trustee, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit. Dismissed on motion of counsel for the petitioner.

Adjourned until Monday, May 29 next, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Wendell W. Black, of Seattle, Wash.; George Peyton Robinson, of Lewisville, Ark.; B. Frank Whelchel, of Gainesville, Ga.; John P. Naas, of Dayton, Ohio; John M. Sprigg, of Dayton, Ohio; Ralph A. Argabright, of Dayton, Ohio; Boyd R. Laughlin, of Midland, Tex.; Jefferson G. Smith, of Austin, Tex.; Herbert G. B. King, of Chattanooga, Tenn.; Cardinal Woolsey, of Chattanooga, Tenn.; Frank P. Walters, of Terre Haute, Ind.; Samuel R. Feller, of New York City; Franklin B. Lincoln, Jr., of New York City; Lowell Franklin Hammand, of Chicago, Ill.; George Edward Lindelof, Jr., of Los Angeles, Calif.; Stanton T. Lawrence, of Rutherford, N. J.; Harmon L. Watkins, of Dallas, Tex.; Gabriel Hawkins Golden, of Dallas, Tex.; Joel Manuel Hoppenstein, of Dallas, Tex.; John Meredith Davenport, of San Angelo, Tex.; James Lloyd Derby, of New York City; J. Seymour Montgomery, Jr., of Princeton, N. J.; George Arthur Blanchet, of New York City; Hoke Murray, of Richmond, Va.; Samuel Myron Gurevitz, of Columbus, Ohio; Paul Gordon, of Los Angeles, Calif.; John Melvin Dickerman, of Chicago, Ill.; Frank J. Berberich, of New York City; Viva Norma Hunt, of Fair Play, Mo.; William Alfred Hall, Jr., of Richmond, Va.; Robert Davis Powers, Jr., of Portsmouth, Va.; John Wickson Thomas, of San Francisco, Calif.; John M. Fasoli, of Raritan, N. J.; John S. Griffin, of Arlington, Va.; I. Arnold Ross, of New York City; Jonathan Foster Hagan, of Arlington, Va.; Kellam Foster, of Chicago, Ill.; Ralph H. Winton, of San Antonio, Tex.; Thomas C. Mann, of Laredo, Tex.; Carl R. Schulz, of San Francisco, Calif.; Frederick W. Nixon, of Newark, N. J.; Thomas Glynn Walker, of Newark, N. J.; Bernard A. Monaghan, of Birmingham, Ala.; John Roy Thompson, Jr., of Washington, D. C.; Herbert A. Baker, of Boston, Mass.; Robert Whittier Dudley, of Hanover, N. H.; Stanley Worth, of Washington, D. C.; Vincent W. Gallagher, of Albany, N. Y.; Foster K. Sistare, of New London, Conn.; James H. Price, of Greenville, S. C.; George Richardson, Jr., of Bluefield, W. Va.; Frank M. McDonald, of Scranton, Pa.; Edward T. Connors, of Mount Vernon, N. Y.; James C. Logan, of Kansas City, Mo.; George Robertie, of Washington, D. C.; Alexander Jamison, of Wilmington, Del.; John Howard Payne, of Oklahoma City, Okla.; John

Todd Stuart, of Jamaica, N. Y.; Henry J. Vinskey, of Washington, D. C.; R. Curtis McBroom, of Fort Worth, Tex.; John W. Andrews, of New York City; and Harold Brown, of Washington, D. C., were admitted to practice.

No. 565. Wisconsin Gas and Electric Company, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the Eastern District of Wisconsin. Opinion by Mr. Justice Rutledge. Mr. Justice Roberts took no part in the consideration or decision of this case.

No. 767. The Interstate Commerce Commission and Hudson & Manhattan Railroad Company, appellants, *v.* The City of Jersey City, Fred M. Vinson, Economic Stabilization Director by Chester Bowles, Price Administrator. Appeal from the District Court of the United States for the District of New Jersey. Judgment reversed with costs and cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Jackson. Mr. Justice Black took no part in the consideration or decision of this case. Dissenting: Mr. Justice Rutledge. Separate opinion by Mr. Justice Douglas in which Mr. Justice Murphy joins.

No. 193. Samuel Feldman, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Frankfurter. Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this case. Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas and Mr. Justice Rutledge join, announced by Mr. Justice Douglas.

No. 392. Universal Oil Products Company, petitioner, *v.* Globe Oil & Refining Company. On writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Northern District of Illinois. Opinion by Mr. Justice Reed.

No. 620. International Harvester Company, appellant, *v.* Wisconsin Department of Taxation; and

No. 621. Minnesota Mining and Manufacturing Company, appellant, *v.* Wisconsin Department of Taxation. Appeals from the Supreme Court of the State of Wisconsin. Judgments affirmed with costs. Opinion by Mr. Chief Justice Stone. Mr. Justice Roberts took no part in the consideration or decision of these cases. Dissenting opinion by Mr. Justice Jackson.

No. 349. Carlos M. De Castro, petitioner, *v.* Board of Commissioners of San Juan. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Judgment affirmed with costs and cause remanded to the Supreme Court of Puerto Rico. Opinion by Mr. Chief Justice Stone.

No. 497. Mario Mercado E Hijos, petitioner, *v.* Elvira Olivieri Commins et al. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Judgment affirmed with costs and cause remanded to the Supreme Court of Puerto Rico. Opinion by Mr. Chief Justice Stone.

The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 977. O. Charles Ericksen, appellant, *v.* John Morrell & Company. Appeal from the Circuit Court of Minnehaha County, State of South Dakota. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a properly presented federal question.

No. 992. William H. A. Weber, appellant, *v.* Mildred L. Henderson, et al., Executrices, etc., et al. Appeal from the Circuit Court in and for the County of Essex, State of New Jersey. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. (1) *Memphis v. United States*, 97 U. S. 293, 295, 297; *McFaddin v. Evans-Snider-Buel Co.*, 185 U. S. 505, 510-13; *Graham & Foster v. Goodcell*, 282 U. S. 409, 429-30; *Parmino Lumber Co. v. Marshall*, 309 U. S. 370, 377-79. (2) *Richmond Corporation v. Wachovia Bank & Trust Co.*, 300 U. S. 124, 130-31; *Gelfert v. National City Bank*, 313 U. S. 221, 235.

No. 982. Carlo Karloftis et al., appellants, *v.* James S. Helton, etc., et al. Appeal from the Court of Appeals of the Commonwealth of Kentucky. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Section 237 (a), Judicial Code, as amended, 28 U. S. C., sec. 344 (a). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari as required by section 237 (c) of the Judicial Code as amended, 28 U. S. C., sec. 344 (c), certiorari is denied.

No. 1004. Margaret Clarke, Administratrix, etc., appellant, *v.* Simon Storck. Appeal from the Supreme Court of Illinois. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Silver v. Silver*, 280 U. S. 117.

- No. —. *Ex parte* James Gallagher, petitioner; and
- No. —. *Ex parte* Alice M. Betts, petitioner. Applications denied.
- No. —. *Ex parte* Charles Howerton, petitioner; and
- No. —. *Ex parte* Walker Kimler, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied.
- No. —. Bulldog Electric Products Company, petitioner, *v.* Hon. Clarence G. Galston, Judge;
- No. —. Nathan Boyd, petitioner, *v.* Dr. Magruder MacDonald;
- No. —. Nathan Boyd, petitioner, *v.* Edward M. Curran;
- No. —. *Ex parte* Carl Mingione, petitioner;
- No. —. *Ex parte* Daisy D. Wilson, petitioner; and
- No. —. Katherine Kirkpatrick Abbott, Adm'x, etc., et al., petitioners, *v.* Honorable Mac Swinford, Judge of the District Court of the United States for the Western District of Kentucky. The motions for leave to file petitions for writs of mandamus are denied.
- No. 11, original. The State of Illinois, complainant, *v.* The State of Indiana et al. The motion of American Maize Products Company for leave to intervene and to file answer and cross-claim is granted with leave to any of the parties to reply and without prejudice to any order or motion to dismiss or strike any part of the intervenor's answer and cross-claim.
- No. 754. Rufus Meshberger and Lelia B. Meshberger, petitioners, *v.* The Federal Land Bank of Louisville, Kentucky; and
- No. 798. J. S. Garlington and Jennie Lou Garlington, petitioners, *v.* A. L. Wasson. Motions denied.
- No. 939. Roscoe A. Coffman, appellant, *v.* Breeze Corporations, Inc., and The United States of America. The petition for a temporary injunction, referred to the conference of the Court by Mr. Justice Roberts, is denied.
- No. 915. The Northwestern Bands of Shoshone Indians, petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims granted.
- No. 927. The Wallace Corporation, petitioner, *v.* National Labor Relations Board; and
- No. 928. Richwood Clothespin & Dish Worker's Union, petitioner, *v.* National Labor Relations Board. Petitions for writs of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted.
- No. 958. Ford Motor Company, petitioner, *v.* Department of Treasury of the State of Indiana et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted.
- No. 779. Tom Tunstall, petitioner, *v.* Brotherhood of Locomotive Firemen and Enginemen, etc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted.

No. 826. Bester William Steele, petitioner, *v.* Louisville & Nashville Railroad Company, Brotherhood of Locomotive Firemen and Enginemen, et al. Petition for writ of certiorari to the Supreme Court of Alabama granted.

No. 869. Commissioner of Internal Revenue, petitioner, *v.* The Scottish American Investment Company, Ltd.;

No. 870. Commissioner of Internal Revenue, petitioner, *v.* British Assets Trust, Limited; and

No. 871. Commissioner of Internal Revenue, petitioner, *v.* Second British Assets Trust, Limited. Petition for writs of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted and the cases transferred to the summary docket.

No. 925. The United States of America, petitioner, *v.* Waddill, Holland & Flinn, Inc., et al. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia granted and the case transferred to the summary docket.

No. 962. The United States of America, petitioner, *v.* General Motors Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted and the case transferred to the summary docket. The Chief Justice and Mr. Justice Murphy took no part in the consideration or decision of this application.

No. 955. Armour & Company, petitioner, *v.* Adam Wantock and Frank Smith. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted and the case transferred to the summary docket and assigned for argument immediately following No. 218. The Solicitor General is invited to file a brief *amicus curiae* if he is so advised.

No. 218. Jim Skidmore et al., petitioners, *v.* Swift & Company. The order denying certiorari is vacated and the petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit is granted and the case transferred to the summary docket. The Solicitor General is invited to file a brief *amicus curiae* if he is so advised.

No. 892. D. D. Dennis et al., petitioners, *v.* J. E. Mabee et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 914. The Pennzoil Company, a corporation of California, et al., petitioners, *v.* Crown Central Petroleum Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 923. Welsbach Engineering and Management Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ

of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 926. The United States of America, ex rel. Louis Jacobs, petitioner, *v.* John J. Barc, United States Marshal, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 933. The Western Union Telegraph Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 975. Hartford Fire Insurance Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 934. The Emporium Capwell Company, petitioner, *v.* Clifford C. Anglim, Collector of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 935. Miles Laboratories, Inc., petitioner, *v.* Federal Trade Commission, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 937. Estate of John W. Herbert, deceased, et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 945. The Country Garden Market, Inc., petitioner, *v.* Chester Bowles, Administrator, Office of Price Administration, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 947. Archie C. Davis, petitioner, *v.* Shell Union Oil Corporation et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 951. Frank Schwarz, per se as agent and for the use and benefit of Wm. Kotek and Wm. Meroshek, petitioner, *v.* Witwer Grocer Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 954. James N. Roney and Marguerite C. Roney, petitioners, *v.* The Federal Land Bank of Louisville, Kentucky. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 960. Standard Knitting Mills, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 964. First National Bank in West Union, West Virginia, petitioner, *v.* American Surety Company of New York. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 966. Warner's Renowned Remedies Company, petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia, denied.

No. 970. Richter's Bakery, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 971. National Bank of Middleboro and H. C. Williams, Successor Assignee, etc., petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 972. Louisville Property Company, H. C. Williams, Assignee, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 974. Basil Goulandris et al., doing business as Goulandris Bros., petitioners, *v.* The American Tobacco Company, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 997. Hideyoshi Nagayama, petitioner, *v.* Shokuwan Shimabukuro. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 953. James M. Crume, petitioner, *v.* Pacific Mutual Life Insurance Co. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 956. Mrs. S. W. C. Lumpkin, petitioner, *v.* Wm. P. Bowers, Collector of Internal Revenue for the State of South Carolina. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 963. John J. Batterman, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 969. Local No. 6167, United Mine Workers of America, etc., et al., petitioners, *v.* Jewell Ridge Coal Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 989. Max Geldzahler, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 941. The United States of America, ex rel. Winfred William Lynn, petitioner, *v.* Colonel John W. Downer, Commanding Officer at Camp Upton, New York. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied on the ground

that the case is moot, it appearing that petitioner no longer is in respondent's custody, U. S. ex rel. *Innes v. Crystal*, 319 U. S. 755, and cases cited.

No. 950. Otto Gresham, petitioner, *v. The Indiana Bar Association*. The motion for leave to proceed on the typewritten record is granted. The petition for writ of certiorari to the District Court of the United States for the Southern District of Indiana or for other relief is denied.

No. 949. The United States of America, petitioner, *v. Los Angeles and Salt Lake Railroad Company*. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 844. Albert Kitzmiller, petitioner, *v. Dr. M. J. Pescor, Warden, etc.* On petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit;

No. 985. Howard M. Sharpe, petitioner, *v. Commonwealth of Kentucky*. On petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit;

No. 1001. Eugene Briggs, petitioner, *v. The State of Illinois*. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1006. John Thompson, petitioner, *v. Walter Nierstheimer, Warden, etc.* On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1007. Robert Moss, petitioner, *v. Joseph E. Ragen, Warden, etc.* On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1014. Gusta Kelly, petitioner, *v. The People of the State of Illinois*. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1015. Charles E. Raggio, petitioner, *v. Joseph E. Ragen, Warden, etc.* On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1016. Earlie Sampson, petitioner, *v. Joseph E. Ragen, Warden, etc.* On petition for writ of certiorari to the Supreme Court of Illinois;

No. 922. O. C. Tomkins, petitioner, *v. The State of Missouri*. On petition for writ of certiorari to the Supreme Court of Missouri; and

No. 1021. Noah P. Rico and Victor H. Hollmann, petitioners, *v. The People of the State of California*. On petition for writ of certiorari to the District Court of Appeals, 4th Appellate District, State of California. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 742. Floyd J. Kesling, petitioner, *v.* George W. Humphrey, Warden. The motion for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied on the ground that the cause is moot, it appearing that petitioner no longer is in respondent's custody.

No. 1017. Vern Miller, petitioner, *v.* Alfred F. Dowd, Warden, etc. The motion for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the Supreme Court of Indiana denied without prejudice to the presentation of a petition for writ of habeas corpus and to a hearing thereon in the appropriate United States District Court.

No. 948. Wm. H. Fitzpatrick, petitioner, *v.* W. Nierstheimer, Warden, etc. The motion for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the Supreme Court of Illinois denied. The motion for leave to file petition for writ of habeas corpus is also denied.

No. 835. Edward Blaine Chalfonte, petitioner, *v.* Herbert A. Smith, Warden, etc. The petition for rehearing is granted. The order of May 8th, denying certiorari on the ground that application therefor was not made within the time provided by law, is vacated. The petition for writ of certiorari to the Supreme Court of Pennsylvania is denied.

No. 871. October Term, 1940. Niagara Hudson Power Corporation, petitioner, *v.* James J. Hoey, Collector of Internal Revenue. The motion for an extension of time within which to apply for a rehearing is denied. Mr. Justice Douglas and Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 744. Keneth J. Nelson, petitioner, *v.* Bert C. Webb, Superintendent, etc. The motion to extend the time to file petition for rehearing is granted and the time is extended to and including September 1st, next.

No. 514. The United States of America, petitioner, *v.* James P. Mitchell; and

No. 515. The United States of America, petitioner; *v.* James P. Mitchell;

No. 770. Fannie E. Williams, petitioner, *v.* The United States of America;

No. 798. J. S. Garlington and Jennie Lou Garlington, petitioners, *v.* A. L. Wasson. Petition for rehearing denied.

No. 409. Tennessee Coal, Iron & Railroad Company et al., petitioners, *v.* Muscoda Local No. 123, etc., et al. The motions for leave to file petitions for rehearing are granted. The petitions for rehearing are denied.

No. 592. Allen Calculators, Inc., appellant, *v.* The National Cash Register Company et al. The petition for rehearing is denied. The Chief Justice took no part in the consideration or decision of this application.

No. 754. Rufus Meshberger and Lelia B. Meshberger, petitioners, *v.* The Federal Land Bank of Louisville, Kentucky. Petitions for rehearing denied.

No. 786. Edward M. Winston, petitioner, *v.* Thomas J. Courtney, State's Attorney, etc., et al. Petition for rehearing denied. Mr. Justice Rutledge took no part in the consideration or decision of this application.

No. 789. E. G. Blue et al., petitioners, *v.* The United States of America;

No. 790. Wm. N. Clark et al., petitioners, *v.* The United States of America; and

No. 791. Earl Pardee et al., petitioners, *v.* The United States of America. Petition for rehearing denied. Mr. Justice Douglas took no part in the consideration or decision of this application.

The Court will take a recess from today until Monday, June 5th, upon which day it will adjourn for the term unless otherwise ordered.

Adjourned until Monday, June 5 next, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Rodney O. Kittelsen, of Albany, Wis.; Robert B. Dunlap, of Caldwell, Idaho; Ben O. Duggan, Jr., of Chattanooga, Tenn.; Milton A. Jones, of Bowling Green, Ky.; Harold Judson, of Los Angeles, Calif.; John Burke Drury, of Norfolk, Va.; John J. Lane, of Chicago, Ill.; Leroy C. McCauley, of Washington, D. C.; H. Lloyd Ericsson, of Lawrence, Kans.; Homer A. Ramey, of Toledo, Ohio; John M. Vorys, of Columbus, Ohio; Alvin F. Weichel, of Sandusky, Ohio; Leland G. Gardner, of Washington, D. C.; Walter E. Foster, of Daytona Beach, Fla.; Norma G. Zarky, of Madison, Wis.; Wilbert P. Zarky, of Madison, Wis.; Edward B. Soken, of Philadelphia, Pa.; John W. Powers, of Youngstown, Ohio; Israel Freeman, of Youngstown, Ohio; H. Bruce Baumeister, of Los Angeles, Calif.; Joseph Steiner, of Newark, N. J.; Zelma Shapiro, of Washington, D. C.; Mollie Strum, of New York City; Bernard Mitchell Goldstein, of Baltimore, Md.; Jennie F. Cockrum, of Kansas City, Kans.; Douglas Lee Reeder, of Kansas City, Mo.; Edwin W. Sale, of Champaign, Ill.; Augusta Hanlon Brown, of Washington, D. C.; Selma Numter Borchardt, of Washington, D. C.; Edward Kliewer, Jr., of Houston, Tex.; W. B. Browder, Jr., of Houston, Tex.; Frank J. Fontes, of San Francisco, Calif.; Jeanette F. Reibman, of Fort Wayne, Ind.; Stanley B. Rider, of Oakland, Calif.; Marvin Katz, of Troy, N. Y.; and Joseph Lawrence, of Alexandria, Va., were admitted to practice.

No. 217. Wilma E. Addison, Ernestine C. Lyles, Edgar Campbell, Sallie Baker, and Luther Black, petitioners, *v.* Holly Hill Fruit Products, Inc. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. This cause is remanded to the District Court of the United States for the Southern District of Florida with direction to proceed in conformity with the opinion of this Court. Opinion by Mr. Justice Frankfurter. Opinion by Mr. Justice Roberts concurring in part and dissenting in part. Dissenting opinion by Mr. Justice Rutledge, in which Mr. Justice Black and Mr. Justice Murphy concur. Mr. Justice Douglas joins in that part of Mr. Justice Rutledge's dissent which would hold that the Administrator has defined "area of production" in a valid manner.

No. 226. Polish National Alliance of the United States of North America, petitioner, *v.* National Labor Relations Board. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Frankfurter. Mr. Justice Roberts took no part in the consideration or disposition of this case. Concurring opinion by Mr. Justice Black in which Mr. Justice Douglas and Mr. Justice Murphy join.

No. 433. W. D. Lyons, petitioner, *v.* The State of Oklahoma. On writ of certiorari to the Criminal Court of Appeals of the State of Oklahoma. Judgment affirmed. Opinion by Mr. Justice Reed. Mr. Justice Douglas concurs in the result. Dissenting: Mr. Justice Rutledge. Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Black concurs.

No. 354. The United States of America, appellant, *v.* South-Eastern Underwriters Association et al. Appeal from the District Court of the United States for the Northern District of Georgia. Judgment reversed and cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Mr. Justice Roberts and Mr. Justice Reed took no part in the consideration or decision of this case. Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Frankfurter joins. Opinion by Mr. Justice Frankfurter joining in the dissent of the Chief Justice. Opinion by Mr. Justice Jackson dissenting in part.

The Chief Justice said:

“The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally.”

No. 1018. The Pyramid Moving Company, appellants, *v.* The United States of America and Interstate Commerce Commission. Appeal from the District Court of the United States for the Northern District of Ohio. *Per curiam*: The motion to affirm is granted and the judgment is affirmed. (1) *United States v. Carolina Freight Carriers Corp'n.* 315 U. S. 475, 480-82; *Alton R. R. Co. v. United States*, 315 U. S. 15, 23. (2) *Western Chemical Co. v. United States*, 271 U. S. 268, 271; *Virginian Railway Co. v. United States*, 272 U. S. 658, 666.

ORDER

It is ordered that paragraph 2 of Rule 2 of the Rules of this Court be, and the same is hereby, amended to read as follows:

“2. Not less than two weeks in advance of application for admission, each applicant shall file with the clerk (1) a certificate from the

presiding judge or clerk of the proper court showing that he possesses the foregoing qualifications, (2) his personal statement, on the form approved by the court and furnished by the clerk, and (3) two letters or signed statements of members of the bar of this court, not related to the applicant, who are resident practitioners within the State, Territory, District, or Insular Possession (to which the application refers as provided in paragraph 1 of this rule) stating that the applicant is personally known to them, that he possesses all the qualifications required for admission to the bar of this court, that they have examined his personal statement, and that they affirm that his personal and professional character and standing are good."

No. — Henry Long, petitioner, *v.* Honorable Ben Hicks, Presiding Judge, United States Circuit Court of Appeals, Sixth Circuit; and

No. — Henry Long, petitioner, *v.* Ralph E. Benson, Warden, etc. The motions for leave to file petitions for peremptory writs of mandamus are denied.

No. — Henry Long, petitioner, *v.* Ralph E. Benson, Warden, etc. The motion for a rule to show cause is denied.

No. — Mid-Continent Investment Company, petitioner, *v.* Honorable Michael L. Igoe, Judge for the United States District Court, Northern District of Illinois, Eastern Division; and

No. — Minneapolis-Honeywell Regulator Company *v.* Honorable John P. Barnes, Judge of the United States District Court, Northern District of Illinois, Eastern Division. The motions for leave to file petitions for writs of mandamus are denied.

No. — *Ex parte* George W. Pullitt, petitioner; and

No. — *Ex parte* Percy Berry, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied.

No. — *Ex parte* Thomas King, petitioner. The motion for leave to file petition for writ of habeas corpus is denied. Treating the papers as a petition for writ of certiorari to the Supreme Court of Illinois, certiorari is denied.

No. — E. J. Roberts, petitioner, *v.* United States District Court, Eastern Virginia. The motion for leave to file petition for certiorari is denied.

No. 9, original. The State of Kansas, complainant, *v.* The State of Missouri. Decree entered. An order is also entered fixing the compensation of the Special Master and allowing his expenses.

No. 767. The Interstate Commerce Commission et al., appellants, *v.* The City of Jersey City et al. The motion of appellants that the mandate issue forthwith is granted.

No. 587. Securities and Exchange Commission, petitioner, *v.* Engineers Public Service Company et al.; and

No. 635. Engineers Public Service Company et al., petitioners, *v.* Securities and Exchange Commission. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia granted.

No. 836. Ira J. McCullough, petitioner, *v.* Kammerer Corporation and Baash-Ross Tool Company. The petition for rehearing is granted. The order of May 8, 1944, denying certiorari, is vacated and the petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit is granted.

No. 952. Empire State Chair Co., Inc., petitioner, *v.* George J. Beldock. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 959. Van Camp Sea Food Co., Inc., and Antonio Francisco, petitioners, *v.* Robert A. Nordyke. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 961. Ralph W. White, Administrator, etc., et al., petitioners, *v.* Sinclair Prairie Oil Company et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 965. Skelly Oil Company, petitioner, *v.* Madie Ray Amacker, Individually, etc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 990. Clarence Cromer, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 983. Samuel O. Blanc, petitioner, *v.* Al Cayo, doing business as Cayo Electric Machine. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 1008. Reka Goldberg Hofheimer, petitioner, *v.* Ben Gold et al.; and

No. 1009. Reka Goldberg Hofheimer, petitioner, *v.* David McIntee, etc., et al. Petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 986. Sterling Aluminum Products, Inc., petitioner, *v.* Shell Oil Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 1040. Martin Luksich, petitioner, *v.* Domenic Missetich, Jakob Missetich, et al. The motion for leave to proceed on the typewritten record is granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 750. Valdo B. Schita, petitioner, *v.* Dr. M. J. Pescor, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit;

No. 1022. Frank Dzan, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1023. Albert Green, petitioner, *v.* State of Missouri. On petition for writ of certiorari to the Supreme Court of Missouri;

No. 1035. George Diehl, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1042. Clarence Pearson, petitioner, *v.* Robert A. Heinze, Warden, et al. On petition for writ of certiorari to the Supreme Court of California;

No. 1049. Darmo Lazar, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1002. Jack H. W. Bracey, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 1053. Henry Clary Barland, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 1054. Charles Andrew Blankenship, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 1055. Harold Witt, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 1056. Clarence McCauley, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 1057. Roy Bridges, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 1058. Arthur Rasmussen, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 1059. Raymond Conklin, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petitions for writs of certiorari to the Supreme Court of Illinois; and

No. 1060. Cornelius Bass and Charlie Clark, petitioners, *v.* The State of New Hampshire. On petition for writ of certiorari to the Supreme Court of New Hampshire. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 1050. James Patton, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illi-

nois. The motion for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari denied for want of a final judgment.

No. 831, October Term, 1940. Daisy C. Tegtmeyer, petitioner, *v.* William H. Tegtmeyer et al.; and

No. 477, October Term, 1942. Daisy C. Tegtmeyer, petitioner, *v.* William H. Tegtmeyer et al.; and

No. 539. Martin J. Bernards and Lena Bernards, petitioners, *v.* M. R. Johnson et al. Petitions for rehearing denied.

No. 828. George Phillips, petitioner, *v.* The people of the State of New York. Time within which to file petition for rehearing extended to and including July 15, next.

The Court will take a recess from today until Monday, June 12th, upon which day it will adjourn for the term unless otherwise ordered.

Adjourned until Monday, June 12, next, at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Earl Russell Stege, of Chicago, Ill.; A. Devitt Vanech, of Washington, D. C.; Robert Burstein, of Hartford, Conn.; William H. Collins, of Washington, D. C.; Thos. J. Riordan, of San Francisco, Calif.; Myrna M. Moffat, of Washington, D. C.; J. E. Simpson, of Los Angeles, Calif.; Ralph D. F. Sweeney, of Los Angeles, Calif.; Mayo A. Darling, of Waltham, Mass.; Richard Mullins, of Chicago, Ill.; Henry Grady Langley, of Washington, D. C.; Emilie D. Barron, of Chicago, Ill., and William J. Powers, of Chicago, Ill., were admitted to practice.

No. 531. Elmer Hartzel, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment reversed and cause remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the conclusion and judgment of this Court. Conclusion and judgment of the Court announced by Mr. Justice Murphy. Concurring: Mr. Justice Roberts. Dissenting opinion by Mr. Justice Reed in which Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Jackson concur announced by Mr. Justice Douglas.

No. 366. The United States of America, petitioner, *v.* Jasper White. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment of the Circuit Court of Appeals reversed and judgment of the District Court affirmed and cause remanded to the District Court of the United States for the Middle District of Pennsylvania. Opinion by Mr. Justice Murphy. Mr. Justice Roberts, Mr. Justice Frankfurter, and Mr. Justice Jackson concur in the result.

No. 493. Carl Wilhelm Baumgartner, petitioner, *v.* The United States of America. On writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit. Judgment reversed and cause remanded to the District Court of the United States for the Western District of Missouri for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Frankfurter. Separate concurring opinion by Mr. Justice Murphy in which Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Rutledge join.

The Chief Justice said :

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 2. The United States of America, appellant, v. Aluminum Company of America et al. Appeal from the District Court of the United States for the Southern District of New York. *Per curiam*: In this case there is wanting a quorum of six Justices qualified to hear it, see 320 U. S. 708. The cause is accordingly certified and transferred to the United States Circuit Court of Appeals for the Second Circuit, pursuant to sec. 2 of the Act of February 11; 1903, 32 Stat. 823, 15 U. S. C., sec. 29, as amended by the Act of June 9, 1944, Pub. L. No. 332.

No. 1024. Lawrence F. Varnado, appellant, v. Thomas G. Womack et al. Appeal from the Supreme Court of Louisiana. *Per curiam*: The motion for leave to file jurisdictional statement is granted. The appeal is dismissed for the reason that the judgment of the court below is based upon a non-federal ground adequate to support it.

No. 1033. Jenkin Lloyd Jones and Jenkin Lloyd Jones, as relator, appellant, v. Harold Freeman, as Speaker of the House of Representatives of Oklahoma, et al. Appeal from the Supreme Court of Oklahoma. *Per curiam*: The appeal is dismissed for want of jurisdiction. Section 237 (a), Judicial Code, as amended, 28 U. S. C., sec. 344 (a). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari as required by section 237 (c) of the Judicial Code as amended, 28 U. S. C., sec. 344 (c), certiorari is denied.

No. —. Ex parte James M. John, petitioner; and

No. —. Ex parte Raymond Paul Hile, petitioner. Applications denied.

No. —. Ex parte Robert George Banks, petitioner;

No. —. Ex parte Allen Dixon, petitioner; and

No. —. Ex parte John Gardner, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied.

No. —. Ex parte Earl F. Hall, petitioner. The motion for leave to file petition for writ of habeas corpus is denied. Treating the papers as a petition for writ of certiorari to the Supreme Court of Illinois, certiorari is denied.

No. 51. Lonnie E. Smith, petitioner, v. S. E. Allwright, Election Judge, et al. The sentence on page 9 of the slip opinion which reads:

"Under our Constitution, the great privilege of choosing his rulers may not be denied a man by the State because of his color." is amended to read as follows:

“Under our Constitution the great privilege of the ballot may not be denied a man by the State because of his color.”

Mr. Justice Roberts and Mr. Justice Frankfurter took no part in the consideration of the order here entered.

No. 569. R. J. Thomas, appellant, *v.* H. W. Collins, Sheriff, etc. This case is restored to the docket and assigned for reargument during the first week of argument in the October Term, 1944. Counsel are requested to discuss in their briefs and on oral argument, the following questions:

1. Does the Texas Act, by judicial or administrative construction, require a registration or license before making the speech made by Thomas—if it had omitted the O’Sullivan solicitation?

2. Did the injunction forbid the speech (apart from the O’Sullivan solicitation) and is the order of contempt based in whole or in part on such speech? If not, is the speech used as an aggravation of the offense? If neither, what is the purpose and effect of its recital in the papers and orders in this proceeding?

3. Assuming the speech to be immune and assuming the words addressed to O’Sullivan to be a violation of valid prohibition of solicitation, what is the effect on its constitutional validity of including both in one injunction?

4. Assuming the injunction invalid as applied to the speech, what was the duty of Thomas in respect of obedience so long as it was not set aside?

5. Is the application made of Section 5 consistent with the provisions of the National Labor Relations Act?

6. Assuming that petitioner had a constitutional right to make a general argument and solicitation to the entire assembly of workers, could the state punish him in a single penalty because he picked out one member of the assembly and addressed a solicitation to him by name?

The Solicitor General is invited to file a brief if he is so disposed.

No. 984. Corinne C. Waterman, petitioner, *v.* Lillie B. McMillan and Harry S. Wender. Time within which to file petition for rehearing extended to and including June 26, next.

No. 1031. John W. Roxborough, petitioner, *v.* The People of the State of Michigan; and

No. 1032. Everett I. Watson, petitioner, *v.* The People of the State of Michigan. The motion of respondent for an extension of time to and including September 9, next, within which to file brief opposing the petitions for writs of certiorari is granted.

No. 1044. The United States of America, appellant, *v.* Herman Rosenwasser, an individual, etc. In this case probable jurisdiction is noted and the case is transferred to the summary docket.

No. 993. Otis & Co., petitioner, *v.* Securities and Exchange Commission et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted.

No. 996. State of New York and Saratoga Springs Commission et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted.

No. 1000. Central States Electric Company, petitioner, *v.* City of Muscatine, Iowa, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted.

No. 995. Marie E. Schwartz, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted and the case transferred to the summary docket.

No. 944. The United States, petitioner, *v.* Standard Rice Company, Inc. Petition for writ of certiorari to the Court of Claims granted, and the case transferred to the summary docket.

No. 668. William F. Esenwein, petitioner, *v.* Commonwealth ex rel. May H. Esenwein. The order of March 6, 1944, denying certiorari is vacated and the petition for writ of certiorari to the Supreme Court of Pennsylvania granted.

No. 999. O. B. Williams and Lillie Shaver Hendrix, petitioners, *v.* The State of North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina granted, and the case assigned for argument immediately following No. 668.

No. 1037. Charles Williams, petitioner, *v.* Paul E. Kaiser, Warden, etc. The motion for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the Supreme Court of Missouri granted and the case transferred to the summary docket.

No. 922. O. C. Tomkins, petitioner, *v.* The State of Missouri. The order of May 29, 1944, denying certiorari is vacated and the petition for writ of certiorari to the Supreme Court of Missouri is granted. The case is transferred to the summary docket and assigned for argument immediately following No. 1037.

No. 940. Anastasio A. Ylagan, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 991. Capitol Greyhound Lines and Capitol Greyhound Lines of Indiana, Inc., petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 998. Edward Page Gaston, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 1010. George Nelson, Agnes Nelson, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 1043. Gallagher's Steak House, Inc., petitioner, *v.* Chester C. Bowles, Administrator, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1061. Presque-Isle Transportation Co., Inc., petitioner, *v.* Carl Koehler. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1019. Richard W. Sheehan, petitioner, *v.* Ray L. Huff, General Superintendent, D. C. Reformatory. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 1069. John Huffman, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 1074. Edward Leslie Willis, petitioner, *v.* W. Nierstheimer, Warden, etc. On petitions for writs of certiorari to the Supreme Court of Illinois;

No. 1085. Harry Knight, petitioner, *v.* The People of the State of California et al. On petition for writ of certiorari to the Supreme Court of California;

No. 1088. George Millwood, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1098. Ex parte Mrs. Velma Ford Thompson, Individually, etc., petitioner. On petition for writ of certiorari to the Supreme Court of Louisiana;

No. 1100. Felix J. Poteracki, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 1101. Joseph Gall, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 1102. Charles Moore, petitioner, *v.* Joseph E. Ragen, Warden, etc.; and

No. 1103. Randal E. Norval, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petitions for writs of certiorari to the Supreme Court of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 1099. George Sogan, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois. The motion for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari denied for the reason that application therefor was not made within the time provided by law. Section 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C., sec. 350.

No. 1107. Harry M. Grand, petitioner, v. Nathan Mayo, as State Prison Custodian. On petition for writ of certiorari to the Supreme Court of Florida. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari is denied. The motion for leave to file petition for writ of habeas corpus is also denied.

No. —. E. J. Roberts, petitioner, v. United States District Court; No. 398. Hazel-Atlas Glass Company, petitioner, v. Hartford-Empire Company;

No. 423. Shawkee Manufacturing Company et al., petitioners, v. Hartford-Empire Company;

No. 853. Paul J. Bellavance, petitioner, v. Frank Morrow Co., Inc.;

No. 911. Chicago & Eastern Illinois Railroad Company et al., petitioners, v. Grand Trunk Western Railroad Company et al.;

No. 912. Chicago & Eastern Illinois Railroad Company et al., petitioners, v. Grand Trunk Western Railroad Company et al.;

No. 913. Chicago & Eastern Illinois Railroad Company et al., petitioners, v. Grand Trunk Western Railroad Company et al.;

No. 942. Rock Island Refining Company, appellant, v. Oklahoma Tax Commission;

No. 742. Floyd J. Kesling, petitioner, v. George W. Humphrey, Warden;

No. 889. Lenore S. Robinette, petitioner, v. Commissioner of Internal Revenue. Petitions for rehearing denied.

No. 355. International Harvester Company et al., appellants, v. Department of Treasury of the State of Indiana et al. Petition for rehearing denied. Mr. Justice Roberts took no part in the consideration or decision of this application.

No. 728. Paysoff Tinkoff, Individually, etc., et al., petitioners, v. West Publishing Company et al. The petition for rehearing or in the alternative for a writ of mandamus is denied.

No. 734. Hilliard Sanders, petitioner, v. Joseph W. Sanford, Warden, etc. The petition for rehearing is denied without prejudice to the presentation to the District Court, in an appropriate proceeding, of the new matters referred to in the petition for rehearing and accompanying papers.

No. 766. The Hudson & Manhattan Railroad Company, appellant, v. The City of Jersey City et al. The motion for leave to file petition for rehearing is granted. In this case the appeal from the interlocutory injunction was dismissed on the ground that the appeal had become moot, the interlocutory injunction having merged in the final injunction. The petition for rehearing is denied.

The Chief Justice announced the following order of the Court:

ORDER

All cases submitted and all business before the Court at this term in readiness for disposition having been disposed of,

It is ordered by this Court that all cases on the docket be, and they hereby are, continued to the next term.

Adjourned to the time and place appointed by law.

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