

## OCTOBER TERM, 1945

## STATISTICS

	Original	Appellate	Total
Number of cases on docket.....	12	1, 317	1, 329
Cases disposed of.....	0	1, 161	1, 161
Remaining on docket.....	12	156	168

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By written opinions.....	170	173
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## SUPREME COURT OF THE UNITED STATES

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

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Charles Edwin Congdon, of Salamanca, N. Y.; Wiley Johnson, of Dallas, Tex.; Thomas J. Lane, of Lawrence, Mass.; Robert D. Durst, of Springfield, Mo.; Jos. Irion Worsham, of Dallas, Tex.; Harlan E. Orr, of South Bend, Ind.; Walter E. Lorence, of Washington, D. C.; Richard C. Butler, of Little Rock, Ark.; Charles A. Poellnitz, of Florence, Ala.; John Lincoln Rowland, of Los Angeles, Calif.; Wm. A. Moon, of Springfield, Mo.; Parker Fred Moon, of Springfield, Mo.; Sydney Peter Murman, of Berkeley, Calif.; Frederick William Appell, of New York, N. Y.; Sarah Catherine Moriarty, of Washington, D. C.; Norman C. Burnworth, of Indianapolis, Ind.; Kenneth E. Gemmill, of Spokane, Wash.; Felix Eugene Alley, Jr., of Waynesville, N. C.; John Hayes Alley, of Waynesville, N. C.; Robert Cline Alley, of Waynesville, N. C.; Louis F. Huttenlocher, of New York, N. Y.; John Parks Davis, of San Francisco, Calif.; Jess S. Raban, of Chicago, Ill.; Nathan Rubey, of Washington, D. C.; Charles B. Seton, of New York, N. Y.; Samuel W. Earnshaw, of Norwalk, Conn.; Thomas A. Hackett, of Huntington, N. Y.; Raymond Gittelman, of Washington, D. C.; Harold Leon Winston, of New York, N. Y.; Wade H. Ellis, of Alliance, Nebr.; Charles E. Carlsen, Jr., of Minneapolis, Minn.; William A. Blank, of New York, N. Y.; Henry W. Kellner, of Cliffside Park, N. J.; Dee C. Blythe, of Clovis, N. Mex.; Berdon M. Bell, of Raleigh, N. C.; Guyton P. McCord, Jr., of Tallahassee, Fla.; Andrew J. Newhouse, of Coos Bay, Oreg.; John De Courcy, of Hamilton, Mass.; Campbell Pilcher, of New York, N. Y.; Ruth Rouss, of Colorado Springs, Colo.; Dennis O'Rourke, of Colorado Springs, Colo.; William A. Jacobs, of Meriden, Conn.; and William A. Furman, Jr., of Washington, D. C., were admitted to practice.

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The Chief Justice said:

"With deep regret I announce the resignation of Mr. Justice Roberts as an Associate Justice of this Court. His resignation, tendered to the President last July, after the adjournment of the Court for the term, took effect on July 31 last. Appointed by President Hoover, Justice Roberts took his seat on the Bench on June 2, 1930. His term of office as a Justice of this Court thus extended over a period

of fifteen years. During that period he has given to the Court and to the Nation the benefit of his great skill and wide knowledge, gained through years of assiduous study and practice of the law. He has faithfully discharged the heavy responsibility which rests on a Justice of this Court with promptness and dispatch, and with untiring energy. We who have shared with him that responsibility and in the common endeavor to make the law realize the ideal of justice among men, give to him the assurance of our continued good will and friendly regard. We wish for him in his retirement good health, abiding strength, and with them the full enjoyment of those satisfactions which will come from the continued devotion of his knowledge and skill to worthy achievement.

"The President, with the advice and consent of the Senate, has appointed the Honorable Harold H. Burton, Senator from Ohio, an Associate Justice of this Court to succeed Justice Roberts. Justice Burton has taken the Constitutional Oath administered by the Chief Justice. He is now present in Court. The Clerk will read his commission. He will then take the Judicial Oath, to be administered by the Clerk, after which the Marshal will escort him to his seat on the Bench."

The Clerk then read the commission as follows:

"HARRY S. TRUMAN

"PRESIDENT OF THE UNITED STATES OF AMERICA

*"To All Who Shall See These Presents, Greeting:*

"KNOW YE: That reposing special trust and confidence in the wisdom, uprightness, and learning of Harold H. Burton, of Ohio, I have nominated, and, by and with the advice and consent of the Senate, do appoint him an 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 Harold H. Burton, 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 twenty-second day of September in the year of our Lord one thousand nine hundred and forty-five, and of the Independence of the United States of America the one hundred and seventieth.

"HARRY S. TRUMAN.

"By the President:

"TOM C. CLARK,

*"Attorney General."*

The oath of office was then administered by the Clerk, and Mr. Justice Burton was escorted by the Marshal to his seat upon the Bench.

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Mr. Assistant to the Attorney General McGranery presented the Honorable Tom C. Clark, of Texas, Attorney General of the United States.

The Chief Justice said:

"Mr. Attorney General, the Court welcomes you to the performance of the important duties which devolve upon you as the chief law officer of the Government, and as an officer of this Court. Your commission will be recorded by the Clerk."

Mr. Assistant to the Attorney General McGranery presented the Honorable Harold William Judson, of California, Assistant and Acting Solicitor General of the United States.

The Chief Justice said:

"Mr. Solicitor General, we welcome you as the officer of the Court specially charged with the duty of representing the Government at the Bar of this Court in all cases brought to it for adjudication in which the Government asserts an interest. Your commission will be recorded by the Clerk."

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No. 201. Hugh Callan, Petitioner, *v.* Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia. On petition for certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Dismissed on motion of counsel for petitioner.

No. 315. Charles Jennings, Petitioner, *v.* Herbert Smith, Warden, Eastern State Penitentiary. On petition for certiorari to the Supreme Court of the Commonwealth of Pennsylvania. Dismissed on motion of petitioner.

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

The day call for Monday, October 8, will be as follows: Nos. 17, 45, 21, 73, 42, 22, 23 (24, 25, 26, 27, 28, 29, 30, 31, 32, 33), 35, 36, and 47.

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SUPREME COURT OF THE UNITED STATES

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

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Mr. Attorney General Clark presented the Honorable J. Howard McGrath of Rhode Island, Solicitor General of the United States, and moved his admission to the Bar.

The Chief Justice said:

“Mr. Solicitor General, we welcome you as the officer of the Court specially charged with the duty of representing the Government at the Bar of this Court in all cases brought to it for adjudication in which the Government asserts an interest. Your commission will be recorded by the Clerk. Will you please go to the Clerk’s desk and take the oath.”

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J. Howard McGrath, of Providence, R. I.; Paul V. McNutt, of Indianapolis, Ind.; Richard Earle Davis, of Morgantown, W. Va.; George McClellan Henry, of Philadelphia, Pa.; E. Sclater Montague, of Hampton, Va.; James S. Lester, of Oskaloosa, Kans.; Julian Eugene Cook, of Atlanta, Ga.; Robert W. Molloy, of Grand Rapids, Mich.; Oscar J. Keep, of Miami, Fla.; W. C. Lantaff, of Miami, Fla.; Frank J. Link, of Chicago, Ill.; Wendell R. Mangis, of Chicago, Ill.; David W. Dyer, of Miami, Fla.; Fred O. Burkhalter, of Cleveland, Ohio; Claude T. Barnes, of Salt Lake City, Utah; Edwin D. Hatch, of Salt Lake City, Utah; Leon A. Cousens, of Detroit, Mich.; Jacob Rosenberg, of New York, N. Y.; Julian C. Tepper, of New York, N. Y.; Eugene L. Lora, of Union City, N. J.; Elliott G. Flowers, of Houston, Tex.; Richard H. Meigs, of Detroit, Mich.; Carol G. Wynn, of Los Angeles, Calif.; Julius F. Tuchler, of Dallas, Tex.; Morris Lowenthal, of San Francisco, Calif.; Nathan L. Silberberg, of Washington, D. C.; Herbert H. McCampbell, Jr., of Knoxville, Tenn.; John H. Davidson, of Washington, Pa.; Victor E. LaRue, of Chicago, Ill.; and Eugene A. Tappy, of Chicago, Ill., were admitted to practice.

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The Chief Justice announced the following orders of the Court:

No. 141. Robert W. Johnson, Thelma B. Johnson, P. A. McIntosh, et al., appellants, *v.* Meagher County, A Political Subdivision of the State of Montana, and Emmett Cox, Treasurer. Appeal from the

Supreme Court of Montana. *Per curiam*: The motion to dismiss is granted, and the appeal is dismissed for want of jurisdiction. Sec. 237 (a), Judicial Code as amended, 28 U. S. C. sec. 344 (a); Charleston Ass'n. v. Alderson, 324 U. S. 182, 185, and cases cited. Treating the papers whereon the appeal was allowed as a petition for writ of certiorari, as required by sec. 237 (c) of the Judicial Code as amended, 28 U. S. C. sec. 344 (c), certiorari is denied.

No. 144. St. Louis Amusement Company, St. Louis Ambassador Theatre, Inc., Eden Theatre Company, et al., appellants, v. The United States of America, Paramount Pictures, Inc., et al. Appeal from the District Court of the United States for the Southern District of New York. *Per curiam*: The motions to dismiss are granted and the appeal is dismissed for want of jurisdiction. United States v. California Canneries, 279 U. S. 553, 556, and cases cited; Allen Co. v. Cash Register Co., 322 U. S. 137, 142.

No. 178. Carolina Scenic Coach Lines, A Co-Partnership, appellant, v. The United States of America, Interstate Commerce Commission, and Smoky Mountain Stages, Inc. Appeal from the District Court of the United States for the Western District of North Carolina. *Per curiam*: The motions to affirm are granted and the judgment is affirmed. I. C. C. v. Jersey City, 322 U. S. 503, 515, and cases cited.

No. 215. Deaton Truck Line, Inc., appellant, v. The United States of America and Interstate Commerce Commission. Appeal from the District Court of the United States for the Northern District of Alabama. *Per curiam*: The motion to affirm is granted and the judgment is affirmed. (1) United States v. Hancock Truck Lines, Inc., 324 U. S. 774. (2) United States v. Carolina Carriers Corporation, 315 U. S. 475.

No. 225. Frank A. Bemis, appellant, v. Humble Oil & Refining Company, Humble Pipe Line Company, S. E. Douthit, et al. Appeal from the Court of Civil Appeals, 1st Supreme Judicial District, State of Texas. *Per curiam*: The appeal is dismissed for want of jurisdiction. Sec. 237 (a), Judicial Code, as amended, 28 U. S. C. sec. 344 (a); Charleston Ass'n. v. Alderson, 324 U. S. 182, 185, and cases cited. Treating the papers whereon the appeal was allowed as a petition for writ of certiorari, as required by sec. 237 (c) of the Judicial Code, as amended, 28 U. S. C., sec. 344 (c), certiorari is denied.

No. 267. Arthur Strobel, appellant, v. Michael F. Mulcahy, Sheriff of Cook County, Illinois. Appeal from the Supreme Court of Illinois. *Per curiam*: The motion for leave to proceed *in forma pauperis* is granted. The appeal is dismissed for want of jurisdiction. Sec. 237 (a), Judicial Code, as amended, 28 U. S. C., sec. 344 (a); Charleston Ass'n. v. Alderson, 324 U. S. 182, 185, and cases cited. Treating the papers whereon the appeal was allowed as a petition

for writ of certiorari, as required by sec. 237 (c) of the Judicial Code, as amended, 28 U. S. C., sec. 344 (c), certiorari is denied.

No. 284. Delavan Home and Land Company, Inc., appellant, *v.* County of Erie, State of New York. Appeal from the Supreme Court of the State of New York, Erie County. *Per curiam*: The appeal is dismissed for want of a substantial federal question. *Winona & St. Peter Land Co. v. Minnesota*, 159 U. S. 526; *Anderson Nat. Bank v. Lockett*, 321 U. S. 233, 243, and cases cited.

No. 341. H. L. Mosher, appellant, *v.* W. R. Wayland, Jane Wayland, and F. I. Stafford, Deceased, et al. Appeal from the Supreme Court of Arizona. *Per curiam*: The appeal is dismissed for want of a properly presented federal question. *Whitney v. California*, 274 U. S. 357, 360, and cases cited.

No. 368. Madison Avenue Offices, Inc., appellant, *v.* Rollin Browne et al., etc. Appeal from the Supreme Court of New York. *Per curiam*: The appeal is dismissed for want of a substantial federal question. *Rapid Transit Co. v. New York*, 303 U. S. 573, 577-578, 582-583; *Carmichael v. Southern Coal Co.*, 301 U. S. 495, 509-513.

No. 369. Donald MacDonald et al., as Executors, etc., appellants, *v.* Rollin Browne et al., etc. Appeal from the Supreme Court of New York. *Per curiam*: The appeal is dismissed for want of a substantial federal question. *Rapid Transit Co. v. New York*, 303 U. S. 573, 577-578, 582-583; *Carmichael v. Southern Coal Co.*, 301 U. S. 495, 509-513.

No. 386. American Stores Dairy Company, appellant, *v.* Wisconsin Department of Taxation. Appeal from the Supreme Court of Wisconsin. *Per curiam*: The appeal is dismissed for want of a properly presented federal question. *Whitney v. California*, 274 U. S. 357, 360, and cases cited; *Godchaux v. Estopinal*, 251 U. S. 179.

No. 8. Walter B. Atkins, petitioner, *v.* Ethel W. Atkins. On writ of certiorari to the Supreme Court of Illinois. *Per curiam*: The judgment is vacated and the cause is remanded to the Supreme Court of Illinois in order to enable it to reexamine its decision in the light of *Williams v. North Carolina*, No. 84, October Term 1944 (decided May 21, 1945), and *Esenwein v. Commonwealth ex rel. Esenwein*, No. 20, October Term, 1944 (decided May 21, 1945); *Busey v. District of Columbia*, 319 U. S. 579, 580; *New York, ex rel. Whitman v. Wilson*, 318 U. S. 688, 690-691 and cases cited; *State Tax Commission v. Van Cott*, 306 U. S. 511, 515-516. Mr. Justice Black dissents.

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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. 6, original. The State of Nebraska, complainant, *v.* The State of Wyoming and the State of Colorado. Decree entered.

No. 8, original. The State of Kansas, complainant, *v.* The State of Missouri. Upon consideration of the stipulation of counsel it is ordered that the time for marking the boundary be extended until the further order of the Court.

No. 9, original. The State of Illinois, complainant, *v.* The State of Indiana et al. The answers of the several defendants to the amended bill are received and ordered filed.

No. 11, original. The State of Georgia, complainant, *v.* The Pennsylvania Railroad Company et al. The bill of particulars of the State of Georgia is received and ordered filed.

No. 4. Gath P. Freeman, Trustee, etc., appellant, *v.* Gilbert K. Hewit, Director of Gross Income Tax Division, etc. On reargument counsel are requested to address themselves in their briefs and on oral argument to the following questions:

1. Were the sales of securities as made in the circumstances of this case, including the transactions upon the New York Stock Exchange, interstate sales within the meaning and application of *Adams Mfg. Co. v. Storen*, 304 U. S. 307; cf. *McGoldrick v. Berwind-White Coal Mining Co.*, 309 U. S. 33, 58?

2. Does the commerce clause forbid Indiana to levy a gross receipts tax upon the transactions in question, in the absence of any showing that a similar or substantial tax is, or may be, in fact laid upon them by any other state?

3. To what extent, if any, is Indiana's power to tax the gross receipts from these transactions affected, under the commerce clause, by the facts that domicile of the seller or situs of the securities prior to conclusion of the sales was in Indiana?

No. 5. State of New York and Saratoga Springs Commission et al., petitioners, *v.* The United States of America. On reargument counsel, without restricting their argument in any other respect, are requested to address themselves in their briefs and on oral argument to the following questions:

1. May Congress constitutionally include for taxation in a generally applicable taxing act any state property or activity or the income derived by the state from them, or any other source, so long as the tax does not discriminate against the state, or so long as the tax is not laid on the interest taxed, merely because it is that of a state—and if income of a private person from a like source may be constitutionally taxed?

2. To what extent may a state, by enlarging its property ownership or its activities, withdraw from the reach of the federal taxing power property and income which are normally subject to federal taxation

when owned or received by private persons? See *United States v. California*, 297 U. S. 175, 184, 185, and cases cited.

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.

No. 558, October Term, 1944. *American Trucking Association, Inc., Southern Motor Carriers' Rate Conference, et al.*, appellants, *v. The United States of America, Interstate Commerce Commission, et al.* The motion for allowance of costs is denied.

No. 593, October Term, 1944. *Radio Station WOW, Inc., et al.*, petitioners, *v. Homer H. Johnson.* The motion as to costs is denied.

No. 337, October Term, 1944. *International Union of Mine, Mill and Smelter Workers, Locals No. 15, et al., etc.*, petitioners, *v. Eagle-Picher Mining and Smelting Company et al.* The motions for leave to withdraw the petitions for rehearings are granted.

No. 57. *Courtney M. Mabee, Clark K. Barnum, et al.*, petitioners, *v. White Plains Publishing Company, Inc.* The motion to print an abbreviated record is granted.

No. 34. *United Federal Workers of America (C. I. O.) et al.*, appellants, *v. Harry B. Mitchell et al.* On consideration of the motion to continue it is ordered that this case be set for argument at the head of the call for Monday, December 3.

No. 62. *The East New York Savings Bank*, appellant, *v. Alvin Hahn and Hannah Hahn.* The motion of the State of New York for leave to present oral argument as *amicus curiae* is granted.

No. 48. *Universal Oil Products Company*, petitioner, *v. Root Refining Company*; and

No. 64. *Universal Oil Products Company*, petitioner, *v. Root Refining Company.* The motion of *J. Bernhard Thiess and Thorley von Holst* for leave to file brief and present oral argument as *amici curiae* is granted.

No. 160, October Term, 1944. *Elgin, Joliet and Eastern Railway Company*, petitioner, *v. G. W. Burley et al.* The motions of the Congress of Industrial Organizations and the Railway Labor Executives' Association for leave to file briefs *amici curiae* in support of the petition for rehearing are granted.

No. 470. *United States ex rel. Wm. A. Doss*, petitioner, *v. E. E. Lindsley, Sheriff, etc.* The application for bail presented to Mr. Justice Murphy, and by him referred to the Court, was considered by it and denied.

No. 12, Misc. *Bernard M. Shotkin v. T. Blake Kennedy, Acting Judge.* The motion for leave to file petition for writ of mandamus is denied.

No. 1, Misc. Garfield J. Kelly, petitioner, *v.* Alfred A. Dowd, Warden;

No. 5, Misc. Theodore James Audett, petitioner, *v.* James A. Johnston, Warden;

No. 6, Misc. Einar Frettie, petitioner, *v.* P. J. Squier, Warden;

No. 7, Misc. Harmon M. Waley, petitioner, *v.* James A. Johnston, Warden;

No. 8, Misc. U. S. ex rel. Henry H. Staples, petitioner, *v.* Walter Nierstheimer, Warden;

No. 10, Misc. Dorsey Edmondson, petitioner, *v.* Dr. J. LeRoy Wright;

No. 11, Misc. Thomas Fife, petitioner, *v.* Joseph E. Ragen, Warden;

No. 13, Misc. Tony Thompson, petitioner, *v.* Percy A. Lainson, Warden;

No. 14, Misc. Harry Reeves, petitioner, *v.* Percy A. Lainson, Warden;

No. 17, Misc. Walter Bennett, petitioner, *v.* State of New Jersey;

No. 19, Misc. Joseph O. Davis, petitioner, *v.* W. Frank Smyth, Superintendent;

No. 22, Misc. Louis D. Turner, petitioner, *v.* Joseph E. Ragen, Warden; and

No. 23, Misc. Elmer Jones, petitioner, *v.* Walter Nierstheimer, Warden. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 2, Misc. In The Matter of Frank Xavier DeLisle;

No. 3, Misc. Edgar R. Srygley *v.* United States; and

No. 4, Misc. Chester W. Crum *v.* Walter A. Hunter, Warden. The applications are denied.

No. 9, Misc. E. Haydon Bozell *v.* Thomas Clark, Attorney General. The petition for writ of injunction is denied.

No. 15, Misc. Burns Sinclair, petitioner, *v.* Alfred F. Dowd, Warden. The motion for leave to file petition for writ of certiorari is denied.

No. 87. A. R. Tucker, appellant, *v.* The State of Texas;

No. 114. Grace Marsh, appellant, *v.* The State of Alabama; and

No. 274. F. O. Robertson, appellant, *v.* The People of the State of California. In these cases probable jurisdiction is noted.

No. 158. The People of the State of New York ex rel. Donald A. J. Ray, appellant, *v.* Walter B. Martin, Warden, etc. Appeal from County Court, Wyoming County, State of New York. The appeal is dismissed for want of jurisdiction, sec. 237 (a) of the 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 sec. 237 (c) of the Judicial Code as amended, 28 U. S. C.,

sec. 344 (c), certiorari is granted. The Solicitor General is invited to file a brief *amicus curiae* if he is so advised.

No. 328. Warren W. Wilson et al., etc., appellants, *v.* Otho A. Cook, Commissioner, etc.; and

No. 329. Otho A. Cook, Commissioner, etc., appellant, *v.* Warren W. Wilson et al., etc. In No. 328 further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing on the merits. In No. 329 the appeal is dismissed for want of jurisdiction, sec. 237 (a) of the 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 sec. 237 (c) of the Judicial Code as amended, 28 U. S. C., sec. 344 (c), certiorari is granted. In both cases the Solicitor General is invited to file a brief *amicus curiae* if he is so advised. In No. 328, counsel, without restricting their argument in any other respect, are requested to address themselves in their briefs and on oral argument to the following questions:

1. Does the record affirmatively show that the validity of a state statute was drawn in question in the Supreme Court of Arkansas on the ground of its being repugnant to the Constitution or laws of the United States as required by section 237 (a) of the Judicial Code (28 U. S. C., sec. 344)?

2. Does the record affirmatively show that the argument was made in the Supreme Court of Arkansas that the taxing statute is repugnant to the Constitution and laws of the United States because it requires the severer to collect the tax from the United States?

3. Assuming that question (2), *supra*, is answered in the negative, does this Court have jurisdiction to consider the argument that the taxing statute is repugnant to the Constitution and laws of the United States because it requires the severer to collect the tax from the United States? Compare *Dewey v. Des Moines*, 173 U. S. 193, 198.

4. Do the assignments of error in this Court raise the question whether the taxing statute is repugnant to the Constitution and laws of the United States because it requires the severer to collect the tax from the United States? Compare *Flournoy v. Wiener*, 321 U. S. 253, 259.

No. 100. Bertram Williams et al., etc., petitioners, *v.* Green Bay and Western Railroad Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted.

No. 142. American Surety Company of New York, petitioner, *v.* Paul W. Sampsell, as Trustee, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted.

No. 198. M. Kraus & Bros., Inc., petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted.

No. 278. Reconstruction Finance Corporation et al., petitioners, *v.* The Denver and Rio Grande Western Railroad Company et al.;

No. 279. Reconstruction Finance Corporation et al., petitioners, *v.* The Denver and Salt Lake Western Railroad Company et al.;

No. 280. Reconstruction Finance Corporation et al., petitioners, *v.* City Bank Farmers Trust Company, Trustee, et al.;

No. 281. Reconstruction Finance Corporation et al., petitioners, *v.* The Denver and Rio Grande Western Railroad Company et al.; and

No. 282. Reconstruction Finance Corporation et al., petitioners, *v.* Guy A. Thompson, Trustee, et al. Petition for writs of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted.

No. 289. Marion H. Allen, Collector of Internal Revenue, petitioner, *v.* Trust Company of Georgia and Hughes Spalding, Executors, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted.

No. 309. Unemployment Compensation Commission of the Territory of Alaska et al., petitioners, *v.* Frank L. Aragan and Other Applicants, etc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted.

No. 318. The Social Security Board, petitioner, *v.* Joseph Nierotke. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted.

No. 365. Seas Shipping Company, Inc., petitioner, *v.* Joseph Sieracki. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted.

No. 93. Hercules Gasoline Company, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted and case transferred to the summary docket.

No. 123. Carl B. Williams, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted and case transferred to the summary docket.

No. 145. Commissioner of Internal Revenue, petitioner, *v.* J. N. Flowers. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted and case transferred to the summary docket.

No. 163. Commissioner of Internal Revenue, petitioner, *v.* Laird Wilcox and Maud Wilcox. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted and case transferred to the summary docket.

No. 203. Commissioner of Internal Revenue, petitioner, *v.* Estate of Harry Holmes, Deceased, Lucy B. Holmes, etc. Petition for writ

of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted and case transferred to the summary docket.

No. 234. Mississippi Publishing Corporation, petitioner, *v.* Dennis Murphree. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted and case transferred to the summary docket.

No. 263. A. L. Lusthaus, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted and case transferred to the summary docket.

No. 115. The United States of America, petitioner, *v.* William R. Johnson; and

No. 116. The United States of America, petitioner, *v.* Jack Sommers et al. Petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. The motion to treat and consider records in Nos. 4 and 5, October Term, 1942, and Nos. 153 and 154, October Term, 1944, as part of record in this case without reprinting is granted. Mr. Justice Murphy took no part in the consideration or decision of these applications.

No. 139. Max Levinson, petitioner, *v.* Spector Motor Service, A. Corporation. Petition for writ of certiorari to the Supreme Court of Illinois granted. The Solicitor General and the Interstate Commerce Commission are invited to file briefs amici curiae if so advised.

No. 197. Commissioner of Internal Revenue, petitioner, *v.* Anna Vickers Crawford. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted and case transferred to the summary docket and set to follow No. 56.

No. 292. William Murray Estep, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit of Appeals for the Third Circuit granted and the case is set to follow No. 66.

No. 317. Commissioner of Internal Revenue, petitioner, *v.* Francis E. Tower. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted and case transferred to the summary docket and set to follow No. 263.

No. 254. S. R. A., Inc., petitioner, *v.* State of Minnesota; and

No. 255. S. R. A., Inc., petitioner *v.* State of Minnesota. Petitions for writs of certiorari to the Supreme Court of Minnesota granted and cases transferred to the summary docket. The petition of Bancroft Investment Corporation for leave to file statement in support of the petitions for certiorari is denied.

No. 305. Township of Hillsborough, Somerset County, N. J., et al., petitioners, *v.* Doris Duke Cromwell, Individually and as Trustee, etc. Petition for writ of certiorari to the Circuit Court of Appeals for

the Third Circuit granted. Mr. Justice Murphy took no part in the consideration or decision of this application.

No. 320. Federal Trade Commission, petitioner, *v.* A. P. W. Paper Company, Inc. 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. 306. J. R. Mason, petitioner, *v.* Paradise Irrigation District. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted limited to the question whether any applicable rule requiring equality of treatment among creditors was violated by the difference between the treatment accorded the petitioner and that accorded the Reconstruction Finance Corporation under the approved plan. The case is transferred to the summary docket.

No. 70. David A. Marmon and Charles Weiss, petitioners, *v.* The People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 84. Paradise Land and Livestock Company, 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. 85. Lorin A. Cranson, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 88. Madge Messler, petitioner, *v.* United States Rubber Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 89. Department of Conservation of the State of Louisiana and The Public Service Commission of the State of Louisiana, petitioners, *v.* Federal Power Commission, et al.; and

No. 132. National Coal Association, United Mine Workers of America, Order of Railway Conductors, et al., petitioners, *v.* Federal Power Commission. Petitions for writs of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 90. John H. Parker, petitioner, *v.* Dency Parker. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 91. Jack E. Ellis, an Individual Doing Business Under the Fictitious Firm Name and Style of General Export Company, petitioner, *v.* The De La Rama Steamship Company, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 94. Louis Hamburger and Samuel Hamburger, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 96. Louis Stockstrom, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 97. J. Gordon Mack, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 98. Eli Gurman, petitioner, *v.* Frederick Illg, and Chester Bowles, Administrator of the Office of Price Administration. Petition for writ of certiorari to the Supreme Court of Errors for the State of Connecticut denied.

No. 99. The E. Kahn's Sons Company, petitioner, *v.* Chester Bowles, Price Administrator. Petition for writ of certiorari to the United States Emergency Court of Appeals denied.

No. 101. The Seminole Nation, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 102. Raymond J. Grace, Trading Under the Name and Style of R. J. & M. C. Grace, petitioner, *v.* M. Hampton Magruder, Collector of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 104. Echo Bay Waterfront Corporation, petitioner, *v.* The City of New Rochelle. Petition for writ of certiorari to the County Court of Westchester County, State of New York, denied.

No. 105. Shinyu Noro and Shoie M. Goto, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 106. Clarence Arthur Lane, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 108. Harry Edison, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 109. Salvatore Virzera, petitioner, *v.* The United States of America; and

No. 110. Oreste Virzera, petitioner, *v.* The United States of America. Petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 113. The Enoch Pratt Free Library of Baltimore City, Thomas S. Cullen, Henry Stockbridge III, et al., petitioners, *v.* T. Henderson Kerr and Louise Kerr. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 117. Richard V. Jenkins, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 118. James Picarelli, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 119. Newcomb Cleveland and Bankers Trust Company, as Executors of the Last Will and Testament of Alfred W. Erickson, Deceased, petitioners, *v.* Joseph T. Higgins, as Collector of Internal Revenue for the Third District of New York. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 120. Manuel Carlos, petitioner, *v.* The State of Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 121. Manhattan Lighterage Corporation, petitioner, *v.* Ernest Anderson et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 124. Margaret M. Johnson and Mary E. Layton, Doing Business As United States Dental Company and Voyle Clark Johnson, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 125. Terminal Railroad Association of St. Louis, petitioner, *v.* Gertrude Mooney, Administratrix of the Estate of Neil P. Mooney, Deceased. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 126. Aviation Capital, Incorporated, petitioner, *v.* William J. Pedrick, Collector of Internal Revenue, Second District of New York. Petition for writ of certiorari to Circuit Court of Appeals for the Second Circuit denied.

No. 127. Standard Lime and Stone Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 128. Pearl McAden, petitioner, *v.* State of Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 130. Ibrahim J. Abdallah, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 131. Norristown Herald, Inc., petitioner, *v.* George Bausewine. Petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania denied.

No. 133. Nicholas J. Curtis, petitioner, *v.* Utah Fuel Company, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 134. Roy K. O'Kelley, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 135. Wilhelm Schefold, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 136. Ludwig Koeniger, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 137. The Timken-Detroit Axle Company, petitioner, *v.* Cleveland Steel Products Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 138. Francis Doll, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 140. David A. Marmon and Charles Weiss, petitioners, *v.* The People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 143. Lake Lucerne Plaza, Inc., petitioner, *v.* Chester Bowles, as Administrator, Office of Price Administration. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 146. George E. Colby and International Braid Company, petitioners, *v.* George Frederick French and Roger French. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 147. Wade H. Cooper, petitioner, *v.* R. C. Parsons, Receiver of the United States Savings Bank. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 148. The Airolite Company and The Ventilouvre Company, Inc., petitioners, *v.* Harry W. Fiedler, Doing Business as Air Conditioning Utilities Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 149. Neville Coal & Chemical Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 150. Clarage Fan Company, petitioner, *v.* B. F. Sturtevant Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 151. The Seven Up Company, petitioner, *v.* Cheer Up Sales Company of St. Louis, Missouri, American Soda Water Company, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 153. Sidney D. Palmquist, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 154. Michael J. Cryne, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 156. Longhorn Portland Cement Company and San Antonio Portland Cement Company, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 162. Harold Shrier, Individually and Doing Business Under the Name and Style of A. Shrier & Sons Company, etc., petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 164. Lorraine Castle Apartments Building Corporation, Inc., et al., petitioners, *v.* Justin Mackieurch et al.; and

No. 165. Angelo Castellani et al. petitioners. *v.* James W. McNichols, Trustee, et al. Petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 167. Louis F. Hall & Company, Inc., petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 168. London Weatherproofs, Inc., petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 171. Albert J. Harvey, Jr., and Richard D. Harvey, petitioners, *v.* M. H. Grossman, Trustee, etc., et al.;

No. 172. Albert J. Harvey, Jr., and Richard D. Harvey, petitioners, *v.* M. H. Grossman, Trustee, etc., et al.;

No. 173. Albert J. Harvey, Jr., and Richard D. Harvey, petitioners, *v.* M. H. Grossman, Trustee, etc., et al.;

No. 174. Albert J. Harvey, petitioner, *v.* M. H. Grossman, Trustee, etc., et al.;

No. 175. Plankinton Building Company, petitioner, *v.* M. H. Grossman, Trustee, etc., et al.;

No. 176. Albert J. Harvey, Jr., and Richard D. Harvey, petitioners, *v.* M. H. Grossman, Trustee, etc., et al.;

No. 177. Albert J. Harvey, Jr., and Richard D. Harvey, petitioners, *v.* M. H. Grossman, Trustee, etc., et al. Petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 179. Standard Accident Insurance Company and Albert E. McKenzie, as Trustee in Bankruptcy of the Graves-Quinn Corpora-

tion, petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 181. Wells Lamont Corporation, petitioner, *v.* Chester Bowles, Price Administrator, and James G. Rogers, Acting Administrator. Petition for writ of certiorari to the United States Emergency Court of Appeals denied.

No. 183. A. P. Giannini, Administrator of the Estate of Virgil D. Giannini, Deceased, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 184. Milton Shotts, petitioner, *v.* State of Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 185. Charles E. Treibly, petitioner, *v.* Dr. Winfred Overholser, Superintendent, St. Elizabeths Hospital. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 186. Ohio Tank Car Company, petitioner, *v.* Keith Railway Equipment Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 188. William Elbert Lawrence, petitioner, *v.* The People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 189. The Northern Trust Company, James A. Russell, et al., petitioners, *v.* National Labor Relations Board; and

No. 190. American National Bank and Trust Company of Chicago et al., petitioners, *v.* National Labor Relations Board. Petitions for writs of Certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 191. Samuel R. Morgan, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 194. J. Fort Abell et al., petitioner, *v.* A. M. Anderson, Receiver of the National Bank of Kentucky. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 195. Martin G. Taub, Joseph B. Wohlman, et al., petitioners, *v.* Chester Bowles, Price Administrator. Petition for writ of certiorari to the United States Emergency Court of Appeals denied.

No. 199. J. W. Hale, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 202. The Standard Register Company, petitioner, *v.* American Sales Book Co., Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 210. P. G. Lake, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 211. Timothy F. Costello and Katherine A. Costello, petitioners, *v.* Timothy J. Costello, James A. Costello, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 212. A. S. Genecov, petitioner, *v.* State of Texas and R. A. Schmidt, Sheriff, Dallas County. Petition for writ of certiorari to the Supreme Court of Texas denied.

No. 213. F. G. Badenhausen et al., etc., petitioners, *v.* Otis A. Glazebrook, Jr., et al., as the Reorganization Committee, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 214. Jackson & Perkins Company, petitioner, *v.* Mushroom Transportation Company, Inc., William Bickley, Trading or Bickley's Auto Express. Petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania denied.

No. 216. Clark Oil Company and Plymouth Clark Oil Company, petitioners, *v.* Phillips Petroleum Company, The Pure Oil Company, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 220. Daisy I. Morgan, Executrix of the Estate of Celeste Smith Murray, Deceased, petitioner, *v.* Frank T. Hines, as Administrator of Veterans' Affairs. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 223. Prudence Realization Corporation, petitioner, *v.* The Hurd Committee, The Petitioning Creditors, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 229. The Old Monastery Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 230. Samuel H. Moss, Inc., petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 231. Cowell Portland Cement Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 232. Texas and New Orleans Railroad Company, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 235. Earl B. Spurr, petitioner, *v.* Stasia Spurr. Petition for writ of certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia denied.

No. 237. Ross Engineering Company, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 240. Solly Weiss, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 241. Irving Elias et al., Constituting the Protective Committee, etc., et al., petitioners, *v.* Stanley Clarke, Trustee of Associated Gas and Electric Company, Debtor, et al.; and

No. 242. Irving Elias et al., Constituting the Protective Committee, etc., et al., petitioners, *v.* Denis J. Driscoll, et al., Trustees of Associated Gas and Electric Company, Debtor, et al. Petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 244. Agnes Schongalla, as Executrix, etc., petitioner, *v.* Harry M. Hickey, United States Collector of Internal Revenue, 14th District of New York. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 245. Southern California Freight Lines, petitioner, *v.* Charles T. McKeown. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 246. Jack Tobin, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 247. Pope & Talbot, Inc., petitioner, *v.* Matson Navigation Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 248. William I. Heffron, Trustee of the Estates of William Nelson Hamaker et al., petitioner, *v.* William Nelson Hamaker et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 250. Cornelius J. Collins et al., petitioners, *v.* Lester L. Seifried. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 257. Ed C. Wright, petitioner, *v.* Board of Public Instruction for the County of Broward, State of Florida. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 259. Otto Henry Parkening, petitioner, *v.* Jules Arnold. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 262. The Capitol Novelty Company, Ltd., petitioner, *v.* William S. Evatt, Tax Commissioner of Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 264. Edward S. Ladin, petitioner, *v.* Howard K. Hurwith. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 265. Donald P. Evans, petitioner, *v.* Ruth B. Evans. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 266. Joseph Alcide Landry, petitioner, *v.* Mutual Life Insurance Company of New York. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 268. Martin Leithauser, Administrator of the Estate of P. J. Leithauser, Deceased, petitioner, *v.* Hartford Fire Insurance Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 272. William E. Miedema, petitioner, *v.* Sadie Pratt. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 275. Edith Nycum, petitioner, *v.* City of Altoona, State of Pennsylvania. Petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania denied.

No. 276. Earl S. Worsham, Trading as Worsham Brothers, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 285. Herbert O. Dunn and John A. Cadario, petitioners, *v.* Town of Burlington. Petition for writ of certiorari to the Superior Court, County of Middlesex, Commonwealth of Massachusetts denied.

No. 287. V. Moore, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 290. Halliburton Oil Well Cementing Company, petitioner, *v.* Cranford P. Walker et al., etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 293. Meseck Towing & Transportation Company, petitioner, *v.* Edward E. Rice, etc. Petition for writ of certiorari to the Circuit of Appeals for the Second Circuit denied.

No. 294. Southeastern Building Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 299. Ruthbell Coal Company, petitioner, *v.* Clara W. Stanton, Administratrix, etc. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 301. Benjamin Hall and Altus Hall, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 302. Allen J. Patch, petitioner, *v.* Solar Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 304. Phil Howe et al., Copartners, etc., petitioners, *v.* Federal Trade Commission. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 307. Richard T. Green Company, M. Thomas Green, etc., et al., petitioners, *v.* City of Chelsea. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 310. John Fakouri, petitioner, *v.* Jose Maciel Cadais et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 311. James H. Hickey et al., etc., petitioners, *v.* Federal Deposit Insurance Corporation, as Receiver, etc. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 316. Minnie E. Sharp, Individually and as Executrix, etc., petitioner, *v.* Grip Nut Company et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 321. Peter A. Buhl, Lester W. Bluhm, et al., etc., petitioners, *v.* The University of the State of New York et al. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York denied.

No. 323. Insular Sugar Refining Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 324. Globe Indemnity Company, petitioner, *v.* Gulf Portland Cement Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 330. James W. Waber, petitioner, *v.* Montgomery Ward & Co., Inc., and United States Rubber Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 333. Des Moines County, Iowa, and State of Iowa, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 340. Santo Grasso, petitioner, *v.* Oivind Lorentzen, Director, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 352. County of Thurston in the State of Nebraska et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 359. Stockholders' Committee of the Universal Lubricating Systems, Inc., petitioner, *v.* Austin L. Staley, Trustee, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 370. National Electric Products Corporation, petitioner, *v.* Triangle Conduit & Cable Co., Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 371. Leo S. Sacharoff, petitioner, *v.* Edward S. Corsi, etc., et al.; and

No. 372. Emanuel Schiffman, petitioner, *v.* Edward S. Corsi, etc., et al. Petition for writs of certiorari to the Court of Appeals of New York denied.

No. 68. Uldric Thompson, Jr., petitioner, *v.* The United States. The motion to dispense with the printing of the petition, brief, and record is granted. The motion to bring up additional parts of the record is denied. The petition for writ of certiorari to the Court of Claims is also denied.

No. 92. Joseph Nisonoff, petitioner, *v.* The People of the State of New York. The motion to proceed on less than the required number of records is granted. The petition for writ of certiorari to the Court of Appeals of New York is denied. Mr. Justice Murphy is of the opinion that the petition should be granted.

No. 258. Carmen Beach, petitioner, *v.* The United States of America. The motion to use the record in No. 620, October Term, 1944, is granted. The petition for writ of certiorari to the United States Court of Appeals for the District of Columbia is denied.

No. 129. Henry Groopman, Individually and as President, etc., petitioner, *v.* The United States of America. The petition for writ of certiorari to the Circuit Court of Appeals for the Second 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. 665-666.

No. 161. Louis Larson and Edward Johnstone, petitioners, *v.* General Motors Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. The Chief Justice took no part in the consideration or decision of this application.

No. 288. William E. Baker and Martha D. Baker, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. The

Chief Justice took no part in the consideration or decision of this application.

No. 366. Harold H. Emmons, petitioner, *v.* Max Smitt, John C. Spaulding et al. 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. 296. Herbert C. Reynolds, etc., petitioner, *v.* Board of Public Instruction For The County of Dade, State of Florida, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. Mr. Justice Douglas and Mr. Justice Murphy are of opinion that the petition should be granted.

No. 222. Defense Supplies Corporation, petitioner, *v.* The United States of America. The motion to substitute Reconstruction Finance Corporation as the party petitioner is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit is denied.

No. 260. Gilbert S. Ellithorpe, etc., et al., petitioners, *v.* Albert Y. Osborn, Myron Frantz, et al. The motion to strike the petition is denied. The petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit is also denied.

No. 86. William H. Griffin, petitioner, *v.* Grace H. Griffin. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 122. Julius Fisher, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia; and

No. 152. Frank Canizio, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the County Court, Kings County, State of New York. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are also granted.

No. 112. Herbert M. Gregory, petitioner, *v.* The United States. On petition for writ of certiorari to the Court of Claims;

No. 155. Carmine Pizza, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the Supreme Court of New York;

No. 157. Burnist O. Smith, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 159. Joseph C. Roberts, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 160. William Ernest Tanner, petitioner, *v.* People of the State of California et al. On petition for writ of certiorari to the Supreme Court of California;

No. 166. Frank Davis, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 180. Dave Millwood, petitioner, *v.* The People of the State of California. On petition for writ of certiorari to the Supreme Court of California;

No. 182. Everett Lee Mackey, petitioner, *v.* Thos. E. Whitecotton, Warden, etc. On petition for writ of certiorari to the Supreme Court of Missouri;

No. 200. Russell Garrett, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 204. Joseph Greco, petitioner, *v.* Thomas E. Whitecotton, Warden, etc. On petition for writ of certiorari to the Supreme Court of Missouri;

No. 205. The People of the State of New York ex rel. Lawrence Rensing, petitioner, *v.* Vernon A. Morhaus, as Warden, etc. On petition for writ of certiorari to Washington County Court, State of New York;

No. 206. James Millman, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit;

No. 207. Robert Pond, petitioner, *v.* The People of the State of Illinois, ex rel. George F. Barrett, Attorney General. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 217. John J. Kern, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 224. Georgia M. Spruill, petitioner, *v.* Daniel M. Campbell. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 226. Roy Adkison, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court, Rock Island County, State of Illinois;

No. 227. Albert Carter, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court, Will County, State of Illinois;

No. 236. Harry Pyle, petitioner, *v.* Milton F. Amrine, Warden of the Kansas State Penitentiary. On petition for writ of certiorari to the Supreme Court of Kansas;

No. 249. Elvia L. Sullinger, petitioner, *v.* Dr. Francis C. Shaw, Director of Dannemore State Hospital, etc. On petition for writ of certiorari to the Court of Appeals of New York;

No. 252. Albert Van Pelt, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 271. Roman J. Marcinkowski, petitioner, *v.* The People of The State of New York. On petition for writ of certiorari to the Supreme Court of New York;

No. 273. Ernest Tait, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 308. Henry Euler, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court, Livingston County, State of Illinois;

No. 312. Thomas Lee Clark, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Circuit Court, Randolph County, State of Illinois;

No. 313. James Thomas Gash, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Circuit Court, Randolph County, State of Illinois; and

No. 335. Ralph Foster, petitioner, *v.* Thomas E. Whitecotton, Warden, etc. On petition for writ of certiorari to the Supreme Court of Missouri. The motions for leave to proceed *in forma pauperis* in these cases are granted. The petitions for writs of certiorari are denied.

No. 196. Gene McCann, petitioner, *v.* The United States of America, et al. 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 Second Circuit is denied. The motions for other relief are also denied.

No. 314. James H. Anderson, petitioner, *v.* Walter Nierstheimer, Warden, etc. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Circuit Court, Randolph County, State of Illinois, is denied for the reason that application therefor was not made within the time provided by law. Sec. 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C., sec. 350.

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No. —, October Term, 1944. E. Haydon Bozell *v.* Francis Biddle;

No. —, October Term, 1944. Ex parte Raymond O. DeMaurez;

No. 57, October Term, 1944. The Associated Press et al., appellants, *v.* The United States of America;

No. 58, October Term, 1944. Tribune Company et al., appellants, *v.* The United States of America;

No. 507, October Term, 1944. Interstate Commerce Commission et al., appellants, *v.* Harry A. Parker, etc., et al.;

No. 508, October Term, 1944. The United States of America, appellant, *v.* Harry A. Parker, etc., et al.;

No. 560, October Term, 1944. State of North Carolina et al., appellants, *v.* The United States of America et al.;

No. 561, October Term, 1944. William H. Davis, etc., appellant, *v.* The United States of America et al.;

No. 570, October Term, 1944. Edward A. Hunt and Robert A. Hunt, etc., petitioners, *v.* Edward Crumboch, President, et al.;

No. 574, October Term, 1944. The State of Alabama and Public Service Commission et al., appellants, *v.* The United States of America et al.;

No. 592, October Term, 1944. William H. Davis, Economic Stabilization Director, etc., appellant, *v.* The United States of America et al.;

No. 613, October Term, 1944. Inland Empire District Council et al., petitioners, *v.* Harry A. Millis, etc., et al.;

No. 702, October Term, 1944. Allen Bradley Company et al., petitioners, *v.* Local Union No. 3, International Brotherhood of Electrical Workers, et al.;

No. 811, October Term, 1944. Leo H. Hill et al., petitioners, *v.* State of Florida ex rel. J. Tom Watson, Attorney General;

No. 955, October Term, 1944. L. Metcalfe Walling, Administrator, etc., petitioner, *v.* Youngerman-Reynolds Hardwood Company, Inc.;

No. 1193, October Term, 1944. Wisconsin Alumni Research Foundation, petitioner, *v.* Vitamin Technologists, Inc., et al.;

No. 1213, October Term, 1944. Glick Brothers Lumber Company et al., petitioners, *v.* Chester Bowles, Administrator, etc.;

No. 1230, October Term, 1944. Edward R. Mrozik, petitioner, *v.* James A. Johnston, Warden, etc.;

No. 1237, October Term, 1944. National Labor Relations Board, petitioner, *v.* Jones & Laughlin Steel Corporation;

No. 1238, October Term, 1944. National Labor Relations Board, petitioner, *v.* E. C. Atkins and Company;

No. 1244, October Term, 1944. Maxwell P. Oxman, petitioner, *v.* The United States of America;

No. 1246, October Term, 1944. Estate of Robert Marshall, James Marshall, Executor, petitioner, *v.* Commissioner of Internal Revenue;

No. 1247, October Term, 1944. J. V. Vandenberg et al., etc., petitioners, *v.* Commissioner of Internal Revenue;

No. 1250, October Term, 1944. Joseph Coghlan, petitioner, *v.* The United States of America;

No. 1284, October Term, 1944. Edna F. Stonesifer and Joseph N. Stonesifer, etc., petitioners, *v.* Carl J. Swanson et al., etc.;

No. 1288, October Term, 1944. Robert Noble, petitioner, *v.* C. O. Botkin, Superintendent, etc.;

No. 1291, October Term, 1944. Frank Roberts, petitioner, *v.* The United States of America;

No. 1296, October Term, 1944. William A. Warehime, d. b. a. Nezen Milk Food Company, et al., petitioners, *v.* H. H. Varney, etc., et al.;

No. 1314, October Term, 1944. Richard Adolph Ascher, petitioner, *v.* The United States of America;

No. 1316, October Term, 1944. Homer N. Chapin et al., etc., petitioners, *v.* New York, New Haven and Hartford Railroad Company, Debtor, et al.;

No. 1353, October Term, 1944. J. Ralph De Marcos, petitioner, *v.* Dr. Winfred Overholser, superintendent, St. Elizabeth's Hospital; and

No. 1358, October Term, 1944. Leo Bailey, petitioner, *v.* State of Florida. The petitions for rehearing in these cases are denied.

No. 264, October Term, 1944. Guaranty Trust Company of New York, petitioner, *v.* Grace W. York. The petition for rehearing is denied. The motion to recall mandate, retax costs and to modify the judgment is also denied. Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 506, October Term, 1944. John Mosher, petitioner, *v.* Walter A. Hunter, Warden, etc. The second petition for rehearing is denied.

No. 820, October Term, 1944. 10 East 40th Street Building, Inc., petitioner, *v.* Charles Callus et al. It is ordered that the opinion of the Court in this case be amended by substituting for the word "concededly" in line 8 on page 3, the word "obviously." The petition for rehearing is denied.

No. 1220, October Term, 1944. Armour and Company, petitioner, *v.* Chester Bowles, Price Administrator. The petition for rehearing is denied. The motion in the alternative for leave to file briefs on the merits is also denied.

No. 1235, October Term, 1944. Frank L. Nathanson, petitioner, *v.* People of the State of Illinois. The motion for leave to file petition for rehearing is denied.

No. 1294, October Term, 1944. Jones & Laughlin Steel Corporation, petitioner, *v.* National Labor Relations Board. The petition for rehearing is denied. The Chief Justice took no part in the consideration or decision of this application.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

No. 111. John DiBenedetto, Inspector of Customs, et al., Petitioners, *v.* Henry Morgenthau, Jr., Individually and as Secretary of Treasury, etc. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia. Dismissed on motion of counsel for petitioners.

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No. 17. Henry Hawk, petitioner, *v.* Neil Olson, Warden of the Nebraska State Penitentiary, etc. Argued by Mr. Joseph A. Fanelli for the petitioner and by Mr. Robert A. Nelson for the respondent.

No. 45. The Roland Electrical Company, petitioner, *v.* L. Metcalfe Walling, Administrator, etc. Argued by Mr. O. R. McGuire for the petitioner and by Miss Bessie Margolin for the respondent.

No. 21. Thomas Martino, petitioner, *v.* Michigan Window Cleaning Company. Argument commenced by Mr. Daniel D. Carmell for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, October 9, will be as follows: Nos. 21, 73, 42, 22, 23 (24, 25, 26, 27, 28, 29, 30, 31, 32, 33), 35, 36, 47, 44, and 38.

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SUPREME COURT OF THE UNITED STATES

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

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William Gwosdof, of Nashville, Tenn.; Donald Weed, of Condon, Oreg.; Carlisle B. Roberts, of Portland, Oreg.; G. E. Lee, of Charlotte, N. C.; Paul G. Pennoyer, of New York, N. Y.; Calhoun W. J. Phelps, of Princeton, Ill.; Lindsay Williamson, of New York, N. Y.; Herbert G. Nilles, of Fargo, N. Dak.; James Reginald Larson, of Atlantic, Iowa; Frank W. Sullivan, of Chicago, Ill.; and Willis C. Bullard, of Detroit, Mich., were admitted to practice.

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No. 21. Thomas Martino, petitioner, *v.* Michigan Window Cleaning Company. Argument continued by Mr. Daniel D. Carmell for the petitioner and concluded by Mr. Larry S. Davidow for respondent.

No. 73. Anna M. Boutell and Carroll M. Boutell, doing business as F. J. Boutell Service Company, petitioners, *v.* L. Metcalfe Walling, Administrator of the Wage and Hour Division, etc. Argued by Miss Bessie Margolin for respondent and case submitted by Mr. Harry G. Gault and Mr. Glenn M. Coulter for petitioners.

No. 42. Guy A. Thompson, Trustee, The St. Louis, Brownsville and Mexico Railway Company, Debtor, et al., petitioners, *v.* The Texas Mexican Railway Company. Argued by Mr. Robert H. Kelley for petitioners and by Mr. John P. Bullington for the respondent.

No. 22. The United States of America, Interstate Commerce Commission, et al., appellants, *v.* Detroit and Cleveland Navigation Company et al. Argument commenced by Mr. Charles H. Weston for the appellants, United States and Interstate Commerce Commission.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, October 10, will be as follows: Nos. 22, 23 (24, 25, 26, 27, 28, 29, 30, 31, 32, 33), 35, 36, 47, 44, 38, 39, 41, and (48 and 64).

## SUPREME COURT OF THE UNITED STATES

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

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Lue C. Lozier, of Carrollton, Mo.; Joe W. McQueen, of Kansas City, Mo.; Margaret M. Curley, of Boston, Mass.; Gardiner Johnson, of San Francisco, Calif.; Francis J. Carr, of Redding, Calif.; Adolph K. Schwartz, of St. Louis, Mo.; Sol Brown, of St. Louis, Mo.; Sidney J. Berger, of New York, N. Y.; Frank Mashak, of St. Louis, Mo.; Albert H. Sealy, Jr., of New York, N. Y.; and Elmo L. McClintock, Jr., of Cape Girardeau, Mo., were admitted to practice.

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No. 22. The United States of America, Interstate Commerce Commission, et al., appellants, *v.* Detroit and Cleveland Navigation Company et al. Argument continued by Mr. Charles H. Weston for the appellants, United States and Interstate Commerce Commission; by Mr. Ernest S. Ballard for appellees; by Mr. S. S. Eisen for appellees; and concluded by Mr. Sparkman D. Foster for the appellants, T. J. McCarthy Steamship Company et al.

No. 23. Heber Kimball Cleveland, petitioner, *v.* The United States of America;

No. 24. Heber Kimball Cleveland, petitioner, *v.* The United States of America;

No. 25. Heber Kimball Cleveland, petitioner, *v.* The United States of America;

No. 26. David Brigham Darger, petitioner, *v.* The United States of America;

No. 27. Vergel Y. Jessop, petitioner, *v.* The United States of America;

No. 28. Theral Ray Dockstader, petitioner, *v.* The United States of America;

No. 29. L. R. Stubbs, petitioner, *v.* The United States of America;

No. 30. Follis Gardner Petty, petitioner, *v.* The United States of America;

No. 31. William Chatwin, petitioner, *v.* The United States of America;

No. 32. Charles F. Zitting, petitioner, *v.* The United States of America; and

No. 33. Edna Christensen, petitioner, *v.* The United States of America. Argued by Mr. Claude T. Barnes for the petitioners and by Mr. Assistant Solicitor General Judson for the respondent.

No. 35. Asbury Hospital, A Corporation, appellant, *v.* Cass County, North Dakota, A Public Corporation, R. F. Croal, as States Attorney of Cass County, etc., et al. Argument commenced by Mr. Herbert G. Nilles for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, October 11, will be as follows: Nos. 35, 36, 47, 44, 38, 39, 41 (48 and 64), 43, and 49.

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## SUPREME COURT OF THE UNITED STATES

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

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Milton H. Tucker, of St. Louis, Mo.; Jean Lagerquist Lewis, of Portland, Oreg.; Robert T. Burch, of St. Louis, Mo.; Milton I. Goldstein, of St. Louis, Mo.; Ralph Otis Clare, of Chicago, Ill.; Daniel Henry Jenkins, of Scranton, Pa.; William Ward Adamson, of Burley, Idaho; Herbert August Petsch, of Neosho, Wis.; Simon Harry Alster, of Chicago, Ill.; John M. Cates, Jr., of San Francisco, Calif.; Joseph Wallace Carnwath, of Philadelphia, Pa.; and Vincent J. Dalton, of Pottsville, Pa., were admitted to practice.

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No. 408. Montgomery Ward & Co., Incorporated, et al., petitioners, *v.* The United States of America. Time within which to file response to petition for writ of certiorari extended to and including October 19, 1945, on motion of counsel for respondent.

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No. 35. Asbury Hospital, A Corporation, appellant, *v.* Cass County, North Dakota, A Public Corporation, R. F. Croal, as States Attorney, etc., et al. Argument continued by Mr. Nels G. Johnson for the appellees and concluded by Mr. Herbert G. Nilles for the appellant.

No. 36. The John Kelley Company, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. Frank J. Albus for the petitioner and by Mr. J. Louis Monarch for the respondent.

No. 47. Talbot Mills, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. Melville F. Weston for the petitioner and by Mr. J. Louis Monarch for the respondent.

No. 44. The United States of America, appellant, *v.* American Union Transport, Inc., et al. Argued by Mr. Walter J. Cummings, Jr., for the appellant and by Mr. Harold L. Allen for the appellees.

No. 38. In The Matter of Robert D. Michael, petitioner. Argument commenced by Mr. Robert T. McCracken for the petitioner and continued by Robert N. Hitchcock for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, October 12, will be as follows: Nos. 38, 39, 41 (48 and 64), 43, 49, 50, 51, 53, and 54.

SUPREME COURT OF THE UNITED STATES

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

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Elizabeth C. Lownsbury, of Philadelphia, Pa.; C. C. Wood, of Lafayette, La.; Michael Carchia, of Boston, Mass.; Alfred J. Snyder, of Philadelphia, Pa.; John R. McCullough, of New York, N. Y.; Bernt O. Stordahl, of Sioux Falls, S. Dak.; Charles R. Katz, of New York, N. Y.; Benjamin Weintraub, of New York, N. Y.; Harris Levin, of New York, N. Y.; Alfred D. Sutherland, of Fond du Lac, Wis.; John W. O'Boyle, of Milwaukee, Wis.; Margaret F. Pfeffer, of Fargo, N. Dak.; and Benjamin H. Giffen, of Pittsburgh, Pa., were admitted to practice.

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The Chief Justice said:

"I announce with great sorrow the death in this city of Mrs. Louis D. Brandeis, widow of a former Justice of this Court. The funeral will be held in Washington. Members of the Court will attend to show appropriate respect to her memory."

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No. 38. In The Matter of Robert D. Michael, petitioner. Argument concluded by Mr. Robert M. Hitchcock for the respondent.

No. 39. May Department Stores Company, Doing Business As Famous-Barr Company, petitioner, *v.* National Labor Relations Board. Argued by Mr. Robert T. Burch for the petitioner, continued by Ruth Weyand for the respondent, and concluded by Mr. Milton H. Tucker for the petitioner.

No. 41. Chester G. Bollenbach, petitioner, *v.* The United States of America. Argument commenced by Mr. Bernard Herschkopf for the petitioner and continued by W. Marvin Smith for the respondent.

Adjourned until Monday, October 15, next at 12 o'clock.

The day call for Monday, October 15, will be as follows: Nos. 41, 48 (and 64), 43, 49, 50, 51, 53, 54, 61 (and 63), and 62.

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## SUPREME COURT OF THE UNITED STATES

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

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Washington H. Brown, of Kansas City, Kans.; William Thomas Harper, of Fort Smith, Ark.; G. Byron Dobbs, of Fort Smith, Ark.; Floyd E. Barham, of Fort Smith, Ark.; Edwin Joseph Foltz, of Fort Smith, Ark.; Harold C. Cook, of Ford, Kans.; Abraham Cohen, of Schenectady, N. Y.; Charles Arthur Wesner, of Peoria, Ill.; Thomas J. Hanify, of Seattle, Wash.; Charles R. Carey, of Seattle, Wash.; Casimir Griglik, of Chicago, Ill.; Frank Clay Biggs, of Dallas, Tex.; Thibaut de Saint-Phalle, of New York, N. Y.; Sidney B. Gambill, of Pittsburgh, Pa.; Marvin M. Chesebro, of Los Angeles, Calif.; Franklin C. Howell, of Portland, Oreg.; Maurice J. Rumizen, of Buffalo, N. Y.; and Alvin G. Holtkamp, of St. Louis, Mo., were admitted to practice.

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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. 243. The Devereux Foundation, Inc., appellant, *v.* Roland E. Lea, Edith Dolan, et al. Appeal from the Supreme Court of the Commonwealth of Pennsylvania. *Per curiam*: The appeal is dismissed for want of a substantial federal question. *Euclid v. Ambler*, 272 U. S. 365, 388, 390, and cases cited; *Zahn v. Board of Public Works*, 274 U. S. 325, 328, and cases cited; *Nectow v. Cambridge*, 277 U. S. 183. The petition for leave to intervene and for leave to file a motion to dismiss is denied.

No. 18, Misc. John Gray et al., petitioners, *v.* Coyle E. Bybee et al. The motion for leave to file a petition for writ of certiorari is denied.

No. 24, Misc. In The Matter of George R. Wilson, petitioner;

No. 26, Misc. Stephen Sawyer, petitioner, *v.* Clinton T. Duffy, Warden, etc.;

No. 27, Misc. Joseph G. Isenberg, petitioner, *v.* Edward J. Welch, Superintendent of the District of Columbia Reformatory;

No. 28, Misc. Joseph H. Peters, petitioner, *v.* Stanley P. Ashe, Warden, etc.;

No. 29, Misc. Chester Brown, petitioner, *v.* State of Utah;

No. 30, Misc. Hughes R. Hilliard, petitioner, *v.* James A. Johnston, Warden, etc.;

No. 32, Misc. George Foster, petitioner, *v.* S. P. Ashe, Warden, etc.; and

No. 33, Misc. Willis Rogers, petitioner, *v.* P. J. Squier, Warden, etc. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 34, Misc. David H. Johnson, petitioner, *v.* State of Utah; and

No. 35, Misc. Louise Metter, petitioner, *v.* Max Zriskey et al. The applications are denied.

No. 31, Misc. Lionel Shaffer, petitioner, *v.* Joseph E. Ragen, Warden, etc. The motion for leave to withdraw the motion for leave to file a petition for writ of habeas corpus is granted.

No. 428. El Dorado Oil Works and El Dorado Terminal Company, appellants, *v.* The United States of America et al. In this case probable jurisdiction is noted and the case is transferred to the summary docket.

No. 11, Original. The State of Georgia, complainant, *v.* The Pennsylvania Railroad Company et al. The answers of the defendants are received and ordered filed.

No. 75. Champlin Refining Company, appellant, *v.* The United States of America and Interstate Commerce Commission. The motion to continue is denied. The motion to transfer from the summary docket is also denied.

No. 204. Joseph Greco, petitioner, *v.* Thomas E. Whitecotton, Warden, Missouri State Penitentiary. The order of October 8, 1945, denying the petition for writ of certiorari is vacated.

No. 290. Halliburton Oil Well Cementing Company, petitioner, *v.* Cranford P. Walker, et al., Doing Business as Depthograph Company, a Corporation. The order of October 8, 1945, denying the petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit is vacated and the petition for writ of certiorari is granted.

No. 187. Cherry Cotton Mills, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims granted.

No. 261. Otto A. Case, as Commissioner of Public Lands of the State of Washington, petitioner, *v.* Chester Bowles, Administrator, Office of Price Administration, and Soundview Pulp Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted.

No. 342. Steve Anderson, Earl Trombley, et al., petitioners, *v.* Mt. Clemens Pottery Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted.

No. 354. Stanley Howitt, Flora Post Lee, et al., petitioners, *v.* The United States of America. 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. 169. The Chickasaw Nation, petitioner, *v.* The United States; and

No. 337. The United States, petitioner, *v.* The Chickasaw Nation and The Choctaw Nation. Petitions for writs of certiorari to the Court of Claims denied.

No. 193. Berg Shipbuilding Company, a Corporation, et al., petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 233. Eugene S. Zinser and W. A. Brewer, petitioners, *v.* Federal Petroleum Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 251. John H. Swatzka, petitioner, *v.* Colonel Max W. Sullivan, Commanding Officer, Fort Lewis, Washington, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 295. Cloverleaf Butter Company, petitioner, *v.* United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 297. The Arundel Corporation, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 325. Josef Rosenberg, et al., petitioners, *v.* The United States of America; and

No. 326. Ernest Weiss, et al., petitioners, *v.* The United States of America. Petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 339. Robert A. Fischer, The Fischer Corporation, and A. S. Aloe Company, petitioners, *v.* F. H. Bowers and Louis J. Bristow. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 343. Thomas W. Nealon, petitioner, *v.* Harry W. Hill, as Receiver of Intermountain Building & Loan Association. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 345. Paul Wilson, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 346. Morris B. Sachs, T. C. Witt, et al., petitioners, *v.* The Ohio National Life Insurance Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 347. F. H. McGraw & Company, Inc., and the Aetna Casualty & Surety Company, petitioners, *v.* John T. D. Blackburn, Inc., and Milcor Steel Co.; and

No. 348. The Aetna Casualty & Surety Company and F. H. McGraw & Company, Inc., petitioners, *v.* Milcor Steel Co., and John T. D. Blackburn, Inc. Petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 356. Winter Realty & Construction Co., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 357. Flushingside Realty & Construction Co., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 358. Twinboro Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 362. Burton-Sutton Oil Company, Incorporated, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 385. William Jeffries, Jr., Charles R. Aiken, Administrator, etc., et al., petitioners, *v.* Nellie Jeffries and Harper French. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 219. Eli Gersewitz, petitioner, *v.* The People of the State of New York. The petition for writ of certiorari to the Court of Appeals of New York is dismissed, it appearing that the petitioner died on September 8, 1945.

No. 338. Frank A. Berry and Miller Walton, petitioners, *v.* C. J. Root, Fiduciary Counsel, Inc., et al. 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. 355. Ernest E. Scarborough, petitioner, *v.* Pennsylvania Railroad Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Murphy are of the opinion that petition for certiorari should be granted because of conflict with *Tiller v. Atlantic Coast Line Railroad Co.*, 318 U. S. 54. The motion of the Congress of Industrial Organizations for leave to file a *amicus curiae* is granted.

No. 192. Joseph Peter Oddo, petitioner, *v.* The United States of America; and

No. 208. Kingdom William DeNormand, Joseph Peter Oddo, et al., petitioners, *v.* The United States of America. On petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit. The motions for leave to proceed in forma pauperis in these cases are granted. The petitions for writs of certiorari are denied.

No. 160, October Term 1944. Elgin, Joliet and Eastern Railway Company, petitioner, *v.* G. W. Burley et al. The petition for rehearing is granted, and the case is restored to the docket and assigned for reargument on December 3 next. The Solicitor General is invited to file a brief and to participate in the reargument as *amicus curiae* if he is so advised.

No. 853, October Term 1944. L. C. Akins, petitioner, *v.* The State of Texas. Petition for rehearing denied.

No. 514, October Term 1944. Thomas Henry Robinson, Jr., petitioner, *v.* The United States of America. The motion for leave to file petition for rehearing is denied.

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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, Harold H. Burton, 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.

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The Court will take a recess from Monday, October 22, until Monday, November 5, next.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

No. 431. Nathan R. Feldman, David I. Feldman, et al., petitioners, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit. Dismissed pursuant to stipulation of counsel.

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No. 41. Chester G. Bollenbach, petitioner, *v.* The United States of America. Argument concluded by Mr. W. Marvin Smith for the respondent.

No. 48. Universal Oil Products Company, petitioner, *v.* Root Refining Company; and

No. 64. Universal Oil Products Company, petitioner, *v.* Root Refining Company. Argued by Mr. Ralph H. Harris for the petitioner and by Mr. Thorley von Holst, pro se, and on behalf of Skelly Oil Company et al., as amicus curiae, by special leave of Court.

No. 43. Ethel Keeton, as Administratrix of the Estate of W. S. Keeton, Deceased, petitioner, *v.* Guy A. Thompson, Trustee, etc. Submitted by Mr. Theron W. Agee and Mr. David Sidney Partain for the petitioner and by Mr. Thomas T. Railey and Mr. Thomas B. Pryor for the respondent.

No. 49. Bernard B. Bailey, appellant, *v.* J. A. Anderson, State Highway Commissioner of Virginia. Argued by Mr. Bernard B. Bailey, pro se, and by Mr. Abram P. Staples for the appellee. Leave granted appellant to file reply brief by Wednesday next.

No. 50. Glass City Bank of Jeannette, Pennsylvania, petitioner, *v.* The United States of America. Argument commenced by Mr. Fred B. Trescher for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, October 16, will be as follows: Nos. 50, 51, 53, 54, 61 (and 63), 62, 46, 69, 76, and 72.

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SUPREME COURT OF THE UNITED STATES

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

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Edward A. Goubeaux, Jr., of Greenville, Ohio; Harry Davis Barnes, of Elkton, Md.; Melvin Goode, of Albany, Oreg.; Harold H. Streight, of Los Angeles, Calif.; James Edmund Bednar, Jr., of Los Angeles, Calif.; Jacob Lewiton, of Boston, Mass.; John M. Wheeler, Jr., of Tulsa, Okla.; Charles P. Liff, of New York, N. Y.; Warren L. Sharfman, of Washington, D. C.; Harry H. Schneider, of New York, N. Y.; Edward M. Murphy, of Washington, D. C.; Brooks S. Larkin, of Hillsboro, Ohio; Whitfield H. Marshall, of Houston, Tex.; and Dan M. Nee, of Springfield, Mo., were admitted to practice.

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No. 50. Glass City Bank of Jeannette, Pennsylvania, petitioner, *v.* The United States of America. Argument continued by Mr. Fred B. Trescher for the petitioner, by Mr. Ralph F. Fuchs for the respondent, and concluded by Mr. Fred B. Trescher for the petitioner. Leave granted petitioner to file reply brief by Friday next.

No. 51. Forest E. Levers, Administrator, etc., petitioner, *v.* A. V. Anderson, District Supervisor, Alcohol Tax Unit. Argued by Mr. Houston Thompson for the petitioner, by Mr. Robert L. Stern for the respondent, and concluded by Mr. Hugh H. Obear for the petitioner. Memorandum to be filed by Mr. Robert L. Stern.

No. 53. Gange Lumber Company, appellant, *v.* Ralph Rowley and Department of Labor and Industries of the State of Washington. Argument commenced by Mr. T. J. Hanify for the appellant, and continued by Mr. Charles R. Carey for the appellee, Ralph Rowley.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, October 17, will be as follows: Nos. 53, 54, 61 (and 63), 62, 46, 69, 76, 72, 65, and 52.

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## SUPREME COURT OF THE UNITED STATES

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

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Virgil Evans, of Hot Springs, Ark.; Hubbard F. Fellows, of Rapid City, S. Dak.; John M. Allison, of Tampa, Fla.; Royce S. McClelland, of Wilmington, N. C.; Harry B. Terrell, of Tampa, Fla.; Carlos E. Schaper, of Broken Bow, Nebr.; John H. D. Wigger, of Washington, D. C.; Fred L. Henley, of Caruthersville, Mo.; Harriett Lull Alden, of Kansas City, Kans.; Bernhard W. Alden, of Kansas City, Kans.; Thomas Marion Van Cleave, Jr., of Kansas City, Kans.; Frederick van Beuren Joy, of New York, N. Y.; Francis T. McNicholas, of Chicago, Ill.; Francis E. Holman, of Seattle, Wash.; Saul A. Shames, of Brooklyn, N. Y.; Isaac C. Donner, of New York, N. Y.; Horace B. Thompson, of West Point, N. Y.; Richard J. Relyea 2d, of New York, N. Y.; John D. Hyde, of Corpus Christi, Tex.; David Lieberman, of New York, N. Y.; Murray Robinson, of Houston, Tex.; Frank E. Mauritz, of Oak Park, Ill.; and Raymond E. Cookston, of Lakewood, Ohio, were admitted to practice.

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No. 53. Gange Lumber Company, appellant, *v.* Ralph Rowley and Department of Labor and Industries of the State of Washington. Argument continued by Mr. Harry Ellsworth Foster for the appellee, Department of Labor and Industries of the State of Washington, and concluded by Mr. T. J. Hanify for the appellant.

No. 54. Scott Paper Company, petitioner, *v.* Marcalus Manufacturing Company, Inc., and Nicholas Marcalus. Argued by Mr. George E. Middleton for the petitioner and by Mr. Samuel E. Darby, Jr., for the respondents.

No. 61. Oklahoma Press Publishing Company, petitioner, *v.* L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor; and

No. 63. News Printing Co., Inc., petitioner, *v.* L. Metcalfe Walling, Administrator, etc. Argument commenced by Mr. Elisha Hanson for the petitioners and continued by Mr. Irving J. Levy for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, October 18, will be as follows: Nos. 61 (and 63), 62, 46, 69, 76, 72, 65, and 52.

## SUPREME COURT OF THE UNITED STATES

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

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E. M. DeGeurin, of Austin, Tex.; Garland F. Smith, of Houston, Tex.; Edward L. Foster, of Silver Spring, Md.; Frank A. Blankenbeckler, Jr., of Austin, Tex.; John V. Singleton, Jr., of Houston, Tex.; John C. Walters, of Troy, Ala.; Harry E. Belflower, of Jacksonville, Fla.; James A. Belflower, of Atlanta, Ga.; Robert C. Hunter, of Portland, Oreg.; Richard J. Lally, of New York, N. Y.; Archibald Marison Mull, Jr., of Sacramento, Calif.; Robert McKenzie Gibson, of Hartford, Conn.; Morriss Franklin Wolfe, of Washington, D. C.; Maurice B. Shaperio, of Norfolk, Va.; Frederick Zengel III, of New Orleans, La.; Walter H. Williams, of Polson, Mont.; Walter Brewer, Jr., of Toledo, Ill.; Frantz B. Lilloe, of Los Angeles, Calif.; and Clarence Robison, of Shawnee, Okla., were admitted to practice.

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No. 61. Oklahoma Press Publishing Company, petitioner, *v.* L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor; and

No. 63. News Printing Co., Inc., petitioner, *v.* L. Metcalfe Walling, Administrator, etc. Argument continued by Mr. Irving J. Levy for the respondent and concluded by Mr. Elisha Hanson for the petitioners.

No. 62. The East New York Savings Bank, appellant, *v.* Alvin Hahn and Hannah Hahn. Argued by Mr. John P. McGrath for the appellant and by Mr. Orrin G. Judd for the appellees.

No. 46. General Electric Company, petitioner, *v.* Jewell Incandescent Lamp Company et al. Argument commenced by Mr. Alexander G. Neave for the petitioner and continued by Mr. Samuel E. Darby, Jr., for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, October 19, will be as follows: Nos. 46, 69, 76, 65, and 52.

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## SUPREME COURT OF THE UNITED STATES

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

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Roy E. Warden, of Little Rock, Ark.; Frank Kellogg Richardson, of Oroville, Calif.; James M. Ruhmann, of Kenedy, Tex.; John Spencer Taylor, of Sullivan, Ind.; J. Olias Vanier, of Sullivan, Ind.; John T. Hays, of Sullivan, Ind.; David H. Shearer, of Rochester, N. Y.; Merrill G. Windelberg, of Buffalo, N. Y.; and John Newbold Hazard, of New York, N. Y., were admitted to practice.

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No. 46. General Electric Company, petitioner, *v.* Jewell Incandescent Lamp Company et al. Argument continued by Mr. Samuel E. Darby, Jr., for the respondent and concluded by Mr. Alexander G. Neave for the petitioner.

No. 69. Lillian Boehm, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. Louis Boehm for the petitioner and by Mr. Walter J. Cummings, Jr., for the respondent.

No. 76. James E. Markham, Alien Property Custodian, and W. Alexander Julian, Treasurer of the United States, petitioners, *v.* Hartwell Cabell. Argued by Mr. Paul A. Freund for the petitioners and by Mr. Hartwell Cabell for the respondent.

No. 52. Better Business Bureau of Washington, D. C., Inc., petitioner, *v.* The United States of America. Argued by Mr. R. B. Lyon for the petitioner and by Mr. Joseph S. Platt for the respondent.

Adjourned until Monday, October 22, next, at 12 o'clock.

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## SUPREME COURT OF THE UNITED STATES

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

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Howard Hasting, of Mena, Ark.; Cecil E. Potter, of Port Arthur, Tex.; Clifford M. Raemer, of Salem, Ill.; Donald W. Hamblin, of Los Angeles, Calif.; John Milton Jamison, of Houston, Tex.; John Robert Garner, Jr., of Odum, Ga.; Eugene H. BeHage, of Rochester, N. Y.; William R. Keuffner, of Saint Paul, Minn.; Pearl H. Wilson, of Flagstaff, Ariz.; Darwin Charles Brown, of San Francisco, Calif.; Alfred Ogden, of New York, N. Y.; Lawrence Weldon Laughlin, of Mount Ayr, Iowa; Adrian Melvyn Unger, of Newark, N. J.; and Willimina Montague, of Los Angeles, Calif., were admitted to practice.

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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. 12, Orig. United States of America, complainant, *v.* State of California. The motion for leave to file the bill of complaint is granted and process is ordered to issue returnable on December 28, next.

No. 36, Misc. Robert H. McCoy, petitioner, *v.* State of Utah;

No. 37, Misc. Vurnice King, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 38, Misc. Paul F. King, petitioner, *v.* John Horgan, Berkshire County Jail, Pittsfield, Massachusetts;

No. 39, Misc. Marion G. Carson, petitioner, *v.* Joseph E. Ragen, Warden, etc.; and

No. 40, Misc. Paul Jenkot, petitioner, *v.* Joseph E. Ragen, Warden, etc. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 41, Misc. Custer M. Coyle, petitioner, *v.* People of the State of California. The motions for leave to file petitions for writs of habeas corpus and certiorari are denied. The petition for appeal is also denied.

No. 20, Misc. Louis Lober, Bondholder and Attorney in Fact for Lawrence Schrage, a Debentureholder, and Archibald Palmer, petitioners, *v.* Morgan, Lewis & Bockius, et al.; and

No. 21, Misc. Louis Lober, Bondholder and Attorney in Fact for Lawrence Schrager, a Debentureholder, and Archibald Palmer, petitioners, *v. Morgan, Lewis & Bockius, et al.* The motion for leave to file petition for writs of certiorari is denied. Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 59. The United States of America, appellant, *v. Henry Rompel, Jr., Administrator De Bonis Non Cum Testamento Annexo of Ernest Herbst, Deceased.* The motion of the State of Texas for leave to present oral argument as *amicus curiae* is granted.

No. 66. Louis Dabney Smith, petitioner, *v. The United States of America*; and

No. 292. William Murray Estep, petitioner, *v. The United States of America.* The motion for additional time for oral argument is denied. The cases are consolidated for argument.

No. 319. National Labor Relations Board, petitioner, *v. Cheney California Lumber Company.* Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted.

No. 344. Arthur L. Bell, Individually and as an Associate of and Division Superintendent of "Mankind United," etc., et al., petitioners, *v. R. B. Hood, Theodore Cruise, Philip Bowser, et al.* Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted.

No. 387. The United States, petitioner, *v. Alcea Band of Tillamooks et al.* Petition for writ of certiorari to the Court of Claims granted.

No. 238. William C. Hulbert and Chester Bowles, Administrator, Office of Price Administration, petitioners, *v. Twin Falls County, Idaho.* Petition for writ of certiorari to the Supreme Court of Idaho granted and case transferred to the summary docket and assigned to follow No. 261.

No. 384. Forrest S. Smith, Trustee of the Property of Hoboken Manufacturers Railroad Company, Debtor, et al., petitioners, *v. Hoboken Railroad Warehouse and Steamship Connecting Company et al.* Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. The Solicitor General is invited to file a brief and participate in the oral argument as *amicus curiae* if he is so advised.

No. 392. Walter E. Meyer, petitioner, *v. Joseph B. Fleming and Aaron Colnon, as Trustees of the Chicago, Rock Island and Pacific Railway Company.* Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. Mr. Justice Frankfurter took no part in the consideration or decision of this application.

No. 399. Frank C. Walker, as Postmaster General of the United States, petitioner, *v. Esquire, Inc.* Petition for writ of certiorari to

the United States Court of Appeals for the District of Columbia granted. The motion for leave to substitute Robert E. Hannegan as the party petitioner is granted. The motion of the American Civil Liberties Union for leave to file brief as *amicus curiae* is also granted.

No. 221. Taze Hamrick Gibson, 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 also granted.

No. 256. A. A. Sekt, petitioner, *v.* The Justice's Court of San Rafael Township, County of Marin, State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 298. Isidore Fried, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 300. George Sam Aloisio and William Aloisio, petitioners, *v.* The United States of America; and

No. 331. Frank John Cerone, petitioner, *v.* The United States of America; and

No. 332. James Samuel Cerone and Frank John Cerone, petitioners, *v.* The United States of America. Petitions for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 327. George Schwartz, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 334. J. R. Mason, petitioner, *v.* Banta Carbona Irrigation District. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 353. Thomas R. Purman, petitioner, *v.* T. S. Fitch et al. Petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania denied.

No. 377. Bill Hunnicutt, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 378. American Bowling & Billiard Corporation, petitioner, *v.* The Brunswick-Balke-Collender Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 391. Lewis E. Nash, petitioner, *v.* Peter Raun. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 394. Mae Huffman, petitioner, *v.* Home Owners' Loan Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 395. F. T. Newton and Mrs. F. T. Newton, petitioners, *v.* Frank S. Glenn et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 396. Salmon and Cowin, Inc., Mining Engineers and Contractors, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 401. Tony Granieri, Bankrupt, petitioner, *v.* Tony Blanche Schramm, Creditor. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 269. Milton Roe Sabin and Bertha Florence Sabin, petitioners, *v.* Home Owners' Loan Corporation et al. 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 Tenth Circuit is denied.

No. 373. Walter H. Duisberg, petitioner, *v.* James E. Markham, as Alien Property Custodian. The motion to withdraw the appearance of Abraham Hornstein as counsel for petitioner is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit is denied.

No. 205, October Term 1944. In Re Clyde Wilson Summers, petitioner;

No. 205. The People of the State of New York, ex rel. Lawrence Rensing, petitioner, *v.* Vernon A. Morhaus, Warden of Great Meadows Prison, Comstock, New York; and

No. 330. James W. Waber, petitioner, *v.* Montgomery Ward & Co., Incorporated, and United States Rubber Company. The petitions for rehearing in these cases are denied.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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Adjourned until Monday, November 5, next, at 12 o'clock.

The day call for Monday, November 5, will be as follows: Nos. 58, 59, 56, 197, 66 (and 292), 18 (19 and 20), 5, 75, 37, and 71.

## SUPREME COURT OF THE UNITED STATES

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

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Edith DeBusk, of Dallas, Tex.; Manuel DeBusk, of Dallas, Tex.; M. Sims Davidson, of Dallas, Tex.; Moe M. Tonkon, of Portland, Oreg.; Tom Matheny Miller, of Graham, Tex.; W. Arlington Jones, of Hattiesburg, Miss.; Seymour W. Wurfel, of San Diego, Calif.; Edward G. Krantz, of Chicago, Ill.; George W. McCleskey, of Lubbock, Tex.; H. L. Allen, of Winnfield, La.; Lyndon B. Allen, of Winnfield, La.; John B. Pope, of Abilene, Tex.; Willard E. Dollahon, of Houston, Tex.; Milton Braun Safier, of Los Angeles, Calif.; Louis Charles Beck, of Pasadena, Calif.; Don C. Swanson, of Webster City, Iowa; J. Vincent Keogh, of New York, N. Y.; Harold Stanley Gish, of Lincoln, Nebr.; Eugene H. Houchins, Jr., of Victoria, Tex.; Ray E. Dougherty, of Washington, D. C.; Chas. B. Wilson, Jr., of Flagstaff, Ariz.; Jack U. Scarborough, of Houston, Tex.; Charles Orlando Pratt, of Arlington, Va.; Rupert N. Gresham, of San Antonio, Tex.; Norman F. Anderson, of Lake Charles, La.; Sidney D. Krystal, of Los Angeles, Calif.; John Ashley Wells, of New York, N. Y.; Oren Root, Jr., of New York, N. Y.; Felix Eugene Sklagen, of Columbia, S. C.; George Francis Vaia, of Washington, D. C.; John Donald McConahey, of Sparta, Wis.; Earl A. Brown, of Dallas, Tex.; William Willner, of Brooklyn, N. Y.; Robert A. Cavanaugh, of Muskegon, Mich.; John A. V. Murphy, of New York, N. Y.; Roy Robert Gean, of Fort Smith, Ark.; Stephen H. Fletcher, of New York, N. Y.; Austin P. Sullivan, of Washington, D. C.; Allen C. Phelps, of Denver, Colo.; Roman Beck, of New York, N. Y.; Maurice A. Krisel, of New York, N. Y.; Clifford Carlstedt, of Duluth, Minn.; James E. Edwards, of Washington, D. C.; Edward Van Davis, of Anchorage, Alaska; Lester Carl Boone, of Dallas, Tex.; and Marion B. Wilson, of Takoma Park, Md., were admitted to practice.

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No. 22. The United States of America, Interstate Commerce Commission, T. J. McCarthy Steamship Company, et al., appellants, v. Detroit and Cleveland Navigation Company et al. Appeal from the District Court of the United States for the Eastern District of Michigan. Decree reversed and cause remanded to said District Court for

further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 46. General Electric Company, petitioner, *v.* Jewell Incandescent Lamp Company et al. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Affirmed with costs and cause remanded to the District Court of the United States for the District of New Jersey. Opinion by Mr. Justice Douglas. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 62. The East New York Savings Bank, appellant, *v.* Alvin Hahn and Hannah Hahn. Appeal from the Supreme Court of the State of New York, County of Kings. Judgment affirmed with costs and cause remanded to the said Supreme Court. Opinion by Mr. Justice Frankfurter. Mr. Justice Rutledge concurs in the result. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 51. Forest E. Levers, Administrator, etc., petitioner, *v.* A. V. Anderson, District Supervisor, Alcohol Tax Unit. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth 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 Black. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 38. In the Matter of Robert D. Michael, petitioner. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. The judgments of the District Court of the United States for the Middle District of Pennsylvania and the Circuit Court of Appeals are reversed and the 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 Jackson took no part in the consideration or decision of this case.

No. 49. Bernard B. Bailey, appellant, *v.* J. A. Anderson, State Highway Commissioner of Virginia. Appeal from the Supreme Court of Appeals of the State of Virginia. Appeal dismissed for the want of any properly presented substantial federal question. Opinion by the Chief Justice. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 35. Asbury Hospital, a Corporation, appellant, *v.* Cass County, North Dakota, a Public Corporation, et al. Appeal from the Supreme Court of the State of North Dakota. Appeal dismissed in part as indicated in the opinion of this Court. In all other respects the judgment of the Supreme Court is affirmed with costs. Opinion by the Chief Justice. Mr. Justice Black is of the opinion that the appeal

should be dismissed for the want of a substantial federal question. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 170. The Chickasaw Nation, petitioner, *v.* The United States. On petition for writ of certiorari to the Court of Claims. The petition for writ of certiorari is granted limited to the question whether the particular gratuity items necessarily used as offsets should be designated by the judgment. The judgment is reversed and the cause remanded to the Court of Claims for further proceedings in conformity with the opinion of this Court. Opinion *per curiam* announced by the Chief Justice. Mr. Justice Jackson took no part in the consideration or decision of this case.

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The Chief Justice announced the following orders of the Court:

No. 43. Ethel Keeton, as Administratrix of the Estate of W. S. Keeton, Deceased, petitioner, *v.* Guy A. Thompson, Trustee in Bankruptcy for Missouri Pacific Railroad Company. On writ of certiorari to the Supreme Court of Arkansas. *Per curiam*: On examination of all the evidence considered in this case by the Supreme Court of the State of Arkansas, we are of opinion that the question of respondent's negligence should have been submitted to the jury. The judgment will be reversed and the cause remanded for further proceedings not inconsistent with this opinion.

No. 421. William Wallace McCallum, appellant, *v.* The Board of Managers and The Grievance Committee of the Chicago Bar Association. Appeal from the Supreme Court of Illinois. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question.

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. 474. The United States of America, appellant, *v.* Joseph L. Carbone, Vincent Di Nunno, et al. In this case probable jurisdiction is noted and the case is transferred to the summary docket.

No. 447. The United States of America, appellant, *v.* Sheldon Maurice Anderson. Further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing on the merits. The case is transferred to the summary docket.

No. 160, October Term, 1944. Elgin, Joliet and Eastern Railway Company, petitioner, *v.* G. W. Burley et al. The motion of the Railway Labor Executives' Association for leave to appear and participate in the oral argument as *amicus curiae* is denied. Leave is granted to file additional brief if so advised.

No. 86. William H. Griffin, petitioner, *v.* Grace H. Griffin. The motion of the respondent for leave to proceed *in forma pauperis* is granted.

No. 42. Misc. Clarence B. Bernard, petitioner, *v.* J. LeRoy Wright, Warden, Maryland House of Correction; and

No. 47, Misc. Hughes R. Hilliard, petitioner, *v.* James A. Johnston, Warden. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 46, Misc. In The Matter of Paul Young, petitioner;

No. 48, Misc. Hughes R. Hilliard, petitioner, *v.* Michael J. Roche Judge, United States District Court; and

No. 49, Misc. Hugh R. Hilliard, petitioner, *v.* James A. Johnston, Warden. The motions for leave to file petitions for writs of mandamus are denied.

No. 45, Misc. Henri Young, petitioner, *v.* A. F. St. Sure, District Judge for the Northern District of California. The motion for leave to file a petition for writ of certiorari is denied.

Mr. 43, Misc. In The Matter of Henri Young, petitioner; and

No. 44, Misc. Fred Wallace Bantz, petitioner, *v.* P. J. Squier, Warden. The applications are denied.

No. 410. Alpine MacGregor, petitioner, *v.* Westinghouse Electric & Manufacturing Company. Petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania granted.

No. 418. Jerome F. Duggan, Trustee of the Estate of Christopher Engineering Company and National Aircraft Corporation, petitioner, *v.* James C. Sansberry, Trustee of the Estate of National Aircraft Corporation; and

No. 419. National Aircraft Corporation, petitioner, *v.* James C. Sansberry, Trustee of the Estate of National Aircraft Corporation. Petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted.

No. 435. Emory S. Land, Individually and as Chairman of the United States Maritime Commission, et al., petitioners, *v.* Waterman Steamship Corporation. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted.

No. 444. Florence B. Bigelow, Marion B. Koerber, et al., petitioners, *v.* R K O Radio Pictures, Inc., Loew's, Incorporated, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted.

No. 473. John D. Pennekamp and The Miami Herald Publishing Company, petitioners, *v.* The State of Florida. Petition for writ of certiorari to the Supreme Court of Florida granted.

No. 405. Charles Swanson, petitioner, *v.* Marra Brothers, Inc. The motion for leave to proceed on typewritten petition, brief and record is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit is also granted.

No. 408. Montgomery Ward & Co., Incorporated, Sewell L. Avery, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. The judgment of the Circuit Court of Appeals is vacated and the cause is remanded to the District Court with directions to dismiss the cause as moot.

No. 452. Commissioner of Internal Revenue, petitioner, *v.* Charles T. Fisher, et al., Executors of the Estate of Fred J. Fisher, and Burtha M. Fisher. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted and the case transferred to the summary docket. Mr. Justice Murphy took no part in the consideration or decision of this application.

No. 393. Christine Collins, A. J. Cummins, et al., petitioners, *v.* Chester Bowles, Price Administrator. Petition for writ of certiorari to the United States Emergency Court of Appeals granted and case transferred to the summary docket.

No. 400. Utah Junk Company, petitioner, *v.* Chester Bowles, Price Administrator. Petition for writ of certiorari to the United States Emergency Court of Appeals granted and case transferred to the summary docket.

No. 424. Kennecott Cooper Corporation, petitioner, *v.* State Tax Commission, et al.; and

No. 425. Silver King Coalition Mines Company, petitioner, *v.* State Tax Commission et al. Petition for writs of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted. The Chief Justice took no part in the consideration or decision of these applications.

No. 388. The United States, petitioner, *v.* Horace Havemeyer; and

No. 389. Horace Havemeyer, petitioner, *v.* The United States. Petitions for writs of certiorari to the Court of Claims denied.

No. 406. Frank Madaffer, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 407. Commonwealth of Virginia, ex rel. Town of Appalachia, Virginia, Fritz Kleinick, etc., et al., petitioners, *v.* Old Dominion Power Company, Inc. Petition for writ of certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia denied.

No. 412. Great Lakes Dredge and Dock Company, petitioner, *v.* L. Metcalfe 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 Seventh Circuit denied.

No. 413. Bay State Dredging & Contracting Company, petitioner, *v.* L. Metcalfe 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 First Circuit denied.

No. 414. Benjamin Hall, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 415. Heinel Motors, Inc., and Elmer W. Heinel, petitioners, *v.* Chester Bowles, Price Administrator, Office of Price Administration. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 416. Obear-Nester Glass Company, petitioner, *v.* United Drug Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 417. Daisy B. Horst, Executrix of the Estate of E. Clemens Horst, Deceased, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 423. Arthur McAleenan, Henry J. McAleenan, et al., petitioners, *v.* George D. Horning, Incorporated. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 426. Intercounty Operating Corporation and Salonga Farms, Inc., petitioners, *v.* County of Nassau. Petition for writ of certiorari to the Supreme Court of New York, Appellate Division, denied.

No. 427. Intercounty Operating Corporation, petitioner, *v.* Grace E. Connolly. Petition for writ of certiorari to the Supreme Court of New York, Appellate Division, denied.

No. 429. Moses B. Sherr, petitioner, *v.* Anaconda Wire and Cable Company and the United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 432. Kastar, Incorporated, petitioner, *v.* Helen S. Clair and John H. Lane, Copartners Doing Business Under the Name and Style of Anti-Shimmie Manufacturing Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 434. Capital Transit Company, petitioner, *v.* Julia S. Jackson. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 436. M. M. Argo, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 437. Cornucopia Gold Mines, a Private Corporation, petitioner, *v.* Carl Locken, Administrator of the Estate of Anna Locken, Deceased. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 439. C. C. Fletcher and E. E. Wakeman, as Surviving Trustees of the Standard Bentonite Company, a Trust, petitioners, *v.* Frank G. Clark, as Collector of Internal Revenue for the Collection District of Wyoming. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 442. Edward Schlecter, petitioner, *v.* John F. Foster, Warden of Auburn Prison, Auburn, New York. Petition for writ of certiorari to the Supreme Court of New York, Appellate Division, denied.

No. 445. The Lincoln National Life Insurance Company, petitioner, *v.* State Tax Commission and Greek L. Rice, Attorney General of the State of Mississippi. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. 450. The Federal Land Bank of Berkeley, petitioner, *v.* Florence Davis Smith and Harvey W. Smith. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 453. Commercial Discount Company, petitioner, *v.* Ethel Strickland Rogan, Executrix of the Last Will and Testament of Nat Rogan, Deceased. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 459. Ethel Kresberg, petitioner, *v.* International Paper Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 460. Howard L. Kerfoot, as Administrator of the Goods, Chattels and Credits of Madeline Meredith Kerfoot, Deceased, petitioner, *v.* Ruth Kelley. Petition for writ of certiorari to the Court of Appeals of the State of New York denied.

No. 471. Carnegie-Illinois Steel Corporation, petitioner, *v.* George P. Alderson, In His Official Capacity as Tax Commissioner, etc. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 483. Weirton Steel Company, petitioner, *v.* Costanzo Coal Mining Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 504. Pond Fork Oil & Gas Company, petitioner, *v.* Albert H. Cole et al., Trustees of the Cole & Crane Real Estate Trust. Petition

for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 470. United States, ex rel. William A. Doss, petitioner, *v.* E. E. Lindsley, Sheriff, Piatt County, Illinois. The motion to print an abbreviated record is granted. The petition for writ of certiorari to the Circuit Court of Piatt County, State of Illinois, is denied.

No. 209. John S. Kuzmack, 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. 239. William G. Hickok, petitioner, *v.* Walter A. Hunter, Warden. 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* in these cases are granted. The petitions for writs of certiorari are denied.

No. 228. Elbert J. Burns, Alias E. J. Burns, petitioner, *v.* The 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 Alabama is denied and the order granting a stay of execution is vacated. Mr. Justice Black took no part in the consideration or decision of these applications.

No. — October Term 1944. Ex Parte George Albert Brown;

No. 212, October Term 1944. Dewey White, petitioner, *v.* Joseph E. Ragen, Warden, etc.; and

No. 1212, October Term 1944. Basil Banghart, petitioner, *v.* The United States of America. The motions for leave to file petitions for rehearing are denied. Mr. Justice Burton took no part in the consideration or decision of these applications.

No. 1244, October Term 1944. Maxwell P. Oxman, petitioner, *v.* The United States of America. The motion for leave to file a second petition for rehearing is denied. Mr. Justice Burton took no part in the consideration or decision of this application.

No. 30, Misc. Hughes R. Hilliard, petitioner, *v.* James A. Johnston, Warden;

No. 70. David A. Marmon and Charles Weiss, petitioners, *v.* The People of the State of Illinois;

No. 137. The Timken-Detroit Axle Company, petitioner, *v.* Cleveland Steel Products Corporation;

No. 140. David A. Marmon and Charles Weiss, petitioners, *v.* The People of the State of Illinois;

No. 147. Wade H. Cooper, petitioner, *v.* R. C. Parsons, Receiver of the United States Savings Bank;

No. 181. Wells Lamont Corporation, petitioner *v.* Chester Bowles, Price Administrator, and James G. Rogers, Acting Administrator;

No. 188. William Elbert Lawrence, petitioner, *v.* The People of The State of Illinois;

No. 202. The Standard Register Company, petitioner, *v.* American Sales Book Company, Inc.;

No. 212. A. S. Genecov, petitioner, *v.* State of Texas and R. A. Schmidt, Sheriff, etc.;

No. 245. Southern California Freight Lines, petitioner, *v.* Charles T. McKeown;

No. 275. Edith Nycum, petitioner, *v.* City of Altoona, State of Pennsylvania;

No. 352. County of Thurston in the State of Nebraska, et al., petitioners, *v.* The United States of America; and

No. 359. Stockholders' Committee of the Universal Lubricating Systems, Inc., petitioner *v.* Austin L. Staley, Trustee in Reorganization for The Universal Lubricating Systems, Inc. The petitions for rehearing in these cases are denied. Mr. Justice Burton took no part in the consideration or decision of these applications.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day entered.

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No. 58. Joachim O. Fernandez, United States Collector of Internal Revenue, appellant, *v.* Samuel G. Wiener, William B. Wiener, et al. Argument commenced by Mr. Assistant Attorney General Clark for the appellant, continued by Mr. Sidney L. Herold and Mr. Charles E. Dunbar, Jr., for the appellees, and Mr. Max Radin for the States of California, et al., *amici curiae* by special leave of Court.

No. 59. The United States of America, appellant, *v.* Henry Rompel, Jr., Administrator De Bonis Non Cum Testamento Annexo of Ernest Herbst, Deceased. Argument commenced by Mr. Assistant Attorney General Clark for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, November 6, will be as follows: Nos. 59, 56, 197, 66 (292), 18 (19, 20), 72, 75, 37, 71, 95, and 103.

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## SUPREME COURT OF THE UNITED STATES

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

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Zeamore A. Ader, of Chicago, Ill.; Curran Earle Cooley, of Anderson, S. C.; George M. Snellings, Jr., of Monroe, La.; Lincoln Battentfield, of Pryor, Okla.; Fred W. Chase, of Glendale, Calif.; Ralph E. Meyers, of Rawlins, Wyo.; Harold Marvin Fredrikson, of Minneapolis, Minn.; Norman Roth, of New York, N. Y.; Charles Thomas Smith, of Los Angeles, Calif.; Frederick Lawson Barnes, of Syracuse, N. Y.; William Lawrence McGovern, of Washington, D. C.; James Glenn Shehee, of Chicago, Ill.; John Milton Phillips, of Kansas City, Mo; Thomas Edward Huey, Jr., of Birmingham, Ala.; Thomas S. Hession, of Peoria, Ill.; Irwin J. Askow, of Chicago, Ill.; William C. Fox, Jr., of New London, Conn.; Alfred Hahn Joslin, of Providence, R. I.; Joseph R. Gray, of Chicago, Ill.; Richard W. Bishop, of Medford, Mass.; and William Muirhead Adams, of Washington, D. C., were admitted to practice.

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No. 59. The United States of America, appellant, *v.* Henry Rompel, Jr., Administrator De Bonis Non Cum Testamento Annexo of Ernest Herbst, Deceased. Argument continued by Mr. Assistant Attorney General Clark for the appellant; by Mr. Harry C. Weeks and Mr. J. Paul Jackson for the appellee; and concluded by Mr. Palmer Hutcheson for the State of Texas, as *amicus curiae*, by special leave of Court.

No. 56. Kirby Petroleum Company, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. Homer L. Bruce for the petitioner and by Miss Helen R. Carloss for the respondent.

No. 197. Commissioner of Internal Revenue, petitioner, *v.* Anna Vickers Crawford. Argument commenced by Miss Helen R. Carloss for the petitioner and continued by Mr. Sidney D. Krystal for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, November 7, will be as follows: Nos. 197, 66 (292), 18 (19, 20), 72, 75, 37, 71, 95 (103), 55, and 65.

## SUPREME COURT OF THE UNITED STATES

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

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Olin A. Rogers, of Richmond, Va.; J. Elliott Drinard, of Richmond, Va.; Horace H. Edwards, of Richmond, Va.; Paul Hemphill, of Chester, S. C.; Raymond Underwood, of Washington, D. C.; Vernon Harden Doane, of Washington, D. C.; Robert W. Hemphill, of Chester, S. C.; Van Cott Niven, of Los Angeles, Calif.; and L. J. H. Herwig, of Washington, D. C., were admitted to practice.

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No. 197. Commissioner of Internal Revenue, petitioner, *v.* Anna Vickers Crawford. Argument continued by Mr. Sidney D. Krystal for the respondent and concluded by Miss Helen R. Carloss for the petitioner.

No. 66. Louis Dabney Smith, petitioner, *v.* The United States of America; and

No. 292. William Murray Estep, petitioner, *v.* The United States of America. Argued by Mr. Hayden C. Covington for the petitioners and by Mr. Irving S. Shapiro for the respondent.

No. 18. The American Tobacco Company, American Suppliers, Inc., et al., petitioners, *v.* The United States of America;

No. 19. Liggett & Myers Tobacco Company et al., petitioners, *v.* The United States of America; and

No. 20. R. J. Reynolds Tobacco Company, William N. Reynolds, et al., petitioners, *v.* The United States of America. Four hours allowed for argument. Argument commenced by Mr. George W. Whiteside for the petitioners in No. 18 and continued by Mr. Milton Handler for the petitioners in No. 18.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, November 8, will be as follows: Nos. 18 (19, 20), 72, 75, 37, 71, 95 (103), 55, 65, 107, and 1.

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SUPREME COURT OF THE UNITED STATES

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

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Leonard J. Emmerglick, of Arlington, Va.; Sidney A. Diamond, of Washington, D. C.; John M. Lostutter, of Emporia, Kans.; William Meade Fletcher, Jr., of Washington, D. C.; Joseph L. Alioto, of San Francisco, Calif.; Harry Harrison Baker, of Cincinnati, Ohio; Peter Hamilton Willems, of McPherson, Kans.; Mahlon E. Lewis, of Pittsburgh, Pa.; Thomas W. Pomeroy, Jr., of Pittsburgh, Pa.; Harry E. Brown, of Chicago, Ill.; and H. Gardner Putnam, of La Jolla, Calif., were admitted to practice.

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No. 18. The American Tobacco Company, American Suppliers, Inc., et al., petitioners, *v.* The United States of America;

No. 19. Liggett & Myers Tobacco Company et al., petitioners, *v.* The United States of America; and

No. 20. R. J. Reynolds Tobacco Company, William N. Reynolds, et al., petitioners, *v.* The United States of America. Argument continued by Mr. Milton Handler for the petitioners in No. 18, by Mr. Bethuel M. Webster for the petitioners in No. 19, by Mr. Harold F. McGuire for the petitioners in No. 20, by Mr. Assistant Attorney General Berge for the respondent, and concluded by Mr. Harold F. McGuire for the petitioners in No. 20.

No. 72. Dorothy Nippert, appellant, *v.* City of Richmond. Argued by Mr. Cornelius H. Doherty for the appellant and by Mr. Horace H. Edwards for the appellee.

No. 75. Champlin Refining Company, appellant, *v.* The United States of America and Interstate Commerce Commission. Argument commenced by Mr. Dan Moody for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, November 9, will be as follows: Nos. 75, 37, 71, 65, 55, 95 (103), 107, 1, 2 (3), 6 (and 7).

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## SUPREME COURT OF THE UNITED STATES

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

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Henry B. Edwards, of Shelby, N. C.; James A. Callahan, of Winemucca, Nev.; James E. Magner, of Washington, D. C.; George W. Wilkins, of Olympia, Wash.; Carl S. Kuebler, of Maplewood, N. J.; Craddock Matthew Gilmour, of New York, N. Y.; John Pat. Little, of New Orleans, La.; Edward Charles Freutel, Jr., of Aledo, Ill.; Eugene P. Fitzpatrick, of Washington, D. C.; George M. Aronwald, of New York, N. Y.; Dan Piver, of Washington, D. C.; George B. Cameron, of Forest Hills, N. Y.; Perry J. Armstrong, of Madison, Wis.; T. Carroll Sizer, of Washington, D. C.; Robert R. Reynolds, Jr., of Arlington, Va.; Vernes Grafstrom, of New York, N. Y.; and Isadore Greenberg, of Buffalo, N. Y., were admitted to practice.

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No. 75. Champlin Refining Company, appellant, *v.* The United States of America and Interstate Commerce Commission. Argument continued by Mr. Dan Moody for the appellant, by Mr. Edward Dunbauld for the appellees, and concluded by Mr. Dan Moody for the appellant.

No. 37. Order of Railway Conductors of America, H. W. Fraser, President Thereof, et al., petitioners, *v.* Shelton Pitney and Walter P. Gardner, Trustees of Central Railroad Co. of New Jersey, et al. Argued by Mr. V. C. Shuttleworth for the petitioners and by Mr. Harry Lane for the respondents, Brotherhood of Railroad Trainmen et al., and by Mr. Richard J. Lally for the respondents, Shelton Pitney et al., Trustees of Central Railroad Co. of New Jersey.

No. 71. Mine Safety Appliances Company, appellant, *v.* James V. Forrestal. Leave granted Mr. David L. Kreeger to appear and present oral argument for the appellee, *pro hac vice*, on motion of Mr. Robert L. Stern.

No. 71. Mine Safety Appliances Company, appellant, *v.* James V. Forrestal. Argument commenced by Mr. W. Denning Stewart for the appellant.

Adjourned until Tuesday, November 13, next, at 12 o'clock.

The day call for Tuesday, November 13, will be as follows: Nos. 71, 65, 55, 95 (103), 107, 1, 2 (3), 6 (7), 57, and 86.

## SUPREME COURT OF THE UNITED STATES

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

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John Lockley, of Washington, D. C.; John F. Costelloe, of Arlington, Va.; Charles B. Murray, of Washington, D. C.; Neth Lowe Leachman, of Dallas, Tex.; Fred Neilson Rogers, of Sherman, Tex.; Charles A. Lea, of New York, N. Y.; Rosel H. Hyde, of Downey, Idaho; Henry C. Lowenhaupt, of St. Louis, Mo.; Ralph D. Elmer, of New York, N. Y.; John P. Frank, of Appleton, Wis.; R. W. Kemmer, of Chattanooga, Tenn.; Robt. L. Forrester, of Watertown, Tenn.; Morton P. Chiles, Jr., of Independence, Mo.; Burton F. Wiand, of Kansas City, Mo.; Joseph T. Logue, of Cleveland, Ohio; Lowell P. Mickelwait, of Seattle, Wash.; Isidor Lazarus, of Washington, D. C.; Sidney R. Fleisher, of New York, N. Y.; Philip Halpern, of Buffalo, N. Y.; John H. Tolan, Jr., of Washington, D. C.; Max Goldman, of New York, N. Y.; and Arthur J. McLaughlin, of Boston, Mass., were admitted to practice.

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No. 53. Gange Lumber Company, appellant, *v.* Ralph Rowley and Department of Labor and Industries of the State of Washington. Appeal from the Supreme Court of the State of Washington. Appeal dismissed with costs. Opinion by Mr. Justice Rutledge. Mr. Justice Jackson took no part in the consideration or decision of this case. Separate opinion by Mr. Justice Douglas in which Mr. Justice Burton concurs.

No. 52. Better Business Bureau of Washington, D. C., Inc., petitioner, *v.* The United States of America. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment affirmed and case remanded to the District Court of the United States for the District of Columbia. Opinion by Mr. Justice Murphy. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 69. Lillian Boehm, 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 case remanded to said Circuit Court of Appeals. Opinion by Mr. Justice Murphy. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 17. Henry Hawk, petitioner, *v.* Neil Olson, Warden of the Nebraska State Penitentiary at Lancaster, Lancaster County, Nebraska. On writ of certiorari to the Supreme Court of the State of Nebraska. Judgment reversed with costs and case remanded to the Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Reed. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 50. Glass City Bank of Jeannette, Pennsylvania, 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 case remanded to the District Court of the United States for the Western District of Pennsylvania. Opinion by Mr. Justice Black. Mr. Justice Jackson took no part in the consideration or decision of this case. Dissenting opinion by Mr. Justice Rutledge in which Mr. Justice Frankfurter and Mr. Justice Douglas join.

No. 54. Scott Paper Company, petitioner, *v.* Marcalus Manufacturing Company, Inc., and Nicholas Marcalus. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment affirmed with costs and case remanded to the District Court of the United States for the District of New Jersey. Opinion by Mr. Chief Justice Stone. Dissenting: Mr. Justice Reed. Mr. Justice Jackson took no part in the consideration or decision of this case. Dissenting opinion by Mr. Justice Frankfurter.

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The following orders were not announced orally by the Chief Justice but appear on the list certified by him and filed with the Clerk.

No. 448. American Federation of Labor, Metal Trades Department, A. F. of L., et al., appellants, *v.* J. Tom Watson, as Attorney General of the State of Florida, et al. In this case probable jurisdiction is noted and the arguments will be limited to the questions of the jurisdiction of the District Court under Section 266 of the Judicial Code, as amended (28 U. S. C. 380), and its jurisdiction as a court of equity.

No. 50, Misc. Edward J. Reagan, petitioner, *v.* State of Utah. The motion for leave to file a petition for writ of habeas corpus is denied.

No. 402. Bruce's Juices, Inc., petitioner, *v.* American Can Company. Petition for writ of certiorari to the Supreme Court of Florida granted.

No. 404. Jack Davis, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted.

- No. 457. Gus Kotteakos and Michael Lekacos, petitioners, *v.* The United States of America; and
- No. 458. Nathan Regenbogen, petitioner, *v.* The United States of America. Petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit granted.
- No. 484. Helen C. Poff, as Executrix of the Last Will and Testament of John B. Welshans, Deceased, petitioner, *v.* The Pennsylvania Railroad Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted and the case transferred to the summary docket.
- No. 443. Charlotte C. Worley, Debtor, petitioner, *v.* Charles W. Wahlquist, Francis M. Whitlock, as Administrator of the Estate of Sarah E. Whitlock, Deceased, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.
- No. 449. Herman J. Rubenstein, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.
- No. 451. J. W. Barnett, Sr., Mrs. J. W. Barnett, Sr., and J. W. Barnett, Jr., petitioners, *v.* Chester Bowles, Price Administrator. Petition for writ of certiorari to the United States Emergency Court of Appeals denied.
- No. 468. Oristile Gros, petitioner, *v.* State of Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.
- No. 490. Augusta M. Turner, petitioner, *v.* Carl A. Luer, William J. Luer, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.
- No. 497. Emigrant Industrial Savings Bank, petitioner, *v.* R. Albert Baldwin, Stephen Hannan, James Tully, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.
- No. 514. Josh David Smith, as Administrator of the Goods, Chattels, and Credits of Charles Lee Smith, Deceased, et al., etc., petitioners, *v.* Town of Orangetown and Max Friedman. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.
- No. 303. Braulio Malim Gancy, petitioner, *v.* The United States of America. The motion for leave to proceed on the typewritten petition and record is granted. The motion to defer consideration of the petition is denied and the petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit is also denied for the reason that application therefor was not made within the time provided by law. Rule XI of the Criminal Appeals Rules.

No. 455. S. Livingston Mather, petitioner, *v.* Commissioner of Internal Revenue; and

No. 456. Testamentary Trust U/W of Samuel Mather, Deceased, William G. Mather and S. Livingston Mather, Trustees, petitioner, *v.* Commissioner of Internal Revenue. Petitions for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. Mr. Justice Burton took no part in the consideration or decision of these applications.

No. 253. Lonnie Strong, petitioner, *v.* Ray L. Huff, General Superintendent, D. C. Penal Institutions. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 270. Monroe D. Neely, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 351. Lee Van Woods, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 364. Vernon Mitchell, petitioner, *v.* Thos. E. Whitecotton, Warden, etc. On petition for writ of certiorari to the Supreme Court of Missouri;

No. 397. Edward J. Collins, petitioner, *v.* Tom Smith, Superintendent of the Washington State Penitentiary. On petition for writ of certiorari to the Supreme Court of Washington;

No. 403. Robert and Ollen Grimes, petitioners, *v.* Robert A. Heinze, Warden, etc. On petition for writ of certiorari to the Supreme Court of California;

No. 478. Andrew Rusnak, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 485. Walter Mitchell, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois; and

No. 488. James Edward Hawkins, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois. The motions for leave to proceed *in forma pauperis* in these cases are granted. The petitions for writs of certiorari are denied.

No. 374. United States, Ex Rel. John H. Rooney, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 390. The People of the State of Illinois, Ex Rel. Robert George Banks, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 461. Ralph R. Renninger, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the Supreme Court, Seneca County, State of New York;

No. 464. Henry P. Berry, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois; and

No. 465. Willie Humble, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois. The motions for leave to proceed *in forma pauperis* in these cases are granted. The petitions for writs of certiorari are denied for the reason that applications therefor were not made within the time provided by law. Sec. 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C., Sec. 350.

No. 24, Misc. In the Matter of George R. Wilson, petitioner;

No. 208. Kingdom William De Normand, Joseph Peter Oddo, Joseph Alfred LaCascia, et al., petitioners, *v.* The United States of America;

No. 295. Cloverleaf Butter Company, petitioner, *v.* United States of America;

No. 297. The Arundel Corporation, petitioner, *v.* The United States; and

No. 334. J. R. Mason, petitioner, *v.* Banta Carbona Irrigation District. The petitions for rehearing in these cases are denied.

No. —. October Term 1944. Robert Noble et al., petitioners, *v.* Claude O. Botkin. The motion for leave to file a second petition for rehearing is denied. Mr. Justice Burton took no part in the consideration or decision of this application.

No. 236. Harry Pyle, petitioner, *v.* Milton F. Amrine, Warden of the Kansas State Penitentiary.

No. 68. Uldric Thompson, Jr., petitioner, *v.* The United States;

No. 141. Robert W. Johnson, Thelma B. Johnson, P. A. McIntosh, et al., appellants, *v.* Meagher County, a Political Subdivision of the State of Montana, and Emmett Cox, Treasurer;

No. 154. Michael J. Cryne, petitioner, *v.* The United States of America;

No. 215. Deaton Truck Line, Inc., appellant, *v.* The United States of America and Interstate Commerce Commission; and

No. 230. Samuel H. Moss, Inc., petitioner, *v.* Federal Trade Commission. The petitions for rehearing in these cases are denied. Mr. Justice Burton took no part in the consideration or decision of these applications.

## 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, Stanley Reed, Associate Justice.
- For the Third Circuit, Harold H. Burton, 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.

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The Court will take a recess from Monday, November 19 until Monday, December 3, next.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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No. 593. Perrin D. McElroy, Secretary and Business Manager of the Building and Construction Trades Council of Kansas City, Missouri, et al., appellants, *v.* A. B. Mitchell, Attorney General of Kansas, Frank J. Ryan, Secretary of State of Kansas, et al., etc.; and

No. 594. A. B. Mitchell, Attorney General of Kansas, Frank J. Ryan, Secretary of State of Kansas, et al., etc., appellants, *v.* Perrin D. McElroy, Secretary and Business Manager of the Building and Construction Trades Council of Kansas City, Missouri, et al. Appeals from the District Court of the United States for the District of Kansas. Appeals dismissed pursuant to stipulation, costs to be equally divided.

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No. 71. Mine Safety Appliances Company, appellant, *v.* James V. Forrester. Argument continued by Mr. W. Denning Stewart for the appellant, by Mr. David L. Kreeger for the appellee, *pro hac vice*, by special leave of Court, and concluded by Mr. W. Denning Stewart for the appellant.

No. 65. Ashbacker Radio Corporation, petitioner, *v.* Federal Communications Commission. Argued by Mr. Paul M. Segal for the petitioner and by Mr. Ralph F. Fuchs for the respondent.

No. 55. The United States of America and Federal Communications Commission, appellants, *v.* New York Telephone Company. Argument commenced by Mr. Harry M. Plotkin for the appellants.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, November 14, will be as follows: Nos. 55, 95 (103), 107, 1, 2 (3), 6 (7), 57, 86, 122, and 100.

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SUPREME COURT OF THE UNITED STATES

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

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Wharton T. Funk, of Seattle, Wash.; John M. Marshall, of Pittsburgh, Pa.; Leon Himmelfarbe, of New York, N. Y.; Augustus C. Studer, Jr., of Newark, N. J.; Hugh E. Brownfield, of Kansas City, Kans.; M. S. Isenbergh, of Peekskill, N. Y.; Clark Byse, of Iowa City, Iowa; Clement T. Mayo, of Washington, D. C.; Bernard A. Helfat, of New York, N. Y.; Arthur Leo Petersen, of New York, N. Y.; Harry M. Hoffheimer, of Cincinnati, Ohio; Kenneth Perry, of New Brunswick, N. J.; and Kenneth Lawing, of Ozark, Mo., were admitted to practice.

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**No. 55.** The United States of America and Federal Communications Commission, appellants, *v.* New York Telephone Company. Argument continued by Mr. Harry M. Plotkin for the appellants and concluded by Mr. Henry J. Friendly for the appellee.

**No. 95.** Railroad Retirement Board, Brotherhood of Railway & Steamship Clerks, Freight Handlers, Express & Station Employees and George M. Harrison, petitioners, *v.* Duquesne Warehouse Company; and

**No. 103.** Duquesne Warehouse Company, petitioner, *v.* Railroad Retirement Board and Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, et al. Argument commenced by Mr. Robert L. Stern for Railroad Retirement Board; continued by Mr. Willard H. McEwen for Brotherhood of Railway & Steamship Clerks, Freight Handlers, Express & Station Employees, et al.; by Mr. John Dickinson for Duquesne Warehouse Company; and concluded by Mr. Robert L. Stern for Railroad Retirement Board.

**No. 107.** International Shoe Company, appellant, *v.* State of Washington, Office of Unemployment Compensation and Placement, and E. B. Riley, Commissioner. Argued by Mr. Henry C. Lowenhaupt for the appellant and by Mr. George W. Wilkins for the appellees.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, November 15, will be as follows: Nos. 1, 2 (3), 6 (7), 86, and 122.

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SUPREME COURT OF THE UNITED STATES

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

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Dorsey B. Hardeman, of San Angelo, Tex.; Arthur W. Skaer, of Wichita, Kans.; Elias Alfred Karu, of Harrison, N. J.; Oscar Arthur Tannenbaum, of Los Angeles, Calif.; James L. Riley, of Atlanta, Ga.; Emanuel Tacker, of New York, N. Y.; William H. Abrams, of Los Angeles, Calif.; George H. Ward, of Asheville, N. C.; Floyd R. Benny, of Washington, D. C.; Thomas B. Mason, of Lynchburg, Va.; Delmar W. Holloman, of Washington, D. C.; Edward Oliver Lamb, of Toledo, Ohio; Douglass Boardman Lee, of Ithaca, N. Y.; Henry Kaiser, of Washington, D. C.; Raymond J. Moore, of Milwaukee, Wis.; Selig J. Levitan, of Scarsdale, N. Y.; and Ulysses Erwin Sibley, of Milledgeville, Ga., were admitted to practice.

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No. 1. The North American Company, petitioner, *v.* Securities and Exchange Commission. Argued by Mr. Charles E. Hughes, Jr., for the petitioner and by Mr. Solicitor General McGrath and Mr. Paul A. Freund for the respondent.

No. 2. Securities and Exchange Commission, petitioner, *v.* Engineers Public Service Company et al.; and

No. 3. Engineers Public Service Company et al., petitioners, *v.* Securities and Exchange Commission. Three and one-half hours allowed for argument. Argument commenced by Mr. William E. Tucker and continued by Mr. T. Justin Moore for Engineers Public Service Company et al.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, November 16, will be as follows: Nos. 2 (3), 6 (7), and 86.

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## SUPREME COURT OF THE UNITED STATES

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

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Philip James McCook, of New York, N. Y.; Samuel Rosenblatt, of Montclair, N. J.; Andrew B. Pugh, of Knoxville, Tenn.; Allan C. Swingle, of Washington, D. C.; Max M. Cuba, of Atlanta, Ga.; Joseph Cuba, of Atlanta, Ga.; Dennis L. O'Connor, Mamaroneck, N. Y.; Lancelot Armstrong, of New York, N. Y.; Byron Lamun, of Oklahoma City, Okla.; James Wilson Young, of Bayport, N. Y.; M. Quinn Shaughnessy, of Washington, D. C.; John B. Olverson, Jr., of Washington, D. C.; and Tom W. Garrett, of Oklahoma City, Okla., were admitted to practice.

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No. 269. Milton Roe Sabin and Bertha Florence Sabin, petitioners, *v.* Home Owners' Loan Corporation et al. Time extended to and including December 14, next, within which to file supplement to petition for rehearing, on application of Bertha Florence Sabin, pro se.

No. 221. Taze Hamrick Gibson, petitioner, *v.* The United States of America.

### ORDER

The Court directs that the expense of printing the record in this case be paid by the United States pursuant to 28 U. S. C., Sec. 832.

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No. 2. Securities and Exchange Commission, petitioner, *v.* Engineers Public Service Company et al.; and

No. 3. Engineers Public Service Company et al., petitioners, *v.* Securities and Exchange Commission. Argument concluded by Mr. Milton V. Freeman for the Securities and Exchange Commission.

No. 6. American Power & Light Company, petitioner, *v.* Securities and Exchange Commission; and

No. 7. Electric Power & Light Corporation, petitioner, *v.* Securities and Exchange Commission. Argued by Mr. John F. MacLane for the petitioners; by Mr. Arthur A. Ballantine for the petitioner in No. 6; by Mr. Daniel James for the petitioner in No. 7; and by Mr. Roger S. Foster for the respondent.

Adjourned until Monday, November 19, next, at 12 o'clock.

## SUPREME COURT OF THE UNITED STATES

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

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Lyle M. Turner, of Washington, D. C.; Robert M. Donihi, of Nashville, Tenn.; Harvey L. Davis, of Dallas, Tex.; H. W. Edwards, of Reno, Nev.; Aaron Lewittes, of Washington, D. C.; Andrew Revelle McMicken, of Rawlins, Wyo.; John Joseph Winberry, of Rutherford, N. J.; Daniel Arthur Hruska, of Bellville, Tex.; Philip M. Klutznick, of Omaha, Nebr.; William Howard Tate, of Chicago, Ill.; Willis L. M. Reese, of New York, N. Y.; James R. Hoover, of Olathe, Kans.; Kirk Jeffrey, of St. Louis, Mo.; William Davis Cotton, of Rayville, La.; William F. Patterson, Jr., of Fort Worth, Tex.; William Glasgow Reynolds, of Wilmington, Del.; Leo F. Lightner, of Cleveland, Ohio; Dallas E. W. Galbraith, of Washington, D. C.; Philip S. Agar, of New York, N. Y.; John C. Weld, of Lake Clear, N. Y.; Frederic B. Trimble, of Moorestown, N. J.; Robt. R. Carman, of Baltimore, Md.; R. Bayly Chapman, of Baltimore, Md.; and Isaiah Guyman Martin, of Washington, D. C., were admitted to practice.

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The following orders were not announced orally by the Chief Justice but appear on the list certified by him and filed with the Clerk:

No. 2, October Term 1941. Martin J. Bernards and Lena Bernards, petitioners, *v.* M. R. Johnson, Catherine Collins, The United States National Bank of Portland, et al. The motion to recall the mandate is denied.

No. 51, Misc. In the Matter of William Fraser, petitioner. The application is denied.

No. 75. Champlin Refining Company, appellant, *v.* The United States of America and Interstate Commerce Commission. This case is restored to the docket for reargument before a full bench.

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No. 505. George C. Holmberg et al., on Behalf of Themselves and All Other Creditors of the Southern Minnesota Joint Stock Land Bank of Minneapolis, petitioners, *v.* Charles Armbrrecht et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted.

No. 517. D. A. Schulte, inc., petitioner, *v. Salvatore Gangi, Suing on Behalf of Himself and Other Employees Similarly Situated.* Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted.

No. 556. The Order of United Commercial Travelers of America, petitioner, *v. Edward C. Wolfe.* Petition for writ of certiorari to the Supreme Court of South Dakota granted.

No. 518. Joseph D. McGoldrick, Comptroller of the City of New York, et al., petitioners, *v. Carter & Weekes Stevedoring Company.* Petition for writ of certiorari to the Supreme Court of New York granted and the case transferred to the summary docket.

No. 519. Joseph D. McGoldrick, Comptroller of the City of New York, et al., petitioners, *v. John T. Clark & Son.* Petition for writ of certiorari to the Supreme Court of New York granted and the case transferred to the summary docket.

No. 480. J. Fields, petitioner, *v. R. W. Ferguson and Goldia Ferguson.* Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 482. Estate of Jerome J. Hanauer, Lewis L. Strauss, and Carrie H. Hanauer, Executors, petitioners, *v. Commissioner of Internal Revenue.* Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 498. The State of North Dakota, petitioner, *v. Raphael Jerome Szarkowski.* Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 500. Alba Trading Co., Inc., petitioner, *v. Musher Foundation, Inc.* Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 501. H. S. Gibbs and Wife Lucille L. Gibbs, et al., petitioners, *v. The United States of America.* Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 502. Angelo Di Orio, petitioner, *v. The United States of America.* Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 503. Thomas L. "Jack" Spiers, petitioner, *v. Chester Bowles, Price Administrator.* Petition for writ of certiorari to the United States Emergency Court of Appeals denied.

No. 506. May S. Tonkin and Peoples Pittsburgh Trust Company, Executors of the Estate of John B. Tonkin, petitioners, *v. The United States of America.* Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 511. City of Menasha, petitioner, *v.* Clarence Furton et al., Co-partners Doing Business As Furton Brothers Construction Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 516. Laurence H. Eldredge and the Pennsylvania Company for Insurances on Lives and Granting Annuities, etc., petitioners, *v.* Walter J. Rothensies, Collector of Internal Revenue at Philadelphia. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 537. Wayne Thomas Lonergan, petitioner, *v.* People of The State of New York. Petition for writ of certiorari to the Court of Appeals of the State of New York denied.

No. 566. Lansburgh & Bro., petitioner, *v.* Doris E. Deffebach. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 446. L. C. Newman, petitioner, *v.* The State of Texas. The motion to dispense with the printing of the record is granted. The petition for writ of certiorari to the Court of Criminal Appeals of the State of Texas is denied.

No. 41, Misc. Custer M. Coyle, petitioner, *v.* People of the State of California; and

No. 439. C. C. Fletcher and E. E. Wakeman, as Surviving Trustees of the Standard Bentonite Company, a Trust, petitioners, *v.* Frank G. Clark, as Collector of Internal Revenue for the Collection District of Wyoming. The petitions for rehearing in these cases are denied.

No. 355. Ernest E. Scarborough, petitioner, *v.* Pennsylvania Railroad Company. The motion for leave to file the petition for rehearing is granted. The petition for rehearing is denied.

No. 20, Misc. Louis Lober, Bondholder and Attorney-in-fact for Lawrence Schragar, a Debentureholder, and Archibald Palmer, petitioners, *v.* Morgan, Lewis & Bockius et al.; and

No. 21, Misc. Louis Lober, Bondholder and Attorney-in-fact for Lawrence Schragar, a Debentureholder, and Archibald Palmer, petitioners, *v.* Morgan, Lewis & Bockius et al. The petition for rehearing is denied. Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 224. Georgia M. Spruill, petitioner, *v.* Daniel M. Campbell. The petition for rehearing is denied. Mr. Justice Burton took no part in the consideration or decision of this application.

No. 368. Madison Avenue Offices, Inc., appellant, *v.* Rollin Browne et al., Constituting the State Tax Commission of the State of New York; and

No. 369. Donald MacDonald et al., as Executors of the Estate of Mabel MacDonald, Deceased, appellants, *v.* Rollin Browne et al.,

Constituting the State Tax Commission of the State of New York. The motions for leave to file the petitions for rehearing are granted. The petitions for rehearing are denied. Mr. Justice Burton took no part in the consideration or decision of these applications.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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Adjourned until Monday, December 3, next, at 12 o'clock.

The day call for Monday, December 3, will be as follows: Nos. 34, 160, October Term 1944, 5, 57, 60, 122, 86, 77 (78, 79, 80, 81, 82, 83), 87, and 114.

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## SUPREME COURT OF THE UNITED STATES

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

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Stanley F. Reed, Jr., of New York, N. Y.; Maurice A. Fitzgerald, of Washington, D. C.; David Lloyd Kreeger, of Washington, D. C.; Wallace R. Burke, of Unionville, Conn.; Arthur S. Tennant, Jr., of Westfield, N. Y.; Donald J. Hurley, of Boston, Mass.; Albert Graves, of Hope, Ark.; Matthew John Faerber, of Newport, R. I.; David W. Wainhouse, of New York, N. Y.; Walter Hoyle, of Chattanooga, Tenn.; Shirley P. Jones, of Salt Lake City, Utah; Thomas J. Gentry, of Little Rock, Ark.; Angus M. Taylor, Jr., of Birmingham, Ala.; David M. Hall, Jr., of Eutaw, Ala.; Paul Butler Wever, of Evansville, Ind.; Walter P. Ela, of Madison, Wis.; John B. Van Duzer, of Chicago, Ill.; Dick Cutter Smiley, of New York, N. Y.; Donald B. Smiley, of New York, N. Y.; Franklin C. Stark, of Chicago, Ill.; Milton Warren Buffington, of Cincinnati, Ohio; Vincent Vercuski, of Chicago, Ill.; Lud J. Lincoln, of Waco, Tex.; Irving R. Segal, of Philadelphia, Pa.; Robert L. Irvin, of Washington, D. C.; Edward H. Tenney, Jr., of St. Louis, Mo.; Arthur N. Seiff, of New York, N. Y.; John N. Rupp, of Seattle, Wash.; George Albert Wilkinson, of Oakley, Md.; Edward C. Carrington, of Beaumont, Tex.; Mozart G. Ratner, of Chicago, Ill.; and Z. Alexander Looby, of Nashville, Tenn., were admitted to practice.

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No. 65. Ashbacker Radio Corporation, petitioner, *v.* Federal Communications Commission. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment reversed and case remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Mr. Justice Black and Mr. Justice Jackson took no part in the consideration or decision of this case. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Rutledge joins.

No. 107. International Shoe Company, appellant, *v.* State of Washington, Office of Unemployment Compensation and Placement and E. B. Riley, Commissioner. Appeal from the Supreme Court of the State of Washington. Judgment affirmed with costs. Opinion by Mr. Chief Justice Stone. Mr. Justice Jackson took no part in the

consideration or decision of this case. Separate opinion by Mr. Justice Black.

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The following orders were not announced orally by the Chief Justice but appear on the list certified by him and filed with the Clerk:

No. 25, Misc. Ben Spears, Jr., petitioner, *v.* James A. Johnston, Warden, etc. The motion for leave to file a petition for a writ of certiorari is denied.

No. 16, Misc. Lawrence DeCloux, petitioner, *v.* James A. Johnston, Warden, etc. The motion to substitute Tom C. Clark for Francis Biddle as a party respondent is granted. The motion for leave to file a petition for a writ of certiorari is denied.

No. 53, Misc. In the Matter of Maurice Alvin Gutterman, petitioner. The motion for leave to file a petition for a writ of mandamus is denied.

No. 54, Misc. Harold Jackson, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 55, Misc. In the Matter of William Wright, petitioner; and

No. 56, Misc. In the Matter of George White Thunder, petitioner. The applications are denied.

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So. 9, Original. The State of Illinois, complainant, *v.* The State of Indiana, et al. The replies to the answers of the additional parties defendant are received and ordered filed.

No. 12, Original. The United States of America, complainant, *v.* The State of California. The motion for extension of time to answer is granted and the time is extended to and including Monday, January 28, 1946.

No. 160, October Term, 1944. Elgin, Joliet and Eastern Railway Company, petitioner, *v.* G. W. Burley et al. The motion of the Brotherhood of Locomotive Firemen and Enginemen et al. for leave to file a brief as *amici curiae* is granted. The motion for leave to participate in the oral argument as *amici curiae* is denied.

No. 160, October Term, 1944. Elgin, Joliet and Eastern Railway Company, petitioner, *v.* G. W. Burley et al. The motion of the Brotherhood of Locomotive Engineers et al. for leave to file a brief as *amici curiae* is granted.

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No. 540. Dr. Furman Angel, petitioner, *v.* W. H. Bullington. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted.

No. 550. Walter A. Lavender, Administrator De Bonis Non of the Estate of L. E. Haney, Deceased, petitioner, *v.* J. M. Kurn et al., Trustees of St. Louis-San Francisco Railway Company, Debtor, et al. Petition for writ of certiorari to the Supreme Court of Missouri granted.

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No. 469. Compton-Delevan Irrigation District, petitioner, *v.* Milo W. Bekins and Reed J. Bekins, as Trustees Under the Last Will and Testament of Martin Bekins, Deceased. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 535. C. W. Titus, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 542. Elizabeth Arden Sales Corporation, petitioner, *v.* Gus Blass Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 545. George McManus, petitioner, *v.* Marine Transport Lines, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 546. Lucy B. O'Leary and The Rotar Clock Company, petitioners, *v.* The Liggett Drug Company;

No. 547. Lucy B. O'Leary and The Rotar Clock Company, petitioners, *v.* Sears, Roebuck & Company; and

No. 548. Lucy B. O'Leary and The Rotar Clock Company, petitioners, *v.* The Johnston-Shelton Co., a Corporation of Ohio. *d. b. a.* The Home Store. Petition for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 565. Muskogee Electric Traction Company, petitioner, *v.* Victory Investment Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 283. Jesse K. Bell Rea, etc., petitioner, *v.* Wilfred J. Begnaud, Liquidator of Standard Homestead Association. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 523. Southgate Brokerage Company, Inc., petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 507. Central National Bank of Cleveland, Trustee U/A with Edwin G. Thompson, Deceased, petitioner, *v.* General American Life Insurance Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. Mr. Justice Burton took no part in the consideration or decision of this application.

No. 539. Cynthia Mills Cleveland, petitioner, *v.* Second National Bank and Trust Company of Saginaw, Michigan, etc. The motion

to defer consideration is denied. The petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit is also denied.

No. 381. E. E. Ashcraft and John Ware, petitioners, *v.* State of Tennessee. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Supreme Court of Tennessee is also granted.

No. 204. Joseph Greco, petitioner, *v.* Thomas E. Whitecotton, Warden, Missouri State Penitentiary. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Supreme Court of Missouri is denied.

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No. 46. General Electric Company, petitioner, *v.* Jewel Incandescent Lamp Company et al.;

No. 192. Joseph Peter Oddo, petitioner, *v.* The United States of America;

No. 303. Braulio Malim Gancy, petitioner, *v.* The United States of America;

No. 353. Thomas R. Purman, petitioner, *v.* T. S. Fitch et al.; and

No. 416. Obear-Nester Glass Company, petitioner, *v.* United Drug Company. The petitions for rehearing in these cases are denied.

No. 49. Bernard B. Bailey, appellant, *v.* J. A. Anderson, State Highway Commissioner of Virginia. The motion for leave to file affidavits in support of the petition for rehearing is denied. The opinion announced November 5, 1945, is amended by striking therefrom in lines 31, 32, and 33 on page 2 the following: "overruled his exceptions to the failure of the Commissioners' report to award the interest demanded," and in inserting in lieu thereof: "rejected his claim for interest." The petition for rehearing is denied.

No. 188. William Elbert Lawrence, petitioner, *v.* The People of the State of Illinois. The motion for leave to file a second petition for rehearing is granted. The petition for rehearing is denied. Mr. Justice Burton took no part in the consideration or decision of this application.

No. 112. Herbert M. Gregory, petitioner, *v.* The United States; and

No. 210. P. G. Lake, Inc., petitioner, *v.* Commissioner of Internal Revenue. The petitions for rehearing in these cases are denied. Mr. Justice Burton took no part in the consideration or decision of these applications.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

No. 160, October Term, 1944. Elgin, Joliet and Eastern Railway Company, petitioner, *v.* G. W. Burley et al. Leave granted Congress of Industrial Organizations and Certain Affiliated Organizations to file brief as *amicus curiae* on reargument on motion of Mr. Frank Donner. Leave granted respondents to file answer within ten days.

No. 558. William Leva Hough, petitioner, *v.* The People of the State of California. On petition for writ of certiorari to the Supreme Court of California. Dismissed on motion of counsel for the petitioner.

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No. 34. United Federal Workers of America (C. I. O.) et al., appellants, *v.* Harry B. Mitchell, Lucille Foster McMillin, and Arthur S. Fleming. Argued by Mr. Lee Pressman for the appellants and by Mr. Ralph F. Fuchs for the appellees.

No. 160, October Term, 1944. Elgin, Joliet and Eastern Railway Company, petitioner, *v.* G. W. Burley et al. Reargument commenced by Mr. Paul R. Conaghan for the petitioner and continued by Mr. Robert L. Stern for the United States, *amicus curiae*, by special leave of Court.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, December 4, will be as follows: Nos. 160, October Term, 1944, 5, 57, 60, 122, 86, 77 (78, 79, 80, 81, 82, 83), 87, 114, and 306.

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## SUPREME COURT OF THE UNITED STATES

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

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Thomas J. H. Barry, of Whitinsville, Mass.; Walter D. Allen, of Worcester, Mass.; Simon Wampold, Jr., of Olympia, Wash.; Edmond F. Shanahan, of Los Angeles, Calif.; Robert A. Reeder, of Troy, Kans.; Carl W. Doozan, of Saginaw, Mich.; Hubert A. Gilbert, of Oklahoma City, Okla.; William M. Laird, of Ann Arbor, Mich.; Roger Williams, of Long Beach, Calif.; Napoleon J. Vigeant, of Chicopee, Mass.; Walter M. Shea, of Chicopee, Mass.; Spencer Pinkham, of New York, N. Y.; Ralph L. Bailey, of Washington, D. C.; London G. Middleton, of Peoria, Ill.; C. William Maxeiner, of San Francisco, Calif.; Philip W. Yager, of Waukegan, Ill.; Archibald M. Hillman, of Worcester, Mass.; David F. O'Connor, of Washington, D. C.; Theodore E. Beckemeier, of St. Louis, Mo.; James Thomas Connor, of New Orleans, La.; William E. Grady, Jr., of Brooklyn, N. Y.; James Fouche Matthews, of Montgomery, Ala.; John P. Carr, of Washington, D. C.; Robert E. Furcolow, of Washington, D. C.; C. Walter Harris, of Washington, D. C.; Thomas A. Paulson, of Los Angeles, Calif.; Joel K. Underwood, of Dearborn, Mich.; and Dale H. Fillmore, of Dearborn, Mich., were admitted to practice.

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No. 115. The United States of America, petitioner, *v.* William R. Johnson; and

No. 116. The United States of America, petitioner, *v.* Jack Sommers, James A. Hartigan, et al. Cases passed until the January 1946 session on motion of Mr. Homer Cummings, counsel for respondents.

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No. 306. J. R. Mason, petitioner, *v.* Paradise Irrigation District. Submitted by Mr. J. R. Mason, pro se, and by Mr. P. M. Barceloux for the respondent.

No. 160, October Term, 1944, Elgin, Joliet and Eastern Railway Company, petitioner, *v.* G. W. Burley et al. Reargument continued by Mr. Robert L. Stern for the United States as *amicus curiae* by special leave of Court, by Mr. John H. Gately for the respondents, and concluded by Mr. Paul R. Conaghan for the petitioner.

No. 5. State of New York and Saratoga Springs Commission and Saratoga Springs Authority, petitioners, *v.* The United States of America. Reargued by Mr. Orrin G. Judd for the petitioners, by Mr. Greek L. Rice for the State of Mississippi and others as *amici curiae* by special leave of Court, and by Mr. Paul A. Freund for the respondent. Leave granted petitioners to file supplemental brief by Friday next.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, December 5, will be as follows: Nos. 57, 60, 122, 86, 77 (78, 79, 80, 81, 82, 83), 87, 114, 93, 100, and 123.

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## SUPREME COURT OF THE UNITED STATES

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

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Louis Mansdorf, of New York, N. Y.; Weidner Titzck, of Camden, N. J.; H. G. Morison, of Bristol, Va.; Eugene R. Ward, of Chicago, Ill.; William Scanlan, of Brownsville, Tex.; James H. Brown, of Hollywood, Calif.; Leroy J. Gonring, of West Bend, Wis.; Ralph W. Robuck, of Cincinnati, Ohio; Eugene M. Hanson, of Utica, N. Y.; Morris Pfaelzer 2d, of Philadelphia, Pa.; Miles H. Knowles, of Detroit, Mich.; C. Nils Tavares, of Honolulu, T. H.; S. Woods Byrer, of Martinsburg, W. Va.; Joseph T. Pemberton, of Bellingham, Wash.; Ignatius M. Wilkinson, of New York, N. Y.; Jerome M. Joffee, of Kansas City, Mo.; Amos M. Waln, of Hamilton Township, N. J.; Bruce J. Broady, of St. Paul, Minn.; Orph C. Holmes, of Ferndale, Mich.; Richard H. Paulson, of Kalamazoo, Mich.; Arthur A. Whitworth, of Lincoln, Nebr.; Joseph H. Crowley, of Cleveland, Ohio; William H. Emerson, of Rochester, N. Y.; Palma Groves Meador, of Charleston, W. Va.; John Nicholls Charnock, of Charleston, W. Va.; Robert Rumley Wallace, Sr., of Meridian, Miss.; Marvin E. Boisseau, of St. Louis, Mo.; Francis M. Nash, of Bradford, Pa.; John G. Dluhy, of Clifton, N. J.; Archie Delwood Mitchell, of Ontario, Calif.; Carl William Anderson, of Burlingame, Calif.; Joseph A. Bonacina, of San Jose, Calif.; John Walter Coleberd, of South San Francisco, Calif.; Stanley D. Whitney, of Alameda, Calif.; Dennis Mitchell, of Enid, Okla.; John H. Winston, of Johnson City, Tenn.; James P. Brown, of Knoxville, Tenn.; Harry Ossen, of Torrington, Conn.; Christopher J. Griffin, of Huntington Park, Calif.; Michael Tellefson, of Culver City, Calif.; William F. Chamlee, of Chattanooga, Tenn.; Sylvanus William Polk, of Memphis, Tenn.; Roy C. Nelson, of Elizabethton, Tenn.; and Victor Woerner, of Jackson, Tenn., were admitted to practice.

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No. 14. Lloyd C. Duncan, petitioner, *v.* Duke Paoa Kahanamoku, Sheriff of the City and County of Honolulu; and

No. 15. Harry E. White, petitioner, *v.* Wm. F. Steer, Colonel, Infantry, United States Army, Provost Marshal, Central Pacific Area. Leave granted Attorney General of the Territory of Hawaii to appear and present oral argument as *amicus curiae*.

No. 57. Courtney M. Mabee, Clark K. Barnum, et al., petitioners, *v.* White Plains Publishing Company, Inc. Argument commenced by Mr. David H. Moses for the petitioners; continued by Mr. Jeter S. Ray for the Administrator of the Wage and Hour Division, Department of Labor, as *amicus curiae* by special leave of Court; by Mr. Elisha Hanson for the respondent; and concluded by Mr. David H. Moses for the petitioners.

No. 60. James E. Markham, Alien Property Custodian, petitioner, *v.* Alvina Allen, Gertrude Dinwiddie, Hilda Pigozzi, et al. Argued by Mr. M. S. Isenbergh for the petitioner and case submitted by Mr. Joseph Wahrhaftig for the respondents.

No. 122. Julius Fisher, petitioner, *v.* The United States of America. Argued by Mr. Charles H. Houston for the petitioner and by Mr. Charles B. Murray for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, December 6, will be as follows: Nos. 86, 77 (78, 79, 80, 81, 82, 83), 87 (114), 93, 14, 15, 123, 100, 384, and 139.

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## SUPREME COURT OF THE UNITED STATES

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

Robert Showers Carney, of Minneapolis, Minn.; William G. Coultrap, of Lancaster, Ohio; Emmet Homer Wilson, Jr., of Los Angeles, Calif.; Malcolm A. MacIntyre, of New York, N. Y.; Morris Bordon, of Los Angeles, Calif.; Thomas S. Kernan, of Utica, N. Y.; Frank Fink, of Newark, N. J.; William B. Perry, of Des Moines, Iowa; Neckley M. Ferris, of Shreveport, La.; Abraham H. Maller, of Chicago, Ill.; Elgood Edward Stephens, of Washington, D. C.; and George Dunham Taylor, of Beaumont, Tex., were admitted to practice.

No. 77. The United States of America, petitioner, *v.* Petty Motor Company;

No. 78. The United States of America, petitioner, *v.* Merrill J. Brockbank, Doing Business as Brockbank Apparel Company;

No. 79. The United States of America, petitioner, *v.* William G. Grimsdell, Doing Business as Grocer Printing Company;

No. 80. The United States of America, petitioner, *v.* Charles F. Wiggs, Doing Business as Chicago Flexible Shaft Company;

No. 81. The United States of America, petitioner, *v.* Independent Pneumatic Tool Company;

No. 82. The United States of America, petitioner, *v.* The Galigher Company; and

No. 83. The United States of America, petitioner, *v.* Gray-Cannon Lumber Company. Argued by Mr. Arnold Raum for the petitioner and by Mr. Shirley P. Jones for the respondents.

No. 87. A. R. Tucker, appellant, *v.* The State of Texas; and

No. 114. Grace Marsh, appellant, *v.* The State of Alabama. Argued by Mr. Hayden C. Covington for the appellants. No appearance for the appellee in No. 87. Case submitted by Mr. William N. McQueen for the appellee in No. 114.

No. 93. Hercules Gasoline Company, Inc., petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. Melvin F. Johnson for the petitioner and by Mr. Joseph S. Platt for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, December 7, will be as follows: Nos. 14, 15, 123, 86, 100, 384, 139, 145, 318, and 203.

## SUPREME COURT OF THE UNITED STATES

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

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Curtis Douglass, of Pampa, Tex.; William Jarrel Smith, of Pampa, Tex.; Roy A. Gustafson, of Los Angeles, Calif.; Jack Voyles, of Port Arthur, Tex.; V. Marquis Fortich Zerda, of Manila, P. I.; William Henderson Brantley, Jr., of Birmingham, Ala.; Harry E. Walburg, of Newark, N. J.; Thurston Greene, of New York, N. Y.; William Phelps Thompson, of McPherson, Kans.; Paul P. Eagleton, of New York, N. Y.; Solomon Dimond, of Washington, D. C.; Royal D. Rood, of Detroit, Mich.; Harold W. Bangert, of Fargo, N. Dak.; and Aaron Goldfarb, of Houston, Tex., were admitted to practice.

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The Chief Justice said:

"I announce, with great sorrow, the death last evening, at her residence in this city, of Mrs. Charles Evans Hughes, the wife of Chief Justice Charles Evans Hughes, retired.

"The Court expresses its regret and its sympathy to Chief Justice Hughes and the members of his family."

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No. 14. Lloyd C. Duncan, petitioner, v. Duke Paoa Kahanamoku, Sheriff of the City and County of Honolulu; and

No. 15. Harry E. White, petitioner, v. Wm. F. Steer, Colonel, Infantry, United States Army. Provost Marshal, Central Pacific Area. Argument commenced by Mr. Osmond K. Fraenkel for the petitioner in No. 15; continued by Mr. J. Garner Anthony for the petitioner in No. 14; by Mr. C. Nils Tavares for the Territory of Hawaii as *amicus curiae* by special leave of Court; by Mr. Edward J. Ennis for the respondents; and concluded by Mr. J. Garner Anthony for the petitioner in No. 14. Leave granted petitioner in No. 14 to file reply brief within one week.

Adjourned until Monday, December 10, next, at 12 o'clock.

The day call for Monday, December 10, will be as follows: Nos. 123, 86, 100, 384, 139, 145, 318, 203, 234, and 158.

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## SUPREME COURT OF THE UNITED STATES

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

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Thomas Henry Watkins, of Jackson, Miss.; Harold L. Kaplan, of Bloomfield, N. J.; Donald Karrakis, of East Orange, N. J.; Verne McMillen, of Little Rock, Ark.; James I. Teague, of Little Rock, Ark.; Marshall M. Holcombe, of New York, N. Y.; Robert H. Skilton, of Philadelphia, Pa.; Merrill M. Manning, of New York, N. Y.; Walter Bruchhausen, of New York, N. Y.; Harry L. Yale, of Chicago, Ill.; Herman Willer, of St. Louis, Mo.; Charles B. Collins, of Jersey City, N. J.; Paul E. Hutchinson, of Pittsburgh, Pa.; Theodore Chase, of Boston, Mass.; Eugene C. Gerhart, of Binghamton, N. Y.; Joseph M. Stone, of New York, N. Y.; Charles L. Aulette, of Washington, D. C.; Maurice P. Golden, of Chicago, Ill.; I. Sidney Stein, of Indianapolis, Ind.; Vince Monroe Townsend, Jr., of Los Angeles, Calif.; and David Axelrod, of Chicago, Ill., were admitted to practice.

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No. 76. James E. Markham, Alien Property Custodian, and W. Alexander Julian, Treasurer of the United States, petitioners, *v.* Hartwell Cabell. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed and case remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Douglas. Mr. Justice Jackson took no part in the consideration or decision of this case. Concurring opinion by Mr. Justice Burton in which Mr. Justice Frankfurter joins.

No. 39. May Department Stores Company, Doing Business as Famous-Barr Company, petitioner, *v.* National Labor Relations Board. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Decree modified as indicated in the opinion of this Court and, as so modified, affirmed, and case remanded to the Circuit Court of Appeals for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Reed. Mr. Justice Jackson took no part in the consideration or decision of this case. Opinion by Mr. Justice Rutledge concurring in part in which the Chief Justice and Mr. Justice Frankfurter join.

No. 71. Mine Safety Appliances Company, appellant, *v.* James V. Forrestal. Appeal from the District Court of the United States for

the District of Columbia. Judgment affirmed and case remanded to the District Court of the United States for the District of Columbia. Opinion by Mr. Justice Black. Concurring in the result: Mr. Justice Reed. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 58. Joachim O. Fernandez, United States Collector of Internal Revenue, appellant, *v.* Samuel G. Wiener, William B. Wiener, and Jacques L. Wiener. Appeal from the District Court of the United States for the Eastern District of Louisiana. Judgment reversed with costs and case 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 Jackson took no part in the consideration or decision of this case. Concurring opinion by Mr. Justice Douglas in which Mr. Justice Black joins.

No. 59. The United States of America, appellant, *v.* Henry Rompel, Jr., Administrator De Bonis Non Cum Testamento Annexo of Ernest Herbst, Deceased. Appeal from the District Court of the United States for the Western District of Texas. Judgment reversed and case 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 Jackson took no part in the consideration or decision of this case.

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The following orders were not announced orally by the Chief Justice but appear on the list certified by him and filed with the Clerk:

No. 57, Misc. David Flannigan, petitioner, *v.* Joseph E. Ragen, Warden, etc.; and

No. 59, Misc. In the Matter of Frank Smith, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 58, Misc. In the Matter of Thomas H. Fisher, petitioner. The motion for leave to file petition for writ of mandamus or prohibition is denied.

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No. 616. McAllister Lighterage Line, Inc., appellant, *v.* The United States of America and The Interstate Commerce Commission. In this case probable jurisdiction is noted and the case is transferred to the summary docket.

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No. 510. Paul Knauer, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted.

No. 528. The United States of America ex rel. Tennessee Valley Authority, petitioner, *v.* S. Columbus Welch;

No. 529. The United States of America ex rel. Tennessee Valley Authority, petitioner, *v.* John Burns et al.;

No. 530. The United States of America ex rel. Tennessee Valley Authority, petitioner, *v.* Fred Lollis et al.;

No. 531. The United States of America ex rel. Tennessee Valley Authority, petitioner, *v.* Arnold E. Bradshaw et al.;

No. 532. The United States of America ex rel. Tennessee Valley Authority, petitioner, *v.* Philip G. Rust et al.; and

No. 533. The United States of America ex rel. Tennessee Valley Authority, petitioner, *v.* Abraham Cole Hyatt et al. Petition for writs of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted.

No. 572. James Louis Girouard, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted.

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No. 499. C. H. Wheeler, petitioner, *v.* Chester Bowles, Administrator of the Office of Price Administration. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 515. James F. Kirk, 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. 534. George N. Mas, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 549. Edward F. McGunnigal, Jr., et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 552. The Official Aviation Guide Company, Inc., petitioner, *v.* American Aviation Associates, Inc., Wayne W. Parrish et al.; and

No. 591. American Aviation Associates, Inc., petitioner, *v.* The Official Aviation Guide Company, Inc., A Cosmos Garvy et al. Petitions for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 557. Judson L. Thomson Manufacturing Company, petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 564. Boyd L. Kithcart, petitioner, *v.* Metropolitan Life Insurance Company, a Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 481. James J. Laughlin, petitioner, *v.* The United States of America. The motion for leave to proceed on a typewritten record

is granted. The petition for writ of certiorari to the United States Court of Appeals for the District of Columbia is denied.

No. 489. Edward F. Zap, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit. The petition for writ of certiorari in this case is denied for failure to comply with par. 2 of rule 38 of the Rules of this Court. The brief filed in support of the petition is not "direct and concise" as required by that rule. Mr. Justice Black is of the opinion that the length of the brief does not justify the action taken by the Court.

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No. 420. Francis Haines, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Circuit Court of Randolph County, State of Illinois;

No. 430. John H. Rooney, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 438. James Carman, petitioner, *v.* T. P. Sullivan, Illinois State Prison Director, et al. On petition for writ of certiorari to the Circuit Court of Randolph County, State of Illinois;

No. 440. George E. Moore, petitioner, *v.* The State of Wisconsin. On petition for writ of certiorari to the Supreme Court of Wisconsin;

No. 441. William H. Fitzpatrick, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Circuit Court of Randolph County, State of Illinois;

No. 466. Calvin Smith, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois; and

No. 467. Henry Clay Barland, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois. The motions for leave to proceed *in forma pauperis* in these cases are granted. The petitions for writs of certiorari are denied.

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No. 54. Scott Paper Company, petitioner, *v.* Marcalus Manufacturing Company, Inc., and Nicholas Marcalus; and

No. 461. Ralph R. Renninger, petitioner, *v.* The People of the State of New York. The petitions for rehearing in these cases are denied.

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The Court will take a recess from Monday, December 17, until January 2, 1946.

Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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No. 123. Carl B. Williams, petitioner, *v.* The United States of America. Argued by Mr. Samuel Slaff for the petitioner and by Mr. Irving S. Shapiro for the respondent.

No. 86. William H. Griffin, petitioner, *v.* Grace H. Griffin. Argued by Mr. William H. Griffin *pro se* and by Mr. A. M. Goldstein for the respondent.

No. 100. Bertram Williams et al., Suing on Behalf of Themselves and All Other Holders of Class B Debentures of Green Bay and Western Railroad Company, petitioners, *v.* Green Bay and Western Railroad Company. Argued by Mr. Milton Pollack for the petitioners and by Mr. W. Lloyd Kitchel for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, December 11, will be as follows: Nos. 384, 139, 145, 318, 203, 234, 158, 305, 198, and 163.

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## SUPREME COURT OF THE UNITED STATES

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

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Thad F. Wasielewski, of Milwaukee, Wis.; John W. Rutland, Jr., of Dallas, Tex.; William J. Park, of Austin, Tex.; Donald D. Hickman, of Arkansas City, Kans.; C. Vernon Thompson, of Chicago, Ill.; McKinley Edwards, of Bryson City, N. C.; John V. Wheat, of Houston, Tex.; J. E. Price, of Houston, Tex.; Ruel C. Walker, of Cleburne, Tex.; Robert J. Hilliard, of Chicago, Ill.; Donald J. Meyer, of St. Louis, Mo.; Clark M. Clifford, of St. Louis, Mo.; Carl Pergler, of Washington, D. C.; Augustus P. Crenshaw III, of Washington, D. C.; Henry W. Cramer, of Seattle, Wash.; and Francis Thornton Greene, of Richmond, Va., were admitted to practice.

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No. 608. James A. Taylor, petitioner, *v.* New York Central Railroad Company. Time within which to file response to petition for certiorari extended to and including December 28 on motion of counsel for the respondent.

No. 481. James J. Laughlin, petitioner, *v.* United States. The motion of the petitioner to stay issuance of order denying petition for writ of certiorari is denied.

No. 489. Edward F. Zap, petitioner, *v.* United States. The issuance of the order denying petition for writ of certiorari is stayed pending the consideration and decision on a petition for rehearing to be filed within the time prescribed in rule 33, on motion of counsel for the petitioner. Counsel may file substituted brief, conforming to requirements of par. 2 of rule 38, in support of petition for writ of certiorari if so advised.

No. 633. Francis P. Slattery, petitioner, *v.* Allan A. MacDonald, Sheriff, etc. Time within which to file response to petition for certiorari extended to and including January 2 on motion of counsel for the respondent.

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No. 384. Forrest S. Smith. Trustee of the Property of Hoboken Manufacturers Railroad Company, Debtor, et al., petitioners, *v.* Hoboken Railroad Warehouse and Steamship Connecting Company

et al. Argument commenced by Mr. James D. Carpenter for the petitioner, Forrest S. Smith, Trustee, etc.; continued by Mr. Parker McCollester for the petitioners, Debtor, Hoboken Manufacturers Railroad Company et al.; and concluded by Mr. Edward J. O'Mara for the respondents.

No. 139. Max Levinson, petitioner, *v.* Spector Motor Service, a Corporation. Argued by Mr. Harry L. Yale for the petitioner and by Mr. David Axelrod for the respondent.

No. 145. Commissioner of Internal Revenue, petitioner, *v.* J. N. Flowers. Argument commenced by Mr. J. Louis Monarch for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, December 12, will be as follows: Nos. 145, 318, 203, 234, 158, 305, 198, 163, and 187.

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## SUPREME COURT OF THE UNITED STATES

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

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Charles E. Gorsuch, of Aberdeen, S. Dak.; Julius Cohen, of Morgantown, W. Va.; Richard S. Brazeau, of Wisconsin Rapids, Wis.; Leo A. Temmey, of Huron, S. Dak.; Nils A. Boe, of Sioux Falls, S. Dak.; Timothy I. O'Reilly, of San Luis Obispo, Calif.; William F. Hamilton, of New York, N. Y.; J. Stanley Stroud, of Chicago, Ill.; Wright F. Hallfrisch, of Whitefish Bay, Wis.; Paul Maloney, of Philadelphia, Pa.; J. Henry Neale, of White Plains, N. Y.; Francis M. Divilio, of New Haven, Conn.; William J. Regan, of Washington, D. C.; and Harold J. Finder, of Chicago, Ill., were admitted to practice.

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No. 145. Commissioner of Internal Revenue, petitioner, *v.* J. N. Flowers. Argument continued by Mr. J. Louis Monarch for the petitioner and concluded by Mr. J. W. Ogden for the respondent.

No. 318. The Social Security Board, petitioner, *v.* Joseph Nierotke. Argued by Mr. Paul A. Sweeney for the petitioner and by Mr. Ernest Goodman for the respondent.

No. 203. Commissioner of Internal Revenue, petitioner, *v.* Estate of Harry Holmes, Deceased, Lucy B. Holmes, Independent Executrix. Argued by Miss Helen R. Carloss for the petitioner and by Mr. J. V. Wheat for the respondent.

No. 234. Mississippi Publishing Corporation, petitioner, *v.* Dennis Murphree. Argued by Mr. William H. Watkins for the petitioner and by Mr. Rufus Creekmore for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, December 13, will be as follows: Nos. 158, 305, 198, 163, and 187.

## SUPREME COURT OF THE UNITED STATES

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

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James H. Cowan, of Washington, D. C.; Labre R. Garcia, of Antonito, Colo.; Kenneth C. Schwartz, of Mount Vernon, N. Y.; Patrick J. Taft, of Washington, D. C.; Alan B. Aldwell, of San Francisco, Calif.; Reid Richmond Briggs, of Los Angeles, Calif.; Gerald May, of Boston, Mass.; Percy C. Madeira III, of Philadelphia, Pa.; Robert Benjamin Shapiro, of Chicago, Ill.; George Lake, of New York, N. Y.; Henry Howard, Jr., of New York, N. Y.; Harold Knowles Congdon, Jr., of Randolph, N. Y.; William R. Eddleman, of Seattle, Wash.; Frank J. Strassner, Jr., of Philadelphia, Pa.; Newton E. Davis, of San Francisco, Calif.; Maurice Neil Ray, of Chicago, Ill.; Daniel V. Ryan, of San Francisco, Calif.; Walter J. Klockau, Jr., of Moline, Ill.; and Kenneth I. Ghormley, of Washington, D. C., were admitted to practice.

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No. 625. Cecil I. Hust, petitioner, *v.* Moore-McCormack Lines, Inc. Time to file brief for respondent extended to and including January 15, 1946, on application of counsel for the respondent.

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No. 158. The People of the State of New York, *ex rel.* Donald A. J. Ray, appellant, *v.* Walter B. Martin, as Warden of Attica State Prison, Attica, New York, et al. Argued by Mr. Thomas J. McKenna for the petitioner; by Mr. Henry S. Manley for respondents, Martin, Warden, and the State of New York; by Mr. Charles E. Congdon for respondent, Cattaraugus County, New York; and by Mr. Roger P. Marquis for the United States, as *amicus curiae*, by special leave of Court.

No. 305. Township of Hillsborough, Somerset County, N. J., et al., petitioners, *v.* Doris Duke Cromwell, Individually and as Trustee of the Duke Endowment. Argument commenced by Mr. Harry E. Walburg for the petitioners and continued by Mr. Charles E. Hughes, Jr., for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, December 14, will be as follows: Nos. 305, 198, 163, and 187.

SUPREME COURT OF THE UNITED STATES

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

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George Roberts, of New York, N. Y.; John F. Donelan, of Washington, D. C.; John Minor Wisdom, of New Orleans, La.; Robert Goodhart Polack, of New Orleans, La.; Gilbert Whitney Baron, of Springfield, Mass.; Vernon Rowe Gatley, of Denver, Colo.; Don Petty, of Los Angeles, Calif.; and Robert H. Burnham, of St. Paul, Minn., were admitted to practice.

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No. 269. Milton Roe Sabin and Bertha Florenece Sabin, petitioners, *v.* Home Owners' Loan Corporation et al. Time to file supplement to petition for rehearing extended to and including January 11, 1946, on application of Mrs. Bertha Florenece Sabin, *pro se.*

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No. 305. Township of Hillsborough, Somerset County, N. J., et al., petitioners, *v.* Doris Duke Cromwell, Individually and as Trustee of the Duke Endowment. Argument continued by Mr. Charles E. Hughes, Jr. for the respondent and concluded by Mr. Shelton Pitney for the respondent.

No. 198. M. Kraus & Bros., Inc., petitioner, *v.* United States. Argued by Mr. Thomas Turner Cooke for the petitioner and by Mr. W. Marvin Smith for the respondent.

No. 187. Cherry Cotton Mills, Inc., petitioner, *v.* United States. Argued by Mr. Theodore B. Benson for the petitioner and by Mr. David L. Kreeger for the respondent.

Adjourned until Monday, December 17, next, at 12 o'clock.

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## SUPREME COURT OF THE UNITED STATES

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

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Ernest S. Meyers, of New Rochelle, N. Y.; Robert J. Rubin, of Los Angeles, Calif.; J. Darwin Bond, of Dallas, Tex.; Coleman Gay, of Austin, Tex.; James Manley Head, of Austin, Tex.; Lyle M. Stevens, of Long Beach, Calif.; John Stanley Brill, of Los Angeles, Calif.; Joseph Homer Riley, of Tucson, Ariz.; Leighton Cornett, of Clarksville, Tex.; Arthur Dixon, of Chicago, Ill.; William H. Kerr, of Boston, Mass.; Arthur J. Donnelly, of St. Paul, Minn.; Edgar M. Souza, of New York, N. Y.; Oscar M. Ruebhausen, of New York, N. Y.; B. E. Shlesinger, of Rochester, N. Y.; and Gordon W. Gabell, of Philadelphia, Pa., were admitted to practice.

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No. 93. Hercules Gasoline Company, 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 case remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Black. Dissenting: Mr. Justice Burton. Mr. Justice Jackson took no part in the consideration or decision of this case. Dissenting opinion by Mr. Justice Reed in which the Chief Justice joins.

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The following orders were not announced orally by the Chief Justice but appear on the list certified by him and filed with the Clerk:

No. 60, Misc. Frank Davis, petitioner, *v.* Walter Nierstheimer, Warden, etc.; and

No. 62, Misc. Fred Singer, petitioner, *v.* Joseph E. Ragen, Warden, etc. The motions for leave to file petitions for writs of certiorari are denied.

No. 63, Misc. Lee Van Woods, petitioner, *v.* Walter Nierstheimer, Warden, etc. The motion for leave to file a petition for writ of habeas corpus is denied.

No. 64, Misc. Louis Burall, petitioner, *v.* Honorable Michael J. Roche, United States District Judge. The motion for leave to file a petition for writ of mandamus is denied.

No. 11, Original. The State of Georgia, complainant, *v.* The Pennsylvania Railroad Company et al.

It is ordered that Lloyd K. Garrison, Esquire, be, and he is hereby, appointed Special Master in this cause, with authority to summon witnesses, issue subpoenas, and to take such evidence as may be introduced and such as he may deem it necessary to call for. The Master is directed to find the facts specially and state separately his conclusions of law thereon (cf. Rule 52 of the Rules of Civil Procedure for the District Courts of the United States, first sentence), and to submit the same to this Court with all convenient speed, together with a draft of the decree recommended by him. The findings, conclusions, and recommended decree of the Master shall be subject to consideration, revision, or approval by the Court. The Master shall be allowed his actual expenses and a reasonable compensation for his services to be fixed hereafter by the Court. The allowances to him, the compensation paid to his stenographic and clerical assistants, and the cost of printing his report shall be charged against and be borne by the parties in such proportion as the Court hereafter may direct. If the appointment herein made of a Master is not accepted, or if the place becomes vacant during the recess of the Court, the Chief Justice shall have authority to make a new designation which shall have the same effect as if originally made by the Court herein.

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No. 627. Howard Hall Company, Inc., appellant, *v.* United States et al. In this case probable jurisdiction is noted and the case is transferred to the summary docket.

No. 457. Gus Kotteakos and Michael Lekacos, petitioners, *v.* United States; and

No. 458. Nathan Regenbogen, petitioner, *v.* United States. The motion to dispense with reprinting the record is granted.

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No. 496. M. E. Heiser, petitioner, *v.* Willie Mae Woodruff et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted.

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No. 571. Willie Mae Woodruff, petitioner, *v.* M. E. Heiser. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 509. M. E. Heiser, petitioner, *v.* Margueritte B. Woodruff et al.; and

No. 581. Margueritte B. Woodruff, Leonard Woodruff, Jr., et al., petitioners, *v.* M. E. Heiser. Petitions for writs of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 562. C. K. Yoon, petitioner, *v.* Territory of Hawaii. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 595. Anna Lee Shelton, petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 596. Arden Dietrich Bode, Alfred Earnest Partridge, et al., petitioners, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 638. Philip Godfrey et al., petitioners, *v.* Legh R. Powell, Jr., and Henry W. Anderson, as Receivers of Seaboard Air Line Railway Company et al.; and

No. 639. Philip Godfrey et al., petitioners, *v.* Legh R. Powell, Jr., and Henry W. Anderson, as Receivers of Seaboard Air Line Railway Company et al. Petition for writs of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

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No. 479. Lester Barnard, petitioner, *v.* Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit; and

No. 487. Matthew Nowak, petitioner, *v.* Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois. On petition for writ of certiorari to the Criminal Court, Cook County, State of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

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No. 61, Misc. In the matter of the Application of General Tomoyuki Yamashita for Writs of Habeas Corpus and Prohibition; and

No. —. General Tomoyuki Yamashita, petitioner, *v.* Lieutenant General Wilhelm D. Styer, Commanding General, U. S. Army Forces, Western Pacific. On petition for writ of certiorari to the Supreme Court of the Commonwealth of the Philippines.

It having been represented to this Court by the Attorney General of the United States that a petition for writ of certiorari in the above-entitled cause has been forwarded to this Court from Manila to review the denial of writs of habeas corpus and prohibition by the Supreme Court of the Commonwealth of the Philippines, on or about November 28, 1945;

And whereas, the Court considers it advisable to defer consideration of the application for writs of habeas corpus and prohibition until it has had an opportunity to examine the petition for writ of certiorari;

It is ordered by this Court that all further proceedings in this cause be, and the same are hereby, stayed pending the consideration and determination by this Court of the applications for writs of habeas corpus and prohibition now pending as No. 61, Miscellaneous of the present term, and of the petition for writ of certiorari now in transit.

The Secretary of War is requested to advise the Military Authorities of this action of the Court.

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No. 59. The United States of America, appellant, *v.* Henry Rompel, Jr., Administrator De Bonis Non Cum Testamento Annexo of Ernest Herbst, Deceased. There is added at the end of the opinion of the Court in this case, announced on December 10, 1945, the following statement:

“Mr. Justice Black and Mr. Justice Douglas concur in the result for the reasons stated in the concurring opinion of Mr. Justice Douglas in case No. 58, Joachim O. Fernandez, United States Collector of Internal Revenue, appellant, *v.* Samuel G. Wiener et al.”

No. 71. Mine Safety Appliances Co. *v.* James V. Forrestal. The concurring opinion of Mr. Justice Reed in this case is amended so that it will read as follows:

“Mr. Justice Reed concurs in the result for the reason that he thinks no adequate ground is alleged for an injunction. In his view a legal remedy exists in the Court of Claims since objection to the amount of excess profits is waived and the stipulation, referred to in the opinion, removes multiplicity of actions for relief as a possible ground.”

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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Adjourned until Wednesday, January 2, 1946, at 12 o'clock.

The day call for Wednesday, January 2, 1946, will be as follows: Nos. 115 (116), 221, 365, 254 (255), 289, 152, 354, 392, 320, and 163.

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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.

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

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The Court enters the following order:

No. 61, Miscellaneous. In the Matter of the Application of General Tomoyuki Yamashita for Writs of Habeas Corpus and Prohibition.

No. 672. General Tomoyuki Yamashita, Petitioner, *v.* Lieutenant General Wilhelm D. Styer, Commanding General, U. S. Army Forces, Western Pacific. On motion for leave to file petition for writs of habeas corpus and prohibition and on petition for a writ of certiorari to the Supreme Court of the Commonwealth of the Philippines.

The Court desires to hear argument upon the questions presented by the motion for leave to file the petition for writs of habeas corpus and prohibition and by the petition for writ of certiorari. Action upon the motion for leave to file and the petition for writ of certiorari will be withheld meanwhile, and the motion and petition are set down for oral argument on Monday, January 7, next.

Mr. Justice Jackson took no part in the consideration of this order. Adjourned until Wednesday, January 2, 1946, at 12 o'clock.

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## SUPREME COURT OF THE UNITED STATES

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

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Ellis Lyons, of Washington, D. C.; Julien Gray Hathaway, of Ventura, Calif.; Willard Durre Egolf, of Chevy Chase, Md.; Theodore A. Westphal, Jr., of San Francisco, Calif.; Harold Steele Harrison, of Washington, D. C.; Thomas E. Byrne, Jr., of Philadelphia, Pa.; Julia Benton Hopkins, of Washington, D. C.; M. Arthur Waite, of Ojai, Calif.; Seymour L. Coblens, of Arlington, Va.; Peter R. Nehemkis, Jr., of Newark, N. J.; and S. Floyd Nagle, of Greenwich, Conn., were admitted to practice.

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No. 203. Commissioner of Internal Revenue, petitioner, *v.* Estate of Harry Holmes, Deceased, Lucy B. Holmes, Independent Executrix. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment reversed and case remanded to the Circuit Court of Appeals for further proceedings consistent with the opinion of this Court. Opinion by Mr. Justice Rutledge. Mr. Justice Douglas dissents. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 31. William Chatwin, petitioner, *v.* The United States of America;

No. 32. Charles F. Zitting, petitioner, *v.* The United States of America; and

No. 33. Edna Christensen, petitioner, *v.* The United States of America. On writs of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgments reversed and cases 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. Justice Murphy. Mr. Justice Burton concurs in the result. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 145. Commissioner of Internal Revenue, petitioner, *v.* J. N. Flowers. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment reversed and case remanded to the Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Murphy. Mr.

Justice Jackson took no part in the consideration or decision of this case. Dissenting opinion by Mr. Justice Rutledge.

No. 95. Railroad Retirement Board, Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, and George M. Harrison, petitioners, *v.* Duquesne Warehouse Company. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

No. 103. Duquesne Warehouse Company, petitioner, *v.* Railroad Retirement Board and Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment in No. 95 reversed and case 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. 103 affirmed and case remanded to the District Court of the United States for the District of Columbia. Opinion by Mr. Justice Douglas. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 560. Schenley Distillers Corporation and Schenley Distilleries Motor Division, Inc., appellants, *v.* The United States of America, Interstate Commerce Commission, et al. Appeal from the District Court of the United States for the District of Delaware. Decree affirmed. Opinion *per curiam* announced by the Chief Justice. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 234. Mississippi Publishing Corporation, petitioner, *v.* Dennis Murphree. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed with costs and case remanded to the District Court of the United States for the Northern District of Mississippi. Opinion by Mr. Chief Justice Stone. Mr. Justice Jackson took no part in the consideration or decision of this case.

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The Chief Justice announced the following orders of the Court:

No. 637. The Board of Supervisors of Monona County, Iowa, O. H. Hale, et al., appellants, *v.* The Board of Trustees of Monona-Harrison Drainage District No. 1, in Monona and Harrison Counties, Iowa, et al. Appeal from the Supreme Court of Iowa. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Breiholz v. Board of Supervisors*, 257 U. S. 118.

No. 636. Murray Winters, appellant, *v.* The People of the State of New York. 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. 23. Heber Kimball Cleveland, petitioner, *v.* United States;  
No. 24. Heber Kimball Cleveland, petitioner, *v.* United States;  
No. 25. Heber Kimball Cleveland, petitioner, *v.* United States;  
No. 26. David Brigham Darger, petitioner, *v.* United States;  
No. 27. Vergel Y. Jessop, petitioner, *v.* United States;  
No. 28. Theral Ray Dockstader, petitioner, *v.* United States;  
No. 29. L. R. Stubbs, petitioner, *v.* United States;  
No. 30. Follis Gardner Petty, petitioner, *v.* United States;  
No. 34. United Federal Workers of America (CIO) et al., appellants, *v.* Harry B. Mitchell, Lucille Foster McMillin, et al.; and  
No. 139. Max Levinson, petitioner, *v.* Spector Motor Service, a Corporation. These cases are restored to the docket for reargument before a full bench.

The following orders were not announced orally by the Chief Justice but appear on the list certified by him and filed with the Clerk;

No. 67. Thomas Paper Stock Company et al., petitioners, *v.* Chester Bowles, Price Administrator. Further consideration of the motion to dismiss the writ of certiorari in this case is postponed to the oral argument of the case. The case is transferred to the summary docket and set to follow No. 578.

No. 411. United States *v.* Judge Eugene Rice, District Judge for the Eastern District of Oklahoma. Further consideration of the motion to bring up the entire record and cause is postponed until the hearing of the case on the certificate at which time counsel may direct their argument to the question of the power of the Court to order up the entire record and cause pursuant to 28 U. S. C. 346.

No. 65, Misc. In the Matter of Dorsey Edmondson, petitioner;

No. 69, Misc. James H. Johnson, petitioner, *v.* John Hancock Mutual Life Insurance Company et al.; and

No. 71, Misc. In the Matter of Martin J. Durkin, petitioner. The applications are denied.

No. 66, Misc. William G. Hayes, petitioner, *v.* Joseph E. Ragen, Warden, etc. The motion for leave to file petition for writ of certiorari is denied.

No. 67, Misc. Vergil D. McMillan, petitioner, *v.* United States Municipal Court et al. The motion for leave to file a petition for writ of prohibition is denied.

No. 68, Misc. Abraham Grimm, petitioner, *v.* Walter Nierstheimer, Warden, etc.; and

No. 70, Misc. Harry C. Kelly, petitioner, *v.* James A. Johnston, Warden, etc. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 578. Thomas Paper Stock Company et al., petitioners, *v.* Chester Bowles, Price Administrator. Petition for writ of certiorari to the United States Emergency Court of Appeals granted.

No. 603. First Iowa Hydro-Electric Co-Operative, petitioner, *v.* Federal Power Commission et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted.

No. 605. Jacob Siegel Company, petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted.

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No. 609. Comet Carriers, Inc., petitioner, *v.* L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor. On petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit. The petition for writ of certiorari in this case is granted limited to the third question raised in the Government's brief. The case is transferred to the summary docket and set to follow No. 139.

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No. 520. Allen Pope, petitioner, *v.* United States. Petition for writ of certiorari to the Court of Claims denied.

No. 573. Estate of Humphrey J. Lynch, Deceased, the County Trust Company and Mary A. Fleming, Executors, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 579. 870 Seventh Avenue Corporation, Doing Business As The Park Central, petitioner, *v.* Chester Bowles, Administrator, Office of Price Administration. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 582. The California Oregon Power Company, petitioner, *v.* Federal Power Commission. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 613. John Locke Green, petitioner, *v.* Hon. Colgate W. Darden, Jr., Governor of Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia denied.

No. 619. Chicago Great Western Railway Company, petitioner, *v.* David T. Beecher, a Minor, by Joseph Beecher, His Father and Natural Guardian. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 563. Valentine & Sons, a Co-Partnership, et al., petitioners, *v.* Chester Bowles, Price Administrator. Petition for writ of certiorari to the United States Emergency Court of Appeals denied.

No. 576. Fred R. Reeves, John H. Bradley, et al., petitioners, *v.* Chester Bowles, Administrator, Office of Price Administration. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 599. Claud Cochran, petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 607. Frank Smrekar, Jr., a Minor, by Frank Smrekar, Sr., His Guardian Ad Litem, petitioner, *v.* Bay and River Navigation Company and Black Company. Petition for writ of certiorari to the District Court of Appeal, 1st Appellate District, State of California, denied.

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No. 601. Elizabeth C. Lownsbury, Mrs. Evelyn H. Brantley, et al., petitioners, *v.* Securities and Exchange Commission and the Commonwealth and Southern Corporation. The motion to defer consideration is denied. The petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit is also denied. Mr. Justice Douglas took no part in the consideration or decision of these applications.

No. 587. Edwin J. Creel, petitioner, *v.* Robert T. Creel;

No. 588. Edwin J. Creel, petitioner, *v.* Robert T. Creel; and

No. 589. Edwin J. Creel, petitioner, *v.* Robert T. Creel. The motion for leave to file a substituted petition is denied. The petition for writs of certiorari to the United States Court of Appeals for the District of Columbia is also denied.

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No. 218. William Dainard, petitioner, *v.* James A. Johnston, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 336. Tony Leonard Gardner, petitioner, *v.* The Railroad Retirement Board. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 367. Luther A. Sykes, petitioner, *v.* Joseph W. Sanford, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 376. E. R. Lindsey, petitioner, *v.* Charles H. Leavy, C. C. Quackenbush, et al. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 398. Dorsey Willard McMahan, petitioner, *v.* James A. Johnston, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit;

No. 462. Fred Wilson, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 463. Harold A. Witt, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Kendall County, State of Illinois;

No. 472. Golden Booth, petitioner, *v.* A. C. Aderhold, Warden, etc. On petition for writ of certiorari to the Supreme Court of Georgia;

No. 491. John Welch, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 492. George Woods, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 493. William Kirsch, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court, Cook County, State of Illinois;

No. 494. William Kirsch, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court, Cook County, State of Illinois;

No. 508. Gerald P. Fleeger, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court, Cook County, State of Illinois;

No. 512. Renzo Taylor, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 513. Carl Mathews, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 521. Arletus Sharp, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 522. Eugene Stratton, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 525. Carl William West, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court, Kane County, State of Illinois;

No. 526. William H. Fitzpatrick, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 527. Matthew Nowak, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Circuit Court, Randolph County, State of Illinois;

No. 536. Vito Nitti, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 538. Stanley Platt, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 541. John F. Madden, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois. The motions for leave to proceed *in forma pauperis* in these cases are granted. The petitions for writs of certiorari are denied.

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No. 208. Kingdon William De Normand, Joseph Peter Oddo, et al., petitioners, *v.* United States. The motion for leave to file a second petition for rehearing is granted. The petition for rehearing is denied.

No. 552. The Official Aviation Guide Company, Inc., petitioner, *v.* American Aviation Associates, Inc., Wayne W. Parrish, et al. The petition for rehearing is denied.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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No. 115. United States, petitioner, *v.* William R. Johnson; and

No. 116. United States, petitioner, *v.* Jack Sommers, James A. Hartigan, et al. Argued by Mr. Arnold Raum for the petitioner and by Mr. Homer Cummings for the respondents.

No. 221. Taze Hamrick Gibson, petitioner, *v.* United States. Argument commenced by Mr. Hayden C. Covington for the petitioner and continued by Mr. Irving S. Shapiro for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, January 3, will be as follows: Nos. 221, 365, 254 (255), 289, 152, 354, 392, 163, 261, and 238.

SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Rutledge, and Mr. Justice Burton.

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William I. Siegel, of Brooklyn, N. Y.; Lloyd S. Engert, of Champaign, Ill.; Hedo M. Zacherle, of Des Moines, Iowa; Alfred Benson Page, of Topeka, Kans.; Furman Smith, of Atlanta, Ga.; Abe J. Garland, of St. Louis, Mo.; Ward R. Burke, of Lufkin, Tex.; Reece A. Gardner, of Kansas City, Mo.; James A. Cobey, of La Grange, Ill.; Manuel V. Gallego, of Manila, P. I.; and William L. Owen, of Washington, D. C., were admitted to practice.

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No. 221. Taze Hamrick Gibson, petitioner, *v.* United States. Argument concluded by Mr. Irving S. Shapiro for the respondent.

No. 365. Seas Shipping Company, Inc., petitioner, *v.* Joseph Sieracki. Argued by Mr. Thomas E. Byrne, Jr., for the petitioner and by Mr. Abraham E. Freedman for the respondent.

No. 254. S. R. A., Inc., petitioner, *v.* State of Minnesota; and

No. 255. S. R. A., Inc., petitioner, *v.* State of Minnesota. Argued by Mr. Roland J. Faricy for the petitioner and by Mr. Andrew R. Bratter for the respondent.

No. 289. Marion H. Allen, Collector of Internal Revenue, petitioner, *v.* Trust Company of Georgia and Hughes Spalding, Executors of the Estate of Jack J. Spalding, deceased. Argument commenced by Mr. J. Louis Monarch for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, January 4, will be as follows: Nos. 289, 152, 354, 392, 163, 261, 238, 274, 290, and 319.

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## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Rutledge, and Mr. Justice Burton.

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Walter T. Tsukamoto, of Sacramento, Calif.; Varnum Paul, of San Francisco, Calif.; Leonard Raum, of Swampscott, Mass.; and Howard W. Robbins, of Boston, Mass., were admitted to practice.

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No. 714. United States, petitioner, *v.* Edmund Carl Heine. Time within which to perfect service under rule 38 extended to and including February 14 on application of counsel for the petitioner.

No. 289. Marion H. Allen, Collector of Internal Revenue, petitioner, *v.* Trust Company of Georgia and Hughes Spalding, Executors of the Estate of Jack J. Spalding, deceased. Argument continued by Mr. J. Louis Monarch for the petitioner and concluded by Mr. John A. Sibley for the respondents.

No. 152. Frank Canizio, petitioner, *v.* The People of the State of New York. Argued by Mr. Maurice Edelbaum for the petitioner and by Mr. William I. Siegel for the respondent.

No. 354. Stanley Howittt, Flora Post Lee, et al., petitioners, *v.* United States. Argued by Mr. Walter J. Cummings, Jr., for the respondent and case submitted by Mr. Bart. A. Riley for the petitioners.

No. 392. Walter E. Meyer, petitioner, *v.* Joseph B. Fleming and Aaron Colnon, as Trustees of the Chicago, Rock Island and Pacific Railway Company. Argued by Mr. Walter E. Meyer, pro se, and by Mr. William Stanley for the respondents. ✓

Adjourned until Monday, January 7, next, at 12 o'clock.

The day call for Monday, January 7, will be as follows: Nos. 61, Misc. (672), 163, 261, 238, 274, 290, 319, 263, 317, and 328 (329).

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## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Rutledge, and Mr. Justice Burton.

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Joseph Smith, of Philadelphia, Pa.; Addison Peairs Drummond, of Bonifay, Fla.; Arthur Carney Leshner, Jr., of Houston, Tex.; Lawrence Edwin Kelly, of Detroit, Mich.; Howard L. Ellis, of Detroit, Mich.; Francis Earl Blodgett, of Los Angeles, Calif.; Robert R. Weaver, of Phoenix, Ariz.; P. Lopez, of Cebu, P. I.; Edwin M. S. Steers, of Indianapolis, Ind.; R. A. Moen, of Olympia, Wash.; Baird V. Helfrich, of Peoria, Ill.; Homer L. Shantz, Jr., of Tucson, Ariz.; Cleon H. Foust, Jr., of Columbia City, Ind.; and A. Frank Reel, of Boston, Mass., were admitted to practice.

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No. 306. J. R. Mason, petitioner, *v.* Paradise Irrigation District. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed with costs and case remanded to the District Court of the United States for the Northern District of California. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Frankfurter. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 100. Bertram Williams, Max Brasch, and Heinz Mottek, Suing on Behalf of Themselves and All Other Holders of Class B Debentures of Green Bay and Western Railroad Company, petitioners, *v.* Green Bay and Western Railroad Company. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment reversed with costs and case 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 Douglas. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 36. The John Kelley Company, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit; and

No. 47. Talbot Mills, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Judgment in No. 36 reversed and case remanded to the Circuit Court of Appeals for further proceedings in

conformity with the opinion of this Court. Judgment in No. 47 affirmed and case remanded to the Circuit Court of Appeals. Opinion of Mr. Justice Reed announced by Mr. Justice Frankfurter. Mr. Justice Black concurs in the result in No. 47. He is of the opinion that No. 36 should be affirmed for the reasons given by the Circuit Court of Appeals. Mr. Justice Burton concurs in the result in No. 36 but dissents from the result in No. 47 on the grounds stated in the dissenting opinion of Magruder, J., in the Circuit Court of Appeals. Dissenting opinion by Mr. Justice Rutledge. Mr. Justice Jackson took no part in the consideration or decision of these cases.

No. 158. The People of the State of New York ex rel. Donald A. J. Ray, petitioner, *v.* Walter B. Martin, as Warden of Attica State Prison, Attica, New York. On writ of certiorari to the County Court of Wyoming County, State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Black. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 114. Grace Marsh, appellant, *v.* The State of Alabama. Appeal from the Court of Appeals of the State of Alabama. Judgment reversed with costs and case remanded to the Court of Appeals for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black. Concurring opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Reed in which the Chief Justice and Mr. Justice Burton join, announced by Mr. Justice Burton. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 87. A. R. Tucker, appellant, *v.* The State of Texas. Appeal from the County Court of Medina County, State of Texas. Judgment reversed with costs and case remanded to the County Court of Medina County, Texas, for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black. Concurring opinion by Mr. Justice Frankfurter. Dissenting opinion of the Chief Justice, Mr. Justice Reed and Mr. Justice Burton announced by Mr. Justice Burton. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 60. James E. Markham, Alien Property Custodian, petitioner, *v.* Alvina Allen, Gertrude Dinwiddie, Hilda Pigozzi, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed and case remanded to the Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Stone. Mr. Justice Rutledge is of the opinion that the cause should be remanded to the district court and jurisdiction should be retained by it pending the State court's decision as to the persons entitled to receive the net

estate. Mr. Justice Jackson took no part in the consideration or decision of this case.

The following orders were not announced orally by the Chief Justice but appear on the list certified by him and filed with the clerk:

No. 73, Misc. Albert Smith, petitioner, *v.* Walter Nierstheimer, Warden, etc. The motion for leave to file a petition for a writ of habeas corpus is denied.

No. 580. Wilky Carrier Corporation, petitioner, *v.* Doris Young, a Minor, by Emil O. Young, Her Father and Next Friend, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 608. James A. Taylor petitioner, *v.* New York Central Railroad Company. Petition for writ of certiorari to the Court of Appeals of the State of New York denied.

No. 632. Terminal Railroad Association of St. Louis, a Corporation, petitioner, *v.* A. T. Schorb. Petition for writ of certiorari to the Circuit Court of Appeals for the Eight Circuit denied.

No. 640. Dr. Tom H. Robertson, M. D., petitioner, *v.* New York Life Insurance Company. Petition for writ of certiorari to the Supreme Court of Michigan denied.

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No. 52, Misc. Cecil L. Wright, petitioner, *v.* Michael J. Roche, District Judge, etc. The motion for leave to file a petition for writ of mandamus is denied.

No. 383. Cecil L. Wright, petitioner, *v.* James A. Johnston, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 476. William H. Fitzpatrick, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Criminal Court, Cook County, State of Illinois; and

No. 486. Ray C. Blackburn, Richard L. Schanck, and John B. Phillips, petitioners, *v.* State of Ohio. On petition for writ of certiorari to the Supreme Court of Ohio. The motions for leave to proceed *in forma pauperis* in these cases are granted. The petitions for writs of certiorari are denied.

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No. 489. Edward F. Zap, petitioner, *v.* United States. The petition for rehearing is granted and the order entered December 10th denying certiorari is vacated. The petition for writ of certiorari to

the Circuit Court of Appeals for the Ninth Circuit is granted limited to the question whether books and records relating to the petitioner's contract with the Navy Department were properly admitted as evidence at his trial. The case is assigned for argument immediately after No. 404.

No. 69. Lillian Boehm, petitioner, *v.* Commissioner of Internal Revenue. The motion for leave to file petition for rehearing out of time is granted. The petition for rehearing is denied.

No. 188. William Elbert Lawrence, petitioner, *v.* The People of the State of Illinois. The motion for leave to file a third petition for rehearing is denied. Mr. Justice Burton took no part in the consideration or decision of this application.

No. 25, Misc. Ben Spears, Jr., petitioner, *v.* James A. Johnston, Warden, etc.;

No. 39. May Department Stores Company, doing business as Famous-Barr Company, petitioner, *v.* National Labor Relations Board; and

No. 564. Boyd L. Kithcart, petitioner, *v.* Metropolitan Life Insurance Company, a Corporation. The petitions for rehearing in these cases are denied.

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The Court will take a recess from Monday, January 14, until Monday, January 28, next.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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No. 654. Clara Dellar, petitioner, *v.* Samuel Goldwyn, Inc., Samuel Goldwyn, Eddie Cantor, et al.; and

No. 655. Clara Dellar, petitioner, *v.* Samuel Goldwyn, Inc., Samuel Goldwyn, Eddie Cantor, et al. Time to file brief for respondents under Rule 38 extended to and including January 21, 1946, on application of counsel for the respondents.

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No. 61, Misc. In the Matter of the Application of General Tomoyuki Yamashita for Writs of Habeas Corpus and Prohibition; and

No. 672. General Tomoyuki Yamashita, petitioner, *v.* Lieutenant General Wilhelm D. Styer, Commanding General, U. S. Army Forces, Western Pacific. On motion for leave to file petition for writs of habeas corpus and prohibition and on petition for a writ of certiorari to the Supreme Court of the Commonwealth of the Philippines.

Colonel Harry E. Clarke, J. A. G. D., permitted to appear and present oral argument *pro hac vice* for the petitioner on motion of Captain A. Frank Reel, J. A. G. D.

Argument upon the questions presented by the motion for leave to file petition for writs of habeas corpus and prohibition in No. 61, Misc., and by the petition for writ of certiorari in No. 672, commenced by Captain A. Frank Reel, J. A. G. D., for the petitioner; continued by Colonel Harry E. Clarke, J. A. G. D., *pro hac vice*, by special leave of Court, and by Captain Milton Sandberg, J. A. G. D., for the petitioner; and by Mr. Solicitor General McGrath for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, January 8, will be as follows: Nos. 61, Misc. (672), 163, 261, 238, 274, 290, 319, 263, 317, and 328 (329).

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## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Rutledge, and Mr. Justice Burton.

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William J. Avrutis, of New York, N. Y.; George F. Smith, Jr., of Washington, D. C.; Woodfin L. Butte, of New York, N. Y.; Marion A. Ross, of Columbus, Ohio; Richard Russell Wolfe, of Chicago, Ill.; and Matthew Hale, of New York, N. Y., were admitted to practice.

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No. 61, Misc. In the Matter of the Application of General Tomoyuki Yamashita for Writs of Habeas Corpus and Prohibition; and

No. 672. General Tomoyuki Yamashita, petitioner, *v.* Lieutenant General Wilhelm D. Styer, Commanding General, U. S. Army Forces, Western Pacific. Argument upon the questions presented by the motion for leave to file petition for writs of habeas corpus and prohibition in No. 61, Misc., and by the petition for writ of certiorari in No. 672, continued by Mr. Assistant Solicitor General Judson for the respondents, and concluded by Captain A. Frank Reel for the petitioner.

No. 163. Commissioner of Internal Revenue, petitioner, *v.* Laird Wilcox and Maud Wilcox. Argued by Mr. Ralph F. Fuchs for the petitioner and by Mr. William E. Davis for the respondents.

No. 274. F. O. Robertson, appellant, *v.* The People of the State of California. Argument commenced by Mr. Robert R. Weaver for the appellant, and continued by Mr. M. Arthur Waite and Mr. T. A. Westphal, Jr. for the appellee.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, January 9, will be as follows: Nos. 274, 290, 319, 261, 238, 263, 317, 328 (329), 399, and 387.

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SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Rutledge, and Mr. Justice Burton.

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Chauncey H. Clarke, of Saint Louis, Mo.; Louis A. Pawlowski, of Washington, D. C.; John Orville Evans, Jr., of Washington, D. C.; Josiah Thompson Herbert, of Toledo, Ohio; Sidney J. Kahn, of Cincinnati, Ohio; Blanche Genauer Wahl, of New York, N. Y.; Marvin Chester Wahl, of New York, N. Y.; Frank G. Levy, of Los Angeles, Calif.; Abraham Glasser, of New York, N. Y.; and Dudley Farquhar, of Long Island City, N. Y., were admitted to practice.

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No. 274. F. O. Robertson, appellant, *v.* The People of the State of California. Argument continued by Mr. T. A. Westphal, Jr., for the appellee and concluded by Mr. Earl Blodgett for the appellant.

No. 290. Halliburton Oil Well Cementing Company, petitioner, *v.* Cranford P. Walker et al., doing business as Depthograph Company, a Corporation. Argued by Mr. Earl Babcock for the petitioner and by Mr. Harold W. Mattingly for the respondents.

No. 319. National Labor Relations Board, petitioner, *v.* Cheney California Lumber Company. Argument commenced by Miss Ruth Weyand for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, January 10, will be as follows: Nos. 319, 261, 238, 263, 317, 328 (329), 399, 387, 484, and 405.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Rutledge, and Mr. Justice Burton.

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Albert R. Musick, of Chicago, Ill.; Carl W. Divelbiss, of Phoenix, Ariz.; Robert E. Minnich, of Washington, D. C.; Carroll T. Cox, of Robinson, Ill.; Edwin M. Slote, of New York, N. Y.; Charles M. Walker, of Washington, D. C.; and Louis E. Torinus, Jr., of Saint Paul, Minn., were admitted to practice.

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No. 319. National Labor Relations Board, petitioner, *v.* Cheney California Lumber Company. Argument concluded by Miss Ruth Weyand for the petitioner. No appearance for the respondent.

No. 261. Otto A. Case, as Commissioner of Public Lands of the State of Washington, petitioner, *v.* Chester Bowles, Administrator, Office of Price Administration, and Soundview Pulp Company. Argued by Mr. R. A. Moen for the petitioner and by Mr. Abraham Glasser and Mr. Robert L. Stern for respondent, Chester Bowles, Administrator, Office of Price Administration. Case submitted by Mr. W. Z. Kerr and Mr. E. S. McCord for respondent, Soundview Pulp Company.

No. 238. William C. Hulbert and Chester Bowles, Administrator, Office of Price Administration, petitioners, *v.* Twin Falls County, Idaho. Argued by Mr. Robert L. Stern for the petitioners. Case submitted by Mr. Everett M. Sweeley for the respondent.

No. 263. A. L. Lusthaus, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. Paul E. Hutchinson for the petitioner and by Mr. Arnold Raum for the respondent.

No. 317. Commissioner of Internal Revenue, petitioner, *v.* Francis E. Tower. Argument commenced by Mr. Arnold Raum for the petitioner and continued by Mr. Oscar E. Waer for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, January 11, will be as follows: Nos. 317, 328 (329), 399, and 387.

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## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Rutledge, and Mr. Justice Burton.

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Claiborne B. Gregory, of Durham, N. C.; Harry Reynolds Nelson, of Minden, La.; Samuel M. Lane, of New York, N. Y.; L. Alvis Vandygriff, of Ennis, Tex.; Douglas Whitlock, of Washington, D. C.; Robert Louis Rowe, of New York, N. Y.; Harry Wilton Sturges, Jr., of Stamford, Conn.; Frank W. Woodhead, of Los Angeles, Calif.; Joseph H. Lerner, of Newark, N. J.; Frederick Parsons Warne, of New York, N. Y.; Walter R. Huck, of Tenafly, N. J.; Lee L. Foster, of Tallahassee, Fla.; and Ralph R. Roach, of Omaha, Nebr., were admitted to practice.

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No. 269. Milton Roe Sabin and Bertha Florence Sabin, petitioners, *v.* Home Owners' Loan Corporation et al. Time to file supplement to petition for rehearing extended to and including January 25, 1946, on application of Mrs. Bertha Florence Sabin.

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No. 317. Commissioner of Internal Revenue, petitioner, *v.* Francis E. Tower. Argument continued by Mr. Oscar E. Waer for the respondent, by Mr. Arnold Raum for the petitioner, and concluded by Mr. William Wallace Booth for the petitioner in No. 263, by special leave of Court.

No. 328. Warren W. Wilson et al., Partners doing business as Wilson Lumber Company, appellants, *v.* Otho A. Cook, Commissioner of Revenue for the State of Arkansas; and

No. 329. Otho A. Cook, Commissioner of Revenue for the State of Arkansas, petitioner, *v.* Warren W. Wilson et al., Partners doing business as Wilson Lumber Company. Argued by Mr. O. T. Ward for Otho A. Cook, Commissioner of Revenue, etc., and cases submitted by Mr. William J. Kirby for Warren W. Wilson et al., etc.

No. 399. Robert E. Hannegan, as Postmaster General of the United States, petitioner, *v.* Esquire, Inc. Argued by Mr. Marvin C. Taylor for the petitioner and by Mr. Bruce Bromley for the respondent.

Adjourned until Monday, January 14, next, at 12 o'clock.

## SUPREME COURT OF THE UNITED STATES

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

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Roy W. Harper, of Caruthersville, Mo.; Harold W. Geddes, of Detroit, Mich.; Mary Lou Baker, of St. Petersburg, Fla.; Delmas C. Hill, of Wamego, Kans.; Harry E. Clarke, of Altoona, Pa.; Moss A. Plunkett, of Roanoke, Va.; Thomas M. McCabe, of Duluth, Minn.; Arthur M. Clure, of Duluth, Minn.; Maurice Parker, of Pittsburgh, Pa.; Samuel J. Eaton, of New York, N. Y.; James W. Mason, Jr., of Laurinburg, N. C.; Benj. C. Van Tine, of Deal, N. J.; Joseph P. Crowe, of Kansas City, Mo.; Julian E. Fant, of Jacksonville, Fla.; Richard C. Marshall 3d, of Washington, D. C.; Jane Sue Laffin, of Seattle, Wash.; Martin S. Tudyk, of San Antonio, Tex.; and Herbert S. Little, of Seattle, Wash., were admitted to practice.

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No. 5. State of New York and Saratoga Springs Commission and Saratoga Springs Authority, petitioners, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed and case remanded to the District Court of the United States for the Northern District of New York. Mr. Justice Frankfurter announced the judgment of the Court and delivered an opinion in which Mr. Justice Rutledge joins. Concurring opinion by Mr. Justice Rutledge. Opinion by Mr. Chief Justice Stone concurring in the result in which Mr. Justice Reed, Mr. Justice Murphy, and Mr. Justice Burton join. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black concurs. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 37. Order of Railway Conductors of America, H. W. Fraser, President thereof, et al., petitioners, *v.* Shelton Pitney and Walter P. Gardner, Trustees of Central Railroad Co. of New Jersey, 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 vacating the order of the District Court and remanding the case for dismissal is reversed. The order of the District Court insofar as it contains instructions to its trustees is affirmed. Costs in this Court to be equally divided. Cause is remanded to the District Court of

the United States for the District of New Jersey with instructions to hold the cause awaiting appropriate action to be taken by the National Railroad Adjustment Board with reference to the collective bargaining agreements involved in this case. Any rights clearly revealed by the Adjustment Board's interpretation of the agreements might then, if the situation warrants, be protected in this bankruptcy proceeding. Opinion by Mr. Justice Black. Opinion by Mr. Justice Rutledge dissenting in part. Mr. Justice Jackson took no part in the consideration or decision of this case.

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The following orders were not announced orally by the Chief Justice but appear on the list certified by him and filed with the Clerk:

No. 473. John D. Pennekamp and the Miami Herald Publishing Company, petitioners, *v.* The State of Florida. The motion of the American Civil Liberties Union for leave to file brief *amicus curiae* is granted.

No. 505. George C. Holmberg et al., on Behalf of Themselves and All Other Creditors of the Southern Minnesota Joint Stock Land Bank of Minneapolis, petitioners, *v.* Charles Armbrecht et al. The motion of the Trustees of Central States Electric Corporation for leave to file brief *amici curiae* is granted.

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No. 72, Misc. In the Matter of Theodore R. Storch, petitioner. The motion for leave to file petition for a writ of habeas corpus is denied.

No. 76, Misc. Salvatore Stizza, petitioner, *v.* Essex County Juvenile and Domestic Relations Court. The application is denied.

No. 77, Misc. Eureka Gas Company, petitioner, *v.* Honorable H. Church Ford, Judge of United States District Court, Eastern District of Kentucky. The motion for leave to file a petition for a writ of mandamus is denied. Mr. Justice Reed took no part in the consideration or decision of this application.

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No. 349. Gilbert E. Thiel, petitioner, *v.* Southern Pacific 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 Ninth Circuit is also granted, limited to the question whether petitioner's motion to strike the jury panel was properly denied.

No. 652. McAllister Lighterage Line, Inc., petitioner, *v.* Mary Rivas, as Administratrix of the Goods, Chattels, and Credits of Jose Rivas, deceased. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 633. Francis P. Slattery, petitioner, *v.* Allen A. McDonald, Sheriff of Ingham County, Michigan. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. Mr. Justice Black is of the opinion that certiorari should be granted.

No. 277. William Roy Miller, petitioner, *v.* Joseph W. Sanford, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 360. Fred Hunter, petitioner, *v.* United States. On petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit;

No. 363. Earl J. McFarland, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 375. Raymond J. Wilson, petitioner, *v.* United States. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 379. Nelson O. Sipe, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 380. Chalmers H. Laubaugh, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 382. John C. Burt, petitioner, *v.* Conway P. Coe, Commissioner of Patents. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 409. William O. Price, petitioner, *v.* United States. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 422. George K. Burton, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 433. Byron W. Voorheis, petitioner, *v.* Walter A. Hunter, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit;

No. 475. George Phillips, petitioner, *v.* the People of the State of New York. On petition for writ of certiorari to the Court of Appeals, State of New York;

No. 477. Francis Haines, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Criminal Court, Cook County, State of Illinois;

No. 543. Ralph Hine, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 551. Bob Brandon, petitioner, *v.* Tom Smith, Superintendent of the Washington State Penitentiary at Walla Walla, Washington. On petition for writ of certiorari to the Supreme Court of Washington;

No. 553. Sam Miner, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court, Cook County, State of Illinois;

No. 554. Sam Buford, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 555. Gene McCann, petitioner, *v.* United States. On petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit;

No. 559. Joseph Huggins, petitioner, *v.* Commonwealth of Pennsylvania. On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania;

No. 561. Arthur Brewer, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 567. John Whitehall, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 568. Lionel Conn, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 569. Onal Rawls, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 570. William Spates, petitioner, *v.* Robert A. Heinze, Warden, etc. On petition for writ of certiorari to the Supreme Court of California;

No. 574. Alex Mazy, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit;

No. 575. The People of the State of New York *ex rel.* Michael Montagno, petitioner, *v.* Vernon A. Morhous, Warden, etc. On petition for writ of certiorari to the Court of Appeals, State of New York;

No. 583. Joseph Levanowicz, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court, Cook County, State of Illinois;

No. 584. Tate Clayton Stack, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 585. Lowell Ator, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 586. Joseph Novak, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court, Cook County, State of Illinois;

No. 590. Norman Edwards, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 597. Edward E. Short, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 598. William Hunke, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court, Cook County, State of Illinois;

No. 600. Albert R. House, petitioner, *v.* State of Florida and Nathan Mayo, State Prison Custodian. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 602. Lawrence Utterback, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Circuit Court, Randolph County, State of Illinois;

No. 604. Oliver James, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Vermilion County, State of Illinois;

No. 610. Joseph Dorsch, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 611. Eddie Duncan, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 612. Paul Tarver, petitioner, *v.* T. P. Sullivan, Director of the Department of Public Safety, et al. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 614. Burnist Smith, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Peoria County, State of Illinois;

No. 615. George Taylor, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois; and

No. 626. Vernon Monder, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois. The motions for leave to proceed *in forma pauperis* in these cases are granted. The petitions for writs of certiorari are denied.

No. 44, Misc. Fred Wallace Bantz, petitioner, *v.* P. J. Squier, Warden, etc.; and

No. 93. Hercules Gasoline Company, Inc., petitioner, *v.* Commissioner of Internal Revenue. The petitions for rehearing are denied.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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Adjourned until Monday, January 28, next, at 12 o'clock.

The day call for Monday, January 28, will be as follows: Nos. 74, 142, 342, 344, 402, 428, 424 (425), 410, 387, and 505.

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## SUPREME COURT OF THE UNITED STATES

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

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James P. Swift, of Dallas, Tex.; Martin Gendel, of Los Angeles, Calif.; Burton R. Thorman, of Washington, D. C.; H. B. Stubblefield, of Little Rock, Ark.; Arthur P. Bagby, Jr., of Austin, Tex.; Irvin M. Gottlieb, of Washington, D. C.; Thomas M. Davies, of Lincoln, Nebr.; Hobson L. James, Jr., of Elizabethtown, Ky.; Valentine B. Deale, of Cleveland, Ohio; Charles Metcalf Crump, of Memphis, Tenn.; Charles E. Taylor, Jr., of Saint Paul, Nebr.; Dwight C. Perkins, of Lincoln, Nebr.; Irving Hill, of Lincoln, Nebr.; Herbert F. Krucker, of Tucson, Ariz.; Lawrence W. Thayer, of Seattle, Wash.; Arthur D. Jones, of Portland, Oreg.; Ben Bruce Blakeney, of Oklahoma City, Okla.; Frederic A. Johnson, of New York, N. Y.; H. W. McLarty, of Atlanta, Ga.; Henry G. Singer, of Brooklyn, N. Y.; Richard Loewe, of Chicago, Ill.; Richard E. Guggenheim, of Cincinnati, Ohio; Frank E. Cooper, of Detroit, Mich.; and Gerald D. Morgan, of Bethesda, Md., were admitted to practice.

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No. 45. The Roland Electrical Company, petitioner, *v.* L. Metcalfe Walling, Administrator of the Wage and Hour Division, Department of Labor. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment affirmed and case remanded to the District Court of the United States for the District of Maryland. Opinion by Mr. Justice Burton. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 55. The United States of America and Federal Communications Commission, appellants, *v.* New York Telephone Company. Appeal from the District Court of the United States for the Southern District of New York. Judgment reversed and case remanded for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Rutledge. Dissenting opinion by Mr. Chief Justice Stone. Mr. Justice Black, Mr. Justice Reed, and Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 305. Township of Hillsborough, Somerset County, N. J., and Christopher G. Horner, Collector of Taxes of the Township of Hillsborough, petitioners, *v.* Doris Duke Cromwell, Individually and as Trustee of the Duke Endowment. On writ of certiorari to the

United States Circuit Court of Appeals for the Third Circuit. Judgment affirmed with costs and case 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 took no part in the consideration or decision of this case.

No. 289. Marion H. Allen, Collector of Internal Revenue, petitioner, *v.* Trust Company of Georgia and Hughes Spalding, Executors of the Estate of Jack J. Spalding, deceased. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed with costs and case remanded to the District Court of the United States for the Middle District of Georgia. Opinion by Mr. Justice Douglas. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 41. Chester G. Bollenbach, 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 case 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 Frankfurter. Dissenting opinion by Mr. Justice Black. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 56. Kirby Petroleum Company, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit; and

No. 197. Commissioner of Internal Revenue, petitioner, *v.* Anna Vickers Crawford. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment in No. 56 reversed and case remanded to the Circuit Court of Appeals for the Fifth Circuit for further proceedings in conformity with the opinion of this Court. Judgment in No. 197 affirmed and case remanded to the Circuit Court of Appeals for the Ninth Circuit. Opinion by Mr. Justice Reed. Dissenting: Mr. Justice Douglas. Mr. Justice Jackson took no part in the consideration or decision of this case.

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The Chief Justice announced the following orders of the Court:

No. 290. Halliburton Oil Well Cementing Company, petitioner, *v.* Cranford P. Walker et al., doing business as Depthograph Company, a Corporation. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. *Per curiam*: The judgment is affirmed by an equally divided Court.

No. 724. Antoinette Giraudo Monks, appellant, *v.* Ida Nancy Lee. Appeal from Probate Court, Suffolk County, Commonwealth of Massachusetts. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Sec. 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 sec. 237 (c) of the Judicial Code as amended, 28 U. S. C., sec. 344 (c), certiorari is denied. Mr. Justice Rutledge took no part in the consideration or decision of this case.

No. 725. Twentieth Century Associates, Inc., appellant, *v.* Adolph Waldman. Appeal from Municipal Court, City of New York, State of New York. *Per curiam*: The appeal is dismissed for the reason that it was not properly allowed. Rule 36, 28 U. S. C. 868; *Bartemeyer v. Iowa*, 14 Wall. 26. Mr. Justice Rutledge took no part in the consideration or decision of this case.

No. 726. Twentieth Century Associates, Inc., appellant, *v.* Adolph Waldman. Appeal from Municipal Court, City of New York, State of New York. *Per curiam*: The appeal is dismissed for want of a substantial federal question. *Block v. Hirsh*, 256 U. S. 135; *Marcus Brown Holding Co. v. Feldman*, 256 U. S. 170; *East New York Savings Bank v. Hahn*, No. 62, October Term 1945 (decided November 5, 1945). Mr. Justice Rutledge took no part in the consideration or decision of this case.

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The following orders were not announced orally by the Chief Justice but appear on the list certified by him and filed with the Clerk:

No. 78, Misc. Dorsey W. McMahan, petitioner, *v.* James V. Bennett, Director, Bureau of Federal Prisons. The motion for leave to file a petition for a writ of mandamus is denied.

No. 79, Misc. Kinner Motors, Inc., petitioner, *v.* Honorable Campbell E. Beaumont, Judge of the U. S. District Court, Southern District of California. The motion for leave to file a petition for a writ of mandamus is denied because application therefor is made to this Court rather than to the Circuit Court of Appeals.

No. 80, Misc. George S. Miller, petitioner, *v.* Dr. Silas W. Wiltmer, Superintendent, Spring Grove State Hospital, Catonsville, Maryland. The motion for leave to file a petition for a writ of habeas corpus is denied.

No. 81, Misc. John Dioguardi, petitioner, *v.* Harry M. Durning, Individually and as Collector of Customs at the Port of New York;

No. 82, Misc. Walter N. Smith, petitioner, *v.* Honorable Joseph F. Maguire, Justice of the Domestic Relations Court of the City of New York et al.; and

No. 83, Misc. John Harding, petitioner, *v.* Honorable F. H. LaGuardia, Mayor of the City of New York, et al. The applications are denied.

Mr. Justice Rutledge took no part in the consideration or decision of the above Miscellaneous cases.

No. 704. Irene Morgan, appellant, *v.* Commonwealth of Virginia; and

No. 707. The Prudential Insurance Company, appellant, *v.* L. George Benjamin, as Insurance Commissioner of the State of South Carolina. In these cases probable jurisdiction is noted. Mr. Justice Rutledge took no part in the consideration or decision of these appeals.

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No. 630. The United States, petitioner, *v.* Thomas Lee Causby and Wife, Timie Causby. The motion to dispense with printing certain exhibits is granted.

No. 447. The United States, appellant, *v.* Sheldon Maurice Anderson. The motion of the appellee for leave to proceed *in forma pauperis* is granted.

No. 510. Paul Knauer, petitioner, *v.* United States. The motion to dispense with printing certain parts of the record is granted.

No. 520. Allen Pope, petitioner, *v.* United States. The motion of George R. Shields for leave to withdraw his appearance as counsel for the petitioner is granted.

No. 625. Cecil I. Hust, petitioner, *v.* Moore-McCormack Lines, Inc. The motion of Silas B. Axtell for leave to file a brief as *amicus curiae* is granted.

Mr. Justice Rutledge took no part in the consideration or decision of the above motions.

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No. 36. The John Kelley Company, petitioner, *v.* Commissioner of Internal Revenue; and

No. 47. Talbot Mills, petitioner, *v.* Commissioner of Internal Revenue. It is ordered that the last paragraph of footnote 7 in the opinion in these cases reading as follows, "Since the Federal Trade Commission and the Packers and Stockyards Acts differ as to the finality upon review of the determinations of the respective agencies, (38 Stat. 720; 42 Stat. 162 and 168) the reference to the Commission and to the Act was to show the choice of a circuit court of appeals for judicial review and was not intended to suggest the adoption for the Tax Court review of any standard of scope of review embodied in either act." be stricken and the paragraph is amended to read as follows: "The reference to the Federal Trade Commission and to the Packers and Stockyards Act was to show the choice of a circuit court of appeals for judicial review and was not intended to suggest the adoption for the Tax Court review of any standard of scope of review."

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No. 322. Sam Karos, petitioner, *v.* Ernest Sachs. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 524. Max Shamos, petitioner, *v.* People of the State of New York. Petition for writ of certiorari to the Court of Appeals of the State of New York denied.

No. 617. Indianapolis Glove Company, petitioner, *v.* Chester Bowles, Administrator, Office of Price Administration. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 618. Good Luck Glove Company, petitioner, *v.* Chester Bowles, Administrator, Office of Price Administration. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 622. Mattie Bradey, as Administratrix of the Estate of Marion Thomas Bradey, deceased, petitioner *v.* United States, as Represented by War Shipping Administration. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 643. Bert O. Peterson, Midwest Holding Company, petitioners, *v.* Harold L. Ickes, Individually and as Secretary of the Interior, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 645. Aldred Investment Trust et al., petitioners, *v.* Securities and Exchange Commission. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 667. Wesley W. West, petitioner, *v.* Commissioner of Internal Revenue;

No. 668. J. Marion West, petitioner, *v.* Commissioner of Internal Revenue;

No. 669. Estate of J. M. West, deceased, James M. West, Jr., et al., Executors, petitioners, *v.* Commissioner of Internal Revenue; and

No. 670. Jessie Gertrude West, petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 653. Gas Ridge, Inc., petitioner, *v.* Suburban Agricultural Properties, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 678. Salvatore Maugeri, petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 682. H. Smith Richardson, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 686. Louis Lober, petitioner, *v.* Canadian Pacific Railway Company, Edward A. Whitman, et al., Trustees, etc. Petition for writ

of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 695. Roy D. Keehn, as Receiver of Central Mutual Insurance Company of Chicago, petitioner, *v.* Charles J. Rogers, Inc. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 708. The Reader's Digest Association, Inc., petitioner, *v.* Sidney S. Grant. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 737. Homer C. Zink, Comptroller of the Treasury of New Jersey, et al., petitioners, *v.* City of Jersey City et al. Petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey denied.

Mr. Justice Rutledge took no part in the consideration or decision of these applications.

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No. 621. Rosalie Glaston, petitioner, *v.* Joseph Glaston. On petition for writ of certiorari to the District Court of Appeal, 2d Appellate District, State of California;

No. 623. Walter Evenow, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 624. Harry H. Joiner, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court, Cook County, State of Illinois;

No. 635. James Williams, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court, Cook County, State of Illinois;

No. 641. Joseph Bernovich, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 646. Lew Palmer, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court, Cook County, State of Illinois;

No. 647. Joseph Kadlecck, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 648. Henry P. Berry, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court, Cook County, State of Illinois;

No. 657. Charles Moore, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 660. Santos Baronia, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 661. Albert Walker, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 662. Willis Jones, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 664. Michael Prokop, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 673. Fred Hines, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 679. Joseph Krazik, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 690. Dominick Feletti, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 691. Albert Ruggio, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois; and

No. 711. Charles F. James, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois. The motions for leave to proceed *in forma pauperis* in these cases are granted. The petitions for writs of certiorari are denied. Mr. Justice Rutledge took no part in the consideration or decision of these applications.

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No. 628. Arthur Lewis, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 642. John B. Lapean, petitioner, *v.* The State of Wisconsin. On petition for writ of certiorari to the Supreme Court of Wisconsin;

No. 681. Henry Terry, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois; and

No. 684. Harry Griffin, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied for the reason that applications therefor were not made within the time provided by law. Sec. 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C. 350. Mr. Justice Rutledge took no part in the consideration or decision of these applications.

No. 51, Misc. In the Matter of William Fraser;

No. 69, Misc. James H. Johnson, petitioner, *v.* John Hancock Mutual Life Insurance Company et al.;

No. 76, Misc. Salvatore Stizza, petitioner, *v.* Essex County Juvenile and Domestic Relations Court; and

No. 145. Commissioner of Internal Revenue, petitioner, *v.* J. N. Flowers. The petitions for rehearing in these cases are denied.

No. 188. William Elbert Lawrence, petitioner, *v.* The People of the State of Illinois. The motion for leave to file a fourth petition for rehearing is denied. Mr. Justice Burton took no part in the consideration or decision of this application.

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No. 269. Milton Roe Sabin and Bertha Florence Sabin, petitioners, *v.* Home Owners' Loan Corporation et al. The petition for rehearing in this case and the supplement thereto are denied.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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No. 383. Cecil L. Wright, petitioner, *v.* James A. Johnston, Warden, etc. Time extended to and including February 28 within which to file a petition for rehearing, on application of the petitioner.

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No. 74. The United States of America, Interstate Commerce Commission, Consolidated Freightways, Inc., et al., appellants, *v.* Pierce Auto Freight Lines, Inc., Los Angeles-Seattle Motor Express, Angelo Colletti, et al. Argued by Mr. J. Stanley Payne for the appellants, United States and Interstate Commerce Commission; by Mr. Donald A. Schafer for the appellants, Consolidated Freightways, Inc., et al.; and by Mr. William P. Ellis for the appellees.

No. 142. American Surety Company of New York, petitioner, *v.* Paul W. Sampsell, as Trustee in Bankruptcy of the Estate of Charles B. Stratton, etc. Argued by Mr. Homer Cummings for the petitioner and by Mr. Martin Gendel for the respondent.

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Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, January 29, will be as follows: Nos. 342, 344, 402, 428, 424 (425), 410, 387, 505, 320, and 484.

## SUPREME COURT OF THE UNITED STATES

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

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Byron L. Kimball, of Spooner, Wis.; Harold C. Stuart, of Tulsa, Okla.; Arthur H. Nielsen, of Salt Lake City, Utah; Zar E. Hayes, of Salt Lake City, Utah; Wayne L. Christoffersen, of Salt Lake City, Utah; George E. McMurray, Jr., of Peoria, Ill.; Gordon F. Hampton, of Los Angeles, Calif.; John E. Mahoney, of Roslyn, N. Y.; George L. Trumbull, of New York, N. Y.; Leonard J. Calhoun, of Alexandria, Va.; Andrew D. Weinberger, of New York, N. Y.; James A. Bistline, of New York, N. Y.; Brainard S. Sabin, of Battle Creek, Mich.; Orville S. Luckenbach, of Shawano, Wis.; Christian J. Otjen, of Milwaukee, Wis.; Samuel J. Scott, of Golconda, Ill.; Lillian C. McLaurin, of Nashville, Tenn.; Donald Mayne MacClaire, of Portland, Oreg.; Bertha A. Sherman, of Philadelphia, Pa.; William B. Mehler, of New York, N. Y.; James E. Corkey, of Washington, D. C.; and Clif Langsdale, of Kansas City, Mo., were admitted to practice.

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No. 342. Steve Anderson, Earl Trombley, Lillian Socia, et al., petitioners, *v.* Mt. Clemens Pottery Company. Argued by Mr. Edward Lamb for the petitioners and by Mr. Frank E. Cooper and Mr. Bert V. Nunneley for the respondent.

No. 344. Arthur L. Bell, Individually and as an Associate of and Division Superintendent of "Mankind United," etc., et al., petitioners, *v.* R. B. Hood, Theodore Cruise, Philip Bowser, et al. Argued by Mr. A. L. Wirin and Mr. Russell E. Parsons for the petitioners and by Mr. Frederick Bernays Wiener for the respondents. Leave granted petitioners to file reply brief.

No. 402. Bruce's Juices, Inc., petitioner, *v.* American Can Company. Argument commenced by Mr. Thurman Arnold for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, January 30, will be as follows: Nos. 402, 428, 424 (425), 410, 387, 505, 320, 484, 405, and 404.

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## SUPREME COURT OF THE UNITED STATES

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

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John G. Baker, of Orlando, Fla.; Joseph James Bartl, of La Crosse, Wis.; Don Edwin Raney, of Long Beach, Calif.; Louis DeWitt Hale, of Farmersville, Tex.; Thomas M. Scanlon, of Indianapolis, Ind.; Nunzi F. Napolitano, of Portland, Maine; Walter W. Grelle, Jr., of Columbus, Ohio; and Milton M. Ferrell, of Macon, Ga., were admitted to practice.

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No. 402. Bruce's Juices, Inc., petitioner, *v.* American Can Company. Argument continued by Mr. Thurman Arnold for the petitioner, by Mr. John Lord O'Brian for the respondent and concluded by Mr. Cody Fowler for the petitioner.

No. 428. El Dorado Oil Works and El Dorado Terminal Company, appellants, *v.* United States, Interstate Commerce Commission, General American Transportation Corporation, et al. Argued by Mr. W. F. Williamson for the appellants and by Mr. Daniel W. Knowlton for the appellees, the United States and Interstate Commerce Commission. Case submitted by Mr. Kenneth F. Burgess, Mr. Douglas F. Smith, and Mr. Allan P. Matthew for the appellee, General American Transportation Corporation.

No. 424. Kennecott Copper Corporation, petitioner, *v.* State Tax Commission, et al.; and

No. 425. Silver King Coalition Mines Company, petitioner, *v.* State Tax Commission, et al. Argument commenced by Mr. C. C. Parsons for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, January 31, will be as follows: Nos. 424 (and 425), 410, 387, 505, 484, 405, 320, 404, 489, and 411.

## SUPREME COURT OF THE UNITED STATES

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

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John B. Ogden, of Oklahoma City, Okla.; William N. Kenefick, of Michigan City, Ind.; William Y. Pryor, of Newark, N. J.; Winfred O. Hughes, of Fort Wayne, Ind.; Dan Williams, Jr., of Jackson, Miss.; Samuel Mezansky, of New York, N. Y.; Dennis McCarthy, of Salt Lake City, Utah; William K. Harris, of Fort Smith, Ark.; and Clarence Fried, of New York, N. Y., were admitted to practice.

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No. 424. Kennecott Copper Corporation, petitioner, *v.* State Tax Commission et al.; and

No. 425. Silver King Coalition Mines Company, petitioner, *v.* State Tax Commission et al. Argument continued by Mr. C. C. Parsons for the petitioners, by Mr. Zar E. Hayes and Mr. Arthur H. Nielsen for the respondent, and concluded by Mr. Charles A. Horsky for the petitioners.

No. 410. Alpine MacGregor, petitioner, *v.* Westinghouse Electric & Manufacturing Company. Argued by Mr. William B. Jaspert for the petitioner and by Mr. Jo Baily Brown for the respondent.

No. 387. The United States, petitioner, *v.* Alcea Band of Tillamooks et al. Argument commenced by Mr. Walter J. Cummings, Jr., for the petitioner and continued by Mr. Everett Sanders for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, February 1, will be as follows: Nos. 387, 505, 484, 405, 320, 404, 489, 411, 418 (and 419), and 381.

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## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Douglas, Mr. Justice Murphy, and Mr. Justice Burton.

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Carl J. Peter, of Omaha, Nebr.; R. O. Kenley, Jr., of Longview, Tex.; Alfred C. Baass, of Victoria, Tex.; F. Joseph Donohue, of Washington, D. C.; Milton S. Kronheim, Jr., of Washington, D. C.; Isadore H. Cohen, of West Nyack, N. Y.; William Q. Haney, of Colorado Springs, Colo.; Joseph A. Tursone, of New York, N. Y.; and David B. Gideon, of San Francisco, Calif., were admitted to practice.

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No. 387. The United States, petitioner, *v.* Alcea Band of Tillamooks et al. Argument concluded by Mr. Everett Sanders for the respondents.

No. 505. George C. Holmberg et al., on Behalf of Themselves and All Other Creditors of the Southern Minnesota Joint Stock Land Bank of Minneapolis, petitioners, *v.* Charles Armbrrecht et al. Argued by Mr. Clarence Fried for the petitioners and by Mr. Edgar M. Souza for the respondents.

No. 484. Helen C. Poff, as Executrix of the Last Will and Testament of John B. Welshans, deceased, petitioner, *v.* The Pennsylvania Railroad Company. Argued by Mr. Morris A. Wainger for the petitioner and by Mr. Ray Rood Allen for the respondent.

No. 405. Charles Swanson, petitioner, *v.* Marra Brothers, Inc. Argued by Mr. Abraham E. Freedman for the petitioner and by Mr. Joseph W. Henderson for the respondent.

Adjourned until Monday, February 4, next, at 12 o'clock.

The day call for Monday, February 4, will be as follows: Nos. 320, 404, 489, 411, 418 (and 419), 381, 444, 473, 448, and 578.

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SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Rutledge, and Mr. Justice Burton.

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Alan P. Cusick, of Providence, R. I.; Howard E. Foster, of Seattle, Wash.; William Jaffe, of Chicago, Ill.; Chas. T. Branham, of Philadelphia, Pa.; Robert B. Crew, of Dayton, Ohio; Manly Fleischmann, of Buffalo, N. Y.; Wayne G. Jackson, of New York, N. Y.; Lloyd Symington, of Washington, D. C.; Alfred Stevenson, of Holdenville, Okla.; Harold A. Pebbles, of Olympia, Wash.; Edward A. McMahon, of Takoma Park, Md.; Lorraine McMullen, of Slater, Mo.; A. Bradley Eben, of Chicago, Ill.; Hubert Van Hook, of Chicago, Ill.; George P. Drury, of Boston, Mass.; Roscoe Anderson, of Saint Louis, Mo.; Frank G. Sterritte, of Brooklyn, N. Y.; and Edward Pulteney Wright, of Detroit, Mich., were admitted to practice.

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No. 21. Thomas Martino, petitioner, *v.* Michigan Window Cleaning Company. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Eastern District of Michigan for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Burton. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 292. William Murray Estep, 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. 66. Louis Dabney Smith, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgments reversed. Case No. 292 is remanded to the District Court of the United States for the Western District of Pennsylvania for further proceedings in conformity with the opinion of this Court and case No. 66 is remanded to the District Court of the United States for the Eastern District of South Carolina for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Opinion by Mr. Justice Frankfurter concurring in the result announced by Mr. Justice Burton. Concurring opinion by Mr. Justice Murphy.

Concurring opinion by Mr. Justice Rutledge. Dissenting opinion by Mr. Justice Burton in which the Chief Justice concurs. Mr. Justice Jackson took no part in the consideration or decision of these cases.

No. 399. Robert E. Hannegan, as Postmaster General of the United States, petitioner, *v. Esquire, Inc.* On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment affirmed and case remanded to the District Court of the United States for the District of Columbia. Opinion by Mr. Justice Douglas. Concurring opinion by Mr. Justice Frankfurter. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 392. Walter E. Meyer, petitioner, *v. Joseph B. Fleming and Aaron Colnon*, as Trustees of the Chicago, Rock Island and Pacific Railway Company. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. The order disallowing the claim filed by petitioner is reversed with costs and the case is 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 Frankfurter and Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 152. Frank Canizio, petitioner, *v. The People of the State of New York.* On writ of certiorari to the County Court, Kings County, State of New York. Judgment affirmed. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Murphy. Dissenting opinion by Mr. Justice Rutledge. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 261. Otto A. Case, as Commissioner of Public Lands of the State of Washington, petitioner, *v. Chester Bowles, Administrator, Office of Price Administration, and Soundview Pulp Company.* On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed and case remanded to the District Court of the United States for the Western District of Washington. Opinion by Mr. Justice Black. Dissenting: Mr. Justice Douglas. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 238. William C. Hulbert and Chester Bowles, Administrator, Office of Price Administration, petitioners, *v. Twin Falls County, Idaho.* On writ of certiorari to the Supreme Court of the State of Idaho. Judgment reversed and case remanded to the Supreme Court of Idaho for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Douglas. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 115. The United States of America, petitioner, *v.* William R. Johnson; and

No. 116. The United States of America, petitioner, *v.* Jack Sommers, James A. Hartigan, William P. Kelly, and Stuart Solomon Brown. On writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgments reversed and cases remanded to the District Court of the United States for the Northern District of Illinois to enforce the judgments against defendants. Opinion by Mr. Justice Black. Mr. Justice Jackson and Mr. Justice Murphy took no part in the consideration or decision of these cases.

No. 61, Misc. In the Matter of the Application of General Tomoyuki Yamashita for Writs of Habeas Corpus and Prohibition; and

No. 672. General Tomoyuki Yamashita, petitioner, *v.* Lieutenant General Wilhelm D. Styer, Commanding General, U. S. Army Forces, Western Pacific. On motion for leave to file petition for writs of habeas corpus and prohibition and on petition for a writ of certiorari to the Supreme Court of the Commonwealth of the Philippines. Petition for writ of certiorari denied. Motion for leave to file petition for writ of habeas corpus and writ of prohibition denied. Opinion by Mr. Chief Justice Stone. Dissenting opinion by Mr. Justice Murphy. Dissenting opinion by Mr. Justice Rutledge in which Mr. Justice Murphy joins. Mr. Justice Jackson took no part in the consideration or decision of these cases.

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The Chief Justice announced the following order of the Court:

No. 723. Republic Pictures Corporation, appellant, *v.* Francis Kappler. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. *Per curiam*: The motion to affirm is granted and the judgment is affirmed. *McKnett v. St. Louis & San Francisco Railway Co.*, 292 U. S. 230, 233, 234; *Pufahl v. Estate of Parks*, 299 U. S. 217, 227; *Miles v. Illinois Central Railroad Co.*, 315 U. S. 698, 704.

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The following orders were not announced orally by the Chief Justice but appear on the list certified by him and filed with the Clerk:

No. 12, Original. The United States of America, complainant, *v.* The State of California. The answer of the State of California is received and ordered filed.

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No. 61, Misc. In the Matter of the Application of General Tomoyuki Yamashita for Writs of Habeas Corpus and Prohibition; and

No. 672. General Tomoyuki Yamashita, petitioner, *v.* Lieutenant General Wilhelm D. Styer, Commanding General, U. S. Army Forces, Western Pacific. It is ordered that the order of this Court of December 17, 1945, staying all further proceedings in these causes pending the consideration and determination of the applications for writs of habeas corpus and prohibition and of the petition for writ of certiorari is vacated.

It is further ordered that certified copies of the orders denying the motions for leave to file the petitions for writs of habeas corpus and prohibition and denying the petition for writ of certiorari be issued forthwith.

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No. 85, Misc. Floyd W. Lamore, petitioner, *v.* E. J. Welch, Superintendent, D. C. Reformatory, Lorton, Virginia. The motion for leave to file a petition for a writ of habeas corpus is denied.

No. 84, Misc. Peter Resco, petitioner, *v.* Joseph E. Ragen, Warden, Illinois State Penitentiary. The motion to withdraw the motion for leave to file a petition for writ of certiorari is granted.

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No. 625. Cecil I. Hust, petitioner, *v.* Moore-McCormack Lines, Inc. Petition for writ of certiorari to the Supreme Court of Oregon granted.

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No. 650. William B. Denny, petitioner, *v.* The United States; and

No. 651. William B. Denny, petitioner, *v.* The United States. Petition for writs of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 703. The Hudson Coal Company, petitioner, *v.* Arja Watkins, Roger G. Westgate, Louis C. McAllister, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 705. The Federal National Bank of Shawnee, Oklahoma, Guardian of the Estate of Minnie O. Cammack, an Incompetent Person, petitioner, *v.* New York Life Insurance Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 715. H. J. Blackford, W. H. B. Simpson, et al., petitioners, *v.* Legh R. Powell, Jr., and Henry W. Anderson, Receivers of the Seaboard Air Line Railway Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

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No. 620. Leo Bailey, petitioner, *v.* The State of Florida. On petition for writ of certiorari to the Supreme Court of Florida;

No. 649. Samuel R. Toucey, petitioner, *v.* New York Life Insurance Company. On petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit;

No. 689. Roy Bridges, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Vermilion County, State of Illinois; and

No. 706. Mollie Eagle, petitioner, *v.* Benjamin Cherney and Samuel H. Berger. On petition for writ of certiorari to the Court of Appeals of the State of New York. The motions for leave to proceed *in forma pauperis* in these cases are granted. The petitions for writs of certiorari are denied.

No. 663. William Kobley, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois; and

No. 730. Anthony Wilke, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied for the reason that applications therefor were not made within the time provided by law. Sec. 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C. 350.

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No. 203. Commissioner of Internal Revenue, petitioner, *v.* Estate of Harry Holmes, deceased, Lucy B. Holmes, Independent Executrix;

No. 306. J. R. Mason, petitioner, *v.* Paradise Irrigation District;

No. 375. Raymond J. Wilson, petitioner, *v.* United States;

No. 382. John C. Burt, petitioner, *v.* Conway P. Coe, Commissioner of Patents;

No. 409. William O. Price, petitioner, *v.* United States; and

No. 520. Allen Pope, petitioner, *v.* United States. The petitions for rehearing in these cases are denied.

No. 564. Boyd L. Kithcart, petitioner, *v.* Metropolitan Life Insurance Company, a Corporation. The motion for leave to file a second petition for rehearing is granted. The petition for rehearing is denied.

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The Court will take a recess from Monday, February 11, until Monday, February 25.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

No. 495. Jorge Irizarry Crespo, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit. Dismissed for failure to comply with the rules.

No. 320. Federal Trade Commission, petitioner, *v.* A. P. W. Paper Company, Inc. Argued by Mr. Solicitor General McGrath for the petitioner and by Mr. Edward H. Green for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, February 5, will be as follows: Nos. 411, 404, 489, 418 (and 419), 381, 444, 473, 448, 578, and 67.

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SUPREME COURT OF THE UNITED STATES

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

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Claude A. Ferguson, of Kansas City, Mo.; W. J. Dingus, Jr., of Covington, Ga.; Walter J. Fourn, of Ventura, Calif.; Jack B. Tenney, of Los Angeles, Calif.; W. Blum, Jr., of Washington, D. C.; S. M. Sokol, of Akron, Ohio; B. Sherman Landau, of St. Louis, Mo.; George O. Durham, of St. Louis, Mo.; Charles W. Lowder, of Kansas City, Kans.; Noah Weinstein, of St. Louis, Mo.; Clarence L. Browning, of Chicago, Ill.; Charles P. Franchot, of New York, N. Y.; Roy H. Blackman, Jr., of Denver, Colo.; Rose Marie Burckell, of Memphis, Tenn.; Thelma Siefkas Prescott, of Washington, D. C.; William A. Tighe, Jr., of Memphis, Tenn.; Charles B. Feibleman, of Indianapolis, Ind.; Norman L. Weisman, of Dayton, Ohio; Theodore G. Quintal, of New York, N. Y.; and Thomas O. Berryhill, of Fort Lauderdale, Fla., were admitted to practice.

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No. 411. *United States v. Judge Eugene Rice*, District Judge for the Eastern District of Oklahoma. Argued by Mr. Marvin J. Sonosky for the United States and by Mr. Alfred Stevenson for Eugene Rice, Judge, etc.

No. 404. Jack Davis, petitioner, *v. United States*. Argued by Mr. Samuel Mezansky for the petitioner and by Mr. John J. Cooney for the respondent.

No. 489. Edward F. Zap, petitioner, *v. United States*. Argument commenced by Mr. Morris Lavine for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, February 6, will be as follows: Nos. 489, 418 (and 419), 381, 444, 473, 448, 578, 67, 393, and 400.

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## SUPREME COURT OF THE UNITED STATES

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

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Edwin Joseph Regan, of Weaverville, Calif.; John A. Paap, of Long Beach, Calif.; John A. Lowther, of Fort Worth, Tex.; Edward M. Townsend, of Frederick, Okla.; Kenneth Y. Fung, of San Francisco, Calif.; Sumter Leitner, of Tallahassee, Fla.; James H. Brock, of Medford, Mass.; William R. Lane, of Washington, D. C.; Frederick A. Judell, of St. Louis, Mo.; John F. Connelly, of Buffalo, N. Y.; Joseph Shankey, of New York, N. Y.; and William Kent Van Allen, of Washington, D. C., were admitted to practice.

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No. 786. National Labor Relations Board, petitioner, *v.* Donnelly Garment Company, Donnelly Garment Workers' Union, et al. Time within which to make service under Rule 38 extended to and including February 23, 1946, on application of the Solicitor General.

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No. 489. Edward F. Zap, petitioner, *v.* United States. Argument continued by Mr. Morris Lavine for the petitioner, by Mr. Ralph F. Fuchs for the respondent, and concluded by Mr. Morris Lavine for the petitioner. Leave granted petitioner to file additional brief on or before Friday next.

No. 418. Jerome F. Duggan, Trustee of the Estate of Christopher Engineering Company and National Aircraft Corporation, petitioner, *v.* James C. Sansberry, Trustee of the Estate of National Aircraft Corporation; and

No. 419. National Aircraft Corporation, petitioner, *v.* James C. Sansberry, Trustee of the Estate of National Aircraft Corporation. Argued by Mr. George O. Durham for the petitioners and by Mr. Isidore Feibleman and Mr. Charles B. Feibleman for the respondent.

No. 381. E. E. Ashcraft and John Ware, petitioners, *v.* State of Tennessee. Argument commenced by Mr. James F. Bickers for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, February 7, will be as follows: Nos. 381, 444, 473, 448, 474, 435, 457 (and 458).

## SUPREME COURT OF THE UNITED STATES

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

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Thomas F. McGovern, of New York, N. Y.; George E. Loucas, of Weirton, W. Va.; George H. Klein, of Detroit, Mich.; Tomas L. Cabili, of Manila, P. I.; Edward E. Fleming, of Miami, Fla.; and Granville M. Pine, of New York, N. Y., were admitted to practice.

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No. 381. E. E. Ashcraft and John Ware, petitioners, *v.* State of Tennessee. Argument continued by Mr. James F. Bickers and Mr. Grover N. McCormick for the petitioners and concluded by Mr. Nat Tipton for the respondent.

No. 444. Florence B. Bigelow, Marion B. Koerber, John E. Bloom, et al., petitioners, *v.* RKO Radio Pictures, Inc., Loew's, Incorporated, et al. Argued by Mr. Thomas C. McConnell for the petitioners and by Mr. Edward F. McClennen for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, February 8, will be as follows: Nos. 473, 448, 474, and 435.

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## SUPREME COURT OF THE UNITED STATES

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

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Harold O. Keele, of West Liberty, Iowa; Joe Halbert Tonahill, of Beaumont, Tex.; Walter F. Levis, of Belmont, Mass.; Robert Todd McKinlay, of Chicago, Ill.; Louis Matkoff, of Philadelphia, Pa.; Robert Eugene Bryant, of Chicago, Ill.; Ralph W. Wofford, of Victoria, Tex.; Thomas L. Morrow, of Seattle, Wash.; and Norman Orme, of Houston, Tex., were admitted to practice.

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The Chief Justice said:

"It is ordered that the Rules governing proceedings in criminal cases after verdict, finding of guilty or not guilty by the court, or plea of guilty, be prescribed pursuant to the Act of February 24, 1933."

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No. 473. John D. Pennekamp and the Miami Herald Publishing Company, petitioners, *v.* The State of Florida. Argument commenced by Mr. Robert R. Milam for the petitioners; continued by Mr. J. Tom Watson, Mr. James M. Carson, and Mr. Giles J. Patterson for the respondent; and concluded by Mr. Elisha Hanson for the petitioners.

No. 448. American Federation of Labor, Metal Trades Department, A. F. of L., Florida State Federation of Labor, et al., appellants, *v.* J. Tom Watson, as Attorney General of the State of Florida, et al. Argued by Mr. Herbert S. Thatcher for the appellants, and by Mr. J. Tom Watson, Mr. Howard S. Bailey, and Mr. Sumter Leitner for the appellees.

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

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## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice; Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Rutledge, and Mr. Justice Burton.

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Charles Patrick Clark, of Washington, D. C.; Harold F. Trapp, Jr., of Lincoln, Ill.; Alfred K. Lee, of Joplin, Mo.; Fred F. Fennell, of Harriman, Tenn.; Charles A. Kahrhoff, Jr., of Denver, Colo.; Frederic J. Ball, of Washington, D. C.; Thomas F. Lynch, of New York, N. Y.; Richard Corwine Stevenson, of Chicago, Ill.; Thomas Pierce Rogers, of San Francisco, Calif.; Saul Perlis, of San Francisco, Calif.; Jephtha A. Evans, of Booneville, Ark.; Joseph A. McClain, Jr., of St. Louis, Mo.; Francis A. O'Connell, Jr., of New York, N. Y.; Irvin L. Stephenson, of Salt Lake City, Utah; James Harry Painter, Jr., of Houston, Tex.; Peter T. Beardsley, of Washington, D. C.; Wyatt Cleveland Holland, of Little Rock, Ark.; Morris Kirschstein, of New York, N. Y.; Charles H. Borden, of Chicago, Ill.; and Donald A. Ladenberger, of Los Angeles, Calif., were admitted to practice.

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No. 61. Oklahoma Press Publishing Company, petitioner, *v.* L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit; and

No. 63. News Printing Company, Inc., petitioner, *v.* L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment in No. 61 affirmed and case remanded to the District Court of the United States for the Eastern District of Oklahoma. Judgment in No. 63 affirmed and case remanded to the District Court of the United States for the District of New Jersey. Opinion by Mr. Justice Rutledge. Dissenting opinion by Mr. Justice Murphy. Mr. Justice Jackson took no part in the consideration or decision of these cases.

No. 57. Courtney M. Mabee, Charles K. Barnum, Edward G. Tompkins, et al., petitioners *v.* White Plains Publishing Company, Inc. On writ of certiorari to the Court of Appeals of the State of New York. Judgment reversed with costs and case remanded to the

Court of Appeals of the State of New York for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Murphy. Mr. Justice Jackson took no part in the consideration or decision of this case.

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The Chief Justice announced the following orders of the Court:

No. 770. Jay H. Taylor, appellant, *v.* The Kentucky State Bar Association. Appeal from the Court of Appeals of Kentucky. *Per curiam*: The motion to dismiss is granted and the appeal dismissed for the want of a properly presented substantial federal question.

No. 402. Bruce's Juices, Inc., petitioner, *v.* American Can Company. On writ of certiorari to the Supreme Court of Florida. *Per curiam*: Judgment affirmed by an equally divided Court.

No. 410. Alpine MacGregor, petitioner, *v.* Westinghouse Electric & Manufacturing Company. On writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania. *Per curiam*: Judgment affirmed by an equally divided Court.

No. 93, Misc. Masaharu Homma, petitioner, *v.* Robert P. Patterson, Secretary of War, et al; and

No. 818. Masaharu Homma, petitioner, *v.* Lieutenant General Wilhelm D. Styer, Commanding General, United States Army Forces, Western Pacific, et al. On motion for leave to file petition for writs of habeas corpus and prohibition and on petition for a writ of certiorari to the Supreme Court of the Commonwealth of the Philippines. The motion for leave to file petition for writ of habeas corpus and writ of prohibition is denied and the petition for writ of certiorari is also denied on authority of *In the Matter of the Application of General Tomoyuki Yamashita*, No. 61 Miscellaneous October Term 1945, and *General Tomoyuki Yamashita v. Lieutenant General Wilhelm D. Styer*, No. 672, October Term 1945, decided February 4, 1946. Mr. Justice Murphy has filed a dissenting memorandum in which Mr. Justice Rutledge concurs. Mr. Justice Rutledge has filed a dissenting memorandum in which Mr. Justice Murphy concurs.

The following orders were not announced orally by the Chief Justice but appear on the list certified by him and filed with the Clerk:

No. 86, Misc. Dewey White, petitioner, *v.* Joseph E. Ragen, Warden, etc. The motion for leave to file petition for writ of certiorari is denied.

No. 87, Misc. George William Bailey, petitioner, *v.* W. C. Parker, Warden, etc.; and

No. 88, Misc. Carl W. Houghton, petitioner, *v.* Ralph E. Benson, Acting Warden, etc. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 89, Misc. C. E. Owens, petitioner, *v.* Walter A. Hunter, Warden, etc. The motion for leave to file petition for writ of mandamus is denied.

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No. 769. Queenside Hills Realty Co., Inc., appellant, *v.* William Wilson, as Commissioner of Housing and Buildings of the City of New York. In this case probable jurisdiction is noted and the case is transferred to the summary docket.

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No. 12, Original. The United States, complainant, *v.* The State of California. The motion of the Commonwealth of Massachusetts for leave to intervene is denied.

No. 605. Jacob Siegel Company, petitioner, *v.* Federal Trade Commission. The motion of Seymour Klein et al. for leave to argue as amici curiae is denied.

No. 19. Liggett & Myers Tobacco Company et al., petitioners, *v.* United States. Upon suggestion of the death of Edward H. Thurston, a petitioner in this case, the motion to dismiss the writ of certiorari as to Edward H. Thurston, deceased, is granted.

No. 428. El Dorado Oil Works and El Dorado Terminal Company, appellants, *v.* United States, Interstate Commerce Commission, General American Transportation Corporation et al. Restored to the summary docket for further argument on the merits on the assumption that the District Court had jurisdiction.

No. 361. Burton-Sutton Oil Company, Incorporated, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted and case transferred to the summary docket.

No. 675. Verna Mae Bihn, petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted and case transferred to the summary docket.

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No. 718. Lehigh Navigation Coal Co., Inc., et al., petitioners, *v.* John B. Kelly, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 722. Carl McIntire, Theodore Elsner, and Wiley Mission, Inc., petitioners, *v.* Wm. Penn Broadcasting Company of Philadelphia,

Owners and Operators of Radio Broadcasting Station "WPEN." Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 758. Clarence A. Timony, Suing on Behalf of Himself and as Agent on Behalf of Other Former Employees of Todd Erie Basin Dry Docks, Inc., etc., petitioner, *v.* Todd Shipyards Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

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No. 666. Ralph O. Lucas, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 680. Roy Eaton, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 685. Oliver Bradford, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Circuit Court of Randolph County, State of Illinois;

No. 688. Eddie Duncan, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 694. James Rolland, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois; and

No. 713. George Bessenhoffer, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois. The motions for leave to proceed *in forma pauperis* in these cases are granted. The petitions for writs of certiorari are denied.

No. 37. Order of Railway Conductors of America, H. W. Fraser, President thereof, et al., petitioners, *v.* Shelton Pitney and Walter P. Gardner, Trustees of Central Railroad Co. of New Jersey, et al.;

No. 58. Joachim O. Fernandez, United States Collector of Internal Revenue, appellant, *v.* Samuel G. Wiener, William B. Wiener, et al.;

No. 59. United States, appellant, *v.* Henry Rompel, Jr., Administrator De Bonis Non Cum Testamento Annexo of Ernest Herbst, deceased;

No. 360. Fred Hunter, petitioner, *v.* United States;

No. 363. Earl J. McFarland, petitioner, *v.* United States; and

No. 600. Albert R. House, petitioner, *v.* State of Florida and Nathan Mayo, State Prison Custodian. The petitions for rehearing in these cases are denied.

No. 112. Herbert M. Gregory, petitioner, *v.* United States. The motion for leave to file a second petition for rehearing is granted. The

petition for rehearing is denied. Mr. Justice Burton took no part in the consideration or decision of these applications.

No. 633. Francis P. Slattery, petitioner, *v.* Allen A. McDonald, Sheriff of Ingham County, Michigan. The motion of the American Civil Liberties Union for leave to file brief *amicus curiae* in support of the petition for rehearing is granted. The petition for rehearing is denied.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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No. 544. United States *ex rel.* Jacob Hurwitz, petitioner, *v.* Myrl E. Alexander. On petition for certiorari to the Circuit Court of Appeals for the Second Circuit. Dismissed on motion of the petitioner.

No. 714. United States, petitioner, *v.* Edmund Carl Heine. Time within which to make service under Rule 38 extended to and including March 14, 1946, on application of the Solicitor General.

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Adjourned until Monday, February 25, next, at 12 o'clock.

The day call for Monday, February 25, will be as follows: Nos. 578, 67, 393, 400, 452, 474, 309, 435, 496, 457 (and 458).

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## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Rutledge, and Mr. Justice Burton.

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Richard H. Field, of Boston, Mass.; Florence M. K. Murray, of Newport, R. I.; Paul F. Murray, of Newport, R. I.; Charles H. McCue, of Boston, Mass.; James H. Kerr, Jr., of Houston, Tex.; Preston Pope Reynolds, of Dallas, Tex.; Harold H. Singer, of Dayton, Ohio; A. G. McNeese, Jr., of Houston, Tex.; Donald Hayward Sanborn, of New York, N. Y.; Norman L. Casey, of Little Rock, Ark.; Henry G. Fischer, of Washington, D. C.; C. Pershing Bell, of Waynesville, Mo.; Barkley M. Brock, of Clinton, Mo.; Marvin E. Whittington, of El Paso, Tex.; Samuel Miles Fink, of New York, N. Y.; Saul Sperling, of New York, N. Y.; Edmond F. Maher, of San Francisco, Calif.; James Church Coghill, of New York, N. Y.; Linnie Wright Barrett, of Dallas, Tex.; John C. McCarthy, of Rockford, Ill.; Oscar E. Ellis, of Salem, Ark.; Abe. W. Bass, of Cedar Rapids, Iowa; Laurence R. Wood, of Los Angeles, Calif.; James Benjamin Bunn, of Osceola, Ark.; Robert H. Wallis, of Long Beach, Calif.; Harvey B. Thorn, of Little Rock, Ark.; Sol Schwartz, of Paterson, N. J.; John Oates Woods, of Washington, D. C.; Hal H. McCaghren, of Lakeland, Fla.; Joe Allen Jones, of Washington, D. C.; Lloyd B. Johnson, of Albuquerque, N. Mex.; Eugene B. Wetherill, of Kenton, Ohio; Frank Austin Holder, of Dallas, Tex.; Theodore E. Frossard, of Monett, Mo.; and Jack H. Oppenheim, of Chicago, Ill., were admitted to practice.

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No. 73. Anna M. Boutell and Carroll M. Boutell, doing business as F. J. Boutell Service Company, petitioners, *v.* L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment affirmed and case remanded to the District Court of the United States for the Eastern District of Michigan. Opinion by Mr. Justice Burton. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Frankfurter and Mr. Justice Rutledge join. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 72. Dorothy Nippert, appellant, *v.* City of Richmond. Appeal from the Supreme Court of Appeals of the Commonwealth of Vir-

ginia. Judgment reversed with costs and case remanded to the Supreme Court of Appeals for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Rutledge. Dissenting: Mr. Justice Black. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Murphy concurs. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 44. The United States of America, appellant, *v.* American Union Transport, Inc., D. C. Andrews & Co., Inc., Atlantic Forwarding Co., Inc., et al. Appeal from the District Court of the United States for the Southern District of New York. Decree reversed and case remanded to the District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Rutledge. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Black and Mr. Justice Douglas concur. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 163. Commissioner of Internal Revenue, petitioner, *v.* Laird Wilcox and Maud Wilcox. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed and case remanded to the Circuit Court of Appeals. Opinion by Mr. Justice Murphy announced by Mr. Justice Rutledge. Dissenting opinion by Mr. Justice Burton. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 484. Helen C. Poff, as Executrix of the Last Will and Testament of John B. Welshans, deceased, petitioner, *v.* The Pennsylvania Railroad Company. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment reversed with costs and case remanded to the District Court of the United States for the Eastern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Burton concurs. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 319. National Labor Relations Board, petitioner, *v.* Cheney California Lumber Company. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed and case remanded to the Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Frankfurter. Concurring opinion by Mr. Chief Justice Stone. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 505. George C. Holmberg, Frank C. Ball, Carl J. Easterberg, et al., on Behalf of Themselves and All Other Creditors of the Southern Minnesota Joint Stock Land Bank of Minneapolis, petitioners, *v.*

Charles Armbrecht and Gilbert Miller, Barbara Richards Michel, et al., as Executors Under the Last Will and Testament of Jules S. Bache, deceased. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment reversed with costs and case remanded to the Circuit Court of Appeals for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Frankfurter. Concurring opinion by Mr. Justice Rutledge. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 318. The Social Security Board, petitioner, *v.* Joseph Nierotko. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment affirmed and case remanded to the District Court of the United States for the Eastern District of Michigan. Opinion by Mr. Justice Reed. Concurring opinion by Mr. Justice Frankfurter. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 77. The United States of America, petitioner, *v.* Petty Motor Company;

No. 78. The United States of America, petitioner, *v.* Merrill J. Brockbank, doing business as Brockbank Apparel Company;

No. 79. The United States of America, petitioner, *v.* William G. Grimsdell, doing business as Grocer Printing Company;

No. 80. The United States of America, petitioner, *v.* Charles F. Wiggs, doing business as Chicago Flexible Shaft Company;

No. 81. The United States of America, petitioner, *v.* Independent Pneumatic Tool Company;

No. 82. The United States of America, petitioner, *v.* The Galigher Company;

No. 83. The United States of America, petitioner, *v.* Gray-Cannon Lumber Company. On writs of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgments reversed and cases 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. Justice Reed. Concurring opinion by Mr. Justice Rutledge. Mr. Justice Frankfurter and Mr. Justice Jackson took no part in the consideration or decision of these cases.

No. 142. American Surety Company of New York, petitioner, *v.* Paul W. Sampsell, as Trustee in Bankruptcy of the Estate of Charles B. Stratton, etc. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed with costs and case remanded to the District Court of the United States for the Southern District of California. Opinion by Mr. Justice Black. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 381. E. E. Ashcraft and John Ware, petitioners, *v.* State of Tennessee. On writ of certiorari to the Supreme Court of the State of Tennessee. The judgment against petitioner, Ashcraft, is reversed and that against petitioner, Ware, is vacated and the case as to both petitioners is remanded to the Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black. Mr. Justice Frankfurter joins in the opinion on the basis of the decision in *Ashcraft v. Tennessee*, 322 U. S. 143. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 317. Commissioner of Internal Revenue, petitioner, *v.* Francis E. Tower. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment reversed and case remanded to the Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Concurring opinion by Mr. Justice Rutledge. Dissenting: The Chief Justice and Mr. Justice Reed. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 263. A. L. Lusthaus, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment affirmed and case remanded to the Circuit Court of Appeals. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Reed in which the Chief Justice joins. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 14. Lloyd C. Duncan, petitioner, *v.* Duke Paoa Kahanamoku, Sheriff of the City and County of Honolulu. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit; and

No. 15. Harry E. White, petitioner, *v.* Wm. F. Steer, Colonel, Infantry, United States Army, Provost Marshal, Central Pacific Area. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgments reversed and cases remanded to the District Court of the United States for the Territory of Hawaii for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Concurring opinion by Mr. Justice Murphy. Concurring opinion by Mr. Chief Justice Stone. Dissenting opinion by Mr. Justice Burton in which Mr. Justice Frankfurter concurs. Mr. Justice Jackson took no part in the consideration or decision of these cases.

No. 86. William H. Griffin, petitioner, *v.* Grace H. Griffin. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment reversed and case 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. Opinion by Mr. Justice

Rutledge dissenting in part in which Mr. Justice Black joins. Dissenting opinion by Mr. Justice Frankfurter. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 444. Florence B. Bigelow, Marion B. Koerber, John E. Bloom, and William C. Bloom, petitioners, *v.* RKO Radio Pictures, Inc., Loew's, Incorporated, Twentieth Century-Fox Film Corporation, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment of the District Court affirmed and judgment of the Circuit Court of Appeals reversed with costs and case remanded to the District Court of the United States for the Northern District of Illinois. Opinion by Mr. Chief Justice Stone. Dissenting opinion by Mr. Justice Frankfurter. Mr. Justice Jackson took no part in the consideration or decision of this case.

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The Chief Justice said:

"Ernest Knaebel, who was appointed Reporter of this Court on October 10, 1916, served in that capacity until his retirement from active duty on January 31, 1944, a period of more than twenty-seven years, represented by eighty volumes of the United States Reports extending from Volume 242 to Volume 321, inclusive.

"The Court records its appreciation of his diligence and valued labors as Reporter during his term of office.

"We express sincere regret at the severance of a relationship which has been uniformly friendly and agreeable, and we wish for him in his retirement many years of well-earned repose."

"It Is Ordered that Mr. Walter Wyatt be, and he hereby is, appointed Reporter of this Court, effective March 1, 1946, in the place of Mr. Ernest Knaebel, resigned, and he is charged with the duty of reporting the decisions of the present term which have not been published prior to March 1, 1946."

The Chief Justice announced the following orders of the Court:

No. 751. Commissioner of Internal Revenue *v.* Amelia E. Collins. On certificate from the Circuit Court of Appeals for the Ninth Circuit. *Per curiam*: It appearing that the Commissioner of Internal Revenue has dismissed his petition for review in the United States Circuit Court of Appeals for the Ninth Circuit, the certificate is dismissed as moot.

No. 221. Taze Hamrick Gibson, petitioner, *v.* United States. This case is restored to the docket for reargument before a full bench. On reargument special attention is directed to the question whether petitioner was accepted by the Civilian Public Service Camp and, if so, whether his acceptance bars the defense of the alleged improper classification.

No. 290. Halliburton Oil Well Cementing Company, petitioner, *v.* Cranford P. Walker et al., doing business as Depthograph Company, a Corporation. The petition for rehearing in this case is granted and the case is restored to the docket for a reargument before a full bench. The motion to withhold issuance of the mandate is also granted.

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The following orders were not announced orally by the Chief Justice but appear on the list certified by him and filed with the Clerk:

No. 75, Misc. Meyer Abrams, petitioner, *v.* 188 Randolph Building Corporation, Debtor, et al. The motion for leave to file a petition for writ of certiorari is denied. Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 90, Misc. Robert Fiester, petitioner, *v.* People of the State of Illinois. Application denied.

No. 91, Misc. Ferdinand Thompson, petitioner, *v.* Joseph E. Ragen, Warden, etc. The motion for leave to file a petition for writ of habeas corpus is denied.

No. 92, Misc. In the Matter of Rudolph Ross. The motion for leave to file a petition for writ of mandamus or prohibition is denied.

No. 94, Misc. Chesteen McConnell, petitioner, *v.* Alfred F. Dowd, Warden, etc. The motion for leave to file a petition for writ of certiorari is denied.

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No. 804. Kenneth W. Colegrove, Peter J. Chamales and Kenneth C. Sears, appellants, *v.* Dwight H. Green, as a Member, Ex-Officio, of the Primary Certifying Board of the State of Illinois, et al. In this case probable jurisdiction is noted. The motion of the Better Government Association for leave to file brief *amicus curiae* is granted. The motion for leave to participate in the oral argument is denied.

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No. 749. People of the State of Illinois ex rel. Robert L. Gordon, Director of Labor, petitioner, *v.* United States. Petition for writ of certiorari to the Supreme Court of Illinois granted.

No. 750. People of the State of Illinois ex rel. Robert L. Gordon, Director of Labor, petitioner, *v.* Nigal D. Campbell, Collector of Internal Revenue. Petition for writ of certiorari to the Supreme Court of Illinois granted.

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No. 631. Lee Van Woods, petitioner, *v.* Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois. On petition for writ of certiorari to the Circuit Court of Randolph County, State of Illinois; and

No. 671. Lee Van Woods, petitioner, *v.* Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois. The motions for leave to proceed *in forma pauperis* in these cases are granted. The petitions for writs of certiorari are also granted and the cases are transferred to the summary docket.

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No. 350. All Service Laundry Corporation, petitioner, *v.* Lillian Maud Phillips, as Administratrix of the Goods, Chattels, and Credits of Clifford R. Phillips, deceased, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 674. Shawano National Bank and H. J. Rose, petitioners, *v.* Chester A. Bowles, Administrator, Office of Price Administration. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 702. Albert W. Krause, petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 709. Patsy Mutarielli, petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 729. Harry Theis et al., Not Individually but as the Bondholders' Protective Committee in the Matter of Certain Bonds of Grand River Drainage District of Livingston et al., petitioners *v.* Durward Belmont Luther, Alleged Bankrupt. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 731. Henry Greenberg, petitioner, *v.* I. & I. Holding Corporation and Harry Barrow, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 734. Mission State Bank, petitioner, *v.* Charles Eugene Spurgeon, by his next friend, Thomas L. Brown. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 736. John D. Lyon, petitioner, *v.* Jerome K. Harkness. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 745. Gabriele Giordano, petitioner, *v.* The Asbury Park and Ocean Grove Bank et al. Petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey denied.

No. 746. Kansas City Bridge Company, petitioner, *v.* Lewis Edwin Leichty, deceased, Mrs. L. E. Leichty, claimant. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 753. R. G. LeTourneau, Inc., petitioner, *v.* Gar Wood Industries, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 754. W. P. Sewell and R. B. Sewell, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 757. Ward Morrison, Jr., Austin Hudson, et al., petitioners, *v.* Maryland Casualty Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 716. James J. Clayton, petitioner, *v.* State of Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 721. Capitol Wine and Spirit Corporation, petitioner, *v.* Stewart Berkshire, as Deputy Commissioner of the Bureau of Internal Revenue, etc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 735. Don A. Davis, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 759. The First National Bank of Longview, Texas, petitioner, *v.* City of Longview, Texas. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 771. Stanley G. Klumb, petitioner, *v.* John Roach and Edwin B. H. Tower, Jr. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

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No. 475. George Phillips, petitioner, *v.* The People of the State of New York;

No. 649. Samuel R. Toucey, petitioner, *v.* New York Life Insurance Company; and

No. 706. Mollie Eagle, petitioner, *v.* Benjamin Cherney and Samuel H. Berger. The petitions for rehearing in these cases are denied.

No. 78, Misc. Dorsey W. McMahan, petitioner, *v.* James V. Bennett, Director, Bureau of Federal Prisons;

No. 79, Misc. Kinner Motors, Inc., petitioner, *v.* Honorable Campbell E. Beaumont, Judge of the U. S. District Court, Southern District of California;

No. 82, Misc. Walter N. Smith, petitioner, *v.* Honorable Joseph F. Maguire, Justice of the Domestic Relations Court of the City of New York, et al.;

No. 83, Misc. John Harding, petitioner, *v.* Honorable F. H. LaGuardia, Mayor of the City of New York, et al.;

No. 653. Gas Ridge, Inc., petitioner, *v.* Suburban Agricultural Properties, Inc.;

No. 667. Wesley W. West, petitioner, *v.* Commissioner of Internal Revenue;

No. 668. J. Marion West, petitioner, *v.* Commissioner of Internal Revenue;

No. 669. Estate of J. M. West, deceased, James M. West, Jr., et al., Executors, petitioners, *v.* Commissioner of Internal Revenue; and

No. 670. Jessie Gertrude West, petitioner, *v.* Commissioner of Internal Revenue. The petitions for rehearing in these cases are denied. Mr. Justice Rutledge took no part in the consideration or decision of these applications.

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No. 188. William Elbert Lawrence, petitioner, *v.* The People of the State of Illinois. The motion for leave to file a fifth petition for rehearing is denied. Mr. Justice Burton took no part in the consideration or decision of this application.

No. 208. Kingdon William DeNormand, Joseph Peter Oddo, Joseph Alfred LaCascia, et al., petitioners, *v.* United States. The motion for leave to file a third petition for rehearing is denied.

No. 587. Edwin J. Creel, petitioner, *v.* Robert T. Creel;

No. 588. Edwin J. Creel, petitioner, *v.* Robert T. Creel; and

No. 589. Edwin J. Creel, petitioner, *v.* Robert T. Creel. The motion to defer consideration of the petition for rehearing is denied. The petition for rehearing is also denied.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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No. 786. National Labor Relations Board, petitioner, *v.* Donnelly Garment Company, Donnelly Garment Workers' Union, et al.; and

No. 787. International Ladies' Garment Workers Union, petitioner, *v.* Donnelly Garment Company, Donnelly Garment Workers' Union, and National Labor Relations Board. Time within which to file briefs for the respondents extended to and including March 28, 1946, on application of counsel for the respondents.

No. 845. Donald L. Skene *v.* Joseph E. Ragen, Warden, Illinois State Penitentiary. On petition for writ of certiorari to the Supreme Court of the State of Illinois. Dismissed on motion of petitioner.

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No. 578. Thomas Paper Stock Company et al., petitioners, *v.* Chester Bowles, Price Administrator. Argument commenced by Mr. Jack

H. Oppenheim for the petitioners and continued by Mr. Jacob D. Hyman for the respondent.

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Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, February 26, will be as follows: Nos. 578, 67, 393, 400, 474, 452, 309, 435, 556, 457 (and 458).

SUPREME COURT OF THE UNITED STATES

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

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Lester A. Lawrence, of Washington, D. C.; Peter J. Kondos, of Milwaukee, Wis.; Peter S. Sommer, of San Francisco, Calif.; James Lamont Johnston, of New York, N. Y.; James J. Davis, Jr., of Philadelphia, Pa.; Clifford L. Porter, of New York, N. Y.; Marguerite McDowell, of Washington, D. C.; James Wallace Kemp, of New York, N. Y.; John L. York, of Atlanta, Ga.; George Weber Coen, of Lancaster, Ohio; Benedict F. Fitzgerald, Jr., of Boston, Mass.; Thomas A. Flannery, of Washington, D. C.; Mortimer Kollender, of Alexandria, Va.; Theodore L. Bowes, of Rochester, N. Y.; William H. Pauling-Emrich, of Washington, D. C.; and Rowland F. Kirks, of Washington, D. C., were admitted to practice.

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No. 723. Republic Pictures Corporation, appellant, *v.* Francis Kappler. Time within which to file petition for rehearing extended to and including March 8, 1946, on application of counsel for the appellant.

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No. 578. Thomas Paper Stock Company et al., petitioners, *v.* Chester Bowles, Price Administrator. Argument continued by Mr. Jacob D. Hyman for the respondent and concluded by Mr. Jack H. Oppenheim for the petitioners.

No. 67. Thomas Paper Stock Company et al., petitioners, *v.* Chester Bowles, Price Administrator. Argued by Mr. Jack H. Oppenheim for the petitioners and by Mr. Richard H. Field for the respondent.

No. 393. Christine Collins, A. J. Cummins, Yancey Lee Cummins, and Edward J. Miller, petitioners, *v.* Chester Bowles, Price Administrator. Argued by Mr. Mac Asbill for the petitioners and by Mr. Richard H. Field for the respondent.

No. 400. Utah Junk Company, petitioner, *v.* Chester Bowles, Price Administrator. Argued by Mr. Richard H. Field for the respondent. Case submitted by Mr. Keith L. Seegmiller for the petitioner.

No. 474. The United States of America, appellant, *v.* Joseph L. Carbone, Vincent Di Nunno, John Stropparo, and Wantee Kuhtaniemi. Argument commenced by Mr. Frederick B. Wiener for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, February 27, will be as follows: Nos. 474, 452, 309, 435, 556, 457 (and 458), 517, 518 (and 519), 540, and 572.

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## SUPREME COURT OF THE UNITED STATES

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

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Frank A. Barrett, of Lusk, Wyo.; Harry A. Carson, of Detroit, Mich.; Irvin Monroe Davis, of Arlington, Mass.; Lawrence H. Smith, of Racine, Wis.; Harry J. Pasternak, of New York, N. Y.; Marvin C. Beck, of Baltimore, Md.; Morris Rosenberg, of Baltimore, Md.; and Marshall Funk, of Bowling Green, Ky., were admitted to practice.

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No. 474. United States, appellant, *v.* Joseph L. Carbone, Vincent Di Nunno, John Stropparo, et al. Argument continued by Mr. Frederick B. Wiener for the appellant; by Mr. Hammond E. Chaffetz for appellees, John L. Carbone, et al.; by Mr. Michael Carchia for appellee, Vincent Di Nunno; and concluded by Mr. Frederick B. Wiener for the appellant.

No. 452. Commissioner of Internal Revenue, petitioner, *v.* Charles T. Fisher et al., Executors of the Estate of Fred J. Fisher, and Burtha M. Fisher. Argued by Mr. Walter J. Cummings, Jr., for the petitioner and by Mr. R. M. O'Hara for the respondents.

No. 309. Unemployment Compensation Commission of the Territory of Alaska et al., petitioners, *v.* Frank L. Aragan and Other Applicants, Members of Alaska Cannery Workers Union Local No. 5, et al. Argued by Mr. Marshall P. Madison for the petitioners and by Mr. Herbert Resner for the respondents.

No. 435. Emory S. Land, Individually and as Chairman of the United States Maritime Commission, et al., petitioners, *v.* Waterman Steamship Corporation. Edward Macauley, Acting Chairman of the United States Maritime Commission, substituted as a party petitioner in place of Emory S. Land, resigned, and writ of certiorari dismissed as to petitioners Kenneth F. Clark, Victor B. Gerard, and W. B. Van Houten, per stipulation of counsel.

No. 435. Edward Macauley, Individually and as Acting Chairman of the United States Maritime Commission, et al., petitioners, *v.* Waterman Steamship Corporation. Argument commenced by Robert L. Stern for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, February 28, will be as follows: Nos. 435, 556 (and 458), 517, 518 (and 519), 572, 605, 540, 616, and 496.

## SUPREME COURT OF THE UNITED STATES

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

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Lem L. Reece, of Elizabethton, Tenn.; Judson D. DeRamus, of Charlotte, N. C.; Milton J. Keegan, of Denver, Colo.; Albert B. Koorie, of New Orleans, La.; Lars Henry Bengston, of New York, N. Y.; Charles Elliot Wheeler, of Easton, Md.; Isidore Entes, of New York, N. Y.; John H. Logan, Jr., of Fort Wayne, Ind.; Walter R. Evans, of Bridgeport, Calif.; and William B. Crawford, of Chicago, Ill., were admitted to practice.

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No. 435. Edward Macauley, Individually and as Acting Chairman of the United States Maritime Commission, et al., petitioners, *v.* Waterman Steamship Corporation. Argument continued by Mr. Robert L. Stern for the petitioners and concluded by Mr. U. Bon Geaslin for the respondent.

No. 556. The Order of United Commercial Travelers of America, petitioner, *v.* Edward C. Wolfe. Argument commenced by Mr. Byron S. Payne for the petitioner, continued by Mr. E. W. Dillon for the petitioner, and concluded by Mr. Hubbard F. Fellows for the respondent.

No. 457. Gus Kotteakos and Michael Lekacos, petitioners, *v.* United States; and

No. 458. Nathan Regenbogen, petitioner, *v.* United States. Argued by Mr. Henry G. Singer for the petitioners and by Mr. W. Marvin Smith for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, March 1, will be as follows: Nos. 517, 518 (and 519), 572, 605, 540, 616, 496, 278 (and 279, 280, 281, 282), 550, 528 (and 529, 530, 531, 532, and 533).

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## SUPREME COURT OF THE UNITED STATES

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

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Harry Katz, of New York, N. Y.; James William Summers, of Rusk, Tex.; William L. Guild, Jr., of Wheaton, Ill.; Carl H. McClure III, of New York, N. Y.; Harry V. Osborne, Jr., of Newark, N. J.; Richard H. Peterson, of Los Angeles, Calif.; Emilio Torres, of Manila, P. I.; Howard Henig, of New York, N. Y.; Phillip Tocker, of Fort Worth, Tex.; Nicholas J. Campbell, Jr., of New York, N. Y.; Robert H. Kirschman, Jr., of Battle Creek, Mich.; and Seely P. Forbes, of Rockford, Ill., were admitted to practice.

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No. 517. D. A. Schulte, Inc., petitioner, *v.* Salvatore Gangi, Suing on Behalf of Himself and Other Employees Similarly Situated. Argued by Mr. Edwin A. Falk for the petitioner and by Mr. Isidore Entes for the respondent.

No. 518. Joseph D. McGoldrick, Comptroller of the City of New York, et al., petitioners, *v.* Carter & Weekes Stevedoring Company; and

No. 519. Joseph D. McGoldrick, Comptroller of the City of New York, et al., petitioners, *v.* John T. Clark & Son. Lazarus Joseph, present Comptroller of the City of New York, and Spencer C. Young, present Treasurer of the City of New York, successors in office of Joseph D. McGoldrick and Almerindo Portfolio, respectively, substituted as parties petitioner on motion of Mr. Isaac C. Donner, counsel for the petitioners.

No. 518. Lazarus Joseph, Comptroller of the City of New York, et al., petitioners, *v.* Carter & Weekes Stevedoring Company; and

No. 519. Lazarus Joseph, Comptroller of the City of New York, et al., petitioners, *v.* John T. Clark & Son. Argued by Mr. Isaac C. Donner for the petitioners and by Mr. Samuel M. Lane for the respondents.

Adjourned until Monday, March 4, next, at 12 o'clock.

The day call for Monday, March 4, will be as follows: Nos. 572, 605, 540, 616, 496, 278 (and 279, 280, 281, 282), 550, 528 (and 529, 530, 531, 532, 533), 804, and 603.

## SUPREME COURT OF THE UNITED STATES

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Present: The Chief Justice, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, and Mr. Justice Burton.

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Floyd E. Thomas, of Tucson, Ariz.; A. J. Pope, Jr., of Corpus Christi, Tex.; Walter W. Selvy, of Des Moines, Iowa; John R. Wall, of Washington, D. C.; Erwin B. Ellman, of Detroit, Mich.; William J. Fitzsimons, of Boston, Mass.; Henry T. Clement, of Chatham, Va.; R. Roy Rush, of Roanoke, Va.; Howard C. Gilmer, Jr., of Pulaski, Va.; Cornelius H. Skinker, Jr., of St. Louis, Mo.; Louis A. Fischl, of Ardmore, Okla.; Harold W. Glassen, of Lansing, Mich.; H. Allyn Hicks, Jr., of Denver, Colo.; Thomas W. Champion, of Ardmore, Okla.; Paul Ginsburg, of Pittsburgh, Pa.; Jack S. Glasser, of New York, N. Y.; and Rupert B. Turnbull, of Los Angeles, Calif., were admitted to practice.

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No. 418. Jerome F. Duggan, Trustee of the Estates of Christopher Engineering Company, and National Aircraft Corporation, petitioner, *v.* James C. Sansberry, Trustee of the Estate of National Aircraft Corporation; and

No. 419. National Aircraft Corporation, petitioner, *v.* James C. Sansberry, Trustee of the Estate of National Aircraft Corporation. On writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment reversed with costs and cases 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 by Mr. Justice Rutledge announced by Mr. Justice Murphy. Mr. Justice Jackson took no part in the consideration or decision of these cases.

No. 328. Warren W. Wilson, Mabel M. Wilson, Richard L. Craigo, and Lelia F. Craigo, Partners Doing Business as Wilson Lumber Company, appellants, *v.* Otho A. Cook, Commissioner of Revenues for the State of Arkansas; and

No. 329. Otho A. Cook, Commissioner of Revenues for the State of Arkansas, petitioner, *v.* Warren W. Wilson, Mabel M. Wilson, Richard L. Craigo, and Lelia F. Craigo, Partners Doing Business as Wilson Lumber Company. Appeal from and writ of certiorari to the Supreme Court of the State of Arkansas. Appeal in No. 328 dismissed for want of jurisdiction and, treating the appeal as a petition for writ of certiorari, certiorari is granted. Judgment reversed

in part and affirmed in part and case remanded to the Supreme Court for further proceedings not inconsistent with the opinion of this Court. On the remand the State courts will be free, so far as their own practice allows, to determine any state questions here involved and any federal questions not already decided by the opinion of this Court. Costs in this Court in both cases are to be taxed in favor of Otho A. Cook, Commissioner of Revenues for the State of Arkansas, and against Warren W. Wilson et al. Opinion by Mr. Chief Justice Stone. Mr. Justice Douglas concurs in the result. Dissenting opinion of Mr. Justice Rutledge announced by Mr. Chief Justice Stone. Mr. Justice Jackson took no part in the consideration or decision of these cases.

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The following orders were not announced orally by the Chief Justice but appear on the list certified by him and filed with the Clerk:

No. 95, Misc. Dorsey McMahan, petitioner, *v.* Tom C. Clark, Attorney General. The motion for leave to file a petition for writ of habeas corpus is denied.

No. 704. Irene Morgan, appellant, *v.* Commonwealth of Virginia. The motions of the Workers Defense League and the American Civil Liberties Union for leave to file briefs *amici curiae* are granted.

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No. 696. United States, petitioner, *v.* Joseph A. Holpuch Company; and

No. 697. United States, petitioner, *v.* Joseph A. Holpuch, Company. Petition for writs of certiorari to the Court of Claims granted.

No. 719. W. Daniel Pinkerton and Walter G. Pinkerton, petitioners, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted.

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No. 692. York Engineering and Construction Company, petitioner, *v.* United States; and

No. 783. United States, petitioner, *v.* York Engineering and Construction Company. Petitions for writs of certiorari to the Court of Claims denied.

No. 701. United States, petitioner, *v.* Henry Ericsson Company. Petition for writ of certiorari to the Court of Claims denied.

No. 747. Anthony Teramine, petitioner, *v.* C. J. Shuttleworth, Warden, Federal Correctional Institution, Milan, Michigan. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 748. United States, petitioner, *v.* B-W Construction Company. Petition for writ of certiorari to the Court of Claims denied.

No. 762. Roy E. Crummer, Hewen A. Lasseter, Courtney S. Turney, et al., petitioners, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 775. Frederic W. Procter, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 779. Paul Ginsburg, petitioner, *v.* Russell H. Adams. Petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania denied.

No. 814. Manhattan Railway Company and Charles Franklin, petitioners, *v.* The City of New York et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 727. Frank J. Lorenz, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 733. Steve Tandarie, petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 717. Rose K. Joyce, petitioner, *v.* Board of Education of the City of Chicago. Petition for writ of certiorari to the Appellate Court of the State of Illinois, First District, denied. Mr. Justice Murphy is of the opinion that certiorari should be granted.

No. 687. Sylvester Andrews, petitioner, *v.* Mallory C. Atkinson, Judge of the Superior Court of Bibb County, Georgia. On petition for writ of certiorari to the Supreme Court of Georgia;

No. 698. Sylvester Andrews, petitioner, *v.* Mallory C. Atkinson, Judge, Bibb Superior Court. On petition for writ of certiorari to the Supreme Court of Georgia;

No. 712. Clement Lebedis, petitioner, *v.* Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 720. Mace Taylor, petitioner, *v.* W. C. Parker, Warden, Missouri State Penitentiary. On petition for writ of certiorari to the Supreme Court of Missouri;

No. 741. William Wright, petitioner, *v.* Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois; and

No. 742. Thomas Feeley, petitioner, *v.* Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois. On petition for writ of certiorari to the Supreme Court of Illinois. The motions for leave to proceed *in forma pauperis* in these cases are granted. The petitions for writs of certiorari are denied.

No. 710. Sylvester Andrews, petitioner, *v.* Mallory C. Atkinson, Judge of the Superior Court. Petition for writ of certiorari to the Supreme Court of Georgia is denied for the reason that application therefor was not made within the time provided by law. Sec. 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C. 350. The motion for leave to proceed in forma pauperis is granted.

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No. 21. Thomas Martino, petitioner, *v.* Michigan Window Cleaning Company;

No. 152. Frank Canizio, petitioner, *v.* The People of the State of New York;

No. 383. Cecil L. Wright, petitioner, *v.* James A. Johnston, Warden, United States Penitentiary, Alcatraz, California;

No. 703. The Hudson Coal Company, petitioner, *v.* Arja Watkins, Roger G. Westgate, et al.; and

No. 705. The Federal National Bank of Shawnee, Oklahoma, Guardian of the Estate of Minnie O. Cammack, an Incompetent Person, petitioner *v.* New York Life Insurance Company. The petitions for rehearing in these cases are denied.

No. 112. Herbert M. Gregory, petitioner, *v.* United States. The motion for leave to file a third petition for rehearing is denied. Mr. Justice Burton took no part in the consideration or decision of this application.

No. 115. United States, petitioner, *v.* William R. Johnson; and

No. 116. United States, petitioner, *v.* Jack Sommers, James A. Hartigan, William P. Kelly, et al. The petition for rehearing is denied. Mr. Justice Murphy took no part in the consideration or decision of this application.

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The Court will take a recess from Monday, March 11, until Monday, March 25, next.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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No. 891. Cecil McKown, petitioner, *v.* State of Florida. Time within which to make service under Rule 38 extended to and including April 1, 1946, on application of counsel for the petitioner.

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No. 572. James Louis Girouard, petitioner, *v.* United States. Argued by Mr. Homer Cummings and Mr. William D. Donnelly for the petitioner and by Mr. Frederick Bernays Wiener for the respondent.

No. 605. Jacob Siegel Company, petitioner, *v.* Federal Trade Commission. Argued by Mr. Robert T. McCracken for the petitioner and by Mr. Ralph F. Fuchs for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, March 5, will be as follows: Nos. 540, 616, 496, 278 (and 279, 280, 281, 282), 550, 528 (and 529, 530, 531, 532, 533), 804, 603, 707, and 704.

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## SUPREME COURT OF THE UNITED STATES

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

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Joseph H. Wendel, of Milwaukee, Wis.; William E. Nuessle, of New York, N. Y.; William J. Steeger, of Houston, Tex.; Michael M. Kearney, of Des Moines, Iowa; Alexander M. Lewis, of New York, N. Y.; John C. Masson, of Baltimore, Md.; Everett B. Comer, of Fort Worth, Tex.; James E. Whitmore, of Fort Worth, Tex.; Elmer J. Kelsey, of New York, N. Y.; Nicholas A. Draim, of Washington, D. C.; Concepcion A. Aguila, of Manila, P. I.; Clarence R. Reardon, of Baltimore, Md.; George H. Harvey, of Miami, Fla.; and Julius L. Neidle, of New York, N. Y., were admitted to practice.

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No. 714. United States, petitioner, *v.* Edmund Carl Heine. Time within which to make service under Rule 38 extended to and including April 1, 1946, on application of Mr. Solicitor General McGrath.

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No. 540. Dr. Furman Angel, petitioner, *v.* W. H. Bullington. Argued by Mr. G. Lyle Jones for the petitioner and by Mr. R. Roy Rush for the respondent.

No. 616. McAllister Lighterage Line, Inc., appellant, *v.* The United States and The Interstate Commerce Commission. Argued by Mr. Roman Beck for the appellant and by Mr. Walter J. Cummings, Jr. for the appellees.

No. 496. M. E. Heiser, petitioner, *v.* Willie Mae Woodruff et al. Argument commenced by Mr. Leonard J. Meyberg for the petitioner, continued by Mr. Louis A. Fischl for the respondents, and concluded by Mr. Rupert B. Turnbull for the petitioner.

No. 278. Reconstruction Finance Corporation et al., petitioners, *v.* The Denver and Rio Grande Western Railroad Company et al.;

No. 279. Reconstruction Finance Corporation et al., petitioners, *v.* The Denver and Salt Lake Western Railroad Company et al.;

No. 280. Reconstruction Finance Corporation et al., petitioners, *v.* City Bank Farmers Trust Company, Trustee, et al.;

No. 281. Reconstruction Finance Corporation et al., petitioners, *v.* The Denver and Rio Grande Western Railroad Company et al.; and

No. 282. Reconstruction Finance Corporation et al., petitioners, *v.* Guy A. Thompson, Trustee, et al. Three and one-half hours allowed for oral argument. Argument commenced by Mr. George D. Gibson for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, March 6, will be as follows: Nos. 278 (and 279, 280, 281, 282), 550, 528 (and 529, 530, 531, 532, 533), 804, 603, 707, and 704.

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## SUPREME COURT OF THE UNITED STATES

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

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Warren Edward Slaughter, of Los Angeles, Calif.; J. W. Arbuthnot, of Marion, Ala.; Nathan Beach Bidwell, of Boston, Mass.; Clarence A. Barnes, of Mansfield, Mass.; Paul W. Mahady, of Latrobe, Pa.; Paul A. Barron, of Boston, Mass.; William Mann Morrison, of Atlanta, Ga.; and Moncure Camper O'Neal, of Birmingham, Ala., were admitted to practice.

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No. 278. Reconstruction Finance Corporation et al., petitioners, *v.* The Denver and Rio Grande Western Railroad Company et al.;

No. 279. Reconstruction Finance Corporation et al., petitioners, *v.* The Denver and Salt Lake Western Railroad Company et al.;

No. 280. Reconstruction Finance Corporation et al., petitioners, *v.* City Bank Farmers Trust Company, Trustee, et al.;

No. 281. Reconstruction Finance Corporation et al., petitioners, *v.* The Denver and Rio Grande Western Railroad Company et al.; and

No. 282. Reconstruction Finance Corporation et al., petitioners, *v.* Guy A. Thompson, Trustee, et al. Argument continued by Mr. George D. Gibson for the petitioners; by Mr. Edward E. Watts, Jr., for respondent, City Bank Farmers Trust Company, Trustee, etc.; by Mr. Frank C. Nicodemus, Jr., for respondent, Denver and Rio Grande Western Railroad Company; and concluded by Mr. George D. Gibson for the petitioners. Case submitted by Mr. H. H. Larimore for respondent, Guy A. Thompson, Trustee of Missouri Pacific Railway Company.

No. 550. Walter A. Lavender, Administrator De Bonis Non of the Estate of L. E. Haney, Deceased, petitioner, *v.* J. M. Kurn et al., Trustees of St. Louis-San Francisco Railway Company, Debtor, et al. Argument commenced by Mr. N. Murray Edwards for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, March 7, will be as follows: Nos. 550, 528 (and 529, 530, 531, 532, 533), 804, 603, 707, and 704.

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## SUPREME COURT OF THE UNITED STATES

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

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Daniel J. Flood, of Wilkes-Barre, Pa.; James H. Eldridge, of Knoxville, Tenn.; John Donovan, of Reno, Nev.; Hobart S. Bird, of New York, N. Y.; Luther E. Jones, Jr., of Corpus Christi, Tex.; T. C. Callison, of Columbia, S. C.; Gustav H. Dongus, of Indianapolis, Ind.; Edward P. Morgan, of Kansas City, Mo.; Melvin A. Hardies, of Chicago, Ill.; Carl W. Funk, of Philadelphia, Pa.; Clifford H. Domke, of New York, N. Y.; William F. Delaney, Jr., of New York, N. Y.; and Leroy G. Denman, Jr., of San Antonio, Tex., were admitted to practice.

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No. 550. Walter A. Lavender, Administrator De Bonis Non of the Estate of L. E. Haney, Deceased, petitioner, *v.* J. M. Kurn et al., Trustees of St. Louis-San Francisco Railway Company, Debtor, et al. Argument continued by Mr. William R. Gentry for the respondent, Illinois Central Railroad Company; by Mr. Cornelius H. Skinker, Jr., for the respondent, J. M. Kurn et al., Trustees of St. Louis-San Francisco Railway Company, Debtor; and concluded by Mr. N. Murray Edwards for the petitioner.

No. 528. United States ex rel. Tennessee Valley Authority, petitioner, *v.* S. Columbus Welch;

No. 529. United States ex rel. Tennessee Valley Authority, petitioner, *v.* John Burns et al.;

No. 530. United States ex rel. Tennessee Valley Authority, petitioner, *v.* Fred Lollis et al.;

No. 531. United States ex rel. Tennessee Valley Authority, petitioner, *v.* Arnold E. Bradshaw et al.;

No. 532. United States ex rel. Tennessee Valley Authority, petitioner, *v.* Philip G. Rust et al.; and

No. 533. United States ex rel. Tennessee Valley Authority, petitioner, *v.* Abraham Cole Hyatt et al. Argued by Mr. Joseph C. Swidler for the petitioner; by Mr. George H. Ward for respondents in Nos. 529 to 533, inclusive, and by Mr. McKinley Edwards for respondent in No. 528.

No. 804. Kenneth W. Colegrove, Peter J. Chamales, and Kenneth C. Sears, appellants, *v.* Dwight H. Green, as a Member, Ex-Officio of the Primary Certifying Board of the State of Illinois, et al. Argument commenced by Mr. Urban A. Lavery for the appellants.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, March 8, will be as follows: Nos. 804, 603, and 707.

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## SUPREME COURT OF THE UNITED STATES

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

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Arthur H. Fruechtenicht, of Fort Wayne, Ind.; Ralph M. Freeman, of Flint, Mich.; Marcus Ginsburg, of Forth Worth, Tex.; Helen B. Arthur, of Washington, D. C.; William Reed Arthur, Jr., of Boulder, Colo.; Harold D. Beatty, of New York, N. Y.; Wade Goble, of Philadelphia, Pa.; Daniel S. Ring, of Washington, D. C.; William Brecht Hanback, of Washington, D. C.; Thomas F. Daly, of New York, N. Y.; Benjamin H. Long, of Detroit, Mich.; Francis J. Kelly, of Washington, D. C.; Elizabeth C. Kelly, of Washington, D. C.; and J. Louis O'Connor, of Washington, D. C., were admitted to practice.

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No. 631. Lee Van Woods, petitioner, *v.* Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois; and

No. 671. Lee Van Woods, petitioner, *v.* Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois. It is ordered that Edward H. Levi, Esquire, of Chicago, Illinois, be and he is hereby, appointed to serve as counsel for petitioner in these cases.

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No. 804. Kenneth W. Colegrove, Peter J. Chamales, and Kenneth C. Sears, appellants, *v.* Dwight H. Green, As a Member **Ex-Officio** of the Primary Certifying Board of the State of Illinois, et al. Argument continued by Mr. William C. Wines for the appellees and concluded by Mr. Urban A. Lavery for the appellants.

No. 603. First Iowa Hydro-Electric Co-Operative, petitioner, *v.* Federal Power Commission et al. Argued by Mr. David W. Robinson for the petitioner; by Mr. Howard E. Wahrenbrock for the respondent, Federal Power Commission; and by Mr. Neill Garrett for the intervenor, The State of Iowa.

No. 707. The Prudential Insurance Company, appellant, *v.* L. George Benjamin, as Insurance Commissioner of the State of South Carolina. Argument commenced by Mr. Joseph W. Henderson for the appellant.

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

The day call for Monday, March 11, will be No. 707.

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## SUPREME COURT OF THE UNITED STATES

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

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Patrick J. Morrow, Jr., of Logan, Iowa; John Robert Day, of Washington, Iowa; John T. Grigsby, of Richmond, Va.; Charles E. Grover, of Denver, Colo.; J. W. Maxwell, of Beckley, W. Va.; Floyd M. Sayre, of Beckley, W. Va.; Thomas C. Crowther, of Fall River, Mass.; Leo E. Sherry, of Salem, Mass.; Chas. Landesman, of New York, N. Y.; Bruce B. Greene, of Homerville, Ga.; Milton Carl Denbo, of Washington, D. C.; M. Robert Deo, of Washington, D. C.; Robert B. Curry, of Columbus, Ohio; Walter Wilson Hanes, of East Liverpool, Ohio; William B. Kuder, of Oakland, Calif.; Marion Davies, of Milwaukee, Wis.; David M. Markowitz, of New York, N. Y.; Wm. E. Comer, of Greensboro, N. C.; Cornelius G. DeLoca, of New York, N. Y.; Charles D. Pennebaker, of Washington, D. C.; Warren A. Palmer, of San Francisco, Calif.; William P. Cassedy, of Brookhaven, Miss.; Richard P. Jackson, of New York, N. Y.; A. Milton Miller, of Baltimore, Md.; John Geyer Tausig, of Arlington, Va.; and Nathaniel H. Janes, of New York, N. Y., were admitted to practice.

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No. 74. The United States of America, Interstate Commerce Commission, Consolidated Freightways, Inc., et al., appellants, *v.* Pierce Auto Freight Lines, Inc., Los Angeles-Seattle Motor Express, Angelo Colletti, Pacific Motor Trucking Company, et al. Appeal from the District Court of the United States for the District of Oregon. Decree reversed and case remanded to the District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Rutledge. Dissenting: Mr. Justice Douglas. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 452. Commissioner of Internal Revenue, petitioner, *v.* Charles T. Fisher, Edward F. Fisher, and Leo M. Butzel, Executors of the Estate of Fred J. Fisher, and Burtha M. Fisher. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment reversed and case remanded to the Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Mr. Justice Jackson took no part in the consideration or decision of this case.

The Chief Justice announced the following orders of the Court:

No. 803. Austin F. Akin, appellant, *v.* United States, Interstate Commerce Commission, Herrin Transportation Company, et al. Appeal from the District Court of the United States for the Western District of Louisiana. *Per curiam*: The motion to affirm is granted and the judgment is affirmed.

No. 817. David Elmer Hartshorn, appellant, *v.* Robert X. Kuzmier and Richard C. Cotter. Appeal from the District Court of the United States for the Eastern District of New York. *Per curiam*: The appeal is dismissed for want of a properly presented substantial federal question.

No. 402. Bruce's Juices, Inc., petitioner, *v.* American Can Company. The petition for rehearing in this case is granted and the case is restored to the docket for reargument before a full bench. The motion to withhold issuance of the mandate is also granted.

No. 410. Alpine MacGregor, petitioner, *v.* Westinghouse Electric & Manufacturing Company. The petition for rehearing in this case is granted and the case is restored to the docket for reargument before a full bench. The issuance of the mandate is stayed.

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The following orders were not announced orally by the Chief Justice but appear on the list certified by him and filed with the Clerk:

No. 74, Misc. Ernest Lopez, petitioner, *v.* United States. The motion for leave to file a petition for writ of certiorari is denied.

No. 97, Misc. John Factor, petitioner, *v.* G. W. Humphrey, Warden, etc.; and

No. 99, Misc. Cassius M. McDonald, petitioner, *v.* Walter A. Hunter, Warden, etc. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 98, Misc. Mrs. Wm. Fraser, petitioner, *v.* United States. The application is denied.

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No. 625. Cecil I. Hust, petitioner, *v.* Moore-McCormack Lines, Inc. The motion of the National Maritime Union of America for leave to file brief amicus curiae is granted.

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No. 67. Thomas Paper Stock Company et al., petitioners, *v.* Chester Bowles, Price Administrator;

No. 393. Christine Collins, A. J. Cummins, Yancey Lee Cummins, and Edward J. Miller, petitioners, *v.* Chester Bowles, Price Administrator;

No. 400. Utah Junk Company, petitioner, *v.* Chester Bowles, Price Administrator;

No. 578. Thomas Paper Stock Company et al., petitioners, *v.* Chester Bowles, Administrator, Office of Price Administration;

No. 793. Chester Bowles, Administrator, Office of Price Administration, petitioner, *v.* Warner Holding Company;

No. 805. Julian Lentin, Doing Business as J. Lentin Lumber Company, petitioner, *v.* Chester A. Bowles, Administrator, Office of Price Administration;

No. 826. William Leithold and Emily Leithold, Individually and as Co-Partners Trading as Custom Maid Brassiere Company, petitioners, *v.* Chester Bowles, Administrator, Office of Price Administration; and

No. 870. Stanley Taylor and Evelyn Flynn, petitioners, *v.* Chester Bowles, Administrator, Office of Price Administration. The motions to substitute Paul A. Porter, Price Administrator, in the place of Chester Bowles, resigned, are granted.

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No. 793. Paul A. Porter, Administrator, Office of Price Administration, petitioner, *v.* Warner Holding Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted.

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No. 763. Hugh Greer Carruthers, petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 772. William V. Bicanic, Frank Akar, George Elich, et al., petitioners, *v.* J. C. Campbell Company; and

No. 773. Harry Czupiy, Steve Geswine, Walter L. Carlson, et al., petitioners, *v.* North Star Timber Company. Petition for writs of certiorari to the Supreme Court of Minnesota denied.

No. 774. James E. Markham, as Alien Property Custodian, petitioner, *v.* Constantinos G. Kallimanis et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 781. Industrial Trust Company et al., Executors, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 788. Maurice D. Adams, Sylvia Jacobs, Martin Lasher, et al., petitioners, *v.* United States Distributing Corporation, The Pittston Company et al. Petition for writ of certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia denied.

No. 794. United States, On the Relation of Raymond J. Nitkey and Raymond J. Nitkey in His Own Behalf, petitioner, *v.* Charles G. Dawes et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 795. Bankers Trust Company, as Trustee, et al., petitioners, *v.* The People of the State of New York. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 798. Harold M. Steiner, petitioner, *v.* United States; and

No. 799. Jonas A. Miller, petitioner, *v.* United States. Petitions for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 815. Provident Trust Company of Philadelphia, petitioner, *v.* The Metropolitan Casualty Insurance Company of New York; and

No. 816. Provident Trust Company of Philadelphia, Trustee, petitioner, *v.* The Metropolitan Casualty Insurance Company of New York. Petitions for writs of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 827. Edith Vandevour, petitioner, *v.* Southeastern Greyhound Lines. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

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No. 676. Ralph Swihart, petitioner, *v.* James A. Johnston, Warden, United States Penitentiary, Alcatraz, California. The motion to dispense with the printing of the petition and record is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit is denied.

No. 800. State of Florida ex rel. H. Leslie Quigg, petitioner, *v.* Charles O. Nelson. The motion to dispense with the printing of the record is granted. The petition for writ of certiorari to the Supreme Court of Florida is denied.

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No. 606. Leroy Odom, petitioner, *v.* United States. 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.

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No. 454. Albert W. Krause, petitioner, *v.* Howard B. Gill, General Superintendent and Edward J. Welch, Superintendent. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 654. Clara Dellar, petitioner, *v.* Samuel Goldwyn, Inc., Samuel Goldwyn, Eddie Cantor, and United Artists Corporation; and

No. 655. Clara Dellar, petitioner, *v.* Samuel Goldwyn, Inc., Samuel Goldwyn, Eddie Cantor, and United Artists Corporation. On petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit;

No. 656. Pat Duggan, petitioner, *v.* Neil Olson, Warden, etc. On petition for writ of certiorari to the Supreme Court of Nebraska;

No. 658. James Grierson, petitioner, *v.* Stanley P. Ashe, Warden, etc., et al.;

No. 659. James Grierson, petitioner, *v.* Stanley P. Ashe, Warden, etc. et al. On petition for writs of certiorari to the Supreme Court of the Commonwealth of Pennsylvania;

No. 665. Scott Lantz, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Macon County, State of Illinois;

No. 683. James Hawley, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 738. Tony Marino, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 739. Leon E. Tuttle, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petitions for writs of certiorari to the Supreme Court of Illinois;

No. 743. Edward Spensky, petitioner, *v.* Stanley P. Ashe, Warden, etc. On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania;

No. 752. David E. Marr, petitioner, *v.* People of the State of Illinois;

No. 760. Jerome Hensley, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petitions for writs of certiorari to the Supreme Court of Illinois;

No. 766. Earl Spencer, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 768. Elmer Atkins, petitioner, *v.* People of the State of Illinois;

No. 777. Lew Palmer, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petitions for writs of certiorari to the Supreme Court of Illinois;

No. 778. George Taylor, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 780. William Wright, petitioner, *v.* People of the State of Illinois;

No. 785. Harry Lee Baldrige, petitioner, *v.* Walter Nierstheimer, Warden, etc.;

No. 806. George Ross Wagner, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petitions for writs of certiorari to the Supreme Court of Illinois;

No. 807. Robert Coleman, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 820. Gregory Taylor, petitioner, *v.* Walter Nierstheimer, Warden, etc.;

No. 829. Riley Simmons, petitioner, *v.* Walter Nierstheimer, Warden, etc.;

No. 836. Richard Armstrong, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 842. Grady Crowley, petitioner, *v.* The People of the State of Illinois. On petitions for writs of certiorari to the Supreme Court of Illinois; and

No. 761. William Pease, petitioner, *v.* W. C. Parker, Warden, etc. On petition for writ of certiorari to the Supreme Court of Missouri. The motions for leave to proceed *in forma pauperis* in these cases are granted. The petitions for writs of certiorari are denied.

No. 776. Willie Humble, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari is denied for the reason that application therefor was not made within the time provided by law. Sec. 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C., Sec. 350.

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No. 723. Republic Pictures Corporation, appellant, *v.* Francis Kappler. The petition for rehearing in this case is denied.

No. 653. Gas Ridge, Inc., petitioner, *v.* Suburban Agricultural Properties, Inc. 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.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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No. 769. Queenside Hills Realty Co., Inc., appellant, *v.* William Wilson, as Commissioner of Housing and Buildings of the City of New York. T. Newton Saxl, present Commissioner of Housing and Buildings of the City of New York, successor in office of William Wilson, substituted as the party appellee per stipulation of counsel.

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No. 707. The Prudential Insurance Company, appellant, *v.* L. George Benjamin, as Insurance Commissioner of the State of South

Carolina. Argument continued by Mr. Joseph W. Henderson for the appellant; by Mr. T. C. Callison and Mr. David W. Robinson for the appellee; by Mr. C. H. Foust for the State of Indiana and other States, as *amici curiae*, by special leave of Court; and concluded by Mr. Joseph W. Henderson for the appellant.

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Adjourned until Monday, March 25, next, at 12 o'clock.

The day call for Monday, March 25, will be as follows: Nos. 349, 361, 428, 447, 625, 675, 636, 627, 704, and 769.

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## SUPREME COURT OF THE UNITED STATES

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

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John Allison Duncan, of Cleveland, Ohio; Stonewall Shepherd Tate, of Memphis, Tenn.; Edward S. Maddox, of Harrisburg, Ark.; Leonard A. Goldberg, of Sylacauga, Ala.; Moses L. Kove, of Hurleysville, N. Y.; Joseph S. Rippey, of Rochester, N. Y.; James A. Shanley, of New Haven, Conn.; John N. Osterud, of Spring Valley, Minn.; George E. McConley, of Denver, Colo.; Ralph Carlisle Smith, of Los Alamos, N. Mex.; Carl Shapiro, of Hempstead, N. Y.; Harry Stone Strozier, of Macon, Ga.; W. V. T. Justis, of Charlottesville, Va.; Louis C. Guidry, of New Orleans, La.; H. J. Bernard, of Houston, Tex.; Sidney N. Zipser, of New York, N. Y.; George Radin, of Washington, D. C.; Gaylord Davis, of New York, N. Y.; Ivores Roy Dains, of San Francisco, Calif.; Morris H. Sachs, of Chicago, Ill.; Una Rita Morris, of Washington, D. C.; Reginald Parker, of Washington, D. C.; Adolphus W. D. Gronningsater, of New York, N. Y.; and Allen Spivock, of San Francisco, Calif., were admitted to practice.

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No. 160, October Term 1944. Elgin, Joliet and Eastern Railway Company, petitioner, *v.* G. W. Burley et al. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. (On rehearing.) Judgment reaffirmed with costs and case remanded to the District Court of the United States for the Northern District of Illinois for further proceedings consistent with the present opinion of this Court and also the previous opinion of this Court filed June 11, 1945. Opinion by Mr. Justice Rutledge. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Chief Justice Stone and Mr. Justice Burton concur. Mr. Justice Jackson took no part in the consideration or decision of this case on the reargument.

No. 198. M. Kraus & Bros., Inc., 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 case remanded to the District Court of the United States for the Southern District of New York for a new trial in conformity with the opinion of this Court. Mr. Justice Murphy announced the conclusion and judgment of the Court. Concurring opinion by Mr. Justice Douglas.

Concurring opinion by Mr. Justice Rutledge in which Mr. Justice Frankfurter joins. Dissenting opinion by Mr. Justice Black in which Mr. Justice Reed and Mr. Justice Burton join. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 474. The United States of America, appellant, *v.* Joseph L. Carbone, Vincent DiNunno, John Stropparo, and Wantee Huhtaniemi. On appeal from the District Court of the United States for the District of Massachusetts. Judgment affirmed. Opinion by Mr. Justice Murphy. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Chief Justice Stone and Mr. Justice Burton concur. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 550. Walter A. Lavender, Administrator De Bonis Non of the Estate of L. E. Haney, Deceased, petitioner, *v.* J. M. Kurn et al., Trustees of St. Louis-San Francisco Railway Company, Debtor, and Illinois Central Railroad Company. On writ of certiorari to the Supreme Court of the State of Missouri: Judgment reversed with costs and case remanded to the Supreme Court for whatever further proceedings may be necessary not inconsistent with the opinion of this Court. Opinion by Mr. Justice Murphy. The Chief Justice and Mr. Justice Frankfurter concur in the result. Dissenting: Mr. Justice Reed. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 616. McAllister Lighterage Line, Inc., appellant, *v.* The United States of America and the Interstate Commerce Commission. Appeal from the District Court of the United States for the Southern District of New York. Decree affirmed. Opinion by Mr. Justice Murphy. Dissenting: Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Rutledge. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 448. American Federation of Labor, Metal Trades Department, A. F. of L.; Florida State Federation of Labor et al., appellants, *v.* J. Tom Watson, as Attorney General of the State of Florida, et al. Appeal from the District Court of the United States for the Southern District of Florida. Decree reversed and case remanded to the District Court with directions to retain the bill pending the determination of proceedings in the state courts in conformity with the opinion of this Court. The motion of the Cigar Manufacturers Association of Tampa to dismiss the appeal as to it is granted. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Chief Justice Stone. Opinion by Mr. Justice Murphy dissenting in part. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 605. Jacob Siegel Company, petitioner, *v.* Federal Trade Commission. On writ of certiorari to the United States Circuit Court

of Appeals for the Third Circuit. Judgment reversed and case remanded to the Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 254. S. R. A., Inc., petitioner, *v.* State of Minnesota; and

No. 255. S. R. A., Inc., petitioner, *v.* State of Minnesota. On writs of certiorari to the Supreme Court of the State of Minnesota. Judgments affirmed with costs. Opinion by Mr. Justice Reed. Concurring opinion by Mr. Chief Justice Stone in which Mr. Justice Frankfurter joins. Concurring opinion by Mr. Justice Frankfurter. Mr. Justice Jackson took no part in the consideration or decision of these cases.

No. 424. Kennecott Copper Corporation, petitioner, *v.* State Tax Commission; and J. Lambert Gibson, Roscoe E. Hammond, Milton Twitchell, and Heber Bennion, Jr., Constituting Said State Tax Commission; and

No. 425. Silver King Coalition Mines Company, petitioner, *v.* State Tax Commission; and J. Lambert Gibson, Roscoe E. Hammond, Milton Twitchell, and Heber Bennion, Jr., Constituting Said State Tax Commission. On writs of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgments affirmed with costs and cases remanded to the District Court of the United States for the District of Utah. Opinion by Mr. Justice Reed. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Douglas and Mr. Justice Burton concur. The Chief Justice and Mr. Justice Jackson took no part in the consideration or decision of these cases.

No. 187. Cherry Cotton Mills, Inc., petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Black. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 435. Edward Macauley, Individually and as Acting Chairman of the United States Maritime Commission, et al., petitioners, *v.* Waterman Steamship Corporation. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment reversed and case remanded to the District Court of the United States for the District of Columbia for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Mr. Justice Douglas concurs in the result. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 528. The United States of America ex rel. Tennessee Valley Authority, petitioner, *v.* S. Columbus Welch;

No. 529. The United States of America ex rel. Tennessee Valley Authority, petitioner, *v.* John Burns et al.;

No. 530. The United States of America ex rel. Tennessee Valley Authority, petitioner, *v.* Fred Lollis et al.;

No. 531. The United States of America ex rel. Tennessee Valley Authority, petitioner, *v.* Arnold E. Bradshaw et al.;

No. 532. The United States of America ex rel. Tennessee Valley Authority, petitioner, *v.* Philip G. Rust et al.; and

No. 533. The United States of America, ex rel. Tennessee Valley Authority, petitioner, *v.* Abraham Cole Hyatt et al. On writs of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgments reversed and cases remanded to the District Court of the United States for the Western District of North Carolina for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Concurring opinion by Mr. Justice Reed in which the Chief Justice joins. Concurring opinion by Mr. Justice Frankfurter. Mr. Justice Jackson took no part in the consideration or decision of these cases.

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The Chief Justice announced the following order of the Court:

No. 917. Gustafus V. Iversen, Edward Widmayer, P. J. Cancelmo, et al., appellants, *v.* The United States of America, Interstate Commerce Commission et al. Appeal from the District Court of the United States for the District of Columbia. *Per curiam*: The motion to affirm is granted and the judgment is affirmed.

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The following orders were not announced orally by the Chief Justice but appear on the list certified by him and filed with the Clerk:

No. 100, Misc. Edward S. Fortune, petitioner, *v.* Colonel L. F. Verdel. The motion for leave to file a petition for writ of habeas corpus is denied.

No. 101, Misc. Earl W. Morse, petitioner, *v.* Division of Correction of the Department of Public Safety of Illinois. The motion for leave to file a petition for writ of mandamus is denied.

No. 102, Misc. Richard Vanderwater, petitioner, *v.* City National Bank of Kankakee, Illinois, as Executor, etc.; and

No. 103, Misc. In the Matter of Hallie M. Brubaker. The applications are denied.

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No. 864. Richfield Oil Corporation, appellant, *v.* State Board of Equalization. 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. 34. United Federal Workers of America (CIO) et al., appellants, *v.* Harry B. Mitchell, Lucille Foster McMillin, and Arthur S. Fleming. The order of January 2 restoring this case to the docket for reargument before a full bench is vacated.

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No. 782. Edna W. Ballard and Donald Ballard, petitioners, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted.

No. 843. Securities and Exchange Commission, petitioner, *v.* W. J. Howey Company and Howey-in-the-Hills Service, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted.

No. 809. United States, petitioner, *v.* Robert Morss Lovett;

No. 810. United States, petitioner, *v.* Goodwin B. Watson; and

No. 811. United States, petitioner, *v.* William E. Dodd, Jr. Petition for writs of certiorari to the Court of Claims granted.

No. 892. Walter J. Rothensies, Individually and as United States Collector of Internal Revenue for the First District of Pennsylvania, petitioner, *v.* The Electric Storage Battery Company, a Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted.

No. 821. Pyramid Motor Freight Corporation, petitioner, *v.* Murray Ispass, Max Granofsky, Harry Brownstein, et al. 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 and set for argument before a full bench immediately to follow No. 609.

No. 848. Vanston Bondholders Protective Committee, petitioner, *v.* Louis A. Green et al.;

No. 849. Vanston Bondholders Protective Committee, petitioner, *v.* Carl B. Early et al.;

No. 850. Vanhorn Bondholders Protective Committee, petitioner, *v.* Louis A. Green et al.; and

No. 851. Vanhorn Bondholders Protective Committee, petitioner, *v.* Carl B. Early et al. Petitions for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit Granted. Mr. Justice Reed took no part in the consideration or decision of these applications.

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No. 784. Hugh Gant, petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 801. J. H. Crain and R. E. Lee Wilson, Jr., Trustees of Lee Wilson & Company, a Business Trust, petitioners, *v.* United States.

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

No. 819. Canadian River Gas Company, petitioner, *v.* Joseph T. Higgins, Formerly United States Collector of Internal Revenue for the Third District of New York. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 822. John Hancock Mutual Life Insurance Company and Fidelity and Deposit Company of Maryland, petitioners, *v.* Daniel F. Donovan, Collector of Taxes. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 834. La Societe Francaise De Bienfaisance Mutuelle (a Corporation), petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 841. Mrs. C. D. Pierce, Trustee of the Estate of J. A. Kunkel, Bankrupt, petitioner, *v.* J. A. Kunkel, B. F. Edwards, J. K. Ford, Jr., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 823. Fred E. Hummel, as Trustee in Bankruptcy of the Estate of Dorothea W. Huszagh, petitioner, *v.* James R. Cardwell et al.;

No. 824. Fred E. Hummel, as Trustee in Bankruptcy of the Estate of Dorothea W. Huszagh, petitioner, *v.* James R. Cardwell et al.; and

No. 825. Fred E. Hummel, as Trustee in Bankruptcy of the Estate of Dorothea W. Huszagh, petitioner, *v.* James R. Cardwell et al. Petition for writs of certiorari to the Supreme Court of Illinois denied.

No. 826. William Leithold and Emily Leithold, Individually and as Co-Partners Trading as Custom Maid Brassiere Company, petitioners, *v.* Paul A. Porter, Administrator, Office of Price Administration. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 830. Royal Wayne Réa, petitioner, *v.* A. McDonald, Warden of the Federal Correctional Institution at Texarkana, Texas. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 837. August Sorcey, petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 839. James Maxfield and Hugh Wilton, petitioners, *v.* United States; and

No. 840. Hugh Wilton and James Maxfield, petitioners, *v.* United States. Petition for writs of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 854. The State of Ohio, On Relation of Louis Morrey Greenstein, petitioner, *v.* Honorable Joseph M. Clifford et al., as Judges of the Court of Common Pleas of Franklin County, Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 863. Evans D. Gardner, petitioner, *v.* Capital Transit Company. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 876. Albert Behrens, petitioner, *v.* Tom Smith, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 877. Norman J. Sanford, petitioner, *v.* Tom Smith, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 888. Blanche Stanfield, Executrix of the Last Will and Testament of Lloyd B. Stanfield, Deceased, petitioner, *v.* The Paul Revere Life Insurance Company, Worcester, Massachusetts. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

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No. 802. Massachusetts Mutual Life Insurance Company, petitioner, *v.* Securities and Exchange Commission and the Laclede Gas Light Company. 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. 831. Guaranty Trust Company of New York, Trustee, etc., et al., petitioners, *v.* Securities and Exchange Commission;

No. 832. Guaranty Trust Company of New York, Trustee, etc., et al., petitioners, *v.* Standard Gas and Electric Company and Securities and Exchange Commission; and

No. 833. Guaranty Trust Company of New York, Trustee, etc., et al., petitioners, *v.* Standard Gas and Electric Company. Petition for writs 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.

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No. 606. Leroy Odom, petitioner, *v.* United States. The order of March 11 granting the petition for writ of certiorari is vacated. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit is denied.

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No. 677. Delbert L. Quick and John J. Berry, petitioners, *v.* Stanley P. Ashe, Warden, Western State Penitentiary, et al. On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania;

No. 767. Edmond L. Viles, petitioner, *v.* The Prudential Insurance Company of America, a Corporation. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 796. Joseph A. Farrell, petitioner, *v.* Commonwealth of Massachusetts. On petition for writ of certiorari to the Supreme Judicial Court of the Commonwealth of Massachusetts;

No. 844. Anthony Adams, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 846. Jasper Gibilterra, petitioner, *v.* W. C. Parker, Warden, etc. On petition for writ of certiorari to the Supreme Court of Missouri;

No. 847. In the Matter of Percy Arthur Whistler, petitioner. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit;

No. 855. Riley Simmons, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Circuit Court of Randolph County, State of Illinois;

No. 856. Louis Russo, petitioner, *v.* Francis C. Shaw, M. D., Director, Dannemora State Hospital, Dannemora, New York. On petition for writ of certiorari to the Supreme Court of New York;

No. 858. Richard Neeley, petitioner, *v.* W. C. Parker, Warden, etc. On petition for writ of certiorari to the Supreme Court of Missouri;

No. 859. Clifford Webb, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Rock Island County, State of Illinois; and

No. 860. Clifford Webb, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois. The motions for leave to proceed *in forma pauperis* in these cases are granted. The petitions for writs of certiorari are denied.

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No. 577. Curtis L. Brown, petitioner, *v.* Nathan Mayo, State Prison Custodian of Florida. The petition for writ of certiorari to the Supreme Court of Florida and the motion for leave to file a petition for writ of habeas corpus are dismissed, it appearing that the petitioner is no longer in the custody of the respondent. The motion for leave to proceed *in forma pauperis* is granted.

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No. 94, Misc. Chesteen McConnell, petitioner, *v.* Alfred F. Dowd, Warden, etc.;

No. 350. All Service Laundry Corporation, petitioner, *v.* Lillian Maud Phillips, as Administratrix of the Goods, Chattels, and Credits of Clifford R. Phillips, Deceased, et al.;

No. 444. Florence B. Bigelow, Marion B. Koerber, John E. Bloom, et al., petitioners, *v.* R K O Radio Pictures, Inc., Loew's Incorporated, Twentieth Century-Fox Film Corporation, et al.;

No. 763. Hugh Greer Carruthers, petitioner, *v.* United States; and

No. 817. David Elmer Hartshorn, appellant, *v.* Robert X. Kuzmier and Richard C. Cotter. The petitions for rehearing in these cases are denied.

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No. 381. E. E. Ashcraft and John Ware, petitioners, *v.* State of Tennessee. The petition for rehearing of John Ware is denied.

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No. 77. United States, petitioner, *v.* Petty Motor Company;

No. 78. United States, petitioner, *v.* Merrill J. Brockbank, Doing Business as Brockbank Apparel Company;

No. 79. United States, petitioner, *v.* William G. Grimsdell, Doing Business as Grocer Printing Company;

No. 80. United States, petitioner, *v.* Charles F. Wiggs, Doing Business as Chicago Flexible Shaft Company;

No. 81. United States, petitioner, *v.* Independent Pneumatic Tool Company;

No. 82. United States, petitioner, *v.* The Galigher Company; and

No. 83. United States, petitioner, *v.* Gray-Cannon Lumber Company. The petition for rehearing is denied. Mr. Justice Frankfurter took no part in the consideration or decision of this application.

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No. 706. Mollie Eagle, petitioner, *v.* Benjamin Cherney and Samuel H. Berger. The motion for leave to file a second petition for rehearing is granted. The petition for rehearing is denied.

No. 188. William Elbert Lawrence, petitioner, *v.* The People of the State of Illinois. The motion for leave to file a sixth petition for rehearing is denied. Mr. Justice Burton took no part in the consideration or decision of this application.

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The Court will take a recess from Monday, April 1, until Monday, April 22, next.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

No. 349. Gilbert E. Thiel, petitioner, *v.* Southern Pacific Company. Argued by Mr. Allen Spivock for the petitioner and by Mr. Arthur B. Dunne for the respondent.

No. 361. Burton-Sutton Oil Company, Incorporated, petitioner, *v.* Commissioner of Internal Revenue. Argument commenced by Mr. Norman F. Anderson for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, March 26, will be as follows: Nos. 361, 428, 447, 675, 636, 704, 769, 749, 750, and 510.

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## SUPREME COURT OF THE UNITED STATES

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

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Robert H. Purl, of Georgetown, Tex.; Alvin J. Ragan, of Chicago, Ill.; George H. Wikle, of Tulsa, Okla.; Byron E. Harkey, of Oklahoma City, Okla.; Kathryne Leonard MacIntyre, of Boston, Mass.; George N. Robillard, of Washington, D. C.; Bruce F. Woodruff, of Atlanta, Ga.; Orien Carlisle McCandless, of New York, N. Y.; John T. Connor, of Washington, D. C.; Henry K. Chapman, of New York, N. Y.; James D. Heldt, of New York, N. Y.; John Clark Bills, Jr., of West Palm Beach, Fla.; H. Alexander Smith, Jr., of Elkridge, Md.; Newton Barr Miller, of Monmouth, Ill.; Richard W. Oliver, of Washington, D. C.; Frank P. Neaton, of Detroit, Mich.; Rene Paul Henry III, of Dallas, Tex.; Ralph A. Yeo, of St. Paul, Minn.; James B. Sayers, of Pittsburgh, Pa.; James Lawrence White, of Pittsburgh, Pa.; Mason G. Kassel, of New York, N. Y.; Philip Bergson, of Needham, Mass.; Douglas Stuart Moore, of New York, N. Y.; Osmond Grady Williamson, of Bay City, Tex.; Tibo J. Chavez, of Belen, N. Mex.; Jess D. Weir, of Las Cruces, N. Mex.; Edward Roberts, of Youngstown, Ohio; Richard R. Hanna, of Yerington, Nev.; and Lightner Smith, of Seattle, Wash., were admitted to practice.

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No. 361. *Burton-Sutton Oil Company, Incorporated, petitioner, v. Commissioner of Internal Revenue.* Argument of case suspended due to illness of counsel.

No. 428. *El Dorado Oil Works and El Dorado Terminal Company, appellants, v. United States, Interstate Commerce Commission, General American Transportation Corporation, et al.* Argued by Mr. W. F. Williamson for the appellants, by Mr. Daniel W. Knowlton for appellees, The United States and Interstate Commerce Commission, and by Mr. Allan P. Matthew for appellee, General American Transportation Corporation.

No. 447. *The United States of America, appellant, v. Sheldon Maurice Anderson.* Argued by Mr. Nathan T. Elliff for the appellant. No appearance for the appellee.

No. 675. Verna Mae Bihn, petitioner, *v.* The United States of America. Argued by Mr. Henry K. Chapman for the petitioner and by Mr. John J. Cooney for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, March 27, will be as follows: Nos. 636, 704, 769, 749, 750, 510, and 361.

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SUPREME COURT OF THE UNITED STATES

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

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Sherman Osgood Morris, of Madison, Wis.; Richard M. Hosler, of Hammond, Ind.; Robert H. Cunningham, of Buffalo, N. Y.; James C. Kennedy, of Austin, Tex.; Ralph D. Dieterle, of Detroit, Mich.; William Howard Baier, of Washington, D. C.; Tally D. Riddell, of Meridian, Miss.; John S. Beard, Jr., of Cleveland, Ohio; Robert H. Brome, of New York, N. Y.; John H. Ritter, of Cleveland, Ohio; and Thos. F. Manby, of La Grange, Ky., were admitted to practice.

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No. 636. Murray Winters, appellant, *v.* The People of the State of New York. Argued by Mr. Arthur N. Seiff and Mr. Emanuel Redfield for the appellant and by Mr. Whitman Knapp for the appellee.

No. 704. Irene Morgan, appellant, *v.* Commonwealth of Virginia. Argued by Mr. Thurgood Marshall and Mr. William H. Hastie for the appellant and by Mr. Abram P. Staples for the appellee.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, March 28, will be as follows: Nos. 361, 769, 749, 750, and 510.

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## SUPREME COURT OF THE UNITED STATES

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

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Donald Frederick Smith, of Columbus, Ohio; Douglas Leo Paterson, of Detroit, Mich.; Clay S. Crouse, of Beckley, W. Va.; Robert Dranow, of Newark, N. J.; William G. Fennell, of New York, N. Y.; Charles Robert Norberg, of Philadelphia, Pa.; Paul M. Mitchell, of Chicago, Ill.; Joseph A. Santry, of Little Falls, N. Y.; Owen Brewster, of Dexter, Maine; Edward M. Shealy, of Missoula, Mont.; David I. Shivitz, of New York, N. Y.; William H. Stevenson, of La Crosse, Wis.; Grover C. Trail, of Beckley, W. Va.; Oscar J. Schmiede, of Appleton, Wis.; Henry J. Crawford, of Cleveland, Ohio; and Charles Foss Brewster, of Dexter, Maine, were admitted to practice.

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**No. 361.** Burton-Sutton Oil Company, Incorporated, petitioner, *v.* Commissioner of Internal Revenue. Argument resumed and concluded by Mr. Norman F. Anderson for the petitioner and case submitted by Mr. Solicitor General McGrath, Mr. Acting Assistant Attorney General Key, Miss Helen R. Carloss, and Mr. Hilbert P. Zarky for the respondent.

**No. 769.** Queenside Hills Realty Co., Inc., appellant, *v.* T. Newton Saxl, As Commissioner of Housing and Buildings of the City of New York. Argued by Mr. George G. Lake for the appellant and by Mr. Edward G. Griffin for the appellee.

**No. 749.** People of the State of Illinois ex rel. Robert L. Gordon, Director of Labor, petitioner, *v.* The United States of America. Argued by Mr. Albert E. Hallett for the petitioner and by Mr. J. Louis Monarch for the respondent.

**No. 750.** People of the State of Illinois ex rel. Robert L. Gordon, Director of Labor, petitioner, *v.* Nigal D. Campbell, Collector of Internal Revenue. Argued by Mr. Albert E. Hallett for the petitioner and by Mr. J. Louis Monarch for the respondent.

**No. 510.** Paul Knauer, petitioner, *v.* The United States of America. Argument commenced by Mr. Ode L. Rankin for the petitioner and continued by Mr. Frederick Bernays Wiener for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, March 29, will be No. 510.

## SUPREME COURT OF THE UNITED STATES

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

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Robert S. Miller, of Portland, Oreg.; Joseph Forer, of Washington, D. C.; Tom J. Mays, of Atlanta, Tex.; Milton Klein, of New York, N. Y.; George Selwyn Swarth, of San Pedro, Calif.; Donald C. Cook, of Washington, D. C.; Samuel Markowitz, of New York, N. Y.; William J. Syring, of Toledo, Ohio; and Colvin P. Rouse, of Versailles, Ky., were admitted to practice.

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No. 510. Paul Knauer, petitioner, *v.* The United States of America. Argument continued by Mr. Frederick Bernays Wiener for the respondent and concluded by Mr. Ode L. Rankin for the petitioner. Adjourned until Monday, April 1, next, at 12 o'clock.

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## SUPREME COURT OF THE UNITED STATES

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

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Howard W. Friedrichs, of Wheeling, W. Va.; Napoleon B. Johnson, of Claremore, Okla.; Ben Dwight, of Oklahoma City, Okla.; Logan E. Hysmith, of Wilburton, Okla.; Jesse Kilgore Brockman, of Birmingham, Ala.; John L. Larue, of Grass Valley, Calif.; Philip Goodman, of South Gate, Calif.; Stanley Mosk, of Los Angeles, Calif.; Lee Aloysius Gaukler, of Davenport, Iowa; Joseph E. Talbot, of Naugatuck, Conn.; Francis B. Feeley, of Waterbury, Conn.; Stephen K. Elliott, of Southington, Conn.; Francis Bruce McMullen, of San Francisco, Calif.; Edward F. Prichard, Jr., of Lexington, Ky.; Fredric Charles Carter, of Richmond, Va.; William Parker Ward, of Chicago, Ill.; Paul R. Carr, of Warwick, N. Y.; James F. Connally, of Peabody, Mass.; William Jordan, Jr., of New York, N. Y.; N. Joseph Ross, of Los Angeles, Calif.; Arthur R. Hall, of Chicago, Ill.; Maurice Jud Harwood, of San Antonio, Tex.; T. Richard McGough, of Seattle, Wash.; Albert S. Gerstein, of Boston, Mass.; Walter E. Hooper, Jr., of New York, N. Y.; Richards D. Maxwell, Jr., of Miami, Fla.; Forrest A. Hainline, Jr., of Rock Island, Ill.; Paul N. McCarron, of San Francisco, Calif.; James R. McClure, of St. Paul, Minn.; Selden A. Blumenfeld, of St. Louis, Mo.; Randolph Jennings Seifert, of New York, N. Y.; Ralph A. Potts, of Washington, D. C.; and Tyrrell M. Ingersoll, of Cedar Rapids, Iowa, were admitted to practice.

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No. 123. Carl B. Williams, 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 case remanded to the District Court of the United States for the District of Arizona for proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Burton. Mr. Justice Rutledge concurs in the result. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 1. The North American Company, petitioner, *v.* Securities and Exchange Commission. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed and case remanded to the Circuit Court of Appeals. Opinion by Mr. Justice Murphy. Mr. Justice Reed, Mr. Justice Douglas, and

Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 344. Arthur L. Bell, Individually, and As An Associate of and Division Superintendent of "Mankind United," etc., et al., petitioners, *v.* R. B. Hood, Theodore Cruise, Philip Bowser, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed and case remanded to the District Court of the United States for the Southern District of California for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Chief Justice Stone and Mr. Justice Burton. Mr. Justice Jackson took no part in the consideration or decision of this case.

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The Chief Justice announced the following orders of the Court:

No. 728. Congress of Industrial Organizations, Florida State Industrial Union Council, et al., appellants, *v.* J. Tom Watson, as Attorney General of the State of Florida, et al. Appeal from the District Court of the United States for the Southern District of Florida. *Per curiam*: The decree is reversed and the cause is remanded to the District Court for further proceedings in conformity to the opinion of this Court in No. 448, announced March 25, 1946.

No. 309. Unemployment Compensation Commission of the Territory of Alaska et al., petitioners, *v.* Frank L. Aragan and Other Applicants, Members of Alaska Cannery Workers Union Local No. 5, et al.; and

No. 387. The United States, petitioner, *v.* Alcea Band of Tillamooks et al. These cases are restored to the docket for reargument before a full bench.

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The following orders were not announced orally by the Chief Justice but appear on the list certified by him and filed with the Clerk:

No. 96, Misc. Everett Ross, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 105, Misc. George Phillips, petitioner, *v.* People of the State of New York; and

No. 108, Misc. Louie V. Gaumitz, petitioner, *v.* Luke F. Murphy, Warden, etc. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 106, Misc. Albert Lane, petitioner, *v.* C. S. Smith Metropolitan Market Company et al.; and

No. 107, Misc. Dorsey W. McMahan, petitioner, *v.* United States. The motions for leave to file petitions for writs of certiorari are denied.

No. 630. The United States, petitioner, *v.* Thomas Lee Causby and Wife, Tinie Causby. Petition for writ of certiorari to the Court of Claims granted.

No. 970. Abraham Fishgold, petitioner, *v.* Sullivan Drydock & Repair Corporation et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. The Solicitor General is requested to file a brief *amicus curiae*.

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No. 693. Barney E. Gaskill et al., petitioners, *v.* Claude A. Roth, Trustee of the Property of the Chicago & North Western Railway Company, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 835. John E. Gallois, Executor, and Jeanne G. Hill, Executrix of the Estate of Margaret P. Gallois, Deceased, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 838. Nellie C. Bostwick et al., petitioners, *v.* Baldwin Drainage District et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 874. Frank Andrews, petitioner, *v.* The State of Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 875. The Tucson Gas, Electric Light and Power Company, petitioner, *v.* City of Tucson. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 878. State of Washington and Equitable Life Insurance Company of Iowa, petitioners, *v.* Maricopa County et al., etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 879. Magnolia Petroleum Company, petitioner, *v.* W. A. Thomas, Collector of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 880. Harry J. Alker, Jr., and Mamie Du Ban, Individually and as Executrix of the Estate of Alfred A. Du Ban, Deceased, petitioners, *v.* Federal Deposit Insurance Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 881. Jack A. Bell, petitioner, *v.* Michael F. Mulcahy, Sheriff of Cook County, Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 890. John Memolo, petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 1003. Joseph E. Chapman, Jr., H. C. Smith, W. E. Swinson et al., petitioners, *v.* Primus E. King. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

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No. 813. The People of the State of New York ex rel. Harvey Bistany, petitioner, *v.* John F. Foster, Warden, Auburn State Prison, Auburn, New York. On petition for writ of certiorari to the Supreme Court of New York;

No. 861. Ramon Toledo, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 865. Austin E. Hardwick, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 866. Emilio Castiglione, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 867. Roland Barron, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 868. Charles Wilson, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 869. James B. Keene, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 872. Everett Ross, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 882. Peter Branic, petitioner, *v.* Wheeling Steel Corporation. On petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit;

No. 895. Ernest Tait, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 896. Walter W. Higgins, petitioner, *v.* W. C. Parker, Warden, etc. On petition for writ of certiorari to the Supreme Court of Missouri;

No. 897. Luther Sain, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 901. L. D. Hughes, petitioner, *v.* State of Tennessee. On petition for writ of certiorari to the Supreme Court of Tennessee;

No. 903. Charles F. Zitting, Arnold Boss, Morris Q. Kunz, et al., petitioners, *v.* S. Grant Young, Sheriff of Salt Lake County, or His

Deputies. On petition for writ of certiorari to the Supreme Court of Utah;

No. 905. Andrew Johnson, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 906. William F. Krell, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 923. Francis Haines, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Circuit Court of Randolph County, State of Illinois;

No. 924. Charles A. Anderson, Otherwise Called Michael O'Malley, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 937. Dewey White, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit;

No. 938. LeRoy Wheeler, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois; and

No. 993. State of Florida *ex rel.* Leo Bailey, petitioner, *v.* Dan L. Brock, Sheriff of Washington County, Florida. On petition for writ of certiorari to the Supreme Court of Florida. The motions for leave to proceed *in forma pauperis* in these cases are granted. The petitions for writs of certiorari are denied.

No. 862. William B. Wells, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari is denied for the reason that application therefore was not made within the time provided by law. Sec. 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C., Sec. 350.

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No. 640. Dr. Tom H. Robertson, M. D., petitioner, *v.* New York Life Insurance Company;

No. 710. Sylvester Andrews, petitioner, *v.* Mallory C. Atkinson, Judge of the Superior Court;

No. 721. Capitol Wine and Spirit Corporation, petitioner, *v.* Stewart Berkshire, as Deputy Commissioner of the Bureau of Internal Revenue, etc., et al.;

No. 806. George Ross Wagner, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 823. Fred E. Hummel, As Trustee in Bankruptcy of the Estate of Dorothea W. Huszagh, petitioner, *v.* James R. Cardwell et al.;

No. 824. Fred E. Hummel, As Trustee in Bankruptcy of the Estate of Dorothea W. Huszagh, petitioner, *v.* James R. Cardwell et al.; and

No. 825. Fred E. Hummel, As Trustee in Bankruptcy of the Estate of Dorothea W. Huszagh, petitioner, *v.* James R. Cardwell et al. The petitions for rehearing in these cases are denied.

No. 763. Hugh Greer Carruthers, petitioner, *v.* United States. The second petition for rehearing is denied.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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Adjourned until Monday, April 22, next, at 12 o'clock.

The day call for Monday, April 22, will be as follows: Nos. 625, 9 (and 10, 11, 12, 13), 40, 627, 631 (and 671), 719, 793, 696 (and 697), 809 (and 810, 811), and 843.

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No. 221. Taze Hamrick Gibson, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Upon consideration of the application of counsel for the petitioner in the above-entitled cause for the release of petitioner from custody on bail; It is ordered nunc pro tunc as of April 1, 1946, that Taze Hamrick Gibson, the petitioner herein, be released from custody and admitted to bail pending the consideration and decision of this Court in this case. Provided, however, that the petitioner, Taze Hamrick Gibson, execute and file with the Clerk of this Court bond, with good and sufficient surety or sureties, in the lawful sum and amount of two thousand dollars (\$2,000), conditioned to provide for the full and prompt compliance by the said Taze Hamrick Gibson with the orders and judgment of this Court. The said bond to run to the United States of America and to be approved by the Honorable Wiley Rutledge, Associate Justice of the Supreme Court of the United States. When the bond specified herein is approved and filed with the Clerk of this Court, but not before, the petitioner, Taze Hamrick Gibson, shall be enlarged on bail to the extent and subject to the conditions provided in this order and such further order or orders as may be entered by this Court in this cause.

## SUPREME COURT OF THE UNITED STATES

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

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John F. Sonnett, of New York, N. Y.; Bert W. Levit, of San Francisco, Calif.; Stanley M. Silverberg, of New York, N. Y.; Maurice P. Wolk, of Minneapolis, Minn.; James F. Sullivan, of Boston, Mass.; John S. Tucker, Jr., of Birmingham, Ala.; Berthold B. Fraker, of Greeneville, Tenn.; Mary A. MacDonald, of Cambridge, Mass.; Ira L. Powsner, of Buffalo, N. Y.; J. H. Patricoff, of Dayton, Ohio; Herbert M. Eikenbary, of Dayton, Ohio; William D. Deakins, Jr., of Houston, Tex.; John Wilson Hood, of New York, N. Y.; Flora G. Chudson, of New York, N. Y.; Sylvanus George Felix, of Oklahoma City, Okla.; Walter Samuel Lindsley, Jr., of Union, N. J.; Alvin Glen Hubbard, of Chicago, Ill.; George Lieberman, of San Francisco, Calif.; John L. Nourse, of Sacramento, Calif.; Joseph Lyons Broderick, of New York, N. Y.; I. S. Simmons, of Fort Smith, Ark.; D. L. Grace, of Fort Smith, Ark.; Sherrill Halbert, of Modesto, Calif.; Jerome James Doherty, of Newark, N. J.; Howard O. Sigmond, of Crawfordsville, Ind.; Clifford R. Stearns, of Princeton, N. J.; Frederick R. Tansill, of Washington, D. C.; Albert Copaken, of Kansas City, Mo.; Gerald L. Gore, of Kansas City, Mo.; Martin William Robinson, of New York, N. Y.; Harold Newton, of New York, N. Y.; Irwin Richard Powers, of Chicago, Ill.; William C. Martin, Jr., of Washington, D. C.; Ignatius Jerome O'Connor, of Boston, Mass.; Charles T. Balcoff, of Manila, P. I.; Gertrude Tetelman, of New York, N. Y.; Louis L. Tetelman, of New York, N. Y.; Hoch Reid, of New York, N. Y.; Edwin Hall 2d, of Philadelphia, Pa.; Harry J. Alker, Jr., of Norristown, Pa.; and B. A. Green, of Portland, Oreg., were admitted to practice.

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The Chief Justice said:

"With deep regret I announce the death, at her residence in the city of Washington, on Thursday, April 4, during the recess of this Court, of Mrs. Rosamond L. Sutherland, the widow of the late Justice Sutherland."

No. 365. Seas Shipping Company, Inc., petitioner, *v.* Joseph Sierracki. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment affirmed with costs and case remanded to the District Court of the United States for the Eastern District of Pennsylvania. Opinion by Mr. Justice Rutledge. Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Frankfurter and Mr. Justice Burton join. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 572. James Louis Girouard, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Judgment reversed and case remanded to the District Court of the United States for the District of Massachusetts for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Reed and Mr. Justice Frankfurter join. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 769. Queenside Hills Realty Co., Inc., appellant, *v.* T. Newton Saxl, as Commissioner of Housing and Buildings of the City of New York. Appeal from the Court of Appeals of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Douglas. Mr. Justice Rutledge concurs in the result. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 400. Utah Junk Company, petitioner, *v.* Paul A. Porter, Price Administrator. On writ of certiorari to the United States Emergency Court of Appeals. Judgment reversed and case remanded to the Emergency Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Frankfurter. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 393. Christine Collins, A. J. Cummins, Yancey Lee Cummins, and Edward J. Miller, petitioners, *v.* Paul A. Porter, Price Administrator. On writ of certiorari to the United States Emergency Court of Appeals. Judgment reversed and case remanded to the Emergency Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Frankfurter. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 67. Thomas Paper Stock Company et al., petitioners, *v.* Paul A. Porter, Price Administrator; and

No. 578. Thomas Paper Stock Company et al., petitioners, *v.* Paul A. Porter, Price Administrator. On writs of certiorari to the United States Emergency Court of Appeals. Writ of certiorari in No. 67

vacated. Judgment in No. 578 reversed and case remanded to the Emergency Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas and Mr. Justice Murphy join. Mr. Justice Jackson took no part in the consideration or decision of these cases.

No. 361. Burton-Sutton Oil Company, Incorporated, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment reversed and case remanded to the Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Reed. Dissenting: Mr. Justice Black and Mr. Justice Douglas. Concurring opinion by Mr. Justice Frankfurter. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 749. People of the State of Illinois, *ex rel.* Robert L. Gordon, Director of Labor, petitioner, *v.* The United States of America. On writ of certiorari to the Supreme Court of the State of Illinois. Judgment affirmed. Opinion by Mr. Justice Black. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 428. El Dorado Oil Works and El Dorado Terminal Company, appellants, *v.* The United States of America, Interstate Commerce Commission, General American Transportation Corporation, et al. Appeal from the District Court of the United States for the Northern District of California. Decree dismissing the complaint affirmed but on the ground that the Commission's order is valid and that the petitioners were consequently not entitled to the relief prayed for. Opinion by Mr. Justice Black. Opinion by Mr. Justice Douglas dissenting in part. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 496. M. E. Heiser, petitioner, *v.* Willie Mae Woodruff et al. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgment reversed with costs and case remanded to the District Court of the United States for the Eastern District of Oklahoma for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Stone announced by Mr. Justice Black. Dissenting: Mr. Justice Black and Mr. Justice Douglas. Concurring opinion by Mr. Justice Rutledge. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 411. The United States of America *v.* Judge Eugene Rice, District Judge for the Eastern District of Oklahoma. On certificate from the United States Circuit Court of Appeals for the Tenth Circuit. Question certified answered "No." The motion of the Government to bring up the entire record is denied. Opinion by Mr. Chief

Justice Stone announced by Mr. Justice Black. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Rutledge concur. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 405. Charles Swanson, petitioner, *v.* Marra Brothers, Inc. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment affirmed with costs and case remanded to the District Court of the United States for the Eastern District of Pennsylvania. Opinion by Mr. Chief Justice Stone announced by Mr. Justice Black. Mr. Justice Jackson took no part in the consideration or decision of this case.

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Mr. Justice Black announced the following orders of the Court:

No. 984. City and County of Denver, a Municipal Corporation, appellant, *v.* William F. McGlone and Continental Casualty Company. Appeal from the Supreme Court of Colorado. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a properly presented federal question.

No. 592. Roy Alton Helwig, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. *Per curiam*: The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari is also granted and the judgment of the Circuit Court of Appeals is vacated and the cause remanded to the Circuit Court of Appeals with directions to require the District Court to perfect the record. Rule 39 of the Federal Rules of Criminal Procedure. See *Miller v. United States*, 317 U. S. 192, 199-200.

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No. 12, Original. The United States of America, complainant, *v.* The State of California. Pending disposition of the motion to strike the answer, the Attorney General of the State of California is requested to file with the Clerk on or before May 2 next, and serve upon the Attorney General of the United States, a copy of a succinct statement, without argument or statement of evidence, of the several propositions of law and fact, separately stated and enumerated, which he deems to have been placed in issue by the answer filed in behalf of the State.

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#### 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. 970, and that the Court will then take a recess until Monday, May 6.

The following orders were not announced orally by Mr. Justice Black but appear on the list certified and filed with the Clerk:

No. 625. Cecil I. Hust, petitioner, *v.* Moore-McCormack Lines, Inc. The motion of National Organization Marine Engineers Beneficial Association et al, for leave to file a brief amici curiae is granted.

No. 109, Misc. In the Matter of O'Neal Massey, petitioner;

No. 110, Misc. Edwin Tompsett, petitioner, *v.* Frank D. Henderson, Warden, etc.;

No. 111, Misc. In the Matter of William Kemmerer, petitioner; and

No. 112, Misc. Louis David Young, petitioner, *v.* Joseph W. Sanford, Warden, etc. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 113, Misc. Dorsey McMahan, petitioner, *v.* Rubey M. Hulén, Judge, U. S. District Court, etc.; and

No. 114, Misc. Dorsey McMahan, petitioner, *v.* James V. Bennett, Director, Bureau of Prisons. The motions for leave to file petitions for writs of mandamus are denied.

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No. 959. United States, and Interstate Commerce Commission, appellants, *v.* Seatrain Lines, Inc. In this case probable jurisdiction is noted.

No. 941. Bethlehem Steel Company et al., appellants, *v.* New York State Labor Relations Board; and

No. 1048. The Allegheny Ludlum Steel Corporation, appellant, *v.* William J. Kelley and H. Myron Lewis, Constituting the State Labor Relations Board of the State of New York. In these cases probable jurisdiction is noted and the cases are consolidated for argument. The Solicitor General is requested to file a brief as amicus curiae and, if so advised, to participate in the oral argument.

No. 518. Lazarus Joseph, Comptroller of the City of New York, et al., petitioners, *v.* Carter & Weekes Stevedoring Company;

No. 519. Lazarus Joseph, Comptroller of the City of New York, et al., petitioners, *v.* John T. Clark & Son;

No. 556. The Order of United Commercial Travelers of America, petitioner, *v.* Edward C. Wolfe;

No. 636. Murray Winters, appellant, *v.* The People of the State of New York; and

No. 750. People of the State of Illinois ex rel. Robert L. Gordon, Director of Labor, petitioner, *v.* Nigal D. Campbell, Collector of Internal Revenue. These cases are restored to the docket and assigned for reargument before a full bench.

No. 786. National Labor Relations Board, petitioner, *v.* Donnelly Garment Company, Donnelly Garment Workers' Union et al.; and

No. 787. International Ladies' Garment Workers Union, petitioner, *v.* Donnelly Garment Company, Donnelly Garment Workers' Union and National Labor Relations Board. Petitions for writs of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted.

No. 812. United States, petitioner, *v.* Iska W. Carmack. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted.

No. 909. Ferdinand Fiswick, Jacob F. Mayer, and Fritz Gustav Rudolph, petitioners, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted.

No. 920. United States, petitioner, *v.* Joseph Ruzicka and Charles Ruzicka, Individually, and as Co-Partners Trading as Seeley Dairy. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted.

No. 968. The Order of Railway Conductors of America, H. W. Fraser, President, et al., petitioners, *v.* O. E. Swan et al.; and

No. 969. F. J. Williams, William Bishop, Paul M. Carter, et al., etc., petitioners, *v.* O. E. Swan et al. Petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted.

No. 972. Federal Communications Commission, petitioner, *v.* WOKO, Incorporated. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted.

No. 902. United States, petitioner, *v.* The Howard P. Foley Company, Inc. The petition for writ of certiorari to the Court of Claims is granted and the case is transferred to the summary docket.

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No. 852. Fred Reynolds and John Percy Reynolds, petitioners, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 871. Upchurch Packing Company, Inc., petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 884. Alaska Pacific Consolidated Mining Company, petitioner, *v.* L. Metcalfe 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 Ninth Circuit denied.

No. 899. The Federal National Bank of Shawnee, Oklahoma, petitioner, *v.* The Continental Supply Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 912. Paul H. Smart, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 913. Harry Civiletti, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 915. United States, petitioner, *v.* Petterson Lighterage & Towing Corporation et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 954. Joseph Merando, Trading as Merando Company, petitioner, *v.* Joseph Mathy and John Mathy, Co-Partners, Trading as The Mathy Company. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 967. The Autocar Sales and Service Company, petitioner, *v.* A. G. Leonard et al., Not as Individuals, But as Trustees of the Central Manufacturing District. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 805. Julian Lentin, Doing Business as J. Lentin Lumber Company, petitioner, *v.* Paul A. Porter, Administrator, Office of Price Administration. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 889. Estate of R. A. Sewell, Josephine M. Sewell, Executrix, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 904. Arrow Packing Corporation and George Newman, petitioners, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 919. Board of County Commissioners of Marshall County, State of Oklahoma, et al., petitioners, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 922. O. S. Harper, petitioner, *v.* The State of Texas. Petition for writ of certiorari to the Court of Civil Appeals, State of Texas, denied.

No. 935. Modern Products Supply Company, petitioner, *v.* Richard E. Draschenberg. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 953. John P. McGrath and Joseph O'Connor, Trustees in Reorganization of Long Island University, and Long Island University, Debtor, petitioners, *v.* Frank Fox. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 870. Stanley Taylor and Evelyn Flynn, petitioners, *v.* Paul A. Porter, Administrator, Office of Price Administration. Petition for

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

No. 921. Wichita Coca-Cola Bottling Company, petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 940. T. P. Cannon et al., petitioners, *v.* James E. Parker et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 944. Merritt I. Edner, Trustee in Bankruptcy of George H. Lum, a Bankrupt, petitioner, *v.* Jenny R. Mathews, Executrix of the Estate of George B. Mathews, Deceased; and

No. 945. Merritt Edner, Trustee in Bankruptcy of George H. Lum, a Bankrupt, petitioner, *v.* Massachusetts Mutual Life Insurance Company et al. Petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 960. United States, ex rel. Clarence Furton et al., petitioners, *v.* F. Ryan Duffy, Judge of the United States District Court for the Eastern District of Wisconsin. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 966. Herbert L. Stern, petitioner, *v.* Carter H. Harrison, Collector of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 977. George S. Allen, Trustee of the Estate of Ash Truck Lines, Inc., petitioner, *v.* Union Transfer Company, Doing Business as Union Freightways. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 1002. Elias Brailas, petitioner, *v.* Shepard Steamship Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

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No. 629. Samuel Perlstein, petitioner, *v.* William H. Hiatt, Warden, United States Penitentiary, Lewisburg, Pennsylvania. 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 also granted.

No. 699. Ernest B. Williams, petitioner, *v.* Dr. Winfred Overholser, Superintendent, St. Elizabeths Hospital. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 740. James McGregor, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 755. Joseph Greco, petitioner, *v.* W. C. Parker, Warden, etc. On petition for writ of certiorari to the Supreme Court of Missouri;

No. 853. Lawrence E. Cook, petitioner, *v.* Ralph Howard, as Warden of the Indiana State Prison. On petition for writ of certiorari to the Supreme Court of Indiana;

No. 883. Richard Knight, petitioner, *v.* The State of Ohio. On petition for writ of certiorari to the Supreme Court of Ohio;

No. 885. George E. Hickman, as Administrator of the Estate of Norman E. Hickman, Deceased, petitioner, *v.* John M. Taylor and George Anderson, Individually and Trading as Taylor & Anderson Towing and Lighterage Company et al. On petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit;

No. 893. O. A. Shaver, petitioner, *v.* Fidelity Bankers Trust Company, Successors Trustee Under the Last Will of Daniel Briscoe, Deceased. On petition for writ of certiorari to the Supreme Court of Tennessee;

No. 898. John Gray and Dora Stuart Gray, petitioners, *v.* Arthur Bracey and Adelaide Bracey. On petition for writ of certiorari to the District Court of Appeal, 3d Appellate District, State of California;

No. 936. George Douglass, petitioner, *v.* State of Tennessee. On petition for writ of certiorari to the Supreme Court of Tennessee;

No. 949. Amos Dale, petitioner, *v.* People of the State of California and Robert A. Heinze, Warden, State Prison at Folsom, et al. On petition for writ of certiorari to the Supreme Court of California;

No. 962. Fred Singer, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 964. John Wegrzyn, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 965. John Brill, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 980. Thomas Bartell, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Circuit Court of Randolph County, State of Illinois;

No. 991. William Buchalter, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 992. John A. Beckley, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1025. Peter Ristich, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1026. Emilio Castiglione, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1027. Alonzo Pridgen, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1028. Royal Provost, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1029. James Harris, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1030. Tom Collins, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1031. Albert Baker, petitioner, *v.* L. F. Utecht, Warden, etc. On petition for writ of certiorari to the Supreme Court of Minnesota;

No. 1036. David Marr, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1038. Edward Morris, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 1039. Kenneth Rucker, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1044. Charles Skinner, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1046. Walter Davidson, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 1054. Charles Webb, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1057. Roy Judd, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1058. Eddie Duncan, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 1059. Donald L. Skene, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Kane County, State of Illinois;

No. 1060. William Wright, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1061. Ralph Walter Fehrer, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1062. Wallace Thompson, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1063. Clifford Farris, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1064. George Ely, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1072. Lester Barnard, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 1082. Lawrence Fog, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois; and

No. 1083. Emilio Castiglione, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois. The motions for leave to proceed *in forma pauperis* in these cases are granted. The petitions for writs of certiorari are denied.

No. 963. Walter Fowler, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 985. Charles O'Neil, petitioner, *v.* Cornelius J. Burke, Warden, Eastern State Penitentiary, et al. On petition for writ of certiorari to the Supreme Court of Pennsylvania;

No. 1045. Oliver James, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois; and

No. 1066. Louis Trombley, petitioner, *v.* People of the State of Michigan. On petition for writ of certiorari to the Supreme Court of Michigan. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied for the reason that applications therefor were not made within the time provided by law. Sec. 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C., Sec. 350.

No. 658. James Grierson, petitioner, *v.* Stanley P. Ashe, Warden, etc., et al.; and

No. 659. James Grierson, petitioner, *v.* Stanley P. Ashe, Warden, etc., et al.;

No. 743. Edward Spensky, petitioner, *v.* Stanley P. Ashe, Warden, etc.;

No. 796. Joseph A. Farrell, petitioner, *v.* Commonwealth of Massachusetts;

No. 830. Royal Wayne Rea, petitioner, *v.* A. McDonald, Warden, etc.;

No. 847. In the Matter of Percy Arthur Whistler, petitioner; and

No. 917. Gustafus V. Iversen, Edward Widmayer, P. J. Cancelmo, et al., appellants, *v.* United States, Interstate Commerce Commission, et al. The petitions for rehearing in these cases are denied.

No. 94, Misc. Chesteen McConnell, petitioner, *v.* Alfred F. Dowd, Warden, etc.; and

No. 383. Cecil L. Wright, petitioner, *v.* James A. Johnston, Warden, etc. The motions for leave to file second petitions for rehearing are granted. The petitions for rehearing are denied.

No. 112. Herbert M. Gregory, petitioner, *v.* United States. The motion for leave to file a fourth petition for rehearing is denied. Mr. Justice Burton took no part in the consideration or decision of this application.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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No. 12, Original. The United States of America *v.* The State of California. Leave granted Lawrence Wards Island Realty Company to file brief as amicus curiae on motion of Mr. Archibald N. Jordan.

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No. 625. Cecil I. Hust, petitioner, *v.* Moore-McCormack Lines, Inc. Argument commenced by Mr. B. A. Green for the petitioner and continued by Mr. Erskine Wood for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, April 23, will be as follows: Nos. 625, 9 (and 10, 11, 12, 13), 40, 627, 631 (and 671), 696 (and 697), 719, 809 (and 810, 811), 793, and 843.

SUPREME COURT OF THE UNITED STATES

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Present: Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Rutledge, and Mr. Justice Burton.

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Mr. Justice Black said:

"Yesterday Chief Justice Harlan F. Stone passed away. His kindness and courtesy endeared him to all of his brethren on the Court. His achievements as a lawyer won for him the respect and confidence of the American Bar. His distinguished service to this Court and to our country earned for him a high place in the affection and admiration of all the people of the Nation. Funeral ceremonies will be conducted at the Washington Cathedral Thursday at 2 p. m. Out of respect to his memory this Court will now recess until Monday, April 29, at 12 noon."

Adjourned until Monday, April 29, next, at 12 o'clock.

The day call for Monday, April 29, will be as follows: Nos. 625, 9 (and 10, 11, 12, 13), 40, 627, 719, 696 (and 697), 843, 631 (and 671), 793, and 630.

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SUPREME COURT OF THE UNITED STATES

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Present: Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Rutledge, and Mr. Justice Burton.

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Allen D. Holloway, of Chicago, Ill.; I. R. Kelso, of Cape Girardeau, Mo.; Byron George Shelton, of Temple, Tex.; Emerson Hopp, of St. Peter, Minn.; Bernard S. Golawski, of Cleveland, Ohio; Stanton H. Prentiss, of Aledo, Ill.; Charles M. Nisen, of Chicago, Ill.; William Henry Arthur, of Kansas City, Mo.; Harry Morrison, of Crawfordville, Fla.; Lucien Hilmer, of New York, N. Y.; Otis B. Bosworth, of Cleveland, Ohio; Murray Sargent, Jr., of New York, N. Y.; Walker W. Lowry, of San Francisco, Calif.; Sydney A. Gutkin of Newark, N. J.; Ralph Hammar, of Erie, Pa.; Irene L. MacMaster, of Dallas, Tex.; Paul Byron Roesch, of Cleveland, Ohio; Philip R. Schiff, of New Haven, Conn.; Mae Turner Anderson, of Logansport, Ind.; Andrew J. MacMaster, of Dallas, Tex.; Elizabeth B. Cassidy, of San Francisco, Calif.; Edmund M. Squire, of New York, N. Y.; Vera P. Street, of Dallas, Tex.; Theodore N. Constant, of Chicago, Ill.; Donald McDonald, of Omaha, Nebr.; Samuels McPheeters Glasgow, Jr., of Nashville, Tenn.; J. Fearon Brown, of New York, N. Y.; Thomas F. Murphy, of New York, N. Y.; Louis C. Cosdon, of Silver Spring, Md.; Frank Taylor Cotter, of New York, N. Y.; Lenora Schwartz, of New York, N. Y.; Irving M. Gruber, of New York, N. Y.; and James Arthur Gleason, of Cleveland, Ohio, were admitted to practice.

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No. 603. First Iowa Hydro-Electric Cooperative, petitioner, *v.* Federal Power Commission et al. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment reversed and case remanded to the Court of Appeals with directions to remand to the Federal Power Commission for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Burton. Dissenting opinion by Mr. Justice Frankfurter. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 384. Forrest S. Smith, Trustee of the Property of Hoboken Manufacturers Railroad Company, Debtor, et al., petitioners, *v.* Hoboken Railroad, Warehouse and Steamship Connecting Company, and Hoboken Land and Improvement Company. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

Judgment reversed and case remanded to the District Court of the United States for the District of New Jersey with directions to stay proceedings pending a decision by the Interstate Commerce Commission on the questions indicated in the opinion of this Court. Opinion by Mr. Justice Douglas. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 42. Guy A. Thompson, Trustee, The St. Louis, Brownsville and Mexico Railway Company, Debtor, and the St. Louis, Brownsville and Mexico Railway Company, petitioners, *v.* The Texas Mexican Railway Company. On writ of certiorari to the Court of Civil Appeals for the Fourth Supreme Judicial District of Texas. Judgment reversed and case remanded to the Court of Civil Appeals so that the case may be held pending the conclusion of appropriate administrative proceedings. Opinion by Mr. Justice Douglas. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 517. D. A. Schulte, Inc., petitioner, *v.* Salvatore Gangi, Suing on Behalf of Himself and Other Employees Similarly Situated. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed with costs and case remanded to the District Court for the Southern District of New York. Opinion by Mr. Justice Reed. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Burton concurs. The late Chief Justice participated in the hearing and disposition of this case and had joined in the dissent of Mr. Justice Frankfurter. Mr. Justice Jackson took no part in the consideration or decision of this case.

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Mr. Justice Black announced the following order of the Court:

No. 1009. Georgianna Boucher Gosselin, appellant, *v.* Christine D. Kelley, Superintendent, Reformatory for Women. Appeal from the Supreme Judicial Court of Maine. *Per curiam*: The motion for leave to proceed *in forma pauperis* is granted. The appeal is dismissed for want of a substantial federal question. Mr. Justice Douglas and Mr. Justice Rutledge dissent.

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The following orders were not announced orally by Mr. Justice Black but appear on the list certified by him and filed with the Clerk.

No. 115, Misc. Samuel H. Foxall, petitioner, *v.* Joseph E. Ragen, Warden, etc.; and

No. 116, Misc. James Dobry, petitioner, *v.* Neil Olson, Warden, etc. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 1010. The Interstate Commerce Commission, appellant, *v.* A. L. Mechling, Doing Business Under the Trade Name and Style of A. L. Mechling Barge Line, et al. In this case probable jurisdiction is noted.

No. 961. Charles B. Morris, appellant, *v.* Paul F. Jones, Director of Insurance of the State of Illinois. Further consideration of the question of jurisdiction in this case is postponed until the hearing on the merits.

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No. 973. Board of Governors of the Federal Reserve System et al., petitioners, *v.* John Agnew, F. O. Fayerweather. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted.

No. 942. United States, petitioner, *v.* Legh R. Powell, Jr., and Henry W. Anderson, as Receivers of the Properties and Assets of Seaboard Air Line Railway Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit is granted and the case is transferred to the summary docket.

No. 943. United States, petitioner, *v.* Atlantic Coast Line Railroad Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit is granted and the case is transferred to the summary docket.

No. 994. Beulah B. Crane, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit is granted and the case is transferred to the summary docket.

No. 997. Edward Katzinger Company, petitioner, *v.* Chicago Metallic Mfg. Company; and

No. 998. Edward Katzinger Company, petitioner, *v.* Chicago Metallic Mfg. Company. Petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit is granted and the cases are assigned for argument immediately following No. 410.

No. 1116. Paul A. Porter, Administrator, Office of Price Administration, petitioner, *v.* Dr. Lucas J. Lee and Hazel Lee; and

No. 1117. Paul A. Porter, Administrator, Office of Price Administration, petitioner, *v.* Hazel Lee and Lucas J. Lee, Agent, and Sue Lakenan, Justice of the Peace, Covington, Kentucky. Petition for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted and the cases are assigned for argument on Monday, May 13.

No. 1118. Paul A. Porter, Administrator, Office of Price Administration, petitioner, *v.* Mary Jo Dicken and Elizabeth M. Dicken et al.

Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted and the case is assigned for argument on Monday, May 13.

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No. 714. United States, petitioner, *v.* Edmund Carl Heine. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 891. Cecil McKown, petitioner, *v.* State of Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 925. German-American Vocational League, Inc., petitioner, *v.* United States;

No. 926. D. A. B. Recreational Resort, Inc., petitioner, *v.* United States;

No. 927. Fritz Schroeder, petitioner, *v.* United States;

No. 928. Albert Robert Bertram, petitioner, *v.* United States;

No. 929. Guenther Gibbe, petitioner, *v.* United States;

No. 930. Otto Bremer, petitioner, *v.* United States;

No. 931. Theodore Koehn, petitioner, *v.* United States;

No. 932. Joseph Lieblein, petitioner, *v.* United States; and

No. 933. Gustave Schmidt, petitioner, *v.* United States. Petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 934. Greene County National Farm Loan Association et al., petitioners, *v.* The Federal Land Bank of Louisville et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 974. Lewis Hays, petitioner, *v.* Bank of America National Trust and Savings Association, etc.; and

No. 975. F. Porteous, Individually, and F. Porteous, as Agent, petitioners, *v.* Bank of America National Trust and Savings Association, etc. Petition for writs of certiorari to the District Court of Appeal, Third Appellate District, State of California, denied.

No. 976. Jacob R. Stein, Charged as Jack R. Stein, petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 978. Leslie G. Bowen, petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 979. 11,000 Acres of Land, More or Less, Situated in Smith County, Texas, et al., petitioners, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 983. Agwilines, Inc., petitioner, *v.* Motorship "San Veronica," Her Engines, etc., Eagle Oil & Shipping Company, Ltd. Petition

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

No. 990. H. Reeve Angel & Co., Inc., petitioner, *v.* United States. Petition for writ of certiorari to the Court of Customs and Patent Appeals denied.

No. 1000. Indemnity Insurance Company of North America, a Foreign Corporation, petitioner, *v.* Ada Smoot. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 1004. Eastern Transportation Company, petitioner, *v.* Ritner K. Walling and Martug Towing Company; and

No. 1005. Eastern Transportation Company, petitioner, *v.* Ritner K. Walling and Martug Towing Company. Petitions for writs of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 1011. John P. Hudock, Executor of the Estate of Michael G. Hudock, Deceased, petitioner, *v.* William C. Freeman, Secretary of Banking of the Commonwealth of Pennsylvania, Receiver of Pennsylvania Liberty Bank and Trust Company. Petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania denied.

No. 1013. Robert R. Hare, petitioner, *v.* United States;

No. 1014. John M. Hare, petitioner, *v.* United States; and

No. 1015. Clinton L. Hare, petitioner, *v.* United States. On petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit. On consideration of the suggestion 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 writs of certiorari is denied.

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No. 86. William H. Griffin, petitioner, *v.* Grace H. Griffin;

No. 693. Barney E. Gaskill et al., petitioners, *v.* Claude A. Roth, Trustee of the Property of The Chicago & North Western Railway Company, et al.;

No. 805. Julian Lentin, Doing Business as J. Lentin Lumber Company, petitioner, *v.* Paul A. Porter, Administrator, Office of Price Administration;

No. 862. William B. Wells, petitioner, *v.* People of the State of Illinois; and

No. 880. Harry J. Alker, Jr., and Mamie Du Ban, Individually, and as Executrix of the Estate of Alfred A. Du Ban, Deceased, petitioners, *v.* Federal Deposit Insurance Corporation. The petitions for rehearing in these cases are denied.

No. 275. Edith Nycum, petitioner, *v.* City of Altoona, State of Pennsylvania. The motion for leave to file a second petition for rehearing is granted. The petition for rehearing is denied. Mr. Justice Burton took no part in the consideration or decision of these applications.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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No. 946. Harry A. Badt, Captain, United States Navy, petitioner, *v.* United States ex rel. Blanche Ulman Reel, For and On Behalf of Frederick U. Reel. On petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit. Petition for certiorari dismissed on motion of Mr. Solicitor General McGrath.

No. 1074. Winding Gulf Collieries, petitioner, *v.* The Board of Education of the County of Raleigh, West Virginia, and Allemannia Fire Insurance Company. Time extended to and including May 9 within which petitioner may file reply brief, on application of counsel for the petitioner.

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No. 625. Cecil I. Hust, petitioner, *v.* Moore-McCormack Lines, Inc. Argument resumed by Mr. Erskine Wood for the respondent, continued by Mr. Erskine Wood, Jr., for the respondent, and concluded by Mr. Abraham E. Freedman for the petitioner. Leave granted respondent to file additional brief by May 10.

No. 9. United Brotherhood of Carpenters and Joiners of America, petitioners, *v.* The United States of America;

No. 10. The Bay Counties District Council of Carpenters of the United Brotherhood of Carpenters and Joiners of America et al. *v.* The United States of America;

No. 11. Lumber Products Association, Inc., Acme Manufacturing Co., Inc., et al., petitioners, *v.* The United States of America;

No. 12. Alameda County Building and Construction Trades Council, petitioner, *v.* The United States of America; and

No. 13. Boorman Lumber Company, Hogan Lumber Company, Loop Lumber & Mill Company, et al., petitioners, *v.* The United States of America. Reargument commenced by Mr. Charles H. Tuttle for the petitioners in Nos. 9 and 10, and continued by Mr. Holmes Baldrige for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, April 30, will be as follows: Nos. 9 (and 10, 11, 12, 13), 40, 627, 719, 696 (and 697), 843, 631 (and 671), 793, 630, 809 (and 810, 811).

## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Rutledge, and Mr. Justice Burton.

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Harry Moorman Stanfield, of Dallas, Tex.; John Emmet Gaughan, of Camden, Ark.; James Thomas Gooch, of Wynne, Ark.; Price Daniel, of Liberty, Tex.; Charles Edward Long, Jr., of Dallas, Tex.; Edward G. Linsley, of Salt Lake City, Utah; Philip G. Rettig, of Chicago, Ill.; John S. Shedden, of New York, N. Y.; Ernest J. Ellenwood, of New York, N. Y.; Milton Fischer, of New York, N. Y.; Chester Bedell, of Jacksonville, Fla.; Robert Harvey Thompson, of Jackson, Miss.; Charles Whaley Moxley, of Charleston, W. Va.; Leslie Clifford, of New York, N. Y.; Robert Vance Brown, of Boston, Mass.; Edward H. Walworth, Jr., of Chicago, Ill.; Harold E. Spencer, of Chicago, Ill.; Francis James O'Hara, Jr., of New York, N. Y.; John Chisman Hanes, of Pine Hall, N. C.; Arnold I. Dumey, of New York, N. Y.; Wesley Glenn Harding, of Washington, D. C.; M. Harold Goodman, of Washington, D. C.; Henry P. Pate, of New Orleans, La.; Robert Meck Weston, of New York, N. Y.; Sturgis Warner, of Ipswich, Mass.; Herman S. Merrell, of Rocky Mount, N. C.; E. Vance Mallory, of Flint, Mich.; Richard Morton Root, of Des Moines, Iowa; Joseph H. Edgar, of San Francisco, Calif.; Irving I. Axelrad, of Washington, D. C.; Robert M. Ortale, of Kingston, N. Y.; Robert G. Miller, of New York, N. Y.; Willis David Curtiss, Jr., of Sodus, N. Y.; Nora Gray Springfield, of Marlin, Tex.; Sinclair Hatch, of New York, N. Y.; C. E. Duncan, of Tavares, Fla.; and Tom M. Alderson, of Seattle, Wash., were admitted to practice.

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No. 9. United Brotherhood of Carpenters and Joiners of America, petitioners, *v.* The United States of America;

No. 10. The Bay Counties District Council of Carpenters of the United Brotherhood of Carpenters and Joiners of America et al., petitioners, *v.* The United States of America;

No. 11. Lumber Products Association, Inc., Acme Manufacturing Co., Inc., et al., petitioners, *v.* The United States of America;

No. 12. Alameda County Building and Construction Trades Council, petitioner, *v.* The United States of America; and

No. 13. Boorman Lumber Company, Hogan Lumber Company,

Loop Lumber & Mill Company, et al., petitioners, *v.* The United States of America. Reargument concluded by Mr. Holmes Baldrige for the respondent. Cases submitted by Mr. Joseph O. Carson II, Mr. Harry N. Routzohn, Mr. Hugh K. McKevitt, and Mr. Jack M. Howard for petitioner, Bay County District Council of Carpenters, in No. 10; by Mr. Maurice E. Harrison for petitioners in No. 11; by Mr. Guy C. Calden and Mr. Clarence E. Todd for petitioner in No. 12; and by Mr. Morgan J. Doyle for petitioners in No. 13.

No. 40. Defense Plant Corporation, appellant, *v.* County of Beaver, Pennsylvania. Reconstruction Finance Corporation substituted as the party appellant in place of Defense Plant Corporation, which has been ordered dissolved by Act of Congress of June 30, 1945, on motion of Mr. Robert L. Stern.

No. 40. Reconstruction Finance Corporation, appellant, *v.* County of Beaver, Pennsylvania. Argued by Mr. Robert L. Stern for the appellant; by Mr. John G. Marshall and Mr. Edward G. Bothwell for the appellee; by Mr. John L. Nourse for the State of California, as amicus curiae, and by Mr. Sherrill Halbert for the County of Stanislaus, California, as amicus curiae, by special leave of Court.

No. 627. Howard Hall Company, Inc., appellant, *v.* The United States of America and Interstate Commerce Commission. Argument commenced by Mr. Harold G. Hernly for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, May 1, will be as follows: Nos. 627, 719, 630, 843, 631 (and 671), 793, 696 (and 697), 809 (and 810, 811), and 970.

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SUPREME COURT OF THE UNITED STATES

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Present: Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Rutledge, and Mr. Justice Burton.

William E. Miller, of Johnson City, Tenn.; Robert L. Taylor, of Milligan College, Tenn.; George C. Updegraff, of Washington, D. C.; John H. Pickering, of Washington, D. C.; Ernest F. Hom, of Washington, D. C.; James Haws Epps, Jr., of Johnson City, Tenn.; John K. V. Goff, of Syracuse, N. Y.; Alexander Cohen, of Philadelphia, Pa.; Harry J. Gross, of New York, N. Y.; George W. Townsend, of Minneapolis, Minn.; John Seaman Bainbridge, of Baltimore, Md.; Ivar H. Peterson, of Arlington, Va.; Grant A. Brown, of Salt Lake City, Utah; William S. Tyson, of Greenville, N. C.; Sarah A. Charles, of Washington, D. C.; and Katharine P. Crowley, of Washington, D. C., were admitted to practice.

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No. 627. Howard Hall Company, Inc., appellant, *v.* The United States of America and Interstate Commerce Commission. Argument continued by Mr. Daniel W. Knowlton for the appellees and concluded by Mr. Harold G. Hernly for the appellant.

No. 719. W. Daniel Pinkerton and Walter G. Pinkerton, petitioners, *v.* The United States of America. Argued by Mr. John S. Tucker, Jr., for the petitioners and by Mr. W. Marvin Smith for the respondent.

No. 630. The United States, petitioner, *v.* Thomas Lee Causby and Wife, Tinie Causby. Argued by Mr. Walter E. Cummings for the petitioner and by Mr. William E. Comer for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, May 2, will be as follows: Nos. 843, 631 (and 671), 793, 696 (and 697), 809 (and 810, 811), and 970.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Rutledge, and Mr. Justice Burton.

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Tom Stewart, of Winchester, Tenn.; Henry Hamill Fowler, of Alexandria, Va.; Reeve Lewis, of Washington, D. C.; Allan Oakley Hunter, of Fresno, Calif.; Mark T. Little, of Arlington, Va.; Frederick M. Eaton, of New York, N. Y.; Lloyd K. Garrison, of Madison, Wis.; Edward A. Donahoe, of Omaha, Nebr.; James Arnold Carter, of Arlington, Va.; Benjamin B. Knight, of San Mateo, Calif.; Earl W. Wingo, of Lynchburg, Va.; Robert J. O'Connor, of Sioux City, Iowa; Jessie Walton Karsted, of Washington, D. C.; Walter H. Robinson, of Philadelphia, Pa.; Herbert Burton Brill, of New York, N. Y.; and Neil A. Riley, of Minneapolis, Minn., were admitted to practice.

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### ORDER

It is ordered by this Court that the bond of the Marshal, Thomas E. Waggaman, dated May 2, 1946, be, and the same is, this day approved and ordered to be recorded.

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No. 843. Securities and Exchange Commission, petitioner, *v.* W. J. Howey Company and Howey-in-the-Hills Service, Inc. Argued by Mr. Roger S. Foster for the petitioner and by Mr. C. E. Duncan and Mr. George C. Bedell for the respondents.

No. 631. Lee Van Woods, petitioner. *v.* Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois; and

No. 671. Lee Van Woods, petitioner, *v.* Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois. Argued by Mr. Edward H. Levi for the petitioner and by Mr. William C. Wines for the respondent.

No. 793. Paul A. Porter, Administrator, Office of Price Administration, petitioner, *v.* Warner Holding Company. Argument commenced by Mr. Milton Klein for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, May 3, will be as follows: Nos. 793, 696 (and 697), 809 (and 810, 811), and 970.

## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Rutledge, and Mr. Justice Burton.

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Gardner L. Boothe, of Alexandria, Va.; Armistead L. Boothe, of Alexandria, Va.; Clarence A. Stark, of Minneapolis, Minn.; Marvin J. McMahon, of Sioux Falls, S. Dak.; Israel W. Tannenbaum, of New York, N. Y.; J. Francis Hayden, of New York, N. Y.; Herman Wolkinson, of Brooklyn, N. Y.; J. Frank Norris Dennard, of Henderson, Tex.; Annice Pearle Mount, of Washington, D. C.; Benjamin B. Robin, of New York, N. Y.; Charles R. Schram, of Louisville, Ky.; Marco J. Shemaria, of New York, N. Y.; Lloyd G. Hanley, of Marshall, Mo.; Roy O. Goldin, of Denver, Colo.; Thomas X. Dunn, of Washington, D. C.; Carl McGowan, of Washington, D. C.; Clifford P. Case, of Rahway, N. J.; Max H. Galfunt, of New York, N. Y.; Mansur Tinsley, of Boulder, Colo.; Amy Ruth Mahin, of Washington, D. C.; I. Jonas Speciner, of New York, N. Y.; M. H. Goldstein, of Philadelphia, Pa.; J. Read Smith, of New York, N. Y.; Edward Charles Kos Koba, of Chicago, Ill.; Jess Nathan, of Tulsa, Okla.; and Homer A. Walkup, of Mount Hope, W. Va., were admitted to practice.

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No. 793. Paul A. Porter, Administrator, Office of Price Administration, petitioner, *v.* Warner Holding Company. Argument continued by Mr. Milton Klein for the petitioner, by Mr. G. W. Townsend for the respondent, and concluded by Mr. Milton Klein for the petitioner.

No. 696. The United States, petitioner, *v.* Joseph A. Holpuch Company; and

No. 697. The United States, petitioner, *v.* Joseph A. Holpuch Company. Argued by Mr. Abraham J. Harris for the petitioner. No appearance for the respondent.

No. 809. The United States, petitioner, *v.* Robert Morss Lovett;

No. 810. The United States, petitioner, *v.* Goodwin B. Watson; and

No. 811. The United States, petitioner, *v.* William E. Dodd, Jr. Argument commenced by Mr. Ralph F. Fuchs for the petitioner; continued by Mr. John C. Gall for the Congress of the United States under House Resolution 386, and Public Law 249, 78th Congress, as *amicus curiae*, by special leave of Court; by Charles A. Horsky for the respondents; and by John C. Gall for the Congress of the United States.

Adjourned until Monday, May 6, next, at 12 o'clock.

The day call for Monday, May 6, will be as follows: Nos. 809 (810 and 811), and 970.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Rutledge, and Mr. Justice Burton.

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John E. Chambers, of Danville, Ark.; Audrey Strait, of Morrilton, Ark.; Spencer Shropshire, of Nashville, Tenn.; William Busey Arnold, of Robinson, Ill.; George Hay Kain, Jr., of York, Pa.; William Henry Kain, of York, Pa.; Sheldon E. Bernstein, of Chicago, Ill.; Norman A. Eisner of San Francisco, Calif.; Lawrence S. Grauman, of Louisville, Ky.; Wm. M. Maxfield, of San Francisco, Calif.; DeLano Andrews, of New York, N. Y.; Leo Lawrence Linck, of Ravenna, Mich.; Harley S. Cook, of Cleveland, Ohio; and Burton L. Walsh, of San Francisco, Calif., were admitted to practice.

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No. 320. Federal Trade Commission, petitioner, *v.* A. P. W. Paper Company, Inc. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed and case remanded to the Circuit Court of Appeals. Opinion by Mr. Justice Douglas. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 354. Stanley Howitt, Flora Post Lee, James Dewhurst, and Terence P. O'Rourke, petitioners, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed and case remanded to the District Court of the United States for the Southern District of Florida. Opinion by Mr. Justice Black. Mr. Justice Jackson took no part in the consideration or decision of this case.

Mr. Justice Black announced the following orders of the Court:

No. 627. Howard Hall Company, Inc., appellant, *v.* The United States of America and Interstate Commerce Commission. Appeal from the District Court of the United States for the Northern District of Alabama. *Per curiam:* The judgment is affirmed. *Alton Railroad Co. v. United States*, 315 U. S. 15; *United States v. Carolina Freight Carriers Corp.*, 315 U. S. 475; *Howard Hall Co., Inc. v. United States*, 315 U. S. 495.

No. 1087. Federal Trade Commission, petitioner, *v.* S. Buchsbaum & Company. On writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit. *Per curiam:* The petition for a writ of certiorari is granted. A trial examiner of the Federal Trade Commission

died after having heard some of the witnesses in these proceedings. Respondent moved that the new trial examiner start the proceedings anew and hear all the evidence *de novo*. The Commission denied this motion. In the enforcement proceeding before the Circuit Court of Appeals respondent assigned this denial as one of a number of alleged errors. On that ground alone, and without passing on others urged by petitioner, the Circuit Court of Appeals refused to enforce the Commission's order. Respondent here moves for leave to file a written waiver of the assigned error relied on by the Court below and also moves that the Circuit Court of Appeals judgment be reversed and that the case be remanded for consideration of the other errors assigned below. Motion for leave to file written waiver is granted. The judgment of the Circuit Court of Appeals is vacated and the case is remanded for consideration of the other errors assigned below.

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The following orders were not announced orally by Mr. Justice Black but appear on the list certified by him and filed with the Clerk:

#### ORDER

It is ordered that the portion of rule 46 of the Rules of Practice for the Courts of the United States in Admiralty and Maritime Jurisdiction which was adopted by the Supreme Court of the United States on June 8, 1942, and provides for the impounding of proceedings in admiralty cases be, and the same is hereby, suspended.

It is further ordered that the following provision be, and the same is hereby, added to Admiralty Rule 46:

"Neither the plain language nor the coded text nor the exact translation of any message or dispatch encoded or encyphered by any department or agency of the United States or by any government allied with the United States in war shall be placed of record in pleadings, evidence, or testimony or disclosed in any manner in any proceeding without the prior consent of the department or agency of the United States or allied government which encoded or encyphered such message or dispatch. A paraphrase of the substance of such message or dispatch, prepared and certified as such by an officer of such department or agency, shall be admissible for all purposes for which the plain language message or dispatch would, save for this rule, have been admitted."

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In The Matter of the Disbarment of H. Eugene Gardner. A rule is ordered to issue requiring H. Eugene Gardner to show cause why he should not be disbarred from the further practice of the law in this Court.

No. 911. Arch R. Everson, appellant, *v.* Board of Education of the Township of Ewing, in the County of Mercer, et al., and

No. 1019. International Harvester Company, appellant, *v.* Tax Commissioner of Ohio. In these cases probable jurisdiction is noted.

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No. 34. United Federal Workers of America (C. I. O.) et al., appellants, *v.* Harry B. Mitchell, Lucille Foster McMillin and Arthur S. Fleming. This case is restored to the docket for reargument.

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No. 950. National Labor Relations Board, petitioner, *v.* A. J. Tower Company. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted.

No. 996. American Stevedores, Inc., petitioner, *v.* Rosario Porello and The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted.

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No. 764. Harice LeRoy Carter, petitioner, *v.* The People of the State of Illinois. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Supreme Court of Illinois is also granted.

No. 1103. George William Dodez, petitioner, *v.* The United States. The petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit is granted and the case is transferred to the summary docket and set to follow No. 221.

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No. 644. Williams-Bauer Corporation and Conti-Williams Corporation, petitioners, *v.* Giorolomo De Pasquale, Joseph Ciminna, and William Morton. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 908. Mario Mercado Riera, Executor, et al., petitioners, *v.* Maria Luisa Mercado Riera De Belaval et al. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 982. J. B. Wheat, petitioner, *v.* The Texas Land and Mortgage Company, Limited, and E. T. O'Daniel. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 986. Harbor Marine Contracting Company and Liberty Mutual Insurance Company, petitioners, *v.* Samuel S. Lowe, Deputy Commissioner of the United States Employees' Compensation Commission, Second Compensation District, and Frances Riviello. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 989. The William Spencer & Son Corporation, petitioner, *v.* Samuel S. Lowe, Deputy Commissioner of the United States Employees' Compensation Commission. Second Compensation District and Louis Lindenberg. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 995. T. A. Small, petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 999. Pressed Steel Car Company, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 1001. Estate of Ethel M. Du Val, Deceased, by Thomas M. Robinson, Jr., et al., as Executors, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 1016. Rose Mary Hash, petitioner, *v.* Commissioner of Internal Revenue; and

No. 1017. G. Lester Hash, petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 1021. The 415 Fifth Avenue Company, Inc., petitioner, *v.* John F. X. Finn, as Trustee of Childs Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1043. Burton C. Meighan, Jr., as Substituted Trustee Under the Last Will and Testament of William T. Wood, Deceased, petitioner, *v.* John F. X. Finn, as Trustee of Childs Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1033. F. A. Gillespie, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 1047. Mary Lois McIntosh, petitioner, *v.* Charles Wiggins and Mississippi Valley Trust Company, as Executors U/W of Ella L. Wiggins, Deceased, et al. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 1078. Abraham Jeskowitz, petitioner, *v.* Leonard H. Carter, Trustee in Bankruptcy of Union Fabrics, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1081. Hilda M. Glasser, as Trustee in Bankruptcy of the Estate of Helen Russell Rogers, petitioner, *v.* Charles Francis Rogers, Helen

Russell Rogers, and Harry N. Wessel. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1092. Metallizing Engineering Co., Inc., petitioner, *v.* Kenyon Bearing & Auto Parts Co., Inc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1154. Basil R. Crampton, petitioner, *v.* Crampton Manufacturing Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 952. Bertha Florence Sabin and M. R. Sabin, petitioners, *v.* Home Owners' Loan Corporation, a Corporation, George J. Overmyer, and Brenda E. Overmyer. The motion for leave to proceed on a typewritten record is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit is denied.

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No. 797. Orville C. Garrison, petitioner, *v.* James A. Johnston, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 857. Bernard Paul Coy, petitioner, *v.* United States. On petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit;

No. 887. William Copeland, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

No. 939. W. E. Maxwell, petitioner, *v.* Robert H. Hudspeth, Warden, etc. On petition for writ of certiorari to the Supreme Court of Kansas.

No. 955. Paul Maynard Skaug, petitioner, *v.* State of Nevada; and

No. 956. Paul Maynard Skaug, petitioner, *v.* Richard Sheehy, Warden, etc. On petition for writs of certiorari to the Supreme Court of Nevada;

No. 1041. Mike Marvich, petitioner, *v.* The People of the State of California, et al. On petition for writ of certiorari to the Supreme Court of California;

No. 1079. Emil Reck, petitioner, *v.* The State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1095. Harry S. Barnes, petitioner, *v.* Ralph Howard, Warden, etc. On petition for writ of certiorari to the Supreme Court of Indiana;

No. 1101. W. E. Maxwell, petitioner, *v.* Walt Neibarger, Clerk of the Supreme Court of Kansas. On petition for writ of certiorari to the Supreme Court of Kansas; and

No. 1106. Donald Moore, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illi-

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

No. 894. Roy Morgan, petitioner, *v.* W. C. Parker, Warden, etc. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Supreme Court of Missouri is denied. Mr. Justice Murphy is of the opinion that the petition for certiorari should be granted.

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No. 755. Joseph Greco, petitioner, *v.* W. C. Parker, Warden, etc.;

No. 874. Frank Andrews, petitioner, *v.* The State of Ohio; and

No. 1072. Lester Barnard, petitioner, *v.* Joseph E. Ragen, Warden, etc. The petitions for rehearing in these cases are denied.

No. 667. Wesley W. West, petitioner, *v.* Commissioner of Internal Revenue;

No. 668. J. Marion West, petitioner, *v.* Commissioner of Internal Revenue;

No. 669. Estate of J. M. West, Deceased, James M. West, Jr., et al., Executors, petitioners, *v.* Commissioner of Internal Revenue; and

No. 670. Jessie Gertrude West, petitioner, *v.* Commissioner of Internal Revenue. The motion for leave to file a second 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.

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It is ordered that the Court will recess at the conclusion of arguments in case No. 970 until Monday, May 13, from the conclusion of arguments in cases specially set for that day until Monday, May 20, and from that day until Monday, May 27, 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.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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No. 609. Comet Carriers, Inc., petitioner, *v.* L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor. On writ of certiorari to the Circuit Court of Appeals for the Second Circuit. Writ of certiorari dismissed on motion of counsel for the petitioner.

No. 809. The United States, petitioner, *v.* Robert Morss Lovett;

No. 810. The United States, petitioner, *v.* Goodwin B. Watson; and

No. 811. The United States, petitioner, *v.* William E. Dodd, Jr.

Argument concluded by Mr. John C. Gall for the Congress of the United States under House Resolution 386, and Public Law 249, 78th Congress, as *amicus curiae*, by special leave of Court.

No. 970. Abraham Fishgold, petitioner, *v.* Sullivan Drydock & Repair Corporation et al. Argued by Mr. Assistant Attorney General Sonnett for the petitioner; by Mr. J. Read Smith for respondent, Sullivan Drydock and Repair Corporation; and by Mr. M. H. Goldstein for respondent, Roy Granata, as Acting President, etc. Leave granted M. H. Goldstein to file additional brief within three days.

Adjourned until Monday, May 13, next, at 12 o'clock.

The day call for Monday, May 13, will be as follows: Nos. 1116 (and 1117), and 1118.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Rutledge, and Mr. Justice Burton.

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Robert M. Anderson, of Muskegon, Mich.; Thomas J. Donegan, of New York, N. Y.; E. Leo Backus, of Niagara Falls, N. Y.; Michael Mitchell Gould, of Detroit, Mich.; E. A. Simpson, of Amarillo, Tex.; Robert E. Smylie, of Caldwell, Idaho; Maude Wilkinson, of Memphis, Tenn.; Clifford Davis, of Memphis, Tenn.; James P. Smith, of Memphis, Tenn.; Alexander Boyd Hawes, of Washington, D. C.; Wayne Lyman Morse, of Eugene, Oreg.; Jacob John Quillin, of Portland, Oreg.; Lee Tally Johnson, Jr., of Dallas, Tex.; Arthur H. Dean, of New York, N. Y.; Donald K. Lippincott, of San Francisco, Calif.; Gilbert Burnett, of Louisville, Ky.; William Stix, of St. Louis, Mo.; Bernard C. Brown, of Washington, D. C.; Solomon J. Bischoff, of Portland, Oreg.; Sara Hammond Knight, of Washington, D. C.; L. Kathryn McDuff, of Washington, D. C.; Walter E. Mueller, of Pittsburgh, Pa.; Francis E. Browder, of Pittsburgh, Pa.; Jason D. Lee, of Baker, Oreg.; Albert E. Jenner, Jr., of Chicago, Ill.; Robert W. Arnold, Jr., of Waverly, Va.; Raul O. del Castillo, of Manila, P. I.; Andrew D. Jordan, of Chicago, Ill.; Carl C. Manderen, of New York, N. Y.; Harry E. Meek, of Little Rock, Ark.; Walter E. Rogers, of Pampa, Tex.; Eugene E. Ditto, of Washington, D. C.; J. Donald Gunn, of St. Louis, Mo.; Raymond J. Bowen, of Washington, D. C.; B. Nelson Deranian, of Indianapolis, Ind.; Donald O. Lincoln, of Washington, D. C.; Nelson V. N. Dungan, of Somerville, N. J.; Will J. Davis, of Gary, Ind.; Charles J. Harnett, of Arlington, Va.; Drew L. Carraway, of Washington, D. C.; Homer S. Carpenter, of Washington, D. C.; Mandel L. Anixter, of Chicago, Ill.; Jeremiah Francis Cross, of New York, N. Y.; Edgar E. Harrison, of New York, N. Y.; Paul N. Rowe, of Indianapolis, Ind.; Lena L. Orlow, of Philadelphia, Pa.; Marx Leva, of Washington, D. C.; John F. Britton, of Montgomery, Ala.; Edward B. Crosland, of Montgomery, Ala.; Samuel Greenfield, of Los Angeles, Calif.; Kenneth B. Dawson, of Honolulu, T. H.; Vincent W. Hallinan, of San Francisco, Calif.; Joseph Francis Rogers, of Boston, Mass.; Richard Jack Demeree, of Montgomery, Ala.; James W. Hodson, of Seattle, Wash.; Seymour Friedman, of New York, N. Y.; Frederick W. Turnbull, of Washington, D. C.; Richard Arnold Mullens, of Washington, D. C.; Alban Weber, of

Chicago, Ill.; Thomas O. Miller, of Lusk, Wyo.; and Nathan Siegel, of Arlington, Va., were admitted to practice.

No. 40. Reconstruction Finance Corporation, Successor to Defense Plant Corporation, appellant, *v.* County of Beaver, Pennsylvania. Appeal from the Supreme Court of the Commonwealth of Pennsylvania. Motion of appellee to dismiss appeal denied. Judgment affirmed with costs. Opinion by Mr. Justice Black. Mr. Justice Jackson took no part in the consideration or decision of this case.

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The following orders were not announced orally by Mr. Justice Black but appear on the list certified by him and filed with the Clerk:

No. 2. Securities and Exchange Commission, petitioner, *v.* Engineers Public Service Company et al.;

No. 3. Engineers Public Service Company et al., petitioners, *v.* Securities and Exchange Commission;

No. 6. American Power & Light Company, petitioner, *v.* Securities and Exchange Commission; and

No. 7. Electric Power & Light Corporation, petitioner, *v.* Securities and Exchange Commission. The death of the late Chief Justice having deprived the Court of a quorum in these cases, they are restored to the docket and assigned for reargument during the week of October 14th.

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No. 118, Misc. Santa Fe Pacific Railroad Company, petitioner, *v.* Honorable Dave W. Ling, Judge of the District Court of the United States for the District of Arizona. The motion for leave to file a petition for a writ of mandamus is denied. *Roche v. Evaporated Milk Association*, 319 U. S. 21.

No. 117, Misc. Matthew Nowak, petitioner, *v.* Walter Nierstheimer, Warden, etc.;

No. 119, Misc. In the Matter of Christopher C. Brown, petitioner; and

No. 120, Misc. Stephen T. Povich, petitioner, *v.* C. D. Nichol森, Warden, etc. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 104, Misc. Amos Dale, petitioner, *v.* Robert A. Heinze, Warden, etc. Dismissed. The matters were presented and disposed of by denial of petition for certiorari in No. 949.

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No. 1018. L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor, petitioner, *v.* Halliburton Oil Well Cementing Company. Petition for writ of

certiorari to the Circuit Court of Appeals for the Ninth Circuit granted.

No. 1052. United States, petitioner, *v.* William M. Dickinson; and

No. 1053. United States, petitioner, *v.* F. H. Withrow. Petition for writs of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted.

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No. 988. United States, petitioner, *v.* Louis Bruno. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted and the case is transferred to the summary docket.

No. 1075. Jack Parker, Isidor M. Saks, Melvin Caplan, et al., petitioners, *v.* Paul A. Porter, Price Administrator. Petition for writ of certiorari to the United States Emergency Court of Appeals granted and the case is transferred to the summary docket.

No. 1104. A. M. Anderson, Receiver of National Bank of Kentucky, Louisville, Kentucky, petitioner *v.* Irvin Yungkau, Executor of the Estate of Albert Yungkau, Deceased, et al. The petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit is granted and the case is transferred to the summary docket. Mr. Justice Reed took no part in the consideration or decision of this application.

No. 1088. Securities and Exchange Commission, petitioner, *v.* Chenery Corporation et al.; and

No. 1089. Securities and Exchange Commission, petitioner, *v.* Federal Water and Gas Corporation. Petition for writs of certiorari to the United States Court of Appeals for the District of Columbia granted. Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 914. United States, petitioner, *v.* Paul David Sheridan. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted and the case is transferred to the summary docket. The motion of the respondent for leave to proceed *in forma pauperis* is also granted.

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No. 971. Joseph Ago Stassi, petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 1022. Woodville, Oklahoma, and New Woodville, Oklahoma, petitioners, *v.* United States; and

No. 1023. Woodville, Oklahoma, and New Woodville, Oklahoma, petitioners, *v.* United States. Petition for writs of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 1024. Charles T. Rule, petitioner, *v.* Hattie Sears, Edwin E. Weber, Minnie Louise Mattocks, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1035. John D. Pittman, Joseph L. Garvey, and J. D. Pittman Tractor Co., Inc., petitioners, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 1037. I Hasbrouck Chahoon, petitioner, *v.* Harry M. Hickey, Collector of United States Internal Revenue for the Fourteenth District of New York. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1042. Line Material Company and William O. Schultz, petitioners, *v.* Casper W. Ooms, Commissioner of Patents. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 1070. Guido Trucco, petitioner, *v.* Erie Railroad Company. Petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania denied.

No. 1074. Winding Gulf Collieries, petitioner, *v.* The Board of Education of the County of Raleigh, West Virginia and Allemannia Fire Insurance Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 1080. William G. McRae, petitioner, *v.* John A. Boykin. Petition for writ of certiorari to the Court of Appeals of Georgia denied.

No. 1105. Almon A. Heath, petitioner, *v.* Henry G. Frankel and L. V. Frankel. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 1119. City of Franklin, petitioner, *v.* Coleman Bros. Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 1076. Phoenix Finance Corporation, a Delaware Corporation, petitioner, *v.* Iowa-Wisconsin Bridge Company, a Delaware Corporation; and

No. 1077. Iowa-Wisconsin Bridge Company, a Delaware Corporation, petitioner, *v.* Phoenix Finance Corporation, a Delaware Corporation. Petitions for writs of certiorari to the Supreme Court of Iowa denied. Mr. Justice Douglas took no part in the consideration or decision of these applications.

No. 1086. Jule E. Piccard, etc., petitioner, *v.* The Sperry Corporation, Standard Capital Company, J. Cheever Cowdin, et al., etc. Petition for writ 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 this application.

No. 1032. Joseph Lesser, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the Court of General Sessions of the County of New York, State of New York;

No. 1067. Calman Cooper, petitioner, *v.* J. Vernel Jackson, Warden of the Clinton Prison, Dannemora, New York. On petition for writ of certiorari to the Supreme Court, Appellate Division, 3d Judicial Department, State of New York.;

No. 1115. Bruce Borrelli, petitioner, *v.* The State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1120. Matthew Nowak, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit;

No. 1122. Russell Hancock, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1133. Joseph Tomanek, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1134. Harry Minor, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1150. Lonnie Paynes, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1152. Donald Loftus, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1157. William Stafford, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 1164. Andrew Scott, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 1165. Clifton Mills, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1166. George Gause, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois; and

No. 1167. Clement Lebedis, petitioner, *v.* Joseph E. Ragen, Warden, etc., et al. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois. The motions for leave to proceed *in forma pauperis* in these cases are granted. The petitions for writs of certiorari are denied.

No. 1020. Corrine Sykes, alias Heloise T. Parker, petitioner, *v.* The Commonwealth of Pennsylvania. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania is denied. Mr. Justice Murphy is of the opinion that the petition for certiorari should be granted.

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No. 654. Clara Dellar, petitioner, *v.* Samuel Goldwyn, Inc., Samuel Goldwyn, Eddie Cantor, and United Artists Corporation; and

No. 655. Clara Dellar, petitioner, *v.* Samuel Goldwyn, Inc., Samuel Goldwyn, Eddie Cantor, and United Artists Corporation. The petition for rehearing is denied.

No. 514, October Term, 1944. Thomas Henry Robinson, Jr., petitioner, *v.* United States. The motion for leave to file a third petition for rehearing is denied. Mr. Justice Burton took no part in the consideration or decision of this application.

No. 340. Santo Grasso, petitioner, *v.* Oivind Lorentzen, Director of Shipping and Curator for the Royal Norwegian Government, etc. The motion for leave to file a petition for rehearing out of time is granted. The petition for rehearing is denied. Mr. Justice Burton took no part in the consideration or decision of these applications.

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The Court will take a recess at the conclusion of arguments in case No. 1118 until Monday, May 20.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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No. 918. Richard A. Lynch, Milton Weihrauch, Americo Fiore, et al., petitioners *v.* State of New Jersey and Walter F. Waldau. On petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey. Petition for certiorari dismissed on motion of counsel for the petitioners.

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No. 1116. Paul A. Porter, Administrator, Office of Price Administration, petitioner, *v.* Dr. Lucas J. Lee and Hazel Lee;

No. 1117. Paul A. Porter, Administrator, Office of Price Administration, petitioner *v.* Hazel Lee and Lucas J. Lee, Agent, and Sue Lakenan, Justice of the Peace, Covington, Kentucky; and

No. 1118. Paul A. Porter, Administrator, Office of Price Administration, petitioner, *v.* Mary Jo Dicken and Elizabeth M. Dicken, et al. Argued by Mr. Robert L. Stern for the petitioner and by Mr. Howell W. Vincent for the respondents in Nos. 1116 and 1117 and submitted by Mary Jo Dicken et al., pro se, in No. 1118.

Adjourned until Monday, May 20, next, at 12 o'clock.

## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Rutledge, and Mr. Justice Burton.

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Murray James Madison, of New York, N. Y.; Harold F. Reis, of New York, N. Y.; Martin P. Hart, of Harlingen, Tex.; Lawrence P. Gherty, of St. Paul, Minn.; Daniel J. Hanlon, of Washington, D. C.; Russell T. Boyle, of Kansas City, Mo.; William Marshall Boyle, Jr., of Kansas City, Mo.; William L. Storey, of Dallas, Tex.; John A. Ferguson, of Caruthersville, Mo.; Fred G. Folsom, of Boulder, Colo.; Roscoe T. Pile, of Sterling, Colo.; Miles N. Pike, of Reno, Nev.; Ethel J. McCabe, of Nashville, Tenn.; Curtis P. Harris, of Oklahoma City, Okla.; Vivien Irene McConnell, of Oklahoma City, Okla.; G. A. Heikkila, of Portland, Oreg.; Allison J. Gibbs, of Manila, P. I.; William H. Shook, of Dallas, Tex.; Robert M. Underhill, of Onawa, Iowa; Wm. I. Woodcock, Jr., of Philadelphia, Pa.; H. Merle Mulloy, of Philadelphia, Pa.; Walter Norblad, of Astoria, Oreg.; Raymond Kyle Hayes, of North Wilkesboro, N. C.; John B. Fitzpatrick, of New York, N. Y.; Francis P. Noonan, of Waterbury, Conn.; William H. Cross, of Washington, D. C.; Tracy R. V. Fike, of New York, N. Y.; John W. Piester, of Detroit, Mich.; Ellamarye Failor, of New York, N. Y.; J. Allie Hayes, of North Wilkesboro, N. C.; E. Selby Wiggins, of Richmond, Ky.; Leslie S. Perry, of Washington, D. C.; Davidson C. Miller, of Washington, D. C.; Don Gray, of Johnson City, Tenn.; Chester Ward, of Washington, D. C.; Howard J. Anderson, of Washington, D. C.; Samuel B. Brown, of Washington, D. C.; Nathan M. Brown, of Washington, D. C.; Benjamin B. Brown, of Washington, D. C.; Melville Southard, of New York, N. Y.; James Royall Frazer, of New York, N. Y.; John S. Wilson, of New York, N. Y.; Hector M. Holmes, of Boston, Mass.; Ralph L. Fusco, of Perth Amboy, N. J.; Arthur Healy, of Washington, D. C.; Jackson W. Chance, of Los Angeles, Calif.; Lewis Harvey Phelps, Jr., of Washington, D. C.; Clinton M. Hester, of Washington, D. C.; Arthur H. Bartelt, of Austin, Tex.; Samuel Eugene Gates, of Los Angeles, Calif.; Albert L. Burford, Jr., of Pasadena, Calif.; Charles F. Barber, of Chicago, Ill.; John C. Geilfuss, of Milwaukee, Wis.; Edward C. Johnson, of Arlington, Va.; Arthur W. Ellis, of Falls Church, Va.; Paul D. Sherman, of Falls Church, Va.; Loren K. Olson, of Washington, D. C.; Roy L. Sullivan, of Oklahoma City, Okla.; H. P. Noggle, of Anchorage, Alaska; Hiram Leong Fong, of Honolulu, T. H.; Hiram T.

Kellogg, of Los Angeles, Calif.; James Blenn Perkins, Jr., of Boothbay Harbor, Maine; James M. Murphy, of Tucson, Ariz.; Joseph B. Hyman, of Alexandria, Va.; Henry Preston Morris, of New York, N. Y.; George R. Price, of Battle Creek, Mich.; Dean S. Zinn, of Washington, D. C.; and James F. Minnet, of Detroit, Mich., were admitted to practice.

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No. 349. Gilbert E. Thiel, petitioner, *v.* Southern Pacific Company. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed with costs and case remanded to the District Court of the United States for the Northern District of California for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Murphy. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Reed concurs. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 696. The United States, petitioner, *v.* Joseph A. Holpuch Company; and

No. 697. The United States, petitioner, *v.* Joseph A. Holpuch Company. On writs of certiorari to the Court of Claims. Judgments reversed and cases remanded to the Court of Claims for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Murphy. Opinion by Mr. Justice Douglas dissenting in part in which Mr. Justice Frankfurter and Mr. Justice Rutledge join. Mr. Justice Jackson took no part in the consideration or decision of these cases.

No. 631. Lee Van Woods, petitioner, *v.* Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois. On writ of certiorari to the Circuit Court of Randolph County, State of Illinois; and

No. 671. Lee Van Woods, petitioner, *v.* Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois. On writ of certiorari to the Criminal Court of Cook County, State of Illinois. Writs of certiorari dismissed. Opinion by Mr. Justice Black. Mr. Justice Jackson took no part in the consideration or decision of these cases.

Mr. Justice Black announced the following order of the Court:

No. 1140. Clifford Cogswell, petitioner, *v.* Chicago & Eastern Illinois Railroad Company. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit. *Per curiam:* The petition is granted, except as to the question whether the jury could have found respondent guilty of a violation of Rule 152 of the Interstate Commerce Commission. The judgment is reversed. *Tiller v. Atlantic Coast Line R. Co.*, 318 U. S. 54, 67-8; *Bailey v. Central*

Vermont R. R. Co., 319 U. S. 350, 353-4; *Lavender v. Kurn*, No. 550, October 1945 Term.

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The following orders were not announced orally by Mr. Justice Black but appear on the list certified by him and filed with the Clerk:

No. 365. Seas Shipping Company, Inc., petitioner, *v.* Joseph Sierracki. The motion of American Merchant Marine Institute, Inc., et al., for leave to file a brief *amici curiae* in support of the petition for rehearing is granted.

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No. 121, Misc. Benjamin H. Jones, petitioner, *v.* E. J. Welch, Superintendent, etc.; and

No. 122, Misc. Pat Duggan, petitioner, *v.* Neil Olson, Warden, etc. The motions for leave to file petitions for writs of habeas corpus are denied.

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No. 1130. United States, appellant, *v.* National Lead Company, Titan Company, Inc., and E. I. du Pont de Nemours and Company, Inc.;

No. 1131. National Lead Company and Titan Company, Inc., appellants, *v.* United States; and

No. 1132. E. I. du Pont de Nemours and Company, Inc., appellant, *v.* United States. In these cases probable jurisdiction is noted.

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No. 1148. Gulf Oil Corporation, petitioner, *v.* Cornelius Gilbert, Doing Business Under the Firm Name and Style of Gilbert Storage & Transfer Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted.

No. 1129. Helene A. Jesionowski, Administratrix, petitioner, *v.* Boston & Maine Railroad. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted and the case is transferred to the summary docket.

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No. 1006. Continental Oil Company, petitioner, *v.* United States. Petition for writ of certiorari to the Court of Claims denied.

No. 1065. First National Benefit Society, a Corporation, 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. 1071. L. E. Carpenter and Margaret Carpenter, petitioners, *v.* Title Insurance and Trust Company. Petition for writ of certiorari

to the District Court of Appeal, 2d Appellate District, State of California, denied.

No. 1084. Eularia M. Gatewood, Owner of the Motor Vessel "Lillian Anne," petitioner, *v.* W. S. Sanders, Owner of the Motor Tug "Fairwill" et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 1091. Los Angeles Soap Company, petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 1094. William G. Barnes, petitioner, *v.* City of Philadelphia. Petition for writ of certiorari to the Superior Court of the Commonwealth of Pennsylvania denied.

No. 1097. John Knudsen, petitioner, *v.* Arthur Stegman. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 1102. Robert Gould and Dowling Bros. Distilling Company, petitioners, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 1114. The Cudahy Packing Company, a Maine Corporation, petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 1123. John M. Hartzberg and Louis Hartzberg, Co-Partners, Doing Business Under the Firm Name and Style of J. & L. Hartzberg, petitioners, *v.* The New York Central Railroad Company. Petition for writ of certiorari to the Supreme Court of the State of New York, County of New York, denied.

No. 1136. Swift & Co., petitioner, *v.* Jennie Herzig, as Administratrix of the Goods, Chattels, and Credits of Herman Weintraub, Deceased. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1141. James R. Hill, a Minor, by Theodore A. Hill, His Father and Next Friend, petitioner, *v.* Baltimore & Ohio Railroad Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 1143. Walter P. Gardner, Trustee of the Central Railroad Company of New Jersey, petitioner, *v.* The State of New Jersey. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

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No. 634. Chester W. Crum, petitioner, *v.* Walter A. Hunter, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit;

No. 907. James Hampson, petitioner, *v.* Tom Smith, Superintendent of the Washington State Penitentiary at Walla Walla, Washington. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 957. Thomas Nathan Norris and John Frederick Box, Jr., petitioners, *v.* United States. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 1073. Edgar L. Dotson, petitioner, *v.* The State of Texas. On petition for writ of certiorari to the Court of Criminal Appeals of Texas;

No. 1121. Carl Preston Spencer, petitioner, *v.* People of the State of New York. On petition for writ of certiorari to the Court of General Sessions of the County of New York, State of New York;

No. 1135. David Rubin, petitioner, *v.* The State of New York. On petition for writ of certiorari to the Court of Appeals of New York;

No. 1159. Agnes Lewis, petitioner, *v.* Mr. and Mrs. Harry Parker. On petition for writ of certiorari to the Supreme Court of Louisiana;

No. 1163. James T. Vlahos, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 1168. Walter Krushinski, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1184. George Price, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Winnebago County, State of Illinois;

No. 1197. Harris Bailey, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois; and

No. 1207. Elwood Beagle, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Madison County, State of Illinois. The motions for leave to proceed *in forma pauperis* in these cases are granted. The petitions for writs of certiorari are denied.

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No. 114, Misc. Dorsey McMahan, petitioner, *v.* James V. Bennett, Director, Bureau of Prisons;

No. 365. Seas Shipping Company, Inc., petitioner, *v.* Joseph Sieracki;

No. 883. Richard Knight, petitioner, *v.* The State of Ohio;

No. 893. O. A. Shaver, petitioner, *v.* Fidelity Bankers Trust Company, Successors Trustee Under the Last Will of Daniel Briscoe, Deceased;

No. 967. The Autocar Sales and Service Company, petitioner, *v.* A. G. Leonard et al., Not as Individuals, But as Trustees of the Central Manufacturing District; and

No. 985. Charles O'Neil, petitioner, *v.* Cornelius J. Burke, Warden, etc. et al. The petitions for rehearing in these cases are denied.

No. 880. Harry J. Alker, Jr., and Mamie Du Ban, Individually and as Executrix of the Estate of Alfred A. Du Ban, Deceased, petitioners, *v.* Federal Deposit Insurance Corporation. The motion for leave to file a second petition for rehearing is granted. The petition for rehearing is denied.

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The Court will take a recess from Monday, May 20, until Monday, May 27.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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Adjourned until Monday, May 27, next, at 12 o'clock.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Rutledge, and Mr. Justice Burton.

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Julian Regan Thruston, of Las Vegas, Nev.; Samuel Williamson, of Houston, Tex.; Annette Thayer Means, of Detroit, Mich.; Cyril C. Means, Jr., of Detroit, Mich.; Virginia A. Bradford Capper, of Detroit, Mich.; Clarence A. Bradford, of Detroit, Mich.; John M. Gerish, of Polson, Mont.; Joseph Earl Jackson, of Austin, Tex.; Roswell M. Austin, of St. Albans, Vt.; R. S. Wilson, of Van Buren, Ark.; Walter H. Jones, of Hackensack, N. J.; Louis A. Mounier, Jr., of Hackensack, N. J.; Allan L. Leonard, of Los Angeles, Calif.; Daniel B. Blake III, of Gary, Ind.; Paul Tison, of New York, N. Y.; Arnold F. Bunge, of Toledo, Ohio; Rhodes S. Baker, Jr., of Dallas, Tex.; Vincent P. Molineaux, of Albany, N. Y.; Kenneth Foster, of Washington, D. C.; Thaddeus E. Klemens, of Arlington, Va.; W. D. Stark, of Richmond, Calif.; James D. McKesson, of Walkerton, Ind.; Samuel Mirman, of Los Angeles, Calif.; William T. Thurman, of Salt Lake City, Utah; J. Frank McLaughlin, of Honolulu, T. H.; J. Edward Davey, of Washington, D. C.; Walter E. Hopper, Jr., of New York, N. Y.; Kenneth Ross Iverson, of Washington, D. C.; Odell Kominers, of West Palm Beach, Fla.; Allen J. Krouse, of Washington, D. C.; John O. Honnold, Jr., of Philadelphia, Pa.; Henry I. Brouillette, of Monterey Park, Calif.; Arthur J. Gutman, of Jacksonville, Fla.; Peter F. Hunt, of New York, N. Y.; Milton Maurer, of New York, N. Y.; Rolf T. Michelsen, of New York, N. Y.; Herschel E. Champlin, of Bakersfield, Calif.; Charles M. Ryan, of Los Angeles, Calif.; Roland G. Lamensdorf, of Washington, D. C.; Leonard R. Tanner, Jr., of Winnetka, Ill.; John Y. Cole, of New York, N. Y.; Robert Vernon Smith, of Washington, D. C.; Bernard B. Easton, of Cleveland, Ohio; Robert N. Dahlgren, of Washington, D. C.; John O. Dahlgren, of Washington, D. C.; David P. Close, of New York, N. Y.; Edward S. Pinney, of New York, N. Y.; George J. Harkness, of Chicago, Ill.; Thomas J. Kennedy, of Omaha, Nebr.; Willard S. McKay, of New York, N. Y.; Clay Shackelford, of Richmond, Ky.; Floyd D. Strong, of Topeka, Kans.; H. Heinrich Spang, of Washington, D. C.; John Peter Dubrovsky, of Washington, D. C.; Robert J. Karon, of Duluth, Minn.; David Schwartz, of New York, N. Y.; Lloyd N. Cutler, of New York, N. Y.; Simon Miller, of Long Beach, Calif.; Asa D. Kennedy, Jr., of Okmulgee, Okla.; Broadus McAfee, of Atlanta, Ga.;

Helen Marguerite Morris, of Alexandria, Va.; Leon G. Morris, of Alexandria, Va.; Jesse T. Nicholas, of Arlington, Va.; Walter C. Janney, Jr., of Philadelphia, Pa.; Gerald T. O'Hara, of Boston, Mass.; Walter W. Davis, of New York, N. Y.; Josephine Virginia Bush, of Nashville, Tenn.; Nina Haynes Ikard, of Fort Worth, Tex.; Kenneth Carroad, of New York, N. Y.; Floyd E. Harper, of Tipton, Ind.; and Phil E. Thompson, of Mound City, Mo., were admitted to practice.

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No. 843. Securities and Exchange Commission, petitioner *v.* W. J. Howey Company and Howey-in-the-Hills Service, Inc. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment reversed and case 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 opinion by Mr. Justice Frankfurter. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 630. The United States, petitioner, *v.* Thomas Lee Causby and Wife, Tinie Causby. On writ of certiorari to the Court of Claims. Judgment reversed and case remanded to the Court of Claims so that it may make the necessary findings of fact indicated in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Black in which Mr. Justice Burton joins. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 970. Abraham Fishgold, petitioner, *v.* Sullivan Drydock & Repair Corporation, Roy Granata, as Acting President and Acting Treasurer of Local 13, Industrial Union of Marine and Shipbuilding Workers of America, C. I. O. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed without costs and case remanded to the District Court of the United States for the Eastern District of New York. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Black. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 1116. Paul A. Porter, Administrator, Office of Price Administration, petitioner, *v.* Dr. Lucas J. Lee and Hazel Lee; and

No. 1117. Paul A. Porter, Administrator, Office of Price Administration, petitioner, *v.* Hazel Lee and Lucas J. Lee, Agent, and Sue Lakenan, Justice of the Peace, Covington, Ky. On writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgments reversed and cases remanded to the District Court of the United States for the Eastern District of Kentucky for trial of the issues on the merits. Opinion by Mr. Justice Black. Mr. Justice Jackson took no part in the consideration or decision of these cases.

No. 1118. Paul A. Porter, Administrator, Office of Price Administration, petitioner, *v.* Mary Jo Dicken and Elizabeth M. Dicken, B. M. Murray, Executor of the Estate of Emma Gang, Deceased, and Jacob E. Sandusky, Sheriff. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment of the District Court of the United States for the Southern District of Ohio reversed and the case remanded to that Court to exercise the jurisdiction conferred upon it by section 205 of the Emergency Price Control Act. Opinion by Mr. Justice Black. Mr. Justice Jackson took no part in the consideration or decision of this case.

Mr. Justice Black announced the following order of the Court:

No. 732. Roy Alton Helwig, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. *Per curiam*: The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari is also granted. The judgment of the Circuit Court of Appeals is vacated and the cause remanded to the District Court of Appeals with directions to require the District Court to perfect the record. Rule 39 of the Federal Rules of Criminal Procedure. See *Miller v. United States*, 317 U. S. 199-200.

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The following orders were not announced orally by Mr. Justice Black but appear on the list certified by him and filed with the Clerk:

No. 12, Original. The United States of America, complainant, *v.* The State of California. The motion of the State of California for leave to file answer is granted and the answer is ordered to be filed.

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No. 1008. Michael P. Jordan, petitioner, *v.* Federal Farm Mortgage Corporation et al. The petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit is dismissed for failure to comply with the Rules.

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No. 124, Misc. Ralph Barton Butz, petitioner, *v.* United States Postmaster General. Application denied.

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No. 1096. Independent Warehouses, Inc., Pennsylvania Coal Company et al., appellants, *v.* William Scheele, Recorder of the Township of Saddle River, and the Township of Saddle River. In this case probable jurisdiction is noted and the case is transferred to the summary docket.

No. 1183. Aircraft & Diesel Equipment Corporation, appellant, *v.* Maurice Hirsch, E. D. McDougal, John R. Paul, et al. In this case probable jurisdiction is noted.

No. 1056. Leo H. Steele, petitioner, *v.* General Mills, Inc. The petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit is granted.

No. 947. General Madison Pearson, Post Commanding Officer, Fort Dix, New Jersey, petitioner, *v.* United States ex rel. Harry Horowitz; and

No. 948. General Madison Pearson, Post Commanding Officer, Fort Dix, New Jersey, petitioner, *v.* United States ex rel. Jacob S. Samuels. The motion to substitute Major General Leland S. Hobbs as party petitioner in place of Brigadier General Madison Pearson is granted. The petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit is also granted and the cases are transferred to the summary docket.

No. 1098. State of Oklahoma, petitioner, *v.* United States Civil Service Commission. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit is granted and the case is set for argument immediately following No. 34.

No. 900. Hans Max Haupt, 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 Seventh Circuit is also granted. The Court directs that the expense of printing the record in this case be paid by the United States pursuant to 28 U. S. C., sec. 832.

No. 885. George E. Hickman, as Administrator of the Estate of Norman E. Hickman, Deceased, petitioner, *v.* John M. Taylor and George Anderson, Individually and Trading as Taylor & Anderson Towing and Lighterage Company et al. On petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit. The petition for rehearing is granted. The order of April 22 denying the petition for writ of certiorari is vacated and the petition for writ of certiorari is granted.

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No. 981. A. B. Frank Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 1007. Michael P. Jordan, petitioner, *v.* Federal Farm Mortgage Corporation et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 1049. State of Texas, petitioner, *v.* Alberto Balli et al.;

No. 1050. Hector Crandall, petitioner, *v.* Alberto Balli et al.; and

No. 1051. Kernel Hughes et al., petitioners, *v.* Alberto Balli et al. Petitions for writs of certiorari to the Supreme Court of Texas denied.

No. 1068. Meyer Eastman, alias "Meyer Esstman and Dave Marglous", petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 1069. Great Lakes Dredge & Dock Company, petitioner, *v.* United States. Petition for writ of certiorari to the Court of Claims denied.

No. 1112. C. R. Moffitt, alias Carvel R. Moffitt, petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 1113. County of Marin, State of California, petitioner, *v.* James S. Pedrotti, Also Known as Stephen Pedrotti, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 1127. Hastings Manufacturing Company, petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 1137. R. R. Stone, Trading as Stone Towing Line, Charterer, pro hac vice of Gas Screw Tug Stone 6, petitioner, *v.* Diamond Steamship Transportation Corporation and Texas Gulf Sulphur Company, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 1146. Anton Ivusich, petitioner, *v.* Cunard White Star, Ltd. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1186. Leon S. Dure, Trustee of the Georgia, Florida & Alabama Railroad Company, et al., petitioners, *v.* Otis A. Glazebrook, Jr., et al., Constituting the Reorganization Committee of the Seaboard Air Line Railway Company et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 1199. The Century Indemnity Company, petitioner, *v.* Duncan C. Arnold and Margaret C. Galbreath. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

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No. 1034. George F. Driscoll Company, petitioner, *v.* United States. The motion of Allen Pope for leave to file brief as *amicus curiae* is granted. The petition for writ of certiorari to the Court of Claims is denied.

No. 1126. Goldblatt Bros., Inc., petitioner, *v.* L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor. The motion to dispense with printing the record on prior certiorari proceedings is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit is denied.

No. 1139. Ivy Landreth, petitioner, *v.* Wabash Railroad Company. The motion of United Railroad Workers of America, C. I. O., for leave

to file brief as *amicus curiae* is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit is denied.

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No. 765. George W. Van Horn, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 744. Victor J. Evans, petitioner, *v.* United States. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 808. Julius Boust, petitioner, *v.* United States. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit;

No. 910. George W. Van Horn, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Clay County, State of Illinois;

No. 958. J. O. Spaulding, petitioner, *v.* United States. On petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit;

No. 1100. George Nolan, petitioner, *v.* United States. On petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit;

No. 1125. Lee Frier, petitioner, *v.* Federal Crop Insurance Corporation. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 1138. Dwight S. Corey, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the County Court of Chemung County, State of New York;

No. 1156. Ray Beshears, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Circuit Court of Randolph County, State of Illinois;

No. 1169. Elmer Davis, petitioner, *v.* State of Indiana. On petition for writ of certiorari to the Supreme Court of Indiana;

No. 1188. Cecil C. Crebs, petitioner, *v.* R. H. Hudspeth, Warden, etc. On petition for writ of certiorari to the Supreme Court of Kansas.

No. 1189. Samuel R. Toucey, petitioner, *v.* New York Life Insurance Company. On petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit;

No. 1205. Peter Joseph Kajatek, petitioner, *v.* State of New York. On petition for writ of certiorari to the County Court, Onondaga County, State of New York;

No. 1217. Merle Cecil Phillips, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois; and

No. 1225. Wallace Phillips, petitioner. *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Edgar County, State of Illinois. The motions for leave to proceed *in forma pauperis* in these cases are granted. The petitions for writs of certiorari are denied.

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No. 496. M. E. Heiser, petitioner, *v.* Willie Mae Woodruff et al.;

No. 603. First Iowa Hydro-Electric Co-Operative, petitioner, *v.* Federal Power Commission et al.;

No. 1016. Rose Mary Hash, petitioner, *v.* Commissioner of Internal Revenue;

No. 1017. G. Lester Hash, petitioner, *v.* Commissioner of Internal Revenue; and

No. 1041. Mike Marvich, petitioner, *v.* The People of the State of California et al. The petitions for rehearing in these cases are denied.

No. 68. Uldric Thompson, Jr., petitioner, *v.* United States. The motion for leave to file a second petition for rehearing is granted. The petition for rehearing is denied. Mr. Justice Burton took no part in the consideration or decision of these applications.

No. 520. Allen Pope, petitioner, *v.* United States;

No. 796. Joseph A. Farrell, petitioner, *v.* Commonwealth of Massachusetts; and

No. 967. The Autocar Sales and Service Company, petitioner, *v.* A. G. Leonard et al. Not as Individuals, But as Trustees of the Central Manufacturing District. The motions for leave to file second petitions for rehearing are granted. The petitions for rehearing are denied.

No. 819. Canadian River Gas Company, petitioner, *v.* Joseph T. Higgins, Formerly United States Collector of Internal Revenue for the Third District of New York. The motion for leave to file petition for rehearing out of time is granted. The petition for rehearing is denied.

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The Court will take a recess from today until Monday, June 3, next, on which day it will adjourn for the term unless otherwise ordered.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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Adjourned until Monday, June 3, next, at 12 o'clock.

## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Rutledge, and Mr. Justice Burton.

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Edward H. Hickey, of Boston, Mass.; William M. Fay, of Washington, D. C.; Charles J. Wendland, of Los Angeles, Calif.; Robert Emmett Fredricks, of Jamestown, N. Dak.; John Russell Whitney, of Washington, D. C.; Philip C. Brownell, of Washington, D. C.; Harry G. Fuerst, of Cleveland, Ohio; Leo Curtis Frenna, of Winder, Ga.; Harry William Elliott, of Los Angeles, Calif.; Sanford H. Bolz, of Washington, D. C.; Eleanor Clagett Guthridge, of Washington, D. C.; Nathan R. Graham, of Tampa, Fla.; Norman N. M. Green, of Staten Island, N. Y.; William Allen Mellan, of Washington, D. C.; Abraham J. Platt, of Washington, D. C.; Wm. T. Grasty, of Staunton, Va.; Robert T. Murphy, of Washington, D. C.; Edna Frances Guise, of Des Moines, Iowa; Mary B. Wendt, of Milwaukee, Wis.; Benjamin Paul Goldman, of New York, N. Y.; Forrest F. McCluney, of Kansas City, Mo.; Edward M. Lowrance, of Memphis, Tenn.; Robert C. Whitley, of Winston-Salem, N. C.; Allan D. Montgomery, of Wichita Falls, Tex.; Frank L. Whitaker, of Portland, Oreg.; Joseph Rotwein, of Washington, D. C.; Hudson Baynham Cox, of Los Angeles, Calif.; Samuel H. Moerman, of Washington, D. C.; Stephen I. Zetterberg, of Claremont, Calif., were admitted to practice.

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No. 707. The Prudential Insurance Company, appellant, *v.* L. George Benjamin, as Insurance Commissioner of the State of South Carolina. Appeal from the Supreme Court of the State of South Carolina. Judgement affirmed with costs. Opinion by Mr. Justice Rutledge. Mr. Justice Black concurs in the result. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 274. F. O. Robertson, appellant, *v.* The People of the State of California. Appeal from the Superior Court of Ventura County, State of California. Judgment affirmed with costs. Opinion by Mr. Justice Rutledge. Opinion by Mr. Justice Douglas dissenting in part. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 793. Paul A. Porter, Administrator, Office of Price Administration, petitioner, *v.* Warner Holding Company. 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 Murphy. Dissenting opinion by Mr. Justice Rutledge in which Mr. Justice Reed and Mr. Justice Frankfurter join. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 473. John D. Pennekamp and the Miami Herald Publishing Company, petitioners, *v.* The State of Florida. On writ of certiorari to the Supreme Court of the State of Florida. Judgment reversed with costs and case remanded to the Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Reed. Concurring opinions by Mr. Justice Frankfurter, Mr. Justice Murphy, and Mr. Justice Rutledge. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 704. Irene Morgan, appellant, *v.* Commonwealth of Virginia. Appeal for the Supreme Court of Appeals of the Commonwealth of Virginia. Reversed with costs and case remanded to the Supreme Court of Appeals for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Reed. Mr. Justice Rutledge concurs in the result. Concurring opinions by Mr. Justice Black and Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Burton. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 809. The United States, petitioner, *v.* Robert Morss Lovett;

No. 810. The United States, petitioner, *v.* Goodwin B. Watson; and

No. 811. The United States, petitioner, *v.* William E. Dodd, Jr. On writs of certiorari to the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Black. Concurring opinion by Mr. Justice Frankfurter in which Mr. Justice Reed joins. Mr. Justice Jackson took no part in the consideration or decision of these cases.

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The following orders were not announced orally by Mr. Justice Black but appear on the list certified by him and filed with the Clerk:

No. 1240. Clay Marley, appellant, *v.* The People of the State of California. Appeal from the Superior Court in and for the County of Los Angeles, Appellate Department, State of California. *Per curiam*: The appeal is dismissed for want of a substantial federal question. Mr. Justice Rutledge dissents.

No. 123, Misc. In the Matter of the Dominion of Canada, Owner of the Park Steamship Company, Limited, and the Steamship "Cornish Park," petitioner. The motion for leave to file a petition for writ of mandamus or prohibition is denied. Mr. Justice Douglas dissents.

No. 125, Misc. In the Matter of Refrigeration Patents Corporation, petitioner. The motion for leave to file a petition for writ of prohibition or mandamus is denied.

No. 126, Misc. Paul Davis Sheridan, petitioner, *v.* Ralph E. Benson, Warden, etc. The motion for leave to file a petition for writ of habeas corpus is denied.

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No. 1216. The Gospel Army, a Corporation, appellant, *v.* The City of Los Angeles, Board of Social Service Commissioners, Department of Social Service, 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.

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No. 1145. Indemnity Insurance Company of North America, petitioner, *v.* Bayard I. Reisley, as Trustee in Bankruptcy of A. L. Hartridge Company, Incorporated, Bankrupt. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1147. Joseph A. Gordon, petitioner, *v.* Paul A. Porter, Price Administrator. Petition for writ of certiorari to the United States Emergency Court of Appeals denied.

No. 1149. Louis Epstein, petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeal for the Second Circuit denied.

No. 1158. George A. Earnhardt, petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 1180. The E. C. Schroeder Company, Incorporated, petitioner, *v.* M. L. Clifton, for Himself and as Agent for E. M. Avery, et al.; and

No. 1237. M. L. Clifton et al., petitioners, *v.* E. C. Schroeder Company, Inc. Petitions for writs of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 1203. Frank Rymarkiewicz, petitioner, *v.* Pittsburgh Steamship Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 1210. Paul Ginsburg, petitioner, *v.* Charles H. Sachs, William C. McEldowney and Max Perlman. Petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania denied.

No. 1228. Howard F. Bishop, petitioner, *v.* Bankers Building, Inc. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1239. Sylvania Industrial Corporation and Sylvan Plastics, Inc., petitioners, *v.* Libbey-Owens-Ford Glass Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

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No. 1090. D. M. Carothers, Doing Business as Allright Auto Park, et al., petitioners, *v.* Chester Bowles, Administrator, Office of Price Administration. The motion to substitute Paul A. Porter as the party respondent is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit is denied.

No. 1160. Randolph Phillips, petitioner, *v.* Securities and Exchange Commission and the United Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit is denied. Mr. Justice Douglas took no part in the consideration or decision of this application.

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No. 828. H. Dulany Mitchell, petitioner, *v.* Walter A. Hunter, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit;

No. 1093. Eugene Cable and Philippine Gross Cable, petitioners, *v.* Frank C. Walker, as Postmaster General of the United States. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 1128. C. E. Joyce, petitioner, *v.* United States. On petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit;

No. 1208. Howard H. Higley, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the County Court, Onondaga County, State of New York;

No. 1214. Michael F. Julian, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the County Court, Chemung County, State of New York;

No. 1222. Clarence Whitehead, petitioner, *v.* J. Vernel Jackson, as Warden, etc. On petition for writ of certiorari to the Court of Appeals of New York;

No. 1226. David Marr, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 1234. Ralph Russell Renninger, petitioner, *v.* People of the State of New York. On petition for writ of certiorari to the County Court of Delaware County, State of New York;

No. 1249. John G. Leslie, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the County Court of Erie County, State of New York;

No. 1257. William J. Buckley, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the Appellate Division, 4th Department, State of New York;

No. 1261. Harry Holderfield, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois; and

No. 1262. Thomas Feeley, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois. The motions for leave to proceed *in forma pauperis* in these cases are granted. The petitions for writs of certiorari are denied.

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No. 894. Roy Morgan, petitioner, *v.* W. C. Parker, Warden, etc. The petition for rehearing in this case is denied.

No. 622. Mattie Bradey, as Administratrix of the Estate of Marion Thomas Bradey, Deceased, petitioner, *v.* United States, as Represented by War Shipping Administration. The motion for leave to file a petition for rehearing out of time is granted. The petition for rehearing is denied. Mr. Justice Rutledge took no part in the consideration or decision of these applications.

No. 985. Charles O'Neil, petitioner, *v.* Cornelius J. Burke, Warden, etc., et al. The motion for leave to file a second petition for rehearing is granted. The petition for rehearing is denied.

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The Court will take a recess from today until Monday, June 10, next, on which day it will adjourn for the term unless otherwise ordered.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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Adjourned until Monday, June 10, next, at 12 o'clock.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Rutledge, and Mr. Justice Burton.

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Joe Hess, of Dallas, Tex.; James I. Dolliver, of Fort Dodge, Iowa; James K. Abercrombie, of Visalia, Calif.; W. A. Stanfill, of Hazard, Ky.; John A. Black, Jr., of Houston, Tex.; James H. Donaldson, of New Rochelle, N. Y.; Edward H. Hardy, of Richmond, Va.; Hugh Ownby, of Tulsa, Okla.; Randolph M. Jackson, of Hillsboro, Tex.; Wm. M. Blackwell, of Richmond, Va.; Philip M. Lorber, of New York, N. Y.; Norman E. Visdal, of Chicago, Ill.; Michael H. Sheridan, of Wilkes-Barre, Pa.; Charles B. Hoeven, of Alton, Iowa; Dorothea E. Donaldson, of New Rochelle, N. Y.; Ray J. O'Brien, of Honolulu, T. H.; Garfield A. Roberds, of Olathe, Kans.; Frank B. Bird, of Knoxville, Tenn.; Robert Carroll Van Ness, of Corpus Christi, Tex.; Ralph P. Lawson, of Cheboygan, Mich.; J. R. Sorrell, of Corpus Christi, Tex.; Kenneth B. Chase, of Sheboygan, Wis.; Robert Marks, of Chicago, Ill.; Joe R. Johnson, Jr., of Clinton, Ky.; James Bennett Osborne, of Cleveland, Ohio; Robert J. Wieferich, of Chicago, Ill.; Charles W. L. Summerill, of Clinton, N. J.; Dudley H. Nebeker, of Oakland, Calif.; Norman D. Cann, of Washington, D. C.; Henry Clyde Westin, of Pittsburgh, Pa.; Elliott R. Katz, of New Haven, Conn.; Vincent Scott, of Los Angeles, Calif.; William T. Lowry, of Arlington, Va.; Donald T. Ruby, of Washington, D. C.; Benjamin Metviner, of New York, N. Y.; George Sutherland Elmore, of Washington, D. C.; Louis Henkin, of New York, N. Y.; John Oliver Stigall, of Kansas City, Mo.; Louis Robertson, of Chicago, Ill.; Herman C. Biegel, of Washington, D. C.; C. Elmer Bown, of Pittsburgh, Pa.; Thomas J. Munsch, Jr., of Pittsburgh, Pa.; Morris Bernard Gutt, of New York, N. Y.; Job Taylor II, of Pittsburgh, Pa.; Joseph E. Warren, of Mayfield, Ky.; Robert E. Mullin, of Hospers, Iowa; Phillip A. Singleton, of Arlington, Va.; John Maxwell Friedman, of New York, N. Y.; James Skelly Wright, of New Orleans, La.; John L. Ingoldsby, Jr., of Washington, D. C.; William J. Daly, Jr., of New York, N. Y.; and Jack C. Davis, of Washington, D. C., were admitted to practice.

No. 18. The American Tobacco Company, American Suppliers, Inc., George Washington Hill, et al., petitioners, *v.* The United States of America;

No. 19. *Liggett & Myers Tobacco Company et al., petitioners, v. The United States of America*; and

No. 20. *R. J. Reynolds Tobacco Company, William N. Reynolds, S. Clay Williams, James A. Gray, 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 Kentucky. Opinion by Mr. Justice Burton. Mr. Justice Frankfurter entirely agrees with the judgment and the opinion in these cases. He, however, would have enlarged the scope of the orders allowing the petitions for certiorari so as to permit consideration of the alleged errors in regard to the selection of the jury. Concurring opinion by Mr. Justice Rutledge. Mr. Justice Reed and Mr. Justice Jackson took no part in the consideration or decision of these cases.

No. 447. *The United States of America, appellant, v. Sheldon Maurice Anderson*. Appeal from the District Court of the United States for the Western District of Washington. Judgment reversed and case remanded for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Rutledge. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 625. *Cecil I. Hust, petitioner, v. Moore-McCormack Lines, Inc.* On writ of certiorari to the Supreme Court of the State of Oregon. Judgment reversed with costs and case remanded to the Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Rutledge. Concurring opinion by Mr. Justice Douglas in which Mr. Justice Black concurs. Dissenting opinion by Mr. Justice Reed in which Mr. Justice Frankfurter and Mr. Justice Burton join. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 457. *Gus Kotteakos and Michael Lekacos, petitioners, v. The United States of America*; and

No. 458. *Nathan Regenbogen, petitioner, v. The United States of America*. On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgments reversed and cases remanded to the District Court of the United States for the Eastern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Rutledge. Mr. Justice Black concurs in the result. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Reed joins. Mr. Justice Jackson took no part in the consideration or decision of these cases.

No. 342. *Steve Anderson, Earl Trombley, Lillian Socia, et al., petitioners, v. Mt. Clemens Pottery Company*. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

Judgment reversed with costs and case remanded to the District Court of the United States for the Eastern District of Michigan for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Murphy. Dissenting opinion by Mr. Justice Burton in which Mr. Justice Frankfurter concurs. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 404. Jack Davis, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed and case remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Murphy concurs. Dissenting opinion by Mr. Justice Rutledge. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 489. Edward F. Zap, 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 case remanded to the District Court of the United States for the Southern District of California. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Murphy and Mr. Justice Rutledge concur. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 675. Verna Mae Bihn, 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 case 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 Douglas. Dissenting opinion by Mr. Justice Black in which Mr. Justice Reed and Mr. Justice Burton join. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 719. W. Daniel Pinkerton and Walter G. Pinkerton, petitioners, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed and case remanded to the District Court of the United States for the Northern District of Alabama. Opinion by Mr. Justice Douglas. Opinion by Mr. Justice Rutledge dissenting in part. Mr. Justice Frankfurter, reserving judgment on the question of double jeopardy, agrees in substance with the views expressed in the dissent of Mr. Justice Rutledge. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 510. Paul Knauer, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment affirmed and case remanded

to the District Court of the United States for the Eastern District of Wisconsin. Opinion by Mr. Justice Douglas. Concurring opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Rutledge in which Mr. Justice Murphy joins. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 804. Kenneth W. Colegrove, Peter J. Chamales, and Kenneth C. Sears, appellants, *v.* Dwight H. Green, as a Member, Ex-Officio of the Primary Certifying Board of the State of Illinois, et al. Appeal from the District Court of the United States for the Northern District of Illinois. Decree dismissing the complaint affirmed with costs. Mr. Justice Frankfurter announced the judgment of the Court and an opinion in which Mr. Justice Reed and Mr. Justice Burton concur. Opinion by Mr. Justice Rutledge concurring in the result. Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas and Mr. Justice Murphy join. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 48. Universal Oil Products Company, petitioner, *v.* Root Refining Company; and

No. 64. Universal Oil Products Company, petitioner, *v.* Root Refining Company. On writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment in No. 48 reversed and case remanded to the Circuit Court of Appeals for the entry of judgment in conformity with the opinion of this Court. Costs are to be taxed against the attorneys, amici curiae, J. Bernhard Thiess and Thorley von Holst. Writ of certiorari dismissed in No. 64. Opinion by Mr. Justice Frankfurter. Mr. Justice Black concurs in the narrower ground of the opinion of Mr. Justice Frankfurter. Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of these cases.

No. 122. Julius Fisher, petitioner, *v.* The United States of America. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment affirmed and case remanded to the District Court of the United States for the District of Columbia. Opinion by Mr. Justice Reed. Dissenting opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Frankfurter and Mr. Justice Rutledge join. Dissenting opinion by Mr. Justice Rutledge. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 278. Reconstruction Finance Corporation, Insurance Group Committee, Central Hanover Bank and Trust Company, petitioners, *v.* The Denver and Rio Grande Western Railroad Company, et al.;

No. 279. Reconstruction Finance Corporation, Insurance Group Committee, Central Hanover Bank and Trust Company, petitioners, *v.* The Denver and Salt Lake Western Railroad Company et al.;

No. 280. Reconstruction Finance Corporation, Insurance Group Committee, Central Hanover Bank and Trust Company, petitioners, *v.* City Bank Farmers Trust Company, Trustee, et al.;

No. 281. Reconstruction Finance Corporation, Insurance Group Committee, Central Hanover Bank and Trust Company, petitioners, *v.* The Denver and Rio Grande Western Railroad Company et al.; and

No. 282. Reconstruction Finance Corporation, Insurance Group Committee, Central Hanover Bank and Trust Company, petitioners, *v.* Guy A. Thompson, Trustee, et al. On writs of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. The judgment of the Circuit Court of Appeals is reversed with costs and the orders of the District Court of October 25, 1943, approving the plan, and of November 29, 1944, confirming the plan, are affirmed. The causes are remanded to the District Court of the United States for the District of Colorado for further proceedings. Opinion by Mr. Justice Reed. Dissenting: Mr. Justice Frankfurter. Mr. Justice Jackson took no part in the consideration or decision of these cases.

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The following orders were not announced orally by Mr. Justice Black but appear on the list certified by him and filed with the Clerk:

No. 629. Samuel Perlstein, petitioner, *v.* William H. Hiatt, Warden, United States Penitentiary, Lewisburg, Pennsylvania. On writ of certiorari to the Circuit Court of Appeals for the Third Circuit. *Per curiam*: It appearing that the case is moot, the writ of certiorari is dismissed.

No. 789. The Prudential Insurance Company of America, appellant, *v.* Charles F. Hobbs, Insurance Commissioner of the State of Kansas;

No. 790. Aetna Insurance Company, appellant, *v.* Charles F. Hobbs, as Commissioner of Insurance of the State of Kansas;

No. 791. American Indemnity Company, appellant, *v.* Charles F. Hobbs, as Commissioner of Insurance of the State of Kansas; and

No. 792. Pacific Mutual Life Insurance Company, appellant, *v.* Charles F. Hobbs, as Commissioner of Insurance of the State of Kansas. Appeals from the Supreme Court of Kansas. *Per curiam*: The judgments are affirmed. The Prudential Insurance Company *v.* Benjamin, No. 707, October Term 1945; Robertson *v.* People of the State of California, No. 274, October Term 1945, decided June 3, 1946.

No. 987. John L. Wilson, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit. *Per curiam*: The petition for writ of certiorari is granted limited to Question I in the Government's brief. The judgment of the Circuit Court of Appeals is vacated and the cause is remanded to the District Court for resentencing.

No. 1085. The Prudential Insurance Company of America, appellant, *v.* The State of Indiana. Appeal from the Supreme Court of Indiana. *Per curiam*: The judgment is affirmed. The Prudential Insurance Company *v.* Benjamin, No. 707, October Term 1945, decided June 3, 1946.

No. 1255. West Publishing Company, appellant, *v.* Chas. J. McCorgan, Franchise Tax Commissioner of the State of California. Appeal from the Supreme Court of California. *Per curiam*: The motion to affirm is granted and the judgment is affirmed. United States Glue Co. *v.* Town of Oak Creek, 247 U. S. 321; Interstate Busses Corporation *v.* Blodgett, 276 U. S. 245; Memphis Natural Gas Co. *v.* Beeler, 315 U. S. 649, 656; International Shoe Co. *v.* Washington, 326 U. S. 310.

No. 1209. Admiral Dewey Adamson, appellant, *v.* People of the State of California. The motion for leave to proceed *in forma pauperis* is granted. In this case probable jurisdiction is noted.

No. —, Original. J. Tom Watson, as Attorney General of the State of Florida, complainant, *v.* Chester Bowles, Economic Stabilization Director, Paul A. Porter, Price Administrator, and John D. Small, Civilian Production Administrator. The motion for leave to file bill of complaint is denied.

No. —. The United States of America, Interstate Commerce Commission, et al., appellants, *v.* The States of New York, Delaware, et al. The motion to vacate injunction pending appeal is denied.

No. 12, Original. The United States of America, complainant, *v.* The State of California. This cause is set for argument on the pleadings.

No. 19. Liggett & Myers Tobacco Company et al., petitioners, *v.* United States; and

No. 20. R. J. Reynolds Tobacco Company, William N. Reynolds, S. Clay Williams, et al., petitioners, *v.* United States. The motion for leave to file petition for enlargement of the scope of review is denied. Mr. Justice Reed took no part in the consideration or decision of this application.

No. 517. D. A. Schulte, Inc., petitioner, *v.* Salvatore Gangi, Suing on Behalf of Himself and Other Employees Similarly Situated. It is ordered that the concluding paragraph of the dissenting opinion of Mr. Justice Frankfurter, announced April 29, 1946, be expunged.

No. 764. Harice LeRoy Carter, petitioner, *v.* The People of the State of Illinois. It is ordered that Stephen A. Mitchell, Esquire, of Chicago, Illinois, a member of the Bar of this Court, be appointed to serve as counsel for the petitioner in this case.

No. 914. United States, petitioner, *v.* Paul David Sheridan. It is ordered that John H. Pickering, Esquire, of Washington, D. C., a

member of the Bar of this Court, be appointed to serve as counsel for the respondent in this case.

No. 9. United Brotherhood of Carpenters and Joiners of America, petitioner, *v.* United States;

No. 10. The Bay Counties District Council of Carpenters of the United Brotherhood of Carpenters and Joiners of America et al., petitioners, *v.* United States;

No. 11. Lumber Products Association, Inc., Acme Manufacturing Co., et al., petitioners, *v.* United States;

No. 12. Alameda County Building and Construction Trades Council, petitioner, *v.* United States; and

No. 13. Boorman Lumber Company, Hogan Lumber Company, Loop Lumber & Mill Company, et al., petitioners, *v.* United States. These cases are restored to the docket for reargument.

No. 540. Dr. Furman Angel, petitioner, *v.* W. H. Bullington. This case is restored to the docket for reargument.

No. 127, Misc. Peter Resco, petitioner, *v.* Joseph E. Ragen, Warden; and

No. 130, Misc. Leo Bailey, petitioner, *v.* Frank Stoutamire, Sheriff. The motions for leave to file petitions for writs of certiorari are denied.

No. 128, Misc. United States ex rel. Chester F. James, petitioner, *v.* Joseph E. Ragen, Warden; and

No. 129, Misc. United States ex rel. Medico Mancione, petitioner, *v.* Joseph E. Ragen, Warden. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 131, Misc. Allen Pope, petitioner, *v.* The Chief Justice and Associate Judges of the Court of Claims. The motion for leave to file a petition for writ of mandamus is denied.

No. 1143. Walter P. Gardner, Trustee of the Central Railroad Company of New Jersey, petitioner, *v.* The State of New Jersey. The petition for rehearing is granted. The order of May 20 denying certiorari is vacated and the petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit is granted.

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No. 1099. The Trailmobile Company and International Union, United Automobile, Aircraft, and Agricultural Workers of America, U. A. W., C. I. O. Local No. 392, petitioners, *v.* Lawrence Whirls. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted.

No. 700. George Harris, petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted.

No. 1251. Pan American Airways Corporation and Pan American Airways, Inc., petitioners, *v.* W. R. Grace & Co., Civil Aeronautics Board, Eastern Air Lines, Inc., et al.; and

No. 1258. Eastern Air Lines, Inc., petitioner, *v.* W. R. Grace & Co., Civil Aeronautics Board, Pan American Airways Corporation, et al. Petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit granted.

No. 1306. Mariano Uyeki, petitioner, *v.* Lieutenant General Wilhelm D. Styer, Commanding General, United States Army Forces, Western Pacific. Petition for writ of certiorari to the Supreme Court of the Philippines granted.

No. 1306. Mariano Uyeki, petitioner, *v.* Lieutenant General Wilhelm D. Styer, Commanding General, United States Army Forces, Western Pacific. A petition for writ of certiorari having been granted in this case, it is ordered that all further proceedings in this matter be stayed pending the final disposition of this case by this Court.

No. 1192. Julius A. Krug, Secretary of the Interior, et al., petitioners, *v.* Santa Fe Pacific Railroad Company; and

No. 1193. Julius A. Krug, Secretary of the Interior, et al., petitioners, *v.* Santa Fe Pacific Railroad Company. The motion to substitute Oscar L. Chapman as Under Secretary of the Interior is granted. The petition for writs of certiorari to the United States Court of Appeals for the District of Columbia is also granted.

No. 1227. United States ex rel. David Goodman, petitioner, *v.* Major General T. G. Hearn, Commanding General of Camp Wheeler, Georgia. The petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit is granted, limited to the third and fourth questions in the petition for writ of certiorari. The case is transferred to the summary docket and assigned for argument immediately following Nos. 947-948.

No. 1302. State of Louisiana, ex rel. Willie Francis, petitioner, *v.* E. L. Resbeber, Sheriff of the Parish of St. Martin, Louisiana, et al. 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 Louisiana is also granted.

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No. 951. Koa Gora, petitioner, *v.* Territory of Hawaii. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 1142. Rudolph Mejia et al., petitioners, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 1151. Sax and Rose Elizabeth Rohmer, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1153. Portland Tug & Barge Company, a Corporation, petitioner, *v.* Upper Columbia River Towing Company, a Corporation, Claimant of the Diesel Tug "Megler," et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 1161. Safeway Stores, Incorporated, petitioner, *v.* Paul A. Porter, Price Administrator. Petition for writ of certiorari to the United States Emergency Court of Appeals denied.

No. 1170. J. R. McLeod, petitioner, *v.* The City of Jackson, Mississippi, a Municipal Corporation. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. 1171. Birch Ranch and Oil Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 1172. Guisepe Bozzo Fu Lorenzo, as Owner of the Steam Vessel "Antoinetta," Her Engines, Boilers, etc., petitioner, *v.* United States et al.;

No. 1173. A. T. Rosasco, as Owner of the Steam Vessel "Santa Rosa," Her Engines, Boilers, etc., petitioner, *v.* United States et al.;

No. 1174. Mariano Maresca and Company, as Owner of the Steam Vessel "Mar Glauco," Her Engines, Boilers, etc., petitioner, *v.* United States et al.; and

No. 1175. "Italia"-Societa Anonima Di Navigazione, as Owner of the Steam Vessel "Belvedere," Her Engines, Boilers, etc., petitioner, *v.* United States et al. Petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 1176. Societa Anonima Cooperative Di Navigazione Garibaldi, as Bailee of the Italian Vessel "Brennero," Her Engines, Boilers, etc., petitioner, *v.* United States et al.;

No. 1177. "Italia"-Societa Anonima Di Navigazione, as Owner of the Italian Vessel "Alberta," Her Engines, Boilers, etc., petitioner, *v.* United States et al.;

No. 1178. "Italia"-Societa Anonima Di Navigazione, as Owner of the Italian Vessel "Aussa," Her Engines, Boilers, etc., petitioner, *v.* United States et al.; and

No. 1179. "Italia"-Societa Anonima Di Navigazione, as Owner of the Italian Vessel "Arsa," Her Engines, Boilers, etc., petitioner, *v.* United States et al. Petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 1223. Homer L. Loomis, petitioner, *v.* United States and Leo J. Crowley, Alien Property Custodian of the United States. Petition

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

No. 1182. Robert E. Dineen, Superintendent of Insurance of the State of New York, as Liquidator of Lawyers Mortgage Company, petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1187. Bertha Friend, Middle Atlantic Transportation Company and Milburn Martin, petitioner, *v.* Fred J. Friend. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1190. Pete Golson, petitioner, *v.* The People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1191. The People of the State of Illinois *ex rel.* Charles A. Pusch, petitioner, *v.* Michael F. Mulcahy, Sheriff of Cook County, Illinois, *et al.* Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1195. John A. Johnson & Sons, Inc., and American Surety Company of New York, petitioners, *v.* United States to the Use of the Baltimore Brick Company; and

No. 1196. John A. Johnson & Sons, Inc., and American Surety Company of New York, petitioners, *v.* Jacob Friedman, Trading as J. Friedman Company. Petition for writs of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 1198. West Kentucky Coal Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 1202. W. D. Haden Company, petitioner, *v.* L. Metcalfe 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 Fifth Circuit denied.

No. 1213. Annie Moore, as Administratrix of the Goods, Chattels, and Credits of William J. Simpson, Deceased, petitioner, *v.* Atlantic Coast Line Railroad Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1215. Max D. Gustin, Administrator of the Estate of William Duncan Graham, Deceased, petitioner, *v.* Sun Life Assurance Company of Canada. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 1231. Forest E. Levers, Administrator of the Assets of a Partnership, *etc.*, petitioner, *v.* A. V. Anderson, District Supervisor, Alcohol Tax Unit. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 1233. The E. L. Essley Machinery Company, petitioner, *v.* The Delta Manufacturing Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 1247. Baltimore & Ohio Chicago Terminal Railroad Company, a Corporation, petitioner, *v.* William W. Howard. Petition for writ of certiorari to the Appellate Court of the State of Illinois, First District, denied.

No. 286. The Denver & Rio Grande Western Railroad Company, petitioner, *v.* Reconstruction Finance Corporation et al.; and

No. 291. Guy A. Thompson, Trustee, Missouri Pacific Railroad Company, Debtor, petitioner, *v.* Reconstruction Finance Corporation et al. Petitions for writs of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 1108. Lola Brooks, Administratrix of the Estate of F. S. Brooks, Deceased, petitioner, *v.* St. Louis-San Francisco Railway Company, Debtor, et al.;

No. 1109. John E. Dikis, as Administrator of the Estate of Robert E. Lee, Deceased, et al., petitioners, *v.* St. Louis-San Francisco Railway Company, Debtor, et al.; and

No. 1110. St. Louis-San Francisco Railway Company, Debtor, petitioner, *v.* The Chase National Bank of the City of New York and John A. Aid, Trustees et al. Petition for writs of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 1111. St. Louis-San Francisco Railway Company, Debtor, petitioner, *v.* The Chase National Bank of the City of New York et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 873. Theodore Karl Siegel, petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1201. United States ex rel. Constantinos Karpathiou, petitioner, *v.* Andrew Jordon, District Director of Immigration and Naturalization, Chicago District. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 1218. Robert Lieberman, petitioner, *v.* United States; and

No. 1219. Irving Malbin, petitioner, *v.* United States. Petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1229. Federal Land Bank of Spokane et al., petitioners, *v.* S. P. Beecher. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 1238. George F. Fish, Inc., and Michael Simon, petitioners, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1241. The Kar Engineering Company, Inc., petitioner, *v.* Brown & Sharpe Manufacturing Company and James Neill & Co. (Sheffield), Limited. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 1284. Stanley J. Klein, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 1285. Richard Shew, petitioner, *v.* United States. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 1304. Richmond Screw Anchor Co., Inc., petitioner, *v.* L. Metcalfe 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 Second Circuit denied.

No. 1040. Millard George Green, petitioner, *v.* The State of Oklahoma. The motion to dispense with printing the petition, brief and record is granted. The petition for writ of certiorari to the Criminal Court of Appeals for the State of Oklahoma is denied.

No. 1124. R. E. Schreffler, Doing Business as Schreffler Steel & Supply Co., et al., petitioners, *v.* Chester Bowles, Administrator, Office of Price Administration. The motion to substitute Paul A. Porter as party respondent is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit is denied.

No. 916. Henry L. Saunders, petitioner, *v.* Ralph E. Wilkins. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied. Mr. Justice Douglas is of the opinion that the petition should be granted.

No. 1220. Randolph Phillips, et al., petitioners, *v.* The Baltimore and Ohio Railroad Company; and

No. 1221. Jane Crozier, Roberta Giesecke, and Harriet M. Ackert, petitioners, *v.* The Baltimore and Ohio Railroad Company. The motions to dispense with printing the record are granted. The petitions for writs of certiorari to the District Court of the United States for the District of Maryland are denied.

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No. 756. Manning Strewl, petitioner, *v.* Joseph W. Sanford, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 886. Lee Snyder, petitioner, *v.* United States. On petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit;

No. 1055. S. P. Beecher, petitioner, *v.* Federal Land Bank of Spokane et al.; and

No. 1230. S. P. Beecher, petitioner, *v.* Federal Land Bank of Spokane et al. On petition for writs of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 1107. United States ex rel. Martin J. Durkin, petitioner, *v.* William H. McDonnell, United States Marshal. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit;

No. 1144. Herbert Wilson, petitioner, *v.* James A. Johnston, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 1155. Billy Bernard Bledsoe, petitioner, *v.* James A. Johnston, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 1162. J. Vincent Murphy, petitioner, *v.* Mary Murphy Also Known as Mary Nicklas. On petition for writ of certiorari to the Supreme Court of Florida;

No. 1206. Theodore James Audett, petitioner, *v.* United States. On petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit;

No. 1211. Jesse Sanford, petitioner, *v.* The State of Missouri; and

No. 1212. Fred Ellis, petitioner, *v.* The State of Missouri. On petition for writs of certiorari to the Supreme Court of Missouri;

No. 1235. United States ex rel. David Goodman, petitioner, *v.* Major Hugh L. Roberts, Commanding Officer of the United States Armed Forces, Induction Center, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit;

No. 1242. Joseph D. Medley, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 1265. E. J. Roberts, petitioner, *v.* G. P. Bowman, Superintendent, Virginia State Penitentiary Lime Plant, Staunton, Virginia. On petition for writ of certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia;

No. 1266. George Small, petitioner, *v.* Blakely R. Webster, Superintendent, Dannemora State Hospital, Dannemora, New York. On petition for writ of certiorari to the Court of Appeals of New York;

No. 1267. Charles Michael La Placa, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the Court of Appeals of New York;

No. 1273. Albert La Ravearl, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 1274. Harold Ray, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 1275. Henry Robinson, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1276. Chester F. James, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 1277. Chester F. James, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 1278. Edward J. Kruse; petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1279. Henry Willa Rusk, Jr., petitioner, *v.* United States. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 1280. Gene McCann, petitioner, *v.* James E. Mulcahy, United States Marshall for the Southern District of New York, et al. On petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit;

No. 1288. Leo Michalowski, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 1289. Leo Michalowski, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1290. Medio Mancione, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 1296. Eddie Duncan, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1297. James Clouse, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Clark County, State of Illinois; and

No. 1299. Omar V. Longtin, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Circuit Court of Kankakee County, State of Illinois. The motions for leave to proceed *in forma pauperis* in these cases are granted. The petitions for writs of certiorari are denied.

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No. 952. Bertha Florence Sabin and M. R. Sabin, petitioners, *v.* Home Owners' Loan Corporation, a Corporation, George J. Overmyer and Brenda E. Overmyer;

No. 971. Joseph Ago Stassi, petitioner, *v.* United States;

No. 1020. Corrine Sykes, alias Heloise T. Parker, petitioner, *v.* The Commonwealth of Pennsylvania;

No. 1033. F. A. Gillespie, petitioner, *v.* Commissioner of Internal Revenue;

No. 1049. State of Texas, petitioner, *v.* Alberto Balli et al.;

No. 1092. Metallizing Engineering Co., Inc., petitioner, *v.* Kenyon Bearing & Auto Parts Co., Inc. et al.;

No. 1097. John Knudsen, petitioner, *v.* Arthur Stegman;

No. 1115. Bruce Borrelli, petitioner, *v.* The State of Illinois;

No. 1189. Samuel R. Toucey, petitioner, *v.* New York Life Insurance Company; and

No. 1210. Paul Ginsburg, petitioner, *v.* Charles H. Sachs, William C. McEldowney and Max Perlman. The petitions for rehearing in these cases are denied.

No. 68. Uldric Thompson, Jr., petitioner, *v.* United States. The motion for leave to file a third petition for rehearing is denied. Mr. Justice Burton took no part in the consideration or decision of this application.

No. 667. Wesley W. West, petitioner, *v.* Commissioner of Internal Revenue;

No. 668. J. Marion West, petitioner, *v.* Commissioner of Internal Revenue;

No. 669. Estate of J. M. West, Deceased, James M. West, Jr., et al., Executors, petitioners, *v.* Commissioner of Internal Revenue; and

No. 670. Jessie Gertrude West, petitioner, *v.* Commissioner of Internal Revenue. The motion for leave to file a third 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. 880. Harry J. Alker, Jr., and Mamie Du Ban, Individually and as Executrix of the Estate of Alfred A. Du Ban, Deceased, petitioners, *v.* Federal Deposit Insurance Corporation. The motion for leave to file a third petition for rehearing is denied.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

Mr. Justice Black, Acting Chief Justice, announced the following 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."

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Adjourned to the time and place appointed by law.

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