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OCTOBER TERM, 1942

STATISTICS

	Original	Appellate	Total
Number of cases on docket-----	15	1, 103	1, 118
Cases disposed of-----	5	992	997
Remaining on docket-----	10	111	121

Cases disposed of—

By written opinions-----	196
By per curiam opinions-----	63
By denial or dismissal of petitions for certiorari-----	731
By motion to dismiss or per stipulation-----	7

Number of written opinions-----	147
Number of admissions to bar-----	937

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SUPREME COURT OF THE UNITED STATES

The Court met in Special Term pursuant to a call by 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 Byrnes, and Mr. Justice Jackson.

Cassius M. Dowell, of Washington, D. C., was admitted to practice.

The Chief Justice announced that the Court has convened in Special Term in order that certain applications might be presented to it and argument be heard in respect thereto.

The Chief Justice also announced that Mr. Justice Douglas, who is on his way to Washington from the west, had not yet been able to arrive, but that he will be vouched in and will participate in the decision of the Court in the matter to be presented to it today.

In response to the inquiry of the Chief Justice, the Attorney General stated to the Court that the Chief Justice's son, Major Lauson H. Stone, an officer in the United States Army, assisted defense counsel, under orders, in the presentation before the Military Commission of the case, in relation to which the Special Term of the Court had been called, but that he in no way had connection with the proceeding before this Court and, therefore, counsel for all parties join in urging the Chief Justice to participate in the consideration and decision of the case. Colonel Kenneth C. Royall, of counsel for the petitioners, concurred in the statement and request of the Attorney General.

No. —, original. Ex parte Richard Quirin, petitioner;

No. —, original. Ex parte Herbert Hans Haupt, petitioner;

No. —, original. Ex parte Edward John Kerling, petitioner.

No. —, original. Ex parte Ernest Peter Burger, petitioner;

No. —, original. Ex parte Heinrich Harm Heinck, petitioner;

No. —, original. Ex parte Werner Thiel, petitioner; and

No. —, original. Ex parte Herman Otto Neubauer, petitioner.

The motion for leave to enlarge the record in accordance with the stipulation of counsel is granted.

The motion for an order directing the Clerk of this Court to impound certain portions of the record and to hold the same for the exclusive use of the Justices of this Court is granted.

Motions for leave to file petitions for writs of habeas corpus submitted and argument in support of the motions commenced by Colonel Kenneth C. Royall for the petitioners, continued by Mr. Attorney General Biddle for the respondent in opposition thereto, by Colonel Kenneth C. Royall for the petitioners in support thereof and by Mr. Attorney General Biddle for the respondent in opposition thereto.

Adjourned until tomorrow 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 Byrnes, and Mr. Justice Jackson.

No. —, original. Ex parte Richard Quirin, petitioner;
No. —, original. Ex parte Hans Haupt, petitioner;
No. —, original. Ex parte John Kerling, petitioner;
No. —, original. Ex parte Peter Burger, petitioner;
No. —, original. Ex parte Heinrich Harm Heinck, petitioner;
No. —, original. Ex parte Werner Thiel, petitioner; and
No. —, original. Ex parte Herman Otto Neubauer, petitioner.
Argument on the motions for leave to file petitions for writs of habeas corpus continued by Mr. Attorney General Biddle for the respondent in opposition to the motions and concluded by Colonel Kenneth C. Royall for the petitioners in support thereof.

Adjourned until tomorrow 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 Byrnes, and Mr. Justice Jackson.

The Chief Justice announced the following orders of the Court:

No. —, original. Ex parte Richard Quirin, petitioner;

No. —, original. Ex parte Herbert Hans Haupt, petitioner;

No. —, original. Ex parte Edward John Kerling, petitioner;

No. —, original. Ex parte Ernest Peter Burger, petitioner;

No. —, original. Ex parte Heinrich Harm Heinck, petitioner;

No. —, original. Ex parte Werner Thiel, petitioner; and

No. —, original. Ex parte Herman Otto Neubaauer, petitioner.

On motions for leave to file petitions for writs of habeas corpus; and

No. 1. The United States of America ex rel. Richard Quirin, petitioner, *v.* Brig. Gen. Albert L. Cox, U. S. A., Provost Marshal of the Military District of Washington;

No. 2. The United States of America ex rel. Herbert Hans Haupt, petitioner, *v.* Brig. Gen. Albert L. Cox, U. S. A., Provost Marshal of the Military District of Washington;

No. 3. The United States of America ex rel. Edward John Kerling, petitioner, *v.* Brig. Gen. Albert L. Cox, U. S. A., Provost Marshal of the Military District of Washington;

No. 4. The United States of America ex rel. Ernest Peter Burger, petitioner, *v.* Brig. Gen. Albert L. Cox, U. S. A., Provost Marshal of the Military District of Washington;

No. 5. The United States of America ex rel. Heinrich Harm Heinck, petitioner, *v.* Brig. Gen. Albert L. Cox, U. S. A., Provost Marshal of the Military District of Washington;

No. 6. The United States of America ex rel. Werner Thiel, petitioner, *v.* Brig. Gen. Albert L. Cox, U. S. A., Provost Marshal of the Military District of Washington; and

No. 7. The United States of America ex rel. Herman Otto Neubaauer, petitioner, *v.* Brig. Gen. Albert L. Cox, U. S. A., Provost Marshal of the Military District of Washington. On petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia.

Per curiam: In these causes motions for leave to file petitions for habeas corpus were presented to the United States District Court for

the District of Columbia, which entered orders denying the motions. Motions for leave to file petitions for habeas corpus were then presented to this Court, and the merits of the applications were fully argued at the Special Term of Court convened on July 29, 1942. Counsel for petitioners subsequently filed a notice of appeal from the order of the District Court to the United States Court of Appeals for the District of Columbia, and they have perfected their appeals to that court. They have presented to this Court petitions for writs of certiorari before judgment of the United States Court of Appeals for the District of Columbia, pursuant to 28 U. S. C. sec. 347 (a). The petitions are granted. In accordance with the stipulation between counsel for petitioners and for the respondent, the papers filed and argument had in connection with the applications for leave to file petitions for habeas corpus are made applicable to the certiorari proceedings.

The Court has fully considered the questions raised in these cases and thoroughly argued at the Bar, and has reached its conclusion upon them. It now announces its decision and enters its judgment in each case in advance of the preparation of a full opinion which necessarily will require a considerable period of time for its preparation and which, when prepared, will be filed with the Clerk.

The Court holds:

(1) That the charges preferred against petitioners on which they are being tried by military commission appointed by the order of the President of July 2, 1942, allege an offense or offenses which the President is authorized to order tried before a military commission.

(2) That the military commission was lawfully constituted;

(3) That petitioners are held in lawful custody, for trial before the military commission and have not shown cause for being discharged by writ of habeas corpus.

The motions for leave to file petitions for writs of habeas corpus are denied.

The orders of the District Court are affirmed. The mandates are directed to issue forthwith.

Mr. Justice Murphy took no part in the consideration or decision of these cases.

No. 1202, October Term, 1941. John A. Kramer, appellant, *v.* Richard Sheehy, as Warden of the State Prison of the State of Nevada. The petition for rehearing is denied. The order of stay heretofore entered is vacated. Mr. Justice Murphy took no part in the consideration or decision of this application.

Nos. 1 to 7, inclusive. The United States of America ex rel. Richard Quirin et al., petitioners, *v.* Brig. Gen. Albert L. Cox, U. S. A., Provost Marshal, etc. The order of July 29, 1942, directing the Clerk to impound the record of the proceedings before the Military Commission in the above-entitled cases is hereby modified and the Clerk is directed to return said record to counsel.

To J.A.G. Dept

Adjourned to the time and place appointed by law.

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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, and Mr. Justice Jackson.

Edgar Legare Pennington, of Miami, Fla.; M. M. Wade, of Dallas, Tex.; William T. Welch, of Portland, Oreg.; John William Metzger, of Denver, Colo.; Robert Owen Curran, of Los Angeles, Calif.; Allen G. Davenport, of Los Angeles, Calif.; J. Leonard Raulston, of South Pittsburg, Tenn.; David A. Hersh, of Detroit, Mich.; James J. Ragan, of Atlanta, Ga.; Edward J. Jeffries, Jr., of Detroit, Mich.; Floretta Vogel, of Mount Clemens, Mich.; James W. Harvey, of San Francisco, Calif.; Lloyd W. Patch, of Washington, D. C.; David M. Davis, of Oak Park, Ill.; Edward B. Hayes, of Chicago, Ill.; and Craig R. Johnson, of Chicago, Ill.; were admitted to practice.

The Chief Justice said:

"In deep sorrow I announce the death on July 18th last of George Sutherland, a retired Justice of this Court.

"A citizen and member of the Bar of the State of Utah, he was United States Senator from that State from 1905 to 1917. He was in active service as a member of this Court from his appointment in 1922 to his retirement on January 5, 1938. As a Justice he brought to the service of his country a well grounded knowledge of the law, a thorough understanding of the art of government, derived from a wide and varied experience in public affairs, and an unswerving devotion to constitutional government as the safeguard of cherished institutions and traditions of the Republic.

"His death has brought to a close a career of eminent public service, and has severed the ties of friendship which his unfailing kindness and winning personality inspired in his colleagues and all those who knew him."

The Chief Justice said:

"I announce with regret, in which my colleagues share, the resignation by Mr. Justice Byrnes of his office as an Associate Justice of this Court.

"We are reconciled to his leaving us only by the realization that he is moved by a sense of duty to render a needed service of public importance in a time of great national emergency.

"We wish for him all success in his new and arduous undertaking and that he may find in it that durable satisfaction which is the true reward for a great task greatly performed."

Mr. George Maurice Morris addressed the Court as follows:

"On behalf of the bar of the United States, I have been requested by certain members of the bar of this Court to present for the artistic archives of the Court a bronze bust of the late Louis D. Brandeis. The bust is the work of Miss Eleanor Platt, a sculptor of New York City. The bust has been set up in the library of this building. It would be inappropriate at this time to say anything respecting the career and virtues of the Justice so well known to your Honors and who sat with several of you. It is my understanding that adequate eulogy respecting Mr. Justice Brandeis will be presented at the memorial services which the Court has in mind."

The Chief Justice replied as follows:

"Mr. Morris, it is altogether fitting that on this, the first anniversary of the death of Justice Brandeis, there should be placed in this building a permanent memorial of his life and public service.

"In accepting it we are happy in the recognition that the bust which you present is something more than a mere record of his countenance. For it is a work of art in which the hand of the artist has revealed the spiritual beauty and intellectual distinction which were characteristic of the man.

"It will be placed in the Supreme Court Library. There it will stand for generations to come, a daily reminder to his surviving colleagues and to his successors on this Bench, to the members of the Bar, and to students of the law, of all those qualities of mind and heart which made Justice Brandeis a great law giver and an inspiring leader in the thought of men."

ORDER

It is ordered by the Court that the accompanying correspondence between members of the Court and Mr. Justice Byrnes be this day spread upon the Minutes and that it also be printed in the reports of the Court.

OCTOBER 4, 1942.

DEAR JUSTICE BYRNES:

We learn of your resignation with a deep sense of the loss which it brings to the Court and to all of us personally.

In the all too brief period of our association since your appointment to the Court we have come to value highly your contribution to its deliberations, drawn from the wide knowledge of affairs which you have gained in the course of a long and eminent public service. We cherish the happy personal relationship which that association has established. All of us part with you reluctantly and with regret. We are reconciled to your going only by the realization that you are moved by a sense of duty to render a needed service of public importance in a time of great national emergency.

We wish you all success in this new and arduous undertaking, and that you may find in it that durable satisfaction which is the true reward for a great task greatly performed.

Faithfully yours,

HARLAN F. STONE.
OWEN J. ROBERTS.
HUGO L. BLACK.
STANLEY REED.
FELIX FRANKFURTER.
WILLIAM O. DOUGLAS.
FRANK MURPHY.
ROBERT H. JACKSON.

SUPREME COURT OF THE UNITED STATES
Washington, D. C.

Chambers of
Justice JAMES F. BYRNES

OCTOBER 5, 1942.

MY DEAR BRETHREN :

I shall always treasure your generous words of esteem and affection. You are correct. Only a sense of duty impelled me to resign from the Court. My association with you has been enjoyable and inspiring and I leave with great respect and genuine affection for each of you. The cordial expressions of your letter make me happy; they encourage me to hope that I may still continue to enjoy your companionship.

Sincerely yours,

JAMES F. BYRNES.

THE CHIEF JUSTICE,
MR. JUSTICE ROBERTS,
MR. JUSTICE BLACK,
MR. JUSTICE REED,
MR. JUSTICE FRANKFURTER,
MR. JUSTICE DOUGLAS,
MR. JUSTICE MURPHY,
MR. JUSTICE JACKSON.

No. 58. B. B. Guy, Jr., petitioner, *v.* Missouri Pacific Railroad Company and Guy A. Thompson, Trustee of Missouri Pacific Railroad Company, Debtor. On writ of certiorari to the Supreme Court of Arkansas. Dismissed on motion of counsel for the petitioner.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 12th, will be as follows: Nos. 10 original, 4 (and 5), 46, 59, 7 (8, 20, 33, and 61), 11 (12, 13, 14, 15, 16, 17, 18, 19, and 32), 9, 21, 23, and 24.

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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, and Mr. Justice Jackson.

Marvin B. Simpson, Jr., of Fort Worth, Tex.; Charles H. Baker, of Jackson, Mich.; Truman A. Herron, of Cincinnati, Ohio; J. G. Moser, of Los Angeles, Calif.; Irvin Schlesinger, of Des Moines, Iowa; Barnett Sumski, of San Francisco, Calif.; Charles A. Lethert, of Saint Paul, Minn.; Franklin Haywood Berry, of Toms River, N. J.; Frances C. Burger, of Schenectady, N. Y.; George B. Porter, of Washington, D. C.; Chalmers E. Lones, Jr., of Washington, D. C.; James H. Ross, of Oklahoma City, Okla.; Fred B. Trescher, of Greensburg, Pa.; and Jno. H. Clinton, of Washington, D. C., were admitted to practice.

The Chief Justice announced the following orders of the Court:

No. 140. Eugene W. Osment, petitioner, *v.* Norman B. Pitcairn and Frank C. Nicodemus, Jr., Receivers, etc. On petition for writ of certiorari to the Supreme Court of Missouri. *Per curiam*: The last clause of section 4 of the 1890 amendments to Article VI of the Missouri constitution provides that "when a division [of the Supreme Court of Missouri] in which a cause is pending shall so order, the cause shall be transferred to the court for its decision." In *Scheuffer v. Manufacturing Lumbermen's Underwriters*, decided July 7, 1942, the Supreme Court of Missouri stated that under this clause "either division, on application or its own motion and for reasons deemed sufficient though not enumerated in the section, may order a cause transferred to the court en banc." 163 S. W. 2d 749, 750. In this case petitioner made no application to transfer the cause from Division Two, where it was heard and decided, to the court en banc. As it does not appear that petitioner has exhausted the appellate review provided by state law, the petition for certiorari must be denied for want of jurisdiction. *Gorman v. Washington University*, 316 U. S. 98, and cases cited.

No. 113. The Davidson Transfer and Storage Company and W. T. Cowan, Incorporated, appellants, *v.* The United States of America et al. Appeal from the District Court of the United States for the Eastern District of Pennsylvania. *Per curiam*: The judgment is affirmed.

No. 128. Mike Gurney, Steve Rudek, and John M. Drew, appellants, *v.* J. R. Ferguson, H. L. Conley, 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. 129. Tennessee Oil Company, appellant, *v.* George F. McCannless, Commissioner of Finance and Taxation of the State of Tennessee. Appeal from the Supreme Court of Tennessee. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a properly presented federal question. Fullerton *v.* Texas, 195 U. S. 192; Rooker *v.* Fidelity Trust Co., 261 U. S. 114.

No. 160. Cheltenham & Abington Sewerage Company, appellant, *v.* Pennsylvania Public Utility Commission et al. Appeal from the Supreme Court of Pennsylvania; and

No. 169. Pennsylvania Public Utility Commission, petitioner, *v.* Cheltenham & Abington Sewerage Company. On petition for writ of certiorari to the Supreme Court of Pennsylvania. *Per curiam*: In No. 160 the appeal is dismissed, and in No. 169 the petition for writ of certiorari is denied for want of a final judgment. Grays Harbor Logging Co. *v.* Coats-Fordney Co., 243 U. S. 251; Wick *v.* Superior Court, 278 U. S. 575.

No. 174. George Peak, appellant, *v.* The People of the State of California. Appeal from the Superior Court of California. *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). The petition for writ of certiorari is denied. The motion for leave to proceed further *in forma pauperis* is denied.

No. 192. Toye Bros. Yellow Cab Co., appellant, *v.* Cooperative Cab Co., Inc., et al. Appeal from the Supreme Court of Louisiana. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a properly presented federal question. Fullerton *v.* Texas, 196 U. S. 192; Rooker *v.* Fidelity Trust Co., 261 U. S. 114.

No. 238. Thelma Martin, appellant, *v.* City of Struthers, Ohio. Appeal from the Supreme Court of Ohio. *Per curiam*: The appeal is dismissed on the ground that the record does not show that the federal question presented was properly preserved on appeal to the Court of Appeals of Ohio. Hiawassee Power Co. *v.* Carolina-Tenn. Co., 252 U. S. 341, 343-44.

No. 244. Antoinette Guiraudon Monks, appellant, *v.* Ida Nancy Lee, and Chester D. Gunn, as Special Administrator, etc. Appeal from

the District Court of Appeal, 4th Appellate District, State of California. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed on the ground that it does not appear from the record that the appeal was applied for 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. 258. Ralph N. Clark, Leo A. Dorn, et al., appellants, *v.* Bernard E. Doyle, as Excise Administrator, etc., et al. Appeal from the Supreme Court of Indiana. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. (1) Gorin *v.* United States, 312 U. S. 19, 27; (2) Eberle *v.* Michigan, 232 U. S. 700, 706.

No. 280. General Motors Acceptance Corporation et al., appellants, *v.* Sam Holbert as County Assessor of Canadian County, State of Oklahoma. Appeal from the Supreme Court of Oklahoma. *Per curiam*: The appeal is dismissed for want of a substantial federal question. Columbus Southern Railway *v.* Wright, 151 U. S. 470, 478-83; General American Tank Car Corporation *v.* Day, 270 U. S. 367, 372. The Chief Justice took no part in the consideration or decision of this case.

No. 317. The Morris Plan Industrial Bank of New York, appellant, *v.* Mark Graves et al., as and Constituting the State Tax Commission of the State of New York. Appeal from the Supreme Court of New York. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. First National Bank *v.* Louisiana Tax Commission, 289 U. S. 60, 62-64. The Chief Justice took no part in the consideration or decision of this case.

No. 359. C. I. T. Corporation et al., appellants, *v.* A. H. Stone, Chairman, State Tax Commission, et al.;

No. 360. Universal Credit Company et al., appellants, *v.* A. H. Stone, State Tax Commission, et al.; and

No. 361. Yellow Manufacturing Acceptance Corporation et al., appellants, *v.* A. H. Stone, Chairman, State Tax Commission, et al. Appeals from the Supreme Court of Mississippi. *Per curiam*: The motions to affirm are granted and the judgments are affirmed. Wisconsin *v.* J. C. Penney Co., 311 U. S. 435, 443-445; Bristol *v.* Washington County, 177 U. S. 133; Savings and Loan Society *v.* Multnomah County, 169 U. S. 421; Curry *v.* McCanless, 307 U. S. 357, 365-68.

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. 175. The Interstate Commerce Commission et al., appellants, *v.* Inland Waterways Corporation et al.;

No. 218. Terminal Railroad Association of St. Louis, appellant, *v.* Brotherhood of Railroad Trainmen et al.;

No. 288. Agricultural Prorate Commission of the State of California et al., appellants, *v.* Mutual Orange Distributors, a corporation, et al.;

No. 358. Hoopston Canning Co., E. Pritchard, Inc., et al., appellants, *v.* Louis H. Pink, Superintendent of Insurance of the State of New York, et al.; and

No. 385. Natural Milk Producers Association of California, a corporation, et al., appellants, *v.* The City and County of San Francisco et al. In these cases probable jurisdiction is noted.

No. 178. Illinois Commerce Commission, John D. Biggs, et al., appellants, *v.* Charles M. Thomson, as Trustee, etc. In this case probable jurisdiction is noted and the case is assigned for argument immediately following No. 175.

No. 245. Ziffrin, Incorporated, appellant, *v.* The United States of America and Interstate Commerce Commission; and

No. 248. The United States of America, appellant, *v.* William F. Monia and L. Aubrey Williams. In these cases probable jurisdiction is noted and the cases are transferred to the summary docket.

No. 275. Pacific Coast Dairy, Inc., appellant, *v.* Department of Agriculture of the State of California 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. Counsel are requested in their briefs and on the argument to discuss whether the judgment sought to be reviewed is final within section 237 of the Judicial Code. Compare Grays Harbor Logging Co. *v.* Coats-Fordney Co., 243 U. S. 251, and Wick *v.* Superior Court, 278 U. S. 575, with Bandini Co. *v.* Superior Court, 284 U. S. 8.

The Solicitor General is invited to submit a brief in this case, and if he so desires to participate in the oral argument.

No. —, original. *Ex parte* Eugene Weil, petitioner. The motion for leave to proceed *in forma pauperis* is granted. A rule is ordered to issue, returnable October 22 next, requiring the respondent to show cause why leave to file the petition for writ of habeas corpus should not be granted. The case is assigned for argument on Monday, November 9, next.

The motion to appoint A. F. House, Esquire, of Little Rock, Arkansas, a member of the Bar of this Court, as counsel for the petitioner is granted.

Counsel are requested in the argument and briefs to discuss the jurisdiction of this Court, particularly in view of the Judiciary Act of 1925, to issue a writ of habeas corpus in this case.

No. —, original. *Ex parte* Elmer E. Davis, petitioner. *Per curiam*: It appears that petitioner has an application for a writ of error coram nobis pending in the Circuit Court of Vigo County, Indiana. He alleges that that court has not taken any action upon his application. It does not appear that petitioner has exhausted his remedies in the state courts to obtain a determination, which would be a reviewable judgment. The motion for leave to file a petition for writ of habeas corpus is therefore denied without prejudice.

No. —, original. *Ex parte* John Botwinski, petitioner;

No. —, original. *Ex parte* Joe Cephus Gray, petitioner;

No. —, original. *Ex parte* Joseph Bematre, petitioner;

No. —, original. *Ex parte* Charles E. Phillips, petitioner;

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

No. —, original. *Ex parte* Donald Flowers, petitioner; and

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

No. —. *Ex parte* James R. Allen, petitioner. Application denied.

No. 5. The United States of America, petitioner, *v.* Jack Sommers et al. The motion to withdraw the appearance of John Elliott Byrne as counsel for the respondents is granted.

No. 45. Sola Electric Company, petitioner, *v.* Jefferson Electric Company. The motion for leave to file brief of France Manufacturing Company as amicus curiae and for leave to participate in oral argument is denied.

No. 332, October Term, 1941. The Williams Manufacturing Company, petitioner, *v.* United Shoe Machinery Corporation. The motion to withdraw the petition for rehearing is granted.

No. 284. H. T. Overstreet et al., petitioners, *v.* North Shore Corporation. 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. 325. Jerome Parker Jerome, petitioner, *v.* The United States of America; and

No. 326. Jerome Parker Jerome, petitioner, *v.* The United States of America. On petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit. The motion for leave to proceed in forma pauperis is granted. The petition for writ of certiorari in No. 325 is also 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. In No. 326, the petition for writ of certiorari is denied.

No. 115. Carlota Benitez Sampayo, petitioner, *v.* The Bank of Nova Scotia. 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 First Circuit is denied. The Chief Justice took no part in the consideration or decision of these applications.

No. 221. Gordon A. Gantz, 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 Eighth Circuit is denied. Mr. Justice Douglas took no part in the consideration or decision of these applications.

No. 311. Forest G. Wood, petitioner, *v.* State of Indiana. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Circuit Court of Randolph County, State of Indiana, is denied for the reason that it does not appear from the papers submitted that petitioner has exhausted state remedies by appealing to the highest court of the state the judgment sought to be reviewed.

No. 323. The People of the State of New York, *ex rel.* Martin Prisant, petitioner, *v.* Joseph H. Brophy, as Warden of Auburn Prison, Auburn, New York. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the County Court of Cayuga County, State of New York, is denied. The application for certiorari to the District Court of the United States for the Middle District of Georgia is also denied.

No. 125. Wilbur Coates, petitioner, *v.* Patrick J. Brady, Warden of the Maryland Penitentiary. On petition for writ of certiorari to the Court of Appeals of Maryland;

No. 139. John Yanis, petitioner, *v.* Herbert A. Smith, Warden, Eastern State Penitentiary. On petition for writ of certiorari to the Supreme Court of Pennsylvania;

No. 149. Lewis Wilcoxon, petitioner, *v.* J. M. Mount, Sheriff (Successor to J. C. Aldredge, sheriff). On petition for writ of certiorari to the Supreme Court of Georgia;

No. 150. William Roy Miller, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 151. Hilliard Sanders and William Leo Keefe, petitioners, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit;

No. 155. Thomas Fatone, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit;

No. 158. James E. Howell, petitioner, *v.* Milton F. Amrine, Warden, Kansas State Prison, et al. On petition for writ of certiorari to the Supreme Court of Kansas;

No. 164. James S. Wright, petitioner, *v.* The Union Central Life Insurance Co. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit;

No. 165. Willis Bullock, petitioner, *v.* Thomas M. Rives, Superintendent, Washington Asylum and Jail. On petition for writ of certiorari to the Court of Appeals for the District of Columbia;

No. 166. Royce R. Brown and Tom C. Moffitt, petitioners, *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;

No. 168. Milton J. Levine, petitioner, *v.* Robert H. Hudspeth, Warden, United States Penitentiary, Leavenworth, Kansas. On petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit;

No. 188. Claud Nivens, petitioner, *v.* Robert H. Hudspeth, Warden, United States Penitentiary, Leavenworth, Kansas. On petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit;

No. 197. Leslie Williams and Joe Bennett, petitioners, *v.* Joseph O'Grady, Warden of the Nebraska State Penitentiary, etc. On petition for writ of certiorari to the Supreme Court of Nebraska;

No. 204. Thomas Countee, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit;

No. 205. Wm. H. Johnston, petitioner, *v.* Wm. A. Marshall, Deputy Commissioner, etc., et al. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 208. Edmond L. Viles, petitioner, *v.* The United States. On petition for writ of certiorari to the Court of Claims;

No. 209. Herbert Buxton, petitioner, *v.* Milton F. Amrine, Warden, Kansas State Prison. On petition for writ of certiorari to the Supreme Court of Kansas;

No. 215. John Henry Moore, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 225. William P. Hudson, petitioner, *v.* Rice M. Youell, Superintendent of the Virginia State Penitentiary. On petition for writ of certiorari to the Supreme Court of Appeals of Virginia;

No. 226. Corinne C. Waterman, petitioner, *v.* Colonel Somervell, Adrey McMahan, individually, etc., et al. On petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit;

No. 237. Howard Neal, petitioner, *v.* The State of New York. On petition for writ of certiorari to the Supreme Court of New York;

No. 242. James Anderson, petitioner, *v.* Alfred F. Dowd, as Warden of the Indiana State Prison. On petition for writ of certiorari to the Supreme Court of Indiana;

No. 247. Cecil T. Garrison and James Perkins, petitioners, *v.* Milton F. Amrine, Warden, Kansas State Prison, et al. On petition for writ of certiorari to the Supreme Court of Kansas;

No. 255. S. V. Quick, petitioner, *v.* State of Mississippi. On petition for writ of certiorari to the Supreme Court of Mississippi;

No. 257. Wilbert Weathers, petitioner, *v.* The State of Kansas et al. On petition for writ of certiorari to the Supreme Court of Kansas;

No. 272. Dewey Gilmore, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit;

No. 283. Max Weiner and Stephen G. Zvon, petitioners, *v.* Commonwealth of Pennsylvania. On petition for writ of certiorari to the Superior Court of Pennsylvania;

No. 289. Ruth E. Derr, petitioner, *v.* Floyd Derr. On petition for writ of certiorari to the Superior Court of Pennsylvania;

No. 295. Charles E. Schramm, petitioner, *v.* Patrick J. Brady, Warden of the Maryland Penitentiary. On petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit;

No. 298. Bernard M. Shotkin and Henlen Shotkin, his wife, petitioners, *v.* Board of Pensions of the Presbyterian Church of the United States of America. On petition for writ of certiorari to the Supreme Court of Pennsylvania;

No. 307. Ida M. Picking and Guy W. Picking, petitioners, *v.* The People of the State of New York. On petition for writ of certiorari to the Court of Appeals of New York;

No. 313. Henry Igram Adams and John Milton Adams, petitioners, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 316. Lillian Brown, petitioner, *v.* Capital Transit Company, a corporation. On petition for writ of certiorari to the Court of Appeals for the District of Columbia;

No. 324. Richard Smith, petitioner, *v.* R. H. Lawrence, Warden, Georgia State Prison. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 338. State of Louisiana, ex rel. Hugh Pierre, petitioner, *v.* Hon. Sam Houston Jones, Governor of Louisiana. On petition for writ of certiorari to the Supreme Court of Louisiana;

No. 342. Roslyn Wells Addison, petitioner, *v.* William Marlborough Addison. On petition for writ of certiorari to the Superior Court of Pennsylvania;

No. 352. Walter A. Leimer, petitioner, *v.* John F. Cook, Judge of the Circuit Court of Kansas City, etc. On petition for writ of certiorari to the Circuit Court of Jackson County, State of Missouri; and

No. 381. Edmond L. Viles, petitioner, *v.* J. Foster Symes, Ivor O. Wingren, et al. 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. 80. The Choctaw Nation of Indians, petitioner, *v.* The United States and The Chickasaw Nation of Indians. Petition for writ of certiorari to the Court of Claims granted.

No. 93. Wm. A. Marshall, Deputy Commissioner, etc., et al., petitioners, *v.* G. Pletz. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted.

No. 142. Endicott Johnson Corporation et al., petitioners, *v.* Frances Perkins, Secretary of Labor of the United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted.

No. 156. The Detroit Bank, formerly The Detroit Savings Bank, etc., petitioner, *v.* The United States of America; and

No. 214. State of Michigan et al., petitioners, *v.* The United States of America. Petitions for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted.

No. 171. The United States of America, petitioner, *v.* Oklahoma Gas & Electric Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted.

No. 172. Minnie Reese Richardson Wragg, petitioner, *v.* Federal Land Bank of New Orleans. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted.

No. 183. Thomas J. Pendergast, petitioner, *v.* The United States of America;

No. 186. Robert Emmet O'Malley, petitioner, *v.* The United States of America; and

No. 187. A. L. McCormack, petitioner, *v.* The United States of America. Petitions for writs of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted.

No. 234. G. F. Albin, petitioner, *v.* Cowing Pressure Relieving Joint Company, etc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted.

No. 246. Charles Coryell et al., petitioners, *v.* John S. Phipps and George J. Pilkington. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted.

No. 254. Securities and Exchange Commission, petitioner, *v.* Chenery Corporation et al. Petition for writ of certiorari to the Court of Appeals for the District of Columbia granted.

No. 265. Clyde-Mallory Lines, petitioner, *v.* Steamship "Eglantine" and the United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted.

No. 268. Sterling P. Harris, Administrator, etc., petitioner, *v.* Zion Savings Bank and Trust Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted.

No. 269. Margaret M. Brady, as Administratrix, etc., petitioner, *v.* Roosevelt Steamship Company, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted.

No. 273. Enoch L. Johnson, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted.

No. 278. Murray R. Spies, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted.

No. 296. Hattie Mae Tiller, Executor, etc., petitioner, *v.* Atlantic Coast Line Railroad Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted.

No. 299. Jersey Central Power & Light Company, petitioner, *v.* Federal Power Commission; and

No. 329. New Jersey Power & Light Company, petitioner, *v.* Federal Power Commission. Petitions for writs of certiorari to the Circuit Court of Appeals for the Third Circuit granted.

No. 300. Howard S. Palmer et al., as Trustees, etc., petitioners, *v.* Howard F. Hoffman, individually, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted.

No. 320. Daniel O'Donnell, petitioner, *v.* Great Lakes Dredge and Dock Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted.

No. 327. Fred Fisher Music Co., Inc., and George Graff, Jr., petitioners, *v.* M. Witmark & Sons. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted.

No. 332. Le Roy J. Leishman, petitioner, *v.* Associated Wholesale Electric Company, a Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted.

No. 103. Carter H. Harrison, Individually, etc., petitioner, *v.* The Northern Trust Company et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted and case transferred to the summary docket.

No. 124. Norvel H. Lilly, petitioner, *v.* Grand Trunk Western Railroad Company. Petition for writ of certiorari to the Appellate

Court, First District, State of Illinois granted and case transferred to the summary docket.

No. 303. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* American Dental Co. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted and case transferred to the summary docket.

No. 184. Henry A. Kieselbach et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted limited to the first question presented by the petition and case transferred to the summary docket.

No. 201. American Medical Association, a corporation, petitioner, *v.* The United States of America; and

No. 202. The Medical Society of the District of Columbia, a corporation, petitioner, *v.* The United States of America. Petition for writs of certiorari to the Court of Appeals for the District of Columbia granted limited to the first three questions presented by the petition.

No. 173. The United States of America, ex rel. Morris L. Marcus and Morris L. Marcus, in his own behalf, petitioners, *v.* William F. Hess et al. On petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit; and

No. 236. The United States of America, on relation of Samuel Ostrager and Samuel Ostrager, in his own behalf, petitioners, *v.* New Orleans Chapter, Associated General Contractors of America, Inc., et al. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit. Petitions for writs of certiorari granted and case No. 236 assigned for argument immediately following No. 173. In these cases the Solicitor General is requested to file a brief and, if he so desires, to participate in the oral argument.

No. 319. Fidelity Assurance Association, a corporation, Debtor, et al., petitioners, *v.* Edgar B. Sims, Auditor of the State of West Virginia, etc., et al. The motion to consider the petition for certiorari upon the appendices to the briefs filed in the Circuit Court of Appeals is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit is also granted.

No. 104. Hamlet Ice Company, Incorporated, petitioner, *v.* Philip B. Fleming, Administrator, etc. L. Metcalfe Walling, present Administrator of the Wage and Hour Division, U. S. Department of Labor, substituted as the party respondent herein in the place and stead of Philip B. Fleming, resigned. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 130. Kharaiti Ram Samras, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit; and

No. 267. Carleton Screw Products Company, petitioner, *v.* Philip B. Fleming, Administrator, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit. The petitions for writs of certiorari in these cases are denied for the reason that applications therefor were 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. 138. Alexander C. Bocz, petitioner, *v.* Hudson Motor Car Company et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. Mr. Justice Roberts and Mr. Justice Murphy took no part in the consideration or decision of this application.

No. 203. Claimants for benefits under the Michigan Unemployment Compensation Act, petitioners, *v.* Chrysler Corporation et al. Petition for writ of certiorari to the Supreme Court of Michigan denied. Mr. Justice Roberts and Mr. Justice Murphy took no part in the consideration or decision of this application.

No. 270. Stuart A. Eacho, Trustee, etc., petitioner, *v.* Gerald D. Stone, Trustee, etc., et al. The motion to consider the petition for writ of certiorari upon appendices to the brief in the Circuit Court of Appeals is granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 328. Estate of W. M. L. Fiske, deceased, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. Mr. Justice Reed took no part in the consideration or decision of this application.

No. 367. C. Lloyd Neal, petitioner, *v.* Lykes Bros. Ripley Steamship Co., Inc., Claimant S. S. Dryden. The motion to proceed on the type-written record is granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 88. Nebo Oil Company, as Trust, etc., petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 90. Roden Coal Company, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 91. The Order of United Commercial Travelers of America, petitioner, *v.* Nellie B. Wigginton. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 92. Murray Humphreys, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 95. Joseph A. Piuma, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 98. Blanche W. Barco, as Executrix, etc., et al., petitioners, *v.* The Penn Mutual Life Insurance Company of Philadelphia. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 99. The People of the State of New York, ex rel. Bernard S. Cogan, petitioner, *v.* Mary Mann. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 100. Mifflinburg Body Company, Debtor, petitioner, *v.* Mifflinburg Bank and Trust Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 101. W. W. Clyde & Co., a Corporation, petitioner, *v.* Mrs. Sada Dyess. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 102. Leo P. Mirsky, petitioner, *v.* Conlew, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 105. Duquesne Club, petitioner, *v.* Henry D. Bell, as Former Acting Collector of Internal Revenue; and

No. 106. Duquesne Club, petitioner, *v.* William D. Driscoll, as Collector of Internal Revenue. Petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 107. Mary Boyd Evans, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 108. Katharine Boyd Morehead, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 109. Swastika Oil & Gas Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 110. W. E. Richardson. Individually, etc., et al., petitioners, *v.* Blue Grass Mining Co. et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 111. May Department Stores Company, petitioner, *v.* John Reynolds, Jr., etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 112. Chester C. Fosgate Company, 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. J. T. McCarthy, Jr., doing business as Hercules Supply Company, and G. L. Meholin, petitioners, *v.* H. C. Wynne and American Exchange Bank of Henryetta, Oklahoma. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 116. Nieschlag & Co., Inc., petitioner, *v.* Atlantic Mutual Insurance Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 117. S. J. Summers, C. E. Gamble, et al., petitioners, *v.* Clare Purcell, William T. Watkins, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 118. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Estate of David Davies, deceased, etc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 119. Advance Transportation Company, petitioner, *v.* Arthur F. Miller, Thomas G. Foster, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 120. Ben Bimberg & Co., Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 121. Dorothy K. Knost, petitioner, *v.* Donald A. MacMillan. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied.

No. 123. Bernard H. Daniel, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 126. Musher Foundation, Inc., petitioner, *v.* Alba Trading Co., Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 127. United Construction Company, petitioner, *v.* G. Sam Milam and Robert M. Coleman, Jr., Trustee. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 131. Scott F. Kittredge, petitioner, *v.* Frank H. Stevens et al. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 133. Robert H. Cory, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 135. Second Carey Trust, an Express Trust, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied.

No. 136. Hare Trust, an Express Trust, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied.

No. 137. Louis Abraham et al., Trustees, etc., petitioners, *v.* Hidalgo County Water Control and Improvement District No. 1 et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 141. Highway Construction Company of Ohio, Inc., petitioner, *v.* City of Miami, Florida. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 143. F. M. Maddix et al., petitioners, *v.* E. L. Saulsberry; and
No. 144. F. M. Maddix et al., petitioners, *v.* E. L. Saulsberry. Petition for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 145. A. W. Sewell and John Sewell, petitioners, *v.* J. E. Crosbie, Inc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 146. R. E. Crummer & Company, petitioner, *v.* E. H. Ware et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 147. R. E. Olds et al., petitioners, *v.* Town of Belleair. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 148. Carlos J. Miller, Charles Morton, et al., etc., petitioners, *v.* The Louisville and Nashville Railroad Company et al. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 152. Everit B. Terhune et al., Executors, etc., petitioners, *v.* William M. Welch, Collector. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 153. Luckenbach Steamship Company, Inc., a Corporation, as Owner, etc., petitioner, *v.* Societa Anonima Partecipazioni Industriali Commerciali, a corporation, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 154. Keystone Freight Lines, Inc., petitioner, *v.* Lee Way Motor Freight, Inc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 157. Lawrence C. Phipps, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 159. J. R. Mason, petitioner, *v.* Merced Irrigation District. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 161. Estate of Carl Levis, deceased, et al., petitioners, *v.* Commissioner of Internal Revenue; and

No. 162. Estate of Carl Levis, deceased, et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 170. Edward McGrew, petitioner, *v.* William P. Simmons et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 177. Mary E. Wenger, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 180. Southwestern Greyhound Lines, Inc., petitioner, *v.* A. L. Buchanan. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 181. Aaron Roth, petitioner, *v.* Local No. 1460 of Retail Clerks Union et al. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 182. O'Bryan Brothers, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 185. Frieda S. Miller, as Industrial Commissioner, etc., petitioner, *v.* Western Perishable Carload Receivers Association of New York, Inc. Petition for writ of certiorari to the Supreme Court of New York, Appellate Division, denied.

No. 189. Frank A. Barlow, Trustee, etc., petitioner, *v.* W. P. Budge, Claimant. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 190. Edmund Wright Ginsberg Corporation, petitioner, *v.* John M. Swetnam, as Trustee, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 191. C. C. Haraway, petitioner, *v.* The State of Arkansas. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 193. Phillips Buttorff Manufacturing Company, petitioner, *v.* William Johnson. Petition for writ of certiorari to the Supreme Court of Tennessee denied.

No. 194. Roul Mateus, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 195. American Liberty Oil Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 196. George J. Robinson, petitioner, *v.* City of Baton Rouge, Louisiana. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 198. Norman C. Schaller, petitioner, *v.* City of Philadelphia. Petition for writ of certiorari to the Superior Court of Pennsylvania denied.

No. 200. Norman H. Stone, Marvin H. Stone, et al., etc., petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 206. Series "A" Trust, an express trust, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied.

No. 207. Lehigh Valley Railroad Company of Pennsylvania et al., petitioners, *v.* Patrick J. Dooley. Petition for writ of certiorari to the Court of Errors and Appeals of New Jersey denied.

No. 210. Rapid Roller Co., a corporation, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 211. Eastern Building Corporation, petitioner, *v.* The United States; and

No. 212. Eastern Building Corporation, petitioner, *v.* The United States. Petition for writs of certiorari to the Court of Claims denied.

No. 216. A. W. Stickle & Company, petitioner, *v.* Interstate Commerce Commission. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 217. State of Ohio, ex rel. Rodney P. Lien, Superintendent of Banks of the State of Ohio, etc., petitioner, *v.* Metropolitan Life Insurance Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 219. R. Picard, Individually, etc., et al., petitioners, *v.* United Aircraft Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 220. Trinity Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 222. Otto Rose, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 223. Samuel C. Pandolfo, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 224. Ella L. Wiggins, petitioner, *v.* Elizabeth Liggett Kennard. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 227. Great Southern Trucking Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 228. B. C. Schram, Receiver, etc., petitioner, *v.* Joseph L. Coyne. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 229. Alabama Power Company, petitioner, *v.* Federal Power Commission. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied.

No. 230. Estate of Frank B. Anderson et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 231. Hawaiian Gas Products, Limited, a corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 232. H. W. Kelley et al., petitioners, *v.* Everglades Drainage District. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 233. James R. Washer, Executor, etc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 239. James A. Rheinstrom, Executor, etc., petitioner, *v.* Thomas J. Connor, Collector of Internal Revenue; and

No. 240. First National Bank, Cincinnati, Ohio, Trustee, etc., petitioner, *v.* Thomas J. Connor, Collector of Internal Revenue. Petition for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 241. Kansas City Life Insurance Company, petitioner, *v.* Carrie J. Parfet, Administrator, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 243. General Radio Company, petitioner, *v.* Allen B. DuMont Laboratories, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 249. Emma A. Ouerbacker, petitioner, *v.* Henderson County, N. C., Bankrupt. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 251. Katz Underwear 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. 252. National Protective Insurance Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 253. Griff Williams, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 256. Wilgard Realty Company, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 260. William T. Mumforde, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied.

No. 261. Elizabeth Pascoe Cain, petitioner, *v.* Alice Coffroth Hutson and C. Milton Hutson. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied.

No. 262. Strobel Steel Construction Company, petitioner, *v.* State Highway Commissioner of the State of New Jersey;

No. 263. Strobel Steel Construction Company, petitioner, *v.* State Highway Commissioner of the State of New Jersey; and

No. 264. Strobel Steel Construction Company, petitioner, *v.* State Highway Commissioner of the State of New Jersey. Petition for writs of certiorari to the Court of Errors and Appeals of the State of New Jersey denied.

No. 266. Research Laboratories, Inc., petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 271. Lawrence J. Rogge and Eugene Rogge, Copartners, etc., 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. 274. Logan W. Marshall and Grace M. Marshall, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 276. John Gonzales and John Chierotti, petitioners, *v.* The People of the State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 277. Anthony Joseph Petrelli, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 279. Dubuque Fire & Marine Insurance Company, petitioner, *v.* Reynolds Company, Inc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 282. George W. Mason and Hazel B. Mason, his wife, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 285. Will H. Perry, also known as William H. Perry, petitioner, *v.* Anna Baumann, Maude E. Lane, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 287. Aldus C. Higgins, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 290. M. Edward Buckley, Jr., petitioner, *v.* District of Columbia. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied.

No. 291. Florence H. McSweeney, Individually, etc., petitioner, *v.* The Prudential Insurance Company of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 292. W. H. Neher, petitioner, *v.* A. E. Harwood, as Postmaster, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 293. Lebanon Steel Foundry, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied.

No. 294. Myra Page Wiren, petitioner, *v.* Shubert Theatre Corporation et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 297. Herman Frederick Willkie, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 301. Charles M. Thomson, as Trustee, etc., et al., petitioners, *v.* Florence G. Hicks and N. E. Catlin. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 302. Harriet J. Faber, Executrix, etc., et al., petitioners, *v.* Triumph Explosives, Inc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 304. Martin Brothers Box Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 305. E. J. Thomas, J. R. McDonald, et al., petitioners, *v.* El Dorado Irrigation District. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 306. Alfred Cookman Miner, Individually, etc., petitioner, *v.* Reconstruction Finance Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 308. Scott M. Loftin and Wm. R. Kenan, Jr., as Receivers, etc., petitioners, *v.* Crowley's, Inc. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 309. Aktiebolaget Separator, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 310. John Len Lacy, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 312. De Bardeleben Coal Company, Inc., petitioner, *v.* Mrs. Louis Macomber, Administratrix, etc. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 315. J. S. Odland, as Receiver, etc., petitioner, *v.* Fairmont Supply Company, a corporation. Petition for writ of certiorari to the Circuit Court, Marion County, State of West Virginia, denied.

No. 318. Consolidated Distributors, Inc., petitioner, *v.* City of Atlanta. Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. 330. Goldblatt Bros., Inc., petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 331. Ella G. Wood, petitioner, *v.* The Federal Land Bank of Omaha, Nebraska, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 333. Guy A. Thompson, Trustee, etc., petitioner, *v.* Juanita A. Gallien et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 334. Quincy and Ila Mingori, petitioners, *v.* Lynn R. Broderick, Collector of Internal Revenue, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 335. Aetna Insurance Company, petitioner, *v.* Robert C. Jeffcott. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 339. City of New Rochelle, petitioner, *v.* Westchester Electric Railroad Company et al. Petition for writ of certiorari to the Supreme Court of New York denied.

No. 340. Doehler Metal Furniture Co., Inc., petitioner, *v.* Lindsay C. Warren, Comptroller General of the United States. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied.

No. 341. Pacific Southwest Realty Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 344. Continental Distilling Corporation, petitioner, *v.* The Connecticut Importing Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 345. National Hospital Service Society, Inc., petitioner, *v.* Albert F. Jordan, Superintendent of Insurance, Government of the District of Columbia. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied.

No. 347. Ernest Newton Kalb, petitioner, *v.* Yellow Manufacturing Acceptance Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 351. Emil Stein and William B. Stein, petitioners, *v.* Preston Delano, Comptroller of the Currency et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 356. James W. Andrews, as Trustee in Bankruptcy, etc., petitioner, *v.* The Metropolitan Jockey Club and Walter Keenan et al. Petition for writ of certiorari to the Supreme Court of New York denied.

No. 962, October Term, 1940. Martin M. Goldman, petitioner, *v.* The United States of America;

No. 963, October Term, 1940. Jacob P. Shulman, petitioner, *v.* The United States of America; and

No. 980, October Term, 1940. Theodore Goldman, petitioner, *v.* The United States of America;

No. —, October Term, 1941. Ed Wetzel, appellant, *v.* W. F. Schaefer;

No. 772, October Term, 1941. Dewey Brillhart, Administrator, etc., petitioner, *v.* The Excess Insurance Company of America;

No. 914, October Term, 1941. Edward Casebeer, petitioner, *v.* Robert H. Hudspeth, Warden, etc.;

No. 1141, October Term, 1941. Otto C. Berry et al., petitioners, *v.* Bohn Aluminum & Brass Corporation et al.;

No. 1157, October Term, 1941. Robert A. Helton, Administrator, etc., petitioner, *v.* Charles M. Thompson, Trustee, etc.;

No. 1167, October Term, 1941. Robert Moody et al., petitioners, *v.* Toole County Irrigation District;

No. **1176**, October Term, 1941. L. W. Mesta, petitioner, *v.* Commissioner of Internal Revenue;

No. **1184**, October Term, 1941. O. O. Owens, petitioner, *v.* Commissioner of Internal Revenue;

No. **1198**, October Term, 1941. J. R. Mason, petitioner, *v.* Anderson-Cottonwood Irrigation District;

No. **1201**, October Term, 1941. Engineers Club of Philadelphia, petitioner, *v.* The United States;

No. **1208**, October Term, 1941. Andrew R. Hastings, petitioner, *v.* Robert H. Hudspeth, Warden, etc.;

No. **1215**, October Term, 1941. Homer C. Price, petitioner, *v.* National Surety Corporation of New York;

No. **1230**, October Term, 1941. Francis E. Weidhaas, petitioner, *v.* Loew's Inc. et al.;

No. **1232**, October Term, 1941. G. F. Howard, petitioner, *v.* United States, ex rel. S. S. Alexander et al.;

No. **1237**, October Term, 1941. The Concord Company, petitioner, *v.* Walter R. Willcuts et al., as Executors, etc.;

No. **1248**, October Term, 1941. Mrs. J. H. Hodges, petitioner, *v.* Ocean Accident & Guarantee Corporation; and

No. **1284**, October Term, 1941. Roydon M. Barrett, petitioner, *v.* Charles W. Williamson. Petitions for rehearing denied.

No. **903**, October Term, 1941. Robert L. Peyton, petitioner, *v.* Railway Express Agency, Inc., et al. The petition for rehearing and the motion to recall the mandate and retax costs are denied.

No. **1197**, October Term, 1941. Carlota Benitez Sampayo, petitioner, *v.* The Bank of Nova Scotia. The petition for rehearing is denied. The Chief Justice took no part in the consideration or decision of this application.

No. **77**. William H. Dunn, Jr., and Raymond Krause, appellants, *v.* The State of Ohio; and

No. **122**. Henry Kravitz, petitioner, *v.* The People of the State of New York. Reported for failure to comply with the rules.

No. **10**, original. Ex parte Kumezo Kawato, petitioner. Argued by Mr. Leshar B. Gallagher for the respondent and case submitted by Kumezo Kawato, *pro se*.

No. **4**. The United States of America, petitioner, *v.* William R. Johnson; and

No. **5**. The United States of America, petitioner, *v.* Jack Sommers et al. Reargued by Mr. Arnold Raum for the petitioner and by Mr.

Floyd E. Thompson and Mr. William J. Dempsey for the respondent in No. 4, and case submitted by Mr. Harold R. Schradzke for the respondents in No. 5.

No. 46. W. B. Parker, Director of Agriculture, et al., appellants, *v.* Porter L. Brown. Reargument commenced by Mr. Walter L. Bowers for the appellants; continued by Mr. G. Levin Aynesworth for the appellee; by Mr. Robert L. Stern for the United States, as *amicus curiae*, by special leave of court; and by Mr. Walter L. Bowers for the appellants.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, October 13, will be as follows: Nos. 46, 59, 7 (8, 20, 33, and 61), 11 (12, 13, 14, 15, 16, 17, 18, 19, and 32), 9, 21, 23, 24, 26 (and 27), and 28.

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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, and Mr. Justice Jackson.

Frank Settle, of Tulsa, Okla.; Carl E. Nesbitt, of Greenville, Tex.; Benjamin Diamond, of Brooklyn, N. Y.; Beach Vasey, of Long Beach, Calif.; William H. Gambrell, of New York City; Horace E. Whiteside, of Ithaca, N. Y.; Thomas F. Boyle, of New York City; Joseph V. Downs, of New York City; Karl Edwin Seyfarth, of Chicago, Ill.; Benjamin Walter Heineman, of Chicago, Ill.; Frank Biegelmeier, of Yankton, S. Dak.; Mark H. Woolsey, of New York City; C. Frank Reavis, of New York City; Herman Cohen, of Louisville, Ky.; and Henry J. Friendly, of New York City, were admitted to practice.

No. —, original. *Ex parte* Eugene Weil, petitioner. It is ordered that Henry J. Friendly, Esquire, of New York City, a member of the bar of this Court, be appointed to serve as associate counsel for the petitioner in this case.

No. 46. W. B. Parker, Director of Agriculture, et al., appellants, *v.* Porter L. Brown. Reargument continued by Mr. Walter L. Bowers for the appellants; by Mr. G. Levin Aynsworth for the appellee; and concluded by Mr. Strother P. Walton for the appellants.

No. 59. Claude R. Wickard, Secretary of Agriculture of the United States, et al., appellants, *v.* Roscoe C. Filburn. Reargued by Mr. Solicitor General Fahy for the appellants and by Mr. Webb R. Clark and Mr. Harry N. Routzohn for the appellee.

No. 7. Frederick H. Ecker et al., etc., petitioners, *v.* Western Pacific Railroad Corporation et al.;

No. 8. Crocker First National Bank of San Francisco et al., etc., petitioners, *v.* Western Pacific Railroad Corporation et al.;

No. 20. The Western Pacific Railroad Company, petitioner, *v.* Frederick H. Ecker et al.;

No. 33. Reconstruction Finance Corporation, petitioner, *v.* Western Pacific Railroad Corporation et al.; and

No. 61. Irving Trust Company, as Substituted Trustee, etc., petitioner, *v.* Crocker First National Bank of San Francisco et al., etc.

Three and one-half hours allowed for oral argument. Argument commenced by Mr. Robert T. Swaine for the Institutional Bondholders Committee and continued by Mr. Russell L. Snodgrass for the Reconstruction Finance Corporation.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, October 14, will be as follows: Nos. 7 (8, 20, 33, and 61), 11 (12, 13, 14, 15, 16, 17, 18, 19, and 32), 9, 21, 23, 24, 26 (and 27), 28, 29, and 30.

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, and Mr. Justice Jackson.

Samuel L. Lewis, of Dallas, Tex.; Edward J. Hess, of Chicago, Ill.; Eph. U. Johnson, of Rawlins, Wyo.; Charles W. McConaughy, of New York City; Eugene J. Conroy, of Newark, N. J.; John H. Glaccum, of New York City; Albert K. Orschel, of Chicago, Ill.; and Emmet McCaffery, of San Francisco, Calif., were admitted to practice.

No. 216. A. W. Stickle & Company, petitioner, *v.* Interstate Commerce Commission. Order denying petition for writ of certiorari withheld on motion of counsel for the petitioner.

No. 7. Frederick H. Ecker et al., etc., petitioners, *v.* Western Pacific Railroad Corporation et al.;

No. 8. Crocker First National Bank of San Francisco et al., etc., petitioners, *v.* Western Pacific Railroad Corporation et al.;

No. 20. The Western Pacific Railroad Company, petitioner, *v.* Frederick H. Ecker et al.;

No. 33. Reconstruction Finance Corporation, petitioner, *v.* Western Pacific Railroad Corporation et al.; and

No. 61. Irving Trust Company, as Substituted trustee, etc., petitioner, *v.* Crocker First National Bank of San Francisco et al., etc. Argument continued by Mr. Russell L. Snodgrass for the Reconstruction Finance Corporation; by Mr. M. C. Sloss for Western Pacific Railroad Corporation; by Mr. Robert E. Coulson for A. C. James Company; by Mr. E. G. Buckland for The Railroad Credit Corporation; by Mr. Robert T. Swain for the Institutional Bondholders Committee; by Mr. Harold C. McCollom for Irving Trust Co., Trustee of General Refunding Mortgage; and concluded by Mr. Orville W. Wood for Crocker First National Bank of San Francisco et al., Trustees of First Mortgage.

No. 11. Group of Institutional Investors et al., petitioners, *v.* Chicago, Milwaukee, St. Paul & Pacific Railroad Co.;

No. 12. Group of Institutional Investors et al., petitioners, *v.* Union Trust Co. et al.;

No. 13. Group of Institutional Investors et al., petitioners, *v.* Israel A. Abrams et al.;

No. 14. Group of Institutional Investors et al., petitioners, *v.* H. C. Orton et al., etc.;

No. 15. Group of Institutional Investors et al., petitioners, *v.* Guaranty Trust Co. of New York et al., etc.;

No. 16. Group of Institutional Investors et al., petitioners, *v.* Chicago, Terre Haute & Southeastern Ry. Co. et al.;

No. 17. Group of Institutional Investors et al., petitioners, *v.* United States Trust Co., of New York as Trustee, etc.;

No. 18. Group of Institutional Investors et al., petitioners, *v.* Trustees of Princeton University et al., etc.;

No. 19. Group of Institutional Investors et al., petitioners, *v.* E. Stanley Glines et al., etc.; and

No. 32. Reconstruction Finance Corporation, petitioner, *v.* Chicago, Milwaukee, St. Paul and Pacific Railroad Company et al. Argument commenced by Mr. Kenneth F. Burgess for Group of Institutional Investors.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, October 15, will be as follows: Nos. 11 (12, 13, 14, 15, 16, 17, 18, 19, and 32), 9, 21, 23, 24, 26 (and 27), 28, 29, 30, and 31.

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, and Mr. Justice Jackson.

Milton V. Thompson, of Chicago, Ill.; Edward E. Watts, Jr., of New York City; James E. Curry, of San Juan, P. R.; Dallas Scarborough, of Abilene, Tex.; Gordon Simpson, of Tyler, Tex.; Vance V. Vaughan, of Washington, D. C.; and Stuart H. Robeson, of Washington, D. C., were admitted to practice.

No. 71. United Carbon Company et al., petitioners, *v.* Binney & Smith Company. Motion for leave to file brief of Godfrey L. Cabot, Inc., as *amicus curiae*, submitted by Mr. Robert E. Kline, Jr., in that behalf.

No. 11. Group of Institutional Investors et al., petitioners, *v.* Chicago, Milwaukee, St. Paul & Pacific R. R. Co.;

No. 12. Group of Institutional Investors et al., petitioners, *v.* Union Trust Co. et al., etc.;

No. 13. Group of Institutional Investors et al., petitioners, *v.* Israel A. Abrams et al.;

No. 14. Group of Institutional Investors et al., petitioners, *v.* H. C. Orton et al., etc.;

No. 15. Group of Institutional Investors et al., petitioners, *v.* Guaranty Trust Co. of New York et al., etc.;

No. 16. Group of Institutional Investors et al., petitioners, *v.* Chicago, Terre Haute & Southeastern Ry. Co. et al.;

No. 17. Group of Institutional Investors et al., petitioners, *v.* United States Trust Co., of New York, as Trustee, etc.;

No. 18. Group of Institutional Investors et al., petitioners, *v.* Trustees of Princeton University et al., etc.;

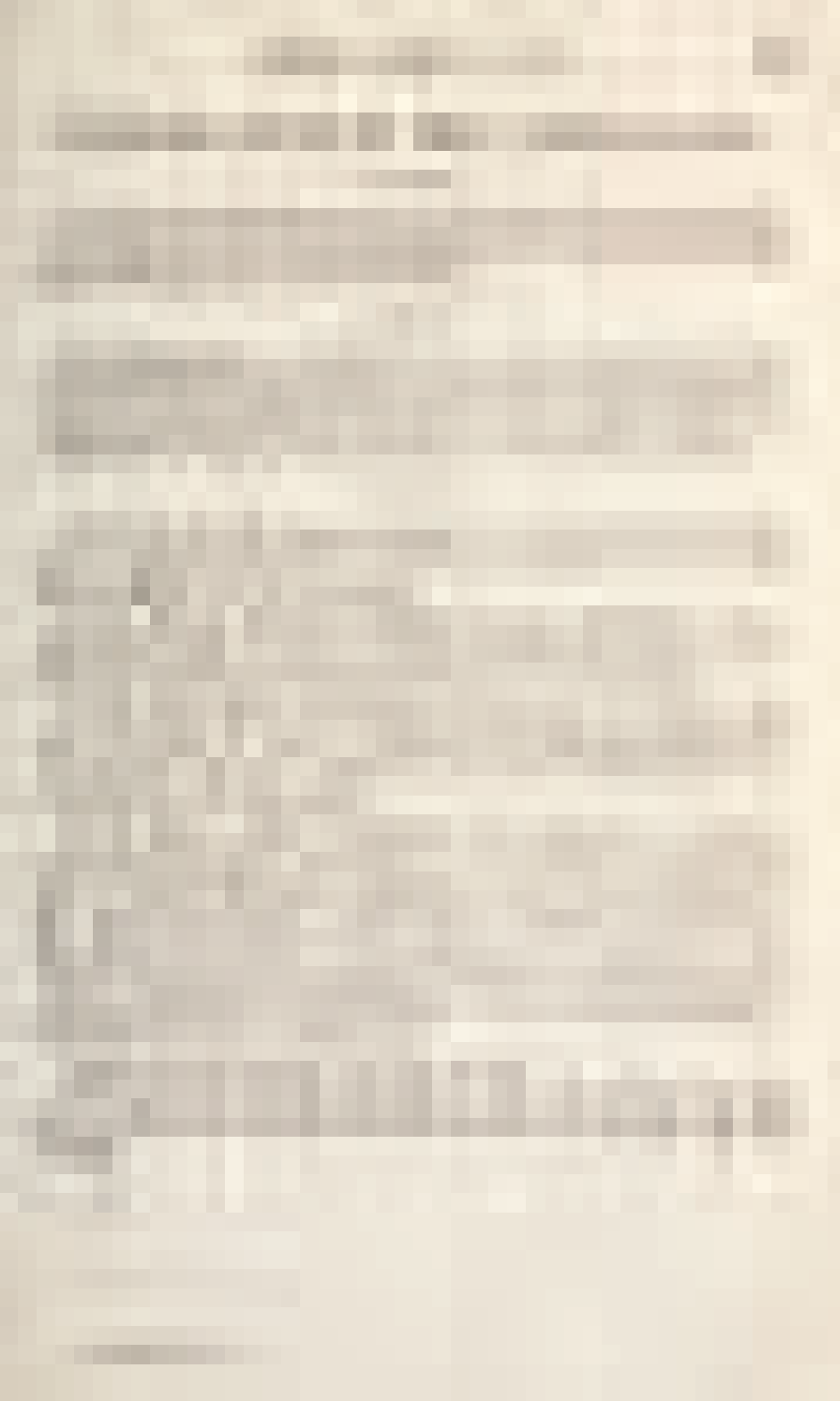
No. 19. Group of Institutional Investors et al., petitioners, *v.* E. Stanley Glines et al., etc.; and

No. 32. Reconstruction Finance Corporation, petitioner, *v.* Chicago, Milwaukee, St. Paul and Pacific Railroad Company et al. Argument continued by Mr. A. N. Whitlock for Henry A. Scandret et al., Trustees for Chicago, Milwaukee, St. Paul and Pacific R. R. Co.; by

Mr. Fred N. Oliver for Mutual Savings Bank Group; by Mr. Russell L. Snodgrass for Reconstruction Finance Corporation; by Mr. John L. Hall for Chicago, Milwaukee, St. Paul and Pacific R. R. Co., Debtor; by Mr. Albert K. Orschel for Protective Committee of Holders of Preferred Stock of Chicago, Milwaukee, St. Paul and Pacific R. R. Co.; by Mr. McCready Sykes for United States Trust Co., of New York as Trustee, etc.; by Mr. Frederick J. Moses for "University Group" of General Mortgage Bondholders; by Mr. Edwin S. S. Sunderland for the Fifty Year Mortgage Trustees; by Mr. C. Frank Reavis for the Protective Committee of Fifty Year Mortgage Bonds; by Mr. Meyer Abrams for Adjustment Mortgage Bondholders; by Mr. Thomas S. McPheeters for Gary First Mortgage Group; by Mr. Reese D. Alsop for Chicago, Terre Haute and Southeastern Ry. Co., First Lien Bondholders Committee; by Mr. Ernest S. Ballard for Massachusetts Mutual Life Insurance Co. et al.; and concluded by Mr. Kenneth F. Burgess for Group of Institutional Investors et al.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, October 16, will be as follows: Nos. 9, 21, 23, 24, 26 (and 27), 28, 29, 30, 31, and 40 (41 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, and Mr. Justice Jackson.

Elmer C. Tobin, of Elgin, Ill.; Jesse C. Byrd, of Crisfield, Md.; Chauncey H. Levy, of New York City; Sidney Basil Levy, of New York City; Morris I. Liebman, of Chicago, Ill.; Lewis W. Cutrer, of Houston, Tex.; Hughes J. Rhodes, of Burlington, N. C.; Moses B. Gillam, Jr., of Windsor, N. C.; Edmond N. Cahn, of New York City; Charles C. Fox, of Jeffersonville, Ind.; John B. Prizer, of Philadelphia, Pa.; James W. Oram, of Philadelphia, Pa.; and Lee Davis, of Kansas City, Mo., were admitted to practice.

The Chief Justice announced the following orders of the Court:

No. 1. The Carter Oil Company, petitioner, *v.* John F. Welker, Nellie E. Welker, et al. On writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit. *Per curiam*: The judgment is reversed, per stipulation, on the authority of *Tallman v. Eastern Illinois & Peoria R. R. Co.*, 379 Ill. 441, and *Vandenbark v. Owens-Illinois Co.*, 311 U. S. 533.

No. 259. H. Clyde Reeves, Commissioner of Revenue of the Commonwealth of Kentucky, appellant, *v.* Ben Williamson, Jr., Trustee of the Kentucky Fuel Gas Corporation. Appeal from and on petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit. *Per curiam*: The appeal is dismissed for the want of jurisdiction. Section 240 (b), Judicial Code, as amended, 28 U. S. C. section 347 (b); *Memphis Gas Co. v. Beeler*, 315 U. S. 649, 650-51. The petition for writ of certiorari is denied.

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 the Disbarment of Paysoff Tinkoff. It having been reported to the Court that Paysoff Tinkoff, of Chicago, State of Illinois, has been disbarred from the practice of the law by the Supreme Court of the State of Illinois; and this Court by order

of June 1, 1942, having suspended the said Paysoff Tinkoff 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 duly issued and served upon the respondent, who has filed a return thereto; now, upon consideration of the rule to show cause and the return aforesaid,

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

No. — Roy Alton Holwig, petitioner, *v.* Wm. H. Hiatt;

No. — Arthur S. Humes, petitioner, *v.* Sam C. Blair, Judge;

No. — *Ex parte* Frank S. Fowler, petitioner; and

No. — *Ex parte* Thomas M. Woffard, petitioner. Applications denied.

No. — Gerald Vaughn Flynn, petitioner, *v.* Robert H. Hudspeth, Warden. The motion for review is denied.

No. — *Ex parte* Pedro E. Sanchez Tapia, petitioner. The application for allowance of an appeal is denied.

No. —, original. *Ex parte* John O. Spaulding, petitioner. The motion for leave to file petition for writ of habeas corpus is denied without prejudice to an application to the appropriate District Court.

No. —, original. *Ex parte* Marvin Davis, petitioner. The motions for leave to file a petition for writ of certiorari and a petition for writ of habeas corpus are denied.

No. —, original. *Ex parte* George E. Phillips, petitioner;

No. —, original. *Ex parte* Frank Contardi, petitioner;

No. —, original. *Ex parte* Frank Blaszak, petitioner;

No. —, original. *Ex parte* James Dobry, petitioner;

No. —, original. *Ex parte* Ray J. Knowlton, petitioner;

No. —, original. *Ex parte* George D. Templeton, petitioner;

No. —, original. *Ex parte* James E. Jackson, petitioner;

No. —, original. *Ex parte* Joseph Brown, petitioner;

No. —, original. *Ex parte* Glenn Wilkerson, petitioner; and

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

No. —, original. *Ex parte* David H. Johnson, petitioner. The motion for leave to file a bill of complaint is denied.

No. —, original. *Ex parte* Fred Benioff Co., petitioner. The motion for leave to file petition for writ of mandamus is denied without prejudice to an application to the Circuit Court of Appeals.

No. 12. October Term, 1940. The United States of America, petitioner, *v.* Appalachian Electric Power Company. The petition for construction of the mandate is denied.

No. 76. Jessie William Miller, petitioner, *v.* The United States of America. It is ordered that Howard C. Westwood, Esquire, of Washington, D. C., be appointed to serve as counsel for the petitioner in this case.

No. 24. Marine Harbor Properties, Inc., petitioner, *v.* Manufacturer's Trust Company, as Trustee, etc., et al. The motion for leave to file brief of certain charitable institutions, as amici curiae, is granted.

No. 71. United Carbon Company and United Carbon Company, Inc., petitioners, *v.* Binney & Smith Company. The motion for leave to file brief of Godfrey L. Cabot, Inc., as amicus curiae, is granted.

No. 321. The Creek Nation, petitioner, *v.* The United States; and

No. 322. The Seminole Nation, petitioner, *v.* The United States. Petition for writs of certiorari to the Court of Claims granted.

No. 336. L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor, petitioner, *v.* Jacksonville Paper Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted and the case is assigned for argument immediately following No. 97.

No. 366. The United States, petitioner, *v.* Brooks-Callaway Company. Petition for writ of certiorari to the Court of Claims granted and the case is transferred to the summary docket.

No. 72. The People of the State of New York, ex rel. R. Gordon Whitman, petitioner, *v.* Joseph H. Wilson, as Warden, etc. The motion for leave to proceed in forma pauperis is granted. The petition for writ of certiorari to the Supreme Court of New York is also granted.

No. 362. Joseph E. Moses, petitioner, *v.* Walter A. Hunter, Warden, United States Penitentiary, Leavenworth, Kansas. On petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit;

No. 368. Robert Vivion Bell, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 382. Walter McDonald and Otto Barnowski, petitioners, *v.* Robert H. Hudspeth, Warden, United States Penitentiary, Leavenworth, Kansas. On petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit; and

No. 384. Clarence E. Mahaffey, petitioner, *v.* Robert H. Hudspeth, Warden, United States Penitentiary, Leavenworth, Kansas. 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. 314. Lakeside Irrigation Co., Inc., petitioner, *v.* Commissioner of Internal Revenue. The motion to defer consideration of the petition for writ of certiorari is denied. The petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit is also denied.

No. 364. William Bunn, petitioner, *v.* City of Atlanta. Petition for writ of certiorari to the Court of Appeals of Georgia denied on the ground 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. 372. William Fox, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 122. Henry Kravitz, petitioner, *v.* The People of the State of New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 199. J. H. Crain and R. E. Lee Wilson, Jr., Trustees, etc., petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 337. Armand Tokatyan, petitioner, *v.* Max Chopnick. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 343. Clarence J. Thompson, petitioner, *v.* The State of Georgia. Petition for writ of certiorari to the Court of Appeals of the State of Georgia denied.

No. 346. Stonewall Cotton Mills, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 348. Mrs. John Hilley, petitioner, *v.* Wid Spivey, Sheriff. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 349. Daisy Largent, petitioner, *v.* Jack Reeves, City Marshal. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 350. Tully B. Killam, petitioner, *v.* City of Floresville. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 353. Armin F. Hillmer, as Representative of Creditors of Chicago Bank of Commerce, petitioner, *v.* Vincent Bendix. Petition

for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 357. The Industrial Board of the State of New York, petitioner, *v.* The New York Central Railroad Company, Employer and self-insured. Petition for writ of certiorari to the Supreme Court, Appellate Division, State of New York, denied.

No. 363. S. R. Brackin, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 371. State of California, petitioner, *v.* Clifford C. Anglim, as U. S. Collector of Internal Revenue for the First District of California. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 374. United Enterprises, Inc., petitioner, *v.* Anne Dubey, Eva A. Lowther, et al., etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 375. G. B. Howell et al., petitioners, *v.* Chicago, Wilmington & Franklin Coal Company, Inc., et al.; and

No. 376. G. B. Howell et al., petitioners, *v.* Chicago, Wilmington & Franklin Coal Company, Inc., et al. Petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 377. Ronning Machinery Company et al., petitioners, *v.* Caterpillar Tractor Co. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 378. Fred Porter, by his executors, et al., petitioners, *v.* Barclay Cooke and Robert Barbour Cooke, as Executors, etc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 379. Title Insurance and Trust Company, petitioner, *v.* Harry C. Mabry as Executor, etc., et al. Petition for writ of certiorari to the District Court of Appeal, Second Appellate District, State of California, denied.

No. 380. B. A. Kausal, petitioner, *v.* 79th and Escanaba Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 383. Lester H. Barnhart, Clinton R. Smith, et al., petitioners, *v.* Western Maryland Railway Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 1058, October Term, 1941. Midland Cooperative Wholesale, Inc., petitioner, *v.* Harold L. Ickes, Secretary of the Interior, et al. Motion for leave to file a second petition for rehearing denied.

No. 94. Mother Lode Coalition Mines Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for rehearing denied.

The Court will take a recess from Monday, October 26, until Monday, November 9, next.

No. 24. Marine Harbor Properties, Inc., petitioner, *v.* Manufacturer's Trust Company, as trustee, etc., et al. Argument continued by Mr. Charles E. Hughes, Jr., for the respondent, Manufacturer's Trust Co., as Trustee, etc.; by Mr. Benjamin Heffner for the State of New York, as amicus curiae, by special leave of Court; by Mr. Chester T. Lane for the respondent, Securities and Exchange Commission; and concluded by Mr. Arthur E. Friedland for the petitioner.

No. 26. Henry Anton Pfister, petitioner, *v.* Northern Illinois Finance Corporation et al.; and

No. 27. Henry Anton Pfister, petitioner, *v.* Northern Illinois Finance Corporation et al. Argued by Mr. Elmer McClain for the petitioner and by Mr. Elmer C. Tobin for the respondents.

No. 28. The Washington Terminal Company, petitioner, *v.* F. E. Boswell et al. Argument commenced by Mr. John Dickinson for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, October 20, will be as follows: Nos. 28, 29, 30, 40 (41 and 42), 43 (and 44), 31, 10, 25, 48, and 49.

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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, and Mr. Justice Jackson.

J. M. C. Townsend, of Wildwood, Ga.; Wilkes T. Thrasher, of Chattanooga, Tenn.; E. B. Baker, of Chattanooga, Tenn.; Anna H. Zachs, of New York City; Edison W. Mollohan, Jr., of Washington, D. C.; Anthony J. Caputo, of New York City; Harold W. Hastings, of New York City; Raymond T. Sawyer, Jr., of Cleveland, Ohio; Lawrason Riggs, of New York City; and John S. Powell, of Indianapolis, Ind., were admitted to practice.

No. 72. The People of the State of New York, ex rel. R. Gordon Whitman, petitioner, *v.* Joseph H. Wilson, as Warden, etc. It is ordered that Charles E. Hughes, Jr., Esquire, of New York City, be appointed to serve as counsel for the petitioner in this case.

No. 28. The Washington Terminal Company, petitioner, *v.* F. E. Boswell et al. Argument continued by Mr. John Dickinson for the petitioners and concluded by Mr. Willard H. McEwen for the respondents.

No. 29. O. B. Williams and Lillie Shaver Hendrix, petitioners, *v.* The State of North Carolina. Argued by Mr. W. H. Strickland for the petitioners and by Mr. Hughes J. Rhodes for the respondent.

No. 30. Lawrason Riggs, Jr., Special Guardian, petitioner, *v.* Giovanni del Drago et al. Argued by Mr. John W. Davis for the petitioner and by Mr. Henry Cohen for the respondents Giovanni del Drago and Marcel del Drago; and case submitted by Mr. Anthony J. Caputo for respondent Byron Clark, Jr., as Executor and by Mr. Harold W. Hastings for respondent Harold W. Hastings, Special Guardian.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, October 21, will be as follows: Nos. 40 (41 and 42), 43 (and 44), 10, 25, 31, 48, 49, 45, 65, and 67.

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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, and Mr. Justice Jackson.

Max R. Traurig, of Waterbury, Conn.; Daniel William Leider, of New York City; Charles E. Scribner, of New York City; Samuel Okin, of New York City; William E. J. Connor, of Hudson, N. Y.; Allen Gordon Miller, of New York City; and Frank T. O'Brien, of Chicago, Ill., were admitted to practice.

No. 40. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* The Ohio Leather Company;

No. 41. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* The Strong Manufacturing Company; and

No. 42. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Warren Tool Company. Argued by Mr. Valentine Brooks for the petitioner; by Mr. Donald J. Lynn for the respondent in No. 40; by Mr. Raymond S. Powers for the respondent in No. 41; and by Mr. Raymond T. Sawyer, Jr., for the respondent in No. 42.

No. 43. Harry Braverman, petitioner, *v.* The United States of America; and

No. 44. Allen Wainer, petitioner, *v.* The United States of America. Argued by Mr. James J. Magner for the petitioner in No. 43; by Mr. John E. Dougherty for the petitioner in No. 44; and by Mr. W. Marvin Smith for the respondent.

No. 10. Mitchell Clifton Anderson et al., petitioners, *v.* The United States of America. Argument commenced by Mr. Daniel William Leider for the petitioners and continued by Mr. Assistant Attorney General Berge for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, October 22, will be as follows: Nos. 10, 25, 31, 48, 49, 45, 65, 67, 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, and Mr. Justice Jackson.

Melva M. Graney, of Washington, D. C.; Robert Stuart Erdahl, of Washington, D. C.; E. Marshall Thomas, of Dubuque, Iowa; Henry F. Poyet, of Los Angeles, Calif.; Robert A. Fulwiler, of Roanoke, Va.; and Zachariah Hicklin Douglas, of Gainesville, Fla., were admitted to practice.

No. 310. John Len Lacy, petitioner, *v.* The United States of America. Application for stay denied.

No. 10. Mitchell Clifton Anderson et al., petitioners, *v.* The United States of America. Argument continued by Mr. Assistant Attorney General Berge for the respondent and concluded by Mr. Daniel William Leider for the petitioners.

No. 25. Benjamin McNabb et al., petitioners, *v.* The United States of America. Argued by Mr. E. B. Baker for the petitioners and by Mr. Assistant Attorney General Berge for the respondent.

No. 31. The United States, petitioner, *v.* Fred J. Rice and W. Cameron Burton, Receivers, etc. Argued by Mr. Valentine Brookes for the petitioner and by Mr. R. Aubrey Bogley for the respondent.

No. 48. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* John Stuart. Argument commenced by Mr. Assistant Attorney General Clark for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, October 23, will be as follows: Nos. 48, 49, 45, and 65.

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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, and Mr. Justice Jackson.

Fay W. Prescott, of Fort Worth, Tex.; Frank J. Glossa, of Boston, Mass.; Arthur S. Wolpe, of Los Angeles, Calif.; Jess G. Sutliff, of Independence, Calif.; and Nathan Tannenbaum, of New York City, were admitted to practice.

No. —, original. Ex parte Eugene Weil, petitioner. Return to the rule to show cause presented.

No. 48. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* John Stuart. Argument continued by Mr. Assistant Attorney General Clark for the petitioner; by Mr. Herbert Pope and Mr. George I. Haight for the respondent; and concluded by Mr. Assistant Attorney General Clark for the petitioner.

No. 49. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* R. Douglas Stuart. Argued by Mr. Assistant Attorney General Clark for the petitioner and by Mr. Herbert Pope for the respondent.

No. 45. Sola Electric Company, petitioner, *v.* Jefferson Electric Company. Argued by Mr. J. Bernhard Thiess for the petitioner and by Mr. Thomas H. Sheridan for the respondent.

No. 65. The United States, petitioner, *v.* Callahan Walker Construction Company. Argued by Mr. Richard S. Salant for the petitioner and by Mr. Robert A. Littleton for the respondent.

Adjourned until Monday, October 26, 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, and Mr. Justice Jackson.

James E. Harrington, of Los Angeles, Calif.; James M. Votava, of Chicago, Ill.; Donald A. Schafer, of Portland, Oreg.; Anthony Kane, of Seattle, Wash.; Allan A. Herrick, of Des Moines, Iowa; Frederick Shapoe, of Pittsburgh, Pa.; Frederick W. Crawford, of San Francisco, Calif.; Bernard M. Savage, of Baltimore, Md.; and A. J. Clynch, of Seattle, Wash., were admitted to practice.

The Chief Justice announced the following orders of the Court:

No. 9. The United States, petitioner, *v.* Consumers Paper Company. On writ of certiorari to the Court of Claims. *Per curiam*: The judgment is affirmed by an equally divided Court.

No. 406. Southeastern Greyhound Lines, Union Bus Company, et al., appellants, *v.* George F. McCanless, Commissioner of Finance and Taxation, et al. Appeal from the Supreme Court of Tennessee. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. (1) Maurer *v.* Hamilton, 309 U. S. 598; (2) Clark *v.* Paul Gray, Inc., 306 U. S. 583, 598-600.

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. 399. Penn Dairies, Inc., et al., appellants, *v.* The Milk Control Commission of the Commonwealth of Pennsylvania. In this case probable jurisdiction is noted and the case is assigned for argument immediately following No. 275.

No. 387. Reconstruction Finance Corporation, petitioner, *v.* Bankers Trust Company, Trustee; and

No. 388. Reconstruction Finance Corporation, petitioner. *v.* Bankers Trust Company, Trustee. Petition for writs of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted.

No. 473. In re William V. Bradley, petitioner. Petition for writ of certiorari to the United States Circuit Court of Appeals for the

Third Circuit granted and an order is entered admitting the petitioner to bail.

No. 389. Louis B. Bord, alias Louis B. Boff, petitioner, *v.* The United States of America; and

No. 390. Louis B. Bord, alias Louis B. Boff, petitioner, *v.* The United States of America. On petition for writs of certiorari to the Court of Appeals for the District of Columbia; and

No. 407. Allen B. Woolworth, petitioner, *v.* The State of Kansas et al. On petition for writ of certiorari to the Supreme Court of Kansas. The motions for leave to proceed in forma pauperis are granted. The petitions for writs of certiorari are denied.

No. 393. Gerald G. Barry and Georgiana G. Barry, petitioners, *v.* Chrysler Corporation et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. Mr. Justice Roberts took no part in the consideration or decision of this application.

No. 403. Phoenix Finance Corporation, a corporation of the State of Delaware, petitioner, *v.* Iowa-Wisconsin Bridge Company, a corporation of the State of Delaware. Petition for writ of certiorari to the Supreme Court of Delaware denied. Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 286. Mahogany Association, Inc., et al., petitioners, *v.* Black & Yates, Inc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 365. Hazel Kruse, Administratrix, etc., et al., petitioners, *v.* New England Fish Company of Oregon, a corporation, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 370. The Dill Manufacturing Company, petitioner, *v.* William F. Goff et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 386. Oluf Borup et al., etc., petitioners, *v.* American Whale Factory Ship "Ulysses," her engines, etc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 391. Joseph E. Levine, a bankrupt, petitioner, *v.* Jack Levine. Petition for writ of certiorari to the Supreme Court of New York denied.

No. 392. Stuart Daggett, Sr., et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 395. Time, Incorporated, petitioner *v.* Viobin Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 397. General Porcelain Enameling and Manufacturing Company, petitioner, *v.* The Ceramic Process Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 400. The Linen Thread Company, Ltd., petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 401. Parts Manufacturing Corporation, petitioner, *v.* Thomas P. Lynch, Special Agent, etc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 402. James Heddon's Sons, petitioner, *v.* Millsite Steel & Wire Works, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 404. Wyatt D. Shultz and Carolyn Shultz, as Coexecutors, etc., petitioners, *v.* Manufacturers and Traders Trust Company, Individually, etc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 408. Ben Preston, petitioner, *v.* Bunker Hill State Bank of Bunker Hill, Kansas, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 409. United States Gauge Company, petitioner, *v.* Penn Electric Switch Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 410. Lydia E. Pinkham Medicine Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 411. Joe A. May and Lee May, petitioners, *v.* John M. Parker Company, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 412. Ervin Howell and Raymond Earl Gutermuth, petitioners, *v.* Royden O. Couch, doing business as Couch Manufacturing Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 417. William W. Bachmann, petitioner, *v.* New York City Tunnel Authority. Petition for writ of certiorari to the Supreme Court of New York denied.

No. 622, October Term, 1941. L. Metcalfe Walling, petitioner, *v.* A. H. Belo Corporation; and

No. 939, October Term, 1941. Overnight Motor Transportation Company, Inc., petitioner, *v.* William H. Missel. Petitions for rehearing denied.

ORDER

Pursuant to the Act of May 9, 1942 (Public Law 543, 77th Congress), the Court will undertake the preparation of rules of practice and procedure with respect to appeals by the United States in certain cases.

To assist the Court in this undertaking, the Advisory Committee appointed by order of February 3, 1941 (amended by orders of May 26, 1941, and October 27, 1941), to assist the Court in the preparation of rules of pleading, practice, and procedure with respect to proceedings prior to and including verdict, or finding of guilty or not guilty, in criminal cases in district courts of the United States, is hereby authorized and directed to make such recommendations as may be deemed advisable respecting promulgation of rules of practice and procedure under the Act of May 9, 1942.

Adjourned until Monday, November 9, at 12 o'clock.

The day call for Monday, November 9, will be as follows: Nos. 2, 50, 60, 66, 22, 67, 70, 71, 73, and 81 (and 82).

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, and Mr. Justice Jackson.

Louis Kurz, of Jacksonville, Fla.; Victor Behrstock, of Los Angeles, Calif.; Eugene M. Elson, of Los Angeles, Calif.; James Hendrick Terry, of New York City; Douglas I. Mann, of Boston, Mass.; Robert P. Harland, of Milwaukee, Wis.; Percy J. Power, of Detroit, Mich.; William Carl Bauer, of Saginaw, Mich.; Richard A. Moore, of Washington, D. C.; Alfred T. Cluff, of Los Angeles, Calif.; Elmer W. Beasley, of Hartford, Conn.; Herbert F. Hawkins, of Lubbock, Tex.; and Clarence D. Todd, Jr., of Washington, D. C., were admitted to practice.

No. 59. Claude R. Wickard, Secretary of Agriculture of the United States, et al., appellants, v. Roscoe C. Filburn. Appeal from the District Court of the United States for the Southern District of Ohio. 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 Jackson.

No. 21. Warren-Bradshaw Drilling Company, petitioner, v. O. V. Hall, Individually and as Agent of W. N. Slaid 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 Texas. Opinion by Mr. Justice Murphy. Dissenting opinion by Mr. Justice Roberts.

No. 30. Lawrason Riggs, Jr., Special Guardian, petitioner, v. Giovanni Del Drago, Marcel Del Drago, Byron Clark, Jr., as Executor, et al. On writ of certiorari to the Surrogate's Court, New York County, State of New York. Judgment reversed with costs and cause remanded to said Surrogate's Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Murphy.

No. 40. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, v. The Ohio Leather Company;

No. 41. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, v. The Strong Manufacturing Company; and

No. 42. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Warren Tool Corporation. On writs of certiorari to the United States Circuit Court of Appeals for the Sixth 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 Murphy.

No. 24. Marine Harbor Properties, Inc., petitioner, *v.* Manufacturer's Trust Company (Successor by merger to the Mortgage Corporation of New York), as Trustee, etc., et al. On writ of certiorari to the United States 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 Douglas.

No. 31. The United States, petitioner, *v.* Fred J. Rice and W. Cameron Burton, Receivers for D. C. Engineering Company, Inc. On writ of certiorari to the Court of Claims. Judgment reversed and cause remanded to the Court of Claims for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black.

No. 10, original. *Ex parte*, Kumezo Kawato, petitioner. Petition for writ of mandamus granted. Opinion by Mr. Justice Black.

No. 65. The United States, petitioner, *v.* Callahan Walker Construction Company. On writ of certiorari to the Court of Claims. Judgment reversed and cause remanded to the Court of Claims for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts.

No. 43. Harry Braverman, petitioner, *v.* The United States of America; and

No. 44. Allen Wainer, petitioner, *v.* The United States of America. On writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment reversed and cases remanded to the District Court of the United States for the Eastern District of Michigan where petitioners will be resentenced 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. 423. Royal Cadillac Service, Inc., and Reliable Cadillac Lines, Inc., appellants, *v.* The United States, Interstate Commerce Commission, et al. Appeal from the District Court of the United States for the Southern District of New York. *Per curiam*: The motions to affirm are granted and the judgment is affirmed, it appearing that the only substantial question raised by the appeal—whether under section 206 (a) of the Interstate Commerce Act, 49 U. S. C., section 306 (a), appellants may lawfully continue operation until the

determination by the Commission of their application for a certificate of public convenience and necessity—has become moot because of the denial of such application by the Interstate Commerce Commission on September 16, 1942.

No. 491. John Lawrence Coleman, appellant, *v.* The People of the the State of California. Appeal from the Supreme Court of California. *Per curiam*: The motion for leave to proceed *in forma pauperis* is granted. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Troche v. California*, 280 U. S. 524.

No. 426. J. Monroe Floyd, petitioner, *v.* The Du Bois Soap Company. On petition for writ of certiorari to the Supreme Court of Ohio. *Per curiam*: The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari is granted and the judgment is reversed on the authority of *Overnight Motor Co. v. Missel*, 316 U. S. 572, and *Warren-Bradshaw Drilling Co. v. Hall*, No. 21, decided today.

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. —, original. *Ex parte* William Ira Jenkins, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. —. United States, plaintiff, *v.* Henry Eugene Terrell. The motion by defendant to set aside judgment is denied.

No. —. *Ex parte* James Rulong, petitioner. The application for appeal is denied.

No. —. In the matter of Joe Tenner, petitioner. The orders of stay entered herein October 27, 1941, December 8, 1941, December 15, 1941, and December 22, 1941, are vacated.

No. 11, original, Selvie Winfield Wells, petitioner, *v.* The United States of America. On motion for leave to file petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. The motion for leave to proceed *in forma pauperis* is granted. The motion for leave to file petition for writ of certiorari is granted and the petition for writ of certiorari is also 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. 420. Wilder Tileston, appellant, *v.* Abraham S. Ullman, State's Attorney, 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.

No. 250. Carlota Benitez De Seix et al., petitioners, *v.* Ros Maria Anciani et al. The "Petition to the Court" filed herein September 9, 1942, is denied without prejudice to an application to the District Court.

No. 422. Maurice Mandeville, as Trustee, etc., et al., petitioners, *v.* Greek Miller Canterbury. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted.

No. 424. Federal Security Administrator, petitioner, *v.* The Quaker Oats Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted.

No. 452. Corn Exchange National Bank and Trust Company, Philadelphia, et al., petitioners, *v.* Norman Klauder, Trustee, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted.

No. 429. Hurlbut W. Smith, petitioner, *v.* Frank J. Shaughnessy, Collector of Internal Revenue, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted and the case is transferred to the summary docket.

No. 436. Joseph De Zon, petitioner, *v.* American President Lines, Ltd. The motion to proceed on typewritten papers is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit is also granted.

No. 213. Southern Pacific Company, petitioner, *v.* Gladys Viola Haight. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 394. National Labor Relations Board, petitioner, *v.* Express Publishing Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 414. Chattanooga Bakery, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 416. Charles Beland, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 419. R. Simpson & Co., Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 425. Luke Manion, petitioner, *v.* State of Michigan and G. Donald Kennedy, Michigan State Highway Commissioner. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 428. O. M. Tate, Jr., Trustee in Bankruptcy of Post and Company, etc., et al., petitioners, *v.* Rose McCabe Hoover. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 431. H. T. Poindexter & Sons Merchandise Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 432. S. T. Persen, as Ancillary Administrator, etc., petitioner, *v.* The National City Company, a corporation, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 433. Terminal Railroad Association, petitioner, *v.* Julia C. Miller, Administratrix, etc. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 434. Martin L. Sweeney, petitioner, *v.* Eleanor M. Patterson, trading as the Washington Times-Herald, et al. Petition for writ of certiorari to the Court of Appeals for the District of Columbia denied.

No. 443. Indiana Gas & Chemical Corporation, petitioner, *v.* Kentucky Natural Gas Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 413. People of the State of California, on the relation of Charles McColgan, etc., petitioner, *v.* John Howard Bruce. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 421. John J. Fulton Company, petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 430. Colonial Oil Company, petitioner, *v.* American Oil Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 442. Paul O. Buckley, petitioner, *v.* Ross W. Judson. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. Mr. Justice Douglas and Mr. Justice Murphy took no part in the consideration or decision of this application.

No. 415. Harry Eyer, petitioner, *v.* Patrick J. Brady, Warden of the Maryland Penitentiary. On petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit;

No. 448. Edmond C. Fletcher, petitioner, *v.* William G. Maupin et al. On petition for writ of certiorari to the Court of Appeals for the District of Columbia;

No. 437. Robert W. Halliday et al., petitioners, *v.* State of Ohio ex rel. S. H. Squire, Superintendent of Banks, etc., et al.;

No. 438. Robert W. Halliday et al., petitioners, *v.* State of Ohio ex rel. S. H. Squire, Superintendent of Banks, etc., et al.; and

No. 439. Robert W. Halliday et al., petitioners, *v.* State of Ohio ex rel. S. H. Squire, Superintendent of Banks, etc., et al. On petitions for writs of certiorari to the Court of Appeals of Ohio;

No. 435. Mary M. Hunsberger, petitioner, *v.* York K. Fischer and Hanna K. Fischer. On petition for writ of certiorari to the Superior Court of Pennsylvania;

No. 440. C. T. Earle, petitioner, *v.* Illinois Central Railroad Company et al. On petition for writ of certiorari to the Court of Appeals of Tennessee; and

No. 444. Charles O'Keith, 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. The petitions for writs of certiorari are denied.

No. —, original. Ex parte Thomas Jordan, petitioner;

No. 105. Duquesne Club, petitioner, *v.* Henry D. Bell, as Former Acting Collector of Internal Revenue; and

No. 106. Duquesne Club, petitioner, *v.* William D. Driscoll, as Collector of Internal Revenue;

No. 107. Mary Boyd Evans, petitioner, *v.* Commissioner of Internal Revenue; and

No. 108. Katharine Boyd Morehead, petitioner, *v.* Commissioner of Internal Revenue;

No. 113. The Davidson Transfer and Storage Company et al., appellants, *v.* The United States of America et al.;

No. 116. Nieschlag & Co., Inc., petitioner, *v.* Atlantic Mutual Insurance Company;

No. 128. Mike Gurney et al., appellants, *v.* J. R. Ferguson et al.;

No. 139. John Yani, petitioner, *v.* Herbert A. Smith, Warden, etc.;

No. 159. J. R. Mason, petitioner, *v.* Merced Irrigation District;

No. 160. Cheltenham & Abington Sewerage Company, appellant, *v.* Pennsylvania Public Utility Commission et al.;

No. 168. Milton J. Levine, petitioner, *v.* Robert H. Hudspeth, Warden, etc.;

No. 180. Southwestern Greyhound Lines, Inc., petitioner, *v.* A. L. Buchanan;

No. 188. Claud Nivens, petitioner, *v.* Robert H. Hudspeth, Warden, etc.;

No. 216. A. W. Stickle & Company, petitioner, *v.* Interstate Commerce Commission;

No. 239. James A. Rheinstrom, Executor, etc., petitioner, *v.* Thomas J. Connor, Collector of Internal Revenue; and

No. 240. First National Bank, Cincinnati, Ohio, Trustee, etc., petitioner, *v.* Thomas J. Connor, Collector of Internal Revenue;

No. 276. John Gonzales et al., petitioners, *v.* The People of the State of California;

No. 294. Myra Page Wiren, petitioner, *v.* Shubert Theatre Corporation et al.;

No. 301. Charles M. Thomson, as Trustee, etc., et al., petitioners, *v.* Florence G. Hicks et al.;

No. 307. Ida M. Picking et al., petitioners, *v.* The People of the State of New York;

No. 310. John Len Lacy, petitioner, *v.* The United States of America;

No. 340. Doehler Metal Furniture Co., Inc., petitioner, *v.* Lindsay C. Warren, Comptroller General of the United States; and

No. 361. Yellow Manufacturing Acceptance Corporation et al., appellants, *v.* A. H. Stone, Chairman, etc., et al. Petitions for rehearing denied.

No. 115. Carlota Benitez Sampayo, petitioner, *v.* The Bank of Nova Scotia;

No. 280. General Motors Acceptance Corporation et al., appellants, *v.* Sam Hulbert, as County Assessor, etc.; and

No. 317. The Morris Plan Industrial Bank of New York, appellant, *v.* Mark Graves et al., etc. Petitions for rehearing denied. The Chief Justice took no part in the consideration or decision of these applications.

No. 221. Gordon A. Gantz, petitioner, *v.* The United States of America. Petition for rehearing denied. The motion to stay execution of the mandate of the Circuit Court of Appeals is also denied. Mr. Justice Douglas took no part in the consideration or decision of these applications.

No. 382. Walter McDonald and Otto Barnowski, petitioners, *v.* Robert H. Hudspeth, Warden, etc. Petition for rehearing denied. The "Petition for Court Order" is also denied.

No. 519. H. D. Ryan and Lindsay G. Howard, Trading as Keystone Transfer Co., appellants, *v.* Pennsylvania Public Utility Commission. Appeal from the District Court of the United States for the Middle District of Pennsylvania. Docketed and dismissed on motion of counsel for the appellee.

No. 2. William Schneiderman, petitioner, *v.* The United States of America. Three hours allowed for oral argument. Argued by Mr.

Wendell L. Willkie for the petitioner and by Mr. Solicitor General Fahy for the respondent. Leave granted respondent to file an additional brief.

No. 50. Harry Pyle, petitioner, *v.* State of Kansas and Milton F. Amrine, Warden, etc. Argument commenced by Mr. Joseph P. Tummly, Jr., for the petitioner and continued by Mr. Jay Kyle for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, November 10, will be as follows: Nos. 50, 60, 66 (and 22), 67, 70, 71, 73, 81 (and 82), 85, and 78.

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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, and Mr. Justice Jackson.

Harry E. Boot, of Washington, D. C.; Andrew S. Scott, of Laurel, Miss.; Thorne Caldwell, of Princeton, Mass.; J. Y. Sanders, Jr., of Baton Rouge, La.; Joseph B. Harlacher, of Seattle, Wash.; and Milton M. Borowsky, of Philadelphia, Pa., were admitted to practice.

No. 50. Harry Pyle, petitioner, *v.* State of Kansas and Milton F. Amrine, Warden, etc. Argument continued by Mr. Jay Kyle for the respondents and concluded by Mr. Joseph P. Tumulty, Jr., for the petitioner.

No. 60. C. J. Hendry Company et al., petitioners, *v.* E. C. Moore et al., etc. Argued by Mr. Alfred T. Cluf for the petitioners and by Mr. Everett W. Mattoon and Mr. Eugene M. Elson for the respondents. Leave granted petitioner to file an additional brief within one week.

No. 66. Emil H. Strassburger, petitioner, *v.* Commissioner of Internal Revenue; and

No. 22. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* R. A. Sprouse. Argument commenced by Mr. Leo Brady for the petitioner in No. 66 and continued by Mr. Arnold Raun for the Commissioner of Internal Revenue.

Adjourned until Thursday next at 12 o'clock.

The day call for Thursday, November 12, will be as follows: Nos. 66 (and 22), 67, 70, 71, 73, 81 (and 82), 85, 78, 79, and 76.

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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, and Mr. Justice Jackson.

John C. Slade, of Chicago, Ill.; Eli Fowler Seebirt, of South Bend, Ind.; Ezra L. D'Isa, of Chicago, Ill.; Warren W. Shaw, of Topeka, Kans.; Henry A. Mulcahy, of New York City; and Louis F. Niezer, of Fort Wayne, Ind., were admitted to practice.

No. 66. Emil H. Strassburger, petitioner, *v.* Commissioner of Internal Revenue; and

No. 22. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* R. A. Sprouse. Argument continued by Mr. Arnold Raum for the Commissioner of Internal Revenue; by Mr. Charles E. McCulloch for the respondent in No. 22; by Mr. Arnold Raum for the Commissioner of Internal Revenue; and concluded by Mr. Leo Brady for the petitioner in No. 66.

No. 67. Wade Garrett, petitioner, *v.* Moore-McCormack Company, Inc., et al. Argued by Mr. Abraham E. Freedman for the petitioner and by Mr. Rowland C. Evans, Jr., for the respondents.

No. 70. Adrian Ettelson et al. *v.* Metropolitan Life Insurance Company. Argument commenced by Mr. Conover English for the Metropolitan Life Insurance Company.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, November 13, will be as follows: Nos. 70, 71, 73, 81 (and 82), 85, 78, 79, 76, 74, and 86.

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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, and Mr. Justice Jackson.

Alfred H. Featherston, of Murfreesboro, Ark.; Daniel H. Kunkel, of Harrisburg, Pa.; Joseph Francis Frassrand, of Chattanooga, Tenn.; Bonner R. Landman, of Athens, Tex.; Wesley F. Brownton, of La Grande, Oreg.; and Theodore L. Thau, of Chicago, Ill., were admitted to practice.

No. 70. Adrian Ettelson et al. *v.* Metropolitan Life Insurance Company. Argument continued by Mr. Conover English for the Metropolitan Life Ins. Co. and concluded by Mr. Arthur T. Vanderbilt for Ettelson et al.

No. 71. United Carbon Company et al., petitioners, *v.* Binney & Smith Company. Argued by Mr. Hugh M. Morris for the petitioners and by Mr. Dean S. Edmonds for the respondent.

No. 73. National Labor Relations Board, petitioner, *v.* Indiana & Michigan Electric Company et al. Argument commenced by Mr. Ernest A. Gross for the petitioner and continued by Mr. Murray Seasongood for the respondents.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 16th, will be as follows: Nos. 73, 81 (and 82), 85, 78, 74, 79, 76, 86, 94, and 97.

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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, and Mr. Justice Jackson.

John V. Ray, of Charleston, W. Va.; William Strong, of Washington, D. C.; Sidney L. Davis, of Washington, D. C.; Adele I. Springer, of New York City; Edwin J. Skeen, of Salt Lake City, Utah; David Lederman, of Cleveland, Ohio; Laurence J. Kennedy, of Redding, Calif.; R. Rhody Brenlove, of Pittsburgh, Pa.; James M. Carlisle, of Hartford, Conn.; W. Gregory Smith, of Jacksonville, Fla.; Geo. A. Downing, of Atlanta, Ga.; Justinus Gould, of Baltimore, Md.; Archibald MacLeish, of Washington, D. C.; and Edwin Yourman, of Wilburton, Okla., were admitted to practice.

No. 26. Henry Anton Pfister, petitioner, *v.* Northern Illinois Finance Corporation, Algonquin State Bank, Hartman and Son, et al.; and

No. 27. Henry Anton Pfister, petitioner, *v.* Northern Illinois Finance Corporation, Algonquin State Bank, Hartman and Son, et al. On writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgments affirmed with costs and cases remanded to the District Court of the United States for the Northern District of Illinois. Opinion by Mr. Justice Reed.

No. 49. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* R. Douglas Stuart; and

No. 48. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* John Stuart. On writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment in No. 49 reversed, and for reasons stated in the opinion of this Court the decision of the Board of Tax Appeals is affirmed. Judgment in No. 48 reversed and cause remanded to the Circuit Court of Appeals for remand to the Board of Tax Appeals. Opinion by Mr. Justice Reed. Separate opinion by Mr. Chief Justice Stone in which Mr. Justice Black and Mr. Justice Douglas join.

No. 23. State Bank of Hardinsburg, petitioner, *v.* Chancey Ray Brown and Mary G. Brown. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment of the Circuit Court of Appeals reversed with costs and judg-

ment of the District Court affirmed. Opinion by Mr. Justice Roberts. Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Black and Mr. Justice Douglas join.

No. 176. Mary M. Hughes, appellant, *v.* John W. Wendel, County Treasurer of Butler County, Ohio, et al. Appeal from the Supreme Court of the State of Ohio. Appeal dismissed. Opinion, *per curiam*, announced by Mr. Chief Justice Stone.

The Chief Justice announced the following order of the Court:

No. 134. H. H. Beckman et al., appellants, *v.* E. J. Mall, Fred J. Hartner et al. Appeal from the District Court of the United States for the District of Kansas. *Per curiam*: The decree is affirmed on the authority of *Wickard v. Filburn*, No. 59, decided November 9, 1942, without consideration of the grounds relied upon by the court below for dismissing the bill.

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. —, Original. *Ex parte* Fred Steffler, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No. —, Original. *Ex parte* Eugene Weil, petitioner. The motion for leave to file petition for writ of habeas corpus is denied as moot, it appearing that the petitioner is no longer in respondent's custody. The rule to show cause is therefore discharged.

No. 325. Jerome Parker Jerome, petitioner, *v.* The United States of America. It is ordered that John T. Sapienza, Esquire, 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. 28. The Washington Terminal Company, petitioner, *v.* F. E. Boswell, E. R. Burkhead, et al. This cause is restored to the docket for reargument. On the reargument counsel are requested to include in their briefs and oral argument a discussion of the following questions:

1. Whether either party to a dispute over which the Adjustment Board has authority is precluded from seeking a determination of the dispute by the courts, either before or after submission of the dispute to the Board;

2. Whether the Board may make an award *ex parte* if one party to the dispute does not appear before the Board, and if so the effect given by the statute to such an award;

3. The effect of the expiration of the two-year period specified by Section 3 First (q) upon the right of either party to the dispute to obtain a determination of it in the courts;

4. The effect of the words "final and conclusive" in Section 3 First (m) upon the right to resort to the courts and upon the scope of judicial review, (a) during the two-year period, and (b) after expiration of the two-year period.

The Solicitor General is requested to file a brief, and, if he so desires, to participate in the oral argument.

No. 77. William H. Dunn, Jr., et al., appellants, *v.* The State of Ohio. The motion for leave to proceed on typewritten record is granted.

No. 453. Marshall Field & Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted.

No. 460. National Labor Relations Board, petitioner, *v.* Southern Bell Telephone and Telegraph Company; and

No. 461. National Labor Relations Board, petitioner, *v.* Southern Association of Bell Telephone Employees. Petition for writs of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted.

No. 458. George Sylvester Viereck, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the District of Columbia granted except with respect to the first question presented by the petition.

No. 449. Maricopa County, Arizona, W. H. Linville, as County Treasurer, etc., et al., petitioners, *v.* The Valley National Bank of Phoenix. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. Counsel are asked to discuss in their briefs and on the oral argument the question whether petitioners, who are counties, are within the constitutional protection which they assert.

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 the Act of March 20, 1936, as applied, is drawn in question in this case.

No. 451. Norman Baker, petitioner, *v.* Walter A. Hunter, Successor to Robert H. Hudspeth, as Warden, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 456. Air Reduction Company, Incorporated, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 457. Westinghouse Electric & Manufacturing Company, petitioner, *v.* Crosley Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 454. Pedro Aquilar, petitioner, *v.* Standard Oil Company of New Jersey. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. Mr. Justice Roberts took no part in the consideration or decision of this application.

No. 445. Winston Posey, petitioner, *v.* State of Indiana. The motion for leave to proceed in forma pauperis is granted. The petition for writ of certiorari to the Criminal Court, Lake County, State of Indiana is denied for the reason that it does not appear from the papers submitted that petitioner has exhausted state remedies by appealing to the highest court of the state the judgment sought to be reviewed. Under the law of Indiana the permission of the trial court to appeal as a poor person, which petitioner alleges was refused, does not appear to be necessary in order to take an effective appeal (see State ex rel. Rankin *v.* Worden, 40 N. E. (2d) 970).

No. 6. Charles Schultz, petitioner, *v.* Robert H. Hudspeth, 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 denied.

No.—, In re disbarment of Paysoff Tinkoff. The motion to vacate order of disbarment is denied.

No.—, Original. Ex parte Frank Contardi, petitioner;

No. 137. Louis Abraham et al., Trustees, etc., petitioners, *v.* Hidalgo County Water Control and Improvement District No. 1, et al.;

No. 306. Alfred Cookman Miner, Individually, etc., petitioner, *v.* Reconstruction Finance Corporation;

No. 343. Clarence J. Thompson, petitioner, *v.* The State of Georgia; and

No. 347. Ernest Newton Kalb, petitioner, *v.* Yellow Manufacturing Acceptance Corporation. Petitions for rehearing denied.

No. 393. Gerald G. Barry and Georgiana G. Barry, petitioners, *v.* Chrysler Corporation et al. Petition for rehearing denied. Mr. Justice Roberts took no part in the consideration or decision of this application.

The Court will take a recess from Monday, November 23, next, until Monday, December 7.

No. 73. National Labor Relations Board, petitioner, *v.* Indiana & Michigan Electric Company et al. Argument concluded by Mr. Eli F. Seebirt for the respondent.

No. 81. The United States of America, appellant, *v.* The Wayne Pump Company et al.; and

No. 82. The United States of America, appellant, *v.* The Wayne Pump Company et al. Argued by Mr. Assistant Attorney General Arnold for the appellant; by Mr. Edward R. Johnston for appellee, The Wayne Pump Co. et al.; by Mr. James H. Winston for appellee, Gilbert and Barker Mfg. Co. et al.; and by Mr. Harold F. McGuire for appellees, Veeder-Root, Inc., et al.

No. 85. J. Buckner Fisher, Receiver, etc., petitioner, *v.* Louise Whiton, Executrix, etc., et al. Argument commenced by Mr. John F. Anderson for the petitioner; continued by Mr. Joe Frassrand for the respondents; and concluded by Mr. S. Bartow Strang for the petitioner.

No. 78. The United States of America, petitioner, *v.* Victor N. Miller, also known as Vic Miller et al. Argument commenced by Mr. Assistant Attorney General Littell for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, November 17, will be as follows: Nos. 78, 74, 79, 76, 86, 94, 97, 336, 93, and 142.

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, and Mr. Justice Jackson.

G. H. Bucey, of Seattle, Wash.; Walter H. Flaherty, of Elizabeth, N. J.; Frank Cohn, of Elizabeth, N. J.; Joseph A. Porter, of Elizabeth, N. J.; Saul Lehr, of Elizabeth, N. J.; Phidias L. Pollis, of Elizabeth, N. J.; Nicholas Salowich, of Detroit, Mich.; Frank Eby Coho, of Lancaster, Pa.; Otto Kinzel, of New York City; Homer R. Miller, of Kokomo, Ind.; and Thomas J. Blake, of New York City, were admitted to practice.

No. 78. The United States of America, petitioner, *v.* Victor N. Miller, also known as Vic Miller et al. Argument continued by Mr. Assistant Attorney General Littell for the petitioner and concluded by Mr. Laurence J. Kennedy for the respondents.

No. 74. Walter L. Mangus and Rose L. Mangus, petitioners, *v.* Matthew A. Miller. Motion to dismiss submitted by Mr. Edwin J. Skeen for the petitioners. Argued by Mr. Edwin J. Skeen for the petitioners and by Mr. Hadlond P. Thomas for the respondent.

No. 79. William A. Adams, Warden, etc., et al., petitioners, *v.* The United States of America, ex rel. Gene McCann. Argument commenced by Mr. Solicitor General Fahy for the petitioners and continued by Mr. Robert G. Page for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, November 18, will be as follows: Nos. 79, 76, 86, 94, 97, 336, 93, 142, 234, and 265.

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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, and Mr. Justice Jackson.

Robert T. Mautz, of Portland, Oreg.; Wm. P. Lord, of Portland, Oreg.; Edw. D. Franklin, of Seattle, Wash.; Paul M. Hebert, of Baton Rouge, La.; John W. Kelley, of Rhinelander, Wis.; Edgar Sansom Bayol, of Alexandria, Va.; Edward B. Perry, of Portland, Oreg.; Charles M. Davison, Jr., of Alexandria, Va.; Maurice A. Frank, of Chicago, Ill.; Harry Lehrer, of Portland, Oreg.; and William Edward O'Herin, of St. Louis, Mo., were admitted to practice.

No. 79. William A. Adams, Warden, etc., et al., petitioners, *v.* The United States of America, ex rel. Gene McCann. Argument continued by Mr. Robert G. Page for the respondent and concluded by Mr. Solicitor General Fahy for the petitioners.

No. 76. Jessie William Miller, petitioner, *v.* The United States of America. Argued by Mr. Howard C. Westwood for the petitioner and by Mr. Archibald Cox for the respondent.

No. 86. Opal Saxton Davis, petitioner, *v.* Department of Labor and Industries of the State of Washington. Argued by Mr. Alfred J. Scheppe for the petitioner and by Mr. Edward S. Franklin for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, November 19, will be as follows: Nos. 94, 97, 336, 93, 142, 234, and 265.

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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, and Mr. Justice Jackson.

Nathan H. Goldstein, of New York City, and William S. Jackson, of Savannah, Ga., were admitted to practice.

No. 94. Mother Lode Coalition Mines Company, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. Paul E. Shorb for the petitioner and by Mr. Valentine Brookes for the respondent.

No. 93. Wm. A. Marshall, Deputy Commissioner, etc., et al., petitioners, *v.* G. Pletz. Argued by Mr. Robert T. Mautz for the petitioners and by Mr. William P. Lord for the respondent.

No. 97. Ansel Higgins, petitioner, *v.* Carr Brothers Company. Argued by Mr. Edward B. Perry for the petitioner and case submitted by Mr. Clement F. Robinson and Mr. Francis W. Sullivan for the respondent.

No. 336. L. Metcalfe Walling, Administrator, etc., petitioner, *v.* Jacksonville Paper Company. Argument commenced by Mr. Robert L. Stern for the petitioner and continued by Mr. Louis Kurz for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, November 20, will be as follows: Nos. 336, 142, 234, and 265.

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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, and Mr. Justice Jackson.

Agnes A. Neuville, of St. Louis, Mo.; Philip S. Ball, of Baltimore, Md.; R. C. Kunkel, of Miami, Fla.; Leon Finley, of New York City; Jack H. Shepherd, of Denver, Colo.; and Roswell P. C. May, of New York City, were admitted to practice.

No. 11, original. Selvie Winfield Wells, petitioner, *v.* The United States of America. It is ordered that Henry J. Friendly, Esquire, of New York City, a member of the bar of this Court, be appointed to serve as counsel for the petitioner in this case.

No. 336. L. Metcalfe Walling, Administrator, etc., petitioner, *v.* Jacksonville Paper Company. Argument concluded by Mr. Louis Kurz for the respondent.

No. 142. Endicott Johnson Corporation et al., petitioners, *v.* Frances Perkins, Secretary of Labor of the United States. Argued by Mr. Howard A. Swartwood for the petitioners and by Mr. Paul Freund for the respondent.

No. 234. G. F. Albin, petitioner, *v.* Cowing Pressure Relieving Joint Company, etc., et al. Submitted by Mr. Lewis E. Pennish for the petitioner and by Mr. Charles Aaron for the respondents.

No. 265. Clyde-Mallory Lines, petitioner, *v.* Steamship "Englantine" and The United States of America. Argued by Mr. Chauncey I. Clark for the petitioner and by Mr. Sidney J. Kaplan for the respondents. Leave granted petitioner to file a reply brief by Wednesday next.

Adjourned until Monday, November 23, 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 Douglas, Mr. Justice Murphy, and Mr. Justice Jackson.

Irl D. Brett, of Los Angeles, Calif.; Abraham S. Ullman, of New Haven, Conn.; Charles W. Miles III, of Union City, Tenn.; John Bowman Gunion, of Washington, D. C.; John Wingfield Jackson, of Washington, D. C.; Lee H. Cope, of Yankton, S. D.; John H. Hughes, of Syracuse, N. Y.; Willis H. Michell, of Syracuse, N. Y.; and Francis P. Linneman, of Chicago, Ill., 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. 75. The City of North Chicago et al., petitioners, *v.* The Maccabees, a corporation, et al.; and

No. 96. The Maccabees, a corporation, petitioner, *v.* City of North Chicago, a municipal corporation, et al. On petitions for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit. Per curiam: The motion to withdraw the petition for certiorari in No. 96 is granted and the petition is dismissed. The motion of The Maccabees to withdraw all papers previously filed on their behalf in No. 75 is granted. All motions made by Arvid B. Tanner on his own behalf are denied. The motion to substitute counsel is granted and the appearance of Arvid B. Tanner is ordered withdrawn.

No. ——. In the matter of Edward H. Coulter; and

No. ——. In the matter of Frank C. Sibley: Rules are ordered to issue returnable on Thursday, December 10, 1942, requiring Edward H. Coulter of Little Rock, Ark., and Frank C. Sibley, of Detroit, Mich., members of the Bar of this Court, to show cause why they should not be disbarred for conduct unbecoming a member of the Bar of this Court.

No. ——. A. F. Levy, appellant, *v.* Edna L. Sturgeon. Application for appeal denied.

No. ——. Arthur S. Humes, petitioner, *v.* Leavenworth County Local Selective Service Board, No. 1, etc. Application for injunction denied.

No. ——, original. Ex parte Robert E. Peyton, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No. —, original. *Ex parte* Wilfred Hill Castleman, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. —, original. *Ex parte* Cecil Wright, petitioner. The motion for leave to proceed *in forma pauperis* is granted. The motion for leave to file petition for writ of certiorari to the District Court of the United States for the Eastern District of Illinois is denied.

No. 467. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Sylvie R. Griffiths. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. The case is transferred to the summary docket and assigned for argument on Monday, December 7, next.

No. 427. William H. Bickley, Individually, etc., petitioner, *v.* Pennsylvania Public Utility Commission. Petition for writ of certiorari to the Superior Court of Pennsylvania denied.

No. 455. William T. Bradford and Ben F. Bradford, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 462. Philip Harry Koolish et al., petitioners, *v.* Federal Trade Commission. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 465. Chicago Junction Railroad Company, petitioner, *v.* A. A. Sprague et al., etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 469. General American Life Insurance Company, petitioner, *v.* Mercy Brown Stephens. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 65. The United States, petitioner, *v.* Callahan Walker Construction Company;

No. 378. Fred Porter, by his executors, et al., petitioners, *v.* Barclay Cooke et al.;

No. 404. Wyatt D. Shultz et al., etc., petitioners, *v.* Manufacturers and Traders Trust Company, Individually, etc.;

No. 412. Ervin Howell and Raymond Earl Gutermuth, petitioners, *v.* Royden O. Couch, doing business as Couch Manufacturing Company; and

No. 416. Charles Beland, petitioner, *v.* The United States of America. Petitions for rehearing denied.

Adjourned until Monday, December 7, at 12 o'clock.

The day call for Monday, December 7, will be as follows: Nos. 467, 80, 87, 103, 124, 171, 156 (and 214), 172, 173, and 236.

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, and Mr. Justice Jackson.

Howard D. Bradley, of Atlanta, Ga.; R. E. Kleinschmidt, of Hillsboro, Mo.; E. John Ernst, Jr., of New York City; Alton David Shaw, of Blackwell, Okla.; Arthur T. Gorman, of New Haven, Conn.; John B. Seabrook, of Portland, Oreg.; Ernest R. Mortenson, of Mount Rainier, Md.; Arthur E. Simpson, of Saint Louis, Mo.; John J. Kintzinger, of Dubuque, Iowa; John H. Witherspoon, of Detroit, Mich.; Edward S. Reid, Jr., of Detroit, Mich.; Emmett E. Eagan, of Detroit, Mich.; Norman H. Nachman, of Chicago, Ill.; James L. Homire, of New York City; Peter Shuebruk, of Hingham, Mass.; Helen V. Dolan, of Washington, D. C.; and Roland L. Redmond, of New York City, were admitted to practice.

No. 71. United Carbon Company and United Carbon Company, Inc., petitioners, *v.* Binney & Smith Company. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Southern District of West Virginia for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Jackson.

No. 50. Harry Pyle, petitioner, *v.* State of Kansas and Milton F. Amrine, Warden, Kansas State Penitentiary. On writ of certiorari to the Supreme Court of the State of Kansas. 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 Murphy.

No. 85. J. Buckner Fisher, Receiver of the First National Bank of Chattanooga, Tennessee, petitioner, *v.* Louise Whiton, Executrix of the Estate of Annie R. Nottingham, deceased, et al. On writ of certiorari to the Court of Appeals of the State of Tennessee. Judgment reversed with costs and cause remanded to the said Court of Appeals for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Murphy.

No. 94. Mother Lode Coalition Mines Company, 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 Murphy.

No. 234. G. F. Albin, petitioner, *v.* Cowing Pressure Relieving Joint Company, etc., et al. 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 Douglas.

No. 81. The United States of America, appellant, *v.* The Wayne Pump Company, Gilbert and Barker Manufacturing Company, et al.; and

No. 82. The United States of America, appellant, *v.* The Wayne Pump Company, Gilbert and Barker Manufacturing Company, et al. Appeals from the District Court of the United States for the Northern District of Illinois. Appeals dismissed. Opinion by Mr. Justice Reed. Mr. Justice Jackson took no part in the consideration or decision of these cases. Dissenting: Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Murphy.

No. 70. Adrian Ettelson, Joseph A. Feder, et al., *v.* Metropolitan Life Insurance Company. On certificate from the United States Circuit Court of Appeals for the Third Circuit. Question certified answered "Yes." Opinion by Mr. Justice Roberts.

No. 76. Jessie William Miller, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Cause remanded to the Circuit Court of Appeals in order that it may enter an order permitting the settlement of a bill of exceptions in the District Court to present the point urged by petitioner. Opinion by Mr. Justice Roberts.

No. 45. Sola Electric Company, petitioner, *v.* Jefferson Electric 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 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. Chief Justice Stone.

No. 74. Walter L. Mangus and Rose L. Mangus, petitioners, *v.* Matthew A. Miller. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States

for the District of Utah 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. 510. James Donovan, appellant, John W. Turner, Virgil T. Seaberry, and Carl P. Springer, copartners, etc. Appeal from the District Court of Appeal, 2d Appellate District, State of California. *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. 492. Charles F. Williams, E. Busby, and Abraham Estrada, appellants, *v.* Allen Miller and Gilbert D. Ferrell, as District Attorney, etc. Appeal from the District Court of the United States for the Northern District of California. *Per curiam*: The decree dismissing the bill of complaint is affirmed on the ground that the bill does not allege facts which would warrant the granting of equitable relief by a federal court to restrain enforcement of the state statute. *Spielman Motor Co. v. Dodge*, 295 U. S. 89; *Beal v. Missouri Pacific R. Co.*, 312 U. S. 45; *Watson v. Buck*, 313 U. S. 387, 400-01.

No. 446. F. J. Williams, William Bishop, et al., petitioners, *v.* The Delaware and Hudson Railroad Corporation et al.; and

No. 447. F. J. Williams, William Bishop, et al., petitioners, *v.* The Delaware and Hudson Railroad Corporation et al. On petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit. *Per curiam*: The petition for writs of certiorari is granted. In view of the death of the referee appointed by the National Railroad Adjustment Board, the judgments are vacated, without consideration of the merits, and the causes remanded to the District Court for such further proceedings as may be appropriate.

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. —, Original. *Ex parte* Ethel Pitt Donnell, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. —, Original. *Ex Parte* Thomas Merryl Wofford, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No. 299. Jersey Central Power & Light Company, petitioner, *v.* Federal Power Commission. The motion of John E. Benton for leave

to appear and present oral argument on behalf of The National Association of Railroad and Utilities Commissioners, as *amicus curiae*, is denied.

No. 67. Wade Garrett, petitioner, *v.* Moore-McCormack Company, Inc., et al. The motion of the respondent for leave to file a reply brief is granted.

No. 511. John W. Noble, doing business as Noble Transit Company, appellant, *v.* The United States of America et al.;

No. 520. L. T. Barringer and Company, appellant, *v.* The United States of America et al.; and

No. 529. The United States of America, appellant, *v.* Swift and Company et al. In these cases probable jurisdiction is noted.

No. 514. The United States of America, appellant, *v.* French Bauer, Inc., et al. Further consideration of the question of the jurisdiction of this Court in this case and of the motions to dismiss or affirm is postponed to the hearing of the case on the merits.

No. 488. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Chicago Stock Yards Company. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted.

No. 490. Clearfield Trust Company, a corporation, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted.

No. 497. A. M. Anderson, Receiver, etc., petitioner, *v.* Katherine Kirkpatrick Abbott, Administratrix, etc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted.

No. 499. Meta Biddle Robinette, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue; and

No. 500. Elise Biddle Paumgarten, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit granted. The cases are transferred to the summary docket and assigned for argument immediately following No. 429.

No. 89. Paloma Estates, Inc., petitioner, *v.* Series C-2 Trustees and Securities and Exchange Commission. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 470. Rachel Mayer et al., as Trustees, etc., petitioners, *v.* Mabel G. Reinecke, as Collector of Internal Revenue, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 493. Edward L. Scheufler, Superintendent of the Insurance Department of the State of Missouri, petitioner, *v.* Central Surety and

Insurance Corporation and R. E. O'Malley. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 502. Philadelphia Coke Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 503. Rau Construction Company, petitioner, *v.* Phillips Petroleum Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 472. Clover Splint Coal Co., Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 474. Helen Sears Bradley et al., petitioners, *v.* William M. Welch, Former Collector. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 489. Areff Samara, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 501. City of Dubuque Bridge Commission, petitioner, *v.* Board of Review for the City of Dubuque, etc. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 505. Paper Container Mfg. Company, petitioner, *v.* Dixie-Vortex Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 508. Vim Securities Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 509. George Van Wormer, petitioner, *v.* The Champion Paper & Fibre Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 471. Sears, Roebuck and Co., a corporation, petitioner, *v.* Lillian M. Hoyt and Ezra H. Hoyt, Jr. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. The Chief Justice took no part in the consideration or decision of this application.

No. 478. Nevada Consolidated Copper Corporation et al., petitioners, *v.* Railroad Retirement Board et al. 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. 479. Utah Copper Company et al., petitioners, *v.* Railroad Retirement Board et al. 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. 476. American Insurance Company et al., petitioners, *v.* Edward L. Scheufler (Successor), Superintendent of the Insurance Department of the State of Missouri et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. Mr. Justice Roberts and Mr. Justice Murphy took no part in the consideration or decision of this application.

No. 504. Robert G. Ewald, petitioner, *v.* The People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of the State of Michigan denied. Mr. Justice Murphy took no part in the consideration or decision of this application.

No. 512. Standard Oil Company (Indiana), petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. Mr. Justice Roberts took no part in the consideration or decision of this application.

No. 532. Maceo Thomas, petitioner, *v.* State of Kansas. Petition for writ of certiorari to the Supreme Court of Kansas 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. 539. The People of the State of Illinois, *ex rel.* Frank Parker, petitioner, *v.* Thomas J. O'Brien, Sheriff of Cook County. The application for bail is denied. The petition for writ of certiorari to the Supreme Court of Illinois is also denied.

No. 561. Hiram R. Edwards, petitioner, *v.* The United States of America. The application for bail is denied. The petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit is also denied. Mr. Justice Douglas took no part in the consideration or decision of these applications.

No. 477. Daisy C. Tegtmeyer, petitioner, *v.* William H. Tegtmeyer et al. The motion for leave to proceed in forma pauperis is granted. The petition for writ of certiorari to the Appellate Court, First District, State of Illinois, is denied.

No. 513. Ernest Norman Webster, Sr., Administrator, etc., petitioner, *v.* Druid A. Clodfelter, Trading as Clodfelter's Service Station. 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.

No. 459. Vivian Wycliff Buie, 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 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. 665-66; U. S. ex rel. Coy v. United States, 316 U. S. 342.

No. 24. Marine Harbor Properties, Inc., petitioner, *v.* Manufacturer's Trust Company (Successor by merger to the Mortgage Corporation of New York), as Trustee, etc., et al.;

No. 226. Corinne C. Waterman, petitioner, *v.* Colonel Somervell et al.;

No. 413. People of the State of California, on the relation of Charles J. McColgan, as State Franchise Tax Commissioner, petitioner, *v.* John Howard Bruce;

No. 431. H. T. Poindexter & Sons Merchandise Company, petitioner, *v.* The United States of America;

No. 433. Terminal Railroad Association, petitioner, *v.* Julia C. Miller, Administratrix, etc.;

No. 435. Mary M. Hunsberger, petitioner, *v.* York K. Fischer and Hanna K. Fischer; and

No. 444. Charles O'Keith, petitioner, *v.* James A. Johnston, Warden, etc. Petitions for rehearing denied.

No. 467. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Sylvie R. Griffiths. Argued by Mr. Arnold Raum for the petitioner and by Mr. Roland L. Redmond for the respondent.

No. 80. The Choctaw Nation of Indians, petitioner, *v.* The United States and The Chickasaw Nation of Indians. Argument commenced by Mr. Robert E. Mulroney for respondent, The United States; and continued by Mr. William G. Stigler for the petitioner and by Mr. Melven Cornish for respondent, The Chickasaw Nation.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, December 8, will be as follows: Nos. 80, 87, 103, 124, 171, 156 (and 214), 172, 173, 236, and 184.

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, and Mr. Justice Jackson.

R. Emmett Kerrigan, of New Orleans, La.; Frank Connell, of Dallas, Oreg.; Morris P. Greenberg, of New York City; William E. Dowling, of Detroit, Mich.; Daniel J. O'Hara, of Lansing, Mich.; John B. Nicklas, Jr., of Pittsburgh, Pa.; Robert R. McWhinney, of Pittsburgh, Pa.; Gordon K. MacIntosh, of Washington, D. C.; Rey Eilers, of St. Louis, Mo.; Albert Boggess, of Waco, Tex.; James E. Burke, of Kansas City, Mo.; Paul L. Weiden, of Portland, Oreg.; William H. DeParcq, of Minneapolis, Minn.; and Clifford R. Curtner, of Dayton, Ohio, were admitted to practice.

No. 80. The Choctaw Nation of Indians, petitioner, *v.* The United States and The Chickasaw Nation of Indians. Argument continued by Mr. Melven Cornish for respondent, The Chickasaw Nation, and concluded by Mr. Robert E. Mulronev for respondent, The United States. Leave granted respondent, The Chickasaw Nation, to file additional brief by Friday next.

No. 87. The Public Utilities Commission of Ohio et al., appellants, *v.* United Fuel Gas Company. Argued by Mr. Kenneth L. Sater for the appellants and by Mr. Harold A. Ritz for the appellee.

No. 103. Carter H. Harrison, Individually, etc., petitioner, *v.* The Northern Trust Company and Mary E. Kaufman, Executors, etc. Argued by Miss Helen R. Carlross for the petitioner and by Mr. Alexander F. Reichmann for the respondents.

No. 124. Norvel H. Lilly, petitioner, *v.* Grand Trunk Western Railroad Company. Argument commenced by Mr. William H. DeParcq for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, December 9, will be as follows: Nos. 124, 171, 156 (and 214), 172, 173, 236, 184, 201 (and 202), 183 (186 and 187), and 246.

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, and Mr. Justice Jackson.

Stanley S. Gilbert, of South Bend, Ind.; Hart McKillop, of Winter Haven, Fla.; Joseph I. King, of Los Angeles, Calif.; Vincent J. Malone, of New York City; Merle Milton Calvert, of Indianapolis, Ind.; and George S. Smith, of Van Wert, Ohio, were admitted to practice.

No. 23. State Bank of Hardinsburg, petitioner, *v.* Chancy Ray Brown and Mary G. Brown. Time within which to file petition for rehearing extended to and including December 31 next on motion of Mr. Samuel E. Cook for the respondents.

No. 124. Norvel H. Lilly, petitioner, *v.* Grand Trunk Western Railroad Company. Argument continued by Mr. William H. DeParcq for the petitioner; by Mr. Harold A. Smith for the respondents; and concluded by Mr. William H. DeParcq for the petitioner.

No. 171. The United States of America, petitioner, *v.* Oklahoma Gas & Electric Company. Argued by Mr. Valentine Brookes for the petitioner and by Mr. Streeter B. Flynn for the respondent.

No. 156. The Detroit Bank, formerly The Detroit Savings Bank, etc., petitioner, *v.* The United States of America; and

No. 214. State of Michigan, John J. O'Hara, Auditor General, etc., et al., petitioners, *v.* The United States of America. Argument commenced by Mr. Edward S. Reid, Jr., for the petitioner in No. 156; continued by Mr. John H. Witherspoon for the petitioner in No. 214; and by Mr. J. Louis Monarch for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, December 10, will be as follows: Nos. 156 (and 214), 172, 173, 236, 184, 201 (and 202), 183 (186 and 187), 246, 218, and 245.

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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, and Mr. Justice Jackson.

Francis Stirling Wilson, of Chevy Chase, Md.; William Katz, of Los Angeles, Calif.; Philip J. Hennessey, Jr., of Washington, D. C.; Karl A. Smith, of Washington, D. C.; George F. Sieker, of Milwaukee, Wis.; and Charles Pye Burnett, Jr., of Seattle, Wash., were admitted to practice.

No. 156. The Detroit Bank, formerly The Detroit Savings Bank, a Michigan Banking Corporation, petitioner, *v.* The United States of America; and

No. 214. State of Michigan, John J. O'Hara, Auditor General, etc., et al., petitioners, *v.* The United States of America. Argument concluded by Mr. Emmett E. Eagan for the petitioner in No. 156.

No. 172. Minnie Reese Richardson Wragg, petitioner, *v.* Federal Land Bank of New Orleans. Argued by Mr. Jack Crenshaw for the petitioner and by Mr. Thomas H. Hedgepeth for the respondent. Leave granted petitioner to file a reply brief by December 16 with leave to the respondent to file an answering brief thereafter.

No. 173. The United States of America, ex rel. Morris L. Marcus et al., etc., petitioners, *v.* William F. Hess, et al. Argument commenced by Mr. William Stanley for the petitioners; continued by Mr. William H. Eckert and Mr. Eugene B. Strassburger for the respondents; and concluded by Mr. Charles J. Margiotti for the petitioners. Leave granted the United States to file a supplemental brief as *amicus curiae*.

No. 236. The United States of America, on relation of Samuel Ostrager et al., etc., petitioners, *v.* New Orleans Chapter, Associated General Contractors of America. Argument commenced by Mr. William Katz for the petitioners and continued by Mr. R. Emmett Kerrigan for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, December 11, will be as follows: Nos. 236, 184, 201 (and 202), 183 (186 and 187), 246, 218, 245, 248, 385, and 254.

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, and Mr. Justice Jackson.

A. L. Hodson, of Chicago, Ill.; Ralph M. Russell, of Kansas City, Mo.; and Frank Flournoy Roberson, of Memphis, Tenn., were admitted to practice.

No. 176. Mary M. Hughes, appellant, *v.* John W. Wendel, County Treasurer, etc., et al. Mandate stayed pending disposition of petition for rehearing on motion of counsel for the appellant.

No. 236. The United States of America, on relation of Samuel Ostrager, et al., etc., petitioners, *v.* New Orleans Chapter, Associated General Contractors of America, Inc., et al. Argument continued by Mr. R. Emmett Kerrigan for the respondents and concluded by Mr. William Katz for the petitioners.

No. 184. Henry A. Kieselbach and Olga M. Kieselbach, petitioners, *v.* Commissioner of Internal Revenue. Argued by Mr. Harry Friedman for the petitioners and by Mr. Arnold Raum for the respondent.

No. 201. American Medical Association, a corporation, petitioner, *v.* The United States of America; and

No. 202. The Medical Society of The District of Columbia, a corporation, petitioner, *v.* The United States of America. Three hours allowed for oral argument. Argument commenced by Mr. Seth W. Richardson for the petitioners and continued by Mr. John Henry Lewin for the respondent.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 14, will be as follows: Nos. 201 (and 202), 183 (186 and 187), 246, 218, 245, 248, 385, 254, 268, and 269.

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, and Mr. Justice Jackson.

Joseph C. Duggan, of New Bedford, Mass.; Richard K. Phelps, of Kansas City, Mo.; James W. Booth, of Pueblo, Colo.; Irving R. Church, of Atlanta, Ga.; Thomas A. Reynolds, of Chicago, Ill.; John W. Edwards, of Poultney, Vt.; Francis A. Nolan, of Detroit, Mich; Norris Darrell, of New York City; and William Creighton Wines, of Chicago, Ill., were admitted to practice.

No. 67. Wade Garrett, petitioner, *v.* Moore-McCormack Company, Inc., and American Scantic Lines. On writ of certiorari to the Supreme Court of the State of Pennsylvania. 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.

No. 86. Opal Saxton Davis, petitioner, *v.* Department of Labor and Industries of the State of Washington. On writ of certiorari to the Supreme Court of the State of Washington. 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. Concurring opinion by Mr. Justice Frankfurter. Separate opinion by Mr. Chief Justice Stone.

No. 525. Howard M. Sharpe, petitioner, *v.* W. Jess Buchanan, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit. The motion for leave to proceed in forma pauperis is granted. The petition for writ of certiorari is also granted. Judgment of the Circuit Court of Appeals vacated, without costs, and cause remanded to the Circuit Court of Appeals for such further proceedings as it may deem appropriate. Opinion, *per curiam*, announced by Mr. Chief Justice Stone.

The Chief Justice announced the following order of the Court:

No. 537. William Roddenberry, appellant, *v.* State of Florida. 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 the want of a substantial 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. —, *Ex parte* Henry E. Terrell, petitioner. The motion to set aside judgment is denied.

No. —, original. *Ex parte* Cecil Wright, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. —, original. *Ex parte* Karl Kive Greenfield, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No. —, original. *Ex parte* Orville Chester Garrison, petitioner. The motion for leave to file petition for writ of certiorari is denied.

No. 76. *Jessie William Miller, petitioner, v. The United States of America.* It is ordered that the opinion filed December 7, 1942, be amended as follows:

Page 3, line 4, insert a period after the word "transcribed" and strike out the balance of line 4 and all of lines 5, 6, 7, and 8, beginning with the word "that" and ending with the word "Exceptions."

Page 5, line 3. After "4. As we have said" strike out the balance of line 3, and all of lines 4, 5, 6, 7, 8, as well as the first six words on line 9, beginning with the words "a stenographer" and ending with the word "addition."

Page 5, last paragraph, 6th line from bottom of page. Strike out sentence beginning with the word "We" and ending with the word "foreclosed." On the same page, 4th line from bottom, strike out the words "so" and "rule" and insert between the words "to" and "in" the following: "hold that the petitioner is foreclosed from obtaining a bill."

No. 85. *J. Buckner Fisher, Receiver, etc., petitioner, v. Louise Whiton, Executrix, etc., et al.* It is ordered that the opinion of the Court in No. 85, *Fisher v. Whiton*, filed December 7, 1942, be amended by inserting after the word "eliminated" in footnote 5 on page 2 of the slip opinion the following phrase: "where there has been compliance with the provisions of the statute,".

No. 49. *Guy T. Helvering, Commissioner of Internal Revenue, petitioner, v. R. Douglas Stuart; and*

No. 48. *Guy T. Helvering, Commissioner of Internal Revenue, petitioner, v. John Stuart.* It is ordered that the last paragraph on page 3 of the opinion of November 16, 1942, be struck out. It reads as follows:

In answer to the taxpayers' petitions for the redetermination of the deficiencies, the Commissioner asserted the increase was required by the provisions of Sections 22, 166, and 167 of the Revenue

Act of 1934, 48 Stat. 680. So far as pertinent these are set out in the footnote below.

In lieu thereof insert the following:

In answer to the taxpayer's petition in No. 49 for the re-determination of the deficiencies, the Commissioner asserted the increase was required by the provisions of Sections 22, 166, and 167 of the Revenue Act of 1934, 48 Stat. 680. Section 22 was not raised by the Commissioner in his answer to the petition in No. 48. But the applicability of that section was raised by the Commissioner as appellee before the Circuit Court of Appeals (*Helvering v. Gowran*, 302 U. S. 238, 245). The contention in the Court of Appeals rested on the facts stipulated in the Board of Tax Appeals. On the rejection of that ground in the court below the Commissioner was entitled to raise the question, as he did, in his petition for certiorari and rely on Section 22 in this Court. *Helvering v. Gowran*, *ibid*, 246; cf. *Hormel v. Helvering*, 312 U. S. 552. So far as pertinent the sections are set out in the footnote below.*

It is further ordered that the first sentence of the last paragraph on page 8 be struck out. It reads as follows:

The Commissioner, however, has pressed continually since this litigation started for taxation under 22 (a), see footnote page 3, on the ground that the trust incomes are chargeable to the donors under the rule of *Helvering v. Clifford*, 309 U. S. 331.

In lieu thereof insert the following:

The Commissioner, however, raised in the Court of Appeals and has pressed here the liability of the donors for taxation under 22 (a), see footnote page 3, on the ground that the trust incomes are chargeable to the donors under the rule of *Helvering v. Clifford*, 309 U. S. 331.

The petitions for rehearing are denied.

No. 477. Daisy C. Tegtmeyer, petitioner, *v.* William H. Tegtmeyer et al. The application for a stay is denied.

No. 554. National Broadcasting Company, Inc., et al., appellants, *v.* The United States of America et al.; and

No. 555. Columbia Broadcasting System, Inc., appellant, *v.* The United States of America et al. In these cases probable jurisdiction is noted.

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

No. 373. The United States, petitioner, *v.* Marconi Wireless Telegraph Company of America. Petitions for writs of certiorari to the Court of Claims granted.

No. 518. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Sabine Transportation Company, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted and the case transferred to the summary docket.

No. 495. G. E. Burford et al., petitioners, *v.* Sun Oil Company et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted and the case transferred to the summary docket.

No. 528. O. L. Hastings et al., petitioners, *v.* Selby Oil & Gas Company et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. The case is transferred to the summary docket and assigned for argument immediately following No. 495.

No. 463. Alex Ranieri, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 494. S. C. Bigelow, as Receiver, etc., petitioner, *v.* H. A. Anderson, Individually, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 498. Galban Lobo Company, S. A., petitioner, *v.* Leon Henderson, Price Administrator. Petition for writ of certiorari to the United States Emergency Court of Appeals denied.

No. 515. F. A. Smith Manufacturing Co., Inc., petitioner, *v.* Samson-United Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 524. Miller Land and Livestock Co., petitioner, *v.* Frank Bogart. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 521. Public Service Corporation of New Jersey, petitioner, *v.* Securities and Exchange Commission. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 516. Eunice E. Eastman, petitioner, *v.* Guaranty Trust Company of New York et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 507. Forrest Holiday, 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 Eighth Circuit is denied.

No. 167. Stephen McBee, an Incompetent, etc., 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 Tenth Circuit is denied.

No. 437. Robert W. Halliday et al., petitioners, *v.* State of Ohio, ex rel. S. H. Squire, Superintendent, etc., et al.;

No. 438. Robert W. Halliday et al., petitioners, *v.* State of Ohio, ex rel. S. H. Squire, Superintendent, etc., et al.;

No. 439. Robert W. Halliday et al., petitioners, *v.* State of Ohio, ex rel. S. H. Squire, Superintendent, etc., et al.;

No. 451. Norman Baker, petitioner, *v.* Walter A. Hunter, Successor to Robert H. Hudspeth, as Warden, etc.; and

No. 462. Philip Harry Koolish et al., Individually, etc., petitioners, *v.* Federal Trade Commission. Petitions for rehearing denied.

ORDER

The Court will take a recess from Monday, December 21, until Monday, January 4, 1943.

No. 201. American Medical Association, a corporation, petitioner, *v.* The United States of America; and

No. 202. The Medical Society of the District of Columbia, a corporation, petitioner, *v.* The United States of America. Argument continued by Mr. Assistant Attorney General Arnold for the respondent and concluded by Mr. William E. Leahy for the petitioners.

No. 183. Thomas J. Pendergast, petitioner, *v.* The United States of America;

No. 186. Robert Emmet O'Malley, petitioner, *v.* The United States of America; and

No. 187. A. L. McCormack, petitioner, *v.* The United States of America. Four hours allowed for oral argument. Argument commenced by Mr. Ralph M. Russell for the petitioner in No. 186; and continued by Mr. John G. Madden for the petitioner in No. 183; and by Mr. William S. Hogsett for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, December 15, will be as follows: Nos 183 (186 and 187), 246, 218, 245, 248, 385, 254, 268, 269, and 278.

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, and Mr. Justice Jackson.

Richard S. Kaplan, of Gary, Ind.; Thomas Sweeney, of Taylorville, Ill.; Arthur C. Brown, of Kansas City, Mo.; Albert S. Gaston, of Mobile, Ala.; Adolph H. Levy, of Los Angeles, Calif.; Sylvester Hoffman, of Los Angeles, Calif.; Joseph D. Buscher, of Silver Spring, Md.; Henry S. Reuss, of Milwaukee, Wis.; and Emmett A. Scanlan, Jr., of Kansas City, Mo., were admitted to practice.

No. 183. Thomas J. Pendergast, petitioner, *v.* The United States of America;

No. 186. Robert Emmet O'Malley, petitioner, *v.* The United States of America; and

No. 187. A. L. McCormack, petitioner, *v.* The United States of America. Argument continued by Mr. William S. Hogsett for the respondent and concluded by Mr. Herbert W. Wechsler for the respondent and submitted by Mr. James E. Carroll for the petitioner in No. 187.

No. 246. Charles Coryell et al., petitioners, *v.* John S. Phipps et al. Argued by Mr. T. Catesby Jones for the petitioners and by Mr. Eugene Underwood and Mr. Chauncey I. Clark for the respondents.

No. 218. Terminal Railroad Association of St. Louis, appellant, *v.* Brotherhood of Railroad Trainmen et al. Argument commenced by Mr. Bruce A. Campbell for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, December 16, will be as follows: Nos. 218, 245, 248, 385, 268, 254, 269, 278, 296, and 303.

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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, and Mr. Justice Jackson.

John Alden Willey, of Fresno, Calif.; Bernard M. Acher, of Washington, D. C.; Frank L. Heathco, of Washington, D. C.; and John Knox, of Chicago, Ill., were admitted to practice.

No. 218. Terminal Railroad Association of St. Louis, appellant, *v.* Brotherhood of Railroad Trainmen et al. Argument continued by Mr. Bruce A. Campbell for the appellant; by Mr. William C. Wines and Mr. Alvin E. Stein for the appellees; and concluded by Mr. Bruce A. Campbell for the appellant.

No. 245. Ziffrin, Incorporated, appellant, *v.* The United States of America et al. Argued by Mr. Ira Howell Ellis for the appellant and by Mr. Daniel H. Kunkel for the appellees.

No. 248. The United States of America, appellant, *v.* William F. Monia and L. Aubrey Williams. Argued by Mr. Edward H. Miller for the appellants and by Mr. A. L. Hodson for the appellees.

No. 385. Natural Milk Producers Association of California, a corporation, et al., appellants, *v.* The City and County of San Francisco et al. Argument commenced by Mr. Philip S. Ehrlich for the appellants.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, December 17, will be as follows: Nos. 385, 268, 254, 269, 278, 296, 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, and Mr. Justice Jackson.

Thomas H. Matters, Jr., of New York City; Darrell M. Hanna, of Sioux City, Iowa; Manuel I. Abella, of Washinton, D. C.; Henry S. Janon, of St. Louis, Mo.; Nathaniel L. Nathanson, of Chicago, Ill.; and Walter T. Margetts, Jr., of New York City, were admitted to practice.

No. 385. Natural Milk Producers Association of California, a corporation, et al., appellants, *v.* The City and County of San Francisco et al. Argument continued by Mr. Philip S. Ehrlich for the appellants; by Mr. Henry Heidelberg for the appellees; and concluded by Mr. Herbert Levy for the appellees.

No. 268. Sterling P. Harris, Administrator, etc., petitioner, *v.* Zion Savings Bank and Trust Company. Argued by Mr. J. D. Skeen for the petitioner and by Mr. Hadlond P. Thomas for the respondent.

No. 254. Securities and Exchange Commission, petitioner, *v.* Chenery Corporation et al. Argument commenced by Mr. Chester T. Lane for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, December 18, will be as follows: Nos. 254, 269, 278, 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, and Mr. Justice Jackson.

No. 254. Securities and Exchange Commission, petitioner, *v.* Chenery Corporation et al. Argument concluded by Mr. Spencer Gordon for the respondents.

No. 269. Margaret M. Brady, as Administratrix, etc., petitioner, *v.* Roosevelt Steamship Company, Inc. Argued by Mr. Simone N. Gazan for the petitioner and by Mr. Vernon S. Jones for the respondent.

No. 278. Murray R. Spies, petitioner, *v.* The United States of America. Argued by Mr. David V. Cahill for the petitioner and by Mr. Assistant Attorney General Clark for the respondent.

Adjourned until Monday, December 21, 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, and Mr. Justice Jackson.

Dorothy Roth Wilson, of Washington, D. C.; Jack Goldberg, of Washington, D. C.; Thomas Hamer Finn, of New York City; Everett Alex Mathews, of San Francisco, Calif.; and Joseph Thomas Murphy, of Philadelphia, Pa., were admitted to practice.

The Honorable Calvert Magruder, United States Circuit Judge, addressed the Court as follows:

“May it please the Court:

“The members of the Bar of the Supreme Court met earlier this morning to do honor to the memory of Mr. Justice Brandeis. Fitting addresses were made by Judge Learned Hand, Mr. Paul Freund and Senator Norris, after which the meeting voted certain resolutions which I am directed to present to the Court.

“RESOLUTIONS

“Mr. Justice Brandeis, having retired on February 13, 1939, from regular active service on the bench, died in Washington, D. C., on October 5, 1941, shortly before his eighty-fifth birthday. Thus, in the fullness of time, ended an august career. The members of the Bar have met in the Supreme Court Building on December 21, 1942, to commemorate him as one of the great figures of our profession and of the country's history, to survey his accomplishment, and, in the contemplation of a dedicated life, to fortify our courage and faith in the task of achieving the gracious civilization for which he so mightily strove.

“Louis Dembitz Brandeis was born in Louisville, Ky., on November 13, 1856. His parents, Adolph and Fredericka Dembitz Brandeis, cultivated Bohemian Jews, and his scholarly uncle, Lewis Dembitz, had come to this country a few years before, in quest of liberty. The son from his early youth was thus imbued with an active devotion to free institutions and to the processes of democracy as a means of enhancing the dignity and releasing the potentialities of the common

man. After studying in the public schools of Louisville he went abroad, and for two years attended the Annen Realschule in Dresden. During this period there was some suggestion that he prepare for a medical or academic career in Europe, but he held to his resolve to return to America and to study law.

“Without a college degree he entered the Harvard Law School in 1875, at the age of eighteen. His father’s fortune having been lost in the panic of 1873, Brandeis earned his way by tutoring fellow students. He made a preeminent scholastic record at the law school. Though not yet of the required age of twenty-one, he was given his LL.B. degree in 1877 by special vote of the Harvard Corporation. His intellectual distinction and prepossessing manner opened to him all gates in Boston and Cambridge. At this time he met Oliver Wendell Holmes. The acquaintanceship was destined to grow into an intimate and tender friendship through a long period of distinguished service of the two as colleagues on the Supreme Court of the United States.

“After a further year of graduate study in Cambridge, Brandeis was admitted to the bar and practiced for some months in St. Louis, Mo. In 1879 he returned to Boston and entered into partnership with his classmate Samuel D. Warren under the firm name of Warren & Brandeis. Warren retired from practice in 1893, other partners were taken in, and in 1897 the name was changed to Brandeis, Dunbar & Nutter. Brandeis remained in this firm until 1916, when he was appointed to the bench.

“In his early years of practice in Boston perhaps his major outside interest was in the growth and development of the Harvard Law School. He helped James Bradley Thayer collect materials for his notable course on constitutional law, and procured funds which enabled the School to appoint Holmes to the faculty. In 1882–83 Brandeis taught the course on evidence, but he declined an assistant professorship. In 1886 he was the prime mover in the formation of the Harvard Law School Association and for many years thereafter he served as its secretary. He rendered valuable assistance, financial and other, in the founding of the Harvard Law Review in 1886–87, the first of the academic periodicals which have become so lively and significant a part of legal education, not only for law students, but also for the bench and bar. His pioneering article on “The Right to Privacy” (as coauthor with his partner Warren) appeared in an early issue of the Review. In recognition of his services, Harvard University awarded him the honorary degree of Master of Arts in 1891.

“Though not in chronological order, it is appropriate at this point to mention another educational interest with which he was much preoccupied in later years. In 1924 he formulated, and in succeeding

years gave wise guidance to, a broad-visioned program for the upbuilding of the law school and the general library of the University of Louisville, in the city of his birth. His thesis was that to become great "a university must express the people whom it serves, and must express the people and the community at their best." His generous gifts of money constituted the least important part of his contribution. He gave painstaking thought to the educational problems involved, laid the broad foundations, and sketched the lines of sound development. In the pamphlet "Mr. Justice Brandeis and the University of Louisville" Bernard Flexner tells the story of this great enterprise, which the Justice initiated and followed through with characteristic idealism, imagination, and scrupulous attention to detail. This project was all of a piece with one of his firmest convictions: that the strength of America lies in diversity, not uniformity; that local cultures and traditions should be preserved and fostered, a sense of local responsibility quickened, local leadership evoked and encouraged.

"By 1890 Brandeis had built up a varied and lucrative practice and had established himself as one of the leaders of the Boston bar. He steadfastly maintained the independent standing of the profession and never hesitated to impress upon his clients the obligations that go with power. It was characteristic of him that whatever problem he dealt with, his concern went beyond the winning of a victory for his client. With intense concentration he mastered the facts, however intricate; then shrewdly appraised their social significance; and finally with technical skill, inventiveness, and imagination, and with objective consideration of diverse conflicting interests, he devised the means of long-range adjustment or solution.

"In conscientious performance of his duty as a citizen, he found time more and more to devote his talents, without retainer, to various public causes. Thus he played a major part in the fight to preserve the Boston municipal subway system, in devising and establishing the Boston sliding-scale gas system, and in opposing the New Haven Railroad's monopoly of transportation in New England. His investigation of the abuses and tragic inadequacies of so-called industrial insurance led him to draft and procure the adoption by the Massachusetts Legislature of the savings bank life insurance plan which, under his watchful guidance, became established on a firm foundation. In these provocative activities he did not escape the shafts of criticism and personal abuse; notwithstanding this, he calmly held his ground, confident of ultimate vindication. He was sometimes called a crusader, and so he was. But he had qualities too often lacking in the crusader—a sure grasp of concrete fact, a constructive mind and, also, patience. He never tired of urging the steady improvement of society by "small reforms"—steps forward which were of intrinsic impor-

tance, but which did not alter the basic pattern of our institutions, nor overtax the capacities and imagination of men.

“The country is vastly indebted to him for his creative work in the field of labor relations, in dispelling misunderstandings between management and labor, and in making collective bargaining an effective instrument for industrial peace. He successfully arbitrated or conciliated many labor disputes. In 1910 he was arbiter of a serious strike in the New York City garment trade. Not content with settling the immediate dispute, he devised the famous “protocol” for the permanent government of labor relations in the industry, with provision for the preferential union shop, for a Joint Board of Sanitary Control, and for a continuing Board of Arbitration composed of representatives of the public as well as of the employers and the union. The procedures thus developed and successfully tested served as a model in other industries. For several years he served as impartial chairman of this board of arbitration.

“Recognizing his grasp of intricate economic problems, the Interstate Commerce Commission engaged him in 1913 as special counsel to develop the facts relevant to the application of the Eastern railroads for permission to put into effect a horizontal 5-percent increase of freight rates.

“In a series of papers and public addresses he challenged the abuses of financial manipulation, and pointed out the dangers and diminishing efficiency of undue concentration of financial power. These, collected in the book “Other People’s Money,” exemplify extraordinary powers of analysis and lucid exposition, and state forcefully some of the dominant ideas of his life—ideas which, as intellectual working tools of great power, have had profound influence on thinking and on events. They are among the major contributions to American thought of the last half century, and have grown into our culture as the statement and fulfillment of some of its richest and most characteristic themes.

“One of the most significant activities of his career at the bar was his advocacy of the constitutionality of state minimum wage and maximum hour legislation. With intelligent utilization of the doctrine of judicial notice, his unconventional type of legal brief went beyond the citation of legal precedent and set forth the social and economic background out of which the need for the legislation arose, together with all relevant scientific material, expert opinion, and experience in other states and lands in dealing with comparable problems. Thus the “Brandeis brief,” as it came to be called, lifted the issue of due process of law under the Fifth and Fourteenth Amendments out of the realm of the abstract and placed it in its proper setting of contemporary fact.

“In 1914–16 Brandeis was chairman of the Provisional Committee for General Zionist Affairs, and thereafter remained in the forefront of the movement to develop the Jewish National Home in Palestine. In this great creative activity, he saw the fulfillment of a prophetic vision, the building of a haven of refuge against storms of intolerance and oppression, and the opportunity to realize his most cherished ideals of democracy and social justice. In the document known as the Zeeland Memorandum drafted by him in 1920 as a statement of proposed Zionist policy, there is exhibited in striking fashion his insight, his humanity, his practical idealism, his grasp of detail, his insistence upon sound financial management and efficient organization.

“By appointment of President Wilson, Brandeis took his seat as Associate Justice of the Supreme Court on June 5, 1916. Its fortunate outcome is all that will be remembered of the long and bitter fight over his confirmation by the Senate. Though he was one of the few men who came to the Court without having previously held judicial or other public office, his career at the bar and experience in large affairs constituted a magnificent preparation for the tasks of judicial statecraft. In 528 opinions during twenty-three years of service, he found occasion to deal with all the issues, large and small, which come before the Court—problems of federalism, jurisdiction and venue, administrative law, patents and copyrights, bankruptcy, finance, public utilities, monopoly and restraint of trade, labor relations, civil rights, and the law of the public domain. The solid stuff of his opinions is set forth to advantage by a simple, straightforward, lucid style, without rhetorical flourish. Noteworthy illustration of his judicial work may be found in his opinions on the economic and constitutional problems of public utility valuation, and in his opinions on the rights of free speech and other civil liberties, in peace and in war, which have won high place among the best of our Anglo-American legal literature. To borrow the words of Chief Justice Hughes, Mr. Justice Brandeis was “the master of both microscope and telescope. Nothing of importance, however minute, escapes his microscopic examination of every problem, and, through his powerful telescopic lens, his mental vision embraces distant scenes ranging far beyond the familiar worlds of conventional thinking.” How the future will regard his judicial work it is not for us to say, but this much is certain: from our contemporary viewpoint, Mr. Justice Brandeis stands with the half dozen giants of our law, wise, strong, and good.

“In his own person, with the ready cooperation of his wife and children, Mr. Justice Brandeis practiced his austere preachment to others of “simple living, high thinking, and hard work.” His marriage in 1891 to Alice Goldmark gave him warm intellectual com-

radeship and a happy home which sustained and fortified him throughout a long and vigorous career. The serenity of spirit which he achieved, and retained to the last, was the due reward of his dedication of great gifts to great purposes. His personal influence on young people was remarkable; in an age of cynicism and materialism they learned from him that life had not lost its spiritual meaning. Countless men and women, of all ages and walks of life, came to him as to a sage and counsellor and went away with lifted hearts and a new insight.

“Wherefore, it is

“*Resolved*, That we, the Bar of the Supreme Court of the United States, express our grievous sense of loss upon the death of Mr. Justice Brandeis, that we acknowledge our professional debt to him for his exemplification in word and deed of so lofty a conception of the lawyer’s calling, and that we give grateful recognition to the enduring contributions made by him to the enrichment of our national life: It is further

“*Resolved*, That the Chairman of our Committee on Resolutions be directed to present these resolutions to the Court, with the prayer that they be embodied in its permanent records.’

“That concludes the reading of the resolutions. As directed by the Bar, I now move that these resolutions be received by the Court and made a part of its permanent records.”

Mr. Attorney General Biddle addressed the Court, as follows:

“Mr. Chief Justice and Members of the Court:

“We are gathered today to honor the memory of a great American—Louis D. Brandeis. In paying our tribute to that memory we speak for the Bar and the Bench. Yet we speak too not only as lawyers, gathered to record his extraordinary contribution to the profession in which we have spent our lives, but as Americans, joined now for a moment that we may try to express what he did for our country. It is timely that at this moment we should think of Mr. Justice Brandeis in this broader sense, for those inherent values that he held dear are being desperately defended throughout the world. As we fight today we are redefining among ourselves and among those with whom we are allied the meaning and the reality of those values. If this war touches us more deeply than any war, it is to the extent that we feel the essentials of our freedom beyond the sounds of words that we and others have spoken. To ourselves we must, day by bitter day, rediscover and reaffirm what constitutes our old American faith.

“Brandeis spent his life in such a continued reaffirmation. I suggest, Mr. Chief Justice, that here is a very rare and very moving thing to remember; to remember again in the years that will come after this war, terrible years, or years of hope and growth, according

as we shape them. Today again men are dying for the faith they cherish; Brandeis lived for that same faith, quietly dedicated his life to the service of his country. To be sure he was too fundamentally simple to think of anything he did as a dedication. But as much as anyone I have ever known he was innately selfless. Nor was it the selflessness of a man who held off the world. Brandeis lived intensely in his world—a world where the economic struggle for power, the wretched inequalities between comfort and suffering, the failure of the accepted democratic processes to give scope to the needs of a new industrial era enlisted his heart as well as his mind.

“His preparation for his twenty-three years on this Court thus transcended his wide and varied experience in practice which had brought him to the front of his profession. But in the practice the same qualities stood forth: there was the battle for cheap insurance which led to the adoption of the savings banks insurance legislation in Massachusetts; the successful campaign for lower gas rates in Boston; the Ballinger-Pinchot investigation which resulted in centering public attention on the vital need of immediate and effective conservation programs; his chairmanship of the board of arbitration in the needle trades; his representation of the interests of consumers and workmen in many fields.

“Although he was frugal and ascetic, living a life of steady concentration and immense work on the problems before him, his singleness of purpose never limited the friendly sympathy of his nature, or the curiosity of his mind. He was without prejudices, as he was without clichés. The asceticism and his fundamentally moral outlook gave him in the eyes of many of his friends the quality of a saint. Mr. Justice Holmes felt this reverence for his younger associate. ‘Whenever he left my house,’ Holmes wrote of him in 1932, ‘I was likely to say to my wife, “There goes a really good man * * *.”’ In the moments of discouragement that we all pass through, he always has had the happy word that lifts up one’s heart. It came from knowledge, experience, courage, and the high way in which he always has taken life.’

“Yet Justice Brandeis had none of the mystic essence which we associate with sainthood. He was practical, realistic, patient, persistent. He brought the mind of a trained social scientist to the analysis of legal opinion and decision, a method which is beautifully illustrated in his brief in support of the Oregon law fixing a ten-hour day for women wage earners. Three pages argue the law; the other ninety-seven diagnose factory conditions and their effect on individual workers and the public health. This approach has had a profound influence on the method of presenting arguments in cases involving social legislation, and, I suggest, on the outlook of courts

to social problems. That judges today are more realistic, less given to the assumption of accepted dogmas, more mature and more curious-minded, is largely due to the influences of Brandeis. 'What we must do in America,' he once said, a few years before he was made a judge, 'is not to attack our judges but to educate them. All judges should be made to feel, as many judges already do, that the things needed to protect liberty are radically different from what they were fifty years back * * *. In the past the courts have reached their conclusions largely deductively from preconceived notions and precedents. The method I have tried to employ in arguing cases before them has been inductive, reasoning from the facts.'

'I hesitate to suggest that Brandeis had a philosophy of life for I do not think of him primarily as a philosopher. Do not philosophers deal with generalities that take shapes of the universal and glitter above and below the realm of the restless particular? Unlike Mr. Justice Holmes, who, distrustful though he was of the essences, yet felt that the nature of man was to indulge in their formulation, Brandeis, clear in his first principles, was truly empirical in his preoccupations. While Holmes' doubts were philosophic, Brandeis' were scientific. 'I have no general philosophy,' he said. 'All my life I have thought only in connection with the facts that came before me * * * We need not so much reason as to see and understand facts and conditions.' He believed profoundly that behind every argument is someone's ignorance, and that disputes generally arise from misunderstanding. President Wilson knew this when, after the hearings on the Justice's appointment which had lasted for three months, he wrote Senator Culbertson, the chairman of the Judiciary Committee: 'I cannot speak too highly of his impartial, impersonal, orderly, and constructive mind, his rare analytical powers, his deep human sympathy, his profound acquaintance with the historical roots of our institutions * * * his knowledge of economic conditions and the way they bear upon the masses of the people.'

'Mr. Justice Brandeis' fundamental thought running through the whole frame and direction of his efforts, was always of man—'Man (to quote Albert Lief) struggling with oppressive forces in society. Man's right to full development. The infinite possibilities in human creativeness. Man's limitations, too. But especially the breadth of national achievement which can come when energies are released.' He voiced this approach many times, never more profoundly than in his testimony before the Commission on Industrial Relations in 1914, more remarkable for having been delivered extemporaneously. 'We must,' he told the Committee, 'bear in mind all the time that however much we may desire material improvement and must desire it for the comfort of the individual, the United States is a democracy and that we

must have, above all things, men. It is the development of manhood to which any industrial and social system should be directed.'

"That, I believe, was the chief reason why he was so deeply concerned with the growth of huge corporations as presenting a grave danger to American Democracy by what he called 'capitalizing free Americans.' In his dissenting opinion in *Liggett v. Lee* he spoke of the 'widespread belief * * * that by the control which the few have exerted through giant corporations, individual initiative and effort are being paralyzed, creative power impaired, and human happiness lessened; that the true prosperity of our past came not from big business, but through the courage, the energy, and the resourcefulness of small men * * *'

"His belief, therefore, in preserving our fundamental rights protected by the Constitution, was no matter of individual preference, however strongly felt; a free climate of thought is indispensable for the development of individual men. 'Those who won our independence,' he wrote in a concurring opinion in *Whitney v. California*, 'believed that the final end of the State was to make men free to develop their faculties; and that in its government the deliberative forces should prevail over the arbitrary. They valued liberty both as an end and as a means. They believed liberty to be the secret of happiness, and courage to be the secret of liberty. They believed that freedom to think as you will and to speak as you think are means indispensable to the discovery and spread of political truth; that without free speech and assembly discussion would be futile; that with them, discussion affords ordinarily adequate protection against the dissemination of noxious doctrine; that the greatest menace to freedom is an inert people; that public discussion is a political duty; and that this should be a fundamental principle of the American government.'

"He believed in seeking 'for betterment within the broad lines of existing institutions,' as he once wrote Robert W. Bruère, for progress is necessarily slow, and remedies necessarily tentative. 'The development of the individual is,' he added, 'both a necessary means and the end sought. For our objective is the making of men and women who shall be free, self-respecting members of a democracy—and who shall be worthy of respect * * *. The great developer is responsibility.'

"He believed, never doubting, in Democracy. But he knew it to be a serious undertaking which 'substitutes self-restraint for external restraint.' He knew also that Democracy 'demands continuous sacrifice by the individual and more exigent obedience to the moral law than any other form of government.' Its success may proceed from the individual, and 'his development is attained mainly in the process of common living.'

“And so Brandeis believed that every man in this country should have an actual opportunity, and not only what he termed ‘a paper opportunity.’ He was convinced that industrial unrest would not be removed until the worker was given, through some method, a share in the management and responsibility of the business. The social justice for which we are striving was for him not the end but a necessary incident of our democracy. The end is the development of the people by self-government in the fullest sense, which involves industrial as well as political democracy.

“Thus holding that Democracy was based on the theory that men were entitled to the pursuit of life and of happiness, and that equal opportunity advances civilization, he saw the threat to this way of life from the opposing view that one race was superior to the other. Less than a year after the first World War had begun he expressed this fundamental difference of conception, speaking before the New Century Club in Boston, twenty-seven years ago: ‘America,’ he said, ‘dedicated to liberty and the brotherhood of man, rejected heretofore the arrogant claim that one European race is superior to another. America has believed that each race had something of peculiar value which it could contribute to the attainment of those high ideals for which it is striving. America has believed that in differentiation, not in uniformity, lies the path of progress. Acting on this belief, it has advanced human happiness and it has prospered.’

“Today Brandeis takes his place in the moving stream of history as a great American whose life work brought nearer to fulfillment the essentially American belief in equality of opportunity and individual freedom—the dream that Jefferson, whom Brandeis once referred to as the ‘first civilized American,’ had cherished, and Lincoln, sprung from such different roots. Brandeis is in their tradition, the American tradition of those who affirm the integrity of men and women.”

The Chief Justice directed that the resolutions be received and spread upon the minutes of the Court.

The Chief Justice said:

“Mr. Attorney General, you are right in speaking of Justice Brandeis as a great American. It is because he was a great American, devoted to the law, using the lawyer’s learning with skill, resourcefulness and, above all, with wisdom, that he was a great lawyer and law giver. We think of him as a great American because of his abiding faith in the principles of liberty, justice, and equality of opportunity which were proclaimed by those characteristically American documents, the first Virginia Bill of Rights, the Declaration of Independence, and the Constitution. His Americanism con-

templated a society in which our continued adherence to those principles of government should, in all the vicissitudes of our history, bring to every man the opportunity to live the good and efficient life.

“For him those principles were not concerned alone with the tyrannies of eighteenth century government which gave them birth. They were equally to be taken as guaranties that the social and economic injustices which attend the development of a dynamic and increasingly complex society should not prevail. In his mind the phrase ‘law and order’ meant more than the suppression of lawless violence by government. It signified a state of society to be achieved by a new and better understanding of social values, and by just laws which should check those social forces that in a changing order tend to withhold from men freedom and equality of opportunity. Only as we are aware of his passion for freedom and justice for all men, and of the means by which he translated it into action through a profound understanding of both the function of law in a changing world and the techniques by which law may be adapted to the needs of a free society, do we gain insight into the true sources of his power and influence as a judge.

“Most progress in the law has been won by those who have had the vision to perceive the necessity for bringing under its protection or suitable control the forces which, for good or evil, affect the good order and freedom of society, and who, seeing, have possessed the craftsmanship with which to make the necessary adjustment of old laws to new needs. Progress in the law has never been easy or swift. Apart from the legitimate demand for continuity in a system of law founded on precedent, we have sometimes been slow to perceive those resemblances which call for the extension of old precedents to new facts and events, and those differences of the new from the old which make necessary the qualification of precedent or the development of new doctrine.

“Some centuries passed before judges and legislators were persuaded that the law should take notice of fraud or deceit as well as robbery and larceny, and before they recognized that if the law compels men to perform contracts it should equally impose an obligation to repay money procured through fraud or mistake. When Lord Mansfield was engaged in his great work of adapting a feudal common law to the requirements of a commercial England, his studies of the practices of merchants as a basis for an enlightened expansion of the law were regarded as a daring judicial innovation. The innovation was, in truth, no more and no less than the application of all the resources of the creative mind to the perpetual problem of

attuning the law to the world in which it is to function. It was such a mind that Justice Brandeis brought to the service of the country and of this Court, when he took his seat on the Bench in 1916. The twentieth century had already brought to the courts new problems which had been as little envisaged by the law as had been the customs and practices of merchants before Mansfield's day. The demands for the protection of the interests of workingmen and for the creation of new administrative agencies, the growing inequalities in bargaining power of different classes in the community, and the recognized need for repressing monopoly and for regulating public utilities and large aggregations of capital, all called for the adaptation of the principles of the common law and of constitutional interpretation to new subjects, which often bore but a superficial resemblance to those with which lawyers and judges had been traditionally concerned.

"These were problems to tax the technical skill and training of lawyers and judges, but their solution demanded also sympathetic understanding of their nature and of the part which the legal traditions of yesterday can appropriately play in securing the ordered society of today. In the long history of the law few judges have been so richly endowed for such an undertaking as was Justice Brandeis. His career at the Bar had revealed his constant interest in finding ways by which the existing machinery of the law could continue to serve the good order of society notwithstanding the new stresses to which it was being subjected.

"Despite the demands of a busy practice he had had the inclination and had found the time to give freely of his professional services for the protection of the public from the abuses of monopoly and the misuse of financial power, from the injury suffered where labor disputes are not adjusted by peaceable means, and from the wrongs inflicted by the misconduct of recreant public officials. In all this his aims were persistently constructive. Aware that permanent gain in social progress, because of its very nature, must be slow, he was content with small reforms, with few steps at a time and short ones, so long as they were forward. He was convinced that progress would not ultimately be attained by resort to methods which required any surrender of his ideal of freedom and justice for all; that our constitutional system, administered with wisdom and good will, had within it all the potentialities for realization of that ideal without altering the essential character of our institutions. Social conscience and vision, infinite patience, an extraordinary capacity for sustained intellectual effort, and serene confidence that truth revealed will ultimately prevail, were the special gifts of character and personality which he devoted to his judicial service. These are gifts seldom united in any one person, but

they would have been inadequate for the task without his insight into the true significance of a system of law which is the product of some 700 years of Anglo-American legal history.

"Justice Brandeis knew that throughout the development of the common law the judge's decision of today, which is also the precedent for tomorrow, has drawn its inspiration—and the law itself has derived its vitality and capacity for growth—from the very facts which, in every case, frame the issue for decision. And so, as the first step to decision, he sought complete acquaintance with the facts as the generative source of the law. By exhaustive research to discover the social and economic need and consequences of regulation of wages and hours of labor, of rate-making for public utilities, of the sources and evils of monopoly, and in many another field, he laid the firm foundation of those judicial decisions which for nearly a quarter of a century were to point the way for the development of law adapted to the industrial civilization of the twentieth century. For what availed it that judges and lawyers knew all the laws in the ancient books, if they were unaware of the significance of the new experience to which those laws were now to be applied. In the facts, quite as much as in the legal principles set down in the lawbooks, he found the materials for the synthesis of judicial decision. In that synthesis the law itself was but the means to a social end—the protection and control of those interests in society which are the special concern of government and hence of law.

"This end was to be attained within the limits set by the command of Constitution and statutes, and the restraints of precedent and of doctrines by common consent regarded as binding, through the reasonable accommodation of the law to changing social and economic needs. In such a process the law itself was on trial. The need for its continuity was to be weighed against the pressing demands of new facts, and in the light of the teachings of experience, out of which our legal system has grown. These were the guideposts marking the way to decision for Justice Brandeis, as they had been for other judges. What gave his judicial career its high distinction was his clear recognition that these are boundaries within which the judge has scope for freedom of choice of the rule of law which he is to apply, and that his choice within those limits may rightly depend upon social and economic considerations whose weight may turn the scales of judgment in favor of one rule rather than another.

"It is the fate of those who tread unfamiliar paths to be misunderstood. There were many, when Justice Brandeis came to this Court, who had forgotten or never knew, and some perhaps who were not interested in knowing, that this was the judicial process which, throughout the history of the law, has in varying degree served to

renew its vitality and to continue its capacity for growth. It was the method of the great judges of the past, who had consciously or unconsciously practiced the creative art by which familiar legal doctrines have been moulded to the needs of a later day. This is better understood today than it was twenty-five years ago. In the fullness of time we have seen the shafts of criticism which were directed at Brandeis the lawyer and Judge turned harmlessly aside by the general recognition of his integrity of mind and purpose and of his judicial wisdom.

“He was emphatic in placing the principles of constitutional decision in a different category from those which are guides to decision in cases where the law may readily be altered by legislative action. He never lost sight of the fact that the Constitution is primarily a great charter of government, and often repeated Marshall’s words: ‘it is a *constitution* we are expounding’ ‘intended to endure for ages to come, and, consequently, to be adapted to the various *crisis* of human affairs.’ Hence, its provisions were to be read not with the narrow literalness of a municipal code or a penal statute, but so that its high purposes should illumine every sentence and phrase of the document and be given effect as a part of a harmonious framework of government. Notwithstanding the doctrine of *stare decisis*, judicial interpretations of the Constitution, since they were beyond legislative correction, could not be taken as the final word. They were open to reconsideration, in the light of new experience and greater knowledge and wisdom. Emphasis of the purposes of the Constitution as a charter of government, and the generality of its restraints under the Due Process Clause, precluded the notion that it had adopted any particular set of social and economic ideas, to the exclusion of others which fair-minded men might hold, however much he might disagree with them. He was the stalwart defender of civil liberty and the rights of minorities. In the specific constitutional guaranties of individual liberty and of freedom of speech and religion, and in the adherence by all who wield the power of government to the principles of the Constitution, he saw the great safeguards of a free and progressive society.

“Justice Brandeis revered this Court as an institution which he held to be the indispensable implement for the maintenance of our federal system. He believed that the Court’s continued strength and influence depend more than all else upon the thoroughness, integrity and disinterestedness with which its justices do its work. Because of that belief he withdrew from every other activity; the work of the Court was the absorbing interest of his life. Intelligent and disinterested study and the force of reason at the conference table he held to be the only dependable guaranties of the adequate performance

of its great task. Although often in the minority, he never sought or desired any other assurance that the Court would meet its responsibilities.

“Justice Brandeis’s active judicial service covered a period of twenty-three years, from 1916 to 1939. His opinions, appearing in Volumes 242 to 305 of our reports, cover every phase of the wide range of questions which came before the Court in this transition period. They bear internal evidence of the prodigious labor and painstaking care with which they were prepared. In cases involving the validity of legislation or the application of statute or common law to new fact situations, his opinions, like his briefs at the Bar, give us the results of his extensive researches into the social and economic backgrounds of the questions presented, buttressed by expert opinion and accounts of the experience in other states and countries. His statements of fact and law were simple, direct, orderly, powerful, proceeding to their conclusion with convincing logic. In their discussions of the principles of constitutional government and of civil liberty they rise to heights of dignity and power which place them among the great examples of legal literature. He was never willing to sacrifice clarity to the turn of a phrase, for he wished above all to be understood. For laymen as well as lawyers his opinions are a compendium of the legal aspects of the social and economic phenomena of our times. Together they constitute one of the most important chapters of the history of this Court.

“Apart from the work of the Court his life was centered in his home and in the intimate associations with family and friends. His substantial means were devoted largely to charity and by choice his home life was austere in its simplicity. He exercised a unique personal influence over the lives of men and women, young and old, who came to him from every walk of life to seek guidance and inspiration in his counsel. He revived their faith that—in a world troubled by declining standards—right, justice, and truth must remain the guiding principles of human conduct. Despite his great intellectual vigor and activity, his life was singularly placid, unruffled by the misunderstandings or criticism of others, however unmerited. This was the outer manifestation of an inner life, untroubled and serene, because given to great ends, with truth as the ultimate goal.

“The time has not yet come to bring into its proper perspective a career so unusual and so far reaching in its influence, but we can appraise now the great service which he rendered by his devotion and loyalty to the Court as an institution and by the scholarship, integrity, and independence with which he performed his judicial

labors. We know that because he sat as a judge on this Court the course of constitutional interpretation has been altered and that courts, in the process of adjudication, must henceforth, far more than in the past, look for light beyond the law books to the experience of the world in which we live.

"We see him now as one of the influential men of his time—in the words of the Resolution of the Bar, wise, strong, and good—taking his rightful place among that small group of great figures of the law who have given to it new strength, and to us renewed assurance of its adequacy and hence that it will endure."

No. 29. O. B. Williams and Lillie Shaver Hendrix, petitioners, *v.* The State of North Carolina. On writ of certiorari to the Supreme Court of the State of North 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 Frankfurter. Dissenting opinion by Mr. Justice Murphy. Dissenting opinion by Mr. Justice Jackson.

No. 79. William A. Adams, Warden of the City Prison of Manhattan, and James E. Mulcahy, United States Marshal, petitioners, *v.* The United States of America, *ex rel.* Gene McCann. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Order of the Circuit Court of Appeals set aside and cause remanded to the Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Murphy join. Dissenting opinion by Mr. Justice Murphy.

No. 466. Department of Banking, State of Nebraska, as Receiver, etc., petitioner, *v.* Louis H. Pink, Superintendent of Insurance, etc. On petition for writ of certiorari to the Supreme Court of New York. Petition for writ of certiorari denied for want of jurisdiction. Opinion, *per curiam*, announced by Mr. Chief Justice Stone.

The Chief Justice announced the following orders of the Court:
No. —, original. *Ex parte* John Mosher, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. —, original. *Ex parte* H. L. Meyers, petitioner. The motion for leave to file petition for writ of certiorari is denied.

No. 319. Fidelity Assurance Association, a corporation, debtor, et al., petitioners, *v.* Edgar B. Sims, Auditor, etc., et al. The motion

of Ohio-Kentucky-Indiana Creditors Committee and A. Clyde Ross, Trustee, for leave to file a brief as amici curiae is denied.

No. 558. Mrs. Ella Jamison, appellant, *v.* The State of Texas; and

No. 559. Daisy Largent, appellant, *v.* The State of Texas. In these cases further consideration of the question of jurisdiction is postponed to the argument on the merits. Counsel are requested to discuss in their briefs and on the oral argument whether under the law and practice of Texas the judgment can be fully reviewed on this record by a higher state court by habeas corpus or other proceedings.

No. 530. The Swan Carburetor Company, petitioner. *v.* Chrysler Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. Mr. Justice Roberts and Mr. Justice Murphy took no part in the consideration or decision of this application.

No. 475. Ray L. Berry, petitioner, *v.* State of Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 506. Jack Marks, petitioner, *v.* John H. Hoffman, Receiver, etc. Petition for writ of certiorari to the Circuit Court of Harrison County, West Virginia, denied.

No. 522. Katherine MacDonnell, petitioner, *v.* Bank of America (a National Trust and Savings Association) et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 527. Marcel Banke and George A. Gloor, petitioners, *v.* Novadel-Agene Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 531. The Pennsylvania Company for Insurance on lives and granting annuities, as Executor, etc., et al., petitioners, *v.* James Lee Kauffman, as Executor, etc., et al. Petition for writ of certiorari to the Supreme Court of New York denied.

No. 533. District Unemployment Compensation Board, petitioner. *v.* International Reform Federation, a body corporate. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 244. Antoinette Guiraudon Monks, appellant, *v.* Ida Nancy Lee, et al.;

No. 364. William Bunn, petitioner, *v.* City of Atlanta; and

No. 561. Hiram R. Edwards, petitioner, *v.* The United States of America. The petitions for rehearing are denied.

No. 381. Edmond L. Viles, petitioner, *v.* J. Foster Symes et al. The motion for leave to file petition for rehearing is denied.

No. 584. Honorable Michael J. Roche, United States District Judge etc., et al., petitioners, *v.* Evaporated Milk Association, et al. Time within which to serve petition for writ of certiorari and record extended to and including January 11, 1943.

Adjourned until Monday, January 4, 1943, at 12 o'clock.

The day call for Monday, January 4, 1943, will be as follows: Nos. 366, 296, 299 (and 329), 303, 320, 321 (and 322), 325, 327, 332, and 300.

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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, and Mr. Justice Jackson.

Alvin Olaf West, of Nashville, Tenn.; Mary B. MacDonald, of Ithaca, N. Y.; John W. MacDonald, of Ithaca, N. Y.; Fred Philip Glick, of New York City; Charles Woodrow Tye, of Los Angeles, Calif.; Albert W. Kauffmann, of Bridgeton, N. J.; Philip L. Lipman, of Vineland, N. J.; Warren C. Lummis, Jr., of Bridgeton, N. J.; Carlyle E. Yates, of New York City; and J. Campbell Palmer III, of Charleston, W. Va., were admitted to practice.

No. 246. Charles Coryell et al., petitioners, *v.* John S. Phipps and George J. Pilkington. 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 Douglas.

No. 183. Thomas J. Pendergast, petitioner, *v.* The United States of America;

No. 186. Robert Emmet O'Malley, petitioner, *v.* The United States of America; and

No. 187. A. L. McCormack, petitioner, *v.* The United States of America. On writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgments reversed and cases 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 Douglas. Mr. Justice Murphy took no part in the consideration or decision of these cases. Dissenting opinion by Mr. Justice Jackson. Separate opinion by Mr. Justice Frankfurter.

No. 184. Henry A. Kieselbach and Olga M. Kieselbach, petitioners, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment affirmed and cause remanded to said Circuit Court of Appeals. Opinion by Mr. Justice Reed.

No. 265. Clyde-Mallory Lines, petitioner, *v.* Steamship "Eglantine" and the United States of America. On writ of certiorari to the

United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the Eastern District of Louisiana. Opinion by Mr. Justice Black.

No. 78. The United States of America, petitioner, *v.* Victor N. Miller, also known as Vic Miller, John J. Humphrey, also known as John J. Humphrey, Sr., etc., et al. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment of the Circuit Court of Appeals reversed and judgment of the District Court of the United States for the Northern District of California affirmed. Opinion by Mr. Justice Roberts.

No. 93. Wm. A. Marshall, Deputy Commissioner, 14th Compensation District, U. S. Employees Compensation Commission, et al., petitioners, *v.* G. Pletz. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the District of Oregon for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts. Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas and Mr. Justice Murphy concur.

No. 172. Minnie Reese Richardson Wragg, petitioner, *v.* Federal Land Bank of New Orleans. 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. Chief Justice Stone. Mr. Justice Black took no part in the consideration or decision of this case.

No. 156. The Detroit Bank, formerly The Detroit Savings Bank, a Michigan Banking Corporation, petitioner, *v.* The United States of America; and

No. 214. State of Michigan, John J. O'Hara, Auditor General for the State of Michigan, et al., petitioners, *v.* The United States of America. On writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgments affirmed and cases remanded to the District Court of the United States for the Eastern District of Michigan. Opinion by Mr. Chief Justice Stone. Mr. Justice Murphy took no part in the consideration or decision of these cases.

No. 46. W. B. Parker, Director of Agriculture, Agricultural Prorate Advisory Commission, Raisin Proration Zone No. 1, et al., appellants, *v.* Porter L. Brown. Appeal from the District Court of the United States for the Southern District of California. Judg-

ment 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. 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. —. Corinne C. Waterman, appellant, *v.* Interborough Rapid Transit Company. Application denied.

No. —, Original. Ex parte R. H. Hughes, petitioner; and

No. —, Original. Ex parte F. M. Windsor, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied.

No. —, Original. Ex parte Leslie Williams and Joe Bennett, petitioners. *Per curiam*: It does not appear that petitioners have exhausted their remedies under state law, especially in view of their failure to file an original application for habeas corpus in the Supreme Court of Nebraska as is permissible under state law (Nebraska Compiled Statutes, 1929, section 27-204; *In re White*, 33 Neb. 812, 814), nor does it appear that the question presented here has been considered on the merits by the Supreme Court of Nebraska in any prior proceeding. The motion for leave to file a petition for writ of habeas corpus is therefore denied without prejudice.

No. —, Original. Ex parte Armin Ellerbrake, petitioner; and

No. —, Original. Ex parte William W. Boehman, petitioner. The motions for leave to file petitions for writs of mandamus are denied.

No. 556. Board of County Commissioners of the County of Creek, State of Oklahoma, a Municipal Corporation, et al., petitioners, *v.* Evelyn Seber 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 Acts of June 20, 1936, and May 19, 1937, is drawn in question in this case.

No. 591. West Virginia State Board of Education, etc., et al., appellants, *v.* Walter Barnette et al. In this case probable jurisdiction is noted.

No. 540. G. E. Myers, Trustee, etc., petitioner, *v.* Verna May Matley. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted.

No. 551. Allan D. Emil, as Trustee in Bankruptcy of John M. Russell, Inc., petitioner, *v.* Harry Hanley, Receiver. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted.

No. 582. Waterman Steamship Corporation, petitioner, *v.* David E. Jones. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted.

No. 454. Pedro Aguilar, petitioner, *v.* Standard Oil Company of New Jersey. The order denying certiorari is vacated and the petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit is granted. The case is assigned for argument immediately following No. 582.

No. 553. Joseph Galloway, by Freda Galloway, his guardian, 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 Ninth Circuit is also granted.

No. 75. The City of North Chicago et al., petitioners, *v.* The Maccabees, a corporation, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 526. Rutland Railroad Company's Receiver, petitioner, *v.* Sidney Abner Lawrence. Petition for writ of certiorari to the Supreme Court of Vermont denied.

No. 534. Sam Orlando, petitioner, *v.* The State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 535. Paragon Land Corporation, petitioner, *v.* Joseph P. Day and Bradley Delehanty, Trustees, etc. Petition for writ of certiorari to the Supreme Court of New York denied.

No. 542. Addison S. Pratt, as Trustee, etc., petitioner, *v.* Chemical Bank and Trust Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 545. Rudolph and Charles Kudile, copartners, etc., petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 405. J. S. Garlington et vir, petitioners, *v.* A. L. Wasson. Petition for writ for certiorari to the Supreme Court of Texas denied.

No. 536. W. H. Brinton, debtor, petitioner, *v.* The Federal Land Bank of Berkeley. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 546. Bennie Sablowsky, petitioner, *v.* Commonwealth of Pennsylvania; and

No. 547. Leonard Sablowsky, petitioner, *v.* Commonwealth of Pennsylvania. Petition for writs of certiorari to the Superior Court of Pennsylvania denied.

No. 464. Mrs. Anne Miller, petitioner, *v.* C. James Arrow. Petition for writ of certiorari to the Supreme Court of Ohio denied for

want of a properly presented federal question. The motion to correct a diminution of the record is therefore also denied.

No. 523. Herman Banning and Frank Williams, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. Mr. Justice Murphy took no part in the consideration or decision of this application.

No. 544. Boro Hall Corp., petitioner, *v.* General Motors Corporation et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. The Chief Justice and Mr. Justice Murphy took no part in the consideration or decision of this application.

No. 441. Diana Beck, petitioner, *v.* People of the State of New York. On petition for writ of certiorari to the Court of Appeals of New York;

No. 565. George W. Kerr, petitioner, *v.* James A. Johnston, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 538. William H. Padgett, alias William Hayden, petitioner, *v.* Ralph E. Benson, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit;

No. 543. W. H. Seale, petitioner, *v.* Fred Hunt, Warden. On petition for writ of certiorari to the Court of Criminal Appeals of Oklahoma; and

No. 562. Mrs. Helen Roskas, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit. The motions for leave to proceed in forma pauperis are granted. The petitions for writs of certiorari are denied.

No. 541. Henry Hawk, petitioner, *v.* Neil Olson, Warden, etc. The motion for leave to proceed in forma pauperis is granted. The motion to strike petitioner's reply brief is denied. The petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit is denied.

No. —, Original. Ex parte Cecil Wright, petitioner. The petition for rehearing is denied. The motion for leave to file petition for writ of certiorari is also denied.

No. 23. State Bank of Hardinsburg, petitioner, *v.* Chancey Ray Brown and Mary G. Brown. The motion for leave to consider petition for rehearing on typewritten copies is granted. The petition for rehearing is denied.

No. 176. Mary M. Hughes, appellant, *v.* John W. Wendel, County Treasurer of Butler County, Ohio, et al. On consideration of the sug-

gestion of a diminution of the record and motion for a writ of certiorari in that relation, the motion for a writ of certiorari is granted. The petition for rehearing is denied.

No. 250. Carlota Benitez de Seix et al., petitioners, *v.* Ros Maria Anciani et al. The petition for reconsideration of "Petition to Court" filed herein September 9th is denied.

No. 476. American Insurance Company et al., petitioners, *v.* Edward L. Scheufler (Successor), Superintendent, etc., et al. The petition for rehearing is denied. Mr. Justice Roberts and Mr. Justice Murphy took no part in the consideration or decision of this application.

No. 74. Walter L. Mangus and Rose L. Mangus, petitioners, *v.* Matthew A. Miller;

No. 234. G. F. Albin, petitioner, *v.* Cowing Pressure Relieving Joint Company, etc., et al.;

No. 503. Rau Construction Company, petitioner, *v.* Phillips Petroleum Company; and

No. 505. Paper Container Mfg. Company, petitioner, *v.* Dixie-Vortex Company. The petitions for rehearing are denied.

No. 366. The United States, petitioner, *v.* Brooks-Callaway Company. Argued by Mr. Valentine Brookes for the petitioner and by Mr. George R. Shields for the respondent.

No. 296. Hattie Mae Tiller, Executor, etc., petitioner, *v.* Atlantic Coast Line Railroad Company. Argued by Mr. J. Vaughan Gary for the petitioner and by Mr. Collins Denny, Jr., and Mr. Thomas W. Davis for the respondent.

No. 299. Jersey Central Power & Light Company, petitioner, *v.* Federal Power Commission; and

No. 329. New Jersey Power & Light Company, petitioner, *v.* Federal Power Commission. Four hours allowed for oral argument. Argument commenced by Mr. Frederic P. Glick for the petitioner in No. 329 and continued by Mr. John W. MacDonald for the petitioner in No. 299.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, January 5, will be as follows: Nos. 299 (and 329), 303, 320, 321 (and 322), 325, 77, 327, 300, 387 (and 388), and 473.

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, and Mr. Justice Jackson.

H. Grady Vien, of East Saint Louis, Ill.; Philip Marcus, of New York City; Henry A. Mitchler, of Washington, D. C.; Scott Paul Crampton, of Washington, D. C.; and Luther C. Rainwater, of Washington, D. C., were admitted to practice.

No. 299. Jersey Central Power & Light Company, petitioner, *v.* Federal Power Commission; and

No. 329. New Jersey Power & Light Company, petitioner, *v.* Federal Power Commission. Argument continued by Mr. John W. MacDonald for the petitioner in No. 299; by Mr. Allen E. Throop for the petitioner in No. 329; by Mr. Lester P. Schoene for the respondent; and concluded by Mr. Frederic P. Glick for the petitioner in No. 329.

No. 303. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* American Dental Co. Argument commenced by Mr. Samuel H. Levy for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, January 6, will be as follows: Nos. 303, 320, 321 (and 322), 325, 77, 300, 387 (and 388), 473, 175, and 178.

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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, and Mr. Justice Jackson.

Alton H. Rowland, of Bartlesville, Okla.; and Elisha Avery Crary, of Los Angeles, Calif., were admitted to practice.

No. 303. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* American Dental Co. Argument continued by Mr. John E. Hughes for the respondent and concluded by Mr. Samuel H. Levy for the petitioner.

No. 320. Daniel O'Donnell, petitioner, *v.* Great Lakes Dredge and Dock Company. Argued by Mr. Walter F. Dodd for the petitioner and by Mr. Ezra L. D'Isa for the respondent.

No. 321. The Creek Nation, petitioner, *v.* The United States; and No. 322. The Seminole Nation, petitioner, *v.* The United States. Argument commenced by Mr. Paul M. Niebell for the petitioners and continued by Mr. Archibald Cox for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, January 7, will be as follows: Nos. 321 (and 322), 325, 77, 300, 387 (and 388), 473, 175, 178, 284, and 275.

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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, and Mr. Justice Jackson.

Fitzhugh McGrew, of New York City; Francis E. Thomason, of Indianapolis, Ind.; James Harold Nacey, of Cleveland, Ohio; and Warren Hall Coutts, Jr., of El Dorado, Kans., were admitted to practice.

No. 321. The Creek Nation, petitioner, *v.* The United States: and
No. 322. The Seminole Nation, petitioner, *v.* The United States.
Argument continued by Mr. Archibald Cox for the respondent and concluded by Mr. Paul M. Niebell for the petitioners. Leave granted respondent to file additional brief tomorrow and to present supplemental memorandum thereafter.

No. 325. Jerome Parker Jerome, petitioner, *v.* The United States of America. Argued by Mr. John T. Sapienza for the petitioner and by Mr. Assistant Attorney General Berge for the respondent.

No. 77. William H. Dunn, Jr., and Raymond Krause, appellants, *v.* The State of Ohio. Argued by Mr. James H. Nacey for the appellants and by Mr. Kenneth L. Sater for the appellee.

No. 300. Howard S. Palmer et al., as Trustees, etc., petitioners, *v.* Howard F. Hoffman, Individually and as Administrator, etc. Argument commenced by Mr. Edward R. Brumley for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, January 8, will be as follows: Nos. 300, 387 (and 388), 473, 175, 178, 284, 275, 399, 422, and 420.

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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, and Mr. Justice Jackson.

Arthur W. A. Cowan, of Philadelphia, Pa.; and Stanley W. Schaefer, of New York City, were admitted to practice.

No. 300. Howard S. Palmer et al., as Trustees, etc., petitioners, *v.* Howard F. Hoffman, Individually, etc. Argument continued by Mr. Edward R. Brumley for the petitioners and concluded by Mr. William Paul Allen for the respondent.

No. 387. Reconstruction Finance Corporation, petitioner, *v.* Bankers Trust Company, Trustee; and

No. 388. Reconstruction Finance Corporation, petitioner, *v.* Bankers Trust Company, Trustee. Argued by Mr. Paul A. Freund for the petitioner and by Mr. Joseph M. Hartfield for the respondent.

No. 473. In Re William V. Bradley, petitioner. Argued by Mr. Thomas D. McBride for the petitioner and by Mr. W. Marvin Smith for the respondent.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 11, will be as follows: Nos. 284, 175, 178, 275, 399, 422, 420, 429, 499 (and 500), and 273.

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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, and Mr. Justice Jackson.

Waldemar R. Augustine, of San Francisco, Calif.; James Benjamin Simmons, of Washington, D. C.; Floyd G. Christian, of Noblesville, Ind.; Oscar F. Smith, of Indianapolis, Ind.; Ward E. Dildine, of Fort Wayne, Ind.; Carl A. Stutsman, Jr., of Los Angeles, Calif.; Cecil C. Bailey, of Jacksonville, Fla.; and Herbert R. Tews, of Chicago, Ill., were admitted to practice.

No. 278. Murray R. Spies, petitioner, *v.* The United States of America. 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 Southern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Jackson.

No. 142. Endicott Johnson Corporation and Howard A. Swartwood, Secretary, etc., petitioners, *v.* Frances Perkins, Secretary of Labor of the United States. 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 Northern District of New York. Opinion by Mr. Justice Jackson. Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Roberts joins.

No. 103. Carter H. Harrison, Individually and as Collector of Internal Revenue, etc., petitioner, *v.* The Northern Trust Company and Mary E. Kaufman, Executors, etc. 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 Northern District of Illinois for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Murphy.

No. 124. Norvel H. Lilly, petitioner, *v.* Grand Trunk Western Railroad Company. On writ of certiorari to the Appellate Court, First District, State of Illinois. 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. Justice Murphy. Mr. Justice Frankfurter concurs in the result.

No. 87. The Public Utilities Commission of Ohio, George McConaughey, Chairman, etc., et al., appellants, *v.* United Fuel Gas Company et al. Appeal from the District Court of the United States for the Southern District of Ohio. Judgment affirmed with costs. Opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas and Mr. Justice Murphy concur.

No. 248. The United States of America, appellant, *v.* William F. Monia and L. Aubrey Williams. Appeal from the District Court of the United States for the Northern District of Illinois. Judgment affirmed. Opinion by Mr. Justice Roberts. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Douglas joins.

No. 268. Sterling P. Harris, Administrator of the Estate of Anna L. Harris, deceased, Debtor, petitioner, *v.* Zion Savings Bank and Trust 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 District of Utah. Opinion by Mr. Justice Roberts. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Murphy join.

No. 385. Natural Milk Producers Association of California, a corporation, et al., appellants, *v.* The City and County of San Francisco et al. Appeal from the Supreme Court of the State of California. Judgment vacated without costs to either party in this Court and cause remanded to the said Supreme Court for such further proceedings as it may deem appropriate. 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. —. In the matter of Edward H. Coulter. Edward H. Coulter, a member of the Bar of this Court, having made return in response to the rule to show cause issued on November 23, 1942, and the Court having duly considered the return, the rule to show cause is discharged.

No. —. In the matter of Frank C. Sibley. Frank C. Sibley, a member of the Bar of this Court, having made return in response to the rule to show cause issued on November 23, 1942, and the Court having duly considered the return, the rule to show cause is discharged.

No. —, Original. *Ex parte* Taylor Seals, petitioner. Application denied.

No. 497. A. M. Anderson, Receiver, etc., petitioner, *v.* Katherine Kirkpatrick Abbot, Administratrix, etc., et al. The application to consider certain records in other cases in connection with the record in this case is granted.

No. 557. National Labor Relations Board, petitioner, *v.* Goodyear Tire & Rubber Company of Alabama et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted.

No. 556. Board of County Commissioners of the County of Creek, State of Oklahoma, a municipal corporation, et al., petitioners, *v.* Evelyn Seber et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted.

No. 569. Frank Tot, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted limited to the 4th and 5th questions stated in the Government's memorandum.

No. 550. Warren Telephone Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 560. Charles T. Kline, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 566. Gretta Lafuente, petitioner, *v.* County of Los Angeles. Petition for writ of certiorari to the Supreme Court of California denied.

No. 567. Howard Carwile, petitioner, *v.* Commonwealth of Virginia and State Board of Health, etc. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 568. The Consolidated Expanded Metal Companies, petitioner, *v.* United States Gypsum Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 572. Justine L. Lambert, Individually, etc., petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 573. Charles M. Thomson, Trustee, etc., petitioner, *v.* Mary B. Sevier, Administratrix, etc. Petition for writ of certiorari to the Appellate Court, First District, State of Illinois, denied.

No. 574. Arthur S. Humes, petitioner, *v.* Missouri Supreme Court et al. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 250. Carlota Benitez de Seix et al., petitioners, *v.* Ros Maria Anciani et al. On petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit;

No. 398. Harry C. Kelly, 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. 563. Cecil C. Crebs, petitioner, *v.* Milton F. Amrine, Warden, etc. On petition for writ of certiorari to the Supreme Court of Kansas. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 459. Vivian Wycliff Buie, petitioner, *v.* The United States of America. The petition for rehearing is granted. The order heretofore entered denying certiorari is vacated. The application filed with the Clerk of this Court on June 5, 1942, will be treated as a petition for certiorari.

No. 2, October Term, 1941. Martin J. Bernards and Lena Bernards, petitioners, *v.* M. R. Johnson et al. Motion to recall mandate denied.

No. 76. Jessie William Miller, petitioner, *v.* The United States of America;

No. 86. Opal Saxton Davis, petitioner, *v.* Department of Labor and Industries of the State of Washington;

No. 463. Alex Ranieri, petitioner, *v.* The United States;

No. 509. George Van Wormer, petitioner, *v.* The Champion Paper & Fibre Company; and

No. 537. William Roddenberry, appellant, *v.* State of Florida. Petitions for rehearing denied.

No. 516. Eunice E. Eastman, petitioner, *v.* Guaranty Trust Company of New York et al. Petition for rehearing denied. Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this application.

The Court will take a recess from Monday, January 18, until Monday, February 1, next.

No. 284. H. T. Overstreet, R. Brazle, and L. L. Garvin, petitioners, *v.* North Shore Corporation. Argued by Mr. Lucien H. Boggs for the petitioners; by Mr. Assistant Attorney General Shea for the Administrator of the Wage and Hour Division, United States Department of Labor, as *amicus curiae*, by special leave of Court; and by Mr. Roswell P. C. May for the respondent.

No. 175. The Interstate Commerce Commission et al., appellants, v. Inland Waterways Corporation et al. Three hours allowed for oral argument. Argument commenced by Mr. Daniel H. Kunkel for the appellant, Interstate Commerce Commission, and continued by Mr. Nuel D. Belnap for the appellees, Inland Waterways Corporation et al.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, January 12, will be as follows: Nos. 175, 178, 275, 399, 422, 420, 429, 499 (and 500), 273, and 327.

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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, and Mr. Justice Jackson.

Ben G. Sewell, of Houston, Tex.; Samuel H. Peak, of Houston, Tex.; Carl Blanchfield, of Pittsburgh, Pa.; and John Manfred Hager, of Los Angeles, Calif., were admitted to practice.

No. 175. The Interstate Commerce Commission et al., appellants, *v.* Inland Waterways Corporation et al. Argument continued by Mr. Edward B. Hayes for appellee, A. L. Mechling; by Mr. W. Carroll Hunter for appellee, Secretary of Agriculture of the United States; and concluded by Mr. Frank H. Cole, Jr., for appellants, Baltimore and Ohio Railroad Company et al.; and case submitted by Mr. Bryce L. Hamilton and Mr. A. B. Enoch for appellants, The Alton Railroad Company and other Western carriers.

No. 178. Illinois Commerce Commission et al., appellants, *v.* Charles M. Thomson, as Trustee, etc. Argued by Mr. William C. Wines for the appellants and by Mr. Nye P. Morehouse for the appellee.

No. 275. Pacific Coast Dairy, Inc., appellant, *v.* Department of Agriculture of the State of California et al. Argument commenced by Mr. Carey Van Fleet for the appellant and continued by Mr. Solicitor General Fahy for The United States, as *amicus curiae*, by special leave of Court.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, January 13, will be as follows: Nos. 275, 399, 422, 420, 429, 499 (and 500), 273, 327, and 452.

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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, and Mr. Justice Jackson.

S. Bertram Friedman, of New York City; Stuart H. Aarons, of New York City; Frank C. Tribbe, of El Dorado, Ark.; Chas. F. Potter, of Tyler, Tex.; Martin H. Young, of New York City; and Samuel Walter Ross Langdon, of Chicago, Ill., were admitted to practice.

No. 466. Department of Banking, State of Nebraska, as Receiver, etc., petitioner, *v.* Louis H. Pink, Superintendent of Insurance of the State of New York, etc. Time within which to file petition for rehearing extended to and including February 15 next, on motion of counsel for the petitioner.

No. 275. Pacific Coast Dairy, Inc., appellant, *v.* Department of Agriculture of the State of California et al. Argument continued by Mr. Solicitor General Fahy for the United States, as *amicus curiae*, by special leave of Court, and concluded by Mr. Walter L. Bowers for the appellees.

No. 399. Penn Dairies, Inc., and The United States of America, appellants, *v.* The Milk Control Commission of the Commonwealth of Pennsylvania. Argued by Mr. Solicitor General Fahy for appellant, The United States; by Mr. Harris H. Arnold for appellant, Penn Dairies, Inc.; and by Mr. Frank E. Coho for the appellee.

No. 422. Maurice Mandeville, as Trustee, etc., et al., petitioners, *v.* Greek Miller Canterbury. Argued by Miss Corinne L. Rice for the petitioners and by Mr. Herbert T. Tews for the respondent.

No. 420. Wilder Tileston, appellant, *v.* Abraham S. Ullman, State's Attorney et al. Argument commenced by Mr. Morris L. Ernst for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, January 14, will be as follows: Nos. 420, 429, 499 (and 500), 327, 273, and 452.

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, and Mr. Justice Jackson.

Jacob John Schulman, of New York City; Harry J. Sapper, of Oakland, Calif.; J. Warren Upson, of Waterbury, Conn.; Lester J. Schaffer, of Philadelphia, Pa.; Martin Bloom, of Atlantic City, N. J.; and Sydney J. Silverstein, of Oakland, Calif., were admitted to practice.

No. —. George Logue and Sue Logue, petitioners, *v.* The State of South Carolina. Application for stay denied.

No. 349. Daisy Largent, petitioner, *v.* Jack Reeves, City Marshal. The motion for leave to file petition for rehearing is granted. The petition for rehearing is denied. The application for bail is also denied.

No. 420. Wilder Tileston, appellant, *v.* Abraham S. Ullman, State's Attorney, et al. Argument continued by Mr. Morris L. Ernst and by Mr. Edwin Borchard for the appellant; by Mr. William L. Beers for the appellees; by Mr. Morris L. Ernst for the appellant; and concluded by Mr. Abraham S. Ullman for the appellees.

No. 429. Hurlbut W. Smith, petitioner, *v.* Frank J. Shaughnessy, Collector of Internal Revenue, etc. Argued by Mr. Ellsworth C. Alvord for the petitioner and by Mr. Arnold Raum for the respondent.

No. 499. Meta Biddle Robinette, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue, and

No. 500. Elise Biddle Paumgarten, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Argued by Mr. Henry A. Mulcahy for the petitioner and by Mr. Arnold Raum for the respondent. Leave granted petitioner to file a reply brief tomorrow.

No. 327. Fred Fisher Music Co., Inc., et al., petitioners, *v.* M. Witmark & Sons. Argument commenced by Mr. John Schulman for the petitioners and continued by Mr. Robert W. Perkins for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, January 15, will be as follows: Nos. 327 and 273.

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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, and Mr. Justice Jackson.

George W. Cunningham, of Tulsa, Okla.; Isaac Watlington Digges, of New York City; and Frederick William Smith, of Washington, D. C., were admitted to practice.

No. 79. William A. Adams, Warden, etc., et al., petitioners, *v.* The United States of America, ex rel. Gene McCann. Mandate stayed pending disposition of petition for rehearing on motion of counsel for the respondent.

No. 327. Fred Fisher Music Co., Inc., and George Graff, Jr., petitioners, *v.* M. Witmark & Sons. Argument continued by Mr. Robert W. Perkins for the respondent and concluded by Mr. John Schulman for the petitioners.

No. 273. Enoch L. Johnson, petitioner, *v.* The United States of America. Argued by Mr. William A. Gray for the petitioner and by Mr. Solicitor General Fahy for the respondent.

Adjourned until Monday, January 18, 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, and Mr. Justice Jackson.

Irwin D. Shapiro, of New York City; Charles A. Rooney, of Jersey City, N. J.; Robert McC. Marsh, of New York City; Alan W. Joslyn, of Bethesda, Md.; Warner Edmonds, Jr., of Santa Barbara, Calif.; George Goldstein, of Chicago, Ill.; I. Morton Meyers, of Johnstown, Pa.; and Gustav B. Margraf, of New York City, were admitted to practice.

No. 218. Terminal Railroad Association of St. Louis, appellant, *v.* Brotherhood of Railroad Trainmen, Richard Abram, Chairman and State Legislative Representative, and Illinois Commerce Commission. Appeal from the Supreme Court of the State of Illinois. Judgment affirmed with costs. Opinion by Mr. Justice Jackson.

No. 73. National Labor Relations Board, petitioner, *v.* Indiana & Michigan Electric Company and Michiana Electrical Utility Workers Association. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Jackson. Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas and Mr. Justice Murphy concur.

No. 336. L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor, petitioner, *v.* Jacksonville Paper Company. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment modified as indicated in the opinion of this Court and, as so modified, affirmed, and cause remanded to the District Court of the United States for the Southern District of Florida. Opinion by Mr. Justice Douglas.

No. 97. Ansel Higgins, petitioner, *v.* Carr Brothers Company. On writ of certiorari to the Supreme Judicial Court of the State of Maine. Judgment affirmed with costs. Opinion by Mr. Justice Douglas.

No. 269. Margaret M. Brady, as Administratrix of James P. Brady, deceased, petitioner, *v.* Roosevelt Steamship Company,

Inc. On writ of certiorari to the United States Circuit Court of Appeals for the Second 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. Justice Douglas.

No. 173. The United States of America ex rel. Morris L. Marcus, and Morris L. Marcus in his own behalf, petitioners, *v.* William F. Hess et al. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment of the Circuit Court of Appeals reversed with costs and judgment of the District Court of the United States for the Western District of Pennsylvania affirmed and cause remanded to the said District Court. Opinion by Mr. Justice Black. Mr. Justice Murphy took no part in the consideration or disposition of this case. Concurring opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Jackson.

No. 236. The United States of America, on relation of Samuel Ostrager, and Samuel Ostrager in his own behalf, petitioners, *v.* New Orleans Chapter, Associated General Contractors of America, Inc., 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 Eastern District of Louisiana for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Mr. Justice Murphy took no part in the consideration or disposition of this case. Mr. Justice Frankfurter joins in this opinion but concurs on the question of double jeopardy for the reasons set forth in his opinion in No 173, United States ex rel. Marcus *v.* Hess. Dissenting: Mr. Justice Jackson.

No. 201. American Medical Association, a corporation, petitioner, *v.* The United States of America; and

No. 202. The Medical Society of the District of Columbia, a corporation, petitioner, *v.* The United States of America. On writs of certiorari to the United States Court of Appeals for the District of Columbia. Judgments affirmed and cases remanded to the District Court of the United States for the District of Columbia. Opinion by Mr. Justice Roberts. Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of these cases.

No. 600. Wade Holley, petitioner, *v.* R. H. Lawrence, Warden of the State Penitentiary of Georgia. Appeal from the Supreme Court of Georgia. The motion for leave to file the jurisdictional statement is granted. 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. 564. The Almer Railway Equipment Company et al., appellants, *v.* The Commissioner of Taxation. Appeal from the Supreme Court of Minnesota. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for the want of a substantial federal question. (1) Department of Treasury *v.* Wood Preserving Corporation, 313 U. S. 62, 66, 67; (2) General American Tank Car Corporation *v.* Day, 270 U. S. 367, 373; Madden *v.* Kentucky, 309 U. S. 83, 87-90.

No. 601. Mrs. L. V. Holley, appellant, *v.* R. H. Lawrence, Warden of the State Penitentiary of Georgia. Appeal from the Supreme Court of Georgia. *Per curiam*: The motion for leave to file the jurisdictional statement is granted. The motion for leave to proceed *in forma pauperis* is also granted. The appeal is dismissed on the authority of Wade Holley *v.* Lawrence, No. 600, decided today.

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. —, original. Ex parte Dorsey Edmondson, petitioner; and

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

No. —, original. Ex parte Republic of Peru, Owner of the Peruvian Steamship "Ucayali." A rule is ordered to issue, returnable Monday, February 1 next, requiring the respondents to show cause why leave to file the petition for writ of prohibition and/or mandamus should not be granted. The cause is set for argument on the rule and return on Monday, February 8 next.

Counsel are requested to discuss in their briefs and on the oral argument the question of the jurisdiction of this Court to entertain the petition and to grant the relief sought, and to discuss the effect of the failure to present the application to the Circuit Court of Appeals.

No. 496. Sun Oil Company et al., petitioners, *v.* G. E. Burford et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted.

No. 580. Bertha A. Owens, Executrix of the Estate Leyle F. Owens, deceased, petitioner, *v.* Union Pacific Railroad Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted.

No. 581. Southland Gasoline Company, petitioner, *v.* J. W. Bayley, Henry V. Bloom, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted.

No. 585. Federal Communications Commission, petitioner, *v.* National Broadcasting Company, Inc. (KOA), et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted.

No. 281. Wayne N. Mason, Administrator, etc., petitioner, *v.* The Federal Land Bank of Berkeley, a corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 549. West Publishing Company, petitioner, *v.* Superior Court of the State of California, in and for the City and County of San Francisco. Petition for writ of certiorari to the Supreme Court of California denied.

No. 571. Max Rockmore, as Trustee in Bankruptcy of Surf Advertising Corporation, petitioner, *v.* Mathilde Lehman and Joseph S. Abrams. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 583. Suffolk Securities Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 588. Massachusetts Bonding and Insurance Company, petitioner, *v.* The Winters National Bank and Trust Company of Dayton, Ohio, as Administrator *de bonis non*, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 590. Chicago, St. Paul, Minneapolis & Omaha Railway Company, petitioner, *v.* Amelia Muldowney, as Special Administratrix, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 592. Robert E. Kleinschmidt, petitioner, *v.* Globe-Democrat Publishing Company. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 598. William A. Davidson, Isaac G. Shendell, et al., petitioners, *v.* Frederick H. Hurdman and others, etc. Petition for writ of certiorari to the Supreme Court of New York denied.

No. 576. Samuel Okin, 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. 570. Oscar William South, petitioner, *v.* Railroad Retirement Board. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit; and

No. 575. Floyd Brewer, petitioner, *v.* Milton F. Amrine, Warden, etc. On petition for writ of certiorari to the Supreme Court of Kansas. The motions for leave to proceed in forma pauperis are granted. The petitions for writs of certiorari are denied.

No. 79. William A. Adams, Warden, etc., et al., petitioners, *v.* The United States of America ex rel. Gene McCann. The petition for rehearing is denied. The opinion is amended so that the last paragraph reads as follows: "The order of the Circuit Court of Appeals must therefore be set aside and the cause remanded to that court for such further proceedings, not inconsistent with this opinion, as may be appropriate." The judgment is amended accordingly.

No. 26. Henry Anton Pfister, petitioner, *v.* Northern Illinois Finance Corporation et al.; and

No. 27. Henry Anton Pfister, petitioner, *v.* Northern Illinois Finance Corporation et al.;

No. 507. Forrest Holiday, petitioner, *v.* The United States of America;

No. 534. Sam Orlando, petitioner, *v.* The State of Illinois. Petitions for rehearing denied.

Adjourned until Monday, February 1, at 12 o'clock.

The day call for Monday, February 1, will be as follows: Nos. 72, 11 original, 332, 449, 452, 453, 358, 458, 436, and 518.

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, and Mr. Justice Jackson.

Joseph Wahrhaftig, of San Francisco, Calif.; Edgar H. Snodgrass, of Crossville, Tenn.; Bernard Chertcoff, of Philadelphia, Pa.; Binford Arney, of Austin, Tex.; Daniel G. Albert, of New York City; Wilbur Rogers, of Washington, D. C.; Harold R. Scoville, of Phoenix, Ariz.; Lee E. Baker, of Lake Village, Ark.; John B. Dudley, of Oklahoma City, Okla.; Gerald P. Rosen, of Los Angeles, Calif.; Ralph E. Bowers, of Chicago, Ill.; Oren Harris, of El Dorado, Ark.; Hamilton Lehr Fess, of Toledo, Ohio; Frederick L. Bissinger, of Cleveland, Ohio; Ward Monroe French, of Philadelphia, Pa.; and Bernard L. Alderman, of New York City, were admitted to practice.

No. 366. The United States, petitioner, *v.* Brooks-Callaway Company. On writ of certiorari to the Court of Claims. Judgment reversed and cause remanded to the Court of Claims with instructions to determine whether respondent is concluded by the findings of the contracting officer, and, if not, for a finding by the court whether the 183 days of high water or any part of that time were in fact foreseeable. Opinion by Mr. Justice Murphy.

No. 284. H. T. Overstreet, R. Brazle, and L. L. Garvin, petitioners, *v.* North Shore 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 Southern District of Florida for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Murphy. Dissenting: Mr. Justice Roberts and Mr. Justice Jackson.

No. 325. Jerome Parker Jerome, petitioner, *v.* The United States of America. 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 District of Vermont for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas.

No. 300. Howard S. Palmer, Henry B. Sawyer, and James Lee Loomis, as Trustees, etc., petitioners, *v.* Howard F. Hoffman, Individually and as Administrator, etc. On writ of certiorari to the United States 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 Eastern District of New York. Opinion by Mr. Justice Douglas.

No. 254. Securities and Exchange Commission, petitioner, *v.* Chenery Corporation, H. M. Erskine, et al. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Cause remanded to the said Court of Appeals with directions to remand to the Securities and Exchange Commission for such further proceedings, not inconsistent with the opinion of this Court, as may be appropriate. Opinion by Mr. Justice Frankfurter. Mr. Justice Douglas took no part in the consideration or decision of this case. Dissenting opinion by Mr. Justice Black in which Mr. Justice Reed and Mr. Justice Murphy concur.

No. 245. Ziffrin, Incorporated, appellant, *v.* The United States of America and Interstate Commerce Commission. Appeal from the District Court of the United States for the Southern District of Indiana. Judgment affirmed. Opinion by Mr. Justice Reed.

No. 296. Hattie Mae Tiller, Executor of the estate of John Lewis Tiller, deceased, petitioner, *v.* Atlantic Coast Line Railroad Company. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Eastern District of Virginia for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Concurring opinion by Mr. Justice Frankfurter.

No. 473. *In re* William V. Bradley, petitioner. 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 with directions that the petitioner be discharged from custody. Opinion by Mr. Justice Roberts. Dissenting opinion by Mr. Chief Justice Stone.

No. 320. Daniel O'Donnell, petitioner, *v.* Great Lakes Dredge and Dock 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 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. Chief Justice Stone.

No. 420. Wilder Tileston, appellant, *v.* Abraham S. Ullman, State's Attorney, and Fred Trotta, City Attorney of the City of New Haven. Appeal from the Supreme Court of Errors of the State of Connecticut. Appeal dismissed with costs. Opinion, *per curiam*, announced by Mr. Chief Justice Stone.

No. 422. Maurice Mandeville, as Trustee under the last will and testament of Richard A. Canterbury, deceased, etc., et al. 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 Northern District of Illinois with directions to vacate the injunction order. Opinion, *per curiam*, announced by Mr. Chief Justice Stone.

The Chief Justice announced the following order of the Court:

No. 631. The United States of America, appellant, *v.* George C. Nickerson. Appeal from the District Court of the United States for the District of New Jersey. *Per curiam*: The judgment is affirmed on the authority of *Jerome v. United States*, No. 325, decided today.

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. 238. Thelma Martin, appellant, *v.* City of Struthers, Ohio. Upon reconsideration the judgment entered herein October 12, 1942, is vacated, the mandate is recalled, and probable jurisdiction is noted.

No. 626. The United States of America, appellant, *v.* Radio Corporation of America et al.;

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

No. 629. The United States of America, appellant, *v.* Philip Lepowitch and Marvin Spector. In these cases probable jurisdiction is noted.

No. 577. Charles M. Thomson, Trustee, etc., petitioner, *v.* Industrial Commission of Illinois (Herman E. Stoll). Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 578. Helms Bakeries, a corporation, petitioner, *v.* State Board of Equalization of the State of California et al. Petition for writ of certiorari to the District Court of Appeal, 1st Appellate District, State of California, denied.

No. 586. The Cushman Motor Works, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 596. Galban Lobo Company, S. A., petitioner, *v.* Leon Henderson. Petition for writ of certiorari to the United States Emergency Court of Appeals denied.

No. 599. Mable Swales Fairclaw, petitioner, *v.* John Forrest. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 604. S. H. Squire, Superintendent of Banks of the State of Ohio, etc., petitioner, *v.* Cliffe U. Merriam. Petition for writ of certiorari to the Supreme Court of California denied.

No. 418. L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor, petitioner, *v.* Goldblatt Brothers, Incorporated. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 602. Caron Corporation, petitioner, *v.* R. K. O. Radio Pictures, Inc. Petition for writ of certiorari to the Supreme Court of New York denied.

No. 603. State of Ohio, on the relation of S. H. Squire, Superintendent of Banks, etc., petitioner, *v.* Clarence H. Porter. Petition for writ of certiorari to the Supreme Court of California denied.

No. 605. Charles G. Guth, on his own behalf, etc., petitioner, *v.* Wallace Groves and W. W. Colpitts. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 612. Schlumberger Well Surveying Corporation, petitioner, *v.* Halliburton Oil Well Cementing Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 618. Arkansas Fuel Oil Company, petitioner, *v.* Magrath Oil Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 638. A. G. Nulsen, Jr., Executor, etc., petitioner, *v.* National Lead Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 652. Carl Halferty and J. B. Halferty, doing business as Halferty Brothers, et al., petitioners, *v.* Hawkeye Casualty Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 579. Pacific Gas and Electric Company, petitioner, *v.* Sacramento Municipal Utility District. Petition for writ of certiorari to the Supreme Court of California denied. Mr. Justice Roberts took no part in the consideration or decision of this application.

No. 548. Leemon Reece and James Dewey Hipp, petitioners, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 587. Edmond L. Viles, petitioner, *v.* The Prudential Insurance Company of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit;

No. 611. Charles Coates, petitioner, *v.* R. H. Lawrence, Superintendent and Warden of the Georgia State Prison. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 594. Ruffie Lundon, petitioner, *v.* L. F. Chapman, Keeper of the Florida State Penitentiary. On petition for writ of certiorari to the Supreme Court of Florida; and

No. 620. J. L. Stewart, petitioner, *v.* Honorable A. F. St. Sure, United States District Judge, 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. The petitions for writs of certiorari are denied.

No. —. Corinne C. Waterman, appellant, *v.* Interborough Rapid Transit Company;

No. —. Original. *Ex parte* Ellert L. McGrath, petitioner;

No. 226. Corinne C. Waterman, petitioner, *v.* Colonel Somervell et al.;

No. 441. Diana Beck, petitioner, *v.* People of the State of New York;

No. 464. Mrs. Anne Miller, petitioner, *v.* C. James Arrow;

No. 565. George W. Kerr, petitioner, *v.* James A. Johnston, Warden, etc.;

No. 574. Arthur S. Humes, petitioner, *v.* Missouri Supreme Court et al.;

No. 600. Wade Holley, appellant, *v.* R. H. Lawrence, Warden, etc.; and

No. 385. Natural Milk Producers Association of California, a corporation, et al., appellants, *v.* The City and County of San Francisco et al. Petitions for rehearing denied.

No. 903, October Term, 1941. Robert L. Peyton, petitioner, *v.* Railway Express Agency, Inc., et al.; and

No. 444. Charles O'Keith, petitioner, *v.* James A. Johnston, Warden, etc. Second petitions for rehearing denied.

No. —, original. The United States of America, complainant, *v.* The State of Louisiana et al. Motion on behalf of the United States for leave to file bill to perpetuate testimony presented.

No. 514. The United States of America, appellant, *v.* French Bauer, Incorporated, et al. Appeal from the District Court of the United States for the Southern District of Ohio. Dismissed on motion of counsel for the appellant.

No. 72. The People of the State of New York, ex rel. R. Gordon Whitman, petitioner, *v.* Joseph H. Wilson, as Warden, etc. Argued by Mr. Charles E. Hughes, Jr., for the petitioner and by Mr. Bernard L. Alderman for the respondent.

No. 458. George Sylvester Viereck, petitioner, *v.* The United States of America. Argument commenced by Mr. O. R. McGuire for the petitioner and continued by Mr. Assistant Attorney General Berge for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, February 2, will be as follows: Nos. 458, 332, 449, 452, 453, 358, 436, 518, 424, and 490.

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, and Mr. Justice Jackson.

A. Napol, of Newark, N. J.; Alfred Ronstadt, of Tucson, Ariz.; John Page Marshall, of Washington, D. C.; Richard F. Harless, of Phoenix, Ariz.; Harold K. Norton, of Chicago, Ill.; Rawdon Libby, of Philadelphia, Pa.; E. Guy Hammond, of Akron, Ohio; Robert M. Cook, of Atlanta, Ga.; Frederick Stueck, of St. Louis, Mo.; Carl O. Olson, of Albany, N. Y.; John Howard Joynt, of Washington, D. C.; Milton Mallin, of Chicago, Ill.; Morris D. Schwartz, of Washington, D. C.; Leonard Horwin, of Los Angeles, Calif.; Henry J. Ridgely, of Dover, Del.; James McMullan, of Philadelphia, Pa.; and Bertram Bennett, of Philadelphia, Pa., were admitted to practice.

No. 458. George Sylvester Viereck, petitioner, *v.* The United States of America. Argument continued by Mr. Assistant Attorney General Berge for the respondent and concluded by Mr. O. R. McGuire for the petitioner.

No. 332. Le Roy J. Leishman, petitioner, *v.* Associated Wholesale Electric Company, a corporation. Argued by Mr. John Flam for the petitioner and by Mr. Samuel E. Darby, Jr., for the respondent.

No. 449. Maricopa County, Arizona, et al., petitioners, *v.* The Valley National Bank of Phoenix. Argued by Mr. Gerald Jones and Mr. Leslie C. Hardy for the petitioners and by Mr. J. L. Gust for the respondent.

No. 452. Corn Exchange National Bank and Trust Company, Philadelphia, et al., petitioners, *v.* Norman Klauder, trustee, etc. Argument commenced by Mr. Charles J. Biddle for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, February 3, will be as follows: Nos. 452, 453, 358, 436, 518, 424, 490, 497, 495 (and 496), and 528.

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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, and Mr. Justice Jackson.

Leonard Eriksson, of Fergus Falls, Minn.: Burton A. McGann, of Washington, D. C.: and Herbert M. Karp, of New York City, were admitted to practice.

No. 452. Corn Exchange National Bank and Trust Company, Philadelphia, et al., petitioners, *v.* Norman Klauder, Trustee, etc. Argument continued by Mr. Charles J. Biddle for the petitioners; by Mr. Bertram Bennett for the respondent: and concluded by Mr. Charles J. Biddle for the petitioners.

No. 453. Marshall Field & Company, petitioner, *v.* National Labor Relations Board. Argued by Mr. Ralph E. Bowers for the petitioner and by Mr. Robert B. Watts for the respondent.

No. 358. Hoopeston Canning Co., E. Pritchard, Inc., et al., appellants, *v.* Louis H. Pink, Superintendent of Insurance, etc., et al. Thomas J. Cullen, present Superintendent of Insurance of the State of New York and Nathaniel L. Goldstein, present Attorney General of the State of New York, substituted as the parties appellee herein in the place and stead of Louis H. Pink and John J. Bennett, Jr., respectively, on motion of Mr. Franklin D. Trueblood for the appellants.

No. 358. Hoopeston Canning Co., E. Pritchard, Inc., et al., appellants, *v.* Thomas J. Cullen, Superintendent of Insurance, etc., et al. Argument commenced by Mr. Franklin D. Trueblood for the appellants and continued by Mr. John C. Crary, Jr., for the appellees.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, February 4, will be as follows: Nos. 358, 436, 518, 424, 490, 497, 495 (and 496), 528, 319, and 11 original.

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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, and Mr. Justice Jackson.

Homer A. Cope, of Kansas City, Mo.; Herman M. Katcher, of Saint Louis, Mo.; George B. Turner, of New York City; Martin A. Rosenberg, of Saint Louis, Mo.; and Benton A. Bull, of Chicago, Ill., were admitted to practice.

No. 358. Hoopeston Canning Co., E. Pritchard, Inc., et al., appellants, *v.* Thomas J. Cullen, Superintendent of Insurance etc., et al. Argument continued by Mr. John C. Crary, Jr., for the appellees and concluded by Mr. Franklin D. Trueblood for the appellants.

No. 436. Joseph De Zon, petitioner, *v.* American President Lines, Ltd. Argued by Mr. Herbert Resner for the petitioner and by Mr. Edward F. Treadwell for the respondent.

No. 518. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Sabine Transportation Company, Inc. Argued by Mr. Arnold Raum for the petitioner and by Mr. Charles I. Francis for the respondent.

No. 424. Federal Security Administrator, petitioner, *v.* The Quaker Oats Company. Argument commenced by Mr. Valentine Brookes for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, February 5, will be as follows: Nos. 424, 490, 497, 495 (and 496), 528, 319, 11 original, 554, 555, and 529.

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, and Mr. Justice Jackson.

Nathaniel A. Brown, of Stockton, Calif.; and Charles T. Akre, of Washington, D. C., were admitted to practice.

No. 466. Department of Banking, State of Nebraska, as Receiver, etc., petitioner, *v.* Louis H. Pink, Superintendent of Insurance of the State of New York, as Liquidator, etc. Time within which to file petition for rehearing extended to and including March 15 next, on motion of counsel for the petitioner.

No. 424. Federal Security Administrator, petitioner, *v.* The Quaker Oats Company. Argument continued by Mr. George I. Haight for the respondent and concluded by Mr. Valentine Brookes for the petitioner.

No. 490. Clearfield Trust Company, a corporation, et al., petitioners, *v.* The United States of America. Argued by Mr. Paul A. Freund for the respondent and case submitted by Mr. Roswell Dean Pine, Jr., for the petitioners.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, February 8, will be as follows: Nos. 497, 495 (and 496), 528, 319, 11 original, 554, 555, 529, 558, and 559.

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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, and Mr. Justice Jackson.

Newell A. Clapp, of Chicago, Ill.; Grover C. Sherrod, of Humboldt, Tenn.; Erle J. Zoll, Jr., of Chicago, Ill.; Joseph York Houghton, of Chevy Chase, Md.; James Dennis Smullen, of Austin, Tex.; Robert F. Spindell, of Chicago, Ill.; Alfred W. Petchaft, of St. Louis, Mo.; John Anton Rauhut, of Austin, Tex.; Ed Roy Simmons, of Austin, Tex.; J. B. Robertson, of Austin, Tex.; and Dwight David Doty, of Washington, D. C., were admitted to practice.

No. 387. Reconstruction Finance Corporation, petitioner, *v.* Bankers Trust Company, Trustee; and

No. 388. Reconstruction Finance Corporation, petitioner, *v.* Bankers Trust Company, Trustee. On writs of certiorari to the United States Circuit of Appeals for the Eighth Circuit. Judgment reversed with costs and cases remanded to the District Court of the United States for the Eastern District of Missouri with instructions to proceed in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts. Concurring opinion by Mr. Justice Douglas in which Mr. Justice Black joins.

No. 60. C. J. Hendry Company and Frank Sematovich, petitioners, *v.* E. C. Moore, I. Zellerbach, et al., etc. On writ of certiorari to the Supreme Court of the State of California. Judgment affirmed with costs. Opinion by Mr. Chief Justice Stone. Dissenting opinion by Mr. Justice Black.

The Chief Justice announced the following order of the Court:

No. 77. William H. Dunn, Jr., and Raymond Krause, appellants, *v.* The State of Ohio. Appeal from the Supreme Court of Ohio. *Per curiam*: The appeal is dismissed for want of a substantial federal question. *Nebbia v. New York*, 291 U. S. 502; *Olsen v. Nebraska*, 313 U. S. 236; *Power Comm'n v. Pipeline Co.*, 316 U. S. 575, 582-83; *Sproles v. Binford*, 286 U. S. 374.

No. 396. Chris Pedersen, Individually, etc., petitioner, *v.* J. F. Fitzgerald Construction Co. On petition for writ of certiorari to

the Supreme Court of New York. *Per curiam*: Petition for writ of certiorari granted. Judgment reversed on the authority of *Overstreet v. North Shore Corporation*, No. 284, decided February 1, 1943. Mr. Justice Murphy 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. —, original. *Ex parte* William W. Boehman, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No. 584. Honorable Michael J. Roche, United States District Judge for the Northern District of California, Southern Division, et al., petitioner, *v. Evaporated Milk Association et al.* Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted.

No. 609. Boston Elevated Railway Company, petitioner, *v. Commissioner of Internal Revenue.* Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. Mr. Justice Murphy took no part in the consideration or decision of this application.

No. 613. Louisville and Nashville Railroad Company, petitioner, *v. Mary Ellen Underwood, Administratrix, etc.* Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. Mr. Justice Murphy took no part in the consideration or decision of this application.

No. 616. Louisville Gas and Electric Company, petitioner, *v. Federal Power Commission.* Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. Mr. Justice Murphy took no part in the consideration or decision of this application.

No. 617. Morris I. Jayne, Lelia G. Jayne, et al., petitioners, *v. National Life Insurance Company.* Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit. Mr. Justice Murphy took no part in the consideration or decision of this application.

No. 621. Bayside Bus Corporation, 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 Murphy took no part in the consideration or decision of this application.

No. 627. Alexander Guttman, Individually, etc., et al., petitioners, *v. Pittsburgh Terminal Coal Corporation et al.* Petition for writ

of certiorari to the Circuit Court of Appeals for the Third Circuit denied. Mr. Justice Murphy took no part in the consideration or decision of this application.

No. 635. Moore-McCormack Lines, Inc., petitioner, *v.* Edward Foster. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. Mr. Justice Murphy took no part in the consideration or decision of this application.

No. 639. Price Brothers Company, petitioner, *v.* Frank Smith. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. Mr. Justice Murphy took no part in the consideration or decision of this application.

No. 630. H. Ely Goldsmith, petitioner, *v.* Joseph W. Sanford, 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 Fifth Circuit denied. Mr. Justice Murphy took no part in the consideration or decision of this application.

No.—original. *Ex parte* Orville Chester Garrison, petitioner;

No. 78. The United States of America, petitioner, *v.* Victor N. Miller, also known as Vic Miller et al.;

No. 87. The Public Utilities Commission of Ohio et al., appellants, *v.* United Fuel Gas Company;

No. 398. Harry C. Kelly, petitioner, *v.* James A. Johnston, Warden, etc.; and

No. 566. Gretta Lafuente, petitioner, *v.* County of Los Angeles. Petitions for rehearing denied. Mr. Justice Murphy took no part in the consideration or decision of these applications.

No. 492. Charles F. Williams et al., appellants, *v.* Allen Miller et al. The motion for leave to file petition for rehearing is granted. The petition for rehearing is denied. Mr. Justice Murphy took no part in the consideration or decision of this application.

ORDER

The Court will take a recess from Monday, February 15, until Monday, March 1, next.

No. 497. A. M. Anderson, Receiver of National Bank of Kentucky, of Louisville, petitioner, *v.* Katherine Kirkpatrick Abbott, Administratrix, etc., et al. Argued by Mr. Robert S. Marx for the petitioner and by Mr. William W. Crawford for respondents.

No. 495. G. E. Burford et al., petitioners, *v.* Sun Oil Company et al.; and

No. 496. Sun Oil Company et al., petitioners, *v.* G. E. Burford et al. Argument commenced by Mr. James P. Hart for Burford et al.; and continued by Mr. Ed Roy Simmons for Burford et al.; by Mr. J. B. Robertson for Magnolia Petroleum Company; and by Mr. J. A. Rauhut for Sun Oil Company.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, February 9, will be as follows: Nos. 495 (and 496), 528, 319, 11 original, 554, 555, 529, 558, 559, and 551.

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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, and Mr. Justice Jackson.

Creekmore Fath, of Austin, Tex.; Troy Shelton, of Oklahoma City, Okla.; Ben C. Buckingham, of Des Moines, Iowa; Marjorie D. Champion, of Berkeley, Calif.; Thos. S. Dawson, of Louisville, Ky.; Hillis Townsend, of Charleston, W. Va.; J. H. Ward Hinkson, of Chester, Pa.; Rudolph K. Schurr, of Saint Louis, Mo.; Guy B. Brown, of Baltimore, Md.; Jack H. Ewing, of Liberty, Miss.; Fyke Farmer, of Nashville, Tenn.; Frederick DeJoseph, of Washington, D. C.; and Abraham L. Marovitz, of Chicago, Ill., were admitted to practice.

No. 495. G. E. Burford et al., petitioners, *v.* Sun Oil Company et al.; and

No. 496. Sun Oil Company et al., petitioners, *v.* G. E. Burford et al. Argument concluded by Mr. James P. Hart for Burford et al.

No. 528. O. L. Hastings et al., petitioners, *v.* Selby Oil & Gas Company et al. Argued by Mr. W. Edward Lee for petitioners, O. L. Hastings et al.; by Mr. James D. Smullen for petitioner, Railroad Commission of Texas; and by Mr. Dan Moody for the respondents.

No. 319. Fidelity Assurance Association, a corporation, debtor, et al., petitioners, *v.* Edgar B. Sims, Auditor, etc., et al. Three hours allowed for oral argument. Argument commenced by Mr. Homer A. Holt for the petitioners; and continued by Mr. John F. Davis for respondent, Securities and Exchange Commission; by Mr. H. Vernon Eney for respondent, John B. Gontrum, Insurance Commissioner of Maryland; by Mr. Richard H. Lauritzen for respondents, Banking Commissioner of Wisconsin; and by Mr. Fyke Farmer for respondents, L. H. Brooks, Trustee, et al.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, February 10, will be as follows: Nos. 319, 11 Original, 554, 555, 529, 558, 559, and 551.

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, and Mr. Justice Jackson.

Wm. H. Smathers, of Atlantic City, N. J.; John A. Gilchrist, of New York City; George Nebolsine, of New York City; John W. Nields, of New York City; Harold S. Glendening, of New York City; and George F. Taylor, Jr., of Pittsburgh, Pa., were admitted to practice.

No. 319. Fidelity Assurance Association, a corporation, debtor, et al., petitioners, *v.* Edgar B. Sims, Auditor, etc., et al. Argument continued by Mr. J. Campbell Palmer III, for respondents, West Virginia State Court Receivers; by Mr. John F. Davis for respondent, Securities and Exchange Commission; and concluded by Mr. Homer A. Holt for the petitioners.

No. 11, Original. Selvie Winfield Wells, petitioner, *v.* The United States of America. Argued by Mr. Henry J. Friendly for the petitioner and by Mr. Assistant Attorney General Berge for the respondent.

No. 554. National Broadcasting Company, Inc., et al., appellants, *v.* The United States of America et al. Motion for temporary restraining order submitted by Mr. John T. Cahill for the appellants. Argument commenced by Mr. John T. Cahill for appellant, National Broadcasting Company, Inc. and continued by Mr. E. Willoughby Middleton for appellant, Stromberg-Carlson Telephone Manufacturing Company.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, February 11, will be as follows: Nos. 554, 555, 529, 558, 559, and 551.

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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, and Mr. Justice Jackson.

Robert S. Brady, of McMinnville, Tenn.; Charles M. LaFollette, of Evansville, Ind.; Farland Robbins, of Mayfield, Ky.; Carroll Gray, of Washington, D. C.; and Edward J. Devitt, of St. Paul, Minn., were admitted to practice.

ORDER

It is ordered that paragraph 7 of Rule 32 of the Rules of this Court be amended so as to read as follows:

"7. In pursuance of the Act of March 3, 1883, authorizing and empowering this court to prepare a table of fees to be charged by the clerk for this court the following table is adopted:

"For docketing a case and filing and indorsing the transcript of the record, twenty-five dollars.

"For entering an appearance, twenty-five cents.

"For entering a continuance, twenty-five cents.

"For filing a motion, order, or other paper, twenty-five cents.

"For entering any rule or for making or copying any record or other paper, twenty cents per folio of each one hundred words.

"For transferring each case to a subsequent docket and indexing the same, one dollar.

"For entering a judgment or decree, one dollar.

"For every search of the records of the court, one dollar.

"For a certificate and seal, two dollars.

"For receiving, keeping, and paying money in pursuance of any statute or order of court, two percent on the amount so received, kept, and paid.

"For an admission to the bar and certificate under seal, including filing of preliminary certificate and statements, twenty-five dollars.

"For preparing the record or a transcript thereof for the printer, in all cases, including records presented with petitions for certiorari, indexing the same, supervising the printing and distributing the printed copies to the justices, the reporter, the law library, and the parties or their counsel, fifteen cents per folio of each one hundred words; but where the necessary printed copies of the record as printed

for use of the court below are furnished, charges under this item will be limited to any additions printed here under the clerk's supervision.

"For making a manuscript copy of the record, when required under Rule 13, fifteen cents per folio of each one hundred words, but nothing in addition for supervising the printing.

"For preparing, on filing, for the printer, petitions for writs of certiorari, briefs, jurisdictional statements or motions when required by the Rules, or at the request of counsel when, in the opinion of the clerk, circumstances require, indexing the same, changing record references to conform to the pagination of the printed record, and supervising the printing, five dollars for each such petition, brief, jurisdictional statement or motion. Neither the expense of printing nor the clerk's supervising fee shall be allowed as costs in the case.

"For a mandate or other process, ten dollars.

"For an order on petition for writ of certiorari, five dollars.

"For filing briefs, ten dollars for each party appearing.

"For every printed copy of any opinion of the court or any justice thereof, certified under seal, two dollars."

IT IS FURTHER ORDERED that this order shall apply to all cases docketed on or after February 15, 1943, and to all admissions to the bar on or after March 2, 1943.

No. 554. National Broadcasting Company, Inc., et al., appellants, *v.* The United States of America et al. Argument continued by Mr. E. Willoughby Middleton for appellant, Stromberg-Carlson Telephone Manufacturing Company, and concluded by Mr. Solicitor General Fahy for appellees, The United States and Federal Communications Commission.

No. 555. Columbia Broadcasting System, Inc., appellant, *v.* The United States of America et al. Motion for temporary restraining order submitted by Mr. Charles E. Hughes, Jr., for the appellant. Argued by Mr. Charles E. Hughes, Jr., for the appellant; by Mr. Solicitor General Fahy for appellees, The United States and Federal Communications Commission; and by Mr. Louis G. Caldwell for appellee, Mutual Broadcasting System, Inc. (in Nos. 554 and 555).

No. 529. The United States of America, appellant, *v.* Swift and Company et al. Argument commenced by Mr. Charles H. Weston for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, February 12, will be as follows: Nos. 529, 558, 559, and 551.

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, and Mr. Justice Jackson.

Edward Everett Baron, of Sioux City, Iowa; James Michael Scott, of Kansas City, Kans.; Paul O'Dwyer, of New York City; Hobart N. Durham, of New York City; Lawrence K. Blanchard, of Bayfield, Wis.; Harry C. Robb, Jr., of Washington, D. C.; Frank Chambers, of Washington, D. C.; Walter M. Bastian, of Washington, D. C.; Peter N. Chumbris, of Washington, D. C.; William J. Harnisch, of New York City; John W. Madden, Jr., of Dallas, Tex.; Moses Davis, of Cuthbert, Ga.; and Carl F. Schaffer, of Toledo, Ohio, were admitted to practice.

No. 554. National Broadcasting Company, Inc., Woodmen of The World Life Insurance Society et al., appellants, *v.* The United States of America et al. Appeal from the District Court of the United States for the Southern District of New York. Appeal dismissed as to appellant, Woodmen of the World Life Insurance Society, on motion of counsel for said appellant.

No. 529. The United States of America, appellant, *v.* Swift and Company et al. Argument continued by Mr. Kenneth W. Robinson for the appellees and concluded by Mr. Charles H. Weston for the appellant.

No. 558. Mrs. Ella Jamison, appellant, *v.* The State of Texas. Argued by Mr. Hayden C. Covington for the appellant and by Mr. H. P. Kucera for the appellee.

No. 559. Daisy Largent, appellant, *v.* The State of Texas. Argued by Mr. Hayden C. Covington for the appellant. No appearance for the appellee.

No. 551. Allan D. Emil, as Trustee in Bankruptcy of John M. Russell, Inc., petitioner, *v.* Harry Hanley, Receiver. Argued by Mr. David Haar for the petitioner and by Mr. John P. McGrath for the respondent.

Adjourned until Monday, February 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.

Wilbur R. Lester, of Toulon, Ill.; Victor H. Kramer, of Cincinnati, Ohio; Edward B. Willing, of Mount Vernon, N. Y.; Otto E. Adolph, of Elizabeth, N. J.; John W. Stollenwerck, Jr., of Hillsboro, Tex.; Franklin G. Hinckley, of Medford, Mass.; Cecelia M. Thornton, of Washington, D. C.; George R. Wearing, of Chicago, Ill.; Herbert C. Brook, of Chicago, Ill.; Ralph B. Gregg, of Indianapolis, Ind.; Archer L. Lerch, of Gainesville, Fla.; John W. Brabner Smith, of Evanston, Ill.; Rex B. Goodcell, Jr., of Los Angeles, Calif.; Milton D. Campbell, of Riverdale, Md.; L. O. Kimberly, Jr., of Atlanta, Ga.; Rupert L. Murphy, of Atlanta, Ga.; Owen Jameson, of San Francisco, Calif.; Claude E. Fernandez, of Baton Rouge, La.; Millard Cass, of Norfolk, Va.; Harold Epstein, of Los Angeles, Calif.; Lewis E. Lercara, of Oakland, Calif.; Walter Warren, of Leesburg, Fla.; Hugh Fulton, of New York City; Carl Gaeton Nappi, of Columbus, Ohio; Allen Crenshaw, of Andalusia, Ala.; Clifford E. Fix, of Washington, D. C.; Charles D. Sanger, Jr., of Silver Spring, Md.; Jacqueline Wemple, of Washington, D. C.; Ivan A. Schwab, of San Francisco, Calif.; Richard J. Carr, of Boston, Mass.; Franklin C. Salsbury, of Cleveland, Ohio; and Helen Newman, of Washington, D. C., were admitted to practice.

The Chief Justice said:

"The President, by and with the advice and consent of the Senate, has appointed The Honorable Wiley Rutledge, of Iowa, formerly an Associate Justice of the United States Court of Appeals for the District of Columbia, to be an Associate Justice of this Court. Justice Rutledge is present. The Clerk will read his commission. Justice Rutledge will then take the oath of office, and the Marshal will escort him to his seat upon the Bench."

The Clerk then read the commission as follows:

“FRANKLIN D. ROOSEVELT,

“PRESIDENT OF THE UNITED STATES OF AMERICA,

“To all who shall see these Presents, Greetings:

“KNOW YE; That reposing special trust and confidence in the Wisdom, Uprightness, and Learning of Wiley Blount Rutledge, of Iowa, I have nominated, and, by and with the advice and consent of the Senate, do appoint him Associate Justice of the Supreme Court of the United States and do authorize and empower him to execute and fulfill the duties of that office according to the Constitution and Laws of the said United States, and to Have and to Hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining, unto Him, the said Wiley Blount Rutledge, during his good behavior.

“IN TESTIMONY WHEREOF, I have caused these Letters to be made patent and the seal of the Department of Justice to be hereunto affixed.

“Done at the City of Washington this eleventh day of February, in the year of our Lord one thousand nine hundred and forty-three, and of the Independence of the United States of America the one hundred and sixty-seventh.

“FRANKLIN D. ROOSEVELT.

“By the President:

FRANCIS BIDDLE,
Attorney General.”

The oath of office was then administered by the Clerk, and Mr. Justice Rutledge was escorted by the Marshal to his seat upon the bench.

No. 171. The United States of America, petitioner, *v.* Oklahoma Gas & Electric Company. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the Western District of Oklahoma. Opinion by Mr. Justice Jackson. Dissenting: Mr. Justice Black and Mr. Justice Douglas.

No. 332. Leroy J. Leishman, petitioner, *v.* Associated Wholesale Electric Company, a corporation. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth 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.

No. 273. Enoch L. Johnson, 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 District of New Jersey. Opinion by Mr. Justice Douglas. Mr. Justice Murphy and Mr. Justice Jackson did not participate in the consideration or disposition of this case. Concurring opinion by Mr. Justice Frankfurter.

No. 429. Hurlbut W. Smith, petitioner, *v.* Frank J. Shaughnessy, Collector of Internal Revenue of the United States for the Twenty-First District of New York. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment of the Circuit Court of Appeals affirmed and cause remanded to that Court with leave to the petitioner to apply for modification of its mandate in order that the value of the petitioner's reversionary interest may be determined and excluded. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Roberts.

No. 499. Meta Biddle Robinette, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue; and

No. 500. Elise Biddle Paumgarten, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. On writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgments affirmed and cases remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Black. Dissenting: Mr. Justice Roberts.

The Chief Justice announced the following orders of the Court:

No. 669. Allied Mills, Inc., appellant, *v.* Department of Treasury of the State of Indiana, M. Clifford Townsend, et al., etc. Appeal from the Supreme Court of the State of Indiana. *Per curiam*: The judgment is affirmed. *McGoldrick v. Felt & Tarrant Co.*, 309 U. S. 70; *Felt & Tarrant Co. v. Gallagher*, 306 U. S. 62.

No. 670. The United States of America, appellant, *v.* American Federation of Musicians, James C. Petrillo, et al. Appeal from the District Court of the United States for the Northern District of Illinois. *Per curiam*: The judgment is affirmed. Act of March 23, 1932, 47 Stat. 70, 29 U. S. C. sections 101-115; *New Negro Alliance v. Sanitary Grocery Co.*, 303 U. S. 552; *Drivers' Union v. Lake Valley Co.*, 311 U. S. 91.

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."

ORDER

It is ordered that Rule XI of the Rules of Practice and Procedure in Criminal Cases be, and the same is hereby, amended to read as follows:

"XI. Writs of certiorari. Petition to the Supreme Court of the United States for writ of certiorari to review a judgment of the appellate court shall be made within thirty (30) days after the entry of the judgment of that court, except that in cases in which the judgment of conviction has been entered in a District Court of Alaska, Hawaii, Puerto Rico, Canal Zone, or Virgin Islands, the petition shall also be deemed in time if the container in which it is mailed, addressed to the Supreme Court of the United States is postmarked within the thirty (30) days provided by this Rule. Such petition shall be made as prescribed in Rules 38 and 39 of the Rules of the Supreme Court of the United States."

No. —, Ex parte James B. Goodrich, petitioner. Application denied.

No. —, original. Ex parte Frank Smith, petitioner;

No. —, original. Ex parte Dewey Wallace McMurtrey, petitioner; and

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

No. 12, original. The United States of America, complainant, *v.* The State of Louisiana et al. The motion on behalf of the United States for leave to file bill to perpetuate testimony is granted.

No. 659. Central Hanover Bank and Trust Company, a Banking Corporation of the State of New York, et al., appellants, *v.* William D. Kelly, State Tax Commissioner of the State of New Jersey. In this case probable jurisdiction is noted.

No. 2. William Schneiderman, petitioner, *v.* The United States of America;

No. 299. Jersey Central Power & Light Company, petitioner, *v.* Federal Power Commission; and

No. 329. New Jersey Power & Light Company, petitioner, *v.* Federal Power Commission. These cases are restored to the docket for reargument.

No. 623. Oklahoma Tax Commission of the State of Oklahoma, petitioner, *v.* The United States of America;

No. 624. Oklahoma Tax Commission of the State of Oklahoma, petitioner, *v.* The United States of America; and

No. 625. Oklahoma Tax Commission of the State of Oklahoma, petitioner, *v.* The United States of America. Petition for writs of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted.

No. 636. The United States of America, petitioner, *v.* Frank Delia. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted and case assigned for argument immediately following No. 569.

No. 280, October Term, 1941. Rosco Jones, petitioner, *v.* City of Opelika;

No. 314, October Term, 1941. Lois Bowden and Zada Sanders, petitioners, *v.* City of Fort Smith, Arkansas; and

No. 966, October Term, 1941. Charles Jobin, appellant, *v.* The State of Arizona. The petition for rehearing is granted and the cases are restored to the docket for reargument.

No. 480. Robert Murdock, Jr., petitioner, *v.* Commonwealth of Pennsylvania (City of Jeannette);

No. 481. Anna Perisich, petitioner, *v.* Commonwealth of Pennsylvania (City of Jeannette);

No. 482. Willard L. Mowder, petitioner, *v.* Commonwealth of Pennsylvania (City of Jeannette);

No. 483. Charles Seders, petitioner, *v.* Commonwealth of Pennsylvania (City of Jeannette);

No. 484. Robert Lamborn, petitioner, *v.* Commonwealth of Pennsylvania (City of Jeannette);

No. 485. Anthony Maltezos, petitioner, *v.* Commonwealth of Pennsylvania (City of Jeannette);

No. 486. Anastasia Tzanes, petitioner, *v.* Commonwealth of Pennsylvania (City of Jeannette); and

No. 487. Ellaine Tzanes, petitioner, *v.* Commonwealth of Pennsylvania (City of Jeannette). Petition for writs of certiorari to the Superior Court of Pennsylvania granted and cases assigned for argument immediately following Nos. 280, 314, and 966, October Term, 1941.

No. 450. Robert L. Douglas, Albert R. Gundecker, et al., petitioners, *v.* City of Jeannette (Pennsylvania), a Municipal Corporation, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted and case assigned for argument immediately following Nos. 480-487.

No. 595. The Kelley-Koett Manufacturing Co., petitioner, *v.* Harry B. McEuen. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 607. The Border Line Transportation Co., petitioner, *v.* Saul Haas, Collector of Customs. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 622. The Gerity-Whitaker Company et al., petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 633. Pickering Lumber Company, petitioner, *v.* Sophia Whiteside, Roger V. Whiteside, et al. Petition for writ of certiorari to the District Court of Appeals, 3d Appellate District, State of California, denied.

No. 641. Terminal Railroad Association of St. Louis, petitioner *v.* John G. Pashea. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 645. William Dudley Pelley, petitioner, *v.* The United States of America;

No. 646. Lawrence A. Brown, petitioner, *v.* The United States of America; and

No. 647. Fellowship Press, Inc., petitioner, *v.* The United States of America. Petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 648. Ancel Earp, petitioner, *v.* H. C. Jones, Collector of Internal Revenue for the District of Oklahoma. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 649. Margaret Mashunkashey, now Bradshaw, petitioner, *v.* The United States of America, A. G. Williams, Guardian, etc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 650. Gulf Refining Company, petitioner, *v.* Louis Fetschan and Cross Park Realty Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 654. Sidmon McHie and Hammond Realty Company, petitioners, *v.* The Fifth Avenue Bank of New York, Executor, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 657. Edward Armstrong Bellow and McDonald Products Corporation, petitioners, *v.* Park Sherman Co., Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 634. J. Wanroy Garrow, Marcita D. Garrow, 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. 632. Russell W. McDermott, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 642. F. Gerald Thomas, petitioner, *v.* The United States of America; and

No. 643. F. Gerald Thomas, petitioner, *v.* George W. Rossetter et al. The motion to be relieved of printing certain records is granted. The motion of Chicago Civil Liberties Committee for leave to file a brief as *amicus curiae* is granted. The petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit is denied.

No. 606. Louis Buchalter, petitioner, *v.* People of the State of New York. On petition for writ of certiorari to the County Court of Kings County, State of New York;

No. 610. Emanuel Weiss, petitioner, *v.* People of the State of New York. On petition for writ of certiorari to the Court of Appeals of New York; and

No. 619. Louis Capone, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the County Court of Kings County, State of New York. Petitions for writs of certiorari denied. The stay orders heretofore entered are vacated. Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of these applications.

No. 459. Vivian Wycliff Buie, 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 denied.

No. 903, October Term, 1941. Robert L. Peyton, petitioner, *v.* Railroad Express Agency. Third petition for rehearing denied.

No. 268. Sterling P. Harris, Administrator, etc., petitioner, *v.* Zion Savings Bank and Trust Company; and

No. 269. Margaret M. Brady, as Administratrix, etc., petitioner, *v.* Roosevelt Steamship Company, Inc. Petitions for rehearing denied.

Adjourned until Monday, March 1 next, at 12 o'clock.

The day call for Monday, March 1, will be as follows: Nos. —, Original. Ex parte Republic of Peru, Owner, etc., 3, 299 (and 329), 582, 454, 640 (and 461), 511, 540, 556, and 520.

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.

Kenneth L. Kimble, of Washington, D. C.; Robert C. Barnard, of Seattle, Wash.; Eric W. Timm, of Bay City, Mich.; Ronald A. MacMillan, of Washington, D. C.; Heber Milton Clegg, of Salt Lake City, Utah; Franklin Martin Stone, of Waseca, Minn.; P. Bowers Beachum, Jr., of Wadesboro, N. C.; George Darrell Neilson, of Washington, D. C.; George Morris Fay, of Washington, D. C.; Francis Dennis Flanagan, of Washington, D. C.; Bernard Margolius, of Washington, D. C.; Joseph Edward Williams, of Washington, D. C.; Charles Owen Butler, of Washington, D. C.; Dallas Wendell Reid, of Orleans, Ind.; Edward Stanley Lazowska, of New Bedford, Mass; Abner Frank, of Washington, D. C.; W. Harold Skelly, of Mexico, Mo.; Joseph Patrick McMahon, of Chicago, Ill.; Kelsey Loftus Martin Mott, of West Point, N. Y.; DeForest E. Sessions, of Washington, D. C.; Martin J. Mennehan, of Washington, D. C.; Adolph Charles Koehler, of Lancaster, Pa.; William N. McQueen, of Montgomery, Ala.; John Lewis Smith, Jr., of Washington, D. C.; Turner Taliaferro Smith, of Washington, D. C.; Walter P. Smart, of Pittsburgh, Pa.; Jno. J. O'Connell, of Pittsburgh, Pa.; Ruth Cleveland Hake, of Washington, D. C.; Sidney Jarcho, of New York City; Paul M. Goldstein, of Philadelphia, Pa.; Charles Lakatos, of Philadelphia, Pa.; Orazio Raymond Basile, of New York City; Walter X. Connor, of New York City; Robert A. Lilly, of New York City; Morris Berzon, of Boston, Mass.; Mary C. Vann, of Miami, Fla.; Wayne Allen, of Miami, Fla.; Malcolm W. Feist, of Shreveport, La.; Wm. T. Boyle, of Camden, N. J.; Wm. Taft Feldman, of Baltimore, Md.; Geo. W. Rochester, of Los Angeles, Calif.; Bernard K. Shapiro, of Chicago, Ill.; Herve J. L'Heureux, of Manchester, N. H.; F. Reed Dickerson, of Chicago, Ill.; Marcella R. Schultz, of New York City; Sol M. Linowitz, of Rochester, N. Y.; Charles Bernard Nutting, of Iowa City, Iowa; J. Wm. Rosenbluth, of New York City; Joseph Diamond, of Seattle, Wash.; Archibald F. McGrath, of New York City; Nathaniel J. Ely, of Baltimore, Md.; James R. Wilson, of Washington, D. C.; J. Daniel Hanley, of Washington, D. C.; O. R. McGuire, Jr., of Washington, D. C.; Herzel H. E. Plaine, of Newark, N. J.; Benjamin Chapman, of Los Angeles, Calif.; Robert E. Kinnare, of Chicago, Ill.; John A. Gor-

finkel, of San Francisco, Calif.; Marcus L. Plant, of Milwaukee, Wis.; Lothar Michaelis, of Washington, D. C.; Beatrice Rosenberg, of New York City; George H. Jennings, of Sapulpa, Okla.; Norman J. Futor, of Oklahoma City, Okla.; and Seymour Sheriff, of Washington, D. C., were admitted to practice.

No. 467. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Sylvie R. Griffiths. 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 Jackson. Mr. Justice Rutledge did not participate in the consideration or decision of this case. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Murphy join.

No. 449. Maricopa County, Arizona, W. H. Linville, as County Treasurer, etc., et al., petitioners, *v.* The Valley National Bank of Phoenix. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the District of Arizona. Opinion by Mr. Justice Douglas. Mr. Justice Rutledge did not participate in the consideration or disposition of this case.

No. 490. Clearfield Trust Company, a corporation, and J. C. Penney Company, a corporation, petitioners, *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 Douglas. Mr. Justice Murphy and Mr. Justice Rutledge did not participate in the consideration or disposition of this case.

No. 25. Benjamin McNabb, Freeman McNabb, et al., petitioners, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment reversed and cause remanded to the District Court of the United States for the Eastern District of Tennessee for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Frankfurter. Mr. Justice Rutledge took no part in the consideration or decision of this case. Dissenting opinion by Mr. Justice Reed.

No. 10. Mitchell Clifton Anderson, John Edward Simonds, Earl Hubbard, et al., petitioners, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment reversed and cause remanded to the District Court of the United States for the Eastern District of Ten-

nessee for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Frankfurter. Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this case. Dissenting: Mr. Justice Reed.

No. 303. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* American Dental Co. 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 Reed. Mr. Justice Rutledge took no part in the consideration or decision of this case. Dissenting opinion by Mr. Justice Frankfurter, in which Mr. Justice Jackson joins.

No. 358. Hoopeston Canning Co., E. Pritchard, Inc., et al., appellants, *v.* Thomas J. Cullen, Superintendent of Insurance of the State of New York, et al. Appeal from the Supreme Court of the State of New York, Albany County. Judgment affirmed with costs. Opinion by Mr. Justice Black. The Chief Justice and Mr. Justice Jackson concur in the result. Mr. Justice Rutledge took no part in the consideration or decision of this case.

No. 518. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Sabine Transportation Company, Inc. 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. Mr. Justice Rutledge 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 Murphy concur.

No. 399. Penn Dairies, Inc., and The United States of America, appellants, *v.* The Milk Control Commission of the Commonwealth of Pennsylvania. Appeal from the Supreme Court of the Commonwealth of Pennsylvania. Judgment affirmed. Opinion by Mr. Chief Justice Stone. Mr. Justice Rutledge took no part in the consideration or decision of this case. Concurring opinion by Mr. Justice Murphy. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Jackson join.

No. 275. Pacific Coast Dairy, Inc., appellant, *v.* Department of Agriculture of the State of California et al. Appeal from the Supreme Court of the State of California. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceeding not inconsistent with the opinion of this Court. Opinion by Mr. Justice Roberts. Mr. Justice Rutledge took no part in the consideration or decision of this case. Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Jackson join in the opinion but are also of the view that the judgment should be reversed for the additional reason set forth in the dissenting opinion in *Penn Dairies, Inc., v. Milk Con-*

trol Comm'n, No. 399, decided this day. Dissenting opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Murphy.

No. 424. Federal Security Administrator, petitioner, *v.* The Quaker Oats Company. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh 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. Chief Justice Stone. Mr. Justice Murphy and Mr. Justice Rutledge took no part in the consideration or decision of this case. Dissenting: Mr. Justice Roberts.

No. 458. George Sylvester Viereck, petitioner, *v.* The United States of America. 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. Chief Justice Stone. Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this case. Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas concurs.

No. 453. Marshall Field and Company, 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, *per curiam*, announced by Mr. Chief Justice Stone. Mr. Justice Rutledge took no part in the consideration or decision of this case.

No. 11, original. Selvie Winfield Wells, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Order of the Circuit Court of Appeals affirmed and cause remanded to the District Court of the United States for the Western District of Texas. Opinion, *per curiam*, announced by Mr. Chief Justice Stone. 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."

ORDER

It is ordered that the following allotment be made of the Chief Justice and Associate Justices of this Court among the circuits, agreeably to the Acts of Congress in such case made and provided, and that such allotment be entered of record, viz:

For the First Circuit, Felix Frankfurter, Associate Justice.

For the Second Circuit, Robert H. Jackson, Associate Justice.

For the Third Circuit, Owen J. Roberts, Associate Justice.

For the Fourth Circuit, Harlan F. Stone, Chief Justice.

For the Fifth Circuit, Hugo L. Black, Associate Justice.

For the Sixth Circuit, Stanley Reed, Associate Justice.

For the Seventh Circuit, Frank Murphy, Associate Justice.

For the Eighth Circuit, Wiley Rutledge, Associate Justice.

For the Ninth Circuit, William O. Douglas, Associate Justice.

For the Tenth Circuit, Wiley Rutledge, Associate Justice.

For the District of Columbia, Harlan F. Stone, Chief Justice.

No. —, original. Ex parte Robert L. Peyton, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No. —, original. Ex parte E. C. Lilly, petitioner;

No. —, original. Ex parte John Russell Miller, petitioner; and

No. —, original. Ex parte James Raymond Buchanan, Sr. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 60. C. J. Hendry Company and Frank Sematovich, petitioners, *v.* E. C. Moore et al., etc. Mandate stayed and time within which to file petition for rehearing extended to and including March 20, next.

No. 726. Nathan Mayo and Roy Hutchinson, appellants, *v.* The United States of America. In this case probable jurisdiction is noted.

No. 727. Hartford-Empire Company et al., appellants, *v.* The United States of America;

No. 728. Corning Glass Works et al., appellants, *v.* The United States of America;

No. 729. Owens-Illinois Glass Company et al., appellants, *v.* The United States of America;

No. 730. Hazel-Atlas Glass Company et al., appellants, *v.* The United States of America;

No. 731. Thatcher Manufacturing Company et al., appellants, *v.* The United States of America;

No. 732. Lynch Corporation et al., appellants, *v.* The United States of America;

No. 733. Ball Brothers Company et al., appellants, *v.* The United States of America;

No. 734. Glass Container Association of America, Inc., et al., appellants, *v.* The United States of America;

No. 735. Isaac J. Collins, appellant, *v.* The United States of America; and

No. 736. T. C. Fulton et al., appellants, *v.* The United States of America. In these cases probable jurisdiction is noted. The motion to extend the time within which to file statements of points and

designations of parts of the record to be printed until March 8 next is granted.

No. 589. Whitney Bowles, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted.

No. 593. Direct Sales Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted.

No. 675. The Detroit Edison Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. The Chief Justice took no part in the consideration or decision of this application.

No. 721. The North American Company, petitioner, *v.* Securities and Exchange Commission. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. The Chief Justice took no part in the consideration or decision of this application.

No. 725. Wilson W. Richardson, petitioner, *v.* The James Gibbons Company. 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 Fourth Circuit is granted and the case is assigned for argument immediately following No. 581.

No. 653. J. D. Collins, petitioner, *v.* W. R. Wayland et al. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 655. Bertha B. Foster et al., petitioners, *v.* The United States of America; and

No. 656. Henry C. Buescher et al., petitioners, *v.* The United States of America. Petition for writs of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 658. Antoinette K. Brown, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 667. American United Life Insurance Company, etc., et al., petitioners, *v.* Charles R. Fischer, Commissioner of Insurance of the State of Iowa, as Receiver, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 668. Alberta Weber De Jong, petitioner, *v.* Ruth Tietsort. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 672. Robert C. Reed, Bessie B. Reed, et al., petitioners, *v.* Chicago, North Shore and Milwaukee Railroad Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 674. Arthur S. Humes, petitioner, *v.* Robert Hudspeth, Cecil Shuttleworth, et al. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 597. Ada McSparran, petitioner, *v.* City of Portland. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 615. Alice S. Keefe, Gertrude S. Keefe, et al., petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 662. John T. Dempsey, as Administrator, etc., petitioner, *v.* Guaranty Trust Company of New York; and

No. 663. John T. Dempsey, as Administrator, etc., petitioner, *v.* Guaranty Trust Company of New York. Petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 665. H. F. Metcalf, as Trustee in Bankruptcy of the Estate of F. P. Newport Corporation, Ltd., Bankrupt, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 666. Virginia Pavlis, joined by her husband Nikitas Pavlis, et al., petitioners, *v.* E. Z. Jackson. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 671. Town of Belleair, Florida, Debtor, petitioner, *v.* R. S. Groves et al., Creditors of the said town. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 677. Harborside Warehouse Company, Inc., petitioner, *v.* The City of Jersey City et al.;

No. 678. Harborside Warehouse Company, Inc., petitioner, *v.* The City of Jersey City et al.;

No. 679. Harborside Warehouse Company, Inc., petitioner, *v.* The City of Jersey City et al.; and

No. 680. Harborside Warehouse Company, Inc., petitioner, *v.* The City of Jersey City et al. Petition for writs of certiorari to the Court of Errors and Appeals of the State of New Jersey denied.

No. 673. Charles P. Boucher and Boucher Inventions, Ltd., petitioners, *v.* Joseph G. Sola and Sola Electric Company. Petition for writ 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 this application.

No. 644. Henry Hitt, Trading as Congressional Garage, et al., petitioners, *v.* Frank A. Cardillo, Deputy Commissioner, etc. Petition for writ 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 this application.

No. 691. Ogden H. Hammond, Jr., petitioner, *v.* Edythe Sterling Hammond. The motion to consider the petition for certiorari upon the appendix to appellant's brief in the Court of Appeals 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 these applications.

No. 614. The Aviation Corporation, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied. Mr. Justice Black and Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 716. J. O. Bomer, Jr., petitioner, *v.* State of Tennessee, on motion of Chancellor John E. Swepston and Chancellor Lois D. Bejach. The motion for leave to proceed in *forma pauperis* is granted. The petition for writ of certiorari to the Court of Appeals of Tennessee 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. 517. Gaetano Ajello, petitioner, *v.* Pan American Airways Corporation et al. On petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit;

No. 664. W. L. Nix, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit; and

No. 689. J. B. King, petitioner, *v.* Supreme Court of the State of South Dakota. On petition for writ of certiorari to the Supreme Court of the State of South Dakota. The motions for leave to proceed in *forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 205. Wm. H. Johnston, petitioner, *v.* Wm. A. Marshall, Deputy Commissioner, etc., et al. 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 these applications.

No. 173. The United States of America, ex rel. Morris L. Marcus et al., etc., petitioners, *v.* William F. Hess, et al. Petition for rehearing denied. Mr. Justice Murphy and Mr. Justice Rutledge took no part in the consideration or decision of this application.

No. 630. H. Ely Goldsmith, petitioner, *v.* Joseph W. Sanford, Warden, etc. Petition for rehearing denied. Mr. Justice Murphy and Mr. Justice Rutledge took no part in the consideration or decision of this application.

No. —. Arthur S. Humes, petitioner, *v.* Leavenworth County, Kansas, Selective Service Board, et al.

No. 245. Ziffrin, Incorporated, appellant, *v.* The United States of America et al.;

No. 281. Wayne N. Mason, Administrator, etc., petitioner, *v.* The Federal Land Bank of Berkeley, a corporation;

No. 300. Howard S. Palmer et al., as Trustees, etc., petitioners, *v.* Howard F. Hoffman, Individually and as Administrator, etc.;

No. 332. Le Roy J. Leishman, petitioner, *v.* Associated Wholesale Electric Company, a corporation;

No. 405. J. S. Garlington et vir, petitioners, *v.* A. L. Wasson;

No. 603. State of Ohio, on the relation of S. H. Squire, Superintendent of Banks, etc., petitioner, *v.* Clarence H. Porter; and

No. 604. S. H. Squire, Superintendent of Banks of the State of Ohio, etc., petitioner, *v.* Cliffe U. Merriam. Petitions for rehearing denied. Mr. Justice Rutledge took no part in the consideration or decision of these applications.

No. —, original. Ex parte Republic of Peru, Owner, etc., petitioner. Argued on the return to the rule to show cause by Mr. Edgar R. Kraetzer for the petitioner and by Mr. Joseph M. Rault for the respondent.

No. 3. The United States of America, upon the relation and for the use of The Tennessee Valley Authority, petitioner, *v.* W. P. N. Powelson, Assignee, etc., et al. Three hours allowed for oral argument. Reargument commenced by Mr. William C. Fitts, Jr., for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, March 2, will be as follows: Nos. 3, 582, 454, 460 (and 461), 520, 556, 299 (and 329), 540, 553, and 28.

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Tuesday, March 2, 1943

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 A. Boykin, Jr., of Atlanta, Ga.; William J. Butler, of New York City; and David K. Kadane, of New York City, were admitted to practice.

No. 3. The United States of America upon the relation and for the use of the Tennessee Valley Authority, petitioner, *v.* W. P. N. Powelson, Assignee, etc., et al. Reargument continued by Mr. William C. Fitts, Jr., for the petitioner; by Mr. George H. Wright for the respondents; by Mr. George Lyle Jones for the respondent; by Mr. George H. Wright for the respondents; and concluded by Mr. William C. Fitts, Jr., for the petitioner.

No. 582. Waterman Steamship Corporation, petitioner, *v.* David E. Jones. Argued by Mr. Joseph W. Henderson for the petitioner and by Mr. Abraham E. Freedman for the respondent.

No. 454. Pedro Aguilar, petitioner, *v.* Standard Oil Company of New Jersey. Argument commenced by Mr. George J. Engelman for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, March 3, will be as follows: Nos. 454, 460 (and 461), 520, 556, 299 (and 329), 540, 553, 28, 488, and 280, October Term, 1941.

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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.

Eli Leflar, of Rogers, Ark.; Alfred E. Sapp, of Miami, Fla.; T. L. Withers, of Reno, Nev.; and Alexander McK. Bracken, of Muncie, Ind., were admitted to practice.

No. 458. George Sylvester Viereck, petitioner, *v.* The United States of America. Mandate ordered to issue forthwith on motion of counsel for the petitioner.

No. 708. J. Oliver Hill, Administrator, etc., petitioner, *v.* Francis L. Hawes, Individually etc., et al. Time within which to file brief opposing petition for writ of certiorari extended to and including March 20 next, on motion of counsel for the respondent.

No. 761. United States ex rel. Murray Brensilber et al., petitioners, *v.* Bausch & Lomb Optical Company et al. Time within which to file brief opposing petition for writ of certiorari extended to and including April 17 next, on motion of counsel for the respondents.

No. 781. South Mercur Mining Company, a corporation, petitioner, *v.* New Mercur Mining Company, a corporation, et al. Time within which to serve petition for certiorari and record extended to and including April 2 next, on motion of counsel for the petitioner.

No. 454. Pedro Aguilar, petitioner, *v.* Standard Oil Company of New Jersey. Argument continued by Mr. George J. Engelman for the petitioner; by Mr. Walter X. Connor for the respondent; and concluded by Mr. George J. Engelman for the petitioner.

No. 520. L. T. Barringer and Company, appellant, *v.* The United States of America et al. Argued by Mr. Nuel D. Belnap for the appellant; by Mr. Robert L. Pierce for the appellees, The United States and Interstate Commerce Commission; and by Mr. Roland J. Lehman for the appellees, Atchison, Topeka and Santa Fe Ry. Co. et al.

No. 556. Board of County Commissioners of the County of Creek, State of Oklahoma, a municipal corporation, et al., petitioners, *v.*

Evelyn Seber et al. Argument commenced by Mr. Houston E. Hill for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, March 4, will be as follows: Nos. 556, 299 (and 329), 540, 460 (and 461), 553, 28, 488, 280, October Term, 1941, 314, October Term, 1941, and 966, October Term, 1941.

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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 T. Cawthorn, of Mansfield, La.; Moses Golden, of New York City; and Spencer W. Reeder, of Cleveland, Ohio, were admitted to practice.

No. 597. Ada McSparran, petitioner, *v.* City of Portland. Time within which to file petition for rehearing extended to and including April 23 next, on motion of counsel for the petitioner.

No. 556. Board of County Commissioners of the County of Creek, State of Oklahoma, a municipal corporation, et al., petitioners, *v.* Evelyn Seber et al. Argument continued by Mr. George H. Jennings for the respondents; by Mr. Warner W. Gardner for The United States, as *amicus curiae*, by special leave of Court; and concluded by Mr. Mac Q. Williamson for the petitioners.

No. 299. Jersey Central Power & Light Company, petitioner, *v.* Federal Power Commission; and

No. 329. New Jersey Power & Light Company, petitioner, *v.* Federal Power Commission. Four hours allowed for reargument. Reargument commenced by Mr. Frederic P. Glick for the petitioner in No. 329; continued by Mr. John W. McDonald for the petitioner in No. 299; by Mr. Allen P. Throop for the petitioner in No. 329; and by Mr. Assistant Attorney General Shea for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, March 5, will be as follows: Nos. 299 (and 329), 540, 460 (and 461), 553, 28, 488, 280, October Term, 1941, 314, October Term, 1941; 966, October Term, 1941, and 480, 481, 482, 483, 484, 485, 485, and 487).

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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.

Lyle H. Kennedy, of Kansas City, Mo.; Edmund A. Fenander, of New York City; and Walter Kurylo, of Milwaukee, Wis., were admitted to practice.

No. 299. Jersey Central Power & Light Company, petitioner, *v.* Federal Power Commission; and

No. 329. New Jersey Power & Light Company, petitioner, *v.* Federal Power Commission. Reargument continued by Mr. Assistant Attorney General Shea for the respondent and concluded by Mr. Frederic P. Glick for the petitioner in No. 329.

No. 540. G. E. Myers, Trustee, etc., petitioner, *v.* Verna May Matley. Argued by Mr. T. L. Withers for the petitioner and case submitted by Mr. William M. Kearney for the respondent.

No. 460. National Labor Relations Board, petitioner, *v.* Southern Bell Telephone and Telegraph Company; and

No. 461. National Labor Relations Board, petitioner, *v.* Southern Association of Bell Telephone Employees. Argument commenced by Mr. Robert B. Watts for the petitioner.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 8, will be as follows: Nos. 460 (and 461), 28, 553, 488, 280, October Term, 1941, 314, October Term, 1941, 966, October Term, 1941, 480 (481, 482, 483, 484, 485, 486, and 487), 450, and 238.

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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 Clifford Campbell, of Los Angeles, Calif.; Adelbert S. Schroeder, of Philadelphia, Pa.; and George W. Dexter, of Baltimore, Md., were admitted to practice.

No. 452. Corn Exchange National Bank and Trust Company, Philadelphia, et al, petitioners, *v.* Norman Klauder, Trustee of Quaker City Sheet Metal Co., Bankrupt. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Eastern District of Pennsylvania. Opinion by Mr. Justice Jackson. Mr. Justice Rutledge took no part in the consideration or decision of this case. Dissenting: Mr. Justice Roberts.

No. 80. The Choctaw Nation of Indians, petitioner, *v.* The United States and The Chickasaw Nation of Indians. On writ of certiorari to the Court of Claims. Judgment reversed and cause remanded to the Court of Claims with instructions to dismiss the petition. Opinion by Mr. Justice Murphy. Mr. Justice Rutledge took no part in the consideration or decision of this case.

No. 559. Daisy Largent, appellant, *v.* The State of Texas. Appeal from the County Court of Lamar County, Texas. Judgment reversed with costs and cause remanded to the said County Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Reed. Mr. Justice Rutledge took no part in the consideration or decision of this case.

No. 558. Mrs. Ella Jamison, appellant, *v.* The State of Texas. Appeal from the County Criminal Court of Dallas County, State of Texas. Judgment reversed with costs and cause remanded to the said County Criminal Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black. Mr. Justice Rutledge took no part in the consideration or decision of this case. Mr. Justice Frankfurter acquiesces in the refusal to reconsider *King Mfg. Co. v. Augusta*, 277 U. S. 100, although, for the reasons set forth

by Holmes and Brandeis, **JJ.**, dissenting, he deems that case to have been erroneously decided. Otherwise he agrees with the opinion in this case.

No. —, original. Ex parte Elmer Davis, 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 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.—, original. Ex parte Robert Spies, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No.—, original. Ex parte Margaret E. Waley, petitioner. The motion for leave to file petition for writ of habeas corpus is denied without prejudice to an application to the District Court.

No.—, Ex parte Ross Cummings Patton, petitioner. Application for stay denied.

No. 722. Standard Dredging Corporation, appellant, *v.* Frieda S. Miller, as Industrial Commissioner of the State of New York, et al.; and

No. 723. International Elevating Company, appellant, *v.* Frieda S. Miller, as Industrial Commissioner of the State of New York, et al. In these cases probable jurisdiction is noted. The Solicitor General is requested to file a brief as *amicus curiae* and to participate in the oral argument if he so desires.

No. 696. A. W. Altvater and The Western Supplies Company, petitioner, *v.* Benjamin W. Freeman and The Louis G. Freeman Co. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted.

No. 698. Daniel F. Boone, petitioner, *v.* Clarence M. Lightner et al. Petition for writ of certiorari to the Supreme Court of North Carolina granted.

No. 687. Rosario St. Pierre, petitioner. *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. Counsel are requested to discuss in their briefs and on the oral argument the question whether the case is moot.

No. 552. Interstate Transit Lines, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted and the case is transferred to the summary docket.

No. 660. Moline Properties, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. The case is transferred to the summary docket and assigned for argument immediately following No. 552.

No. 640. Florence J. Bailey, as Administratrix of E. Bailey, petitioner, *v.* Central Vermont Railway, Inc. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Supreme Court of Vermont is granted.

No. 676. Mark K. Frank, petitioner, *v.* Leon Henderson, Price Administrator. Petition for writ of certiorari to the United States Emergency Court of Appeals denied.

No. 681. Acme-Evans Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 682. Constant G. Tuffanelli, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 683. J. S. Sondock and M. G. Sondock, Individually, etc., petitioners, *v.* L. Metcalfe Walling, Administrator, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 686. Guy A. Thompson, Trustee, etc., petitioner, *v.* Louise F. McPherson, Administratrix, etc. Petition for writ of certiorari to the Springfield Court of Appeals of Missouri denied.

No. 692. Band-It Company and Dental Specialty Company, petitioners, *v.* Michael J. McAneny, Jr. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 693. L. & C. Mayers Co., Inc., petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 694. Burrus Mill & Elevator Company of Oklahoma, petitioner, *v.* The Chicago, Rock Island & Pacific Railway Company et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 700. American Automobile Insurance Company, petitioner, *v.* Employers Mutual Casualty Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 703. Glenn Hill, petitioner, *v.* Joseph W. Sanford, Warden, etc. The motion for leave to proceed on typewritten papers is granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 396. Chris Pedersen, Individually, etc., petitioner, *v.* J. F. Fitzgerald Construction Co. The judgment entered in this case on February 8, 1943, is amended by adding the following: "and without prejudice to a determination of the nature of the employment of any members of the class on whose behalf this suit has been brought." The petition for rehearing is denied. Mr. Justice Murphy and Mr. Justice Rutledge took no part in the consideration or decision of this application.

No. 566. Gretta Lafuente, petitioner, *v.* County of Los Angeles. The motion for leave to file a second petition for rehearing is granted. The second petition for rehearing is denied. Mr. Justice Rutledge took no part in the consideration or decision of this application.

No. —. Ex parte James B. Goodrich, petitioner;

No. —, original. Ex parte John Mosher, petitioner;

No. 451. Norman Baker, petitioner, *v.* Walter A. Hunter, Successor, etc.; and

No. 616. Louisville Gas and Electric Company, petitioner, *v.* Federal Power Commission. Petitions for rehearing denied. Mr. Justice Rutledge took no part in the consideration or decision of these applications.

The Court will take a recess from Monday, March 15, until Monday, April 5, next.

No. 459. Vivian Wycliff Buie, petitioner, *v.* The United States of America. Time within which to file petition for rehearing extended to and including March 27 next on motion of petitioner.

No. —, original. Ex parte Martin M. Goldman et al., petitioners. Motion for leave to file petition for writ of mandamus presented.

No. 697. Rosie Lee Jackson et al., petitioners, *v.* Gulf Refining Company et al. On petition for writ of certiorari to the Supreme Court of Louisiana. Dismissed on motion of counsel for the petitioner.

No. 460. National Labor Relations Board, petitioner, *v.* Southern Bell Telephone and Telegraph Company; and

No. 461. National Labor Relations Board, petitioner, *v.* Southern Association of Bell Telephone Employees. Argument continued by Mr. Robert B. Watts for the petitioner; by Mr. Marion Smith for the respondent in No. 460; by Mr. James A. Branch for the respondent in No. 461; and concluded by Mr. Robert B. Watts for the petitioner.

No. 28. The Washington Terminal Company, petitioner, *v.* F. E. Boswell. Four hours allowed for reargument. Reargument com-

menced by Mr. John Dickinson for the petitioner and continued by Mr. Willard H. McEwen for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, March 9, will be as follows: Nos. 28, 553, 488, 280, October Term, 1941, 314, October Term, 1941, 966, October Term, 1941, 480 (481, 482, 483, 484, 485, 486, and 487), 450, 238, and 591.

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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.

No. 704. Robert Redus, alias Robert Rudus, petitioner, *v.* State of Alabama. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Supreme Court of the State of Alabama is denied. The application for stay is denied.

No. 28. The Washington Terminal Company, petitioner, *v.* F. E. Boswell, E. R. Burkhead, et al. Reargument continued by Mr. Willard H. McEwen for the respondents and concluded by Mr. Robert L. Stern for The United States, as *amicus curiae*, by special leave of Court.

No. 553. Joseph Galloway, by Freda Galloway, his guardian, petitioner, *v.* The United States of America. Argued by Mr. Warren E. Miller for the petitioner and by Mr. Lester P. Schoene for the respondent.

No. 488. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Chicago Stock Yards Company. Argument commenced by Mr. Assistant Attorney General Clark for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, March 10, will be as follows: Nos. 488, 280, October Term, 1941, 314, October Term, 1941, 966, October Term, 1941, 480 (481, 482, 483, 484, 485, 486, and 487), 450, 238, 591, 581, and 725.

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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.

Theodore T. Macejko, of Struthers, Ohio; Lucille Pryor, of Indianapolis, Ind.; and George R. Sommer, of Newark, N. J., were admitted to practice.

No. 238. Thelma Martin, appellant, *v.* City of Struthers, Ohio. Leave granted to file brief of American Civil Liberties Union on motion of Mr. Jordon R. Bentley in that behalf.

No. 488. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Chicago Stock Yards Company. Argument continued by Mr. Assistant Attorney General Clark for the petitioner; by Mr. George Wharton Pepper for the respondent; and concluded by Mr. Assistant Attorney General Clark for the petitioner.

No. 280, October Term, 1941. Rosco Jones, petitioner, *v.* City of Opelika;

No. 314, October Term, 1941. Lois Bowden and Zada Sanders, petitioners, *v.* City of Fort Smith, Arkansas;

No. 966, October Term, 1941. Charles Jobin, appellant, *v.* The State of Arizona;

No. 480. Robert Murdock, Jr., petitioner, *v.* Commonwealth of Pennsylvania (City of Jeannette);

No. 481. Anna Perisich, petitioner, *v.* Commonwealth of Pennsylvania (City of Jeannette);

No. 482. Willard L. Mowder, petitioner, *v.* Commonwealth of Pennsylvania (City of Jeannette);

No. 483. Charles Seders, petitioner, *v.* Commonwealth of Pennsylvania (City of Jeannette);

No. 484. Robert Lamborn, petitioner, *v.* Commonwealth of Pennsylvania (City of Jeannette);

No. 485. Anthony Maltezos, petitioner, *v.* Commonwealth of Pennsylvania (City of Jeannette);

No. 486. Anastasia Tzanes, petitioner, *v.* Commonwealth of Pennsylvania (City of Jeannette);

No. 487. Ellaine Tzanes, petitioner, *v.* Commonwealth of Pennsylvania (City of Jeannette); and

No. 450. Robert L. Douglas et al., petitioners, *v.* City of Jeannette (Pennsylvania), a municipal corporation, et al. Reargument of Nos. 280, 314, and 966, October Term, 1941, and argument of Nos. 480 to 487 and No. 450 commenced by Mr. Hayden C. Covington for the petitioners and appellant and continued by Mr. Fred B. Trescher for the respondents in Nos. 480 to 487 and No. 450.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, March 11, will be as follows: Nos. 280, October Term, 1941, 314, October Term, 1941, 966, October Term, 1941, 480 (481, 482, 483, 484, 485, 486, and 487), 450, 238, 591, 585, and 2.

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. W. West, Jr., of Kingsport, Tenn.; Sidney V. Smith, of New York City; Clark J. Batter, of Washington, D. C.; G. E. V. Pelikan, of Matawan, N. J.; Clarence G. Pickard, of Jamestown, N. Y.; and Arthur Leon Bertram Richardson, of Schenectady, N. Y., were admitted to practice.

No. 495. G. E. Burford et al., petitioners, *v.* Sun Oil Company et al.;

No. 496. Sun Oil Company et al., petitioners, *v.* G. E. Burford et al.; and

No. 528. O. L. Hastings et al., petitioners, *v.* Selby Oil & Gas Company et al.

These cases are restored to the docket for reargument. In their briefs and on the oral argument, counsel are requested to include a discussion of the following questions:

(1) Does the jurisdiction of federal district courts over controversies between citizens of different states include jurisdiction to review the orders, involved in these cases, of the Texas Railroad Commission? More particularly,

(a) Is the court proceeding provided by Texas law for judicial examination of the orders of the commission a "case or controversy" within the meaning of Article III of the United States Constitution?

(b) Assuming it involves a case or controversy, does it also involve the determination of state governmental policy committed by state statutes to the state administrative process?

(c) Does Article 6049 (c) of the Texas Civil Statutes, in providing that review of the commission's order shall be in "a court of competent jurisdiction in Travis County, Texas, and not elsewhere," confine that review to a state court in Travis County?

(2) Are there grounds similar to those existing in *Railroad Comm'n v. Pullman Co.*, 312 U. S. 496, which make it appropriate for the district court in its discretion to withhold the exercise of its equity jurisdiction?

(3) In view of the recent decisions of the Texas courts, are there grounds similar to those existing in *Railroad Comm'n v. Rowan & Nichols Oil Co.*, 311 U. S. 614, 615, which make it appropriate for the district court to decline jurisdiction of the cause?

No. 704. Robert Redus, alias Robert Rudus, petitioner, *v.* State of Alabama. The application for a stay of execution, referred to the Court by Mr. Justice Black, is granted and an order is entered staying execution to and including April 5, next.

No. 280, October Term, 1941. Rosco Jones, petitioner, *v.* City of Opelika;

No. 314, October Term, 1941. Lois Bowden and Zada Sanders, petitioners, *v.* City of Fort Smith, Arkansas;

No. 966, October Term, 1941. Charles Jobin, appellant, *v.* The State of Arizona;

No. 480. Robert Murdock, Jr., petitioner, *v.* Commonwealth of Pennsylvania (City of Jeannette);

No. 481. Anna Perisich, petitioner, *v.* Commonwealth of Pennsylvania (City of Jeannette);

No. 482. Willard L. Mowder, petitioner, *v.* Commonwealth of Pennsylvania (City of Jeannette);

No. 483. Charles Seders, petitioner, *v.* Commonwealth of Pennsylvania (City of Jeannette);

No. 484. Robert Lamborn, petitioner, *v.* Commonwealth of Pennsylvania (City of Jeannette);

No. 485. Anthony Maltezos, petitioner, *v.* Commonwealth of Pennsylvania (City of Jeannette);

No. 486. Anastasia Tzanes, petitioner, *v.* Commonwealth of Pennsylvania (City of Jeannette);

No. 487. Ellaine Tzanes, petitioner, *v.* Commonwealth of Pennsylvania (City of Jeannette); and

No. 450. Robert L. Douglas et al., petitioners, *v.* City of Jeannette (Pennsylvania), a municipal corporation, et al. Argument continued by Mr. Fred B. Trescher for the respondents in Nos. 480 to 487 and No. 450 and concluded by Mr. Hayden C. Covington for the petitioners and appellant. No appearance for the respondents and appellee in Nos. 280, 314, and 966, October Term, 1941.

No. 238. Thelma Martin, appellant, *v.* City of Struthers, Ohio. Argued by Mr. Hayden C. Covington for the appellant and by Mr. David C. Haynes and Mr. Theodore T. Macejko for the appellee.

No. 591. The West Virginia State Board of Education, etc., et al., appellants, *v.* Walter Barnette et al. Argued by Mr. W. Holt Wooddell for the appellants and by Mr. Hayden C. Covington for the appellees.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, March 12, will be as follows: No. 2.

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. S. Allen, of Memphis, Tenn.; Newton Benjamin Powell, of Decatur, Ala.; Mortimer Allen Sullivan, of Buffalo, N. Y.; William Mertens, Jr, of New York City; L. Lawrence Green, of New York City; and Henry H. Hanna, of Pittsburgh, Pa., were admitted to practice.

No. 554. National Broadcasting Company, Inc., et al., appellants, *v.* The United States of America et al.; and

No. 555. Columbia Broadcasting System, Inc., appellant, *v.* The United States of America et al. The motion for a temporary restraining order in each case is granted, and the stay entered by the District Court is continued until 10 days after the filing in the District Court of this Court's mandates upon decision of the appeals.

No. 2. William Schneiderman, petitioner, *v.* The United States of America. Three hours allowed for reargument. Reargued by Mr. Wendell L. Willkie for the petitioner and by Mr. Solicitor General Fahy for the respondent.

Adjourned until Monday, March 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.

Arthur V. Getchell, of Boston, Mass.; Escar R. Wren, of Houston, Tex.; Bailey M. Salmon, of Longview, Tex.; Anthony John Marion, of Waynesburg, Pa.; Harry Palmer Jeffrey, of Dayton, Ohio; and Homer Hudson Henrie, of Xenia, Ohio, were admitted to practice.

No. 551. Allan D. Emil, as Trustee in Bankruptcy of John M. Russell, Inc., petitioner, *v.* Harry Hanley, Receiver. On writ of certiorari to the United States 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 Eastern District of New York. Opinion by Mr. Justice Douglas. Mr. Justice Rutledge took no part in the consideration or decision of this case.

No. 11. Group of Institutional Investors and Mutual Savings Bank Group, petitioners, *v.* Chicago, Milwaukee, St. Paul & Pacific Railroad Co.;

No. 12. Group of Institutional Investors and Mutual Savings Bank Group, petitioners, *v.* Union Trust Co. and Illinois State Trust Co., as Trustees, et al.;

No. 13. Group of Institutional Investors and Mutual Savings Bank Group, petitioners, *v.* Israel A. Abrams et al.;

No. 14. Group of Institutional Investors and Mutual Savings Bank Group, petitioners, *v.* H. C. Orton et al., etc.;

No. 15. Group of Institutional Investors and Mutual Savings Bank Group, petitioners, *v.* Guaranty Trust Co. of New York et al., etc.;

No. 16. Group of Institutional Investors and Mutual Savings Bank Group, petitioners, *v.* Chicago, Terre Haute & Southeastern Ry. Co. et al.;

No. 17. Group of Institutional Investors and Mutual Savings Bank Group, petitioners, *v.* United States Trust Co. of New York, as Trustee, etc.;

No. 18. Group of Institutional Investors and Mutual Savings Bank Group, petitioners, *v.* Trustees of Princeton University et al., etc.;

No. 19. Group of Institutional Investors and Mutual Savings Bank Group, petitioners, *v. E. Stanley Glines et al., etc.*; and

No. 32. Reconstruction Finance Corporation, petitioner, *v. Chicago, Milwaukee, St. Paul and Pacific Railroad Company et al.* On writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit. Judgments reversed in part and affirmed in part, each party to pay his or its own 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 Jackson and Mr. Justice Rutledge did not participate in the consideration or decision of these cases. Opinion by Mr. Justice Roberts dissenting in part.

No. 7. Frederick H. Ecker, John W. Stedman, and Reeve Schley, Constituting Institutional Bondholders Committee, petitioners, *v. Western Pacific Railroad Corporation, A. C. James Co., The Railroad Credit Corporation, et al.*;

No. 8. Crocker First National Bank of San Francisco and Samuel Armstrong, as Trustees under the Western Pacific Railroad Company First Mortgage, dated June 26, 1916, petitioners, *v. Western Pacific Railroad Corporation, The Western Pacific Railroad Company, Irving Trust Company, etc., et al.*;

No. 20. The Western Pacific Railroad Company, petitioner, *v. Frederick H. Ecker et al.*;

No. 33. Reconstruction Finance Corporation, petitioner, *v. Western Pacific Railroad Corporation, A. C. James Co., et al.*; and

No. 61. Irving Trust Company, as substituted trustee under the General and Refunding Mortgage of Western Pacific Railroad Company, petitioner, *v. Crocker First National Bank of San Francisco et al., etc.* On writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment of the Circuit Court of Appeals reversed with costs and that of the District Court affirmed and cases remanded to the District Court of the United States for the Northern District of California. Opinion by Mr. Justice Reed. Mr. Justice Frankfurter agrees with the opinion barring only the views expressed regarding the respective functions of the Interstate Commerce Commission and the district judge, under Section 77 of the Bankruptcy Act. Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of these cases. Concurring opinion by Mr. Justice Roberts in which Mr. Justice Frankfurter joins.

No. 529. The United States of America, appellant, *v. Swift and Company, Armour and Company, The Cudahy Packing Company, et al.* Appeal from the District Court of the United States for the District of Colorado. Cause remanded to the United States Circuit

Court of Appeals for the Tenth Circuit in compliance with the Act of May 9, 1942, which court will have authority to pass upon the construction both of the indictment and the statute. Opinion, *per curiam*, announced by Mr. Chief Justice Stone. Mr. Justice Rutledge took no part in the consideration or decision of this case. Dissenting: Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Murphy. Concurring opinion by Mr. Justice Jackson.

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. —. People of the United States *ex rel.* James Purcell, petitioner, *v.* State of New York *et al.* Application denied.

No. —, Original. *Ex parte* Daisy D. Wilson, petitioner. Applications denied.

No. —, Original. *Ex parte* Charles H. Cochran, petitioner. Application denied.

No. —, Original. *Ex parte* Martin M. Goldman and Jacob P. Shulman, petitioners. The motion for leave to file petition for writ of mandamus is denied.

No. —, Original. *Ex parte* Sam Miner, petitioner;

No. —, Original. *Ex parte* Joe Sowder, petitioner;

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

No. 12, original. The United States of America, complainant, *v.* The State of Louisiana, Louisiana Land and Exploration Company, Louisiana Gulf Refining Company, and Southern Sulphur Corporation. It is ordered that Streeter B. Flynn, Esquire, of Oklahoma City, Oklahoma, be, and he is hereby, appointed a Commissioner in this cause, for the purpose of perpetuating testimony, with authority to summon witnesses at the request of the parties, to issue subpoenas, and to take such evidence as may be introduced and such additional testimony as he may deem it necessary to call for from the persons summoned as witnesses at the request of the parties. The Commissioner is directed to take and return the evidence with all convenient speed; but he shall not make any findings of fact or state any conclusions of law. The Commissioner shall be allowed his actual expenses and a reasonable compensation for his services to be fixed hereafter by the Court. The allowance to him, the compensation paid to his stenographic and clerical assistants, and any other costs which it shall be necessary for him to incur, shall be charged against and be borne by the parties in such proportion as the Court hereafter may direct. If the place of Commissioner becomes vacant during a

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. 490. Clearfield Trust Company, a corporation, et al., petitioners *v.* The United States of America. Ordered that the opinion in this case dated March 1, 1943, be amended by striking the sentence beginning on the 5th line from the bottom of page 3, which reads: "Its facts are practically on all fours with those of the present case."

No. 783. Matton Steamboat Co., Inc., et al., appellants, *v.* Frieda S. Miller, as Industrial Commissioner of the State of New York et al.; and

No. 813. Lake Tankers Corporation, appellant, *v.* Frieda S. Miller, as Industrial Commissioner of the State of New York, et al. In these cases further consideration of the question of the jurisdiction of this Court is postponed to the hearing of the cases on the merits. In each case counsel are requested to discuss in their briefs and on the oral argument the questions (1) whether the appeal was applied for within the time provided by law, and (2) whether the judgment is final.

No. 684. County of Mahanomen, a municipal corporation, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted.

No. 707. Benjamin W. Freeman, petitioner, *v.* Bee Machine Company, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted.

No. 709. Virginia Electric and Power Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted.

No. 606. Louis Buchalter, petitioner, *v.* People of the State of New York;

No. 610. Emanuel Weiss, petitioner, *v.* People of the State of New York; and

No. 619. Louis Capone, petitioner, *v.* The People of the State of New York. The petition for rehearing is granted. The orders denying certiorari are vacated and the petitions for writs of certiorari to the County Court of Kings County, New York, in Nos. 606 and 619, and to the Court of Appeals of New York in No. 610, are granted. Execution and enforcement of the sentence of death in each of these cases is stayed until the further order of this Court. Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of these applications.

No. 695. The United States of America, petitioner, *v.* The First National Bank, Albuquerque, New Mexico. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 699. Peoples Packing Company, Inc., petitioner, *v. L. Metcalf Walling, Administrator of the Wage and Hour Division, United States Department of Labor*. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 702. Aintree Corporation, petitioner, *v. National Labor Relations Board*. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 706. Quality and Service Laundry, Inc., petitioner, *v. National Labor Relations Board*. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 714. People of Puerto Rico, petitioner, *v. The United States of America et al.*; and

No. 715. People of Puerto Rico, petitioner, *v. The United States of America et al.* Petition for writs of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 719. William L. Murray, as Agent, etc., petitioner, *v. Noblesville Milling Company*. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 39. Chicago, Terre Haute and Southeastern Railway Company et al., petitioners, *v. Group of Institutional Investors et al.*;

No. 47. Chicago, Milwaukee, St. Paul and Pacific Railroad Company, petitioner, *v. Group of Institutional Investors et al.*;

No. 51. Trustees of Princeton University et al., petitioners, *v. Group of Institutional Investors et al.*;

No. 52. Guaranty Trust Company of New York, etc., et al., petitioners, *v. Group of Institutional Investors et al.*;

No. 53. E. Stanley Glines, etc., et al., petitioners, *v. Group of Institutional Investors et al.*;

No. 54. H. C. Orton et al., petitioners, *v. Group of Institutional Investors et al.*; and

No. 55. United States Trust Company, as Trustee, petitioner, *v. Group of Institutional Investors et al.* Petitions for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. Mr. Justice Rutledge took no part in the consideration or decision of these applications.

No. 661. Orman W. Ewing, 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. Mr. Justice Rutledge took no part in the consideration or decision of this application.

No. 690. Ogden H. Hammond, Jr., petitioner, *v. Cordell Hull, Adolph A. Berle, Jr., et al.* Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied. The motion for leave to supplement the complaint is also denied.

Mr. Justice Rutledge took no part in the consideration or decision of these applications.

No. 685. Jack Graham, petitioner, *v.* Warden, United States Penitentiary, McNeil Island, Washington. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 701. Joseph P. Lynch, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit; and

No. 784. Hazel Frances Goodale, petitioner, *v.* Charles S. Campbell et al. On petition for writ of certiorari to the Supreme Court of the State of Michigan. The motions for leave to proceed in forma pauperis are granted. The petitions for writs of certiorari are denied.

No. 630. H. Ely Goldsmith, petitioner, *v.* Joseph W. Sanford, Warden, etc. Application denied. Mr. Justice Murphy and Mr. Justice Rutledge took no part in the consideration or decision of this application.

No. 273. Enoch L. Johnson, petitioner, *v.* The United States of America. Petition for rehearing denied. Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge took no part in the consideration or decision of this application.

No. 632. Russell W. McDermott, petitioner, *v.* The United States of America. Petition for rehearing denied. Mr. Justice Douglas and Mr. Justice Rutledge took no part in the consideration or decision of this application.

No. 348. Mrs. John Hilley, petitioner, *v.* Wid Spivey, Sheriff;

No. 350. Tully B. Killam, petitioner, *v.* City of Floresville;

No. 622. The Gerity-Whitaker Company et al., petitioners, *v.* National Labor Relations Board;

No. 633. Pickering Lumber Company, petitioner, *v.* Sophia White-side et al.;

No. 634. J. Wanroy Garrow et al., petitioners, *v.* The United States of America;

No. 642. F. Gerald Thomas, petitioner, *v.* The United States of America;

No. 643. F. Gerald Thomas, petitioner, *v.* George W. Rossetter et al.;

No. 645. William Dudley Pelley, petitioner, *v.* The United States of America;

No. 646. Lawrence A. Brown, petitioner, *v.* The United States of America;

No. 647. Fellowship Press, Inc., petitioner, *v.* The United States of America; and

No. 669. Allied Mills, Inc., appellant, *v.* Department of Treasury of the State of Indiana et al. Petitions for rehearing denied. Mr. Justice Rutledge took no part in the consideration or decision of these applications.

No. 705. Adah Lenora Saunders, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit. Dismissed on motion of counsel for the petitioner.

Adjourned until Monday, April 5, next at 12 o'clock.

The day call for Monday, April 5, will be as follows: Nos. 585, 581, 725, 569, 636, 584, 511, 580, 628, and 629.

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, and Mr. Justice Rutledge.

Julian Webb, of Valdosta, Ga.; Terence P. McDermott, of Milwaukee, Wis.; Warren J. Kenney, of Wauwatosa, Wis.; Thomas D. Woodward, of Nashville, Tenn.; Horace Zed Gant, of Van Buren, Ark.; Bernice L. Keplinger, of Canton, Ohio; Lee Gilmour Paul, of Los Angeles, Calif.; J. Marcus Hardin, of Oakland, Calif.; Arnold R. Boyd, of New York City; A. Lincoln Herr, of Oklahoma City, Okla.; L. F. Kuechler, of San Francisco, Calif.; Anthony A. Pable, of Clifton, N. J.; Charles T. LeViness, of Baltimore, Md.; Gordon Farley, of Nogales, Ariz.; Laurence R. Hamblen, of Spokane, Wash.; William D. Lyerle, of Jonesboro, Ill.; T. Herbert Hamilton, of Pittsburgh, Pa.; Mary C. Martin, of Springfield, Ill.; George W. Brown, Jr., of Beaumont, Tex.; Edmund C. Bowie, of Washington, D. C.; George L. Powell, of York, Pa.; Robert A. Leflar, of Fayetteville, Ark.; Lee E. Joslyn, Jr., of Detroit, Mich.; Charles J. Wick, of Buffalo, N. Y.; Francis J. Mahoney, of New York City; Gerald P. Culkan, of New York City; John Cincotta, of Brooklyn, N. Y.; Estela Romualdez Sulit, of Manila, P. I.; Morris Amchan, of New York City; Earl Babcock, of Duncan, Okla.; Jack N. Tucker, of Detroit, Mich.; and Morton A. Eden, of Detroit, Mich., were admitted to practice.

No. 436. Joseph De Zon, petitioner, *v.* American President Lines, Ltd. 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 Northern District of California. Opinion by Mr. Justice Jackson announced by the Chief Justice. Mr. Justice Rutledge did not participate in the consideration or decision of this case. Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas and Mr. Justice Murphy join.

No. 327. Fred Fisher Music Co., Inc., and George Graff, Jr., petitioners, *v.* M. Witmark & Sons. On writ of certiorari to the United States 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 Frankfurter. Mr. Justice Rutledge took no part in the consideration or decision of this case. Dissenting: Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Murphy.

No. 321. The Creek Nation, petitioner, *v.* The United States; and

No. 322. The Seminole Nation, petitioner, *v.* The United States. On writs of certiorari to the Court of Claims. Judgments affirmed. Opinion by Mr. Justice Black. Mr. Justice Rutledge took no part in the consideration or decision of these cases. Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Frankfurter joins.

No. 22. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* R. A. Sprouse. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit; and

No. 66. Emil H. Strassburger, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment in No. 22 affirmed and cause remanded to the Circuit Court of Appeals for the Ninth Circuit; judgment in No. 66 reversed and cause remanded to the Circuit Court of Appeals for the Second Circuit for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts. Mr. Justice Rutledge took no part in the consideration or decision of these cases. Dissenting in each case, Mr. Justice Reed, Mr. Justice Frankfurter, and Mr. Justice Jackson.

No. 319. Fidelity Assurance Association, a corporation, debtor, and Central Trust Company, Trustee for Fidelity Assurance Association, petitioners, *v.* Edgar B. Sims, Auditor of the State of West Virginia, and ex-officio Insurance Commissioner of the State of West Virginia, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Southern District of West Virginia. Opinion by Mr. Justice Roberts. Mr. Justice Douglas and Mr. Justice Rutledge took no part in the consideration or decision of this case.

No. 540. G. E. Myers, Trustee of the Estate of Marshall Reno Matley, Formerly doing business under the name and style of Matley's Food Stores, petitioner, *v.* Verna May Matley. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the District of Nevada. Opinion by Mr. Justice Roberts.

No. 13, original. Ex parte Republic of Peru, Owner of the Peruvian Steamship "Ucayali." Motion for leave to file petition for writ of prohibition and/or mandamus granted. Opinion by Mr.

Chief Justice Stone. Mr. Justice Roberts concurs in the result. Dissenting opinion by Mr. Justice Frankfurter. Mr. Justice Reed is of the opinion that this Court has jurisdiction to grant the writ requested, but concurs in the dissent of Mr. Justice Frankfurter on the ground that application for the writ sought should have been made first to the Circuit Court of Appeals.

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. 288. Agricultural Prorate Commission of the State of California et al., appellants, *v.* Mutual Orange Distributors, a corporation, et al. Appeal from the District Court of the United States for the Southern District of California. *Per curiam*: The motion to vacate the judgment is granted. The judgment of the District Court is vacated, without costs to either party in this Court, and the cause is remanded to the District Court with directions to dismiss the bill of complaint as moot. United States *v.* Hamburg-American Co., 239 U. S. 466, 477-8; *Brownlow v. Schwartz*, 261 U. S. 216; *Paramount Pictures, Inc., v. Langer*, 306 U. S. 619; *Retail Food Clerks & Managers Union v. Union Premier Food Stores*, 308 U. S. 526.

No. —, original. *Ex parte* Forest G. Wood, petitioner. The motion for leave to file petition for writ of habeas corpus is denied without prejudice for the reasons stated in *Ex parte* Elmer Davis, decided March 8, 1943.

No. —, original. *Ex parte* Edward J. Borah, petitioner;

No. —, original. *Ex parte* Clarence M. Holmes, petitioner; and

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

No. —. *Ex parte* Frank Kuczynski, petitioner. Application denied.

No. 497. A. M. Anderson, Receiver, etc., petitioner, *v.* Katherine Kirkpatrick Abbott, Administratrix, etc., et al. This case is ordered restored to the docket for reargument.

No. 870. Gordon Kiyoshi Hirabayashi *v.* The United States of America;
and

No. 871. Minoru Yasui *v.* The United States of America. In accordance with section 239 of the Judicial Code (28 U. S. C., section 346), it is ordered that the entire record in each of these cases be certified up to this Court so that the whole matter in controversy may be considered by the Court.

No. 458. George Sylvester Viereck, petitioner, *v.* The United States of America. The motion of the petitioner to dismiss his motion to make the mandate in this case more definite and certain is granted.

No. 816. The Hunter Company, Inc., appellant, *v.* Joseph L. McHugh, Commissioner of Conservation of the State of Louisiana, et al.;

No. 826. R. E. Taylor, appellant, *v.* State of Mississippi;

No. 827. Betty Benoit, appellant, *v.* State of Mississippi; and

No. 828. Clem Cummings, appellant, *v.* State of Mississippi. In these cases probable jurisdiction is noted.

No. 840. The United States of America, appellant, *v.* Dick Johnson. 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. Counsel are requested to discuss in their briefs and on the oral argument the questions (1) whether the suit is collusive; (2) whether the decision of the District Court is of such character as to be directly appealable to this Court under 28 U. S. C. section 349 (a); (3) whether any case or controversy exists reviewable in this Court, in the absence of an appeal by the party plaintiff defeated in the District Court; (4) whether the questions decided by the District Court were within its jurisdiction, in view of the provisions of section 204 (d) of the Emergency Price Control Act of 1942.

No. 717. The United States of America, petitioner, *v.* Joseph H. Dotterweich. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted.

No. 756. Frank Roberts, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted.

No. 794. Samuel Green, d. b. a. Green Vacuum Cleaner Company (not Inc.), petitioner, *v.* Electric Vacuum Cleaner Company, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted.

No. 750. Thad Benson Carter, petitioner, *v.* George A. Kubler. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted limited to the first question presented by the petition and the case is transferred to the summary docket. Counsel are requested to discuss in their briefs and on the oral argument the question whether the error, if any, was cured by the District Court's review.

No. 708. J. Oliver Hill, Administrator, etc., petitioner, *v.* Francis L. Hawes, Individually and as Trustee, etc. Petition for writ of cer-

tiorari to the United States Court of Appeals for the District of Columbia granted and the case is transferred to the summary docket.

No. 766. Virginian Hotel Corporation of Lynchburg, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted and the case is transferred to the summary docket.

No. 849. Great Lakes Dredge & Dock Company et al., petitioners, *v.* Philip J. Charlet, Administrator, etc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted and case assigned for argument immediately following No. 813. Counsel are requested to discuss in their briefs and on the oral argument the question whether the declaratory judgment procedure can be appropriately used in this case where the complaint seeks a judgment against a state officer to prevent enforcement of a state statute.

No. 787. L. McLeod, petitioner, *v.* M. C. Threlkeld et al., 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 Fifth Circuit is also granted.

No. 688. A. M. Mead, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 724. Central West Coal Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 743. Reading Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 748. Helen M. Githens, petitioner, *v.* Estate of George W. Zoell, deceased. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 718. People of the State of Illinois, ex rel. City of Highland Park, petitioner, *v.* George R. McKibbin, Director of Finance of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 744. Monroe J. Stewart, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 747. Washington, Marlboro, and Annapolis Motor Lines, Inc., petitioner, *v.* Leon Henderson, Price Administrator, etc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 755. John Clayton Cridlebaugh, Trading as Marvel Company, petitioner, *v.* Maurice L. Rudolph, Trading as Rudolph Poultry Equipment Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 807. Malcolm H. MacBryde, Jr., Individually, etc., et al., petitioners, *v.* Alice D. Parker, Executrix, etc., et al.; and

No. 808. Malcolm H. MacBryde, Jr., Individually, etc., et al., petitioners, *v.* John W. Davidge, Individually, etc. Petition for writs of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 770. Cooperative Transit Company, petitioner, *v.* West Penn Electric Company et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 773. Sam Cerami, petitioner, *v.* Wm. D. Haas, Jr. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 775. General Shale Products Corporation, petitioner, *v.* Struck Construction Company et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 782. Colonial Milling Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 785. Maurice Levy, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 789. Mitsubishi Shoji Kaisha, Ltd., et al., petitioners, *v.* Societe Purfina Maritime, a corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 792. Max Stephan, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 793. The City of New York, 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 Murphy and Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 798. City of Indianapolis, petitioner, *v.* Dan H. Wheeler, Acting Director Bituminous Coal Division of the Department of Interior etc., et al. Petition for writ of certiorari to the Circuit Court of

Appeals for the Seventh Circuit denied. Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 820. R. L. Hyer and W. M. Davis and Son Company, a corporation, petitioners, *v.* Benjamin H. Roth et al., etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 751. Charles A. Miller, petitioner, *v.* Wisconsin Department of Taxation and Elmer S. Barlow, as Commissioner, etc. Arthur E. Wegner, present Commissioner of Taxation of the State of Wisconsin, substituted and a party respondent in the place and stead of Elmer S. Barlow, per stipulation of counsel. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 763. Dixie Rose Nursery, petitioner, *v.* Conway P. Coe, Commissioner of Patents. The motion to dispense with the printing of the record is granted. Petition for writ 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. 767. Margo Reginelli, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. Mr. Justice Murphy is of opinion that certiorari should be granted.

No. 651. Duncan C. McCrea, petitioner, *v.* The People of the State of Michigan;

No. 738. Thomas C. Wilcox, petitioner, *v.* The People of the State of Michigan;

No. 739. Eddie Way, petitioner, *v.* The People of the State of Michigan;

No. 740. Ben Landsberg, petitioner, *v.* The People of the State of Michigan;

No. 741. Louis Elliott, petitioner, *v.* The People of the State of Michigan;

No. 742. Clyde Stambaugh, petitioner, *v.* The People of the State of Michigan; and

No. 771. Bertha Malone, petitioner, *v.* The People of the State of Michigan. Petitions for writs of certiorari to the Supreme Court of Michigan denied. The stay orders heretofore entered are vacated. Mr. Justice Murphy took no part in the consideration or decision of these applications.

No. 746. Edward D. Markham, petitioner, *v.* People of the State of Illinois, ex rel. Earle G. H. Cromer et al. The motion of Illinois State's Attorney's Association for leave to file a brief as *amicus curiae* is granted. The petition for writ of certiorari to the Supreme Court of Illinois is denied.

No. 712. Raymond Nichols et al., petitioners, *v.* Frank Kubina. On petition for writ of certiorari to the Supreme Court of Wisconsin;

No. 745. Victor S. Moore, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 754. Estella Reece, a widow, petitioner, *v.* Theodore Ebersbach et al. On petition for writ of certiorari to the Supreme Court of Florida; and

No. 764. Joseph E. Jones, petitioner, *v.* Hon. Francis Biddle, Attorney General of the United States. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writ of certiorari are denied.

No. 768. Jack Clarence Dodd, petitioner, *v.* State of Kansas. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Supreme Court of Kansas is denied. Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of these applications.

No. 556. Board of County Commissioners of the County of Creek, etc., et al., petitioners, *v.* Evelyn Seber et al. The motion for leave to file brief of Osage County as *amicus curiae* is granted.

No. —, original. Ex parte Ross Cummings Patton, petitioner;

No. 60. C. J. Hendry Company and Frank Sematovich, petitioners, *v.* E. C. Moore et al., etc.;

No. 275. Pacific Coast Dairy, Inc., appellant, *v.* Department of Agriculture of the State of California et al.;

No. 453. Marshall Field & Company, petitioner, *v.* National Labor Relations Board; and

No. 466. Department of Banking, State of Nebraska, as Receiver, etc., petitioner, *v.* Louis H. Pink, Superintendent of Insurance, etc. Petitions for rehearing denied. Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge took no part in the consideration or decision of these applications.

No. 517. Gaetano Ajello, petitioner, *v.* Pan American Airways Corporation et al.;

No. 681. Acme-Evans Company, petitioner, *v.* National Labor Relations Board; and

No. 704. Robert Redus, alias Robert Rudus, petitioner, *v.* State of Alabama. Petitions for rehearing denied. Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of these applications.

No. 566. Gretta Lafuente, petitioner, *v.* County of Los Angeles. The motion for leave to file a third petition for rehearing is granted. The third petition for rehearing is denied. Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge took no part in the consideration or decision of these applications.

No. 626. The United States of America, appellant, *v.* Radio Corporation of America, General Electric Company, et al. Appeal from the District Court of the United States for the District of Delaware. Dismissed on motion of counsel for the appellant.

No. 581. Southland Gasoline Company, petitioner, *v.* J. W. Bayley et al. Submitted by Mr. Claude H. Rosenstein for the petitioner and by Mr. C. D. Atkinson for the respondents.

No. 725. Wilson W. Richardson, petitioner, *v.* The James Gibbons Company. Argued by Mr. George A. Mahone for the petitioner and by Mr. O. Bowie Duckett, Jr., and Mr. Charles T. LeViness for the respondent.

No. 569. Frank Tot, petitioner, *v.* The United States of America. Argued by Mr. George R. Sommer for the petitioner and by Mr. Assistant Attorney General Berge for the respondent.

No. 636. The United States of America, petitioner, *v.* Frank Delia. Argument commenced by Mr. Assistant Attorney General Berge for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, April 6, will be as follows: Nos. 636, 584, 511, 580, 628, 629, 585, 623 (624 and 625), 369 (and 373), and 593.

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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, and Mr. Justice Rutledge.

Edward E. O'Neill, of Portland, Me.; John J. Mahoney, of Rochester, N. Y.; Forrest Butler Jackson, of Jackson, Miss.; I. Nathaniel Treblow, of Philadelphia, Pa.; William H. Burden, of Joplin, Mo.; Mildred S. Fortner, of Portland, Oreg.; Leon W. Kapp, of Newark, N. J.; Herman W. Kapp, of Newark, N. J.; and Joseph Irwin Nachman, of Staunton, Va., were admitted to practice.

No. 636. The United States of America, petitioner, *v.* Frank Delia. Argument continued by Mr. Assistant Attorney General Berge for the petitioner; by Mr. Jack N. Tucker and Mr. Morton A. Eden for the respondent; and concluded by Mr. Assistant Attorney General Berge for the petitioner.

No. 584. Honorable Michael J. Roche, United States District Judge for the Northern District of California, etc., et al., petitioners, *v.* Evaporated Milk Association et al. Argued by Mr. Paul A. Freund for the petitioner and by Mr. Francis R. Kirkham for the respondents.

No. 511. John W. Noble, doing business as Noble Transit Company, appellant, *v.* The United States of America et al. Argument commenced by Mr. Charles A. Lethert for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, April 7, will be as follows: Nos. 511, 580, 628, 629, 585, 623 (624 and 625), 369 (and 373), 593, 495 (and 496), and 528.

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.

Arthur Clarence Gregory, of Canon City, Colo.; James Wilmer Jones, of Washington, D. C.; William Hosmer Peterson, of El Centro, Calif.; and E. Burdette Ussery, of Washington, D. C., were admitted to practice.

No. 893. George E. Eddy and Samuel Silbiger, petitioners, *v.* Charles H. Kelby and Clifford S. Kelsey, Trustees, etc.; and

No. 894. George E. Eddy and Samuel Silbiger, petitioner, *v.* Charles H. Kelby and Clifford S. Kelsey, Trustees, etc. Time within which to serve petition for writ of certiorari and record extended to and including April 28 next, on motion of counsel for the petitioners.

No. 511. John W. Noble, doing business as Noble Transit Company, appellant, *v.* The United States of America et al. Argument continued by Mr. Charles A. Lethert for the appellant; by Mr. Allen Crenshaw for appellees, The United States and Interstate Commerce Commission; by Mr. Franklin R. Overmyer for appellees, Regular Common Carrier Conference of the American Trucking Associations, et al.; and concluded by Mr. C. D. Todd, Jr., for appellants.

No. 580. Bertha A. Owens, Executrix, etc., petitioner, *v.* Union Pacific Railroad Company. Argued by Mr. Frank C. Hanley for the petitioner and by Mr. L. R. Hamblen for the respondent.

No. 628. The Interstate Commerce Commission, J. M. Kurn, et al., Trustees, etc., et al., appellants, *v.* Columbus and Greenville Railway Company. Motion to dismiss or affirm submitted by Mr. Forrest B. Jackson for the appellee. Argument commenced by Mr. Daniel W. Knowlton for the appellant, Interstate Commerce Commission.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, April 8, will be as follows: Nos. 628, 629, 585, 623 (624 and 625), 369 (and 373), 593, 495 (and 496), 528, 659, and 675.

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.

William B. Mahoney, of Buffalo, N. Y.; Preston Estep, of Monett, Mo.; Louis Shifrin, of St. Louis, Mo.; N. Meyer Baker, of Washington, D. C.; Roland J. Faricy, of St. Paul, Minn.; and H. Reelf Peecksen, of Charleston, S. C., were admitted to practice.

No. 628. The Interstate Commerce Commission et al., appellants, *v.* Columbus and Greenville Railway Company. Argument continued by Mr. Daniel W. Knowlton for the appellant, Interstate Commerce Commission; by Mr. Robert C. Stovall and Mr. Forrest B. Jackson for the appellee; and concluded by Mr. John E. McCullough for appellants, J. M. Kurn et al.

No. 629. The United States of America, appellant, *v.* Philip Lepowitch and Marvin Spector. Argued by Mr. Archibald Cox for the appellant and by Mr. Henry S. Janon for the appellee.

No. 585. Federal Communications Commission, petitioner, *v.* National Broadcasting Company, Inc. (KOA), et al. Argument commenced by Mr. Paul A. Freund for the petitioner and continued by Mr. Philip J. Hennessy, Jr., for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, April 9, will be as follows: Nos. 585, 623 (624 and 625), 369 (and 373), 593, 495 (and 496), 528, 659, 675, 589, and 640.

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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.

Jesse L. Cook, of Chicago, Ill.; Roland A. Linger, of Washington, D. C.; and Frank G. Davidson, Jr., of Lynchburg, Va., were admitted to practice.

No. 585. Federal Communications Commission, petitioner, *v.* National Broadcasting Company, Inc. (KOA), et al. Argument concluded by Mr. Philip J. Hennessey, Jr., for the respondents.

No. 623. Oklahoma Tax Commission of the State of Oklahoma, petitioner, *v.* The United States of America;

No. 624. Oklahoma Tax Commission of the State of Oklahoma, petitioner, *v.* The United States of America; and

No. 625. Oklahoma Tax Commission of the State of Oklahoma, petitioner, *v.* The United States of America. Argued by Mr. A. L. Herr and Mr. Clifford W. King for the petitioner and by Mr. Warner W. Gardner for the respondent. Leave granted petitioner to file an additional brief within four days.

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

No. 373. The United States, petitioner, *v.* Marconi Wireless Telegraph Company of America. Argument commenced by Mr. Stephen H. Philbin for Marconi Wireless Telegraph Company.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 12, will be as follows: Nos. 369 (and 373), 593, 495 (and 496), 528, 659, 675, 589, 640, 721, and 687.

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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 Jackson, and Mr. Justice Rutledge.

Richard K. Bloch, of Cleveland, Ohio; Harry A. Gottlieb, of New York City; Julius S. Wikler, of New York City; Theodore Granik, of New York City; Theo. McC. Marsh, of Newark, N. J.; George A. Carlson, of Tulsa, Okla.; Thomas A. Joseph, of Zanesville, Ohio; and Paul C. Matthews, of New York City, were admitted to practice.

No. 488. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Chicago Stock Yards Company. On writ of certiorari to the United States Circuit Court of Appeals for the First 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 Roberts announced by the Chief Justice.

No. 178. Illinois Commerce Commission, John D. Biggs, William Parrillo, et al., appellants, *v.* Charles M. Thomson, as Trustee of the property of Chicago and North Western Railway Company. Appeal from the District Court of the United States for the Northern District of Illinois. 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. Chief Justice Stone. Mr. Justice Rutledge took no part in the consideration of this case. Dissenting opinion by Mr. Justice Roberts.

No. 72. The People of the State of New York, ex rel. R. Gordon Whitman, petitioner, *v.* Joseph H. Wilson, as Warden of Great Meadow Prison, Comstock, N. Y. On writ of certiorari to the Supreme Court of the State of New York. Judgment vacated and cause remanded to the said Supreme Court for its determination in the light of the decision in *Lyons v. Goldstein*, and for such further or other proceedings as may be deemed advisable. Opinion, *per curiam*, announced by Mr. Chief Justice Stone. Mr. Justice Rutledge took no part in the consideration or decision of this case. Separate opinion by Mr. Justice Frankfurter in which Mr. Justice Roberts and Mr. Justice Reed join.

The Chief Justice announced the following order of the Court:

No. 844. Clarence Pearson, appellant, *v.* The People of the State of California, Clyde Plummer, et al. Appeal from the Supreme Court of the State of California. *Per curiam*: The motion for leave to proceed *in forma pauperis* is granted. The appeal is dismissed for the want of a properly presented substantial 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. —, original. Ex parte Raymond Barton, petitioner;

No. —, original. Ex parte Chesteen McConnell, petitioner; and

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

No. —, original. Ex parte Henry Hawk, petitioner. The motion for leave to file petition for writ of habeas corpus is denied without prejudice to an application to the District Court.

No. —, original. Ex parte Dewey Wallace McMurtrey, petitioner. The motion for leave to file petition for writ of certiorari is denied.

No. 912. Fred Toyosaburo Korematsu *v.* The United States of America. The motion to bring up the entire record and cause is denied.

No. 760. State of California and Board of State Harbor Commissioners, etc., appellants, *v.* The United States of America et al., and

No. 778. City of Oakland, a municipal corporation, etc., appellant, *v.* The United States of America et al. In these cases probable jurisdiction is noted.

No. 762. Homer Lester Bartchy, alias Homer Brooks, petitioner, *v.* The United States of America. The motion for leave to proceed on the typewritten record is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit is granted.

No. 777. Republic Insurance Company, petitioner, *v.* U. R. Butts. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 790. Mary Cabalik, petitioner, *v.* John C. Bell, Jr., Successor, etc. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 791. Livingston E. Osborne, petitioner, *v.* A. J. Hastings, Sheriff of Berrien County, Michigan. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 797. J. R. Mason, petitioner, *v.* Palo Verde Irrigation District. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 800. Rufo C. Romero, petitioner, *v.* P. J. Squier, Warden, United States Penitentiary, McNeil Island, Washington. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 811. C. W. Sandlin, petitioner, *v.* C. E. Gragg. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 814. Paul W. Sampsell, as Trustee in Bankruptcy, etc., et al., petitioners, *v.* Sun H. Tom. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 821. Sibley Syndicate, Harry Allen, successor trustee, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 858. Nicholas Rutigliano, alias Nick Green, petitioner, *v.* The People of the State of New York. Petition for writ of certiorari to the Court of General Sessions of the County of New York, State of New York, denied.

No. 765. Richard J. Hopkins, Judge of the United States District Court for the District of Kansas, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 772. The New York Trust Company, as Trustee, etc., et al., petitioners, *v.* Securities and Exchange Commission and United Light and Power Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 829. Estate of Robert Lyons Hague, deceased, et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 711. The Creek Nation, petitioner, *v.* The United States. The motion to dispense with the printing of certain portions of the record is granted. Petition for writ of certiorari to the Court of Claims denied.

No. 774. County of Allegheny, petitioner, *v.* Maryland Casualty Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 802. Jesse S. Shima, petitioner, *v.* Thomas A. Brown. The motion to consider the petition for writ of certiorari on the appendices to the briefs filed in the Court of Appeals 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 these applications.

No. 805. Henry G. Wood, Jo V. Morgan, et al., petitioners, *v.* J. Millard Tawes, Comptroller of the State of Maryland, et al. Petition for writ of certiorari to the Court of Appeals of Maryland denied. Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 817. W. C. & A. N. Miller Development Co., petitioner, *v.* Emig Properties Corporation. Petition for writ 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 this application.

No. 795. Cecil C. Crebs, petitioner, *v.* Milton F. Amrine, Warden of the Kansas State Penitentiary. On petition for writ of certiorari to the Supreme Court of Kansas;

No. 825. Laurie J. Carpenter, petitioner, *v.* Erie Railroad Company. On petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit; and

No. 737. Albert B. Lukens, petitioner, *v.* The State of Ohio. On petition for writ of certiorari to the Court of Appeals of Ohio. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. —, original. Ex parte Clarence M. Holmes, petitioner. Petition for rehearing denied. Mr. Justice Rutledge took no part in the consideration or decision of this application.

No. 903, October Term, 1941. Robert L. Peyton, petitioner, *v.* Railway Express Agency, Inc., et al. Fourth petition for rehearing denied. Mr. Justice Rutledge took no part in the consideration or decision of this application.

No. 13. Group of Institutional Investors and Mutual Savings Bank Group, petitioners, *v.* Israel A. Abrams et al. The motion to supplement the record is denied. The petition for rehearing is also denied. Mr. Justice Rutledge took no part in the consideration or decision of these applications.

No. 692. Band-It Company and Dental Specialty Company, petitioners, *v.* Michael J. McAneny, Jr. Petition for rehearing denied.

Mr. Justice Murphy took no part in the consideration or decision of the cases in which orders are this day announced.

The Court will take a recess upon the conclusion of the argument in case No. 696 until Monday, May 3, next.

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

No. 373. The United States, petitioner, *v.* Marconi Wireless Telegraph Company of America. Argument continued by Mr. Assistant Attorney General Shea for the United States and concluded by Mr. Stephen H. Philbin for Marconi Wireless Telegraph Company.

No. 593. Direct Sales Company, petitioner, *v.* The United States of America. Argued by Mr. William B. Mahoney for the petitioner and by Mr. Valentine Brookes for the respondent.

No. 659. Central Hanover Bank and Trust Company, a banking corporation of the State of New York, et al., appellants, *v.* William D. Kelly, State Tax Commissioner of the State of New Jersey. Argument commenced by Mr. Robert McC. Marsh for the appellants.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, April 13, will be as follows: Nos. 659, 675, 640, 589, 495 (and 496), 528, 687, 721, 826, and 827.

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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.

Paul W. McQuillen, of New York City; John Harvard Thain, of Wilkes-Barre, Pa.; Harold C. Sylvester, of St. Albans, Vt.; Robert William Larrow, of Burlington, Vt.; Alexander Feller, of New Brunswick, N. J.; Richard B. Posey, of Washington, D. C.; Harvey A. Fischer, of Detroit, Mich.; Myer Pumps, of Washington, D. C.; and T. Tracy Lawson, of Montpelier, Vt., were admitted to practice.

No. 659. Central Hanover Bank and Trust Company, a banking corporation of the State of New York, et al., appellants, *v.* William D. Kelly, State Tax Commissioner of the State of New Jersey. Argument continued by Mr. Robert McC. Marsh for the appellants; by Mr. William A. Moore for the respondent; and concluded by Mr. Robert McC. Marsh for the appellants.

No. 675. The Detroit Edison Company, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. Norris Darrell for the petitioner and by Mr. Arnold Raum for the respondent.

No. 640. Florence J. Bailey, as Administratrix of E. Bailey, petitioner, *v.* Central Vermont Railway, Inc. Argued by Mr. Joseph A. McNamara for the petitioner and by Mr. Horace H. Powers for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, April 14, will be as follows: Nos. 589, 495 (and 496), 528, 687, 721, 826, 827, 828, 726, and 660.

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.

William Hamlet Blades, of Houston, Tex.; Donald E. Heisler, of The Dalles, Oreg.; Chesley Matthew Walter, of Oakland, Calif.; George H. Ethridge, of Jackson, Miss.; Richard Olney Arrington, of Hazlehurst, Miss.; Coula Psaras, of Chicago, Ill.; Carl T. Curtis, of Minden, Nebr.; Irving Payson Zinbarg, of New York City; James H. Millican, Jr., of Tallahassee, Fla.; Stanley M. Dorman, of New York City; Frank D. Mayer, of Chicago, Ill.; Lee Allen Freeman, of Chicago, Ill.; Donald Martin Graham, of Chicago, Ill.; and June Fowles, of Olympia, Wash., were admitted to practice.

No. 792. Max Stephan, petitioner, *v.* The United States of America. The motion for a stay of execution is granted and it is ordered that execution of the sentence of death in this case be stayed until further order of this Court.

No. 589. Whitney Bowles, petitioner, *v.* The United States of America. Argued by Mr. Osmond K. Fraenkel for the petitioner and by Mr. Assistant Attorney General Berge for the respondent.

No. 595. G. E. Burford et al., petitioners, *v.* Sun Oil Company et al.; and

No. 496. Sun Oil Company et al., petitioners, *v.* G. E. Burford et al. Reargument commenced by Mr. James P. Hart for Burford et al.; and continued by Mr. Ed Roy Simmons for Burford et al.; and by Mr. J. A. Rauhut for Sun Oil Company et al.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, April 15, will be as follows. Nos. 495 (and 496), 528, 687, 721, 826, 827, 828, 726, 660, and 552.

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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.

Nicholas J. Chase, of Washington, D. C.; Ray C. Westgate, of Fall River, Mass.; Frank McNamee, Jr., of Las Vegas, Nev.; Milton V. Freeman, of New York City; and I. Joseph Farley, of Detroit, Mich., were admitted to practice.

No. 495. G. E. Burford et al., petitioners, *v.* Sun Oil Company et al.; and

No. 496. Sun Oil Company et al., petitioners, *v.* G. E. Burford et al. Reargument concluded by Mr. J. A. Rauhut for the Sun Oil Co. et al.

No. 528. O. L. Hastings et al., petitioners, *v.* Selby Oil & Gas Company etl. Reargued by Mr. James D. Smullen for the petitioner, The Railroad Commission of Texas, and by Mr. W. Edward Lee for petitioners, O. L. Hastings et al., and case submitted by Mr. Dan Moody for the respondents.

No. 687. Rosario St. Pierre, petitioner, *v.* The United States of America. Argument commenced by Mr. Edward V. Broderick for the petitioner. The Court declined to hear further argument.

No. 826. R. E. Taylor, appellant, *v.* State of Mississippi:

No. 827. Betty Benoit, appellant, *v.* State of Mississippi; and

No. 828. Clem Cummings, appellant, *v.* State of Mississippi. Argument commenced by Mr. Hayden C. Covington for the appellants and continued by Mr. George H. Ethridge for the appellee.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, April 16, will be as follows: Nos. 826 (827 and 828), 726, 660, 552, and 696.

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.

Harold B. Finn, of New York City; George C. Seward, of New York City; James E. Holloman, of Clinton, S. C.; George W. Walker, of Wilmington, Del.; Howard F. R. Mulligan, of New York City; James Thomas Gallahorn, Jr., of Washington, D. C.; Sol S. Perlow, of New York City; John Allen Weil, of Washington, D. C.; Charles P. Rogers, of New York City; James Edgar Louis Artis, of Washington, D. C.; Irene Kennedy, of Washington, D. C.; Philip S. Jessup, of Washington, D. C.; James E. Wilson, of Washington, D. C.; and Zeb A. Stewart, of Corbin, Ky., were admitted to practice.

No. 826. R. E. Taylor, appellant, *v.* State of Mississippi;

No. 827. Betty Benoit, appellant, *v.* State of Mississippi; and

No. 828. Clem Cummings, appellant, *v.* State of Mississippi. Argument continued by Mr. George H. Ethridge for the appellee and concluded by Mr. Hayden C. Covington for the appellants.

No. 726. Nathan Mayo and Roy Hutchinson, appellants, *v.* The United States of America. Argued by Mr. William C. Pierce and Mr. James H. Millican, Jr., for the appellants and by Mr. Assistant Attorney General Shea for the appellee.

No. 660. Moline Properties, Inc., petitioner, *v.* Commissioner of Internal Revenue. Argument commenced by Mr. Nelson Trotman for the petitioner and continued by Mr. J. Louis Monarch for the respondent.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 19, will be as follows: Nos. 660, 552, and 696.

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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 L. Caraway, of Washington, D. C.; Garald K. Richardson, of Boston, Mass.; James Edward Boyle, of Sycamore, Ill.; John Richard Starrs, of Detroit, Mich.; Benjamin G. Cox, of Terre Haute, Ind.; Herman Mendes, of New York City; Samuel M. Ostroff, of New York City; William T. Beeks, of Seattle, Wash.; Edward J. Leon, of New York City; Leroy R. Goodrich, of Oakland, Calif.; William Leavenworth Colby, of Berkeley, Calif.; Walter B. Miller, of Spartanburg, S. C.; Millard Kirk Neptune, of Bartlesville, Okla.; John F. Jones, of Topeka, Kans.; Hector G. Spaulding, of Washington, D. C.; Hobart Lee Blackledge, of Kearney, Nebr.; James Lenahan Brown, of Wilkes-Barre, Pa.; Richard R. Atkinson, of Washington, D. C.; Horace O. Pollard, of Washington, D. C.; and I. Duke Avnet, of Baltimore, Md., were admitted to practice.

No. 454. Pedro Aguilar, petitioner, *v.* Standard Oil Company of New Jersey. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit; and

No. 582. Waterman Steamship Corporation, petitioner, *v.* David E. Jones. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment in No. 454 reversed with costs and cause remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court; judgment in No. 582 affirmed with costs and cause remanded to the District Court of the United States for the Eastern District of Pennsylvania. Opinion by Mr. Justice Rutledge. Mr. Justice Roberts did not participate in the consideration or decision of these cases. In No. 454 the Chief Justice dissents; in No. 582 he concurs in the result.

No. 556. Board of County Commissioners of the County of Creek, State of Oklahoma, a municipal corporation, et al., petitioners, *v.* Evelyn Seber et al. 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 Northern District of Oklahoma. Opinion by Mr.

Justice Murphy. Mr. Justice Reed took no part in the consideration or decision of this case. Opinion by Mr. Justice Rutledge concurring in the result in which Mr. Justice Roberts joins.

No. 629. The United States of America, appellant, *v.* Philip Lepowitch and Marvin Spector. Appeal from the District Court of the United States for the Eastern District of Missouri. 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 Rutledge concurs in the result. Dissenting: Mr. Justice Roberts. Mr. Justice Murphy took no part in the consideration or decision of this case.

The Chief Justice announced the following orders of the Court:

No. 720. Bayuk Cigars, Inc., appellant, *v.* Commonwealth of Pennsylvania. Appeal from the Supreme Court of Pennsylvania. *Per curiam*: The motion to affirm is granted and the judgment is affirmed. (1) *Butler Bros. v. McColgan*, 315 U. S. 501, and cases cited; *Wisconsin v. J. C. Penney Co.*, 311 U. S. 435, 437; *Dep't. of Treasury v. Wood Corp'n*, 313 U. S. 62, 66-67; *Wheeling Steel Corp'n v. Fox*, 298 U. S. 193; (2) *Madden v. Kentucky*, 309 U. S. 83, 87-90.

No. 876. Jewel Incandescent Lamp Co., Inc., appellant, *v.* General Electric Co. et al. Appeal from the District Court of the United States for the District of New Jersey. *Per curiam*: The appeal is dismissed on the authority of *Ex parte Cutting*, 94 U. S. 14; *Credits Commutation Company v. United States*, 177 U. S. 311, and *United States v. California Cooperative Canneries*, 279 U. S. 553, 556.

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. —, original. *Ex parte* Emmet H. Bozel, petitioner;

No. —, original. *Ex parte* Elmer Davis, petitioner;

No. —, original. *Ex parte* Charles Erickson, petitioner; and

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

No. —, original. *Ex parte* Thomas B. Mulrennan, petitioner. The motion for leave to file petition for writ of habeas corpus is denied without prejudice to an application to the District Court.

No. —. Henry Daniels, Jr., petitioner, *v.* The State of Alabama; and

No. —. Curtis Robinson, petitioner, *v.* The State of Alabama. The applications for stay of execution are granted and it is ordered that execution of the sentence of death in each of these cases 'be stayed until further order' of this Court.

No. 628. The Interstate Commerce Commission et al., appellants, *v.* Columbus and Greenville Railway Co. This case is ordered restored to the docket for reargument. On the reargument counsel are requested to direct their attention particularly to the following questions:

(1) Is freight tariff No. 81 in violation of any provision of the Interstate Commerce Act, as amended?

(2) Assuming that this question is answered in the affirmative, would the cancellation of this tariff operate unfairly and unreasonably in view of the outstanding cut-back tariffs on freight originating on carriers with which the Columbus and Greenville Railway competes?

(3) What considerations of law, procedure, or policy may be urged against the Commission's following the procedure, prior to the cancellation of the tariff, of bringing other carriers into the proceeding pending before it, or into an independent proceeding, and in such proceeding making an appropriate adjustment of rates as between respondent and other carriers?

(4) Have the courts power to require the Commission to take such procedure?

No. 879. McLean Trucking Company, Inc., et al., appellants, *v.* The United States of America et al. In this case probable jurisdiction is noted.

No. 934. Clem Lockerty et al., appellants, *v.* Charles M. Phillips, United States Attorney, etc. In this case probable jurisdiction is noted and the case is advanced and assigned for argument on Monday, May 3rd, next. The motion for a stay is denied.

No. 848: The Brotherhood of Railroad Trainmen et al., petitioners, *v.* Toledo, Peoria & Western Railroad. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted.

No. 815. Securities and Exchange Commission, petitioner, *v.* C. M. Joiner Leasing Corporation and C. M. Joiner. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted and the case is transferred to the summary docket.

No. 749. James Lanier Bell, petitioner, *v.* Preferred Life Assurance Society of Montgomery, Alabama, et al. The motion to proceed on typewritten papers is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit is also granted.

No. 769. The Sioux Tribe of Indians, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 776. Dwright D. Clarke, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 779. Nicholas J. Curtis, petitioner, *v.* Utah Fuel Company, etc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 803. The Scott Realty Company, petitioner, *v.* The La Salle & Koch Company. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 804. G. Bedell Moore, petitioner, *v.* Maverick County Water Control & Improvement District No. 1. Petition for writ of certiorari to the Court of Civil Appeals, 4th Supreme Judicial District, State of Texas, denied.

No. 806. Cort A. Rosenham, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 809. J. H. Anderson, petitioner, *v.* The United States of America; and

No. 810. Mr. and Mrs. J. H. Anderson, petitioners, *v.* The United States of America. Petitions for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 812. Tom Johnson et al., petitioners, *v.* Dallas Downtown Development Co. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 818. Anna S. A. Graf and August Graf, Individually, etc., et al., petitioners, *v.* City of Newark. Petition for writ of certiorari to the Court of Errors and Appeals of New Jersey denied.

No. 819. Franklinville Realty Company, petitioner, *v.* Arnold Construction Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 832. In the matter of James Austin Ellison, petitioner. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 835. United Shipyards, Inc., 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. 838. R. A. Blount, Hearst B. Blount, et al., petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 758. Bank of America National Trust and Savings Association, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 759. Bank of America National Trust and Savings Association, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 163. William Humbert Tornello, petitioner, *v.* Robert H. Hudspeth, 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 Tenth Circuit is denied on the ground that the case is moot, it appearing that petitioner has been pardoned by the President and that he is no longer in respondent's custody. *Weber v. Squier*, 315 U. S. 810.

No. 830. Irene Brady, Administratrix, etc., petitioner, *v.* Southern Railway Company. Petition for writ of certiorari to the Supreme Court of North Carolina denied on the ground that it does not appear from the record or from the papers submitted that the judgment is final. Mr. Justice Black is of opinion that the judgment is final.

No. 799. The Philadelphia Inquirer Company, petitioner, *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. Mr. Justice Rutledge took no part in the consideration or decision of this application.

No. 34. Chicago and North Western Railway Company, petitioner, *v.* Mutual Savings Bank Group Committee, et al.;

No. 35. Chicago and North Western Railway Company, petitioner, *v.* Mutual Savings Bank Group Committee, et al.; and

No. 36. Chicago and North Western Railway Company, petitioner, *v.* Mutual Savings Bank Group Committee, et al.;

No. 37. Louis Susman et al., Convertible Bond Owners, petitioners, *v.* Mutual Savings Bank Group Committee, etc., et al.; and

No. 38. Louis Susman et al., Convertible Bond Owners, petitioners, *v.* Mutual Savings Bank Group Committee, etc., et al.;

No. 56. City Bank Farmers Trust Company, as Trustee, etc., petitioner *v.* Life Insurance Group Committee, et al.; and

No. 57. City Bank Farmers Trust Company, as Trustee, etc., petitioner, *v.* Life Insurance Group Committee, et al.;

No. 62. Irving Trust Company, as Successor Trustee, etc., petitioner, *v.* Mutual Savings Bank Group Committee, et al.;

No. 63. Irving Trust Company, as Successor Trustee, etc., petitioner, *v.* Mutual Savings Bank Group Committee, et al.; and

No. 64. Irving Trust Company, as Successor Trustee, etc., petitioner, *v.* Mutual Savings Bank Group Committee et al.;

No. 68. Protective Committee for Holders of Common Stock, etc., petitioner, *v.* Mutual Savings Bank Group Committee et al.; and

No. 69. Protective Committee for Holders of Common Stock, etc., petitioner, *v.* Mutual Savings Bank Group Committee et al.;

No. 83. Protective Committee for Holders of Preferred Stock, etc., et al., petitioners, *v.* Mutual Savings Bank Group Committee et al.; and

No. 84. Protective Committee for Holders of Preferred Stock, etc., et al., petitioners, *v.* Mutual Savings Bank Group Committee et al. The motions for leave to supplement the records in Nos. 34, 35, and 36, and in Nos. 37 and 38, are granted. The petitions for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit in all the cases are denied. Mr. Justice Rutledge took no part in the consideration or decision of these applications.

No. 354. The Akron, Canton & Youngstown Railway Company, Debtor, petitioner, *v.* George E. Hagenbuch and H. B. Stewart, Jr., Trustees, etc., et al.; and

No. 355. Wm. H. Chamberlain, holder of record of all the common stock of the Akron, Canton & Youngstown Railway Company, etc., et al., petitioners, *v.* George E. Hagenbuch and H. B. Stewart, Jr., Trustees, etc., et al. Petition for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. Mr. Justice Rutledge took no part in the consideration or decision of this application.

No. 757. Edward R. Fitzgerald, petitioner, *v.* The State of Kansas et al. On petition for writ of certiorari to the Supreme Court of Kansas;

No. 801. Arthur Corkum, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the Supreme Court of New York;

No. 822. Thomas Henry Trott, petitioner, *v.* McDonough Motor Express Company, Inc., et al. On petition for writ of certiorari to the Supreme Court of Mississippi; and

No. 915. Charles Erickson, petitioner, *v.* Nathan Mayo, as State Prison Custodian. On petition for writ of certiorari to the Supreme Court of Florida. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 7. Frederick H. Ecker, John W. Stedman, et al., etc., petitioners, *v.* Western Pacific Railroad Corporation et al.;

No. 8. Crocker First National Bank of San Francisco et al., etc., petitioners, *v.* Western Pacific Railroad Corporation et al.;

No. 20. The Western Pacific Railroad Company, petitioner, *v.* Frederick H. Ecker et al.;

No. 33. Reconstruction Finance Corporation, petitioner, *v.* Western Pacific Railroad Corporation et al.; and

No. 61. Irving Trust Company, as substituted trustee, etc., petitioner, *v.* Crocker First National Bank of San Francisco et al., etc.; and

No. 661. Orman W. Ewing, petitioner, *v.* The United States of America. Petitions for rehearing denied. Mr. Justice Rutledge took no part in the consideration or decision of these applications.

No. 660. Moline Properties, Inc., petitioner, *v.* Commissioner of Internal Revenue. Argument continued by Mr. J. Louis Monarch for the respondent and concluded by Mr. Nelson Trottman for the petitioner.

No. 552. Interstate Transit Lines, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. Nelson Trottman for the petitioner and by Mr. J. Louis Monarch for the respondent.

No. 696. A. W. Altvater and The Western Supplies Company, petitioners, *v.* Benjamin W. Freeman et al. Argued by Mr. Edmund C. Rogers and Mr. Lawrence C. Kingsland for the petitioners and by Mr. Marston Allen for the respondents.

Adjourned until Monday, May 3 next.

The day call for Monday, May 3, will be as follows: Nos. 934, 698, 684, 707, 722, 723, 783, 813, 849, and 709.

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 J. Ruddy, Jr., of Kansas City, Mo.; Walter N. Stockfish, of Hamtramck, Mich.; Arthur Marshall Davis, of Phoenix, Ariz.; L. A. Wilson, of Mahanomen, Minn.; Leland E. Zeman, of Los Angeles, Calif.; Edward A. Beard, of Washington, D. C.; Weir Savage Gailard, of Dahlonga, Ga.; Robert J. Whissel, of Buffalo, N. Y.; L. Gleason Gianniny, of Richmond, Va.; Frank B. Ingersoll, of Redwood City, Calif.; Napoleon Bruce Day, of Tulsa, Okla.; Karl B. Rodi, of Los Angeles, Calif.; William Thomas Wilson, of Winston-Salem, N. C.; Gerhard D. Bleichen, of Boston, Mass.; Abram T. Collier, of Boston, Mass.; A. Warren Glickman, of Oakland, Calif.; Kerns Wright, of Van Wert, Ohio; Alexis C. Coudert, of New York City; Saul N. Rittenberg, of Los Angeles, Calif.; Henry S. Sellin, of New York City; Byron B. Emswiler, of Middletown, Ind.; David I. Day, Jr., of Rockport, Ind.; C. Rudolph Peterson, of Washington, D. C.; John L. Burling, of New York City; Leo Gitlin, of New York City; Armand B. DuBois, of New York City; and Herbert E. Olson, of Bemidji, Minn., were admitted to practice.

No. 675. The Detroit Edison Company, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Jackson. The Chief Justice did not participate in the consideration or decision of this case.

No. 511. John W. Noble, doing business as Noble Transit Company, appellant, *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 Douglas. Mr. Justice Murphy took no part in the consideration or decision of this case.

No. 659. Central Hanover Bank and Trust Company, a Banking Corporation of the State of New York, et al., appellants, *v.* William D. Kelly, State Tax Commissioner of New Jersey. Appeal from

the Court of Errors and Appeals of the State of New Jersey. Judgment affirmed with costs. Opinion by Mr. Justice Douglas.

No. 280. October Term, 1941, Rosco Jones, petitioner, *v.* City of Opelika. On writ of certiorari to the Supreme Court of Alabama;

No. 314. October Term, 1941. Louis Bowden and Zada Sanders, petitioners, *v.* City of Fort Smith, Arkansas. On writ of certiorari to the Supreme Court of Arkansas; and

No. 966. October Term, 1941. Charles Jobin, appellant, *v.* The State of Arizona. Appeal from the Supreme Court of Arizona. Judgments of this Court heretofore entered vacated and judgments of the state courts reversed with costs and cases remanded to the said Supreme Courts for further proceedings not inconsistent with the opinion of this Court. Opinion, *per curiam*, announced by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Reed in which Mr. Justice Roberts, Mr. Justice Frankfurter, and Mr. Justice Jackson join. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Jackson joins.

No. 480. Robert Murdock, Jr., petitioner, *v.* Commonwealth of Pennsylvania (City of Jeannette);

No. 481. Anna Perisich, petitioner, *v.* Commonwealth of Pennsylvania (City of Jeannette);

No. 482. Willard L. Mowder, petitioner, *v.* Commonwealth of Pennsylvania (City of Jeannette);

No. 483. Charles Seders, petitioner, *v.* Commonwealth of Pennsylvania (City of Jeannette);

No. 484. Robert Lamborn, petitioner, *v.* Commonwealth of Pennsylvania (City of Jeannette);

No. 485. Anthony Maltezos, petitioner, *v.* Commonwealth of Pennsylvania (City of Jeannette);

No. 486. Anastasia Tzanes, petitioner, *v.* Commonwealth of Pennsylvania (City of Jeannette); and

No. 487. Ellaine Tzanes, petitioner, *v.* Commonwealth of Pennsylvania (City of Jeannette). On writs of certiorari to the Superior Court of the Commonwealth of Pennsylvania. Judgments reversed with costs and causes remanded to the said Superior Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Reed in which Mr. Justice Roberts, Mr. Justice Frankfurter, and Mr. Justice Jackson join. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Jackson joins. Dissenting opinion by Mr. Justice Jackson.

No. 581. Southland Gasoline Company, petitioner, *v.* J. W. Bayley, Henry V. Bloom, G. C. Kendall, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit; and

No. 725. Wilson W. Richardson, petitioner, *v.* The James Gibbons Company. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. In No. 581 the judgment is reversed with costs and the cause remanded to the District Court of the United States for the District of Arkansas for further proceedings in conformity with the opinion of this Court. In No. 725 the judgment is affirmed and the cause remanded to the District Court of the United States for the District of Maryland. Opinion by Mr. Justice Reed. Mr. Justice Murphy took no part in the consideration or decision of these cases.

No. 460. National Labor Relations Board, petitioner, *v.* Southern Bell Telephone and Telegraph Company; and

No. 461. National Labor Relations Board, petitioner, *v.* Southern Association of Bell Telephone Employees. On writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgments reversed and cases remanded to the said Circuit Court of Appeals with instructions to enforce the order of the Board. Opinion by Mr. Justice Reed. Mr. Justice Roberts took no part in the consideration or decision of these cases.

No. 299. Jersey Central Power & Light Company, petitioner, *v.* Federal Power Commission; and

No. 329. New Jersey Power & Light Company, petitioner, *v.* Federal Power Commission. On writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgments affirmed and cases remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Reed. Dissenting opinion by Mr. Justice Roberts in which Mr. Chief Justice Stone and Mr. Justice Frankfurter concur.

No. 238. Thelma Martin, appellant, *v.* City of Struthers, Ohio. Appeal from the Supreme Court of the State of Ohio. 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. Concurring opinion by Mr. Justice Murphy in which Mr. Justice Douglas and Mr. Justice Rutledge join. Dissenting opinion by Mr. Justice Reed in which Mr. Justice Roberts and Mr. Justice Jackson join. Separate opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Jackson.

No. 450. Robert L. Douglas, Albert R. Gundacker, Earl Kalkbrenner, et al., petitioners, *v.* City of Jeannette (Pennsylvania), a municipal corporation, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment affirmed with costs. Opinion by Mr. Chief Justice Stone. Opinion by Mr. Justice Jackson concurring in the result in which Mr. Justice Frankfurter joins.

No. 520. L. T. Barringer and Company, appellant, *v.* The United States of America, Interstate Commerce Commission, et al. Appeal from the District Court of the United States for the Western District of Tennessee. Judgment affirmed. Opinion by Mr. Chief Justice Stone. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Roberts, Mr. Justice Black, and Mr. Justice Reed join.

No. 584. Honorable Michael J. Roche, United States District Judge for the Northern District of California, Southern Division, et al., petitioners, *v.* Evaporated Milk Association et al. 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. Chief Justice Stone. Mr. Justice Murphy took no part in the consideration or decision of this case.

No. 589. Whitney Bowles, 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 District of New Jersey. Opinion, *per curiam*, announced by Mr. Chief Justice Stone. Dissenting opinion by Mr. Justice Jackson in which Mr. Justice Reed joins.

No. 14, original. Ex parte Fred Steffler, petitioner. On motion for leave to file petition for writ of certiorari under Section 262 of the Judicial Code. The motion for leave to proceed in forma pauperis is granted. The motion for leave to file petition for writ of certiorari is granted and the petition for writ of certiorari is also granted. The cause is remanded to the District Court of the United States for the Southern District of Indiana for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*, announced by Mr. Chief Justice Stone.

No. 687. Rosario St. Pierre, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Writ of certiorari dismissed. Opinion, *per curiam*, announced by Mr. Chief Justice Stone.

The Chief Justice announced the following order of the Court:

No. 885. Central Power and Light Company, West Texas Utilities Company, et al., appellants, *v.* The State of Texas. Appeal from the Court of Civil Appeals, 3rd Supreme Judicial District, State of Texas. *Per curiam*: The appeal is dismissed for the want of a substantial federal question. *H. E. Butt Grocery Co. v. Sheppard*, 311 U. S. 603, and cases cited.

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 John G. Ross. John G. Ross, of Boston, Massachusetts, having resigned as a member of the Bar of this Court, it is ordered that his name be stricken from the roll of attorneys admitted to practice in this Court.

No. —, original. *Ex parte* Harold McGinniss, petitioner. Application denied.

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

No. —, original. *Ex parte* Frank Contardi, petitioner;

No. —, original. *Ex parte* Stanley Peplowski, petitioner;

No. —, original. *Ex parte* Albert Smith, petitioner;

No. —, original. *Ex parte* Charles E. Westbrook, petitioner; and

No. —, original. *Ex parte* Mark Reynolds and Frank Reynolds, petitioners. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 926. Interstate Commerce Commission et al., appellants, *v.* Hoboken Manufacturers' Railroad Company. In this case probable jurisdiction is noted.

No. 761. The United States of America, ex rel. Murray Brensilber et al., etc., petitioners, *v.* Bausch & Lomb Optical Company et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted.

No. 863. Magnolia Petroleum Company et al., petitioners, *v.* Sullivan H. Hunt. Petition for writ of certiorari to the Court of Appeals, First Circuit, State of Louisiana, granted.

No. 864. Merchants National Bank of Boston, Executor, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted and the case transferred to the summary docket.

No. 830. Irene Brady, Administratrix of the estate of Earle A. Brady, deceased, petitioner, *v.* Southern Railway Company. It appearing that the judgment of the Supreme Court of North Carolina is a final judgment in view of the decisions of that Court called to our attention by the petition for rehearing, *Tussey v. Owen*, 147 N. C. 335, 337, *Hollingsworth v. Skelding*, 142 N. C. 246, 253, the petition for rehearing is granted and the order denying a writ of certiorari is vacated. The petition for writ of certiorari to the Supreme Court of North Carolina is granted.

No. 824. Metropolitan-Columbia Stockholders, Inc., et al., petitioners, *v.* The City of New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 831. The Hartford Electric Light Company, petitioner, *v.* Federal Power Commission. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 833. Hazel E. Cranston, petitioner, *v.* Ransford C. Thompson et al. and

No. 834. Hazel E. Cranston, petitioner, *v.* Ransford C. Thompson et al. Petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 836. Walter S. Halliwell, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 842. E. A. Parkford, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 850. Mildred Mayo Deal, petitioner, *v.* Venda C. Abramson. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 851. Musicraft Records, Inc., petitioner, *v.* Jack Shilkret. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 853. Nellie C. Bostwick, Jacksonville Heights Improvement Company, et al., petitioners, *v.* Baldwin Drainage District, C. T. Boyd, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 856. Andrew Bergoty, petitioner, *v.* Peter Gambera. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 857. The France Stone Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 867. William E. Andrews, petitioner, *v.* Hotel Sherman, Inc., a Delaware Corporation, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 877. Wert T. Reed and F. F. Dollert, petitioner, *v.* Houston Oil Company of Texas et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 899. Maryland Casualty Company, petitioner, *v.* Dixie Pine Products Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 852. American Manufacturing Company of Texas et al., petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 861. Lewis W. Gilbert, petitioner, *v.* General Motors Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 874. Thomas H. Swope and Virginia McAlpine, petitioners, *v.* Kansas City, Kansas, Roy Wheat, et al., etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 823. Clara Zimmerman, petitioner, *v.* E. E. Walker, Captain, United States Army, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied on the ground that the cause is moot, it appearing that Hans Zimmerman, on whose behalf the petition is filed, has been released from the respondent's custody. *Weber v. Squier*, 315 U. S. 810; *Tornello v. Hudspeth*, 318, U. S. —.

No. 859. Sperry Products, Inc., petitioner, *v.* Association of American Railroads et al.; and

No. 860. Association of American Railroads et al., petitioners, *v.* Sperry Products, Inc. Petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied. Mr. Justice Reed took no part in the consideration or decision of these applications.

No. 900. Muskogee County, Oklahoma, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth 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. 878. The Prudential Insurance Company of America, petitioner, *v.* Jane Saxe. Petition for writ 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 this application.

No. 837. Robert Martin, petitioner, *v.* Martin F. Amrine, Warden, etc. On petition for writ of certiorari to the Supreme Court of Kansas;

No. 841. Charles H. Cochran, petitioner, *v.* The State of Kansas et al. On petition for writ of certiorari to the Supreme Court of Kansas;

No. 854. Dave Canty, petitioner, *v.* The State of Alabama. On petition for writ of certiorari to the Supreme Court of Alabama;

No. 872. Ralph W. Fleeman, petitioner, *v.* State of Kansas et al. On petition for writ of certiorari to the Supreme Court of Kansas;

No. 875. Winston Posey, petitioner, *v.* Alfred F. Dowd, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit;

No. 780. James R. Clem, petitioner, *v.* State of Maryland. On petition for writ of certiorari to the Court of Appeals of Maryland;

No. 847. The United States of America, ex rel. Wilbur Jackson, alias Will Jackson, et al., petitioners, *v.* Patrick J. Brady, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit;

No. 855. Lloyd Frankel, petitioner, *v.* Bethlehem-Fairfield Shipyard, Inc. On petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit.

No. 868. Dora Brady et al., petitioners, *v.* Annie Beams et al. On petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit;

No. 950. Mark Reynolds and Frank Reynolds, petitioners, *v.* Nathan Mayo, State Prison Custodian. On petition for writ of certiorari to the Supreme Court of Florida; and

No. 942. James R. Deering, petitioner, *v.* National Mortgage Corporation et al. On petition for writ of certiorari to the Supreme Court of New York. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 903. October Term, 1941. Robert L. Peyton, petitioner, *v.* Railway Express Agency, Inc., et al. Fifth petition for rehearing denied. Mr. Justice Rutledge took no part in the consideration or decision of this application.

No. 517. Gaetano Ajello, petitioner, *v.* Pan American Airways Corporation et al. Second petition for rehearing denied. Mr. Justice Rutledge took no part in the consideration or decision of this application.

No. 566. Gretta Lafuente, petitioner, *v.* County of Los Angeles. The motion for leave to file a fourth petition for rehearing is granted. The fourth petition for rehearing is denied. Mr. Justice Rutledge took no part in the consideration or decision of this application.

No. 436. Joseph De Zon, petitioner, *v.* American President Lines, Ltd.; and

No. 459. Vivian Wycliff Buie, petitioner, *v.* The United States of America. Petitions for rehearing denied. Mr. Justice Rutledge took no part in the consideration or decision of these applications.

No. 597. Ada McSparran, petitioner, *v.* City of Portland;

No. 746. Edward D. Markham, petitioner, *v.* People of the State of Illinois, ex rel. Earle G. H. Cromer, et al.;

No. 764. Joseph E. Jones, petitioner, *v.* Hon. Francis Biddle, Attorney General, etc.;

No. 767. Marco Reginelli, petitioner, *v.* The United States of America;

No. 797. J. R. Mason, petitioner, *v.* Palo Verde Irrigation District; and

No. 801. Arthur Corkum, petitioner, *v.* The People of the State of New York. Petitions for rehearing denied.

No. 557. National Labor Relations Board, petitioner, *v.* Goodyear Tire & Rubber Company of Alabama et al. On writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit. Dismissed on motion of counsel for the petitioner.

No. 886. Sylvania Industrial Corporation, petitioner, *v.* The Visking Corporation. On petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit. Dismissed on motion of counsel for the petitioner.

No. 963. Missouri-Kansas Pipe Line Company, appellant, *v.* The United States of America et al. Appeal from the District Court of the United States for the District of Delaware. Dismissed on motion of counsel for the appellant and mandate ordered to issue forthwith.

No. 945. Ford Motor Company, petitioner, *v.* Gordon Form Lathe Company; and

No. 946. Ford Motor Company, petitioner, *v.* Gordon Form Lathe Company. Time within which to file brief opposing petition for writs of certiorari extended to and including May 26 next, per stipulation of counsel.

No. 934. Clem Lockerty, Anthony Caruso, et al., appellants, *v.* Charles M. Phillips, United States Attorney for the District of New Jersey. Argued by Mr. Arthur T. Vanderbilt for the appellants and by Mr. Thomas I. Emerson for the appellee. Leave granted appellants to file a reply brief by Thursday.

No. 698. Daniel F. Boone, petitioner, *v.* Clarence M. Lightner, Theodore A. Lightner et al. Argument commenced by Mr. Milton I. Baldinger for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, May 4, will be as follows: Nos. 698, 684, 707, 722, 723, 783, 813, 849, 709, and 787.

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. Machado, of San Jose, Calif.; S. Warwick Keegin, of Highland, Md.; James L. Brewrink, of Washington, D. C.; Francis S. Bensel, of New York City; John P. Chandler, of New York City; Maurice Schulman, of Los Angeles, Calif.; Henry C. Rohr, of Los Angeles, Calif.; Lloyd Fletcher, Jr., of Washington, D. C.; Frank C. Mason, of New York City; Harry I. Hannah, of Mattoon, Ill.; Edward L. P. O'Connor, of New York City; W. C. Perrault, of Baton Rouge, La.; Charles S. Cunningham, of Ossining, N. Y.; William Wesley Roberts, Jr., of Little Rock, Ark.; Herman Jerome Bloom, of Detroit, Mich.; Jules Haberman, of New York City; Robert B. Lisle, of New York City; John G. Laylin, of Washington, D. C.; and Walter C. Lundgren, of New York City, were admitted to practice.

No. 698. Daniel F. Boone, petitioner, *v.* Clarence M. Lightner, Theodore A. Lightner, et al. Argument continued by Mr. Milton I. Baldinger for the petitioner; by Mr. M. R. McCown for the respondents; and concluded by Mr. Milton I. Baldinger for the petitioner.

No. 684. County of Mahanomen, a municipal corporation, petitioner, *v.* The United States of America. Argued by Mr. L. A. Wilson and Mr. George B. Sjoselius for the petitioner and by Mr. Vernon L. Wilkinson for the respondent.

No. 707. Benjamin W. Freeman, petitioner, *v.* Bee Machine Company, Inc. Argument commenced by Mr. Marston Allen for the petitioner and continued by Mr. Cedric W. Porter for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, May 5, will be as follows: Nos. 707, 722, 723, 783, 813, 849, 709, 787, 606 (610 and 619), and 889.

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.

Campbell DeMallie, of Lowell, Mass.; Matthew Trimble Sawtelle, of Bethesda, Md.; Earl William Aurelius, of Cleveland, Ohio; Milton Eric Wertz, of Missoula, Mont.; and D. Elwood Caples, of Vancouver, Wash., were admitted to practice.

No. 707. Benjamin W. Freeman, petitioner, *v.* Bee Machine Company, Inc. Argument continued by Mr. Cedric W. Porter for the respondent and concluded by Mr. Marston Allen for the petitioner.

No. 722. Standard Dredging Corporation, appellant, *v.* Frieda S. Miller, as Industrial Commissioner of the State of New York, and Mike Cassaretakis;

No. 723. International Elevating Company, appellant, *v.* Frieda S. Miller, as Industrial Commissioner of the State of New York, and Joseph Bergen;

No. 783. Matton Steamboat Co., Inc., et al., appellants, *v.* Frieda S. Miller, as Industrial Commissioner of the State of New York, and James R. Knowlson; and

No. 813. Lake Tankers Corporation, appellant, *v.* Frieda S. Miller, as Industrial Commissioner of the State of New York, and Jamel Sheredos. Michael J. Murphy, Acting Industrial Commissioner of the State of New York, substituted as a party appellee in each of these cases in the place and stead of Frieda S. Miller, former Industrial Commissioner, on motion of Mr. Cletus Keating in that behalf. Argument commenced by Mr. Cletus Keating for the appellant in No. 722; continued by Mr. Robert B. Lisle for the appellant in No. 723; by Mr. Frank C. Mason for the appellants in No. 783; by Mr. Francis S. Bensel for the appellant in No. 813; and concluded by Mr. Orrin G. Judd for the appellees.

No. 849. Great Lakes Dredge & Dock Company et al., petitioners, *v.* Philip J. Charlet, Administrator, etc., et al. Argument commenced by Mr. R. Emmett Kerrigan for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, May 6, will be as follows: Nos. 849, 709, 787, 606 (610 and 619), 889, 870 (and 871), 912, 840, 762, and 628.

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 E. Ahrens, of New York City; Norris S. Barratt, Jr., of Philadelphia, Pa.; Douglass P. Wingo, of Birmingham, Ala.; Solomon A. Klein, of Brooklyn, N. Y.; Leon C. Levy, of Houston, Tex.; Martin Warren Bell, of Chicago, Ill.; Thomas Cradock Hughes, of Brooklyn, N. Y.; Edward H. Levine, of Brooklyn, N. Y.; Paul Henry Snow, of Boston, Mass.; Frank Miller Reynolds, Jr., of Tulsa, Okla.; Benj. J. Jacobson, of Long Island City, N. Y.; Gerald Weatherly, of New York City; Henry H. Taylor, Jr., of Miami, Fla.; George W. Cupps, Jr., of Philadelphia, Pa.; and Charles Shepherd Thompson, of Philadelphia, Pa., were admitted to practice.

No. 849. Great Lakes Dredge & Dock Company et al., petitioners, *v.* Philip J. Charlet, Administrator, etc., et al. Argument continued by Mr. R. Emmett Kerrigan for the petitioners and concluded by Mr. W. C. Perrault for the respondents.

No. 709. Virginia Electric and Power Company, petitioner, *v.* National Labor Relations Board. Argued by Mr. George D. Gibson and Mr. T. Justin Moore for the petitioner and by Mr. Robert B. Watts for the respondent.

No. 787. L. McLeod, petitioner, *v.* M. C. Threlkeld et al., etc. Argument commenced by Mr. Leon C. Levy for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, May 7, will be as follows: Nos. 787, 606, (610 and 619), 889, 870 (and 871), 912, 840, 762, 628, and 766.

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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 Hubble Baldwin, of Indianapolis, Ind.; Rudyard K. Bell, of Miami, Fla.; James B. Campbell, Jr., of Tallahassee, Fla.; Frank R. Beckwith, of Indianapolis, Ind.; W. Arthur Countryman, Jr., of Hartford, Conn.; E. F. Bernard, of Portland, Oreg.; William C. Waring, Jr., of Providence, R. I.; and Austin H. Forkner, of Madison, Wis., were admitted to practice.

No. 787. L. McLeod, petitioner, *v.* M. C. Threlkeld et al., etc. Argument continued by Mr. Leon C. Levy for the petitioner; by Mr. John P. Bullington for the respondents; and concluded by Mr. Leon C. Levy for the petitioner.

No. 606. Louis Buchalter, petitioner, *v.* People of the State of New York;

No. 610. Emanuel Weiss, petitioner, *v.* People of the State of New York; and

No. 619. Louis Capone, petitioner, *v.* People of the State of New York. Argument commenced by Mr. Arthur Garfield Hays for the petitioners, and continued by Mr. Sydney Rosenthal and Mr. I. Maurice Wormser for the petitioners and by Mr. Solomon A. Klein for the respondent.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, May 10, will be as follows: Nos. 606 (610 and 619), 889, 870 (and 871), 912, 840, 762, 628, and 766.

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 J. Merriam, of Chicago, Ill.; B W Burkhead, of Los Angeles, Calif.; Arthur G. Barnett, of Seattle, Wash.; Frank L. Walters, of Seattle, Wash.; Perry Allen Beck, of New York City; Austin Rhone Clapp, of Huntington Park, Calif.; George S. Fitzgerald, of Detroit, Mich.; and Paul B. Mayrand, of Detroit, Mich., were admitted to practice.

No. 554. National Broadcasting Company, Inc., and Stromberg-Carlson Telephone Manufacturing Company, appellants, *v.* The United States of America et al.; and

No. 555. Columbia Broadcasting System, Inc., appellant, *v.* The United States of America et al. Appeals from the District Court of the United States for the Southern District of New York. Judgments affirmed. Opinion by Mr. Justice Frankfurter. Mr. Justice Black and Mr. Justice Rutledge took no part in the consideration or decision of these cases. Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Roberts agrees with the views expressed therein.

No. 934. Clem Lockerty, Anthony Caruso, Edward A. Carroll, et al., appellants, *v.* Charles M. Phillips, United States Attorney for the District of New Jersey. Appeal from the District Court of the United States for the District of New Jersey. Judgment affirmed. 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. —. Garfield J. Kelly, petitioner, *v.* John W. Gerdink, Vigo Circuit Court, Indiana. Application denied.

No. 863. Magnolia Petroleum Company et al., petitioners, *v.* Sullivan H. Hunt. The motion of respondent for leave to proceed in forma pauperis is granted.

No. 882. Northwest Airlines, Inc., petitioner, *v.* State of Minnesota. Petition for writ of certiorari to the Supreme Court of the State of Minnesota granted.

No. 881. Consumers Import Co., Inc., et al., petitioners, *v.* Kabushiki Kaisha Kawasaki Zosenjo et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted limited to the fifth question presented by the petition. The case is transferred to the summary docket.

No. 235. David Busey and Orville J. Richie, petitioners, *v.* District of Columbia. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted and the case transferred to the summary docket. Mr. Justice Rutledge took no part in the consideration or decision of this application.

No. 786. Pitt River Power Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 862. Herman A. Hinze, Carl E. Sturm, et al., petitioners, *v.* Morvin Duel, Commissioner of Insurance, as Liquidator, etc. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 883. Leslie Fullard-Leo and Ellen Fullard-Leo, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 896. Texas Land and Mortgage Company, petitioner, *v.* Lon Alexander Mullican. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 906. Harvey S. Cover, petitioner, *v.* Nathan Schwartz, doing business as Hygeia Respirator Co. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 911. State of Tennessee, ex rel. Philip J. Sherman and John V. Avakian, petitioners, *v.* O. W. Hyman, Dean of the University of Tennessee College of Medicine, et al. Petition for writ of certiorari to the Supreme Court of Tennessee denied.

No. 914. New York Life Insurance Company, petitioner, *v.* Mae G. Chapman. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 961. C. S. Cameron, petitioner, *v.* J. P. Gordon. Petition for writ of certiorari to the Court of Appeals, Licking County, State of Ohio, denied.

No. 846. Magnus Beck Brewing Company, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 880. The Aetna Casualty and Surety Company, petitioner, *v.* First Camden National Bank and Trust Company. Petition for

writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 788. The Standard Oil Company of Kansas, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied. Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 897. Osage Tribe of Indians and Fred Lookout, Principal Chief, etc., petitioners, *v.* Harold L. Ickes, Secretary of the Interior of the United States, et al. Petition for writ 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 this application.

No. 959. J. A. Kennedy Realty Corporation et al., petitioners, *v.* The City of New York. Petition for writ of certiorari to the Court of Appeals of New York denied for the reason that application therefor was not made within the time provided by law. Section 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C., section 350; Department of Banking *v.* Pink, 317 U. S. 264.

No. 752. Polakow's Realty Experts, Inc., petitioner, *v.* The State of Alabama; and

No. 753. P. S. Strumpf, petitioner, *v.* The State of Alabama. Petition for writs of certiorari to the Supreme Court of Alabama denied for want of final judgments. Rankin *v.* State, 11 Wall. 380, Heike *v.* United States, 217 U. S. 423; Brown *v.* South Carolina, 298 U. S. 639; Eastman *v.* Ohio, 299 U. S. 505.

No. 993. A. M. Joyce, petitioner, *v.* State Bank of Madison. Petition for writ of certiorari to the Supreme Court of Minnesota 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. Mr. Justice Rutledge took no part in the consideration or decision of this application.

No. 321. The Creek Nation, petitioner, *v.* The United States; and

No. 322. The Seminole Nation, petitioner, *v.* The United States. Petition for rehearing denied. Mr. Justice Rutledge took no part in the consideration or decision of this application.

No. 772. The New York Trust Company, as the Trustee under the debenture agreements between it and the United Light and Power Company et al., petitioners, *v.* Securities and Exchange Commission and The United Light and Power Company. The motion to defer consideration of the petition for rehearing is denied. The petition for rehearing is also denied.

No. 737. Albert B. Lukens, petitioner, *v.* The State of Ohio;

No. 754. Estella Reece, a widow, petitioner, *v.* Theodore Ebersbach, Charles Ebersbach, and S. B. Brinson, etc.;

No. 809. J. H. Anderson, petitioner, *v.* The United States of America;

No. 810. Mr. and Mrs. J. H. Anderson, petitioners, *v.* The United States of America; and

No. 819. Franklinville Realty Company, petitioner, *v.* Arnold Construction Company. Petitions for rehearing denied.

ORDER

It is ordered that the call of the docket, except for special assignments, be suspended for the term upon the conclusion of the argument in case No. 628, and that the Court will then take a recess until Monday, May 17, from that day until Monday, May 24, and from that day until Tuesday, June 1, 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.

No. —, original. Ex parte Henry R. Anderson, petitioner. Motion for leave to file for writ of mandamus presented.

No. 606. Louis Buchalter, petitioner, *v.* People of the State of New York;

No. 610. Emanuel Weiss, petitioner, *v.* People of the State of New York; and

No. 619. Louis Capone, petitioner, *v.* The People of the State of New York. Argument continued by Mr. Solomon A. Klein for the respondent; by Mr. John Schulman for the petitioners; and concluded by Mr. J. Bertram Wegman for the petitioners.

No. 889. Richard Philip Adams et al. *v.* The United States of America et al. Argued by Mr. Thurgood Marshall for Adams et al. and by Mr. Robert L. Stern for the United States et al.

No. 870. Gordon Kiyoshi Hirabayashi *v.* The United States of America; and

No. 871. Minoru Yasui *v.* The United States of America. Argument commenced by Mr. Frank L. Walters for Hirabayashi and continued by Mr. Harold Evans for Hirabayashi.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, May 11, will be as follows: Nos. 870 (and 871), 912, 840, 762, 766, and 628.

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.

Jean M. Coleman, of Dayton, Ohio; John E. Coleman, of Dayton, Ohio; Wade Hampton Ballard II, of Welch, W. Va.; Herbert E. Oakes, of Ponca City, Okla.; Morris Daniel Coppersmith, of Rock Island, Ill.; Roy L. Pell, of Marshalltown, Iowa; William R. Perdue, Jr., of New York City; Brenton Lewis Metzler, of Los Angeles, Calif.; David Buer Love, of Dallas, Tex.; Allen C. Dawson, of Taylorsville, Ill.; Henry G. Burke, of Baltimore, Md.; Vernon M. Welsh, of Chicago, Ill.; and Harry R. Hurvitz, of Chicago, Ill., were admitted to practice.

No. 870. Gordon Kiyoshi Hirabayashi *v.* The United States of America; and

No. 871. Minoru Yasui *v.* The United States of America. Argument continued by Mr. Harold Evans for Hirabayashi; by Mr. E. F. Bernard for Yasui; by Mr. A. L. Wirin for Yasui; by Mr. Solicitor General Fahy for the United States; by Mr. A. L. Wirin for Yasui; and concluded by Mr. Harold Evans for Hirabayashi.

No. 912. Fred Toyosaburo Korematsu *v.* The United States of America. Argued by Mr. A. L. Wirin for Korematsu and by Mr. John L. Burling for the United States.

No. 840. The United States of America appellant, *v.* Dick Johnson. Argument commenced by Mr. Paul A. Freund for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, May 12, will be as follows: Nos. 840, 762, 766, and 628.

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 B. Cozatt, of Miami, Fla.; Simon J. Liebowitz, of New York City; I. Newton Brozan, of New York City; Aaron Holman, of New York City; and Theodore L. Harrison, of New York City, were admitted to practice.

No. 840. The United States of America, appellant, *v.* Dick Johnson. Argument continued by Mr. Paul A. Freund for the appellant; by Mr. Vernon M. Welsh for the appellee; by Mr. Paul A. Freund for the appellant; and concluded by Mr. Vernon M. Welsh for the appellee.

No. 762. Homer Lester Bartchy, alias Homer Brooks, petitioner, *v.* The United States of America. Argued by Mr. Bernard A. Golding for the petitioner and by Mr. Valentine Brookes for the respondent

No. 766. Virginian Hotel Corporation of Lynchburg, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Argument commenced by Mr. William A. Sutherland for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, May 13, will be as follows: Nos. 766 and 628.

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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 E. Kopp, of Los Angeles, Calif.; Robert G. Howlett, of New York City; and Robert Mandel, of Cleveland, Ohio, were admitted to practice.

No. 766. *Virginian Hotel Corporation of Lynchburg, petitioner, v. Guy T. Helvering, Commissioner of Internal Revenue.* Argument continued by Mr. William A. Sutherland for the petitioner; by Mr. Samuel H. Levy for the respondent; and concluded by Mr. William A. Sutherland for the petitioner.

No. 628. *The Interstate Commerce Commission, J. M. Kurn, et al., etc., appellants, v. Columbus and Greenville Railway Company.* Re-argued by Mr. Daniel W. Knowlton for the appellant, Interstate Commerce Commission; by Mr. Elmer A. Smith for the appellants, J. M. Kurn et al.; and by Mr. Robert C. Stovall and Mr. Forrest B. Jackson for the appellee.

Adjourned until Monday, May 17, next, 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.

Bennett Boskey, of New York City; Henry Lester Seidner, of Chicago, Ill.; Frank William Swann, Jr., of St. Louis, Mo.; George D. Dorroh, of Lexington, Ky.; A. Noel DuComb, of South Bend, Ind.; Paul E. Jamieson, of Hyattsville, Md.; Ralph A. Gilchrist, of Washington, D. C.; Frederick M. Schlater, of New York City; Frank Buckley, of Washington, D. C.; Joseph B. Danzansky, of Washington, D. C.; Harry Dennis Turner, of Oklahoma City, Okla.; Thomas L. Wrenn, of Sherman, Tex.; Sam B. Sebree, of Kansas City, Mo.; and George B. Finnegan, Jr., of New York City were admitted to practice.

No. 3. 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. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment reversed with costs and cause remanded to the Circuit Court of Appeals for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Jackson in which the Chief Justice, Mr. Justice Roberts, and Mr. Justice Frankfurter join.

No. 585. Federal Communications Commission, petitioner, *v.* National Broadcasting Company, Inc. (KOA), 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 said Court of Appeals. Opinion by Mr. Justice Roberts. Mr. Justice Black, Mr. Justice Murphy, and Mr. Justice Rutledge took no part in the consideration or decision of this case. Dissenting opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Douglas.

The Chief Justice announced the following order of the Court:

No. 839. Wm. Levin, Homer V. Talbot, C. C. Beene, et al., appellants, *v.* The United States of America 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.

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. —, original. *Ex parte* Henry R. Anderson, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No. —, original. *Ex parte* P. A. Whistler, petitioner;

No. —, original. *Ex parte* Arthur S. Humes, petitioner; and

No. —, original. *Ex parte* Walter F. Cole and Fann Cole, petitioners. The motions for leave to file petitions for writs of habeas corpus are denied.

No. —, original. *Ex parte* Martin V. Ross, petitioner. The motion for leave to file petition for writ of habeas corpus is denied, without prejudice, on the ground that it does not appear that petitioner has exhausted state remedies by applying to the Supreme Court of Michigan for a writ of habeas corpus.

No. —, original. *Ex parte* Dewey Gooch, petitioner. The motion for leave to file petition for writ of habeas corpus is denied, without prejudice, on the ground that it does not appear that state court remedies have been exhausted.

No. —. Berlin Spence, petitioner, *v.* State of Indiana. Application denied.

No. 957. William J. Demorest, Jr., et al., appellants, *v.* City Bank Farmers Trust Company, as Trustee, etc., et al. In this case probable jurisdiction is noted.

No. 890. Federal Power Commission, City of Akron, et al., petitioners, *v.* Hope Natural Gas Company; and

No. 891. City of Cleveland, petitioner, *v.* Hope Natural Gas Company. Petitions for writs of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted.

No. 710. J. B. Wheat et al., petitioners, *v.* Texas Land and Mortgage Company, Limited, et al. Petition for writ of certiorari to the Supreme Court of Texas denied.

No. 884. Jane M. Stimson and Blanche M. Newman, petitioners, *v.* R. C. Tarrant and Barnes, Butler Oil Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 887. Botany Worsted Mills, petitioner, *v.* National Labor Relations Board; and

No. 888. Botany Worsted Mills, petitioner, *v.* National Labor Relations Board. Petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 902. People of Puerto Rico, petitioner, *v.* The United States of America and Casino De Puerto Rico. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 916. Edison Brothers Stores, Inc., petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 917. Bertha R. Linder, in behalf of Herself and other owners of Manhattan 4% Second Mortgage Bonds, petitioner, *v.* Van S. Merle-Smith and others, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 921. Pacific Steamship Lines, Inc., petitioner, *v.* Roy W. Crosby. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 938. Lyman Fleniken and Mrs. Lyman Fleniken, petitioners, *v.* Great American Indemnity Company, Capital City Press, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 986. John T. Regan, petitioner, *v.* Cameron King, as Registrar, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 781. South Mercur Mining Company, petitioner, *v.* New Mercur Mining Company et al. Petition for writ of certiorari to the Supreme Court of Utah denied.

No. 898. Fred Lochmann, petitioner, *v.* Ed Sykes for and in behalf of Himself, etc. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 903. Cafeteria Employees Union, Local 302, and William Mesevich, petitioners, *v.* Gus Angelos, John Harris, et al; and

No. 904. Cafeteria Employees Union, Local 302, and William Mesevich, petitioners, *v.* Elias Tsakires, Kallis Constantinon, et al. Petition for writ of certiorari to the Court of Appeals of New York in each case denied on the ground that it does not appear from the record that the federal question presented by the petition was properly presented to or expressly passed on by the New York Court of Appeals.

No. 929. Joseph Di Marzo, petitioner, *v.* The United States of America. The motion to proceed on typewritten papers is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 924. Wabash Valley Coach Co., petitioner, *v.* Gertrudge B. Sale, as President of Wabash Valley Coach Co., et al.; and

No. 925. Charles A. Turner, petitioner, *v.* Wabash Valley Coach Co. et al. The motion for a stay in No. 924 is denied. The petition for writ of certiorari to the Supreme Court of Indiana in each case is denied.

No. 980. Joseph W. Cress, petitioner, *v.* State of Washington. On petition for writ of certiorari to the Supreme Court of Washington; and

No. 982. Walter F. Cole and Fann Cole, petitioners, *v.* Nathan Mayo as Custodian of the Florida State Prison. On petition for writ of certiorari to the Supreme Court of Florida. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 869. Edmond C. Fletcher, petitioner, *v.* The Evening Star Newspaper Company. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia; and

No. 901. Edmond C. Fletcher, petitioner, *v.* Harold M. Stephens, Justin Miller, et al. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied. The Chief Justice is of the opinion that the petitions should be granted. Mr. Justice Rutledge took no part in the consideration or decision of these applications.

No. 873. The United States of America, ex rel. Peter J. Innes, Jr., petitioner, *v.* Colonel T. L. Crystal, Commanding Officer of the United States Army, Governor's Island, N. Y., 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 on the ground that the cause is moot, it appearing that petitioner no longer is in respondent's custody, Zimmerman *v.* Walker, No. 823, decided May 3, 1943, and cases cited.

No. 1011. Curtis Robinson, petitioner, *v.* State of Alabama; and

No. 1012. Henry Daniels, Jr., petitioner, *v.* State of Alabama. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari to the Supreme Court of Alabama are denied. The stay orders heretofore entered are vacated.

No. 34. Chicago and North Western Railway Company, petitioner, *v.* Mutual Savings Bank Group Committee et al.;

No. 35. Chicago and North Western Railway Company, petitioner, *v.* Mutual Savings Bank Group Committee et al.;

No. 36. Chicago and North Western Railway Company, petitioner, *v.* Mutual Savings Bank Group Committee et al.;

No. 37. Louis Susman et al., Convertible Bond Owners, petitioners, *v.* Mutual Savings Bank Group Committee, etc., et al.;

No. 38. Louis Susman et al., Convertible Bond Owners, petitioner, *v.* Mutual Savings Bank Group Committee, etc., et al.;

No. 62. Irving Trust Company, as Successor Trustee, etc., petitioner, *v.* Mutual Savings Bank Group Committee et al.;

No. 63. Irving Trust Company, as Successor Trustee, etc., petitioner, *v.* Mutual Savings Bank Group Committee et al.; and

No. 64. Irving Trust Company, as Successor Trustee, etc., petitioner, *v.* Mutual Savings Bank Group Committee et al. The petitions for rehearing are denied. Mr. Justice Rutledge took no part in the consideration or decision of these applications.

No. 556. Board of County Commissioners of the County of Creek, State of Oklahoma, a municipal corporation, et al., petitioners, *v.* Evelyn Seber et al. Petition for rehearing denied. Mr. Justice Reed took no part in the consideration or decision of this application.

No. 818. Anna S. A. Graf and August Graf, Individually, etc., et al., petitioners, *v.* City of Newark. Petition for rehearing denied.

No. 5, original. The State of Colorado, complainant, *v.* The State of Kansas et al. Report of the Special Master presented.

No. 794. Samuel Green, d. b. a. Green Vacuum Cleaner Company (not Inc.), petitioner, *v.* Electric Vacuum Cleaner Company, Inc. On writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit. Dismissed on motion of counsel for the petitioner.

Adjourned until Monday, May 24, next, 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.

Albert E. Sawyer, of Washington, D. C.; R. McDonald Gray, of Charlotte, N. C.; Benjamin Harrison Powell IV, of Austin, Tex.; Lazare F. Bernhard, of Los Angeles, Calif.; Clark P. Diggins, of Fort Wayne, Ind.; Hermann Moyse, of Baton Rouge, La.; Andrew R. Bratter, of St. Paul, Minn.; Oliver C. Hancock, of Atlanta, Ga.; Mabel K. Busse, of Chicago, Ill.; Michael F. Keogh, of Washington, D. C.; J. Robert Carey, of Washington, D. C.; Frank S. Lewis, of Toledo, Ohio; James L. Atkins, of Lebanon, Pa.; Joseph L. Hoffmann, of Monongahela, Pa.; James F. Lynch, of St. Paul, Minn.; Victor E. Spittler, of Omaha, Nebr.; R. Lee Jarrell, of Washington, D. C.; Chesley A. Lycan, of Louisa, Ky.; Anne Snider, of Boston, Mass.; Gaines H. Gough, of Washington, D. C.; Edward W. Moses, of Los Angeles, Calif.; John D. Conner, of Washington, D. C.; James F. Foley, of Washington, D. C.; John Alvin Croghan, of Washington, D. C.; Richard Z. Lamberson, of Fresno, Calif.; Lester N. Salwin, of Chicago, Ill.; Harvey J. Shoemaker, of Louisville, Ohio; and Murray M. Cowen, of New York City, were admitted to practice.

The Chief Justice said:

"The Court learns with great sorrow of the death of Mrs. William Howard Taft, widow of the late Chief Justice of this Court.

"The Court is advised that the funeral ceremonies will be held in Washington tomorrow at two o'clock in the afternoon. Members of the Court will be present to show appropriate respect to her memory."

No. 553. Joseph Galloway, by Freda Galloway, his guardian, 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 Northern District of California. Opinion by Mr. Justice Rutledge. Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas and Mr. Justice Murphy concur.

No. 640. Florence J. Bailey, as Administratrix of E. Bailey, petitioner, *v.* Central Vermont Railway, Inc. On writ of certiorari to the Supreme Court of the State of Vermont. 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. Separate opinion by Mr. Justice Roberts in which Mr. Justice Frankfurter joins. Separate opinion by Mr. Chief Justice Stone.

No. 696. A. W. Altvater and The Western Supplies Company, petitioners, *v.* Benjamin W. Freeman and The Louis G. Freeman Company. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth 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. Justice Douglas. Separate opinion by Mr. Justice Frankfurter in which Mr. Justice Roberts joins.

No. 722. Standard Dredging Corporation, appellant, *v.* Michael J. Murphy, as Acting Industrial Commissioner of the State of New York, and Mike Cassaretakis; and

No. 723. International Elevating Company, appellant, *v.* Michael J. Murphy, as Acting Industrial Commissioner of the State of New York, and Joseph Bergen. Appeals from the Supreme Court of the State of New York, Appellate Division, Third Department. Judgments affirmed with costs. Opinion by Mr. Justice Black.

No. 889. Richard Philip Adams, John Walter Bordenave, and Lawrence Mitchell *v.* The United States of America and John S. Ryan, Warden. On certificate from the United States Circuit Court of Appeals for the Fifth Circuit. Certified question No. 1 answered "Yes." Question No. 2 answered "No." Opinion by Mr. Justice Black.

No. 495. G. E. Burford et al., petitioners, *v.* Sun Oil Company et al.; and

No. 496. Sun Oil Company et al., petitioners, *v.* G. E. Burford et al. On writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment of the Circuit Court of Appeals reversed with costs and judgment of the District Court dismissing the complaint affirmed and cases remanded to the District Court of the United States for the Western District of Texas. Opinion by Mr. Justice Black. Concurring opinion by Mr. Justice Douglas in which Mr. Justice Murphy joins. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Roberts and Mr. Justice Reed join. The Chief Justice expresses no views as to the desirability, as a matter of legislative policy, of retaining the diversity jurisdiction. In all other respects he concurs in the opinion of Mr. Justice Frankfurter.

No. 528. O. L. Hastings et al., petitioners, *v.* Selby Oil & Gas Company et al. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment of the Circuit Court of Appeals reversed with costs and cause remanded to the District

Court of the United States for the Western District of Texas with instructions to dismiss the complaint. Opinion by Mr. Justice Black. The Chief Justice, Mr. Justice Roberts, Mr. Justice Reed, and Mr. Justice Frankfurter dissent for the reasons stated in the dissent in *Burford v. Sun Oil Co.*, Nos. 495 and 496.

No. 849. Great Lakes Dredge & Dock Company et al., petitioners, v. C. C. Huffman, Administrator, Division of Employment Security, Louisiana Department of Labor, etc. 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 Eastern District of Louisiana. Opinion by Mr. Chief Justice Stone.

No. 840. The United States of America and Edward Roach, appellants, v. Dick Johnson. Appeal from the District Court of the United States for the Northern District of Indiana. Judgment vacated and cause remanded with instructions to dismiss the cause on the ground that the suit is collusive, costs in this court to be taxed against the appellee. Opinion, *per curiam*, announced by the Chief Justice.

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. —. In the matter of the disbarment of George B. Johnson. It having been reported to the Court that George B. Johnson, of West Chester, Commonwealth of Pennsylvania, has been disbarred from the practice of the law by the Supreme Court of the Commonwealth of Pennsylvania;

It is ordered that the said George B. Johnson be, and he is hereby, suspended from the practice of the law in this Court, and that a rule issue, returnable within forty (40) days, requiring him to show cause why he should not be disbarred from the practice of the law in this Court.

No. —, Original. Ex parte Richard Rice, 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 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 July 1, next; that briefs upon such exceptions be filed on or before September 13; and that reply briefs, if any, be filed on or before October 4. The cause is assigned for hearing on Monday, October 11, next, at the head of the call for that day.

No. 954. Kenneth Bender et al., appellants, v. Claude R. Wickard, Individually, etc. In this case probable jurisdiction is noted. The

case is transferred to the summary docket and assigned for argument on Tuesday, June 1, next.

No. 913. Midstate Horticultural Co., Inc., petitioner, *v.* The Pennsylvania Railroad Company. Petition for writ of certiorari to the Supreme Court of California granted.

No. 923. W. J. Meredith et al., petitioners, *v.* The City of Winter Haven. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted.

No. 796. General Committee of Adjustment of the Brotherhood of Locomotive Engineers for Missouri-Kansas-Texas Railroad, an unincorporated Association, petitioner, *v.* Missouri-Kansas-Texas Railroad Company et al. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 845. 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 et al.; and

No. 918. 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. On petitions for writs of certiorari to the Circuit Court of Appeals for the Ninth Circuit; and

No. 937. Switchmen's Union of North America, in its own right, etc., et al., petitioners, *v.* National Mediation Board et al. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia. The petitions for writs of certiorari in these cases are granted. Counsel are requested to discuss in their briefs and on oral argument the following questions, so far as applicable in each case:

(1) Whether resort to the declaratory judgment procedure is appropriate in the circumstances;

(2) Whether any questions of the construction of the contracts involved are governed by state or by federal law;

(3) What bearing, if any, the Norris-La Guardia Act has on the propriety of granting the relief sought;

(4) In No. 937, whether the district court had jurisdiction to review the certification of the Board.

The Solicitor General is requested to file a brief *amicus curiae*, and, if he so desires, to participate in the oral argument.

No. 893. George E. Eddy and Samuel Silbiger, petitioners, *v.* Charles H. Kelby and Clifford S. Kelsey, Trustees, etc., et al.; and

No. 894. George E. Eddy and Samuel Silbiger, petitioners, *v.* Charles H. Kelby and Clifford S. Kelsey, Trustees, etc., et al. Peti-

tion for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 909. Catherine Nesa Conterno, petitioner, *v.* Nat Rogan, Collector of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 920. R. E. Wirrick, petitioner, *v.* City of Bloomington, a municipal corporation. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 922. Texas Pacific-Missouri Pacific Terminal Railroad of New Orleans, petitioner, *v.* Kora T. Evens, Widow of James E. Evens. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 928. Glens Falls Indemnity Company and Jahncke Service, Inc., petitioners, *v.* Joseph H. Henderson, Deputy Commissioner, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 939. Irene M. Watson, Grace Banks, et al., petitioners, *v.* Paul Caspers. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 941. John Hancock Mutual Life Insurance Company, petitioner, *v.* Thomas J. Casey, Trustee. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 944. Merlin F. Raines, petitioner, *v.* Unemployment Compensation Commission of New Jersey. Petition for writ of certiorari to the Court of Errors and Appeals, State of New Jersey, denied.

No. 952. Great Lakes Coca-Cola Bottling Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 978. Howard National Bank and Trust Company, petitioner, *v.* Emily Tenney Morgan et al. Petition for writ of certiorari to the Supreme Court of Vermont denied.

No. 984. Harold Hadesman, alias Harold Goldstein, petitioner, *v.* The People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 1016. Milk Wagon Drivers' Union, Local 753, of the International Brotherhood of Teamsters, Chauffeurs, Stablemen, and Helpers of America et al., petitioners, *v.* Bernard Fichter. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 907. Colgate-Palmolive-Peet Company, petitioner, *v.* The United States of America; and

No. 908. Colgate-Palmolive-Peet Company, petitioner, *v.* The United States of America. Petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit denied. Mr. Justice Roberts took no part in the consideration or decision of this application.

No. 965. Samuel B. Johnston, petitioner, *v.* Board of Dental Examiners, District of Columbia, et al. Petition for writ 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 this application.

No. 843. Antoine Kills Plenty and Leonard Jack, petitioners, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit;

No. 976. Garfield C. Thompson, Trustee, petitioner, *v.* Belford V. Lawson, Jr., et al. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia; and

No. 962. Joseph Mescall, petitioner, *v.* W. T. Grant Company. 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. 2, October Term, 1941. Martin J. Bernards and Lena Bernards, petitioners, *v.* M. R. Johnson, Catherine Collins, et al. The motion to recall the mandate is denied. Mr. Justice Rutledge took no part in the consideration or decision of this application.

No. 520. L. T. Barringer and Company, appellant, *v.* The United States of America et al. It is ordered that the opinion of this Court be amended by adding at the end the following paragraph:

"We have considered appellant's attack on the sufficiency of the evidence to support the Commission's findings, and conclude, as did the court below, that they are adequately supported by substantial evidence of record. Compare *Florida v. United States*, 292 U. S. 1, 12; *Merchants' Warehouse Company v. United States*, supra, 508."

The petition for rehearing is denied.

No. —. Garfield J. Kelly, petitioner, *v.* County of Vigo, State of Indiana;

No. 450. Robert L. Douglas, Albert R. Gundecker, et al., petitioners, *v.* City of Jeannette (Pennsylvania), a municipal corporation, et al.;

No. 758. Bank of America National Trust and Savings Association, petitioner, *v.* National Labor Relations Board;

No. 759. Bank of America National Trust and Savings Association, petitioner, *v.* National Labor Relations Board; and

No. 982. Walter F. Cole and Fann Cole, petitioners, *v.* Nathan Mayo, as Custodian of the Florida State Prison. Petitions for rehearing denied.

No. 354. The Akron, Canton & Youngstown Railway Company, Debtor, petitioner, *v.* George E. Hagenbuch; and

No. 355. Wm. H. Chamberlain, Holder of Record of all the Common Stock of The Akron, Canton & Youngstown Railway Company, etc., et al., petitioners, *v.* George E. Hagenbuch and H. B. Stewart, Jr., Trustees, etc., et al. Petition for rehearing denied. Mr. Justice Rutledge took no part in the consideration or decision of this application.

No. 873. The United States of America, ex rel. Peter J. Innes, Jr., petitioner, *v.* Colonel T. L. Crystal, Commanding Officer of the United States Army, Governors Island, N. Y., etc. The motion to substitute is denied. The petition for rehearing is also denied.

No. 629. The United States of America, appellant, *v.* Philip Lepowitch and Marvin Spector;

No. 765. Richard K. Hopkins, Judge, etc., petitioner, *v.* The United States of America; and

No. 844. Clarence Pearson, appellant, *v.* The People of the State of California et al. Petitions for rehearing denied. Mr. Justice Murphy took no part in the consideration or decision of these applications.

No. 792. Max Stephan, petitioner, *v.* The United States of America. The petition for rehearing is denied. Mr. Justice Murphy is of the opinion that the petition for rehearing and the petition for writ of certiorari should be granted.

Adjourned until Tuesday, June 1, 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.

Samuel J. Robbins, of Brooklyn, N. Y.; Sidney O. Raphael, of New York City; Harlan J. Bushfield, of Miller, S. Dak.; Robert Leonard Daerr, of East Chicago, Ind.; John J. McIntyre, of Douglas, Wyo.; J. H. Tyler McConnell, of Radford, Va.; John Van Sickle, of Buffalo, N. Y.; Walter E. McNamara, of Washington, D. C.; Gladys Neal Brandon, of Little Rock, Ark.; Clyde S. Shumaker, of Butler, Pa.; Melford M. Lothrop, of Sioux City, Iowa; Martin E. Lawson, of Liberty, Mo.; Carl L. Christensen, Jr., of Eureka, Calif.; Llewellyn Sydnor Jordan, of Seattle, Wash.; Frank H. Lawton, of Trenton, N. J.; James D. Adams, of San Francisco, Calif.; Charles L. Fleming, of New York City; Agnes L. Cherry, of Chicago, Ill.; Chris Wilson, of Butler, Ky.; Lelia Brown Reed, of Washington, D. C.; Drury W. Cooper, Jr., of New York City; Welch Jordan, of Greensboro, N. C.; D. E. Hudgins, of Greensboro, N. C.; R. E. Joyce, Jr., of Washington, D. C.; Wm. F. Fitzgerald, of Norwalk, Conn.; Martin F. O'Donoghue, of Washington, D. C.; Joseph G. Blandi, of Pittsburgh, Pa.; Elliott DeJarnette Marshall, of Front Royal, Va.; John S. Battle, of Charlottesville, Va.; Aubrey G. Weaver, of Front Royal, Va.; Thomas B. Dyett, of New York City; Harold A. Stevens, of New York City; Alberto Enriquez y Joaquin, of Obando, P. I.; Earl Clifford Walck, of Washington, D. C.; Richard A. Fitzgerald, of Washington, D. C.; Thomas G. Chamberlain, of New York City; Edward J. Willi, of New York City; Louis Steel Goodman, of Atlanta, Ga.; Fredrick Sharon Farr, of San Francisco, Calif.; Earl Wilbur Shaw, of Washington, D. C.; Hall Hammond, of Baltimore, Md.; Daniel Heyward Hamilton, Jr., of Baltimore, Md.; and George H. Salley, of Miami, Fla.; were admitted to practice.

No. 707. Benjamin W. Freeman, petitioner. *v.* Bee Machine Company, Inc. 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 District Court of the United States for the District of Massachusetts. Opinion by Mr. Justice Douglas. Dis-

senting opinion by Mr. Justice Frankfurter in which Mr. Justice Roberts, Mr. Justice Reed, and Mr. Justice Jackson join.

No. 660. Moline Properties, Inc., 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 Reed.

No. 726. Nathan Mayo and Roy Hutchinson, appellants, *v.* The United States of America. Appeal from the District Court of the United States for the Northern District of Florida. Judgment affirmed. Opinion by Mr. Justice Reed. Mr. Justice Black concurs in the result.

No. 912. Fred Toyosaburo Korematsu *v.* The United States of America. On certificate from the United States Circuit Court of Appeals for the Ninth Circuit. Question certified answered "Yes." Opinion by Mr. Justice Black.

No. 606. Louis Buchalter, petitioner, *v.* People of the State of New York. On writ of certiorari to the County Court of Kings County, State of New York;

No. 610. Emanuel Weiss, petitioner, *v.* People of the State of New York. On writ of certiorari to the Court of Appeals of the State of New York; and

No. 619. Louis Capone, petitioner, *v.* People of the State of New York. On writ of certiorari to the County Court of Kings County, State of New York. Judgments affirmed with costs. Opinion by Mr. Justice Roberts. Mr. Justice Black, substantially agreeing with the views expressed in the opinion of the Court, is of opinion that the petitions should be dismissed. Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of these cases.

No. 783. Matton Steamboat Co., Inc., and Conners Marine Co., Inc., appellants, *v.* Michael J. Murphy, as Acting Industrial Commissioner of the State of New York, and James R. Knowlson; and

No. 813. Lake Tankers Corporation, appellant, *v.* Michael J. Murphy, as Acting Industrial Commissioner of the State of New York, and Jamel Sheredos. Appeals from the Supreme Court of the State of New York, Appellate Division, Third Department. Appeals dismissed for want of jurisdiction. Opinion, *per curiam*, announced by Mr. Chief Justice Stone.

No. 935. H. W. Kelley et al., petitioners, *v.* Everglades Drainage District. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit. Petition for writ of certiorari granted. Judgment vacated without costs to either party in this Court and cause remanded to the District Court for appropriate action in con-

formity with the opinion of this Court. Opinion, *per curiam*, announced by Mr. Chief Justice Stone. Dissenting opinion by Mr. Justice Black.

No. —. Max Stephan, appellant, *v.* The United States of America. On application for allowance of appeal from the United States District Court for the Eastern District of Michigan. Application for leave to appeal denied and stay heretofore granted vacated. 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* Lawrence McClain, petitioner. Application denied.

No. —. *Ex parte* Gene McCann, petitioner. The application dated March 16, 1943 is denied.

No. —, original. *Ex parte* Leslie Williams and Joe Bennett, petitioners. The motion for leave to file a petition for writ of habeas corpus is denied, without prejudice to an application to the state courts in conformity to the opinion of the Supreme Court of Nebraska in *Williams v. Olson*, decided March 26, 1943.

No. 881. Consumers Import Co., Inc., et al., petitioners, *v.* Kabushiki Kaisha Kawasaki Zosenjo and Kawasaki Kisen Kabushiki Kaisha. The motion to enlarge the scope of the argument is denied.

No. 1015. Leroy Smith, petitioner, *v.* Louisiana & Arkansas Railway Company. Time within which to file respondent's brief extended to and including June 16 next on motion of counsel for the respondent.

No. 1021. The United States of America, appellant, *v.* Bausch & Lomb Optical Company et al.; and

No. 1028. Soft-Lite Lens Company, Inc., et al., appellants, *v.* The United States of America. In these cases probable jurisdiction is noted.

No. 973. The Mercoid Corporation, petitioner, *v.* Mid-Continent Investment Company et al.; and

No. 974. The Mercoid Corporation, petitioner, *v.* Mid-Continent Investment Company et al. Petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted.

No. 975. The Atlantic Refining Company, Owner, etc., petitioner, *v.* A. P. Moller, Claimant, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted.

No. 972. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Gooch Milling & Elevator Company. 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. 895. Sherman L. Rumberger, petitioner, *v.* John H. Welsh et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 905. J. W. Sanders Cotton Mills, Inc., petitioner, *v.* Lula Moody. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. 936. Clifton B. Layton, petitioner, *v.* William J. Thayne. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 947. Gerd H. Henjes, petitioner, *v.* Aetna Insurance Company et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 948. United States Gypsum Company, petitioner, *v.* Antonio Stornelli. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 951. Scorup-Somerville Cattle Company, petitioner, *v.* J. Lee Merrion and Russell Wilkins, Copartners etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 953. People of the State of Illinois, ex rel. Blanche Davidson et al., *v.* Preston Bradley, et al. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 955. Frank Valenti, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 960. J. C. Patterson et al., petitioners, *v.* The Texas Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 964. Standard Dredging Corporation, petitioner, *v.* L. Metcalf Walling, Administrator, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 985. Kresge Department Stores, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 1013. Kelley, Glover & Vale, Inc., et al., petitioners, *v.* Elmer W. Heitman, Receiver, etc., et al. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 940. J. S. Potts, Trading as Southern Progress Publishing Company, petitioner, *v.* Martin Dies. Petition for writ 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 this application.

No. 979. Daniel F. Boone, petitioner, *v.* Martha Lightner Boone. Petition for writ 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 this application.

No. 966. General Motors Corporation, petitioner, *v.* Louis Larson and Edward Johnstone. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. The Chief Justice and Mr. Justice Murphy took no part in the consideration of decision of this application.

No. 969. American Gas and Electric Company, petitioner, *v.* Securities and Exchange Commission. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied. Mr. Justice Douglas, Mr. Justice Jackson, and Mr. Justice Rutledge took no part in the consideration or decision of this application.

No. 1014. Roosevelt Steamship Company, Inc., petitioner, *v.* Margaret M. Brady, as Administratrix, etc. The motion to use the certified record in No. 269 is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit is denied.

No. 927. Clyde Lindsay, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit;

No. 990. Johnnie Johnson, petitioner, *v.* The Warden, United States Penitentiary, McNeil Island, Washington. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit; and

No. 1001. Hugh A. Bowen, petitioner, *v.* The United States of America. 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. 459. Vivian Wycliff Buie, petitioner *v.* The United States of America. The second petition for rehearing is denied. Mr. Justice Rutledge took no part in the consideration or decision of this application.

No. 566. Gretta Lafuente, petitioner, *v.* County of Los Angeles. The fifth petition for rehearing is denied. Mr. Justice Rutledge took no part in the consideration or decision of this application.

No. 824. Metropolitan-Columbia Stockholders, Inc., et al., petitioners, *v.* The City of New York;

No. 847. The United States of America, ex rel. Wilbur Jackson, alias Will Jackson, petitioners, *v.* Patrick J. Brady, Warden;

No. 868. Dora Brady et al., petitioners, *v.* Annie Beams et al.; and

No. 877. Wert T. Reed and F. F. Dollert, petitioners, *v.* Houston Oil Company of Texas et al. Petitions for rehearing denied.

No. —, original. *Ex parte* The United States of America, petitioner. Motion for leave to file petition for writ of prohibition and/or mandamus presented.

No. 954. Kenneth Bender, H. H. Beckman, et al., appellants, *v.* Claude R. Wickard, Individually, etc. Argued by Mr. William Lemke for the appellants and by Mr. Solicitor General Fahy for the appellees.

No. 235. David Busey and Orville J. Richie, petitioners, *v.* District of Columbia. Argued by Mr. Hyaden C. Covington for the petitioners and by Mr. Vernon E. West for the respondent.

Adjourned until Monday, June 7 next, 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.

Roy William Black, of Madison, Wis.; Milton Gordon, of Chicago, Ill.; Lawrence Black, of Boston, Mass.; Webster Roy Bailey, of Visalia, Calif.; Harold R. Zeamans, of New York City; Edward J. Reilly, of Spokane, Wash.; Henry B. Weaver, Jr., of Alexandria, Va.; Frederick G. Beattie, of Detroit, Mich.; Irving Mandelbaum, of Newark, N. J.; Merrill L. Tribe, of Ogden, Utah; Matthew L. Devine, of Chicago, Ill.; Charles L. Waugh, of Saint Louis, Mo.; Roger Alton Pfaff, of Los Angeles, Calif.; Miller Bowman Pennell, of Cleveland, Ohio; Einar G. Carlson, of Cleveland, Ohio; William Henry Huff, of East Chicago, Ind.; Wm. J. Tillinghast, Jr., of New York City; Robert Pusey Hastings, of Los Angeles, Calif.; Harold G. Hernly, of Alexandria, Va.; Esther Oswianza Kegan, of Chicago, Ill.; Albert I. Kegan, of Chicago, Ill.; William Harris, of Newark, N. J.; Thomas A. Larremore, of Colebrook, Conn.; Marvin B. Fitz, of Boston, Mass.; William C. Warren, of Cleveland, Ohio; Harry E. Green, of Cleveland, Ohio; Jacob A. Milchin, of New York City; Edgar Musgrave, of Des Moines, Iowa; W. G. Stathers, of Clarksburg, W. Va.; Herbert M. Blair, of Weston, W. Va.; Birk S. Stathers, of Clarksburg, W. Va.; Norman J. Griffin, of Philadelphia, Pa.; and Val Irion, of Shreveport, La., were admitted to practice.

No. 628. The Interstate Commerce Commission, *J. M. Kurn, et al., et c., appellants, v. Columbus and Greenville Railway Company.* Appeal from the District Court of the United States for the Northern District of Mississippi. 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 Jackson. Concurring opinion by Mr. Justice Douglas in which Mr. Justice Black, Mr. Justice Murphy, and Mr. Justice Rutledge join.

No. 698. Daniel F. Boone, petitioner, *v. Clarence M. Lightner, Theodore A. Lightner, et al.* On writ of certiorari to the Supreme Court of the State of North Carolina. Judgment affirmed with costs. Opinion by Mr. Justice Jackson. Dissenting opinion by Mr. Justice Black.

No. 709. Virginia Electric and Power Company, petitioner, *v.* National Labor Relations Board. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Murphy. Concurring opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Roberts in which the Chief Justice and Mr. Justice Jackson join.

No. 766. Virginian Hotel Corporation of Lynchburg, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Roberts, Mr. Justice Murphy and Mr. Justice Jackson join. Dissenting opinion by Mr. Justice Jackson.

No. 4. The United States of America, petitioner, *v.* William R. Johnson; and

No. 5. The United States of America, petitioner, *v.* Jack Sommers, James A. Hartigan, et al. On writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgments reversed and cases remanded to the said Circuit Court of Appeals for proper disposition in accordance with the opinion of this Court. Writ of certiorari as to John M. Flanagan dismissed. Opinion by Mr. Justice Frankfurter. Mr. Justice Roberts concurs in part and dissents in part. Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge took no part in the consideration or decision of these cases.

No. 919. The United States of America, appellant, *v.* Rigel O. Belt, Clinton Robb, Trustee, et al. Appeal from the District Court of the United States for the District of Columbia. Judgment vacated and cause remanded to the said District Court so that it may enter a new judgment from which the United States may, if it wishes, perfect a timely appeal to the United States Court of Appeals for the District of Columbia. Opinion by Mr. Justice Frankfurter. Dissenting: Mr. Justice Douglas and Mr. Justice Murphy.

No. 762. Homer Lester Bartchy, alias Homer Brooks, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment reversed 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. Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Roberts joins.

No. 787. L. McLeod, petitioner, *v.* M. C. Threlkeld et al., doing business as Threlkeld Commissary Company, a partnership. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed without costs and cause remanded to the District Court of the United States for the Southern District of Texas. Opinion by Mr. Justice Reed. Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Rutledge join.

No. 684. County of Mahanomen, a municipal corporation, petitioner, *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 Minnesota for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Mr. Justice Frankfurter and Mr. Justice Rutledge concur in the result. Dissenting opinion by Mr. Justice Murphy.

No. 569. Frank Tot, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit; and

No. 636. The United States of America, petitioner, *v.* Frank Delia. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment in No. 569 reversed 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; judgment in No. 636 affirmed and cause remanded to the District Court of the United States for the Eastern District of Michigan. Opinion by Mr. Justice Roberts. Mr. Justice Murphy took no part in the consideration or decision of these cases. Concurring opinion by Mr. Justice Black in which Mr. Justice Douglas 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. 15, original. *Ex parte* The United States of America, petitioner. On motion for leave to file petition for writ of prohibition and/or mandamus and for a writ of certiorari. *Per curiam*: The motion for leave to file the petition is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit is granted. The order of that court of May 3, 1943, denying for want of jurisdiction—which we construe to mean want of power to consider on the merits—the Government’s motion for leave to file a petition for a writ of prohibition and/or a writ of mandamus, is vacated on the authority of *Ex parte* United States, 287 U. S. 241, 248–9, *Ex parte* Republic of Peru, 318 U. S. —, and *Roche v. Evaporated Milk Assn.*,

318 U. S. —. The cause is remanded to the Circuit Court of Appeals for further proceedings not inconsistent with this opinion. Other relief sought by the Government in its application to this Court is denied, without prejudice to an application to the Circuit Court of Appeals.

No. 954. Kenneth Bender, H. H. Beckman, et al., appellants, *v.* Claude R. Wickard, Individually, etc. Appeal from the District Court of the United States for the District of Columbia. *Per curiam*: The judgment is affirmed on the authority of *Wickard v. Filburn*, 317 U. S. 111.

ORDER

It is ordered that paragraph 1 of rule 36 of the rules of this Court be and the same hereby is amended by adding as the first sentence thereof the following:

“An appeal will be out of time unless, within the period fixed by statute, application for allowance is presented to the judge or justice who allows it. A prior timely application to another judge or justice does not extend the statutory period. See *Matton Steamboat Co. v. Murphy*, 319 U. S. —.”

No. —. *Ex parte* Joseph A. Zohn, petitioner. Application denied.

No. —. *Ex parte* Harry Duncombe, petitioner. Application denied.

No. —. *Ex parte* Pauline Stevens, petitioner. Application denied.

No. —, original. *Ex parte* Chesteen McConnell, petitioner. The motion for leave to file petition for writ of habeas corpus is denied without prejudice on the ground that it does not appear that all the matters alleged in the petition have been previously presented to the state courts of Indiana.

No. —, original. *Ex parte* Charles Cassidy, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. —, original. *Ex parte* Wallace H. Welch, petitioner. The motion for leave to file petition for writ of habeas corpus is denied. Mr. Justice Rutledge took no part in the consideration or decision of this application.

No. —, original. *Ex parte* George Foley, petitioner. The motion for leave to file petition for writ of habeas corpus is denied without prejudice to the pending application in the District Court.

No. —, original. *Ex parte* Peter J. Innes, petitioner. The motion for leave to file petition for writ of habeas corpus is denied without prejudice to an application to the District Court.

No. 606. Louis Buchalter, petitioner, *v.* People of the State of New York;

No. 610. Emanuel Weiss, petitioner, *v.* People of the State of New York; and

No. 619. Louis Capone, petitioner, *v.* The People of the State of New York. The stay orders heretofore entered are vacated and the mandates are ordered to issue forthwith.

No. 1030. Crescent Express Lines, Inc., appellant, *v.* The United States of America 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.

No. 991. Joseph E. Snowden, petitioner, *v.* Edward J. Hughes et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted.

No. 945. Ford Motor Company, petitioner, *v.* Gordon Form Lathe Company; and

No. 946. Ford Motor Company, petitioner, *v.* Gordon Form Lathe Company. Petition for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted limited to the first question presented by the petition.

No. 949. Lonnie E. Smith, petitioner, *v.* S. E. Allwright, Election Judge, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. The motion of American Civil Liberties Union for leave to file a brief as *amicus curiae* is also granted.

No. 994. The Mercoid Corporation, petitioner, *v.* Minneapolis-Honeywell Regulator Company; and

No. 995. The Mercoid Corporation, petitioner, *v.* Minneapolis-Honeywell Regulator Company. Petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted and the cases assigned for argument immediately following Nos. 973 and 974.

No. 997. Mike Marvich, petitioner, *v.* The People of the State of California et al. The motion for leave to proceed in *forma pauperis* is granted. The petition for writ of certiorari to the Supreme Court of California is granted and the case is transferred to the summary docket.

No. 419. R. Simpson & Co., Inc., petitioner, *v.* Commissioner of Internal Revenue. The motion for leave to file a petition for rehearing is granted, the petition for rehearing is granted and the order denying certiorari is vacated. The petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit is granted, limited to the question presented by the second reason relied upon in the petition for writ of certiorari. In their briefs and on the oral argument,

counsel are requested to discuss the question of the jurisdiction of this Court to grant a petition for rehearing in this case. Cf. *Helvering v. Northern Coal Co.*, 293 U. S. 191, section 1140 of the Internal Revenue Code. Mr. Justice Rutledge took no part in the consideration or decision of this application.

No. 866. The Indians of California, Claimants, by U. S. Webb, Attorney General of the State of California, petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 956. Robert H. Meade, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 970. Binkley Mining Company of Missouri, petitioner, *v.* Dan H. Wheeler, Acting Director, Bituminous Coal Division, etc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 971. Binkley Mining Company of Missouri, petitioner, *v.* Dan H. Wheeler, Acting Director, Bituminous Coal Division, etc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 988. The Cleveland Trust Company et al., petitioners, *v.* Michael George Stoller. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 989. The Gordon Form Lathe Company, petitioner, *v.* Ford Motor Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 992. N. O. Nelson Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 1000. The Petticrew Real Estate Company, Bankrupt, petitioner, *v.* Harry Muffler, as Receiver etc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 1004. Keal Driveway Company and R. S. Bunnell, petitioners, *v.* Car and General Insurance Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 1007. Elizabeth B. Winston, petitioner, *v.* Russell B. Martin, Fred S. Martin, et al., etc. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 1041. Michael Dubina, petitioner, *v.* People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 977. S. J. Groves & Sons Company, petitioner, *v.* Lindsay C. Warren, Comptroller General of the United States. Petition for writ 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 this application.

No. 1003. Nathan M. Lubar, Trustee for District Finance Corporation, petitioner, *v.* Harry Hartman. Petition for writ 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 this application.

No. 1006. District of Columbia, petitioner, *v.* The Queen City Brewing Company. Petition for writ 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 this application.

No. 1005. W. K. Archer and Ercell G. Westfall, Co-partners, etc., petitioners, *v.* Securities and Exchange Commission. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 1008. Brooklyn Trust Company, as Trustee, etc., petitioner, *v.* Charles H. Kelby et al. 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. 910. Pedro E. Sanchez Tapia, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit;

No. 981. Ben White, Arch Robinson, et al., petitioners, *v.* The United States. On petition for writ of certiorari to the Court of Claims;

No. 987. Louis Burall, petitioner, *v.* James A. Johnston, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 1032. James N. Slaughter, petitioner, *v.* Bertha Madison et al. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 1053. Charles Cassidy, petitioner, *v.* The State of Michigan. On petition for writ of certiorari to the Supreme Court of Michigan; and

No. 1066. Fred Jones, petitioner, *v.* Joseph H. Brophy, as Warden, etc. On petition for writ of certiorari to the Supreme Court of New York. The motions for leave to proceed in forma pauperis are granted. The petitions for writs of certiorari are denied.

No. 998. William Kendrick, petitioner, *v.* Joseph W. Sanford, 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 Fifth 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. 1034. James Allen, alias James Robert Allen, etc., 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 Third 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. 665-66.

No. 1002. Wallace H. Welch and Erma G. Welch, 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 United States Court of Appeals for the District of Columbia denied. Mr. Justice Rutledge took no part in the consideration or decision of this application.

No. 25. Benjamin McNabb et al., petitioners, *v.* The United States of America. The motion for leave to file petition for rehearing is granted. The petition for rehearing is denied. As the case is for retrial in the district court, it will be open to all parties to adduce all evidence relevant to the admissibility of the confessions, whether adduced in the previous trial or not. Mr. Justice Rutledge took no part in the consideration or disposition of this application.

No. 512. Standard Oil Company (Indiana), petitioner, *v.* Commissioner of Internal Revenue. The motion for leave to file petition for rehearing is granted. The petition for rehearing is denied. Mr. Justice Roberts and Mr. Justice Rutledge took no part in the consideration or decision of this application.

No. 517. Gaetano Ajello, petitioner, *v.* Pan American Airways Corporation et al. The third petition for rehearing is denied.

No. 764. Joseph E. Jones, petitioner, *v.* Hon. Francis Biddle, Attorney General of the United States. On consideration of all the papers filed in this case the second petition for rehearing is denied.

No. 961. C. S. Cameron, petitioner, *v.* J. P. Gordon. The petition for rehearing is denied. Mr. Justice Rutledge took no part in the consideration or decision of this application.

No. 589. Whitney Bowles, petitioner, *v.* The United States of America; and

No. 906. Harvey S. Cover, petitioner, *v.* Nathan Schwartz, doing business as Hygeia Respirator Co. Petitions for rehearing denied.

ORDER

The Court will take a recess from today until Monday, June 14, 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, June 14 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.

Lawrence Vold, of Lincoln, Nebr.; John J. Ryan, of Huntington, N. Y.; Joe L. Mays, of San Angelo, Tex.; Dow W. Harter, of Akron, Ohio; Leonard P. Walsh, of Washington, D. C.; Felix A. Bodovitz, of Tulsa, Okla.; John Edward Keefe, Jr., of Boston, Mass.; Samuel Brian Groner, of Buffalo, N. Y.; Howard Taylor McCulloch, of Portland, Oreg.; Caribel Finger Sternbergh, of Gainesville, Ga.; Matthew L. Bigger, of Columbus, Ohio; Benj. F. Levinson, of Columbus, Ohio; Clarence G. Strop, of Saint Joseph, Mo.; Hugh H. MacDonald, of Los Angeles, Calif.; Charles P. Henderson, of Youngstown, Ohio; Stanley A. Silversteen, of Cincinnati, Ohio; William M. Young, of Harrisburg, Pa.; and Gilbert Kerlin, of New York City, were admitted to practice.

No. 593. Direct Sales Company, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the Western District of South Carolina. Opinion by Mr. Justice Rutledge.

No. 580. Bertha A. Owens, Executrix of the estate of Lyle F. Owens, deceased, petitioner, *v.* Union Pacific Railroad Company. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth 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 Rutledge. Dissenting opinion by Mr. Justice Reed in which the Chief Justice and Mr. Justice Roberts join.

No. 591. The West Virginia State Board of Education, etc., et al., appellants, *v.* Walter Barnette, Paul Stull, and Lucy McClure. Appeal from the District Court of the United States for the Southern District of West Virginia. Judgment affirmed with costs. Opinion by Mr. Justice Jackson. Dissenting: Mr. Justice Roberts and Mr. Justice Reed. Concurring opinion by Mr. Justice Black and Mr. Justice Douglas. Concurring opinion by Mr. Justice Murphy. Dissenting opinion by Mr. Justice Frankfurter.

No. 175. The Interstate Commerce Commission et al., appellants, *v.* Inland Waterways Corporation. Appeal from the District Court of the United States for the Northern District of Illinois. Judgment reversed and cause remanded to said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Jackson. Mr. Justice Rutledge did not participate in the consideration or decision of this case. Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas and Mr. Justice Murphy join.

No. 552. Interstate Transit Lines, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Reed. Dissenting opinion by Mr. Justice Jackson in which the Chief Justice and Mr. Justice Murphy join.

No. 623. Oklahoma Tax Commission of the State of Oklahoma, petitioner, *v.* The United States of America;

No. 624. Oklahoma Tax Commission of the State of Oklahoma, petitioner, *v.* The United States of America; and

No. 625. Oklahoma Tax Commission of the State of Oklahoma, petitioner, *v.* The United States of America. On writs of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgments vacated and causes remanded to the District Court of the United States for the Eastern District of Oklahoma for further proceedings consistent with the opinion of this Court. Opinion by Mr. Justice Black. Mr. Justice Douglas concurs in the result. Opinion by Mr. Justice Murphy dissenting in part in which the Chief Justice, Mr. Justice Reed, and Mr. Justice Frankfurter join.

No. 826. R. E. Taylor, appellant, *v.* The State of Mississippi;

No. 827. Betty Benoit, appellant, *v.* The State of Mississippi; and

No. 828. Clem Cummings, appellant, *v.* The State of Mississippi. Appeals from the Supreme Court of the State of Mississippi. Judgments reversed with costs and cases remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Roberts.

No. 235. David Busey and Orville J. Richie, petitioners, *v.* District of Columbia. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment vacated without costs to either party in this Court and cause remanded to the said Court of Appeals to enable it to examine its rulings on the construction and validity of the District ordinance in the light of the decisions of this Court in the Opelika and Murdock cases. Opinion, *per curiam*, announced by Mr. Chief Justice Stone. Mr. Justice Rutledge took no part in the consideration or decision of this case.

No. 892. Harold E. Cole, appellant, *v.* Abel J. Violette, Alfred Vervill et al. Appeal from the Superior Court of Suffolk County, Commonwealth of Massachusetts. Appeal dismissed on the ground that it was not applied for within the time provided by law. Opinion, *per curiam*, announced by Mr. Chief Justice Stone.

The Chief Justice announced the following order of the Court:

No. 28. The Washington Terminal Company, petitioner, *v.* F. E. Boswell, E. R. Burkhead, et al. On writ of certiorari to the United States Court of Appeals for the District of Columbia. *Per curiam*: Judgment affirmed by an equally divided Court. Mr. Justice Rutledge 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. —. In the matter of Leonard S. Levin. Leonard S. Levin, of Brookline, Massachusetts, having resigned as a member of the bar of this Court, it is ordered that his name be stricken from the roll of attorneys admitted to practice in this Court.

No. —. *Ex parte* D. Pavel Fiala, petitioner. Application denied for the want of original jurisdiction.

No. —, original. *Ex parte* Joseph Greco, petitioner;

No. —, original. *Ex parte* William J. White, petitioner; and

No. —, original. *Ex parte* John Russell Miller, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 997. Mike Marvich, petitioner, *v.* The People of the State of California et al. It is ordered that Neil Burkinshaw, 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. 1058. The United States, petitioner, *v.* Algernon Blair, Individually, etc. The motion as to the printing of the record is granted but without prejudice to the respondent's right to call attention to any matter appearing in the unprinted parts of the record.

No. 1048. The United States of America, petitioner, *v.* Frank Laudani. The motion to extend the time for filing respondent's brief until July 22 next is granted.

No. 1001. Hugh A. Bowen, petitioner, *v.* The United States of America. Time within which to file petition for rehearing extended to and including July 15.

No. 1043. The United States of America, appellant, *v.* Charles A. Gaskins. In this case probable jurisdiction is noted and the case is transferred to the summary docket.

No. 1047. Charles M. Thomson, as Trustee, etc., appellant, *v.* The United States of America et al. In this case probable jurisdiction is noted.

No. 1010. Harold L. Ickes, Secretary of the Interior, et al., petitioners, *v.* Associated Industries of New York State, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted.

No. 930. John V. Dobson, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue;

No. 931. E. W. Dobson, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue;

No. 932. Estate of James N. Collins, deceased, First National Bank and Trust Company of Minneapolis, Executor, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue; and

No. 933. H. J. Harwick, petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted and the cases transferred to the summary docket.

No. 1027. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* S. B. Heininger. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted and case transferred to the summary docket.

No. 903. Cafeteria Employees Union, Local 302, and William Mesevich, petitioners, *v.* Gus Angelos et al.; and

No. 904. Cafeteria Employees Union Local 302, and William Mesevich, petitioners, *v.* Elias Tsakires et al. Petition for rehearing granted and order denying certiorari vacated. Petition for writs of certiorari to the Court of Appeals of New York granted.

No. 907. Colgate-Palmolive-Peet Company, petitioner, *v.* The United States of America; and

No. 908. Colgate-Palmolive-Peet Company, petitioner, *v.* The United States of America. Petition for rehearing granted and order denying certiorari vacated. Petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit granted and cases transferred to the summary docket. Mr. Justice Roberts took no part in the consideration or decision of these applications.

No. 713. Jose Cases Velazquez, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 865. The Esmond Mills et al., petitioners, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 958. Kennedy Laundry Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 983. John M. Whelan & Sons, Inc. (Claimant), petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 999. City and County of San Francisco (a municipal corporation, petitioner, *v.* Dan E. Williams et al. Petition for writ of certiorari to the District Court of Appeals, First Appellate District, State of California, denied.

No. 1017. Amtorg Trading Corporation et al., petitioners, *v.* American Foreign Steamship Corporation, etc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 1018. L. A. Wells Construction Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 1019. L. Metcalfe Walling, Administrator, etc., petitioner, *v.* T. Buettner and Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 1020. North Kansas City Development Company et al., petitioners, *v.* Chicago, Burlington & Quincy Railroad Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 1022. The State of Maine, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 1023. Benjamin Maltz, an Individual doing business as Excel Manufacturing Company, petitioner, *v.* George D. Sax et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 1024. Harry Becker, petitioner, *v.* Loew's, Incorporated. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 1025. State of Montana, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 1026. C. P. A. Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 1029. Ferdinand A. Kertess 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. 1031. The Travelers Insurance Company, petitioner, *v.* John I. Magill, Conservator of Roy A. McClintic, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 1033. Paul Douchan, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 1037. Arthur E. Steiner, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 1038. Oskar Tiedemann and Estonian State Steamship Line, petitioners, *v.* Estoduras Steamship Company, Inc., Claimants, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 1042. Alfred S. Davis, as Treasurer of Retail Shoe Salesmen's Union, Local 1115-F, etc., et al., petitioners, *v.* Dinny & Robbins, Inc. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1052. Kurt Emil Bruno Molzahn, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 968. Benguet Consolidated Mining Company, petitioner, *v.* Idonah Slade Perkins et al. Petition for writ of certiorari to the District Court of Appeals, First Appellate District, denied. Mr. Justice Murphy took no part in the consideration or decision of this application.

No. 637. The United States of America, petitioner, *v.* William Minski. The motion of the respondent 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 denied.

No. 967. William Elliott, petitioner, *v.* Jess Buchanan, Warden, etc. The motion for leave to proceed on the typewritten record is granted. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 608. E. V. Davis, petitioner, *v.* The State of Arizona. Petition for writ of certiorari to the Supreme Court of Arizona denied on the ground that the judgment below rested on a non-federal ground adequate to support it. See *Brooks v. State*, 51 Ariz. 544.

No. 996. Armin Ellerbrake, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 1009. Clyde Arwood, 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. 1077. Joseph A. Farrell, petitioner, *v.* Francis J. W. Lanagan, Warden of the State Prison. On petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit. Motions for leave to proceed *in forma pauperis* granted. Petitions for writs of certiorari denied.

No. 943. Leo S. Holmes, petitioner, *v.* The United States of America. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. Mr. Justice Douglas took no part in the consideration or decision of these applications.

No. 710. J. B. Wheat et al., petitioners, *v.* Texas Land and Mortgage Company, Limited, et al.; and

No. 938. Lyman Fleniken and Mrs. Lyman Fleniken, petitioners, *v.* Great American Indemnity Company et al. Petitions for rehearing denied.

No. —, original. Ex parte David H. Johnson, petitioner; and

No. 869. Edmond C. Fletcher, petitioner, *v.* The Evening Star Newspaper Company. Petitions for rehearing denied. Mr. Justice Rutledge took no part in the consideration or decision of these applications.

No. 764. Joseph E. Jones, petitioner, *v.* Hon. Francis Biddle, Attorney General of the United States. Third petition for rehearing denied.

ORDER

The Court will take a recess from today until Monday, June 21, 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, June 21, next, at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

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

John D. Langston, of Goldsboro, N. C.; Roscoe S. Conkling, of New York City; Thomas A. Joyner, of Los Angeles, Calif.; Leander I. Shelley, of New York City; Morris W. Needlman, of Chicago, Ill.; Edgar K. Markley, of Gettysburg, Pa.; Scovel Richardson, of Chicago, Ill.; Irvin M. Lichtenstein, of Camden, N. J.; Paul R. Ames, of New York City; Joseph Nemerov, of New York City; George Gussaroff, of New York City; Maurice J. Dix, of New York City; and Fred W. Morrison, of Spencer, N. C., were admitted to practice.

No. 2. William Schneiderman, 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 said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Murphy. Concurring opinion by Mr. Justice Douglas announced by Mr. Justice Murphy. Concurring opinion by Mr. Justice Rutledge. Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Roberts and Mr. Justice Frankfurter join. Mr. Justice Jackson did not participate in the consideration or decision of this case.

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

No. 373. The United States, petitioner, *v.* Marconi Wireless Telegraph Company of America. On writs of certiorari to the Court of Claims. Judgment in No. 369 affirmed. Judgment in No. 373 vacated and cause remanded to the Court of Claims for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Stone. Mr. Justice Murphy took no part in the consideration or decision of this case. Opinion by Mr. Justice Frankfurter dissenting in part in which Mr. Justice Roberts joins. Opinion by Mr. Justice Rutledge dissenting in part.

No. 870. Gordon Kiyoshi Hirabayashi *v.* The United States of America. On certificate from the United States Circuit Court of Appeals for the Ninth Circuit. Judgment of the District Court of the United States for the Western District of Washington affirmed.

Opinion by Mr. Chief Justice Stone. Concurring opinion by Mr. Justice Douglas announced by Mr. Chief Justice Stone. Concurring opinion by Mr. Justice Murphy. Concurring opinion by Mr. Justice Rutledge.

No. 871. *Minoru Yasui v. The United States of America*. On certificate from the United States Circuit Court of Appeals for the Ninth Circuit. Conviction sustained but judgment of the District Court vacated and cause remanded to the District Court of the United States for the District of Oregon for resentence of appellant, and to afford that court opportunity to strike its findings as to appellant's loss of United States citizenship. 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. 1056. *The Jack Lincoln Shops, Inc., appellant, v. State Dry Cleaners' Board et al.* Appeal from the Supreme Court of the State of Oklahoma. *Per curiam*: The appeal is dismissed for want of a substantial federal question. *Nebbia v. New York*, 291 U. S. 502; *West Coast Hotel Co. v. Parrish*, 300 U. S. 379; *Olsen v. Nebraska*, 313 U. S. 236; and *Dunn v. Ohio*, 318 U. S. —. Mr. Justice Roberts took no part in the consideration or decision of this case.

No. 1064. *Milton Prebyl, appellant, v. The Prudential Insurance Company of America et al.* Appeal from the Supreme Court of the State of Nebraska. *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), 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. Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this case.

No. —. In the matter of the disbarment of George S. Wolbert. It having been reported to the Court that George S. Wolbert, of Philadelphia, Pa., has been disbarred from the practice of the law by the Supreme Court of the Commonwealth of Pennsylvania;

It is ordered that the said George S. Wolbert, be, and he is hereby, suspended from the practice of the law in this Court, and that a rule issue, returnable within forty (40) days, requiring him to show cause why he should not be disbarred from the practice of the law in this Court.

No. —. *Ex parte Warren Wockner, petitioner*. Application denied. Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this application.

No. —. *Ex parte* Wolfgang Achtner, petitioner; and

No. —. *Ex parte* Franz Moedlhammer, petitioner. Applications denied without prejudice to applications to the District Court. Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of these applications.

No. —. Milton Roe Sabin et al., appellants, *v.* A. I. Levorsen et al. Motion for stay denied. Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this application.

No. —, original. *Ex parte* Earl Collins, petitioner; and

No. —, original. *Ex parte* Joseph E. Sheppard, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied. Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of these applications.

No. 766. Virginian Hotel Corporation of Lynchburg, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Mandate withheld and time within which to file petition for rehearing extended to and including September 1, next. Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 958. Kennedy Laundry Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Motion to withhold order denying certiorari granted. Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 608. E. V. Davis, petitioner, *v.* The State of Arizona. Order denying certiorari recalled and time within which to file petition for rehearing extended to and including September 1, next.

No. 1068. The United States of America, appellant, *v.* Jacob Hark and Hyman Yaffee, Co-partners etc. 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. 1101. City of Yonkers et al., appellants, *v.* The United States of America et al. In this case probable jurisdiction is noted. The motion for a stay is denied. Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of these questions.

No. 945. Ford Motor Company, petitioner, *v.* Gordon Form Lathe Company; and

No. 946. Ford Motor Company, petitioner, *v.* Gordon Form Lathe Company. The petition for rehearing is granted and the order entered June 7 is vacated. The petition for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit is granted. Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 1055. Nick Falbo, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted.

No. 1036. Estate of Henry H. Rogers, deceased, et al., etc., petitioners, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. Mr. Justice Murphy took no part in the consideration or decision of this application.

No. 1039. J. I. Case Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. Counsel are requested to discuss in their briefs and on oral argument the question whether the case is moot. Mr. Justice Roberts took no part in the consideration or decision of this application.

No. 1035. Oliver A. Miller, doing business as Miller Motor Freight Service et al., petitioners, *v.* James B. Bates. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1040. Edgar B. Davis, petitioner, *v.* Commonwealth of Massachusetts. Petition for writ of certiorari to the Supreme Court of Texas denied.

No. 1045. First National Benefit Society, petitioner, *v.* W. P. Stuart, Collector of Internal Revenue for the District of Arizona. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 1046. Durable Toy & Novelty Corp., petitioner, *v.* J. Chein & Co., Inc., and F. W. Woolworth Co. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1049. G. J. Nikolas, G. J. Nikolas & Company, Inc., et al., petitioners, *v.* W. D. Witter. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 1050. The Order of United Commercial Travelers of America, petitioner, *v.* Ella Moore. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 1054. Raffael Greco, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 1070. Charles H. Guyton, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 1015. Leroy Smith, petitioner, *v.* Louisiana & Arkansas Railway Company. Petition for writ of certiorari to the Circuit Court

of Appeals for the Eighth Circuit denied. Mr. Justice Black is of opinion that certiorari should be granted.

No. 1069. Bernard Kushner, 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. 1081. Lawrence Edwin Arnold, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 1082. Harry Edward Farris, petitioner, *v.* Commonwealth of Virginia. Petition for writ of certiorari to the Hustings Court of the City of Richmond denied. Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 1085. Perry Frame, petitioner, *v.* Milton F. Amrine, Warden, Kansas State Penitentiary. Motion for leave to proceed in forma pauperis granted. Petition for writ of certiorari to the Supreme Court of Kansas denied. Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of these applications.

No. 1099. Joseph E. Sheppard, petitioner, *v.* Commonwealth of Massachusetts. Motion for leave to proceed in forma pauperis granted. Motion for stay denied. Petition for writ of certiorari to the Supreme Judicial Court of Massachusetts denied. Mr. Justice Douglas and Mr. Justice Roberts took no part in the consideration or decision of these applications.

No. 226. Corinne C. Waterman, petitioner, *v.* Colonel Somervell et al. Third petition for rehearing denied. Mr. Justice Roberts, Mr. Justice Douglas and Mr. Justice Rutledge took no part in the consideration or decision of this application.

No. 495. G. E. Burford et al., petitioners, *v.* Sun Oil Company et al.; and

No. 496. Sun Oil Company et al., petitioners, *v.* G. E. Burford et al;

No. 553. Joseph Galloway, by Freda Galloway, his guardian, petitioner, *v.* The United States of America;

No. 939. Irene M. Watson, Grace Banks, et al., petitioners, *v.* Paul Caspers;

No. 960. J. C. Patterson et al., petitioners, *v.* The Texas Company;

No. 962. Joseph Mescall, petitioner, *v.* W. T. Grant Company; and

No. 1034. James Allen, alias James Robert Allen, etc., petitioner, *v.* The United States of America. Petitions for rehearing denied. Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of these applications.

No. 528. O. L. Hastings et al., petitioners, *v.* Selby Oil & Gas Company et al.;

No. 935. H. W. Kelley et al., petitioners, *v.* Everglades Drainage District; and

No. 948. United States Gypsum Company, petitioner, *v.* Antonio Stornelli. Petitions for rehearing denied. Mr. Justice Douglas took no part in the consideration or decision of these applications.

No. 824. Metropolitan-Columbia Stockholders, Inc., et al., petitioners, *v.* The City of New York. Second petition for rehearing denied. Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this application.

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.