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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

Theron Lamar Caudle, of Wadesboro, N. C.; Charles Grant Stetter, of Washington, D. C.; George Lewis Derr, of Washington, D. C.; Howard Elliott, of St. Louis, Mo.; Robert W. Ginnane, of Addison, N. Y.; Samuel L. Kurland, of Los Angeles, Calif.; William Saxon, of Baltimore, Md.; Hosea Alexander Stephens, of Atlanta, Ga.; Albert D. Maynard, of Atlanta, Ga.; Wilminor M. Carl, of Houston, Texas; Philip Licari, of New York City; Douglas M. Quinlan, of Richmond, Calif.; Owen Benton Fisher, of Paris, Texas; William Noble Carl, of Houston, Texas; John Arthur Brennan, of Boston, Mass.; Alfred E. LoPresti, of Boston, Mass.; Lionel T. Campbell, of Los Angeles, Calif.; Albin Victor Spunar, of Chicago, Ill.; Sidney A. Cherniss, of Los Angeles, Calif.; Dana C. Hill, of Minneapolis, Minn.; Charles A. Cantwell, of Reno, Nevada; James Sylvester Mooney, of Ysleta, Texas; Lloyd M. Tweedt, of San Francisco, Calif.; Robert H. Alford, of New York City; Robert M. Johnson, of Minot, N. D.; Hugh L. Biggs, of Portland, Oreg.; Helen A. Chiczewski, of Hamtramck, Mich.; William Reid Dalton, of Reidsville, N. C.; Harold C. Nystrom, of Rapid City, S. D.; Harvey R. McKee, of Los Angeles, Calif.; Arthur J. Mandell, of Houston, Texas; Perry H. Hull, of New York City; Edward Dienstag, of San Francisco, Calif.

No. 81, October Term 1946. Securities and Exchange Commission, petitioner, *v.* Chenery Corporation et al.; and

No 82, October Term 1946. Securities and Exchange Commission, petitioner, *v.* Federal Water and Gas Corporation. Mr. Justice Jackson announced that he has filed an opinion, in which Mr. Justice Frankfurter joins, setting forth the detailed grounds for his dissent from the opinion and judgment of the Court entered June 23, 1947, in these cases.

Mr. Attorney General Clark presented the Honorable Philip B. Perlman of Maryland, Solicitor General of the United States.

The Chief Justice said :

“Mr. Solicitor General, the Court welcomes you to the performance of the important duty with which you are specially charged—the duty of representing the Government at the Bar of this Court in all cases in which it asserts an interest. Your commission will be recorded by the Clerk.”

No. 306. Paul Connell, appellant, *v.* Board of School Directors of the Township of Kennett, Individually, et al. Appeal from the Supreme Court of the Commonwealth of Pennsylvania. Dismissed on motion of counsel for the appellant.

Adjourned until Monday, October 13, next, at 12 o'clock.

The day call for Monday, October 13, will be as follows: Nos. 7, 14, 16, 36, 37, 66 (67 and 68), 18, 38, 39, and 40.

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SUPREME COURT OF THE UNITED STATES

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

James Benjamin Swails, of Wilmington, N. C.; Jerome Lawrence Ehrlich, of Los Angeles, Calif.; Thomas Gregory Bagan, of Chicago, Ill.; Herbert Wentworth, of Tampa, Fla.; Clarence Hanley, of Helena, Mont.; Robert Leland, of New York, N. Y.; Alphonse Cerza, of Chicago, Ill.; George H. Mason, of Worcester, Mass.; David N. Lewis, of Bay Shore, N. Y.; John Hunt Moor, of Toledo, Ohio; Americo Joseph Egidio, of Washington, D. C.; Walter Arlin Mitchell, of South Bend, Ind.; H. Gordon Howard, of Denver, Colo.; Elisabeth Eberhard Zeigler, of Los Angeles, Calif.; Ray C. Eberhard, of Los Angeles, Calif.; John S. Gonas, of South Bend, Ind.; Thomas T. McVann, of New York, N. Y.; Albert A. Peter, of Washington, D. C.; George I. Gross, of New York, N. Y.; Philip Hornbein, Jr., of Denver, Colo.; John D. Kiley, of Evanston, Ill.; Harvey D. Booth, of Mena, Ark.; Frederick M. Myers, of Pittsfield, Mass.; Gerald L. Seegers, of Saint Louis, Mo.; Walter H. Pollmann, of Saint Louis, Mo.; Henry F. Perry, of Indianapolis, Ind.; Philip Aultman, of Xenia, Ohio; Robert H. Wead, of Xenia, Ohio; Roy Clayton Garvin, of Kansas City, Kans.; Harry Swank Phillips, of Williamsport, Pa.; Richard A. Solomon, of New York, N. Y.; Clyde Edward Williamson, of Williamsport, Pa.; Robert Taylor Capeless, of Pittsfield, Mass.; Lincoln S. Cain, of Pittsfield, Mass.; William Ralph Elliott, of Sherman, Tex.; and Alexander Gullett, of Denison, Tex., were admitted to practice.

The Chief Justice announced the following orders of the Court:

No. 21. Brotherhood of Locomotive Firemen and Enginemen, Local Lodge No. 926, et al., petitioners, *v.* Toledo, Peoria & Western Railroad and Farmers Grain Company et al.; and

No. 42. Farmers Grain Company et al., petitioners, *v.* Brotherhood of Locomotive Firemen and Enginemen, Local Lodge No. 926, et al. On writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit. *Per curiam.* The judgment of the Circuit Court of Appeals is vacated and the cases are remanded to the District Court with directions to dismiss the complaint as moot, on motion of the respondent,

Toledo, Peoria & Western Railroad, it appearing that counsel for the Brotherhood of Locomotive Firemen and Enginemen et al. agree that the cause is moot.

No. 76. Fred Grenz, appellant, *v.* State of Washington. Appeal from the Supreme Court of Washington. *Per curiam*: The appeal is dismissed for failure to comply with Rule 12 of the Rules of this Court.

No. 132. P. M. Nesbitt, appellant, *v.* Edwin M. Gill, Commissioner of Revenue of North Carolina. Appeal from the Supreme Court of North Carolina. *Per curiam*: The motion to affirm is granted and the judgment is affirmed. Bacon & Sons *v.* Martin, 305 U. S. 380; Gregg Dyeing Co. *v.* Query, 286 U. S. 472.

No. 173. Murray Mester and Meyer Mester, appellants, *v.* The United States of America, Federal Communications Commission, et al. Appeal from the District Court of the United States for the Eastern District of New York. *Per curiam*: The motion to affirm is granted and the judgment is affirmed. Federal Communications Commission *v.* WOKO, 329 U. S. 223. Mr. Justice Black took no part in the consideration or decision of this case.

No. 165. Tampa Times Company and The Tribune Company, appellants *v.* City of Tampa, a Municipal Corporation; and

No. 166. Tampa Times Company and The Tribune Company, appellants, *v.* City of Tampa, a Municipal Corporation. Appeals from the Supreme Court of Florida. *Per curiam*: The appeals are dismissed for want of a substantial federal question.

No. 267. Robert Allen, Claimant, appellant, *v.* The Glenn L. Martin Company, Employer, and Globe Indemnity Company, Insurer;

No. 268. Frank G. Hyman, Claimant, appellant, *v.* Robb Tyler, Employer, and Eagle Indemnity Company, Insurer; and

No. 269. James Benoni, Claimant, appellant, *v.* Bethlehem Fairfield Shipyard, Incorporated, Employer, and Maryland Casualty Company, Insurer. Appeals from the Court of Appeals of Maryland. *Per curiam*: The motions to dismiss are granted and the appeals are dismissed for want of a substantial federal question.

No. 197. Texas and New Orleans Railroad Company, appellant, *v.* V. Rivera S. En C. Appeal from the Supreme Court of Louisiana. *Per curiam*: The motion to dismiss 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.

No. 201. Grace McNamara et al., appellants, *v.* The Salvation Army, Incorporated. Appeal from the Supreme Court of Kansas; and

No. 226. Frank C. Hart, appellant, *v.* State of Washington. Appeal from the Supreme Court of Washington. *Per curiam:* The appeals are dismissed for want of jurisdiction. Sec. 237 (a), Judicial Code as amended, 28 U. S. C. Sec. 344 (a). Treating the papers whereon the appeals were allowed as petitions for writs 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. 257. State of Florida, ex rel. William H. McKeighan, appellant, *v.* Jimmy Sullivan, as Sheriff of Dade County, Florida. Appeal from the Supreme Court of Florida. *Per curiam:* The motion to dismiss is granted and the appeal is dismissed for the reason that the judgment of the court below is based upon a nonfederal ground adequate to support it. Mr. Justice Murphy took no part in the consideration or decision of this case.

No. 231. Reba W. Thibaut, Individually, and on Behalf of the Minor Children, Joseph L. Thibaut, Jr., et al., petitioners, *v.* Car & General Insurance Corporation, Ltd., United States Branch, a Corporation. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit. *Per curiam:* The petition for writ of certiorari is granted. The judgment of the Circuit Court of Appeals is reversed and the cause is remanded to the District Court.

The Chief Justice said:

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

ORDER

IT IS ORDERED that Rule 33 of the Rules of this Court be, and it hereby is, amended to read as follows:

"33

REHEARING

1. *Of judgments or decisions other than those denying or granting certiorari.*—A petition for rehearing may be filed with the clerk, in term time or in vacation, when accompanied by proof of service on the adverse party, within fifteen days after judgment or decision, unless the time is shortened or enlarged by the court or a justice thereof.

Such petition must be printed and forty copies thereof furnished. It must briefly and distinctly state its grounds, and be supported by a certificate of counsel to the effect that it is presented in good faith and not for delay. A petition for rehearing is not subject to oral argument, and will not be granted, unless a justice who concurred in the judgment or decision desires it, and a majority of the court so determines.

(a) A response, if printed and forty copies thereof furnished, accompanied by proof of service, may be filed with the clerk within ten days after service of petition, unless the time is shortened or enlarged by the court or a justice thereof. Such response is not required, and the court will not delay its action upon a petition for rehearing to await a response thereto, unless a response is requested by the court.

2. *Of orders on petitions for writs of certiorari.*—A petition for rehearing may be filed with the clerk in term time or in vacation, subject to the requirements respecting time, service, printing, and number of copies furnished as provided in paragraph 1 of this rule. Any petition filed under this paragraph must briefly and distinctly state grounds which are confined to intervening circumstances of substantial or controlling effect (e. g., *Sanitary Refrigerator Co. v. Winters*, 280 U. S. 30, 34, footnote 1; *Massey v. United States*, 291 U. S. 608), or to other substantial grounds available to petitioner although not previously presented (e. g., *Schriber-Schroth Co. v. Cleveland Trust Co.*, 305 U. S. 47, 50). Such petition is not subject to oral argument. A petition for rehearing filed under this paragraph must be supported by a certificate of counsel to the effect that it is presented in good faith and not for delay, and counsel must also certify that the petition is restricted to the grounds above specified.

(a) A response, if printed and forty copies thereof furnished, accompanied by proof of service, may be filed with the clerk within ten days after service of petition, unless the time is shortened or enlarged by the court or a justice thereof.”

IT IS FURTHER ORDERED that the Rule as herein amended shall be applicable to all cases in which the action of the Court is taken after January 1, 1948.

No. —. In re David Livingston. The motion to amend the attorney roll to show the change of name of David Livingston Levy to David Livingston is granted.

No. —. In re Joseph E. Brodine. The motion to amend the attorney roll to show the change of name of Joseph E. Brodinsky to Joseph E. Brodine is granted.

No. 418, October Term, 1946. National Labor Relations Board, petitioner, v. Jones & Laughlin Steel Corporation. The application of

the Solicitor General to defer consideration of respondent's motion for amendment of the mandate until after November 3 with leave to reply by that date is granted.

No. 1280, October Term, 1946. Vail Manufacturing Company, petitioner, *v.* National Labor Relations Board. The application of the Solicitor General to defer consideration of the petition for rehearing and motion for leave to file a supplemental petition for rehearing until after November 3 with leave to reply by that date is granted.

No. 1366, October Term, 1946. Cassius S. McDonald, petitioner, *v.* Walter A. Hunter, Warden of the United States Penitentiary, Leavenworth, Kansas. The motion to extend the time to file petition for rehearing is denied.

No. 53. Local 2880, Lumber & Sawmill Workers Union, United Brotherhood of Carpenters & Joiners of America, Affiliated with the American Federation of Labor, petitioner, *v.* The National Labor Relations Board. The application of the petitioner for postponement of argument until after January 1, 1948, is granted.

No. 70. Giles Kavanagh, Collector of Internal Revenue, petitioner, *v.* J. H. Noble. The motion of respondent to dismiss the writ of certiorari is denied.

No. 111. Homer C. Price, petitioner, *v.* James A. Johnston, Warden, United States Penitentiary, Alcatraz, California. It is ordered that Joseph L. Rauh, Jr., Esq., of Washington, D. C., a member of the Bar of this Court, be appointed to serve as counsel for the petitioner in this case.

No. 134. Republic Natural Gas Company, appellant, *v.* State of Oklahoma, Corporation Commission of the State of Oklahoma, et al.;

No. 198. The United States of America, appellant, *v.* South Buffalo Railway Company, Bethlehem Steel Company and Bethlehem Steel Corporation;

No. 223. United States of America, Interstate Commerce Commission and Swift & Company, appellants, *v.* The Baltimore and Ohio Railroad Company et al.;

No. 258. Albert E. Schwabacher et al., appellants, *v.* The United States of America, Interstate Commerce Commission, et al.; and

No. 275. Lawrence Dyer, appellant, *v.* City Council of the City of Beloit, Rock County, Wisconsin, et al. In these cases probable jurisdiction is noted.

No. 121. The United States of America, petitioner, *v.* Jordan James Sullivan, Trading as Sullivan's Pharmacy. Petition for writ

of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted.

No. 130. Harry B. Mitchell et al., Individually and as Members of the Civil Service Commission, petitioners, *v.* Jack W. Cohen; and

No. 131. Harry B. Mitchell et al., Individually and as Members of the Civil Service Commission, petitioners, *v.* Harry W. Hubickey. Petition for writs of certiorari to the United States Court of Appeals for the District of Columbia granted.

No. 138. Robert C. Johnson, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted.

No. 157. Commonwealth of Massachusetts, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted.

No. 171. Mary Bell King, petitioner, *v.* The Order of United Commercial Travelers of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted.

No. 174. Robert Sealfon, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted.

No. 214. Mrs. Aba Badger Suttle, Widow of John G. Suttle, Individually and as Administratrix of the Estate of John G. Suttle, Deceased, petitioner, *v.* Reich Bros. Construction Co. et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted.

No. 215. *In re* William Oliver, petitioner. Petition for writ of certiorari to the Supreme Court of Michigan granted.

No. 280. Funk Brothers Seed Company, petitioner, *v.* Kalo Inoculant Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted.

No. 100. The United States of America, petitioner, *v.* Jimmie Ira Brown. The motion of respondent 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 granted and the case transferred to the summary docket.

No. 101. Marriner S. Eccles, Ronald Ransom, M. S. Szymczak, et al., petitioners, *v.* Peoples Bank of Lakewood Village, California. The petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted. The Chief Justice took no part in the consideration or decision of this application.

No. 205. Globe Liquor Company, Inc., petitioner, *v.* Frank Sam Roman et al., Doing Business Under the Firm Name and Style of International Industries. The petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted and the case transferred to the summary docket.

No. 225. Bakery Sales Drivers Local Union No. 3, an Unincorporated Association, et al., petitioners, *v.* A. Wagshal, Trading as "Wagshal's Delicatessen." The petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted. Mr. Justice Rutledge took no part in the consideration or decision of this application.

No. 227. Commissioner of Internal Revenue, petitioner, *v.* Joseph Sunnen. The petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted and the case transferred to the summary docket.

No. 17, Misc. Roy Bute, petitioner, *v.* 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 and the case is ordered transferred to the appellate docket.

No. 65. McCallum & Robinson, Inc., petitioner, *v.* Berryman Henwood, Trustee for St. Louis Southwestern Railway Co. Petition for writ of certiorari to the Court of Appeals of the State of Tennessee denied.

No. 99. Armand Robichaud, petitioner, *v.* Daniel J. Brennan, Judge of Essex County Court of Common Pleas, State of New Jersey, et al. Petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey denied.

No. 102. Southern Pacific Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 103. Albert F. Conn, Robert D. Flynt and Willie E. Nelson, petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 106. Union Paving Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 107. Seven-Up Bottling Company of Los Angeles, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 108. Centaur Construction Company, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 110. Allen Pope, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 112. Benjamin Weber, James Ellis and Simon Birk, petitioners, *v.* National Labor Relations Board; and

No. 120. Semi-Steel Casting Company of St. Louis, petitioner, *v.* National Labor Relations Board. Petitions for writs of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 113. Helen M. Slifka, formerly known as Helen Schustek, et al., Executors, etc., petitioners, *v.* James W. Johnson, Collector of The Third Internal Revenue District of the State of New York. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 114. John George Ciocarlan, petitioner, *v.* The People of the State of Michigan; and

No. 115. Stella Fox, petitioner, *v.* The people of the State of Michigan; and

No. 116. Hazel Peel, petitioner, *v.* The People of the State of Michigan. Petitions for writs of certiorari to the Supreme Court of Michigan denied.

No. 118. Home Beneficial Life Insurance Company, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 119. Frank W. Ford, as Trustee in Bankruptcy of Harlem Garment Center, Inc., Bankrupt, petitioner, *v.* Graham Magee. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 123. Muriel C. Pistolesi, petitioner, *v.* Massachusetts Mutual Life Insurance Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 124. Builders Trust Company, petitioner, *v.* Walter P. Butler, Helen W. Butler, Effie Butler O'Connor, et al. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 125. Alabama Dry Dock & Shipbuilding Company, petitioner, *v.* M. W. Caldwell, Hollie B. Cobb, Joseph W. Darnell, et al.; and

No. 126. Alabama Dry Dock & Shipbuilding Company, petitioner, *v.* J. J. Andrews, Mary Howton, J. S. Henderson, et al. Petition for writs of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 129. Samuel H. Rabin, petitioner, *v.* The People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 133. Jacob L. Zellan, petitioner, *v.* Harry P. Giddings. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 135. Jackson Securities & Investment Company, petitioner, *v.* Prudential Insurance Company of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 136. The Texas and Pacific Railway Company et al., petitioners, *v.* Brotherhood of Railroad Trainmen et al.; and

No. 137. L. B. Adams, S. W. Allen, J. E. Bowie, et al., petitioners, *v.* Brotherhood of Railroad Trainmen et al. Petitions for writs of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 139. Joseph Estin, petitioner, *v.* Gertrude Estin. Petition for writ of certiorari to the Court of Appeals of the State of New York denied.

No. 140. District of Columbia, petitioner, *v.* Johnson & Wimsatt, Inc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 141. District of Columbia, petitioner, *v.* The H. D. Lee Company. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 142. Coleman F. Madden, petitioner, *v.* Queens County Jockey Club, Inc. Petition for writ of certiorari to the Supreme Court of the State of New York, Queens County, denied.

No. 143. John M. Morris, Administrator, petitioner, *v.* First National Bank of Atlanta et al. Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. 144. John Seifing, petitioner, *v.* Barclay White Company, General Building Contractors Association, et al. Petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania denied.

No. 145. Title Insurance and Guaranty Company, Elizabeth Humphrey, Harry Lee Jones, et al., petitioners, *v.* James P. Hart, Trustee of Mount Gaines Mining Company, Debtor. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 146. Arthur D. Schulte et al., as Trustees under a Trust Agreement dated June 3, 1932, made by David A. Schulte, as Grantor, petitioners, *v.* Park & Tilford, Inc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 147. Panhandle Eastern Pipe Line Company, petitioner, *v.* Federal Power Commission. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 148. Humble Oil & Refining 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. 149. Clair Conrad, petitioner, *v.* Pennsylvania Railroad Company; and

No. 150. Pasquale Damiano, petitioner, *v.* Pennsylvania Railroad Company. Petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 152. Kalamazoo Stationery Company, Division of Western Tablet and Stationery Corporation, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 154. Alexander Akerman, petitioner, *v.* The United States; and

No. 155. George M. Bourquin, petitioner, *v.* The United States. Petitions for writs of certiorari to the Court of Claims denied.

No. 158. Isabel Kay et al., as Executrix under the Will of Julia Kay, petitioners, *v.* Emily W. MacCormack et al., as Executors and Trustees under the Will of Robert S. MacCormack, Deceased, et al. Petition for writ of certiorari to Surrogate's Court, New York County, State of New York, denied.

No. 159. The Wheeling & Lake Erie Railway Company and The Pennsylvania Railroad Company, petitioners, *v.* William Keith. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 160. John Di Benedetto, petitioner, *v.* The United States; and

No. 161. Wayland C. Dorrance, petitioner, *v.* The United States. Petition for writs of certiorari to the Court of Claims denied.

No. 162. Homer Glen Wilcox, petitioner, *v.* Lieutenant General J. L. DeWitt. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 163. Ray Moore, petitioner, *v.* The State of Oregon. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 164. Sumio Madokoro, in behalf of Sannosuke Madokoro, and Sannosuke Madokoro, petitioners, *v.* Albert Del Guercio, District Director, Immigration and Naturalization Service, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 167. Olaf Jorgensen, petitioner, *v.* York Ice Machinery Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 168. Marvin Claude Bell, petitioner, *v.* State of North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 169. Leslie Murray Wain, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 170. Thomas Bullitt Dixon, petitioner, *v.* American Telephone & Telegraph Company et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 175. State of California, and Ben H. Brown, Domiciliary Administrator, petitioners, *v.* Michigan State Board of Escheats, and Edward J. O'Donnell, Ancillary Administrator. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 176. George I. Pearce, petitioner, *v.* Pennsylvania Railroad Co., Esther Hopkin, Individually and Trading as Penn Galvanizing Co. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 177. Avery B. Chereton, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 194. Angeline De Bartolo, petitioner, *v.* Village of Oak Park, a Municipal Corporation. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 195. Caron Corporation, petitioner, *v.* Marie Ollendorff. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 199. The Central Nebraska Public Power and Irrigation District, a Public Corporation, petitioner, *v.* Federal Power Commission. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 202. Soy Food Mills, Inc., petitioner, *v.* Pillsbury Mills, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 204. Daniel F. Boone, petitioner, *v.* Martha Lightner Boone, as Trustee for Martha Penelope Boone, a minor. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 207. Philadelphia Record Company, petitioner, *v.* John O'Donnell. Petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania denied.

No. 209. Crowell-Collier Publishing Company, petitioner, *v.* Mil-lard F. Caldwell. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 208. The Travelers Insurance Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 213. E. J. Stanton & Son, petitioner, *v.* County of Los Angeles and City of Los Angeles. Petition for writ of certiorari to the District Court of Appeal, 2nd Appellate District, State of California, denied.

No. 216. Ida S. Austin, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 218. Ida Berry, Individually and as Administratrix of the Goods, Chattels, and Credits of Olivia Marshall, Deceased, petitioner, *v.* Franklin Plate Glass Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 219. Lewis Montague, petitioner, *v.* Charles Henry Smith et al. Petition for writ of certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia denied.

No. 220. Meyer 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. 221. Morris Eisenberg, petitioner, *v.* Commissioner of Internal Revenue; and

No. 222. Herman Schaeffer, petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 224. James F. Waters, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 228. Jack Eugene Thomson, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 229. William Talmadge Spears, Bettie Tunsell, and Isaiah H. Spears, petitioners, *v.* Eva Mae Spears, Individually, and Eva Mae Spears, as Special Administrator of the Estate of Dr. Mansfield L.

Spears, Deceased, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 230. William Ray Olsen, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 232. Andrew Kjar, alias Peter Orloff, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 233. Rice Bros., a Partnership consisting of Charles R. Rice, Wm. J. Downey, and John J. Donohue, petitioner, *v.* E. H. Birmingham. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 234. Philip Milton Koritz, Cal Roberson Jones, and Margaret De Graffenreid, petitioners, *v.* State of North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 235. W. H. Wilson, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 236. Korach Bros., a Limited Partnership, petitioner, *v.* Earl W. Clark, Director of the Division of Liquidation, Department of Commerce. Petition for writ of certiorari to the United States Emergency Court of Appeals denied.

No. 237. Leopold William Brandenburg, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 241. W. W. Watts, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 242. Jacob Morris Danziger, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 243. Homer L. Bruce et ux., Clara C. Bruce, petitioners, *v.* J. P. King, Jr. Petition for writ of certiorari to the Supreme Court of Texas denied.

No. 244. Francis G. Caffey, United States District Judge for the Southern District of New York, petitioner, *v.* Euphime V. Bereslavsky. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 248. Mississippi Power & Light Company, petitioner, *v.* Memphis Natural Gas Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 249. Delaware, Lackawanna & Western Railroad Company, petitioner, *v.* Edward Mostyn and S. H. Golden Company, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 250. Publicker Industries, Inc., petitioner, *v.* Earl W. Clark, Director of the Division of Liquidation, Department of Commerce. Petition for writ of certiorari to the United States Emergency Court of Appeals denied.

No. 252. Lee Young, Lee Deer, Ralph L. Polk, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 253. George Graff, petitioner, *v.* H. Sam Priest, as President of The Board of Police Commissioners of the City of St. Louis, Missouri, et al. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 254. William Thomas Klopp, petitioner, *v.* J. Overlade, Warden. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 259. Arnold Bernstein, Also Known as Arnold M. Bernstein, petitioner, *v.* N. V. Nederlandsche-Amerikaansche Stoomvaart-Maatschappij, Also Known as Holland-American Line. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 261. Samuel Eugene Bramer, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 263. A. H. Dossett, d/b/a J. A. Dossett Lumber Company, petitioner, *v.* Philip B. Fleming, Temporary Controls Administrator. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 264. Walker-Hill Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 265. Oliver H. Swick, petitioner, *v.* The Glenn L. Martin Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 271. Claude Smith, petitioner, *v.* The State of Georgia. Petition for writ of certiorari to the Court of Appeals of the State of Georgia denied.

No. 272. Mary Wall Kirby et al., petitioners, *v.* Houston Oil Co. of Texas et al. Petition for writ of certiorari to the Court of Civil Appeals, 9th Supreme Judicial District, State of Texas, denied.

No. 273. South Texas Commercial National Bank of Houston, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 274. Pompey Marxhausen Frederick, in his Individual Capacity and by John L. King, Next Friend, petitioner, *v.* First Liquidating Corporation et al. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 277. Arnold Bernstein, Also Known as Arnold M. Bernstein, petitioner, *v.* Van Heyghen Freres Societe Anonyme. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 281. Alice Wolfe, Administratrix of the Estate of Owen Wolfe, Deceased, petitioner, *v.* Berryman Henwood, Trustee, St. Louis Southwestern Railway Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 284. Rev. E. B. Fields, petitioner, *v.* Robert E. Hannegan, Postmaster General of The United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 286. E. Anthony & Sons, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 289. Liberty Mutual Insurance Company, petitioner, *v.* Robert J. Sindelar, Executor of the Last Will and Testament of Joseph C. Sindelar, Deceased, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 298. William S. Fenerty, petitioner, *v.* Philadelphia Bar Association. Petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania denied.

No. 109. Catherine M. O'Neill, as Administratrix, petitioner, *v.* Cunard White Star, Ltd. The motion for leave to file brief of Friends of Furuseth Legislative Association as *amicus curiae* is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit is denied.

No. 151. Hiram H. Halstead, petitioner, *v.* Industrial Accident Commission of the State of California. The motion to dispense with the printing of the petition and record is granted. The petition for writ of certiorari to the Supreme Court of California is denied.

No. 156. James Yates, petitioner, *v.* Edward Ball. 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.

No. 172. William Roy Miller, petitioner, *v.* Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia. 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 Fifth Circuit is denied.

No. 200. Otto H. Kruger, petitioner, *v.* Ned Whitehead, Doing Business under the Fictitious Name of Whitehead Co. The motion to dispense with the printing of the record is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit is denied.

No. 203. Herbert M. Gregory, petitioner, *v.* The United States. The motion to dispense with the printing of the petition, brief, and record is granted. The petition for writ of certiorari to the Court of Claims is denied.

No. 210. Gordons Transports, Inc., petitioner, *v.* L. Metcalfe Walling, Administrator of the Wage and Hour Division of the United States Department of Labor. The motion to substitute William R. McComb, present Administrator of the Wage and Hour Division of the United States Department of Labor, in the place and stead of L. Metcalfe Walling, resigned, is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit is denied.

No. 251. W. S. Hollingsworth et al., petitioners, *v.* Cities Service Oil Company. The motion to dispense with the printing of the petition and record is granted. The petition for writ of certiorari to the Court of Civil Appeals, 9th Supreme Judicial District, State of Texas, is denied.

No. 262. N. L. Hudson et al., petitioners, *v.* Gulf Refining Company et al. The motion to dispense with the printing of the record is granted. The petition for writ of certiorari to the Supreme Court of Mississippi is denied.

No. 276. William H. Frederick and Nathan Gilbert, petitioners, *v.* The United States of America. The motion to dispense with the printing of the record is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit is denied.

No. 279. Henry Lustig, E. Allen Lustig, and Joseph Sobel, petitioners, *v.* The United States of America. The petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit is denied. The Chief Justice took no part in the consideration or decision of this application.

No. 43. Charles Roosevelt Winston, petitioner, *v.* People of the State of Illinois. The motion for leave to proceed *in forma pauperis*

is granted. The petition for writ of certiorari to the Supreme Court of Illinois is denied.

No. 104. James Russell Hawthorne, petitioner, *v.* Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit is denied.

No. 89, October Term, 1946. The United States of America, appellant, *v.* National Lead Company, Titan Company, Inc., and E. I. du Pont de Nemours and Company, Inc;

No. 90, October Term, 1946. National Lead Company and Titan Company, Inc., appellants, *v.* The United States of America; and

No. 91, October Term, 1946. E. I. du Pont de Nemours and Company, Inc., appellant, *v.* The United States of America. It is ordered that the opinion of the Court in these cases be amended by deleting therefrom the following language appearing on lines 9 to 16 inclusive on page 30 of the slip copy print:

"Existing precedents of divestiture provide examples of the restoration of a preexisting separate status to companies or properties which have been unlawfully combined rather than to the fission of units which never have been separated. *United States v. Crescent Amusement Co.*, 323 U. S. 173, 189; *Standard Oil Co. v. United States*, 221 U. S. 1, 77-82. Cf. *Northern Securities Co. v. United States*, 193 U. S. 197, 354-360."

No. 95, October Term, 1946. Aircraft & Diesel Equipment Corporation, appellant, *v.* Maurice Hirsch, E. D. McDougal, John R. Paul, et al. It is ordered that the opinion of the Court in this case be amended by deleting therefrom the following language appearing in footnote 6 on page 3 of the slip copy print: "although we are informed that the causes have been argued and submitted for decision." The petition for rehearing is denied.

No. 287, October Term, 1946. J. Robert Bazley, petitioner, *v.* Commissioner of Internal Revenue; and

No. 209, October Term, 1946. Adam A. Adams, petitioner, *v.* Commissioner of Internal Revenue. It is ordered that the sentence beginning on line 4, page 6, of the slip copy print of the opinion in these cases be amended so as to read as follows:

"And even if this transaction were deemed a reorganization, the facts would equally sustain the imposition of the tax on the debentures under Sec. 112 (c) (1) and (2). *Commissioner v. Estate of Bedford*, 325 U. S. 283."

The petitions for rehearing are denied.

No. 81, October Term, 1946. Securities and Exchange Commission, petitioner, *v. Chenery Corporation et al.*; and

No. 82, October Term, 1946. Securities and Exchange Commission, petitioner, *v. Federal Water and Gas Corporation*. The petitions for rehearing are denied. The Chief Justice and Mr. Justice Douglas took no part in the consideration or decision of these applications.

No. 377, October Term, 1946. Joseph S. Fay, petitioner, *v. The People of the State of New York*; and

No. 452, October Term, 1946. James Bove, petitioner, *v. The People of the State of New York*. The motion for leave to file a supplemental petition for rehearing is granted. The petition for rehearing is denied.

No. 625, October Term, 1946. Peter Caldarola, petitioner, *v. Gerda Eckert and Thor Eckert, Jr., Partners Doing Business Under the Firm Name of Thor Eckert & Co.* The motion of International Longshoreman's Ass'n for leave to file a brief as *amicus curiae* is granted. The petition for rehearing is denied.

No. 793, October Term, 1946. The United States of America, petitioner, *v. Elliott W. Michener*. The petition for issuance of a supplementary opinion is denied. The petition for rehearing is also denied.

No. 1220, October Term, 1946. Howard T. Jensen, petitioner, *v. The United States of America*. The motion for leave to proceed further herein *in forma pauperis* is granted. The motion for leave to file a supplemental brief is granted. The petition for hearing is denied.

No. 1322, October Term, 1946. Bennett Mellen, a Minor, by his Father and Next Friend Joseph H. Mellen, petitioner, *v. H. B. Hirsch & Sons et al.* The motion to dispense with the printing of the petition is granted. The petition for rehearing is denied.

No. 102, October Term, 1946. Admiral Dewey Adamson, appellant, *v. People of the State of California*;

No. 466, October Term, 1946. Herman Greenberg, appellant, *v. The People of the State of California*;

No. 405, October Term, 1946. Marvin Gayes, petitioner, *v. The State of New York*;

No. 461, October Term, 1946. William Greenough and George Henry Warren, Jr., Trustees, appellants, *v. Tax Assessors of the City of Newport and Edward L. Leahy, Tax Administrator of the State of Rhode Island*;

No. 498, October Term, 1946. The United States of America, petitioner, *v. Honorable William F. Smith, a District Judge Especially*

Designated and Assigned to Hold the District Court of The United States for the Middle District of Pennsylvania, et al.;

No. 562, October Term, 1946. Rutherford Food Corporation and The George Kaiser Packing Company, petitioners, *v.* William R. McComb, Administrator of the Wage and Hour Division, United States Department of Labor;

No. 606, October Term, 1946. The United States of America, petitioner, *v.* Samuel Bayer, Elias Bayer and Walter V. Radovich;

No. 733, October Term, 1946. Interstate Natural Gas Company, Incorporated, petitioner, *v.* Federal Power Commission et al.;

No. 840, October Term, 1946. Myrl Alexander, Warden, petitioner, *v.* United States, ex rel. John Myron Kulick; and

No. 535, October Term, 1946. Theodore Martin Sunal, petitioner, *v.* David R. Large, Superintendent, Federal Prison Camp, Mill Point, West Virginia;

No. 987, October Term, 1946. Twyeffort, Inc., petitioner, *v.* William R. McComb, Administrator of the Wage and Hour Division, United States Department of Labor;

No. 1210, October Term, 1946. Kiyochi Fujikawa et al., petitioners, *v.* The Sunrise Soda Works Company et al.;

No. 1222, October Term, 1946. Victor Lagow, petitioner, *v.* The United States of America;

No. 1228, October Term, 1946. H. L. Myers, petitioner, *v.* Walter A. Hunter, Warden;

No. 1263, October Term, 1946. Paysoff Tinkoff, petitioner, *v.* Nigel D. Campbell, Collector of Internal Revenue;

No. 1286, October Term, 1946. I. H. Spears, appellant, *v.* Eva Mae Spears; and

No. 1370, October Term, 1946. I. H. Spears, appellant, *v.* Eva Mae Spears;

No. 1297, October Term, 1946. Alfred W. Masters, petitioner, *v.* The New York Central Railroad Company;

No. 1299, October Term, 1946. The Standard Oil Company, petitioner, *v.* The United States of America;

No. 1309, October Term, 1946. Corn Products Refining Company, appellant, *v.* The United States of America and Interstate Commerce Commission;

No. 1311, October Term, 1946. Oscar Nelson, petitioner, *v.* The United States;

No. 1320, October Term, 1946. Fred C. Cave, petitioner, *v.* The United States of America;

No. 1321, October Term, 1946. C. A. Poteet, R. O. Jackson, Harry Wright, et al., petitioners, *v.* Steve Rogers;

No. 1338, October Term, 1946. Raymond de Filippis, petitioner, *v.* Chrysler Corporation, Chrysler Sales Corporation, Studebaker Corporation, et al.;

No. 1343, October Term, 1946. Bernard M. Shotkin, petitioner, *v.* Edgar E. Pomeroy et al.;

No. 1344, October Term, 1946. Humble Oil & Refining Company, appellant, *v.* The Railroad Commission of Texas et al.;

No. 1345, October Term, 1946. Floy K. Williams et al., appellants, *v.* The Railroad Commission of Texas et al.;

No. 1364, October Term, 1946. Joseph C. Roberts, petitioner, *v.* Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois;

No. 1376, October Term, 1946. Stokes & Smith Company, petitioner, *v.* Transparent-Wrap Machine Corporation;

No. 1394, October Term, 1946. Martin Fletcher Lowrey, petitioner, *v.* The United States of America;

No. 1432, October Term, 1946. Jacob Louis Auerbach, petitioner, *v.* Philip B. Fleming, Temporary Controls Administrator;

No. 1455, October Term, 1946. Patrick Flaherty, petitioner, *v.* The People of the State of Illinois;

No. 1462, October Term, 1946. Consumers Home Equipment Company and Avery B. Chereton, petitioners, *v.* The United States of America;

No. 1470, October Term, 1946. Richard Cecil Wilson, petitioner, *v.* The United States of America;

No. 1498, October Term, 1946. William Wright, petitioner, *v.* Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois; and

No. 1507, October Term, 1946. George Small, petitioner, *v.* People of the State of New York. The petitions for rehearing in these cases are severally denied.

No. 10, Original. The United States of America, complainant, *v.* The State of Wyoming and The Ohio Oil Company. The petition for rehearing is denied.

No. 12, Original. The United States of America, complainant, *v.* The State of California. The petition for rehearing is denied. Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 1, Misc. Beatrice Miller Montanye, petitioner, *v.* People of the State of New York. On petition for writ of certiorari to the Supreme Court of the State of New York, Lewis County;

No. 2, Misc. Joseph Lucadama, petitioner, *v.* People of the State of New York. On petition for writ of certiorari to the County Court of Kings County, State of New York;

No. 3, Misc. Manuel Rego Seren, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Criminal Court of Cook County, Circuit Court of Will County, and Supreme Court, State of Illinois;

No. 4, Misc. Livingston Taylor, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 6, Misc. Ida M. Picking and Guy W. Picking, petitioners, *v.* The Pennsylvania Railroad Company. On petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit;

No. 7, Misc. Henry Harris, petitioner, *v.* State of Indiana. On petition for writ of certiorari to the Supreme Court of Indiana;

No. 8, Misc. Frank Arnold, petitioner, *v.* Walter Nierstheimer, Warden. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 9, Misc. Ivan L. Wagner, petitioner, *v.* Walter A. Hunter, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit;

No. 11, Misc. Jack A. Reid, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 13, Misc. Peter Bosalavich, Jr., petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Supreme Court of Illinois and the Circuit Court, Macoupin County, State of Illinois;

No. 14, Misc. Roy Courtwright, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 15, Misc. Edward Prouty, petitioner, *v.* People of the State of New York. On petition for writ of certiorari to the County Court of Saratoga County, State of New York;

No. 16, Misc. Robert Holland, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit;

No. 18, Misc. John Staryak, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 19, Misc. August Butler, petitioner, *v.* Gerald F. Bush, Warden. On petition for writ of certiorari to the Supreme Court of Michigan;

No. 20, Misc. Henry Thompson, petitioner, *v.* Walter Nierstheimer,

Warden. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 21, Misc. James E. Shiflett, petitioner, *v.* E. J. Welch, Superintendent. On petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit;

No. 22, Misc. Richard Anderson Lowe, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit;

No. 23, Misc. Raymond D. Geddes, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Circuit Court of Macon County, State of Illinois;

No. 24, Misc. Clinton Kemp, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 25, Misc. Paul Davis Sheridan, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit;

No. 26, Misc. William E. Fife, petitioner, *v.* The Great Atlantic & Pacific Tea Co. et al. On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania;

No. 28, Misc. Roy Courtwright, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 29, Misc. Ambrose Powell, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 30, Misc. Peter Ristich, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit;

No. 31, Misc. William H. Putscher, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 32, Misc. John M. Canada, petitioner, *v.* James M. Jones, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit;

No. 33, Misc. George Phillips, petitioner, *v.* J. Vernal Jackson, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit;

No. 34, Misc. Charles Skinner, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 35, Misc. Martin Finn, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 36, Misc. Willard Schray, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Lake County, State of Illinois;

No. 37, Misc. Henry Hawk, petitioner, *v.* James M. Jones, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit;

No. 38, Misc. Dee Em Murphy, petitioner, *v.* People of the State of California. On petition for writ of certiorari to the Supreme Court of California;

No. 39, Misc. John W. Morton, petitioner, *v.* E. J. Welch, Superintendent. On petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit;

No. 40, Misc. Alva Jones, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 41, Misc. Maitland E. Brown, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 42, Misc. Elmer Owens, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 43, Misc. Frank Campbell, petitioner, *v.* The State of Mississippi. On petition for writ of certiorari to the Supreme Court of Mississippi;

No. 44, Misc. Clarence Bertrand, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 45, Misc. Carl Hamby, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 46, Misc. Garrett Fredericks, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Ogle County, State of Illinois;

No. 47, Misc. Omar Mills, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 48, Misc. Harvey Bistany, petitioner, *v.* The New York State Parole Board. On petition for writ of certiorari to the Appellate Division of the Supreme Court of New York;

No. 49, Misc. Herman Barmore, petitioner, *v.* 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. 51, Misc. Billy Bernard Bledsoe, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 54, Misc. Joseph Rios, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 56, Misc. Charles J. Thompson, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 58, Misc. Edgar Robare, petitioner, *v.* People of the State of Michigan. On petition for writ of certiorari to the Supreme Court of Michigan;

No. 59, Misc. Edward Wheeler, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Livingston County, State of Illinois;

No. 61, Misc. Edgar Lee Rawls, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit;

No. 62, Misc. Maitland E. Brown, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 63, Misc. Charles Telfian, petitioner, *v.* Joseph W. Sanford, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 64, Misc. Everett Rheim, petitioner, *v.* People of the State of New York. On petition for writ of certiorari to the Supreme Court of New York;

No. 68, Misc. William Upshaw, petitioner, *v.* People of the State of New York. On petition for writ of certiorari to the Court of General Sessions, New York County, State of New York;

No. 69, Misc. Ervin Galloway, petitioner, *v.* State of Missouri. On petition for writ of certiorari to the Supreme Court of Missouri;

No. 70, Misc. Harold Fields, petitioner, *v.* Ben B. Stewart, Warden. On petition for writ of certiorari to the Supreme Court of Missouri;

No. 71, Misc. Mike Schultz, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 73, Misc. Thomas Perritano, petitioner, *v.* 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. 76, Misc. Mark Albanese, by his Mother and Next Friend, Barbara Mary Kelnhofer, petitioner, *v. Hubert Richter*. On petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit;

No. 77, Misc. Charles Wilkerson, petitioner, *v. Joseph E. Ragen*, Warden. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 79, Misc. Fred E. Mosteller, petitioner, *v. Joseph E. Ragen*, Warden. On petition for writ of certiorari to the Circuit Court of Edgar County, State of Illinois;

No. 80, Misc. Joseph Sanchez, petitioner, *v. People of the State of New York*. On petition for writ of certiorari to the Court of Appeals of New York;

No. 83, Misc. Joseph Bernovich, petitioner, *v. Joseph E. Ragen*, Warden. On petition for writ of certiorari to the Circuit Court of Peoria County, State of Illinois;

No. 84, Misc. Spencer Bartling, petitioner, *v. Walter Nierstheimer*, Warden. On petition for writ of certiorari to the Circuit Court of Randolph County, State of Illinois;

No. 85, Misc. Robert Brown, petitioner, *v. Lloyd C. Fay*, Supervisor of Records. On petition for writ of certiorari to the Supreme Court of Michigan;

No. 87, Misc. Linton Alvin, petitioner, *v. State of Michigan, ex rel. Gerald W. Groat*, Judge. On petition for writ of certiorari to the Supreme Court of Michigan;

No. 90, Misc. Ray Leo Baugh, petitioner, *v. Joseph E. Ragen*, Warden. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 91, Misc. Glenn Ross Griffin, petitioner, *v. Joseph E. Ragen*, Warden. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 93, Misc. Henry Clay Barland, petitioner, *v. Joseph E. Ragen*, Warden. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 94, Misc. John Jablonwski, petitioner, *v. J. Vernel Jackson*, Warden. On petition for writ of certiorari to the County Court of Clinton County, State of New York;

No. 96, Misc. Peter Bosalavich, petitioner, *v. Joseph E. Ragen*, Warden. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 97, Misc. Everett Ross, petitioner, *v. Joseph E. Ragen*, Warden. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois; and

No. 99, Misc. Harold E. Rapp, petitioner, *v.* Walter E. Nierstheimer, Warden. On petition for writ of certiorari to the Circuit Court of Randolph County, State of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are severally denied.

No. 52, Misc. J. L. Stern, petitioner, *v.* Matt B. Cox and William H. Cox, Executors. On petition for writ of certiorari to the Supreme Court of Tennessee. The motion for leave to proceed *in forma pauperis* is granted. The motion to strike the respondents' brief is denied. The petition for writ of certiorari is denied.

No. 65, Misc. George McKay, petitioner, *v.* A. B. Foster, Sheriff. On petition for writ of certiorari to the Supreme Court of Georgia. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari is denied for the reason that the judgment of the court below is based upon a nonfederal ground adequate to support it.

No. 5, Misc. Hubert J. Gapinski, petitioner, *v.* Hon. Fred L. Wham, U. S. District Judge; and

No. 98, Misc. Booker T. Dockery, petitioner, *v.* Sterling Hutcheson, Judge of the District Court of the United States for the Eastern District of Virginia. The motions for leave to file petitions for writs of mandamus are denied.

No. 10, Misc. Ex parte Brown Davis, petitioner;

No. 57, Misc. John J. Rollo, petitioner, *v.* People of the State of Michigan;

No. 60, Misc. George S. Miller, petitioner, *v.* Dr. Silas W. Weltmer, Superintendent;

No. 67, Misc. Richard Kamrowski, petitioner, *v.* Joseph E. Ragen, Warden; and

No. 88, Misc. James B. Edwards, petitioner, *v.* Donald Clemmer, Director of Department of Correction, et al. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 12, Misc. Albert Lane, petitioner, *v.* C. S. Smith Metropolitan Market Co. et al.; and

No. 82, Misc. W. E. Maxwell, petitioner, *v.* Robert H. Hudspeth, Warden. The motions for leave to file petitions for writs of certiorari are denied.

No. 72, Misc. William Richard Williams, petitioner, *v.* Gaston L. Porterie, United States District Judge. The motion for leave to file petition for writ of quo warranto is denied.

No. 127. The United States of America and Interstate Commerce Commission, appellants, *v.* The Short Line, Inc.; and

No. 128. New England Greyhound Lines, Inc., appellants, *v.* The Short Line, Inc. Appeals from the District Court of the United States for the District of Connecticut. Appeals dismissed on joint motions of counsel for the parties and mandates ordered to issue forthwith.

No. 239. Guaranty Trust Company of New York, petitioner, *v.* The United States of America; and

No. 240. Guaranty Trust Company of New York, petitioner, *v.* The United States of America;

No. 313. The United States of America, petitioner, *v.* The Guaranty Trust Company of New York; and

No. 314. The United States of America, petitioner, *v.* The Guaranty Trust Company of New York; and

No. 315. The United States of America, petitioner, *v.* Irwin Steingut et al., as Receivers of the Assets in New York of Russo-Asiatic Bank et al. Petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit dismissed on motions of counsel for the petitioners.

No. 38. Joseph F. Maggio, petitioner, *v.* Raymond Zeitz, as Trustee in Bankruptcy of Luma Camera Service, Inc. Submitted by Mr. Max Schwartz for the petitioner, and Mr. Joseph Glass for the respondent.

No. 40. Donald Wade, petitioner, *v.* Nathan Mayo, as State Prison Custodian of the State of Florida. Submitted by Mr. E. M. Baynes for the petitioner, and Mr. J. Tom Watson and Mr. Sumter Leitner for the respondent.

No. 7. James F. Morris, petitioner, *v.* William R. McComb, Administrator of the Wage and Hour Division, United States Department of Labor. Argued by Mr. George S. Dixon for the petitioner, and Mr. Harold Nystrom for the respondent.

No. 14. Central Greyhound Lines, Inc., of New York, appellant, *v.* Carroll E. Mealey et al., Constituting the State Tax Commission of the State of New York. Argued by Mr. Tracy H. Ferguson for the appellant, and by Mr. John G. Crary, Jr., for the appellees.

No. 16. Priebe & Sons, Inc., petitioner, *v.* The United States. Argument commenced by Mr. J. Arthur Miller for the petitioner, continued by Mr. Philip Elman for the respondent, and concluded by Mr. Allen H. Gardner for the petitioner.

No. 36. Margaret E. Sherrer, petitioner, *v.* Edward C. Sherrer.
Argument commenced by Mr. Frederick M. Myers for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, October 14, will be as follows: Nos. 36,
37, 66 (67 and 68), 18, 39, 46, 45, 48, 61, and 58.

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SUPREME COURT OF THE UNITED STATES

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

Andrew B. Duvall, Jr., of Washington, D. C.; C. Benedict Mauro, of New York, N. Y.; William Buchanan Gold, Jr., of Philadelphia, Pa.; Stanley L. Thornton, of Philadelphia, Pa.; Berge C. Tashjian, of Westboro, Mass.; Solon Williams Smith, of Oklahoma City, Okla.; Henry A. Wise, Jr., of Hockessin, Del.; and August F. Walz, of Wilmington, Del., were admitted to practice.

No. 384. Commissioner of Internal Revenue, petitioner, *v.* South Texas Lumber Company. The time within which to file brief of the respondent extended to and including November 14.

No. 36. Margaret E. Sherrer, petitioner, *v.* Edward C. Sherrer. Argument continued by Mr. Frederick M. Myers for the petitioner; by Mr. Lincoln S. Cain and by Mr. Robert T. Capeless for the respondent, and concluded by Mr. Frederick M. Myers for the petitioner.

No. 37. Martin V. B. Coe, petitioner, *v.* Katharine C. Coe. Argued by Mr. Samuel Perman for the petitioner, and Mr. Francis M. Shea for the respondent.

No. 66. Wesley William Cox, petitioner, *v.* The United States of America;

No. 67. Theodore Romaine Thompson, petitioner, *v.* The United States of America; and

No. 68. Wilbur Roisum, petitioner, *v.* The United States of America. Argument commenced by Mr. Hayden C. Covington for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, October 15, will be as follows: Nos. 66 (67 and 68), 18, 39, 46, 45, 48, 61, 58, 23 (24, 25, 26, 27, 28, 29, 30, 31, 32, 33, and 34), and 44.

SUPREME COURT OF THE UNITED STATES

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

Warren H. May, of Louisiana, Mo.; Harold Gold, of New York, N. Y.; Solie A. Abrams, of San Francisco, Calif.; Irving T. Weeks, of Los Angeles, Calif.; Benjamin Wm. Mehlman, of New York, N. Y.; Christopher Del Sesto, of Providence, R. I.; James E. Birdsall, of New York, N. Y.; Arthur G. Warner, of New York, N. Y.; Frank V. Dice, of Peru, Ind.; James D. Harrison, of Indianapolis, Ind.; and Rudolph F. Becker, Jr., of New Orleans, La., were admitted to practice.

No. 402. Arthur Greenwood et al., petitioners, *v.* Hotel & Restaurant Employees International Alliance and Bartenders International League of America et al. Time for making service of petition for certiorari, brief, and record extended to a date which is not later than 10 days after the giving of notice by the Clerk of this Court to counsel for the petitioner that the printed record has been delivered to such Clerk.

No. 66. Wesley William Cox, petitioner, *v.* The United States of America:

No. 67. Theodore Romaine Thompson, petitioner, *v.* The United States of America; and

No. 68. Wilbur Roisum, petitioner, *v.* The United States of America. Argument continued by Mr. Hayden C. Covington for the petitioners, by Mr. Irving S. Shapiro for the respondent, and concluded by Mr. Hayden C. Covington for the petitioner.

No. 18. R. P. Hunter, petitioner, *v.* Texas Electric Railway Company. Argued by Mr. Ralph Elliott for the petitioner, and by Mr. Alexander Gullett for the respondent.

No. 39. Aero Mayflower Transit Company, appellant, *v.* Board of Railroad Commissioners of the State of Montana et al. Argued by Mr. Edmond G. Toomey for the appellant, and by Mr. Clarence Hanley for the appellees.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, October 16, will be as follows: Nos. 46, 45, 48, 58, 61, 23 (24, 25, 26, 27, 28, 29, 30, 31, 32, 33, and 34), 44, 63, 47, and 54 (55, 56, and 57).

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SUPREME COURT OF THE UNITED STATES

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

Adrian A. Merrill, of Idaho Falls, Idaho; Louis C. Lujan, of Albuquerque, N. Mex.; LeRoy E. Eastman, of Toledo, Ohio; James J. Marshall, of Miami, Fla.; and John C. Stedman, of Washington, D. C., were admitted to practice.

No. 46. International Salt Company, Incorporated, appellant, *v.* The United States of America. Argued by Mr. Lemuel Skidmore for the appellant, and Mr. Robert L. Stern for the appellee.

No. 45. The Federal Crop Insurance Corporation, petitioner, *v.* A. A. Merrill and N. D. Merrill, Co-partners, Doing Business Under the Firm Name and Style of Merrill Bros. Argued by Mr. Harry I. Rand for the petitioner, and by Mr. A. A. Merrill for the respondents.

No. 48. Frank Walter Mogall, petitioner, *v.* The United States of America. Argued by Mr. Rudolph F. Becker, Jr., for the petitioner, and by Mr. W. Marvin Smith for the respondent.

No. 58. W. Clay Rodgers, petitioner, *v.* The United States of America. Argued by Mr. Stanley M. Silverberg for the respondent, and submitted by W. Clay Rodgers, *pro se*, with leave to petitioner to file a reply brief by October 24 next.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, October 17, will be as follows: Nos. 61, 23 (24, 25, 26, 27, 28, 29, 30, 31, 32, 33, and 34), 44, 63, 47, 54 (55, 56, and 57), 49, 97, 50, and 52. '

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SUPREME COURT OF THE UNITED STATES

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

Agnes C. O'Brien, of San Francisco, Calif.; Collman E. Yudelson, of Council Bluffs, Iowa; Louis Waldman, of New York, N. Y.; and Charles Joseph McDonough, of Buffalo, N. Y., were admitted to practice.

No. 61. The United States of America, petitioner, *v.* Michael Di Re. Argued by Mr. Frederick Bernays Wiener for the petitioner, and Mr. Charles J. McDonough for the respondent.

Adjourned until Monday, October 20, next, at 12 o'clock.

The day call for Monday, October 20, will be as follows: Nos. 23 (24, 25, 26, 27, 28, 29, 30, 31, 32, 33, and 34), 44, 63, 47, 54 (55, 56, and 57), 49, 97, 50, 52, and 96.

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SUPREME COURT OF THE UNITED STATES

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

Joseph F. Ruggieri, of Brooklyn, N. Y.; Joseph J. Lombardo, of Brooklyn, N. Y.; Carl C. Banno, of Brooklyn, N. Y.; Beverly Shoun Burbage, of Knoxville, Tenn.; Walter R. Hutchinson, of Cedar Rapids, Iowa; Charles Wright, Jr., of Detroit, Mich.; Joseph M. Donahue, of Saint Paul, Minn.; A. Jerome Hoffman, of Saint Paul, Minn.; Kenneth G. Spaulding, of Chicago, Ill.; Robert E. McKean, of Detroit, Mich.; Ira C. Werle, of New York, N. Y.; Peter Harold Ready, of Lowell, Mass.; Harry Sagotsky, of Freehold, N. J.; Raymond D. O'Brien, of Lowell, Mass.; Joseph M. Gartner, of Chicago, Ill.; Donald M. Hatch, of Wyandotte, Mich.; William P. Kilmain, of Bethesda, Md.; Francis D. Murray, of Stewart Manor, N. Y.; Edwin LeRoy Bright, of Washington, D. C.; Duane J. Carnes, of San Diego, Calif.; Francis W. Taylor, of Silver Spring, Md.; Ralph A. Marsicano, of Tampa, Fla.; Mary Phelps Enders, of Washington, D. C.; James D. Lynch, of Chicago, Ill.; Esther Glantz, of New York, N. Y.; Joseph F. McCloy, of New York, N. Y.; Michael S. Precker, of Newark, N. J.; Ralph E. Houseman, of Grafton, Wis.; Richard C. Bonner, of Grafton, Wis.; Carmen Hallmeyer, of Novato, Calif.; Charles B. McGroddy, Jr., of New York, N. Y.; and Arline Cavins Matheron, of San Francisco, Calif., were admitted to practice.

The Chief Justice announced the following order of the Court:

No. 1. Securities and Exchange Commission, petitioner, *v.* Engineers Public Service Company et al.; and

No. 2. Engineers Public Service Company et al., petitioners, *v.* Securities and Exchange Commission. On writs of certiorari to the United States Court of Appeals for the District of Columbia. *Per curiam*: The judgment of the United States Court of Appeals for the District of Columbia is vacated and the cases are remanded to that court with directions to dismiss the petition for review as moot, on joint motion of counsel for the parties. The Chief Justice and Mr. Justice Douglas took no part in the consideration or decision of these cases.

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. 15. The United States of America, appellant, *v.* Paul Evans. The motion of the appellee for leave to proceed *in forma pauperis* is granted.

No. 337. The Connecticut Mutual Life Insurance Company et al., appellants, *v.* Frank C. Moore, Comptroller of the State of New York. In this case probable jurisdiction is noted. The motion of appellant, Union Labor Life Insurance Co., to dismiss the appeal as to it is granted.

No. 290. James M. Hurd and Mary I. Hurd, petitioners, *v.* Frederic E. Hodge et al.; and

No. 291. Raphael G. Urciolo, Robert H. Rowe, Isabelle J. Rowe, et al., petitioners, *v.* Frederic E. Hodge et al. The petition for writs of certiorari to the United States Court of Appeals for the District of Columbia is granted and the cases are assigned for argument immediately following No. 87.

No. 211. St. Louis-San Francisco Railway Company, Debtor, petitioner, *v.* Central Hanover Bank and Trust Company et al., Trustees, etc., et al.; and

No. 212. St. Louis-San Francisco Railway Company, Debtor, petitioner, *v.* Central Hanover Bank and Trust Company et al., Trustees, etc., et al. Petition for writs of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 217. Moses Joseph Bracey, Raymond Johnson, Kelly Whiteley, et al., petitioners, *v.* Emanuel Luray, Trading as Luray Iron & Metal Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 238. G. H. Love, Inc., petitioner, *v.* Philip Fleming, Administrator, Office of Temporary Controls. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 255. Sol Cohen et al., petitioners, *v.* Cauldwell Wingate Co., Poirier & McLane Corporation. Petition for writ of certiorari to the Court of Appeals of the State of New York denied.

No. 260. Lura D. Glassey and Henry L. Broening, petitioners, *v.* The People of the State of California. Petition for writ of certiorari to the Superior Court in and for the County of Los Angeles, State of California, denied.

No. 266. Robert Scott, petitioner, *v.* City of Tampa, a Municipal Corporation. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 278. Roger Touhy, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 282. Albert R. Maulsby, petitioner, *v.* Abraham Conzevoy, Doing Business as Golden State Casket Co. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 285. Samuel Hannah Fogel, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 288. T. H. Reiter, petitioner, *v.* Ernest Palmer (Impleaded with Illinois National Casualty Company, etc., et al.). Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 297. Robert Nix, petitioner, *v.* State of Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 302. Swift & Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 303. Clarence L. Myers and Otto L. Myers, Executors of the Will of Carrie Guggenheim, Deceased, petitioners, *v.* New York State Tax Commission. Petition for writ of certiorari to the Court of Appeals of the State of New York denied.

No. 305. Walter W. Burns, petitioner, *v.* Oliver L. Spiller, Stewart M. Grayson, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 307. David H. Berman and Dorothy Berman, Co-partners, Doing Business under the Firm Name and Style of David H. Berman Company, petitioners, *v.* Ernest L. Levine. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 308. Alvin H. Cohen, petitioner, *v.* Louis Bunin. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. 310. J. H. Bell, petitioner, *v.* Hubert B. Scudder, as Real Estate Commissioner of the State of California. Petition for writ of certiorari to the District Court of Appeals, 3d Appellate District, State of California, denied.

No. 311. Donald R. Manning, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 178. The Chase National Bank of the City of New York, as Trustees, etc., et al., petitioners, *v. J. Hamilton Cheston et al.*;

No. 179. The Chase National Bank of the City of New York, as Trustees, etc., et al., petitioners, *v. Metropolitan Life Insurance Company*;

No. 180. The Chase National Bank of the City of New York, as Trustees, etc., et al., petitioners, *v. Central Hanover Bank and Trust Company, et al., as Trustees, etc.*;

No. 181. The Chase National Bank of the City of New York, as Trustees, etc., et al., petitioners, *v. The National City Bank of New York, as Trustee, etc.*;

No. 182. The Chase National Bank of the City of New York, as Trustees, etc., et al., petitioners, *v. John C. Traphagen et al.*;

No. 183. The Chase National Bank of the City of New York, as Trustees, etc., et al., petitioners, *v. James G. Blaine et al.*;

No. 184. The Chicago, Rock Island & Pacific Railway Company, petitioner, *v. Metropolitan Life Insurance Company*;

No. 185. The Chicago, Rock Island & Pacific Railway Company, petitioner, *v. Central Hanover Bank and Trust Company, et al., as Trustees, etc.*;

No. 186. The Chicago, Rock Island & Pacific Railway Company, petitioner, *v. The National City Bank of New York, as Trustee, etc.*;

No. 187. The Chicago, Rock Island & Pacific Railway Company, petitioner, *v. J. Hamilton Cheston et al.*;

No. 188. The Chicago, Rock Island & Pacific Railway Company, petitioner, *v. John C. Traphagen et al.*;

No. 189. The Chicago, Rock Island & Pacific Railway Company, petitioner, *v. James G. Blaine et al.*;

No. 190. Gerald Axelrod et al., Constituting the Convertible Bondholders Group, etc., petitioners, *v. Joseph B. Fleming et al., Trustees, etc., et al.*;

No. 191. Gerald Axelrod et al., Constituting the Convertible Bondholders Group, etc., petitioners, *v. Joseph B. Fleming et al., Trustees, etc., et al.*;

No. 192. Gerald Axelrod et al., Constituting the Convertible Bondholders Group, etc., petitioners, *v. Joseph B. Fleming et al., Trustees, etc., et al.*; and

No. 193. Gerald Axelrod et al., Constituting the Convertible Bondholders Group, etc., petitioners, *v. Joseph B. Fleming et al., Trustees, etc., et al.* Petitions for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. Mr. Justice Rutledge has filed an opinion setting forth his reason for concurring in the action

of the Court. Mr. Justice Frankfurter and Mr. Justice Jackson dissent: "Inasmuch as the Interstate Commerce Commission deems itself not free to file a memorandum of its views except on invitation of the Court, we believe, in view of all the circumstances, that final action on this petition should not be taken without asking the Commission to make a definite statement of its present position."

No. 299. Charles F. Hemans, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. Mr. Justice Murphy and Mr. Justice Rutledge took no part in the consideration or decision of this application.

No. 304. The Brown Instrument Company, petitioner, *v.* Sam B. Warner, Register of Copyrights. The motion for leave to file brief of Fawley-Brost Co., as *amicus curiae* is granted. The petition for writ of certiorari to the United States Court of Appeals for the District of Columbia is denied.

No. 1273, October Term, 1946. Refrigeration Patents Corporation, petitioner, *v.* Stewart-Warner Corporation; and

No. 1274, October Term, 1946. Potter Refrigerator Corporation, petitioner, *v.* Stewart-Warner Corporation;

No. 1368, October Term, 1946. Protective Committee for Bonds of Old Colony Railroad Company, petitioner, *v.* New York, New Haven & Hartford Railroad Company, Debtor, et al. The petitions for rehearing in these cases are denied.

No. 1296, October Term, 1946. Ben F. Hopkins, petitioner, *v.* Commissioner of Internal Revenue. The motion for leave to file a supplemental 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. 27, Misc. Louis E. Christakos, petitioner, *v.* Walter A. Hunter, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit;

No. 78, Misc. William Conklin, petitioner, *v.* Michael J. Pescor, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 89, Misc. Manning Strewl, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit;

No. 100, Misc. Arthur Robinson, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 104, Misc. Anton E. Golla, petitioner, *v.* John C. Burke, Warden. On petition for writ of certiorari to the Supreme Court of Wisconsin;

No. 106, Misc. Donald Hugh Lilyroth, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Lee County, State of Illinois;

No. 107, Misc. Joseph Conway, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 108, Misc. Harry Meyers, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 110, Misc. Allen Stewart, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 114, Misc. Van L. Gunn, petitioner, *v.* State of Tennessee. On petition for writ of certiorari to the Supreme Court of Tennessee;

No. 119, Misc. William Bolds, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Rock Island County, State of Illinois;

No. 122, Misc. James Thomas Gash, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 123, Misc. John Dwyer, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 125, Misc. Roy Courtwright, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 126, Misc. William Buchalter, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Supreme Court of Illinois; and

No. 128, Misc. John Cordts, 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* in these cases are granted. The petitions for writs of certiorari are denied.

No. 117, Misc. Walter Engle, petitioner, *v.* Ben B. Stewart, Warden. On petition for writ of certiorari to the Supreme Court of Missouri; and

No. 121, Misc. John J. Lannahan, petitioner, *v.* Ralph E. Benson, Warden. 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. The motions for leave to file petitions for writs of habeas corpus are also denied.

No. 113, Misc. Gerald E. Bates, petitioner, *v.* People of the State of New York. The application for the allowance of an appeal is denied.

No. 127, Misc. Andrew Vialva, petitioner, *v.* Francis C. Shaw, Director. The motion for leave to file petition for writ of habeas corpus is denied.

No. 50, Misc. Erhard Milch, petitioner, *v.* The United States of America. The motion for leave to file petition for writ of habeas corpus is denied. Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Murphy, and Mr. Justice Rutledge are of the opinion that the petition should be set for hearing on the question of the jurisdiction of this Court. Mr. Justice Jackson took no part in the consideration or decision of this application.

The Court will take a recess from Monday, October 27, until Monday, November 10, next.

No. 23. Federal Trade Commission, petitioner, *v.* The Cement Institute, et al.;

No. 24. Federal Trade Commission, petitioner, *v.* Aetna Portland Cement Company, et al.;

No. 25. Federal Trade Commission, petitioner, *v.* Marquette Cement Manufacturing Company;

No. 26. Federal Trade Commission, petitioner, *v.* Calavaras Cement Company, et al.;

No. 27. Federal Trade Commission, petitioner, *v.* Huron Portland Cement Company;

No. 28. Federal Trade Commission, petitioner, *v.* Superior Portland Cement, Inc.;

No. 29. Federal Trade Commission, petitioner, *v.* Northwestern Portland Cement Company;

No. 30. Federal Trade Commission, petitioner, *v.* Riverside Cement Company;

No. 31. Federal Trade Commission, petitioner, *v.* Universal Atlas Cement Company;

No. 32. Federal Trade Commission, petitioner, *v.* California Portland Cement Company;

No. 33. Federal Trade Commission, petitioner, *v.* Monolith Portland Cement Company, et al.; and

No. 34. Federal Trade Commission, petitioner, *v.* Blaine S. Smith et al. Argument commenced by Mr. Charles H. Weston for the petitioner; continued by Mr. Walter B. Wooden for the petitioner; by Mr. William J. Donovan for the respondents in Nos. 23, 24, and 34; and by Nathan L. Miller for the respondent in No. 31.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, October 21, will be as follows: Nos. 23 (24, 25, 26, 27, 28, 29, 30, 31, 32, 33, and 34), 44, 63, 47, 54 (55, 56, and 57), 49, 97, 50, 52, and 96.

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SUPREME COURT OF THE UNITED STATES

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

John W. King, of New York, N. Y.; Philip R. Davis, of Chicago, Ill.; William E. Lane, of Chicago, Ill.; B. Jay Owen, of Tallahassee, Fla.; S. Frank Fowler, of Knoxville, Tenn.; Roy J. Waychoff, of Waynesburg, Pa.; and Franklin Coeller, of New Haven, Conn., were admitted to practice.

No. 23. Federal Trade Commission, petitioner, *v.* The Cement Institute et al.;

No. 24. Federal Trade Commission, petitioner, *v.* Aetna Portland Cement Company et al.;

No. 25. Federal Trade Commission, petitioner, *v.* Marquette Cement Manufacturing Company;

No. 26. Federal Trade Commission, petitioner, *v.* Calavaras Cement Company et al.;

No. 27. Federal Trade Commission, petitioner, *v.* Huron Portland Cement Company;

No. 28. Federal Trade Commission, petitioner, *v.* Superior Portland Cement, Inc.;

No. 29. Federal Trade Commission, petitioner, *v.* Northwestern Portland Cement Company;

No. 30. Federal Trade Commission, petitioner, *v.* Riverside Cement Company;

No. 31. Federal Trade Commission, petitioner, *v.* Universal Atlas Cement Company;

No. 32. Federal Trade Commission, petitioner, *v.* California Portland Cement Company;

No. 33. Federal Trade Commission, petitioner, *v.* Monolith Portland Cement Company et al.; and

No. 34. Federal Trade Commission, petitioner, *v.* Blaine S. Smith et al. Argument continued by Mr. Nathan L. Miller for the respondent in No. 31; by Mr. Edward A. Zimmerman for the respondent in No. 25; by Mr. Charles Wright, Jr., for the respondent in No. 27;

by Mr. Herbert W. Clark for the respondents in Nos. 26 and 24; by Mr. Pierce Works for the respondent in No. 30; by Mr. Alex W. Davis for the respondent in No. 32; by Mr. Herbert S. Little for the respondent in No. 28; by Mr. J. Harold Shefelman for the respondent in No. 29, and concluded by Mr. Charles H. Weston for the petitioner. No appearance for the respondent in No. 33.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, October 22, will be as follows: Nos. 44, 63, 47, 54 (55, 56, and 57), 49, 97, 50, 52, and 96.

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SUPREME COURT OF THE UNITED STATES

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

Richard L. North, of Los Angeles, Calif.; Paul G. Sadona, of Schenectady, N. Y.; Fred Okrand, of Los Angeles, Calif.; William M. Smoak, Jr., of Aiken, S. C.; Marion H. Smoak, of Aiken, S. C.; and Frederick Fish, of New York, N. Y., were admitted to practice.

No. 44. Fred Y. Oyama and Kajiro Oyama, petitioners, *v.* State of California. Argued by Mr. A. L. Wirin and Mr. Dean G. Acheson for the petitioners, and by Mr. Everett W. Mattoon and Mr. Duane J. Carnes for the respondent.

No. 63. Jose Audon Salazar Delgadillo, petitioner, *v.* Albert Del Guercio, District Director, Immigration and Naturalization Service, United States Department of Justice, District No. 16. Argued by Mr. Fred Okrand for the petitioner, and by Mr. Robert W. Ginnane for the respondent.

No. 47. Al Williams and Al Williams Health System of Los Angeles, Inc., petitioners, *v.* Michael J. Fanning, Individually and as Postmaster of the City of Los Angeles, California. Argued by Mr. Richard L. North for the petitioners, and by Mr. Frederick Bernays Wiener for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, October 23, will be as follows: Nos. 54 (55, 56, and 57), 49, 97, 50, 52, and 96.

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SUPREME COURT OF THE UNITED STATES

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

John W. Burke, Jr., of New York, N. Y.; Sterling E. Kinney, of Amarillo, Tex.; G. R. Scheib, of Chicago, Ill.; Everett Broadstone Laybourne, of Los Angeles, Calif.; Ellen M. Janousek, of Chicago, Ill.; Howard F. Janousek, of Chicago, Ill.; Joseph M. Weil, of Chicago, Ill.; Kathleen M. Berry, of San Francisco, Calif.; Harold Taft King, of Denver, Colo.; Bernard Tomson, of New York, N. Y.; Michael C. Bernstein, of New York, N. Y.; and Joseph P. Smyth, of Washington, D. C., were admitted to practice.

No. 54. Harry Blumenthal, petitioner, *v.* The United States of America;

No. 55. Lawrence B. Goldsmith, petitioner, *v.* The United States of America;

No. 56. Samuel S. Weiss, petitioner, *v.* The United States of America; and

No. 57. Albert Feigenbaum, petitioner, *v.* The United States of America. Argued by Mr. Arthur B. Dunne for the petitioners in Nos. 54, 55, and 57; by Mr. Samuel W. Weiss, pro se, in No. 56; and by Miss Beatrice Rosenberg for the respondent.

No. 49. William Shapiro, petitioner, *v.* The United States of America. Argued by Bernard Tomson for the petitioner and by Mr. Solicitor General Perlman for the respondent.

No. 97. The United States of America, appellant, *v.* James Hoffman. Argued by Mr. Solicitor General Perlman for the appellant and Mr. Bernard Margolius for the appellee.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, October 24, will be as follows: Nos. 50, 52, and 96.

SUPREME COURT OF THE UNITED STATES

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

Henry I. Dockweiler, of Los Angeles, Calif.; Stanley Morton Doyle, of Polson, Mont.; Q. Austin East, of Bloomington, Ind.; Sidney Pepper, of New York, N. Y.; Wallace M. Cohen, of Washington, D. C.; John Charles Frey, of Dallas, Tex.; Loren C. Berry, of New York, N. Y.; and James L. Morrisson, of Groton, Conn., were admitted to practice.

No. 50. Robert E. Hannegan, Individually and as Postmaster General of The United States, petitioner *v.* Read Magazine, Inc., et al. Argued by Mr. Robert L. Stern for the petitioner and by Mr. John W. Burke, Jr., for the respondents.

No. 52. Estate of Sidney M. Spiegel. Deceased, Katherine J. Spiegel, et al., Surviving Executors, etc., petitioners *v.* Commissioner of Internal Revenue. Argued by Mr. Herbert A. Friedlich for the petitioners and by Mr. Arnold Raum for the respondent.

No. 96. Commissioner of Internal Revenue, petitioner *v.* Estate of Francois L. Church, Deceased, Edward E. Black, Executor. Argued by Mr. Arnold Raum for the petitioner and by Mr. William W. Owens for the respondent.

Adjourned until Monday, October 27, next, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

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

Harris H. Huston, of Dayton, Ohio; James S. Jenkins, of Dayton, Ohio; Stuart P. Dobbs, of Ogden, Utah; and Matthew Berman, of Chicago, Ill., were admitted to practice.

The Chief Justice announced the following order of the Court:

No. 376. Miami Transportation Company, Inc., of Indiana, appellant, *v.* The United States of America and Interstate Commerce Commission. Appeal from the District Court of the United States for the Southern District of Indiana. *Per curiam:* The motion to affirm is granted and the judgment is affirmed. United States *v.* Carolina Freight Carriers Corp'n, 315 U. S. 475.

The Chief Justice also announced the entry of an order and decree in No. 12, Original.

No. 12, Original. The United States of America, complainant, *v.* The State of California. *Order and Decree.*

Since our opinion which was announced in this case June 23, 1947, two stipulations have been filed in this Court, signed by the Attorney General and Secretary of the Interior of the United States on the one hand and by the Attorney General of the State of California on the other hand. In these stipulations the Attorney General and the Secretary of the Interior purport to renounce and disclaim for the United States Government paramount governmental power over certain particularly described submerged lands in the California coastal area. In such stipulations the United States Attorney General and Secretary of the Interior furthermore purport to bind the United States to agreements which purport to authorize state lessees of California coastal submerged lands to continue to occupy and exploit those lands, and which agreements also purport to authorize California under conditions set out to execute leases for other submerged coastal lands.

Robert E. Lee Jordan has filed a petition in this Court praying that he be permitted to file a motion as *amicus curiae* or in the alternative as an intervenor to have the foregoing stipulations and agreements

set aside and declared null and void on the ground among others that the Attorney General and the Secretary of the Interior are without authority to bind the United States by agreements which it is alleged would if valid alienate and surrender the Government's paramount power over the submerged lands concerning which the stipulations are made.

It is ordered that the petition of Robert E. Lee Jordan to file the motion here to declare the stipulations null and void be denied, without prejudice to the assertion of any right he may have in a proper district court.

It is further ordered that the stipulations between the United States Attorney General and the Secretary of the Interior on the one hand and the Attorney General of California on the other, which stipulations purport to bind the United States, be stricken as irrelevant to any issues now before us.

And for the purpose of carrying into effect the conclusions of this Court as stated in its opinion announced June 23, 1947, it is ORDERED, ADJUDGED, AND DECREED as follows:

1. The United States of America is now, and has been at all times pertinent hereto, possessed of paramount rights in, and full dominion and power over, the lands, minerals, and other things underlying the Pacific Ocean lying seaward of the ordinary low-water mark on the coast of California, and outside of the inland waters, extending seaward three nautical miles and bounded on the north and south, respectively, by the northern and southern boundaries of the State of California. The State of California has no title thereto or property interest therein.

2. The United States is entitled to the injunctive relief prayed for in the complaint.

3. Jurisdiction is reserved by this Court to enter such further orders and to issue such writs as may from time to time be deemed advisable or necessary to give full force and effect to this decree.

Inasmuch as the stipulations of July 26, 1947, have been stricken, Mr. Justice Frankfurter desires explicitly to note his understanding that insofar as the meaning or scope or validity of the stipulations may give rise to any legal issue, no such issue has been before the Court or has here been considered.

Mr. Justice Jackson took no part in the consideration or decision of this case.

The Chief Justice said:

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

No. 12, Original. The United States of America, complainant, *v.* The State of California. The motion of Lauren D. Cherry and Earl G. Sinclair for leave to file a motion to strike a portion of a stipulation entered into between the Attorney General of the United States and the Attorney General of California is denied without prejudice to the assertion of any right they may have in a proper district court. Inasmuch as the stipulations of July 26, 1947, have been stricken, Mr. Justice Frankfurter desires explicitly to note his understanding that insofar as the meaning or scope or validity of the stipulations may give rise to any legal issue, no such issue has been before the Court or has here been considered. Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 12, Original. The United States of America, complainant, *v.* The State of California. The motion of Norman L. Littell for leave to file a brief as *amicus curiae* is treated as a brief *amicus curiae* and leave to file is granted. Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 63. Jose Audon Salazar Delgadillo, petitioner, *v.* Albert Del Guercio, District Director, Immigration and Naturalization Service, United States Department of Justice, District No. 16. The motion to substitute William A. Carmichael as the party respondent herein is granted.

No. 374. Bob-Lo Excursion Company, appellant, *v.* The People of the State of Michigan; and

No. 390. Seaboard Air Line Railroad Company, appellant, *v.* John M. Daniel, as Attorney General of the State of South Carolina, et al. In these cases probable jurisdiction is noted.

No. 331. Rudy E. Callen, petitioner, *v.* Pennsylvania Railroad Company. The motion for leave to file brief of United Railroad Workers of America as *amicus curiae* is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit is granted and the case is transferred to the summary docket.

No. 329. Anne Johnson, petitioner, *v.* The United States of America. The petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit is granted limited to questions 1 and 2 presented by the petition for the writ.

No. 245. Irwin Steingut et al., as Receivers of the Assets in New York of Russo-Asiatic Bank, petitioners, *v.* Guaranty Trust Company of New York et al.; and

No. 247. James A. Tillman, petitioner, *v.* Jesse C. Millard et al. Petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 309. Tom C. Clark, Attorney General, as Successor to the Alien Property Custodian, petitioner, *v. Johanna M. Kind et al.*, as Trustees under the Last Will and Testament of Herman Kind, Deceased; and

No. 326. Johanna M. Kind et al., as Trustees under the Last Will and Testament of Herman Kind, Deceased, petitioners, *v. Tom C. Clark, Attorney General*, as Successor to the Alien Property Custodian. Petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 316. The May Department Stores Company, Doing Business as Famous-Barr Company, petitioner, *v. National Labor Relations Board*. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 317. Nick Delis, petitioner, *v. George P. Pappas et al.*, Doing Business under the Fictitious Name of Pappas & Co. Petition for writ of certiorari to the District Court of Appeal, 4th Appellate District, State of California, denied.

No. 318. Mishawaka Rubber and Woolen Manufacturing Company, petitioner, *v. S. S. Kresge Company*. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 319. Alex Steinberg, petitioner, *v. The United States of America*. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 328. Adamston Flat Glass Company, petitioner, *v. Commissioner of Internal Revenue*. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 330. John P. Hooker, petitioner, *v. New York Life Insurance Company*. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 332. The Coca-Cola Company, petitioner, *v. Snow Crest Beverages, Inc.* Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 333. Eric Von Patzoll, petitioner, *v. The United States of America*;

No. 334. Dee Garland Brandon, petitioner, *v. The United States of America*;

No. 335. Gene Luther Feezell, petitioner, *v. The United States of America*; and

No. 336. James H. Evans, petitioner, *v. The United States of America*. Petition for writs of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 339. The Knott Corporation, petitioner, *v.* Mary Hale Furman. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 341. John G. Scherf, George H. Barnes, and Ada E. Barnes, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 344. F. L. Mendez & Company, petitioner, *v.* General Motors Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 345. Garford Trucking Corporation et al., petitioners, *v.* Joseph Mann. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 347. General Motors Acceptance Corporation, petitioner, *v.* Joseph T. Higgins, 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. 348. Nathan Bloomberg, petitioner, *v.* Frank Radich. Petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey denied.

No. 349. Walter P. Gardner, Trustee of The Central Railway 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.

No. 350. William Dudley Pelley, petitioner, *v.* W. Bruce Matthews, United States Marshal. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 354. Margaret Weisenbach, Individually and as Executrix of the Will of Anna Hatt, Deceased, petitioner, *v.* John R. Kistner, as Ancillary Administrator with the Will Annexed of the Estate of Anna Hatt, Deceased, and Anna Latham; and

No. 355. Margaret Weisenbach, Individually and as Executrix of the Will of Anna Hatt, Deceased, petitioner, *v.* John R. Kistner, as Ancillary Administrator with the Will Annexed of the Estate of Anna Hatt, Deceased, and Anna Latham. Petition for writs of certiorari to the Supreme Court of Ohio denied.

No. 312. Jake Hinley, petitioner, *v.* C. P. Burford, Warden, Oklahoma State Penitentiary. The motion to dispense with the printing of the petition and record is granted. The petition for writ of certiorari to the Supreme Court of Oklahoma is denied.

No. 322. Walter Borchers, petitioner, *v.* The United States of America;

No. 323. Otto Fentzke, petitioner, *v.* The United States of America; and

No. 324. Bruno C. Knupfer, petitioner, *v.* The United States of America. The motion to dispense with the printing of the petition and record is granted. The petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit is denied.

No. 346. Watchtower Bible and Tract Society, Inc., petitioner, *v.* County of Los Angeles, California, et al. The petition for writ of certiorari to the Supreme Court of California is denied. Mr. Justice Murphy is of the opinion that the petition should be granted.

No. 104. James Russell Hawthorne, petitioner, *v.* Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia;

No. 200. Otto H. Kruger, petitioner, *v.* Ned Whitehead, Doing Business under the Fictitious Name of Whitehead Co.;

No. 234. Philip Milton Koritz, Cal Roberson Jones, and Margaret De Graffenreid, petitioners, *v.* State of California; and

No. 22, Misc. Richard Anderson Lowe, petitioner, *v.* The United States of America. The petitions for rehearing are severally denied.

No. 279. Henry Lustig, E. Allen Lustig, and Joseph Sobel, petitioners, *v.* The United States of America. The petition for rehearing is denied. The Chief Justice took no part in the consideration or decision of this application.

No. 115, Misc. William Chavis, alias Wilburn Chambers, petitioner, *v.* Commonwealth of Pennsylvania. On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania;

No. 129, Misc. Clarence Bertrand, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Kankakee County, State of Illinois; and

No. 130, Misc. L. C. Tidmore, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writs of certiorari to the Circuit Court of Will County and the Supreme Court of the State of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are severally denied.

No. 105, Misc. John M. Holzworth, petitioner *v.* Donald Clemmer, Director, Department of Corrections, District of Columbia;

No. 112, Misc. Mary A. Ruthven, petitioner, *v.* Dr. Winfred Overholser, Superintendent;

No. 116, Misc. Joseph Hobbs, petitioner, *v.* Edwin T. Swenson, Warden; and

No. 120, Misc. Fred Wilson, petitioner, *v.* Joseph E. Ragen, Warden. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 98. The United States of America, petitioner, *v.* Philip Fried, George Neary, et al. On writ of certiorari to the Circuit Court of Appeals for the Second Circuit. Writ dismissed on motion of counsel for the petitioner.

Adjourned until Monday, November 10, next, at 12 o'clock.

The day call for Monday, November 10, will be as follows: Nos. 3, 60, 35, 6, 8, 13, 17, 69, 51, and 91.

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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.

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

The Court enters the following order :

No. 156, Misc. Alfred L. Hawkins, petitioner, *v.* Donald Clemmer, Director, Department of Corrections of the District of Columbia. The motion for leave to file petition for writ of habeas corpus is granted. The petition for a writ of habeas corpus is denied, and the application for stay of execution is also denied. Mr. Justice Douglas took no part in the consideration of this order.

Adjourned until Monday, November 10, next, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

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

Leonard A. Diether, of Los Angeles, Calif.; Leon W. Delbridge, of Pasadena, Calif.; Benjamin E. Winston, of New York, N. Y.; Robert F. Brydle, of Cleveland, Ohio; Thomas F. Healy, of Washington, D. C.; James O'Donnell, Jr., of Washington, D. C.; William F. Martin, of New York, N. Y.; Clarence W. Bralley, of Johnson City, Tenn.; John Frank Bryant, of Johnson City, Tenn.; J. W. Hassell, of Dallas, Tex.; Alcide J. Fournier, of Short Hills, N. J.; and Nathaniel H. Goldstick, of Detroit, Mich., were admitted to practice.

No. 46. International Salt Company, Incorporated, appellant, *v.* The United States of America. Appeal from the District Court of the United States for the Southern District of New York. Decree affirmed but without prejudice to appellant applying to the court below for modification of the decree. Opinion by Mr. Justice Jackson. Opinion by Mr. Justice Frankfurter dissenting in part in which Mr. Justice Reed and Mr. Justice Burton join.

No. 63. Jose Audon Salazar Delgadillo, petitioner, *v.* William A. Carmichael, District Director, Immigration and Naturalization Service, United States Department of Justice, District No. 16. 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 Douglas.

No. 45. The Federal Crop Insurance Corporation, petitioner, *v.* A. A. Merrill and N. D. Merrill, Co-partners, Doing Business under the Firm Name and Style of Merrill Bros. On writ of certiorari to the Supreme Court of the State of Idaho. Judgment reversed with costs and cause remanded for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Frankfurter. Dissenting: Mr. Justice Black and Mr. Justice Rutledge. Dissenting opinion by Mr. Justice Jackson in which Mr. Justice Douglas joins.

No. 58. *W. Clay Rodgers, petitioner, v. The United States of America.* On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment reversed and case remanded to the District Court of the United States for the Western District of Tennessee for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Burton in which Mr. Justice Rutledge joins.

The Chief Justice said:

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

No. 11. *Ford Motor Company, appellant, v. The United States of America*; and

No. 12. *Commercial Investment Trust Corporation et al., appellants, v. The United States of America.* The motion of appellants to pass these cases to a session of the Court commencing in April of the present Term is granted. Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 40. *Donald Wade, petitioner, v. Nathan Mayo, as State Prison Custodian, of the State of Florida.* This case is ordered restored to the docket for reargument and is assigned for hearing immediately following No. 398. Counsel are requested to discuss in brief and argument (1) the propriety of the exercise of jurisdiction by the District Court in this case when it appears of record, in the state's motion for dismissal of the appeal on habeas corpus, that petitioner had not availed himself of the remedy of appeal from his conviction, apparently open after trial though now barred by limitation. See generally *Mooney v. Holohan*, 294 U. S. 103; *Johnson v. Zerbst*, 304 U. S. 458; *Ex parte Hawk*, 321 U. S. 114, 116; *White v. Ragen*, 324 U. S. 760, 764; *Hawk v. Olson*, 326 U. S. 271. (2) Whether the failure of Florida to make this objection in this proceeding affects the above problem.

No. 90. *People of the State of Illinois, ex rel. Vashti McCollum, appellant, v. Board of Education of School District No. 71, Campaign County, Illinois, et al.* The motion of Synagogue Council of America et al. for leave to file a brief as amici curiae is granted.

No. 231. *Reba W. Thibaut, Individually, and on Behalf of the Minor Children, Joseph L. Thibaut, Jr., et al., petitioners, v. Car & General Insurance Corporation, Ltd., United States Branch, a Corporation.* The motion of respondent to stay the mandate pending disposition of the petition for rehearing is granted.

No. 397. International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers Union, et al., appellants, *v.* Denver Milk Producers, Inc., et al. In this case probable jurisdiction is noted.

No. 362. Fontaine Le Maistre, petitioner, *v.* Herman Leffers et al. Petition for writ of certiorari to the Supreme Court of Florida granted.

No. 369. Ada Lois Sipuel, petitioner, *v.* Board of Regents of the University of Oklahoma et al. Petition for writ of certiorari to the Supreme Court of Oklahoma granted.

No. 370. Fong Haw Tan, petitioner, *v.* Arthur J. Phelan, Acting District Director, Immigration and Naturalization Service, Port of San Francisco, California. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted.

No. 366. Bay Ridge Operating Co., Inc., petitioner, *v.* James Aaron, Albert Alston, James Philip Brooks, et al.; and

No. 367. Huron Stevedoring Corp., petitioner, *v.* Leo Blue, Nathaniel Dixon, Christian Elliott. The motion for leave to file brief of International Longshoremen's Association as amicus curiae is granted. The petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit is granted.

No. 325. The United States, petitioner, *v.* A. M. Landman, Superintendent of the Five Civilized Tribes, etc.; and

No. 327. A. M. Landman, Superintendent of the Five Civilized Tribes, etc., *v.* The United States. Petitions for writs of certiorari to the Court of Claims denied.

No. 342. The United States, petitioner, *v.* Swiss Confederation; and

No. 343. The United States, petitioner, *v.* Society of Chemical Industry, Basle, Switzerland, a Joint Stock Company. Petition for writs of certiorari to the Court of Claims denied.

No. 356. Pedro Sanchez, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 357. Atlantic Greyhound Corporation, petitioner, *v.* Walter Hunt, Administrator of Mary Ellen Hunt, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 358. F. J. Englert, petitioner, *v.* S. Birch & Sons Construction Co. and Morrison-Knudson Co. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 359. Edward C. Soderberg, John J. Kissane, and Willard B. Howell, petitioners, *v.* S. Birch & Sons Construction Co. and Morrison-

Knudson Co. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 360. Ballester Hermanos, petitioner, *v.* Rafael Busaglia, Treasurer of Puerto Rico. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 363. Martha Pryor, petitioner, *v.* Susie Pryor Craft et al. Petition for writ of certiorari to the Supreme Court of Oklahoma denied.

No. 364. Virgil E. Barkman, petitioner, *v.* Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 368. Frank L. Kloeb, United States District Judge for the Northern District of Ohio, petitioner, *v.* Euphime v. Bereslavsky. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 378. California Apparel Creators, a Corporation, et al., petitioners, *v.* Wieder of California, Inc., California Sportswear, Inc., and Cortley Shirt Company, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 380. Anne P. Humphrey, Estate of Albert Patterson Humphrey, Deceased, et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 381. Estate of Albert Patterson Humphrey, Deceased, Joe A. Humphrey, Independent Executor, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 382. Jessie L. O'Daniel, petitioner, *v.* The Pennsylvania Railroad Company; and

No. 383. Jessie L. O'Daniel, Executrix of the Will of William Bryan O'Daniel, Deceased, petitioner, *v.* The Pennsylvania Railroad Company. Petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 391. State of Ohio, on the Relation of William A. Williams, petitioner, *v.* C. Emory Glander, Tax Commissioner of the State of Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 393. Edgar C. Johnston, petitioner, *v.* Arrow Petroleum Co. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 394. R K O Radio Pictures, Inc., Loew's Incorporated, Twentieth Century-Fox Film Corporation, et al., petitioners, *v.* Florence B. Bigelow, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 352. Universal Oil Products Company, petitioner, *v.* Root Refining Company and Skelly Oil Company;

No. 353. Universal Oil Products Company, petitioner, *v.* Root Refining Company and Skelly Oil Company;

No. 102, Misc. Universal Oil Products Co., petitioner, *v.* Root Refining Co. and Skelly Oil Co.; and

No. 103, Misc. Universal Oil Products Co., petitioner, *v.* Honorable John Biggs, et al. The motion in each case to incorporate by reference the certified record in No. 48, October Term, 1945, is granted. The motion in each case for leave to file brief of Leslie Nichols as amicus curiae is granted. In Nos. 352 and 353, the petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit is denied. In No. 102 Misc., the motion for leave to file petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit is denied. In No. 103 Misc., the motion for leave to file petition for writs of prohibition and mandamus is denied.

No. 365. Edward R. Downing, Suing on His Own Behalf and on Behalf of All Other Stockholders of The United Corporation, etc., petitioner, *v.* George H. Howard et al. The petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit is denied. Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 372. State Lodge of Michigan, Fraternal Order of Police, etc., et al., petitioners, *v.* City of Detroit et al. The motion to proceed on a reduced number of copies of Exhibit Vol. II of the record is granted. The petition for writ of certiorari to the Supreme Court of Michigan is denied.

No. 1455, October Term, 1946. Patrick Flaherty, petitioner, *v.* The People of the State of Illinois. The second petition for rehearing is denied.

No. 99. Armand Robichaud, petitioner, *v.* Daniel J. Brennan, Judge of Essex County Court of Common Pleas, State of New Jersey, et al.;

No. 103. Albert F. Conn, Robert D. Flynt, and Willie E. Nelson, petitioners, *v.* The United States;

No. 124. Builders Trust Company, petitioner, *v.* Walter P. Butler, Helen W. Butler, Effie Butler O'Connor, et al.;

No. 137. L. B. Adams, S. W. Allen, J. E. Bowie, et al., petitioners, *v.* Brotherhood of Railroad Trainmen et al.;

No. 151. Hiram H. Halstead, petitioner, *v.* Industrial Accident Commission of the State of California;

No. 172. William Roy Miller, petitioner, *v.* Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia;

No. 203. Herbert M. Gregory, petitioner, *v.* The United States;

No. 210. Gordons Transports, Inc., petitioner, *v.* William R. McComb, Administrator of the Wage and Hour Division of The United States Department of Labor;

No. 243. Homer L. Bruce, et ux., Clara C. Bruce, petitioners, *v.* J. P. King, Jr.; and

No. 272. Mary Wall Kirby et al., petitioners, *v.* Houston Oil Co. of Texas et al. The petitions for rehearing in these cases are severally denied.

No. 136. The Texas and Pacific Railway Company et al., petitioners, *v.* Brotherhood of Railroad Trainmen et al. The motion to defer consideration is denied. The petition for rehearing is denied.

No. 173. Murray Mester and Meyer Mester, appellants, *v.* The United States of America, Federal Communications Commission, et al. The petition for rehearing is denied. Mr. Justice Black took no part in the consideration or decision of this application.

No. 233. Rice Bros., a Partnership Consisting of Charles R. Rice, Wm. J. Downey, and John J. Donohue, petitioner, *v.* E. H. Birmingham. The motion of National Live Stock Exchange for leave to file brief as *amicus curiae* is granted. The petition for rehearing is denied.

No. 257. State of Florida, ex rel. William H. McKeighan, appellant, *v.* Jimmy Sullivan, as Sheriff of Dade County, Florida. The petition for rehearing is denied. Mr. Justice Murphy took no part in the consideration or decision of this application.

No. 259. Arnold Bernstein, also known as Arnold M. Bernstein, petitioner, *v.* N. V. Nederlandsche-Amerikaansche Stoomvaart-Maatschappij, also known as Holland-American Line. The petition for rehearing is denied. Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 299. Charles F. Hemans, petitioner, *v.* The United States of America. The petition for rehearing is denied. Mr. Justice Murphy and Mr. Justice Rutledge took no part in the consideration or decision of this application.

No. 1, Misc. Beatrice Miller Montanye, petitioner, *v.* People of the State of New York;

No. 6, Misc. Ida M. Picking and Guy W. Picking, petitioners, *v.* The Pennsylvania R. R. Co.;

No. 25, Misc. Paul Davis Sheridan, petitioner, *v.* The United States of America;

No. 26, Misc. William E. Fife, petitioner, *v.* The Great Atlantic & Pacific Tea Co. et al.;

No. 33, Misc. George Phillips, petitioner, *v.* J. Vernal Jackson, Warden;

No. 48, Misc. Harvey Bistany, petitioner, *v.* The New York State Parole Board;

No. 64, Misc. Everett Rheim, petitioner, *v.* People of the State of New York; and

No. 82, Misc. W. E. Maxwell, petitioner, *v.* Robert H. Hudspeth, Warden. The petitions for rehearing in these cases are severally denied.

No. 74, Misc. Victor J. Evans, petitioner, *v.* Walter A. Hunter, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit;

No. 95, Misc. Frank Nicholas Taras, petitioner, *v.* People of the State of New York. On petition for writ of certiorari to the Court of Appeals of the State of New York;

No. 109, Misc. Harmon M. Waley, petitioner, *v.* James A. Johnston, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 134, Misc. Irvin Mattio, petitioner, *v.* State of Louisiana. On petition for writ of certiorari to the Supreme Court of Louisiana;

No. 135, Misc. James McGregor, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Cook County, State of Illinois;

No. 136, Misc. Harry Holderfield, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 143, Misc. John M. Canada, petitioner, *v.* James M. Jones, Warden. On petition for writ of certiorari to the Supreme Court of Nebraska;

No. 146, Misc. George A. Price, petitioner, *v.* Walter Nierstheimer, Warden. On petition for writ of certiorari to the Supreme Court of Illinois; and

No. 148, Misc. Carl S. Seely, petitioner, *v.* Robert A. Heinze, Warden. On petition for writ of certiorari to the Supreme Court of California. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are severally denied.

No. 133, Misc. Nolan V. Gibson, petitioner, *v.* C. J. Shuttleworth, Warden;

No. 137, Misc. Jessie James Patton, petitioner, *v.* Donald Clemmer, Director; and

No. 149, Misc. Raymond J. Wheeler, petitioner, *v.* Donald Clemmer. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 138, Misc. Ex parte Hanns Hornung. Application denied.

No. 139, Misc. Bernard M. Shotkin et al., petitioners, *v.* Thomas A. Edison, Inc. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit is denied. The application for allowance of an appeal is also denied.

No. 142, Misc. Edward Smith, petitioner, *v.* Ralph W. Howard, Warden. The motion for leave to file petition for writ of certiorari is denied.

No. 3. Murray Winters, appellant, *v.* The People of the State of New York. Reargued by Mr. Arthur N. Seiff for the appellant, and by Mr. Whitman Knapp for the appellee.

No. 60. Joseph White Musser, Guy W. Musser, Charles Frederick Zitting, et al., appellants, *v.* The State of Utah. Argued by Mr. Claude T. Barnes for the appellants, and by Mr. Zar E. Hayes and Mr. Calvin L. Rampton for the appellee. Leave granted appellants to file supplemental brief within two weeks, with leave to appellee to reply within one week thereafter.

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

The day call for Wednesday, November 12, will be as follows: Nos. 35, 6, 8, 13, 69, 17, 51, 91, 70, and 71.

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SUPREME COURT OF THE UNITED STATES

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

Allison Dunham, of New York, N. Y.; David M. Potts, of New York, N. Y.; Warren E. Hoagland, of New York, N. Y.; Herbert W. Gediman, of Washington, D. C.; Anthony Wayne Thomson, of Lexington, Ky.; Richard Cameron Woods, of New York, N. Y.; Lester C. Dickson, of Fayetteville, Ga.; Albert C. Bickford, of New York, N. Y.; Stephen P. Duggan, Jr., of New York, N. Y.; Arthur P. Shapro, of San Francisco, Calif.; Sandolphra Robinson, of Washington, D. C.; Oliver W. Cosey, of Washington, D. C.; Walter B. Wilbur, of Charleston, S. C.; and Gerald C. Rittenhouse, of Dallas, Tex., were admitted to practice.

No. 35. Tom C. Clark, Attorney General, as Successor to the Alien Property Custodian, petitioner, *v.* Uebersee Finanz-Korporation, A. G. Reargued by Mr. M. S. Isenbergh for the petitioner, and by Mr. Richard J. Connor for the respondent.

No. 6. Silesian American Corporation, Debtor, and Silesian Holding Company, petitioners, *v.* Tom C. Clark, Attorney General, as Successor to the Alien Property Custodian. Reargued by Mr. Leonard P. Moore for the petitioners, and Mr. James L. Morrisson for the respondent. Leave granted petitioner to file additional brief by November 19, with leave to respondent to reply thereto within one week after service.

No. 8. The United States of America, appellant, *v.* Line Material Company, General Electric Company, James R. Kearney Corporation, et al. Reargument commenced by Mr. Frederick Bernays Wiener for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, November 13, will be as follows: Nos. 8, 13, 69, 17, 51, 91, 70, 71, 75, and 78 (and 88).

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SUPREME COURT OF THE UNITED STATES

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

Wilson W. Mills, of Detroit, Mich.; William P. Rogers, of New York, N. Y.; William Peter Kearney, of Chicago, Ill.; Mario H. Volpe, of Trenton, N. J.; Constantine Donato, of Trenton, N. J.; William A. Dawson, of Layton, Utah; Chester W. Brown, of Milwaukee, Wis.; Henry V. Stebbins, of New York, N. Y.; and James P. Burns, of Washington, D. C., were admitted to practice.

No. 8. The United States of America, appellant, *v.* Line Material Company, General Electric Company, James R. Kearney Corporation, et al. Reargument continued by Mr. Frederick Bernays Wiener for the appellant; by Mr. John Lord O'Brian for the appellees, and by Mr. Albert R. Connelly for the appellee, Westinghouse Electric Corporation, and concluded by Mr. Frederick Bernays Wiener for the appellant.

No. 13. The United States of America, appellant, *v.* United States Gypsum Company et al. Five hours allowed for oral argument. Argument commenced by Mr. Roscoe T. Steffen for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, November 14, will be as follows: Nos. 13, 69, 51, 91, 70, 71, 17, 78 (and 88), 75, and 73.

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SUPREME COURT OF THE UNITED STATES

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

Rex Kimmell, of Salem, Oreg.; L. Eugene Jessup, of Macon, Ga.; Martin S. Bennett, of Boston, Mass.; Carl E. Hartley, of Muncie, Ind.; Robert R. Batton, of Marion, Ind.; Owen S. Bowling, of Indianapolis, Ind.; Samuel Lichtenfeld, of West Chester, Pa.; John E. Fell, of Kokomo, Ind.; John Martin Kelley, Jr., of Fort Atkinson, Wis.; William E. Currie, of Manhasset, N. Y.; and George Walter Crank, of Des Moines, Iowa, were admitted to practice.

No. 13. The United States of America, appellant, *v.* United States Gypsum Company et al. Argument continued by Mr. Roscoe T. Steffen, for the appellant; by Mr. Bruce Bromley for the appellees, and concluded by Mr. Roscoe T. Steffen for the appellant.

No. 69. Panhandle Eastern Pipe Line Company, appellant, *v.* The Public Service Commission of Indiana et al. Argument commenced by Mr. John S. L. Yost for the appellant, and continued by Mr. Karl J. Stipher for the appellee, Public Service Commission of Indiana.

Adjourned until Monday, November 17, next, at 12 o'clock.

The day call for Monday, November 17, will be as follows: Nos. 69, 51, 91, 71, 70, 17, 78 (and 88), 75, 73, and 105.

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SUPREME COURT OF THE UNITED STATES

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

Clayton L. Klein, of Waterbury, Conn.; Joseph M. Navin, of Waterbury, Conn.; Joseph A. Yager, of Toledo, Ohio; Joseph Severn Jones, of Salt Lake City, Utah; Roy J. Mohan, of Saint Paul, Minn.; Francis H. Madden, of Chicago, Ill.; Robert Irwin Troxell, of Caldwell, Idaho; William E. Mills, Jr., of New York, N. Y.; Max Schultz, of New York, N. Y.; Barrett Quirk, of Washington, D. C.; Robert H. Fabian, of Colma, Calif.; Joseph E. Cole, of Nevada, Mo.; Arthur G. Silverman, of New York, N. Y.; Bert Francis Wisdom, of Des Moines, Iowa; and William Harlan Wisdom, of Des Moines, Iowa, were admitted to practice.

No. 7. James F. Morris, petitioner, *v.* William R. McComb, 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 of the Circuit Court of Appeals vacated and case remanded to the District Court of the United States for the Eastern District of Michigan for further proceedings consistent with the opinion of the Circuit Court of Appeals as modified by the opinion of this Court. Opinion by Mr. Justice Burton. Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Black and Mr. Justice Douglas concur. Dissenting opinion by Mr. Justice Rutledge.

No. 16. Priebe & Sons, Inc., petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment reversed and case remanded for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Black in which Mr. Justice Murphy joins. Dissenting opinion by Mr. Justice Frankfurter in which the Chief Justice joins.

The Chief Justice said:

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

ORDER

It is ordered that Judge Sam M. Driver, of Spokane, Washington, be, and he hereby is, appointed a member of the Advisory Committee, appointed by the order of June 3, 1935, and designated as a continuing Committee to advise the Court with respect to amendments or additions to the Rules of Civil Procedure for the District Courts of the United States, by the order of January 5, 1942, in the place of George Donworth, deceased.

No. 9, Original. The State of Illinois, complainant, *v.* The State of Indiana et al. The Second Special Report of the Special Master is approved. The amended bill of complaint is dismissed as to (1) American Bridge Company pursuant to the stipulation entered into by and among the State of Illinois and the State of Indiana, the City of Gary and American Bridge Company; (2) Carbide and Carbon Chemicals Corporation pursuant to the stipulation entered into by and among the State of Illinois and the State of Indiana, City of Whiting and Carbide and Carbon Chemicals Corporation; (3) E. I. du Pont de Nemours and Company pursuant to the stipulation entered into by and among the State of Illinois and the State of Indiana, the City of East Chicago and E. I. du Pont de Nemours and Company; (4) Fruit Growers Express Company pursuant to the stipulation entered into by and among the State of Illinois and the State of Indiana, City of East Chicago and Fruit Growers Express Company; (5) Universal Atlas Cement Company pursuant to the stipulation entered into by and among the State of Illinois and the State of Indiana, the City of Gary and Universal Atlas Cement Company. Costs against these defendants are to be taxed in accordance with the recommendations of the Special Master.

No. 9, Original. The State of Illinois, complainant, *v.* The State of Indiana et al. It is ordered that Bates Expanded Steel Corporation (a corporation of Indiana) be substituted as a party defendant herein in the place and stead of Bates Expanded Steel Corporation (a Delaware Corporation) now known as East Chicago Expanded Steel Company.

No. 9, Original. The State of Illinois, complainant, *v.* The State of Indiana, et al. The Second Interim Report of the Special Master, dated September 7, 1947, is approved. The Court orders and directs the Special Master to continue the proceedings in accordance with the order of this Court dated February 17, 1947. The Court further orders that the recommendation of the Special Master as to the apportionment of costs be adopted and costs for the period from September

8, 1946, to September 7, 1947, inclusive, shall be taxed as recommended in the Second Interim Report. The objections of the State of Illinois to the proposed apportionment of costs are overruled.

No. 9, Original. The State of Illinois, complainant, *v.* The State of Indiana et al. An order is entered fixing the compensation and allowing the expenses of the Special Master as of September 7, 1947.

No. 50. Robert E. Hannegan, Individually and as Postmaster General of the United States, petitioner, *v.* Read Magazine, Inc., et al. This case is ordered restored to the docket for reargument. On reargument counsel need not further discuss the sufficiency of the evidence to support the Postmaster General's findings. They are requested to discuss the following:

1. Does the fraud order prohibit delivery of mail and postal money orders to Facts Magazine and all its employees, including its editor in chief? If so,

(a) Is the order within the Postmaster General's authority under 39 U. S. C. Secs. 259, 732?

(b) If so, do these code provisions, in violation of the First Amendment or any other constitutional provisions, abridge the freedom of speech or press of either the senders or the sendees of the mail or the money orders?

2. Does the fraud order prohibit indefinitely the delivery of mail or money orders which relate to subject matters or contests other than the contest on which the order is based? If so,

(a) Is the order within the Postmaster General's statutory authority?

(b) If so, are these code provisions in conflict with the Constitution of the United States?

3. Assuming that the order is in conflict with the code provisions or the Constitution, can it be modified in such way as to free it from statutory or constitutional objections? If so, by whom can the order be modified and by what procedure?

No. 340, October Term, 1946. Gene McCann, petitioner, *v.* Tom C. Clark, Attorney General of the United States, etc.;

No. 841, October Term, 1946. Gene McCann, petitioner, *v.* William A. Adams, Warden of the City Prison of Manhattan, New York City, et al.; and

No. 1040, October Term, 1946. Gene McCann, petitioner, *v.* Tom C. Clark, Attorney General of the United States, etc., et al. The application of the petitioner for the return of certain documents is denied.

No. 418, October Term, 1946. National Labor Relations Board, petitioner, *v.* Jones & Laughlin Steel Corporation. The motion of the respondent for amendment of the mandate or for alternative relief is denied without prejudice to an application to the Circuit Court of Appeals.

No. 72. J. D. Shelley, Ethel Lee Shelley, his Wife, and Josephine Fitzgerald, petitioners, *v.* Louis Kraemer and Fern Kraemer, his wife;

No. 87. Orsel McGhee and Minnie S. McGhee, his Wife, petitioners, *v.* Benjamin J. Sipes and Anna C. Sipes et al.;

No. 290. James M. Hurd and Mary I. Hurd, petitioners, *v.* Frederic E. Hodge et al.; and

No. 291. Raphael G. Urciolo, Robert H. Rowe, Isabelle J. Rowe, et al., petitioners, *v.* Frederic E. Hodge et al. The motion of the United States Government for leave to appear and present oral argument as *amicus curiae* is granted and one hour is allowed for that purpose.

No. 374. Bob-Lo Excursion Company, appellant, *v.* The People of the State of Michigan. The motion of Richard E. Cross for leave to withdraw his appearance as counsel for the appellant is granted.

No. 338. Hazel E. McClelland, on Behalf of Herself and All Other Taxpayers of the County of Los Angeles, State of California, etc., petitioner, *v.* The Board of Supervisors, in Its Capacity as The Board of Equalization of the County of Los Angeles, State of California, etc., et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 351. Consolidated Machine Tool Corporation, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 361. Oscar Pofe, petitioner, *v.* The Continental Insurance Company of New York. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 375. Tombigbee Mill & Lumber Company et al., petitioners, *v.* Mrs. Sarah Hollingsworth et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 377. William Albert Belcher, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 386. Jesse M. Carney and Milton Grady Ramsey, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 395. Stimson Mill Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 399. National Pressure Cooker Company, petitioner, *v.* Aluminum Goods Manufacturing Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 401. Willie Melmoth Bomar, petitioner, *v.* Rowena Keith Keyes and the City of New York. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 425. Fern North Gishwiller and Calumet Bond & Investment Company, petitioners, *v.* Joseph T. Connolly, as Receiver of Calumet National Bank of Chicago, a National Banking Association (in Liquidation). Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 417. District of Columbia, petitioner, *v.* Clifford G. Beckham and Mabel V. Beckham. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied. Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 1280, October Term, 1946. Vail Manufacturing Company, petitioner, *v.* National Labor Relations Board. The motion for leave to file a supplemental petition for rehearing is granted. The petition for rehearing is denied.

No. 178. The Chase National Bank of the City of New York, as Trustees, etc., et al., petitioners, *v.* J. Hamilton Cheston et al.;

No. 179. The Chase National Bank of the City of New York, as Trustees, etc., et al., petitioners, *v.* Metropolitan Life Insurance Company;

No. 180. The Chase National Bank of the City of New York, as Trustees, etc., et al., petitioners, *v.* Central Hanover Bank and Trust Company et al., as trustees, etc.;

No. 181. The Chase National Bank of the City of New York, as Trustees, etc., et al., petitioners, *v.* The National City Bank of New York, as Trustee, etc.;

No. 182. The Chase National Bank of the City of New York, as Trustees, etc., et al., petitioners, *v.* John C. Traphagen et al.;

No. 183. The Chase National Bank of the City of New York, as Trustees, etc., et al., petitioners, *v.* James G. Blaine et al.;

No. 184. The Chicago, Rock Island & Pacific Railway Company, petitioner, *v.* Metropolitan Life Insurance Company;

No. 185. The Chicago, Rock Island & Pacific Railway Company, petitioner, *v.* Central Hanover Bank and Trust Company, et al., as Trustees, etc.;

No. 186. The Chicago, Rock Island & Pacific Railway Company, petitioner, *v.* The National City Bank of New York, as Trustee, etc.;

No. 187. The Chicago, Rock Island & Pacific Railway Company, petitioner, *v.* J. Hamilton Cheston et al.;

No. 188. The Chicago, Rock Island & Pacific Railway Company, petitioner, *v.* John C. Traphagen et al.;

No. 189. The Chicago, Rock Island & Pacific Railway Company, petitioner, *v.* James G. Blaine et al.;

No. 330. John P. Hooker, petitioner, *v.* New York Life Insurance Company; and

No. 339. The Knott Corporation, petitioner, *v.* Mary Hale Furman. The petitions for rehearing in these cases are severally denied.

No. 140, Misc. Walter Rice, petitioner, *v.* R. H. Hudspeth, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit;

No. 151, Misc. George William Bailey, petitioner, *v.* David A. McMullen, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit; and

No. 162, Misc. Ross C. Patton, petitioner, *v.* The Baldwin Locomotive Works. On petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are severally denied.

No. 154, Misc. Salvatore Didato, petitioner, *v.* Francis C. Shaw, Director. The motion for leave to file petition for writ of habeas corpus is denied.

The Court will take a recess from Monday, November 24, until Monday, December 8, next.

No. 69. Panhandle Eastern Pipe Line Company, appellant, *v.* The Public Service Commission of Indiana et al. Argument continued by Mr. Karl J. Stipher for the appellee, Public Service Commission of Indiana; by Mr. William P. Evans for the appellees, Indiana Gas and Water Company et al.; and concluded by Mr. John S. L. Yost for the appellant.

No. 51. John Harvey Haley, petitioner, *v.* The State of Ohio. Argued by Mr. Edgar M. Jones for the petitioner, and by Mr. W. Bernard Rodgers and Mr. D. Deane McLaughlin for the respondent.

No. 71. H. C. Jones, Collector of Internal Revenue, petitioner, *v.* The Liberty Glass Company. Argument commenced by Mr. Lee A. Jackson for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, November 18, will be as follows: Nos. 71, 70, 17, 78 (and 88), 75, 73, 105, 74, 95, and 91.

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SUPREME COURT OF THE UNITED STATES

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

Wilena Roberts Bejach, of Memphis, Tenn.; Peter H. Kaminer, of New York, N. Y.; John Lanier Donnell, of St. Louis, Mo.; Darrell D. Wiles, of Fort Dodge, Iowa; Samuel W. Shelton, of Richmond, Va.; Herman John Lipp, of Lansing, Mich.; George A. Hospidor, of Washington, D. C.; Bernard H. White, of Washington, D. C.; Sterling F. Stoudenmire, Jr., of Washington, D. C.; and Alvin I. Weinstein, of Chicago, Ill., were admitted to practice.

No. 71. H. C. Jones, Collector of Internal Revenue, petitioner, *v.* The Liberty Glass Company. Argument continued by Mr. Lee A. Jackson for the petitioner, and concluded by Mr. Earl Foster for the respondent.

No. 70. Giles Kavanagh, Collector of Internal Revenue, petitioner, *v.* J. H. Noble. Argued by Mr. Lee A. Jackson for the petitioner, and by Mr. W. H. Harris and Mr. E. M. Baynes for the respondent.

No. 17. The United States, petitioner, *v.* John J. Felin & Co., Inc. Reargument commenced by Mr. Assistant Solicitor General Washington for the petitioner, and continued by Mr. Arthur L. Winn, Jr., for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, November 19, will be as follows: Nos. 17, 78 (and 88), 75, 73, 105, 74, 95, 91, and 122.

SUPREME COURT OF THE UNITED STATES

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

A. W. Gilliland, of Oklahoma City, Okla.; Stanley M. Arndt, of San Marino, Calif.; Joseph J. Rehm, of Baltimore, Md.; Leonard Bessman, of Milwaukee, Wis.; and Benjamin M. Cardozo, of New York, N. Y., were admitted to practice.

No. 17. The United States, petitioner, *v.* John J. Felin & Co., Inc. Reargument concluded by Mr. Arthur L. Winn, Jr., for the respondent.

No. 78. Chicago and Southern Air Lines, Inc., petitioner, *v.* Waterman Steamship Corporation; and

No. 88. Civil Aeronautics Board, petitioner, *v.* Waterman Steamship Corporation. Argued by Mr. R. Emmett Kerrigan for the petitioner in No. 78; by Mr. Robert L. Stern for the petitioner in No. 88, and by Mr. Bon Geaslin for the respondent.

No. 75. Mandeville Island Farms, Inc., and Roscoe C. Zuckerman, petitioners, *v.* American Crystal Sugar Company. Argued by Mr. Stanley M. Arndt for the petitioners, and by Mr. Pierce Works for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, November 20, will be as follows: Nos. 73, 105, 74, 95, 91, and 122.

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SUPREME COURT OF THE UNITED STATES

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

Jesse Freidin, of New York, N. Y.; S. S. Baker, of New York, N. Y.; Arnold H. Shaw, of Brooklyn, N. Y.; and Arthur C. Webb, of Los Angeles, Calif., were admitted to practice.

No. 73. Marianna Von Moltke, petitioner, *v.* A. Blake Gillies, Superintendent of the Detroit House of Correction. Argued by Mr. G. Leslie Field for the petitioner, and by Mr. Frederick Bernays Wiener for the respondent.

No. 105. Jacob Lichter and Jennie L. Lichter, Individually and as Co-partners Doing Business as Southern Fireproofing Company, a Co-partnership, petitioners, *v.* The United States of America. Argument commenced by Mr. Paul W. Steer for the petitioners, and continued by Mr. Solicitor General Perlman for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, November 21, will be as follows: Nos. 105, 74, 95, 91, and 122.

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SUPREME COURT OF THE UNITED STATES

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

David Fromson, of New York, N. Y.; Harold J. Sullivan, of Oklahoma City, Okla.; Raphael Gerald Urciolo, of Washington, D. C.; Alexander Y. Russell, of Akron, Ohio; Emmett Assenheimer, of Washington, D. C.; Charles Herbert Magill, of New Castle, Pa.; William R. Wallace, Jr., of Oklahoma City, Okla.; David C. Shapard, of Oklahoma City, Okla.; Nathan Baker, of Hoboken, N. J.; Morris A. Lieberman, of Chicago, Ill.; and Leland Dean Norton, of Washington, D. C., were admitted to practice.

No. 105. Jacob Lichter and Jennie L. Lichter, Individually and as Copartners Doing Business as Southern Fireproofing Company, a Copartnership, petitioners, *v.* The United States of America. Argument concluded by Mr. Solicitor General Perlman for the respondent.

No. 74. A. V. Pownall, Grace M. Pownall, and Hennes-Morgan Machinery Company, Ltd., petitioners, *v.* The United States of America. Argued by Mr. Leo R. Friedman for the petitioners, and by Mr. Solicitor General Perlman for the respondent.

No. 95. Alexander Wool Combing Company, petitioner, *v.* The United States of America. Argued by Mr. Edward C. Park for the petitioner, and by Mr. Solicitor General Perlman for the respondent.

No. 91. Albert Lee, petitioner, *v.* State of Mississippi. Argued by Mr. Forrest B. Jackson for the petitioner, and by Mr. Richard Olney Arrington for the respondent.

No. 122. Eddie (Buster) Patton, petitioner, *v.* State of Mississippi. Argument commenced by Mr. Thurgood Marshall for the petitioner, and continued by Mr. George H. Ethridge for the respondent.

Adjourned until Monday, November 24, next, at 12 o'clock.

The day call for Monday, November 24, will be as follows: No. 122.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

William Patrick Clyne, of Cleveland, Ohio; Joseph Shefner, of Minneapolis, Minn.; Melvern R. Schneider, of Baltimore, Md.; Charles W. Schneider, of Erie, Pa.; William Harvey Betts, of Hempstead, Tex.; Reginald E. Foster, of Pacific Grove, Calif.; Harry T. Davenport, of Spokane, Wash.; Kenneth S. Wherry, of Pawnee City, Nebr.; Barent Ten Eyck, of New York, N. Y.; Lancia L. Watts, of Kansas City, Mo.; Charles C. Shafer, Jr., of Kansas City, Mo.; Walter J. Newlon, of Arlington, Va.; William Henry Biggs, of Saint Louis, Mo.; James Bernard Malone, of Lawrence, Kans.; and William A. Shanafelt, of Seattle, Wash., were admitted to practice.

No. 66. Wesley William Cox, petitioner, *v.* The United States of America;

No. 67. Theodore Romaine Thompson, petitioner, *v.* The United States of America; and

No. 68. Wilbur Roisum, petitioner, *v.* The United States of America. On writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgments affirmed and Nos. 66 and 67 remanded to the District Court of the United States for the District of Idaho, and No. 68 remanded to the District Court of the United States for the District of Oregon. Mr. Justice Reed announced the judgment of the Court and delivered an opinion in which The Chief Justice, Mr. Justice Jackson, and Mr. Justice Burton join. Mr. Justice Frankfurter concurs in the result. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black concurs. Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Rutledge concurs.

The Chief Justice announced the following orders of the Court:

No. 4. 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. 5. Eastern Air Lines, Inc., petitioner, *v.* W. R. Grace & Co., Civil Aeronautics Board, Pan American Airways Corporation, et al.

On writs of certiorari to the Circuit Court of Appeals for the Second Circuit. *Per curiam*: The motion to dismiss is granted and the writs are dismissed on the ground that the cause is moot.

No. 18. R. P. Hunter, petitioner, *v.* Texas Electric Railway Company. On writ of certiorari to the Court of Civil Appeals, 3d Supreme Judicial District, State of Texas. *Per curiam*: The judgment is affirmed. Dissenting: Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Murphy, and Mr. Justice Rutledge.

No. 206. Verble Singleton Lillie, petitioner, *v.* Frank A. Thompson, Trustee for the St. Louis, San Francisco Railway Co. On petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit. *Per curiam*: The petition for writ of certiorari is granted and the judgment is reversed. (Opinion, *per curiam*, filed with the Clerk.)

No. 423. The Texas Company, appellant, *v.* Luther S. Montgomery, Commissioner of Wild Life and Fisheries, et al. Appeal from the District Court of the United States for the Eastern District of Louisiana. *Per curiam*: The judgment is affirmed.

No. 426. State of Ohio, ex rel. Vaad Hachinuch Hacharedi, appellant, *v.* Edwin C. Baxter et al., as Members of the City Planning Commission of the City of Cleveland Heights, Ohio. Appeal from the Supreme Court of Ohio. *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 a 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. 436. The Item Company, Inc., appellant, *v.* Loyd H. Mulina, Ambus Miles, and Hall L. Smith. Appeal from the Supreme Court of Louisiana. *Per curiam*: 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. 12, Original. The United States of America, complainant, *v.* The State of California. The petition of Robert E. Lee Jordan for leave to submit, as *amicus curiae*, certain additions to the final decree is denied. Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 559, October Term, 1942. Daisy Largent, appellant *v.* The State of Texas. The motion of the appellant for leave to withdraw the petition to compel payment of costs is granted.

No. 72. J. D. Shelley, Ethel Lee Shelley, his Wife, and Josephine Fitzgerald, petitioners, *v.* Louis Kraemer and Fern Kraemer, his Wife;

No. 87. Orsel McGhee and Minnie S. McGhee, his Wife, petitioners, *v.* Benjamin J. Sipes and Anna C. Sipes et al.;

No. 290. James M. Hurd and Mary I. Hurd, petitioners, *v.* Fred-eric E. Hodge et al.; and

No. 291. Raphael G. Urciolo, Robert H. Rowe, Isabelle J. Rowe, et al., petitioners, *v.* Frederic E. Hodge et al. The motions for leave to file briefs of Congress of Industrial Organizations and certain affiliated organizations, and National Lawyers Guild, as *amici curiae*, are granted.

No. 90. People of the State of Illinois, ex rel. Vashti McCollum, appellant, *v.* Board of Education of School District No. 71, Cham-paign County, Illinois, et al. The motions for leave to file briefs of Protestant Council of New York, the Joint Conference Committee on Public Relations set up by the Southern Baptist Convention and others, American Unitarian Association, American Civil Liberties Union, and the statement of the American Ethical Union, as *amici curiae*, are granted.

No. 157. Commonwealth of Massachusetts et al., petitioners, *v.* The United States of America. The motion of the State of Illinois for leave to appear and present oral argument as *amicus curiae* is granted.

No. 415 Earl J. Toomer, Joseph A. Cesaroni, Joseph De Gracia, et al., appellants, *v.* J. M. Witsell, Edward E. Burroughs, E. L. Sweat, et al. In this case probable jurisdiction is noted.

No. 371. Louis Kreiger, petitioner, *v.* Helene Kreiger. Petition for writ of certiorari to the Court of Appeals of the State of New York granted.

No. 384. Commissioner of Internal Revenue, petitioner, *v.* South Texas Lumber Company. Petition for writ of certiorari to the Cir-cuit Court of Appeals for the Fifth Circuit granted.

No. 283. Joseph Lasagna, petitioner, *v.* Wilson McCarthy and Henry Swan, Trustees of and for the Denver & Rio Grande Western Railroad Company. Petition for writ of certiorari to the Supreme Court of Utah denied.

No. 300. Mrs. Lizzie B. Hood et al., petitioners, *v.* The Texas Com-pany. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 321. Lela Mae Benson, Administratrix, petitioner, *v.* Missouri-Kansas-Texas Railroad Company of Texas. Petition for writ of certiorari to the Court of Civil Appeals, 5th Supreme Judicial District, State of Texas, denied.

No. 389. The Canister Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 396. The Pennsylvania Railroad Company, petitioner, *v.* George Roth. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 403. M. I. Anglin and S. A. Anglin, petitioners, *v.* Theodore Kares. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 408. Trust Under Agreement Dated December 30, 1921, by John E. Andrus, Deceased, et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 410. Lucile P. Dickie, Executrix of the Estate of James S. Dickie, Deceased, petitioner, *v.* Gene C. Hutchinson. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 411. James M. Gordon, petitioner, *v.* Kenyon J. Scudder, Superintendent of the California Institute for Men Located at Chino, California. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 231. Reba W. Thibaut, Individually, and On Behalf of the Minor Children, Joseph L. Thibaut, Jr., et al., petitioners, *v.* Car & General Insurance Corporation, Ltd., United States Branch, a Corporation. The petition for rehearing is granted. Mr. Justice Black and Mr. Justice Burton are of the opinion the petition for rehearing should be denied. The order granting certiorari and the judgment entered October 13, 1947, are vacated. Dissenting: Mr. Justice Black and Mr. Justice Burton. The petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit is denied.

No. 278. Roger Touhy, petitioner, *v.* People of the State of Illinois; and

No. 350. William Dudley Pelley, petitioner, *v.* W. Bruce Matthews, United States Marshal. The petitions for rehearing are denied.

No. 332. The Coca-Cola Company, petitioner, *v.* Snow Crest Beverages, Inc. The motion of National Ass'n of Broadcasters for leave to file a brief as *amicus curiae* is granted. The petition for rehearing is denied.

No. 131, Misc. Joseph Novak, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 150, Misc. John Doe Max, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 152, Misc. George William Bailey, petitioner, *v.* Anton Schuler. On petition for writ of certiorari to the District Court of the United States for the Eastern District of Missouri;

No. 155, Misc. Donald Hugh Lilyroth, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 158, Misc. Albert Baker, petitioner, *v.* L. F. Utecht, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit;

No. 159, Misc. Robert Reynolds, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 160, Misc. John Schultz, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Criminal Court of Cook County, Circuit Court of Will County, and the Supreme Court of the State of Illinois;

No. 161, Misc. Roosevelt Adams, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 165, Misc. William M. Evans, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 168, Misc. Arthur Chalmers, petitioner, *v.* John F. Foster, Warden. On petition for writ of certiorari to the Court of Appeals of the State of New York; and

No. 171, Misc. Harry Holderfield *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Franklin County, State of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are severally denied.

No. 132, Misc. L. H. Morris, petitioner, *v.* E. J. Peacock, Sheriff, Bibb County, Georgia. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Supreme Court of Georgia is denied. Mr. Justice Douglas, Mr. Justice Murphy, and Mr. Justice Rutledge are of the opinion that the petition for certiorari should be granted.

No. 170, Misc. Bruno Paviliotis, petitioner, *v.* Joseph E. Ragen, Warden. The motion for leave to file petition for writ of certiorari is denied.

No. 122. Eddie (Buster) Patton, petitioner, *v.* State of Mississippi. Argument continued by Mr. George H. Ethridge for the respondent, and concluded by Mr. Thurgood Marshall for the petitioner.

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

The day call for Monday, December 8, will be as follows: Nos. 90, 94, 101, 121, 138, 157, 72, 87, 290 (and 291), and 171.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

T. Vincent Quinn, of New York, N. Y.; Peter Campbell Brown, of New York, N. Y.; Raymond P. Whearty, of New York, N. Y.; Charles Ernest Smith, Jr., of Gainesville, Ga.; Edgar Brown Dunlap, of Gainesville, Ga.; Charles Mitchell Pinkston, of Montgomery, Ala.; James Anderson Dunlap, of Gainesville, Ga.; Thomas J. Downs, of Chicago, Ill.; J. Alex Neely, Jr., of Anderson, S. C.; William B. Groat, Jr., of New York, N. Y.; Gerald H. Ullman, of New York, N. Y.; J. E. Palmour, Jr., of Gainesville, Ga.; William P. Whelchel, of Gainesville, Ga.; William G. Palsgrove, of Washington, D. C.; Loren Miller, of Los Angeles, Calif.; Willis M. Graves, of Detroit, Mich.; Bert L. Overcash, of Lincoln, Nebr.; W. Arthur Aull, of Reading, Pa.; Clinton L. Mathis, of Seattle, Wash.; B. L. Tighe, Jr., of Jackson, Miss.; Robert T. Shinkle, of New York, N. Y.; Leo Pfeffer, of New York, N. Y.; David A. Fall, of San Pedro, Calif.; J. Dudley Inman, of Louisville, Ky.; Frank C. Roberts, of Buffalo, N. Y.; Jacob Grumet, of New York, N. Y.; Michael F. Whalen, of New York, N. Y.; Francis H. Inge, of Mobile, Ala.; J. Madden Hatcher, of Columbus, Ga.; and John L. Franklin, of Champaign, Ill., were admitted to practice.

No. 39. Aero Mayflower Transit Company, appellant, *v.* Board of Railroad Commissioners of the State of Montana et al. Appeal from the Supreme Court of the State of Montana. Judgment affirmed with costs. Opinion by Mr. Justice Rutledge.

No. 35. Tom C. Clark, Attorney General, as Successor to the Alien Property Custodian, petitioner, *v.* Uebersee Finanz-Korporation, A. G. 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. The Chief Justice took no part in the consideration or decision of this case.

No. 47. Al Williams and Al Williams Health System of Los Angeles, Inc., petitioners, *v.* Michael J. Fanning, Individually and as Postmaster of the City of Los Angeles, California. 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 Douglas. Dissenting: The Chief Justice and Mr. Justice Burton.

No. 6. Silesian American Corporation, Debtor, and Silesian Holding Company, petitioners, *v.* Tom C. Clark, Attorney General, as Successor to the Alien Property Custodian. 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 Reed. The Chief Justice took no part in the consideration or decision of this case.

No. 122. Eddie (Buster) Patton, petitioner, *v.* State of Mississippi. On writ of certiorari to the Supreme Court of the State of Mississippi. Judgment reversed with costs and case remanded for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black.

The Chief Justice announced the following orders of the Court:

No. 413. Hazel Park Non-Partisan Taxpayers Association et al., appellants, *v.* Township of Royal Oak., et al.; and

No. 424. City of Ferndale, a Michigan Municipal Corporation, appellant, *v.* Hazel Park Non-Partisan Taxpayers Association et al. Appeals from the Supreme Court of Michigan. *Per curiam*: The motions to dismiss are granted and the appeals are dismissed for want of a substantial federal question.

No. 438. Traffic Telephone Workers' Federation of New Jersey, etc., et al., appellants, *v.* Alfred Driscoll, Governor of the State of New Jersey, et al. Appeal from the District Court of the United States for the District of New Jersey. *Per curiam*: The appeal is dismissed for want of jurisdiction. Judicial Code, section 266. Dissenting: Mr. Justice Black and Mr. Justice Reed.

No. 172, Misc. Ex Parte Traffic Telephone Workers' Federation of New Jersey, etc., et al., petitioners. The motion for leave to file petition for writ of mandamus or in the alternative a petition for writ of certiorari is denied. Mr. Justice Black and Mr. Justice Reed are of the opinion the motion for leave to file should be granted.

No. 9. National Labor Relations Board, petitioner, *v.* Keystone Steel & Wire Company and Independent Steel Workers Alliance. On writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit. *Per curiam*: On consideration of the joint motion and stipu-

lation of the parties that a mandate issue to the Circuit Court of Appeals directing that court to modify its judgment in the form agreed upon in the stipulation, the judgment of the Circuit Court of Appeals is vacated and the cause is remanded to that court for consideration of the stipulation.

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. 60. Joseph White Musser, Guy W. Musser, Charles Frederick Zitting, et al., appellants, *v.* The State of Utah. This case is ordered restored to the docket for reargument limited to the question whether the statute involved is unconstitutional because of vagueness, indefiniteness, or uncertainty. The case is transferred to the summary docket.

No. 10. Schine Chain Theatres, Inc., et al., appellants, *v.* The United States of America. The motion for leave to file brief of Lawrence J. Carkey and others as *amici curiae* is granted.

No. 19. Neptune Meter Company, petitioner, *v.* National Labor Relations Board;

No. 20. Neptune Meter Company, petitioner, *v.* National Labor Relations Board; and

No. 22. Independent Employees Association of the Neptune Meter Company, petitioner, *v.* National Labor Relations Board. The motion of the respondent to defer consideration of the supplemental brief in support of the petition for certiorari in Nos. 19 and 20 until after January 15, 1948, with leave to file a reply on or before that date, is granted.

No. 72. J. D. Shelley, Ethel Lee Shelley, his Wife, and Josephine Fitzgerald, petitioners, *v.* Louis Kraemer and Fern Kraemer, his Wife;

No. 87. Orsel McGhee and Minnie S. McGhee, his Wife, petitioners, *v.* Benjamin J. Sipes and Anna C. Sipes, et al.;

No. 290. James M. Hurd and Mary I. Hurd, petitioners, *v.* Frederic E. Hodge et al.; and

No. 291. Raphael G. Urciolo, Robert H. Rowe, Isabelle J. Rowe, et al., petitioners, *v.* Frederic E. Hodge et al. The motion of Indian Citizens League of California, Inc., for leave to file brief as *amicus curiae* is granted.

No. 174. Robert Sealfon, petitioner, *v.* The United States of America. The motion of Robert T. McCracken for leave to withdraw his appearance as counsel for the petitioner is granted.

No. 510, October Term, 1945. Paul Knauer, petitioner, *v.* The United States of America. Petition for leave to file a petition in the nature of a Bill of Review in the District Court, or in the alternative in the Circuit Court of Appeals denied.

No. 373. Roy Cole and Louis Jones, petitioners, *v.* State of Arkansas. Petition for writ of certiorari to the Supreme Court of Arkansas granted.

No. 400. Jackie Packer Francis, a Minor, et al., etc., petitioners, *v.* Southern Pacific Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted.

No. 432. The United States of America, petitioner, *v.* Tillie Zazove. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted.

No. 392. Frank R. Creedon, Housing Expediter, Office of Housing Expediter, petitioner, *v.* Charles Stone. The petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit is granted limited to the question as to the statute of limitations presented by the petition for the writ, and the case is transferred to the summary docket.

No. 196. Aaron L. Biltchik et al., Individually and as Holders of Class B Debentures of Green Bay and Western Railroad Company, etc., petitioners, *v.* Green Bay & Western Railroad Company, a Wisconsin Corporation, et al. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 287. Mrs. John B. Edmonson, petitioner, *v.* G. M. McWilliams, Trustee in Bankruptcy of F. T. Newton and Mrs. F. T. Newton. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 385. Addison Miller, Inc., and Fielding & Shepley, Inc., petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 405. Manufacturers Trust Company, Indenture, Trustee, petitioner, *v.* Realty Associates Securities Corporation et al.;

No. 406. Edwin B. Meredith et al., as Members of the Bondholders' Protective Committee, petitioners, *v.* Realty Associates Securities Corporation et al.; and

No. 407. Vanneck Realty Corporation, petitioner, *v.* Realty Associates Securities Corporation, Debtor, et al. Petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 409. George E. Eddy and Samuel Silbiger, petitioners, *v.* Lulu R. Kelby, as Executrix of the Last Will and Testament of Charles H. Kelby, Deceased, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 412. Turner Dairy Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 416. Friedrich Wilhelm Kuehn, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 418. The Aviation Club of Utah, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 419. F. W. Woolworth Co., and Nips, Inc., petitioners, *v.* Guerlain, Inc. Petition for writ of certiorari to the Court of Appeals of the State of New York denied.

No. 422. Mario Mercado E. Hijos, petitioner, *v.* Clinton P. Anderson, Secretary of Agriculture, United States Department of Agriculture. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 434. Etta S. Asbell, petitioner, *v.* The Mutual Life Insurance Company of New York; and

No. 435. Etta S. Asbell, petitioner, *v.* The Travelers Protective Association of America. Petition for writs of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 387. James Watson et al., Designated Herein as First Preferred Stockholders, petitioners, *v.* Portland Electric Power Company, a Corporation, Debtor, et al.; and

No. 388. James Watson et al., Designated Herein as First Preferred Stockholders, petitioners, *v.* Portland Electric Power Company, a Corporation, Debtor, et al. Petition for writs of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 414. The United States of America, ex rel. Julius Kessler and Martha J. Kessler, petitioners, *v.* W. Frank Watkins, as District Director of Immigration and Naturalization of the United States for the District of New York, etc. The motion to dispense with printing the petition, brief, and record is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit is denied.

No. 92. Henry Coger, petitioner, *v.* People of the State of New York. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the County Court of Queens County, State of New York, is denied.

No. 170. Thomas Bullitt Dixon, petitioner, *v.* American Telephone & Telegraph Company et al. The motion for leave to file petition for rehearing is granted. The petition for rehearing is denied.

No. 395. Stimson Mill Company, petitioner, *v.* Commissioner of Internal Revenue. The petition or rehearing is denied.

No. 1455, October Term, 1946. Patrick Flaherty, petitioner, *v.* The People of the State of Illinois. The third petition for rehearing is denied.

No. 139, Misc. Bernard M. Shotkin et al., petitioners, *v.* Thomas A. Edison, Inc.; and

No. 142, Misc. Edward Smith, petitioner, *v.* Ralph W. Howard, Warden. The petitions for rehearing are denied.

No. 86, Misc. J. F. Bowery, petitioner, *v.* Hartford Accident & Indemnity Co. On petition for writ of certiorari to the Supreme Court of Missouri;

No. 92, Misc. Garnet W. Green, petitioner, *v.* L. C. Schilder, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit;

No. 124, Misc. William Anderson, petitioner, *v.* Official Shorthand Reporter of the Criminal Court of Cook County, Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 144, Misc. Albert Lane, petitioner, *v.* C. S. Smith Metropolitan Market Co. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 173, Misc. Harry Meyers, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 174, Misc. Charles W. Dodson, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Lake County, State of Illinois;

No. 177, Misc. Eddie Kirkrand, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 179, Misc. John O. Story, petitioner, *v.* People of the State of Oklahoma. On petition for writ of certiorari to the Criminal Court of Appeals of the State of Oklahoma; and

No. 182, Misc. John Romano, petitioner, *v.* People of the State of New York. On petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Department. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are severally denied.

No. 81, Misc. Frederick E. Bauer, petitioner, *v.* Tom C. Clark, Attorney General, et al. The motion for leave to proceed *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit, and the Circuit Court of Appeals for the Seventh Circuit, is therefore also denied.

No. 111, Misc. Albert R. House, petitioner, *v.* Nathan Mayo, as Custodian of Florida State Prison. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Supreme Court of Florida is denied. The motion for leave to file petition for writ of habeas corpus is also denied.

No. 101, Misc. Hartzell William Lemons, petitioner, *v.* Honorable Walter A. Huxman, District Judge. The motion for leave to file petition for writ of quo warranto is denied.

No. 178, Misc. Frank Moriconi, petitioner, *v.* Ralph E. Benson, Warden. Application denied.

No. 181, Misc. John M. Holzworth, petitioner, *v.* Donald Clemmer, Director; and

No. 187, Misc. Charles Cummins, petitioner, *v.* Walter Nierstheimer, Warden. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 193, Misc. Earl H. Pillsbury, petitioner, *v.* Attorney General of the United States. The motion for leave to file petition for writ of mandamus is denied.

No. 197, Misc. Sidney J. Thompson, petitioner, *v.* Dr. M. J. Pescor, Warden. The motion for leave to file petition for writ of certiorari is denied.

No. 90. People of the State of Illinois, ex rel. Vashti McCollum, appellant, *v.* Board of Education of School District No. 71, Champaign County, Illinois, et al. Motion for leave to file brief of General Conference of Seventh Day Adventists as *amicus curiae* submitted by Mr. William D. Donnelly in that behalf and the motion granted.

No. 275. Lawrence Dyer, appellant, *v.* City Council of the City of Beloit, Rock County, Wisconsin, et al. Submitted by Mr. Claude D. Stout for the appellant, and by Mr. J. Arthur Moran for the appellees.

No. 90. People of the State of Illinois, ex rel. Vashti McCollum, appellant, *v.* Board of Education of School District No. 71, Cham-

paign County, Illinois, et al. Argument commenced by Mr. Walter F. Dodd for the appellant; continued by Mr. John L. Franklin and Mr. Owen Rall for the appellees; by Mr. Walter F. Dodd for the appellant, and concluded by Mr. Edward R. Burke for the appellant. Leave granted each side to reply to *amici curiae* briefs, if so advised.

No. 94. Memphis Natural Gas Company, petitioner, v. A. H. Stone, Chairman, State Tax Commission of Mississippi. Argued by Mr. Edward P. Russell for the petitioner, and by Mr. J. H. Sumrall for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, December 9, will be as follows: Nos. 101, 121, 138, 157, 171, 174, 10, 64, 111, and 215.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

Ernest Porter, of Des Moines, Iowa; Roy C. Papalia, of Watertown, Mass.; Charles G. Lyman, of Corpus Christi, Tex.; F. Dean Rainey, of Greenville, S. C.; Clement Furman Haynsworth, Jr., of Greenville, S. C.; Edward Bennett Williams, of Washington, D. C.; Rubin Gertz, of Baltimore, Md.; George O. Bahrs, of San Francisco, Calif.; Raymond S. Smethurst, of Washington, D. C.; James C. Newton, of Washington, D. C.; Samuel Richard Wurtman, of Philadelphia, Pa.; John McIntosh, of Detroit, Mich.; and Falco R. Picone, of Detroit, Mich., were admitted to practice.

No. 101. Marriner S. Eccles, Ronald Ransom, M. S. Szymczak, et al., petitioners, *v.* Peoples Bank of Lakewood Village, California. Argued by Mr. J. Leonard Townsend for the petitioners, and by Mr. Samuel B. Stewart, Jr., for the respondent.

No. 121. The United States of America, petitioner, *v.* Jordan James Sullivan, Trading as Sullivan's Pharmacy. Argued by Mr. Robert L. Stern for the petitioner, and by Mr. Robert M. Arnold and Mr. J. Madden Hatcher for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, December 10, will be as follows: Nos. 138, 157, 171, 174, 10, 64, 111, 215, 374, and 205.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

Carl William Berueffy, of Washington, D. C.; Harvey W. Johnson, of Spartansburg, S. C.; F. N. Shoemake, of Muskogee, Okla.; Harold Shoemake, of Muskogee, Okla.; John V. Higgins, of New York, N. Y.; and David R. White, of Arlington, Va., were admitted to practice.

No. 138. Robert C. Johnson, petitioner, *v.* The United States of America. Argued by Mr. Silas B. Axtell and Mr. David A. Fall for the petitioner, and by Mr. Samuel D. Slade for the respondent.

No. 157. Commonwealth of Massachusetts et al., petitioners, *v.* The United States of America. Argument commenced by Mr. Alfred E. LoPresti for the petitioners; continued by Mr. Albert E. Hallett for the State of Illinois as *amicus curiae* by special leave of Court, and concluded by Miss Helen Goodner for the respondent.

No. 171. Mary Bell King, petitioner, *v.* The Order of United Commercial Travelers of America. Argument commenced by Mr. Harvey W. Johnson for the petitioner, and continued by Mr. Jesse W. Boyd for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, December 11, will be as follows: Nos. 171, 174, 10, 64, 111, 215, 374, 205, 227, and 225.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

Richard Earle Dillon, of Oakland, Calif.; Vance Julian, of Clinton, Mo.; Samuel A. Neuberger, of New York, N. Y.; John James Trenam, of Washington, D. C.; and Dorothy Volner, of Cleveland, Ohio, were admitted to practice.

No. 171. Mary Bell King, petitioner, *v.* The Order of United Commercial Travelers of America. Argument continued by Mr. Jesse W. Boyd for the petitioner; by Mr. C. F. Haynsworth for the respondent, and concluded by Mr. E. W. Dillon for the respondent.

No. 174. Robert Sealfon, petitioner, *v.* The United States of America. Argued by Mr. John J. Wilson for the petitioner, and by Mr. W. Marvin Smith for the respondent.

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

The day call for Monday, December 15, will be as follows: Nos. 10, 64, 111, 215, 374, 205, 227, 225, 214, and 329.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

Earl McBee, of Birmingham, Ala.; Edward L. Hynes, 2d, of Robinson, Ill.; Freeman Bradford, of Indianapolis, Ind.; Joseph Zwerdling, of Ann Arbor, Mich.; W. Francis Wilson, of Phoenix, Ariz.; John H. Hollomon, of Columbus, Miss.; H. Harold Leavey, of Sacramento, Calif.; David Grant Macdonald, of Washington, D. C.; Joseph Marshall Mathias, of Hyattsville, Md.; Walter H. Moorman, of Bethesda, Md.; Herman M. Levy, of New Haven, Conn.; Edythe Jacobs, of Los Angeles, Calif.; Abram A. Golden, of Newark, N. J.; and Eugene W. DuFlocq, of New York, N. Y., were admitted to practice.

No. 69. Panhandle Eastern Pipe Line Company, appellant, *v.* The Public Service Commission of Indiana et al. Appeal from the Supreme Court of the State of Indiana. Judgment affirmed with costs. Opinion by Mr. Justice Rutledge. Mr. Justice Jackson concurs in the result. Mr. Justice Murphy took no part in the consideration or decision of this case.

The Chief Justice announced the following order of the Court:

No. 301. Edward G. Budd Manufacturing Company, petitioner, *v.* National Labor Relations Board. On petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit. *Per curiam*: The motion of the Foreman's Association of America for leave to intervene is granted. The petition for writ of certiorari is granted limited to the question of the validity of that part of the order of the National Labor Relations Board which directs the petitioner to cease and desist from discouraging membership in the Foreman's Association of America. The judgment of the Circuit Court of Appeals is vacated in that respect and the cause is remanded to that Court for consideration of the effect of the Labor Management Relations Act of 1947, Public Law 101, 80th Congress, 1st Session, Chapter 120, on the question to which the grant of certiorari is limited.

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. 9. National Labor Relations Board, petitioner, *v.* Keystone Steel & Wire Company and Independent Steel Workers Alliance. The joint motion of the parties that the mandate issue forthwith is granted.

No. 50. Robert E. Hannegan, Individually and as Postmaster General of the United States, petitioner, *v.* Read Magazine, Inc., et al. The motion of the Solicitor General to substitute Jesse M. Donaldson, Acting Postmaster General, as the party petitioner herein is granted.

No. 66. Wesley William Cox, petitioner, *v.* The United States of America;

No. 67. Theodore Romaine Thompson, petitioner, *v.* The United States of America; and

No. 68. Wilbur Roisum, petitioner, *v.* The United States of America. The motion of the petitioners for an extension of time until December 30th next within which to file a petition for rehearing and to stay the mandates pending consideration of the petition for rehearing is granted.

No. 90. People of the State of Illinois, ex rel. Vashti McCollum, appellant, *v.* Board of Education of School District No. 71, Champaign County, Illinois, et al. The motion of Hazel Franklin Lewis for leave to file a brief as *amicus curiae* is denied. Rule 27, paragraph 9.

No. 174. Robert Sealfon, petitioner, *v.* The United States of America. The motion for leave to withdraw appearances of Lemuel B. Schofield and Thomas D. McBride as counsel for the petitioner is granted.

No. 205. Globe Liquor Company, Inc., petitioner, *v.* Frank Sam Roman et al., Doing Business Under the Firm Name and Style of International Industries. The motion to remove this case from the summary docket is denied.

No. 139. Joseph Estin, petitioner, *v.* Gertrude Estin. The motion for leave to file petition for rehearing is granted and the petition for rehearing is granted. The order entered October 13 denying the petition for certiorari is vacated and the petition for writ of certiorari to the Court of Appeals of the State of New York is granted. The case is consolidated for argument with No. 371, and a total of three hours is allowed for oral argument of the consolidated cases.

No. 292. John Henry Brunson, petitioner, *v.* State of North Carolina;

No. 293. Essie King, petitioner, *v.* State of North Carolina;

No. 294. Martha Jones, petitioner, *v.* State of North Carolina;

No. 295. Louise James (Alias Moore) and Evelyn Childs, petitioners *v.* State of North Carolina; and

No. 296. Lida Mae Watkins, Celia Ann Purcell, James Edward Sturdivant, et al., petitioners, *v.* State of North Carolina. The petition for writs of certiorari to the Supreme Court of North Carolina is granted and the cases are transferred to the summary docket.

No. 427. Jack Trupiano, Romildo Riccardelli, Anthony Antoniole, and Riordan J. A. Roett, Jr., petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted.

No. 379. Grand River Dam Authority, a Public Corporation, petitioner, *v.* Grand-Hydro, a Private Corporation. Petition for writ of certiorari to the Supreme Court of Oklahoma denied.

No. 404. Brotherhood of Locomotive Firemen and Enginemen, Ocean Lodge No. 76, Port Norfolk Lodge No. 775, W. M. Munden, petitioners, *v.* Tom Tunstall and Norfolk Southern Railway Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 420. Commissioner of Internal Revenue, petitioner, *v.* F. A. Wilson, Also Known as Francis A. Wilson. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 421. Commissioner of Internal Revenue, petitioner, *v.* Norbert H. Wiesler. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 440. John A. Laird, petitioner, *v.* United Shipyards, Inc., Joseph W. Powell, Hubert E. Rogers, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 89. Charles Van Glahn, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the County Court of Suffolk County, State of New York; and

No. 117. Leo J. Lewis, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the Supreme Court of the State of New York, Chemung County. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 417. District of Columbia, petitioner, *v.* Clifford G. Beckham and Mabel V. Beckham. The petition for rehearing is denied. Mr. Justice Jackson took no part in the consideration or decision of this application.

The Court will take a recess from Monday, December 22, until Monday, January 5, 1948.

No. 10. Schine Chain Theatres, Inc., et al., appellants, *v.* The United States of America. Argued by Mr. Bruce Bromley for the appellants, and by Mr. Robert L. Wright for the appellee. Leave granted appellants to file reply brief by Wednesday.

No. 64. The United States of America, appellants, *v.* L. C. Griffith, H. J. Griffith, Consolidated Theatres, Inc., et al. Argued by Mr. Robert L. Wright for the appellant, and by Mr. Charles B. Cochran for the appellees.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, December 16, will be as follows: Nos. 111, 215, 374, 205, 227, 225, 214, 329, 331, and 337.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

Gurney Edwards, of Providence, R. I.; Jay Slonim, of New York, N. Y.; Joseph D. Block, of Chicago, Ill.; James G. Purdy, of New York, N. Y.; Patrick J. Reilly, Jr., of Washington, D. C.; Wendell A. Falsgraf, of Cleveland, Ohio; and G. T. Owen, Jr., of Lake Charles, La., were admitted to practice.

No. 111. Homer C. Price, petitioner, *v.* James A. Johnston, Warden, United States Penitentiary, Alcatraz, California. Argued by Mr. Joseph L. Rauh, Jr., for the petitioner, and by Mr. Frederick Bernays Wiener for the respondent.

No. 215. *In re* William Oliver, petitioner. Argument commenced by Mr. William Henry Gallagher for the petitioner; continued by Mr. Osmond K. Fraenkel for the petitioner; by Mr. Edmund E. Shepherd for the respondent, State of Michigan; and concluded by Mr. William Henry Gallagher for the petitioner.

No. 374. Bob-Lo Excursion Company, appellant, *v.* The People of the State of Michigan. Argument commenced by Mr. Wilson W. Mills for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, December 17, will be as follows: Nos. 374, 205, 227, 225, 214, 329, 331, and 337.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

Nesbitt Elmore, of Montgomery, Ala.; George C. Hawkins, Jr., of Gadsden, Ala.; Charles E. Hassett, of Kansas City, Mo.; and Maurice S. Levy, of Chicago, Ill., were admitted to practice.

No. 374. Bob-Lo Excursion Company, appellant, *v.* The People of the State of Michigan. Argument continued by Mr. Wilson W. Mills for the appellant, by Mr. Edmund E. Shepherd for the appellee, and concluded by Mr. Wilson W. Mills for the appellant.

No. 205. Globe Liquor Company, Inc., petitioner, *v.* Frank Sam Roman et al., Doing Business Under the Firm Name and Style of International Industries. Argued by Mr. Benjamin W. Heineman for the petitioner and by Mr. Nat M. Kahn for the respondents.

No. 227. Commissioner of Internal Revenue, petitioner, *v.* Joseph Sunnen. Argued by Mr. Arnold Raum for the petitioner and by Mr. C. Powell Fordyce for the respondent.

No. 225. Bakery Sales Drivers Local Union No. 3, an Unincorporated Association, et al., petitioners, *v.* A. Wagshal, Trading as "Wagshal's Delicatessen." Argument commenced by Mr. Herbert S. Thatcher for the petitioners. Leave granted petitioners to file reply brief by Wednesday next.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, December 18, will be as follows: Nos. 225, 214, 329, 331, and 337.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

Milton Rosenblum, of Jersey City, N. J.; Nathan Braitman, of West New York, N. J.; Abe Wagman, of New York, N. Y.; William A. Roe, of New York, N. Y.; John G. Donovan, of New York, N. Y.; Joseph E. Dyer, of New York, N. Y.; Hope R. Stevens, of New York, N. Y.; and Charles C. MacLean, Jr., of New York, N. Y., were admitted to practice.

No. 408. Trust Under Agreement Dated December 30, 1921, by John E. Andrus, Deceased, et al., petitioners, *v.* Commissioner of Internal Revenue. Motion for an extension of time within which to file a petition for rehearing denied.

No. 225. Bakery Sales Drivers Local Union No. 3, an Unincorporated Association, et al., petitioners, *v.* A. Wagshal, Trading as "Wagshal's Delicatessen." Argument continued by Mr. Herbert S. Thatcher for the petitioners; by Mr. William E. Leahy for the respondent, and concluded by Mr. Herbert S. Thatcher for the petitioners.

No. 214. Mrs. Aba Badger Suttle, Widow of John G. Suttle, Individually and as Administratrix of the Estate of John G. Suttle, Deceased, petitioner, *v.* Reich Bros. Construction Co., et al. Argument commenced by Mr. Charles F. Engle for the petitioner: continued by Mr. George T. Owen, Jr., for the respondents, and concluded by Mr. John D. Miller for the petitioner.

No. 329. Anne Johnson, petitioner, *v.* The United States of America. Argued by Mr. James Skelly Wright for the petitioner, and by Mr. Robert Erdahl for the respondent.

No. 331. Rudy E. Callen, petitioner, *v.* Pennsylvania Railroad Company. Leave granted Mr. B. Nathaniel Richter to appear and present oral argument for the petitioner *pro hac vice* on motion of Mr. Irving S. Shapiro in that behalf. Argued by Mr. B. Nathaniel

Richter for the petitioner, *pro hac vice*, by special leave of Court, and by Mr. Philip Price for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, December 19, will be as follows: No. 337.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

Saul Gurvitz, of Boston, Mass.; William G. Brown, of Chattanooga, Tenn.; Murray A. Laiks, of Passaic, N. J.; Paul G. DeMuro, of Passaic, N. J.; Fuller Warren, of Jacksonville, Fla.; A. H. Rothstein, of Jacksonville, Fla.; Robert Victor Mann, of Boston, Mass.; and Lloyd M. McBride, of Chicago, Ill., were admitted to practice.

No. 337. The Connecticut Mutual Life Insurance Company et al., appellants, *v.* Frank C. Moore, Comptroller of the State of New York. Argued by Mr. Ganson J. Baldwin and Mr. Buist Murfee Anderson for the appellants and by Mr. Abe Wagman for the appellee.

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

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SUPREME COURT OF THE UNITED STATES

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

Frank N. Jess, of Haddon Heights, N. J.; Harold Clark Osborn, of Suffern, N. Y.; John A. Loomis, of Huntington Park, Calif.; and Robert C. Bell, Jr., of Stamford, Conn., were admitted to practice.

No. 54. Harry Blumenthal, petitioner, *v.* The United States of America;

No. 55. Lawrence B. Goldsmith, petitioner, *v.* The United States of America;

No. 56. Samuel S. Weiss, petitioner, *v.* The United States of America; and

No. 57. Albert Feigenbaum, petitioner, *v.* The United States of America. On writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment of the Circuit Court of Appeals affirmed and cases remanded to the District Court of the United States for the Northern District of California. Opinion by Mr. Justice Rutledge. Mr. Justice Douglas concurs in the result.

No. 71. H. C. Jones, Collector of Internal Revenue, petitioner, *v.* The Liberty Glass Company. 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 Western District of Oklahoma for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Murphy. Dissenting: Mr. Justice Douglas.

No. 70. Giles Kavanagh, Collector of Internal Revenue, petitioner, *v.* J. H. Noble. 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 proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Murphy. Dissenting: Mr. Justice Douglas.

No. 93. Tony Marino, petitioner, *v.* Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois. On petition for writ of certiorari to the Circuit Court of Winnebago County, State of Illinois. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari granted and the judgment below vacated with costs and case remanded to the Circuit Court of Winnebago County. Opinion *per curiam* announced by the Chief Justice. Concurring opinion by Mr. Justice Rutledge in which Mr. Justice Douglas and Mr. Justice Murphy join.

The Chief Justice said:

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

No. 79. The United States of America, appellant, *v.* Paramount Pictures, Inc., et al. The motions of Society of Independent Motion Picture Producers and Conference of Independent Exhibitors' Associations for leave to file briefs as amicus curiae are granted.

No. 66, Misc. John Richardson, petitioner, *v.* Joseph E. Ragen, Warden. The motion of the respondent to defer consideration of the petition for writ of certiorari is granted.

No. 461. The United States of America, appellant, *v.* Columbia Steel Company, Consolidated Steel Corporation, et al. In this case probable jurisdiction is noted.

No. 431. Tomoteo Mariano Andres, petitioner, *v.* The United States of America. The petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit in this case is granted.

No. 222, Misc. George Cornelius Moore and Lester Houghton, petitioners, *v.* The People of the State of New York. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Court of Appeals of the State of New York is granted and the case is ordered transferred to the appellate docket. The motion for a stay is granted and execution of the sentence of death imposed on these petitioners is stayed pending the final disposition of the case by this Court.

No. 441. William F. Sternberg, Individually and as Co-Trustee Under the Will of Herman J. Sternberg, Deceased, et al., petitioners, *v.* St. Louis Union Trust Company, Personally and as Co-Trustee Under the Will of Herman J. Sternberg, Deceased. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 443. Edwin K. Atwood and Alice B. Atwood, petitioners, *v.* Robert J. Kleberg, Jr., et al.;

No. 444. Edwin K. Atwood and Alice B. Atwood, petitioners, *v.* Robert J. Kleberg, Jr., et al.; and

No. 445. Edwin K. Atwood and Alice B. Atwood, petitioners, *v.* Robert J. Kleberg, Jr., et al. Petition for writs of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 450. Peter L. Guth, petitioner, *v.* The Texas Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 433. Alfred Shyman, Doing Business Under the Assumed Name, Business and Style of Alaska Distributors Company, petitioner, *v.* Philip B. Fleming, Temporary Controls Administrator. The motion of the Solicitor General to substitute the United States of America as the party respondent is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit is denied.

No. 439. Pantzer Lumber Company, petitioner, *v.* Philip B. Fleming, Temporary Controls Administrator. The motion of the Solicitor General to substitute the United States of America as the party respondent is granted. The motion to strike respondent's brief is denied. The petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit is denied.

No. 442. Randolph Phillips, petitioner, *v.* The Baltimore & Ohio Railroad Company. The motion to dispense with the printing of the record is granted. The petition for writ of certiorari to the District Court of the United States for the District of Maryland is denied.

No. 401. Willie Melmoth Bomar, petitioner, *v.* Rowena Keith Keyes and the City of New York;

No. 21, Misc. James E. Shiflett, petitioner, *v.* E. J. Welch, Superintendent; and

No. 158, Misc. Albert Baker, petitioner, *v.* L. F. Utecht, Warden. The petitions for rehearing are severally denied.

No. 191, Misc. James W. Ross, petitioner, *v.* State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 192, Misc. James W. Ross, petitioner, *v.* State of Illinois. On petition for writ of certiorari to the Circuit Court of St. Clair County, State of Illinois;

No. 194, Misc. Robert George Banks, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit;

No. 211, Misc. T. C. Jones, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writs of certiorari to the Circuit Court of Will County; Criminal Court of Cook County, and the Supreme Court of the State of Illinois; and

No. 212, Misc. Emanuel Cannady, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writs of certiorari to the Circuit Court of Will County, and the Criminal Court of Cook County, State of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are severally denied.

No. 220, Misc. Taylor Seals, petitioner, *v.* Honorable George C. Taylor, District Judge. The motion for leave to file petition for writ of habeas corpus is denied.

No. 224, Misc. Andrew Scott, petitioner, *v.* Joseph Ragen, Warden. Application denied.

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

The day call for Monday, January 5, 1948, will be as follows: Nos. 15, 50, 60, 100, 130 (and 131), 134, 258, 53, 362, and 369.

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SUPREME COURT OF THE UNITED STATES

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

Elbert R. Jandt, of Seguin, Tex.; E. M. Grimes, of Taylor, Tex.; Herman Hoffman, of New York, N. Y.; Harold John Butcher, of Anchorage, Alaska; Herbert F. Garrick, of New York, N. Y.; and Carl D. Levy, of Beaumont, Tex., were admitted to practice.

No. 61. The United States of America, petitioner, *v.* Michael Di Re. 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 Western District of New York. Opinion by Mr. Justice Jackson. Dissenting: The Chief Justice and Mr. Justice Black.

No. 174. Robert Sealfon, petitioner, *v.* The United States of America. 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 for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas.

No. 205. Globe Liquor Company, Inc., petitioner, *v.* Frank San Roman et al., Doing Business Under the Firm Name and Style of International Industries. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment of the Circuit Court of Appeals reversing and remanding the cause to the District Court is affirmed. But since the respondents made no motion for judgment under Rule 50 (b) of the Federal Rules of Civil Procedure, it was error to direct the District Court to enter a judgment in their favor. The case is remanded to the District Court of the United States for the Northern District of Illinois for a new trial. Costs in this Court to be taxed against respondents. Opinion by Mr. Justice Black.

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, Original. The United States of America, complainant, *v.* The State of California. The motion for leave to withdraw the appearances of Louis W. Myers, William W. Clary, and Jackson W. Chance as counsel for the State of California is granted.

No. 50. Jesse M. Donaldson, Individually and as Acting Postmaster General of the United States, petitioner, *v.* Read Magazine, Inc., et al. The motion to substitute Jesse M. Donaldson, Postmaster General, as the party petitioner is granted.

No. 72. J. D. Shelley, Ethel Lee Shelley, his Wife, and Josephine Fitzgerald, petitioners, *v.* Louis Kraemer and Fern Kraemer, his Wife.

No. 87. Orsel McGhee and Minnie S. McGhee, his Wife, petitioners, *v.* Benjamin J. Sipes and Anna C. Sipes et al.;

No. 290. James M. Hurd and Mary I. Hurd, petitioners, *v.* Frederic E. Hodge et al.; and

No. 291. Raphael G. Urciolo, Robert H. Rowe, Isabelle J. Rowe, et al., petitioners, *v.* Frederic E. Hodge et al. The motions for leave to file briefs of the National Bar Association and the American Association for the United Nations as *amici curiae* are granted.

No. 79. The United States of America, appellant, *v.* Paramount Pictures, Inc., et al. The motion for leave to file brief of Motion Picture Theatre Owners of America as *amicus curiae* is granted. The motion for leave to participate in oral argument is denied.

No. 215. In Re William Oliver, petitioner. The motion of the State Bar of Michigan for leave to file a brief as *amicus curiae* is granted, the brief to be filed by January 19, next.

No. 366. Bay Ridge Operating Co., Inc., petitioner, *v.* James Aaron, Albert Alston, James Philip Brooks, et al.; and

No. 367. Huron Stevedoring Corp., petitioner, *v.* Leo Blue, Nathaniel Dixon, Christian Elliott, et al. The motions for leave to file briefs of Waterfront Employers Association of the Pacific Coast; National Association of Manufacturers; and Frank Adams, as *amici curiae* are granted.

No. 270. Harrison Parker, petitioner, *v.* People of the State of Illinois; and

No. 428. Harrison Parker, petitioner, *v.* People of the State of Illinois. The motion to strike respondent's brief in No. 270 is denied. The petitions for writs of certiorari to the Supreme Court of Illinois are granted and the cases are consolidated for argument.

No. 447. Hyman Katz, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 455. Commissioner of Internal Revenue, petitioner, *v.* California and Hawaiian Sugar Refining Corporation; and

No. 456. Commissioner of Internal Revenue, petitioner, *v.* California and Hawaiian Sugar Refining Corporation. Petition for writs of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 465. Atlantic States Motor Lines, Inc., petitioner, *v.* Commonwealth of Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia denied.

No. 469. Anne Feinberg, petitioner, *v.* Railway Express Agency, Incorporated. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 473. Stanley W. Root et al., Trustees of Stanley Engineering Corp., Bankrupt, and Gaby Company, petitioners, *v.* Morris Galman. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 402. Arthur Greenwood et al., petitioners, *v.* Hotel & Restaurant Employees International Alliance and Bartenders International League of America et al. The petition for writ of certiorari to the Supreme Court of Alabama is denied. Mr. Justice Black took no part in the consideration or decision of this application.

No. 462. Transamerica Corporation, and Its Officers and Directors, petitioners, *v.* Securities and Exchange Commission; and

No. 463. Transamerica Corporation, and Its Officers and Directors, petitioners, *v.* Securities and Exchange Commission. The petition for writs of certiorari in these cases to the Circuit Court of Appeals for the Third Circuit is denied. Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 1455, October Term, 1946. Patrick Flaherty, petitioner, *v.* The People of the State of Illinois. The fourth petition for rehearing is denied.

No. 450. Peter L. Guth, petitioner, *v.* The Texas Company;

No. 81, Misc. Frederick E. Bauer, petitioner, *v.* Tom C. Clark, Attorney General, et al.;

No. 86, Misc. J. F. Bowery, petitioner, *v.* Hartford Accident & Indemnity Co.;

No. 151, Misc. George William Bailey, petitioner, *v.* David A. McMullen, Warden; and

No. 152, Misc. George William Bailey, petitioner, *v.* Anton Schuler; and

No. 168, Misc. Arthur Chalmers, petitioner, *v.* John F. Foster, Warden. The petitions for rehearing in these cases are severally denied.

No. 75, Misc. William F. Krell, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 145, Misc. Dorsey McMahan, petitioner, *v.* James A. Johnston, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 157, Misc. William H. Jackson, petitioner, *v.* Joseph W. Sanford, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 185, Misc. Henry Davis, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 189, Misc. Jack O'Brien, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 190, Misc. Morris Hicks, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 202, Misc. Elwyn Barron, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 203, Misc. Carl Hamby, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 204, Misc. William Burnett, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Stephenson County, State of Illinois;

No. 207, Misc. Alexander Bastin, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Cook County, State of Illinois;

No. 209, Misc. Charles Davis, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 214, Misc. Louis Monsky and Gustave Monsky, petitioners, *v.* Warden of Clinton State Prison, Dannemora, New York. On petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit;

No. 217, Misc. Harry D. Gordon, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Fayette County, State of Illinois;

No. 218, Misc. Jack Stroemple, petitioner, *v.* State of Missouri. On petition for writ of certiorari to the Supreme Court of Missouri;

No. 225, Misc. Eugene F. Kilgore, petitioner, *v.* A. C. Turner, Warden. On petition for writ of certiorari to the Court of Criminal Appeals of the State of Texas;

No. 226, Misc. Rocco Taurisano, petitioner, *v.* People of the State of New York. On petition for writ of certiorari to the Court of Appeals of the State of New York;

No. 239, Misc. Paul Lane, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Vermilion County, State of Illinois;

No. 241, Misc. Elmer Owens, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois; and

No. 246, Misc. William Penland, petitioner, *v.* Stanley P. Ashe, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are severally denied.

No. 166, Misc. George E. McLean, petitioner, *v.* People of the State of Michigan. The motion for leave to proceed *in forma pauperis* is granted. The motion for a subpoena *duces tecum* is denied. The petition for writ of certiorari to the Supreme Court of Michigan and the motion for leave to file a petition for writ of habeas corpus are denied.

No. 240, Misc. Cottrell Sampson, petitioner, *v.* Joseph E. Ragen, Warden. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Criminal Court of Cook County and the Supreme Court of the State of Illinois is denied. The motion for leave to file petition for writ of habeas corpus is also denied.

No. 53. Local 2880, Lumber & Sawmill Workers Union, United Brotherhood of Carpenters & Joiners of America, Affiliated with the American Federation of Labor, petitioner, *v.* The National Labor Relations Board. Writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit dismissed on motion of counsel for the petitioner.

No. 50. Jesse M. Donaldson, Individually and as Postmaster General of the United States, petitioner, *v.* Read Magazine, Inc., et al. Reargued by Mr. Robert L. Stern for the petitioner, and by Mr. John W. Burke, Jr., for the respondents.

No. 60. Joseph White Musser, Guy W. Musser, Charles Frederick Zitting, et al., appellants, *v.* The State of Utah. Reargued by Mr. Claude T. Barnes for the appellants, and by Mr. Calvin L. Rampton for the appellee.

No. 100. The United States of America, petitioner, *v.* Jimmie Ira Brown. Argument commenced by Mr. Robert W. Ginnane for the petitioner, and continued by Mr. Elmo B. Hunter for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, January 6, will be as follows: Nos. 100, 130 (and 131), 134, 258, 362, 369, 390, 397, 370, and 366 (and 367).

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

Samuel I. Jacobs, of San Francisco, Calif.; Maurice H. Merrill, of Norman, Okla.; George A. Ghiselli, of San Francisco, Calif.; Isadore Glauberman, of Jersey City, N. J.; Glenn C. Wilber, of Detroit, Mich.; H. O. Pemberton, of Tallahassee, Fla.; and Charles Rothenberg, of Brooklyn, N. Y., were admitted to practice.

No. 100. The United States of America, petitioner, *v.* Jimmie Ira Brown. Argument continued by Mr. Elmo B. Hunter for the respondent, and concluded by Mr. Robert W. Ginnane for the petitioner.

No. 130. Harry B. Mitchell et al., Individually and as Members of the Civil Service Commission, petitioners, *v.* Jack W. Cohen; and

No. 131. Harry B. Mitchell et al., Individually and as Members of the Civil Service Commission, petitioners, *v.* Harry W. Hubickey. Argued by Mr. Herbert A. Bergson for the petitioners and by Mr. Gerhard A. Gesell for the respondents.

No. 134. Republic Natural Gas Company, appellant, *v.* State of Oklahoma, Corporation Commission of the State of Oklahoma, et al. Argument commenced by Mr. Robert M. Rainey for the appellant; continued by Mr. Earl Pruet for the appellees, and concluded by Mr. John F. Eberhardt for the appellant.

No. 258. Albert E. Schwabacher et al., appellants, *v.* The United States of America, Interstate Commerce Commission, et al. Argument commenced by Mr. Carl McFarland for the appellants.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, January 7, will be as follows: Nos. 258, 362, 369, 390, 397, 370, 366 (and 367), 280, 41, and 384.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

J. A. Franklin, of Fort Myers, Fla.; Robert E. Willis, of Bradenton, Fla.; Nathan M. Gomberg, of Chicago, Ill.; Spottswood W. Robinson III, of Richmond, Va.; Walter E. Cooper, of Newark, N. J.; John P. Smith, of New York, N. Y.; and Albert P. Thill, of New York, N. Y., were admitted to practice.

No. 258. Albert E. Schwabacher et al., appellants, *v.* The United States of America, Interstate Commerce Commission, et al. Argument continued by Mr. Carl McFarland for the appellants; by Mr. Daniel H. Kunkel for the appellee, Interstate Commerce Commission; by Mr. George D. Gibson for the appellees, The Chesapeake and Ohio Railway Company et al.; and concluded by Mr. Carl McFarland for the appellants.

No. 362. Fontaine Le Maistre, petitioner, *v.* Herman Leffers et al. Argument commenced by Mr. W. B. Shelby Crichlow for the petitioner, continued by Mr. James Alfred Franklin for the respondents, and concluded by Mr. Dewey A. Dye for the petitioner.

No. 369. Ada Lois Sipuel, petitioner, *v.* Board of Regents of the University of Oklahoma et al. Argument commenced by Mr. Amos Hall for the petitioner, and continued by Mr. Thurgood Marshall for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, January 8, will be as follows: Nos. 369, 390, 370, 397, 366 (and 367), 280, 41, 384, 72, and 87.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

Alfred Fulton Christianson, of Boston, Mass.; Frank D. Reeves, of Washington, D. C.; and Robert D. Charlton, of Denver, Colo., were admitted to practice.

No. 369. Ada Lois Sipuel, petitioner, *v.* Board of Regents of the University of Oklahoma et al. Argument continued by Mr. Thurgood Marshall for the petitioner, by Mr. Fred Hansen and by Mr. Maurice H. Merrill for the respondents, and concluded by Mr. Thurgood Marshall for the petitioner.

No. 390. Seaboard Air Line Railroad Company, appellant, *v.* John M. Daniel, as Attorney General of the State of South Carolina et al. Argued by Mr. W. R. C. Coker for the appellant, and by Mr. Irvine F. Belser for the appellees.

No. 370. Fong Haw Tan, petitioner, *v.* Arthur J. Phelan, Acting District Director, Immigration and Naturalization Service, Port of San Francisco, California. Argument commenced by Mr. Lambert O'Donnell for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, January 9, will be as follows: Nos. 370, 397, 366 (and 367), 280, 41, 415, 384, 437, 72, and 87.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

A. M. Herman, of Fort Worth, Tex.; Patrick A. Kiley, of Jersey City, N. J.; and Thomas Edward Naughten, of Washington, D. C., were admitted to practice.

No. 370. Fong Haw Tan, petitioner, *v.* Arthur J. Phelan, Acting District Director, Immigration and Naturalization Service, Port of San Francisco, California. Argument continued by Miss Beatrice Rosenberg for the respondent, and concluded by Mr. Lambert O'Donnell for the petitioner.

No. 397. International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers Union, et al., appellants, *v.* Denver Milk Producers, Inc., et al. Argued by Mr. Herbert S. Thatcher for the appellants; by Mr. George K. Thomas for the State of Colorado, as *amicus curiae*, by special leave of Court and by Mr. Kenneth W. Robinson for the appellees.

Adjourned until Monday, January 12, next, at 12 o'clock.

The day call for Monday, January 12, will be as follows: Nos. 366 (and 367), 41, 280, 415, 384, 437, 72, 87, 290 (and 291).

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SUPREME COURT OF THE UNITED STATES

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

Wallace S. Jones, of Essex Fells, N. J.; Samuel J. Davidson, of Hoboken, N. J.; George John Miller, of New York, N. Y.; Charles B. Chase, of New York, N. Y.; Marshal Wiedel, of Chicago, Ill.; Standish F. Medina, of New York, N. Y.; Watkins Edwards, of Ellijay, Ga.; Patrick J. Kearney, of New York, N. Y.; John Ellison Branch, of Atlanta, Ga.; Alexander E. Wilson, Jr., of Atlanta, Ga.; Mary Lemon Schleifer, of Washington, D. C.; and Ruth Kessler Toch, of Albany, N. Y., were admitted to practice.

No. 331. Rudy E. Callen, petitioner, *v.* Pennsylvania Railroad Company. 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 Jackson. Dissenting: Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Murphy, and Mr. Justice Rutledge.

No. 51. John Harvey Haley, petitioner, *v.* The State of Ohio. On writ of certiorari to the Supreme Court of the State of Ohio. Judgment reversed with costs and case remanded to the Supreme Court of Ohio for proceedings not inconsistent with the judgment of this Court announced by Mr. Justice Douglas. Mr. Justice Douglas announced the judgment of the Court and an opinion in which Mr. Justice Black, Mr. Justice Murphy, and Mr. Justice Rutledge join. Concurring opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Burton in which the Chief Justice, Mr. Justice Reed, and Mr. Justice Jackson concur.

The Chief Justice announced the following order of the Court:

No. 369. Ada Lois Sipuel, petitioner, *v.* Board of Regents of the University of Oklahoma et al. On writ of certiorari to the Supreme

Court of the State of Oklahoma. *Per curiam*: On January 14, 1946, the petitioner, a Negro, concededly qualified to receive the professional legal education offered by the State, applied for admission to the School of Law of the University of Oklahoma, the only institution for legal education supported and maintained by the taxpayers of the State of Oklahoma. Petitioner's application for admission was denied, solely because of her color.

Petitioner then made application for a writ of mandamus in the District Court of Cleveland County, Oklahoma. The writ of mandamus was refused, and the Supreme Court of the State of Oklahoma affirmed the judgment of the District Court. — Oklahoma —, 180 P. 2d 135. We brought the case here for review.

The petitioner is entitled to secure legal education afforded by a state institution. To this time, it has been denied her although during the same period many white applicants have been afforded legal education by the State. The State must provide it for her in conformity with the equal-protection clause of the Fourteenth Amendment and provide it as soon as it does for applicants of any other group. *Missouri ex rel. Gaines v. Canada*, 305 U. S. 337 (1938).

The judgment of the Supreme Court of Oklahoma is reversed and the cause is remanded to that court for proceedings not inconsistent with this opinion. The mandate shall issue forthwith.

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. 449. Marden & Murphy, Inc., appellant, *v.* City of Lowell, Middlesex County, Massachusetts. Appeal from the Land Court of the Commonwealth of Massachusetts. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. The petition for writ of certiorari is denied.

No. 366. Bay Ridge Operating Co., Inc., petitioner, *v.* James Aaron, Albert Alston, James Philip Brooks, et al.; and

No. 367. Huron Stevedoring Corp., petitioner, *v.* Leo Blue, Nathaniel Dixon, Christian Elliott, et al. The motion for leave to file brief of International Longshoremen's Association as *amicus curiae* is granted.

No. 486. Tighe E. Woods, Acting Housing Expediter of the Office of the Housing Expediter, appellant, *v.* The Cloyd W. Miller Company, a Corporation, and Cloyd W. Miller. In this case probable jurisdiction is noted.

No. 451. Andrew W. Comstock, a Holder of Missouri Pacific Railroad Company 5¼% Secured Serial Gold Bonds, on Behalf of Himself and Others, etc., petitioner, *v.* Group of Institutional Investors, etc., et al.;

No. 452. New Orleans, Texas and Mexico Railway Company, Debtor, etc., petitioner, *v.* Group of Institutional Investors, etc., et al.;

No. 453. Guy A. Thompson, Trustee of the New Orleans, Texas and Mexico Railway Company, etc., petitioner, *v.* Group of Institutional Investors, etc., et al.; and

No. 454. Andrew W. Comstock, petitioner, *v.* Guy A. Thompson, Trustee of the New Orleans, Texas and Mexico Railway Company, Debtor, et al. Petitions for writs of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted.

No. 464. Federal Trade Commission, petitioner, *v.* Morton Salt Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted.

No. 457. Robert H. Polk, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 466. Parfait Powder Puff Company, Inc., petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 467. Thoger Gronberg Jungersen, petitioner, *v.* Ostby and Barton Company and American Associates, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 471. General Finance Loan Company, a Corporation, and General Finance Corporation, petitioners, *v.* General Loan Company, a Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 484. Lewis Johnson, Lo Goode, Paul MacFarland, and Town of Lacona, a Municipal Corporation, petitioners, *v.* Charles E. Sellers et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 458. Benjamin F. Fields, petitioner, *v.* The United States of America. The petition for writ of certiorari to the United States Court of Appeals for the District of Columbia is denied. Mr. Justice Burton took no part in the consideration or decision of this application.

No. 459. Donald M. Johnson, petitioner, *v.* The United States of America; and

No. 460. Jacob Greenes, petitioner, *v.* The United States of America. The petitions for writs of certiorari to the Circuit Court of Appeals for the Third Circuit in these cases are denied. Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of these applications.

No. 468. Ostby and Barton Company and American Associates, Inc., petitioners, *v.* Thoger Gronberg Jungersen. The petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit is denied. Mr. Justice Black is of the opinion the petition should be granted.

No. 1210, October Term, 1946. Kiyochi Fujikawa et al., petitioners, *v.* The Sunrise Soda Works Company et al. The motion for leave to file a second petition for rehearing is denied.

No. 58, Misc. Edgar Robare, petitioner, *v.* People of the State of Michigan. The petition for rehearing is denied.

No. 142, Misc. Edward Smith, petitioner, *v.* Ralph W. Howard, Warden. The motion for leave to file a second petition for rehearing is denied.

No. 118, Misc. Marie M. Christ, as Administratrix of the Estate of Theodore W. Ellse, Deceased, petitioner, *v.* United States of America War Shipping Administration. On petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit;

No. 208, Misc. William M. Evans, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 242, Misc. Frank Bowie, Jr., petitioner, *v.* Edwin T. Swenson, Warden. On petition for writ of certiorari to the Court of Appeals of the State of Maryland; and

No. 250, Misc. Sam Lott, 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 severally denied.

No. 147, Misc. Kurt G. W. Ludecke, petitioner, *v.* W. Frank Watkins, as District Director of Immigration. The petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit in this case is denied. Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Rutledge are of the opinion the petition should be granted.

The Court will take a recess from Monday, January 19, until Monday, February 2, next.

No. 366. Bay Ridge Operating Co., Inc., petitioner, *v.* James Aaron, Albert Alston, James Philip Brooks, et al.; and

No. 367. Huron Stevedoring Corp., petitioner, *v.* Leo Blue, Nathaniel Dixon, Christian Elliott, et al. Argued by Mr. Peyton Ford and Mr. Marvin C. Taylor for the petitioners, and by Mr. Monroe Goldwater for the respondents.

No. 41. The United States of America, appellant, *v.* Scophony Corporation of America et al. Argument commenced by Mr. Sigmund Timberg for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, January 13, will be as follows: Nos. 41, 280, 415, 384, 437, 72, 87, and 290 (and 291).

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SUPREME COURT OF THE UNITED STATES

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

John Arvid Jonsson, of Palmyra, N. J.; George H. Klein, of New York, N. Y.; J. Monroe Fulmer, of Columbia, S. C.; Phyllis Kravitch, of Savannah, Ga.; Louis Josephson, of Trenton, N. J.; Thomas R. Rawlings, of Fayetteville, Ark.; David M. Grant, of Saint Louis, Mo.; Sydney S. Asher, Jr., of Philadelphia, Pa.; Robert E. Falligant, of Savannah, Ga.; and Aaron Kravitch, of Savannah, Ga., were admitted to practice.

No. 458. Benjamin F. Fields, petitioner, *v.* The United States of America; and

No. 459. Donald M. Johnson, petitioner, *v.* The United States of America. Orders denying certiorari withheld on application of counsel for petitioners.

No. 41. The United States of America, appellant, *v.* Scophony Corporation of America et al. Argument concluded by Mr. Edwin Foster Blair for the appellees.

No. 280. Funk Brothers Seed Company, petitioner, *v.* Kalo Inoculant Company. Argued by Mr. H. A. Toulmin, Jr., for the petitioner, and by Mr. J. Bernard Thiess for the respondent.

No. 415. Earl J. Toomer, Joseph A. Cesaroni, Joseph De Gracia, et al., appellants, *v.* J. M. Witsell, Edward E. Burroughs, E. L. Sweat et al. Argument commenced by Mr. Robert E. Falligant for the appellants, and continued by Mr. David W. Robinson for the appellees.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, January 14, will be as follows: Nos. 415, 384, 437, 72, 87, and 290 (and 291).

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SUPREME COURT OF THE UNITED STATES

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

Joseph T. Genco, of New York, N. Y.; Eugene H. Buder, of St. Louis, Mo.; Earl Susman, of St. Louis, Mo.; John A. Davis, of St. Louis, Mo.; and John F. Wilkinson, of New York, N. Y., were admitted to practice.

No. 72. J. D. Shelley, Ethel Lee Shelley, his Wife, and Josephine Fitzgerald, petitioners, *v.* Louis Kraemer and Fern Kraemer, his Wife;

No. 87. Orsel McGhee and Minnie S. McGhee, his Wife, petitioners, *v.* Benjamin J. Sipes and Anna C. Sipes, et al.;

No. 290. James M. Hurd and Mary I. Hurd, petitioners, *v.* Frederic E. Hodge et al.; and

No. 291. Raphael G. Urciolo, Robert H. Rowe, Isabelle J. Rowe, et al., petitioners, *v.* Frederic E. Hodge et al. Leave granted to file brief of American Unitarian Association as *amicus curiae*.

No. 526. The United States of America, petitioner, *v.* Charles Kruszewski. Time for making service of petition for certiorari and record extended to a date which is not later than 10 days after the giving of notice by the Clerk of this Court to counsel for the petitioner that the printed record has been delivered to such Clerk.

No. 415. Earl J. Toomer, Joseph A. Cesaroni, Joseph De Gracia, et al., appellants, *v.* J. M. Witsell, Edward E. Burroughs, E. L. Sweat, et al. Argument continued by Mr. J. Monroe Fulmer for the appellees, and concluded by Mr. Aaron Kravitch for the appellants.

No. 384. Commissioner of Internal Revenue, petitioner, *v.* South Texas Lumber Company. Argued by Mr. Lee A. Jackson for the petitioner, and by Mr. Charles C. MacLean for the respondent.

No. 437. Philip B. Fleming, Temporary Controls Administrator, *v.* W. H. Hills. Leave granted Mr. George D. Rathbun to appear and present oral argument for W. H. Hills, *pro hac vice*, on motion

of Mr. John R. Benney in that behalf. Argued by Mr. John R. Benney for Philip B. Fleming, Temporary Controls Administrator, and by Mr. George D. Rathbun for W. H. Hills, *pro hac vice*, by special leave of court.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, January 15, will be as follows: Nos. 72, 87, 290 (and 291).

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SUPREME COURT OF THE UNITED STATES

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

Victor J. Ashe, of Norfolk, Va.; Harold Kahen, of New York, N. Y.; Louis L. Redding, of Wilmington, Del.; Theodore O. Spaulding, of Philadelphia, Pa.; David D. White, of Columbus, Ohio; Bernard Cushman, of Washington, D. C.; Paul S. Knight, of Cleveland, Ohio; Harry D. Page, of Tulsa, Okla.; and William R. Bascom, of Saint Louis, Mo., were admitted to practice.

No. 72. J. D. Shelley, Ethel Lee Shelley, his Wife, and Josephine Fitzgerald, petitioners, *v.* Louis Kraemer and Fern Kraemer, his Wife;

No. 87. Orsel McGhee and Minnie S. McGhee, his Wife, petitioners, *v.* Benjamin J. Sipes and Anna C. Sipes, et al.;

No. 290. James M. Hurd and Mary I. Hurd, petitioners, *v.* Frederic E. Hodge, et al.; and

No. 291. Raphael G. Urciolo, Robert H. Rowe, Isabelle J. Rowe, et al., petitioners, *v.* Frederic E. Hodge et al. Argument commenced by Mr. Solicitor General Perlman for the United States as *amicus curiae*, by special leave of Court; continued by Mr. George L. Vaughn and Mr. Herman Willer for the petitioners in No. 72; by Mr. Gerald L. Seegers for the respondents in No. 72; by Mr. Loren Miller and Mr. Thurgood Marshall for the petitioners in No. 87; and by Mr. Henry Gilligan and Mr. James A. Crooks for the respondents in No. 87.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, January 16, will be as follows: Nos. 72, 87, and 290 (and 291).

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SUPREME COURT OF THE UNITED STATES

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

George A. Finch, of Baltimore, Md.; Victor Brudney, of New York, N. Y.; Roy Guthman, of New York, N. Y.; Marian Wynn Perry, of New York, N. Y.; Sydney R. Rubin, of Williamson, N. Y.; and Edward H. Powell, of New York, N. Y., were admitted to practice.

No. 72. J. D. Shelley, Ethel Lee Shelley, his Wife, and Josephine Fitzgerald, petitioners, *v.* Louis Kraemer and Fern Kraemer, his Wife;

No. 87. Orsel McGhee and Minnie S. McGhee, his Wife, petitioners, *v.* Benjamin J. Sipes and Anna C. Sipes, et al.;

No. 290. James M. Hurd and Mary I. Hurd, petitioners, *v.* Frederic E. Hodge, et al.; and

No. 291. Raphael G. Urciolo, Robert H. Rowe, Isabelle J. Rowe, et al., petitioners, *v.* Frederic E. Hodge et al. Argument continued by Mr. James A. Crooks for the respondents in No. 87; by Mr. Thurgood Marshall for the petitioners in No. 87; by Mr. Charles H. Houston and Mr. Phineas Indritz for the petitioners in Nos. 290 and 291; by Mr. Henry Gilligan and Mr. James A. Crooks for the respondents in Nos. 290 and 291; and concluded by Mr. Charles H. Houston for the petitioners in Nos. 290 and 291.

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

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

Oscar E. Bland, of Washington, D. C.; Charles D. Egan, of Shreveport, La.; Albert L. Reeves, Jr., of Kansas City, Mo.; James Monroe Walker, of Jackson, Miss.; Eli Baer, of Washington, D. C.; Wesley F. Murray, of San Francisco, Calif.; Glenn A. Perry, of Houston, Tex.; Jno. C. Williams, of Houston, Tex.; Edward Lawrence Willard, of State College Pa.; Alfred Wright, of Los Angeles, Calif.; Brian S. Odem, of Houston, Tex.; George O'Brien John, of Houston, Tex.; Clair Vincent Duff, of Pittsburgh, Pa.; and Robert T. Burke, Jr., of Louisville, Ky., were admitted to practice.

No. 91. Albert Lee, petitioner, *v.* State of Mississippi. On writ of certiorari to the Supreme Court of the State of Mississippi. Judgment reversed with costs and case remanded for further proceedings not inconsistent with the opinion of this Court. Since the Mississippi Supreme Court upheld the conviction solely because it thought petitioner was not entitled to raise the constitutional issue regarding the confession, the case is remanded to that court so that it may definitively express its views on that issue. Opinion by Mr. Justice Murphy.

No. 121. The United States of America, petitioner, *v.* Jordan James Sullivan, Trading as Sullivan's Pharmacy. 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 Middle District of Georgia for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Concurring opinion by Mr. Justice Rutledge. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Reed and Mr. Justice Jackson join.

No. 73. Marianna Von Moltke, petitioner, *v.* A. Blake Gillies, Superintendent of the Detroit House of Correction. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. The judgment of the Circuit Court of Appeals is

reversed and that of the District Court is set aside. The cause is remanded to the District Court of the United States for the Eastern District of Michigan so that it may hold further hearings and give consideration to, and make explicit findings on, the questions of fact discussed in the separate opinion delivered by Mr. Justice Frankfurter. If upon such further hearings and consideration the District Court finds that the petitioner did not competently, intelligently, and with full understanding of the implications, waive her constitutional right to counsel, an order should be entered directing that she be released from further custody under the judgment based on her plea. Mr. Justice Black announced the judgment of the Court and an opinion in which Mr. Justice Douglas, Mr. Justice Murphy, and Mr. Justice Rutledge concur. Separate opinion by Mr. Justice Frankfurter in which Mr. Justice Jackson joins. Dissenting opinion by Mr. Justice Burton in which the Chief Justice and Mr. Justice Reed concur.

No. 44. Fred Y. Oyama and Kajiro Oyama, petitioners, *v.* State of California. On writ of certiorari to the Supreme Court of the State of California. Judgment reversed with costs and case remanded for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Vinson. Concurring opinion by Mr. Justice Black in which Mr. Justice Douglas joins. Concurring opinion by Mr. Justice Murphy in which Mr. Justice Rutledge joins. Dissenting opinion by Mr. Justice Reed in which Mr. Justice Burton joins. Dissenting opinion by Mr. Justice Jackson.

The Chief Justice said:

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

No. 501. State of Florida, *ex rel.* William Lewis, appellant, *v.* Roland R. Kelley, as Chief of Police of the City of Fort Lauderdale, Broward County, Florida. Appeal from the Supreme Court of Florida. *Per curiam:* The appeal is dismissed for want of a substantial federal question.

No. 398. Roy Bute, petitioner, *v.* People of the State of Illinois. It is ordered that Victor Brudney, Esquire, of New York City, a member of the Bar of this Court, be appointed to serve as counsel for the petitioner in this case.

No. 392. Frank R. Creedon, Housing Expediter, Office of Housing Expediter, petitioner, *v.* Charles Stone. The motion to substitute

Tighe E. Woods, present Housing Expediter, as the party petitioner herein is granted. Respondent has consented to the substitution.

No. 437. Philip B. Fleming, Temporary Controls Administrator, *v.* W. H. Hills. The motion to substitute Tighe E. Woods, Housing Expediter, Office of Housing Expediter, in the place and stead of Philip B. Fleming, Temporary Controls Administrator, is granted.

No. 489. Mary Morton West, Osage Allottee, No. 192, appellant, *v.* Oklahoma Tax Commission; and

No. 490. Floyd O. Yarbrough, Executor of the Estate of Dora Neal Rector, Osage Allottee, No. 626, Deceased, et al., appellant, *v.* Oklahoma Tax Commission. In these cases probable jurisdiction is noted.

No. 53. Misc. Francis Joseph Gryger, petitioner, *v.* C. J. Burke, Warden; and

No. 55. Misc. Frank Townsend, petitioner, *v.* C. J. Burke, Warden. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari to the Supreme Court of the Commonwealth of Pennsylvania are granted and the cases are ordered transferred to the appellate docket.

No. 474. Sam Ormont, Individually and Doing Business as Acme Meat Company, petitioner, *v.* Earl W. Clark, Director of the Division of Liquidation, Department of Commerce. Petition for writ of certiorari to the United States Emergency Court of Appeals denied.

No. 476. Blue Star Auto Stores, Inc., petitioner, *v.* William R. McComb, 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. 478. Gilbert E. R. Hanson and Joseph Schwartz, Individually and as Co-partners Doing Business as "Seventeen for the Junior Teens," etc., petitioners, *v.* Triangle Publications, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 488. Margaret Gately, petitioner, *v.* Edith Hariton et al. The motion to dispense with printing the record is granted. The petition for writ of certiorari to the United States Court of Appeals for the District of Columbia is denied.

No. 55. Lawrence B. Goldsmith, petitioner, *v.* The United States of America;

No. 56. Samuel S. Weiss, petitioner, *v.* The United States of America; and

No. 57. Albert Feigenbaum, petitioner, *v.* The United States of America. The petitions for rehearing in these cases are severally denied.

No. 170. Thomas Bullitt Dixon, petitioner, *v.* American Telephone & Telegraph Company et al. The motion for leave to file a second petition for rehearing is denied.

No. 200, Misc. Edward Scott Holler, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit;

No. 230, Misc. Harris Bailey, petitioner, *v.* Walter Nierstheimer, Warden. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 238, Misc. DeWright Baxter, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 247, Misc. Carl Hamby, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 267, Misc. John Cordts, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of St. Clair County, State of Illinois;

No. 268, Misc. Jack Ross, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 269, Misc. Arthur Robinson, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 270, Misc. Sam Thompson, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 275, Misc. Arthur Harper, petitioner, *v.* People of the State of Michigan. On petition for writ of certiorari to the Supreme Court of Michigan; and

No. 278, Misc. Clarence B. Bernard, petitioner, *v.* Patrick J. Brady, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are severally denied.

No. 232, Misc. Jack Woods, petitioner, *v.* Joseph E. Ragen, Warden. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Supreme Court of Illinois is denied. The motion for leave to file petition for writ of habeas corpus is also denied.

No. 265, Misc. Virgil D. McMillan, petitioner, *v.* Q. Austin East, Judge; and

No. 274, Misc. Dewey White, petitioner, *v.* Joseph E. Ragen, Warden. Applications denied.

No. 264, Misc. Mary Ruthven, petitioner, *v.* Dr. Winfred Overholser; and

No. 271, Misc. Ward M. Blanton, petitioner, *v.* The State of North Carolina. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 262, Misc. Max A. Steinberg, petitioner, *v.* Honorable Judge Howard Speakman. The motion for leave to file petition for writ of mandamus is denied.

Adjourned until Monday, February 2, next, at 12 o'clock.

The day call for Monday, February 2, will be as follows: Nos. 198, 15, 139 (and 371), 292 (293, 294, 295, and 296), 223, 392, 373, 400, 431, and 486.

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SUPREME COURT OF THE UNITED STATES

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

Robert J. Bishop, of Orlando, Fla.; Stephen M. King, of Portland, Oreg.; Alma E. Warren Shields, of Tulsa, Okla.; Henry J. Linton, of Columbus, Ohio; Olin D. Johnston, of Spartanburg, S. C.; Edwin C. Henning, of Evansville, Ind.; Joseph B. Minor, of Evansville, Ind.; Ralph M. Moody, of Raleigh, N. C.; Francis J. Powers, of Brockton, Mass.; Michael F. McCarthy, of New York City; Shepard Woodward Leigh, of New York City; Frederic Hedge Poor, Jr., of New York City; Irving I. Waxman, of Albany, N. Y.; L. G. Merritt, of West Columbia, S. C.; Harry Thomas Dolan, of New York City; Robert W. Graham, of Seattle, Wash.; John R. Vicars, of Pontiac, Ill.; Henry L. Bowden, of Atlanta, Ga.; Gerald W. Heaney, of Duluth, Minn.; Joseph J. O'Connell, Jr., of Washington, D. C.; and Sydney Bernard Schlessel, of New York City, were admitted to practice.

No. 100. The United States of America, petitioner, *v.* Jimmie Ira Brown. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment reversed and case remanded to the District Court of the United States for the Western District of Missouri for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Rutledge. Dissenting: Mr. Justice Black and Mr. Justice Douglas.

No. 374. Bob-Lo Excursion Company, appellant, *v.* The People of the State of Michigan. Appeal from the Supreme Court of the State of Michigan. Judgment affirmed with costs. Opinion by Mr. Justice Rutledge. Concurring opinion by Mr. Justice Douglas. Mr. Justice Black, who joins in the opinion of the Court, also concurs in the opinion of Mr. Justice Douglas. Dissenting opinion by Mr. Justice Jackson in which the Chief Justice joins.

No. 329. Anne Johnson, 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 Western District

of Washington for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Jackson. Dissenting: The Chief Justice, Mr. Justice Black, Mr. Justice Reed, and Mr. Justice Burton.

No. 362. Fontaine LeMaistre, petitioner, *v.* Herman Leffers et al. On writ of certiorari to the Supreme Court of the State of Florida. Judgment reversed with costs and case remanded for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Douglas.

No. 370. Fong Haw Tan, petitioner, *v.* Arthur J. Phelan, Acting District Director, Immigration and Naturalization Service, Port of San Francisco, California. 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 Northern District of California for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas.

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. 275. Lawrence Dyer, appellant, *v.* City Council of the City of Beloit, Rock County, Wisconsin, et al. Appeal from the Supreme Court of Wisconsin. *Per curiam*: On consideration of the motion of the appellees to dismiss, it appearing that the cause has become moot, the judgment of the Supreme Court of Wisconsin is vacated and the cause is remanded for such further proceedings as by that court may be deemed appropriate. Costs in this Court will be taxed against the appellees. Mr. Justice Black and Mr. Justice Burton are of the opinion that costs should be divided equally.

No. —. In the Matter of Harold Easton. The motion to amend the roll of attorneys to show the change of name of Harold Epstein to Harold Easton is granted.

No. 79. The United States of America, appellant, *v.* Paramount Pictures, Inc., et al. The motion of American Civil Liberties Union for leave to file a brief as *amicus curiae* is granted.

No. 134. Republic Natural Gas Company, appellant, *v.* State of Oklahoma, Corporation Commission of the State of Oklahoma, et al. Leave granted to file supplemental brief of appellees.

No. 467. Thoger Gronberg Jungersen, petitioner, *v.* Ostby and Barton Company and American Associates, Inc.; and

No. 468. Ostby and Barton Company and American Associates, Inc., petitioners, *v.* Thoger Gronberg Jungersen. The motions to extend the time to file petitions for rehearing until the expiration of this term are denied.

No. 486. Tighe E. Woods, Acting Housing Expediter, Office of the Housing Expediter, appellant, *v.* The Cloyd W. Miller Company, a Corporation, and Cloyd W. Miller. The motion to substitute Tighe E. Woods, Housing Expediter, as the party appellant is granted.

No. 147, Misc. Kurt G. W. Ludecke, petitioner, *v.* W. Frank Watkins, as District Director of Immigration. An order is entered staying execution and enforcement of the Attorney General's removal order herein dated January 18, 1946, until the further order of this Court.

No. 504. Samuel Saia, appellant, *v.* The People of the State of New York. In this case probable jurisdiction is noted.

No. 446. Paul Ahrens, et al., petitioners, *v.* Tom C. Clark, Attorney General of the United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

No. 19. Neptune Meter Company, petitioner, *v.* National Labor Relations Board;

No. 20. Neptune Meter Company, petitioner, *v.* National Labor Relations Board; and

No. 22. Independent Employees Association of the Neptune Meter Company, petitioner, *v.* National Labor Relations Board. Petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 479. Austin Miller Statler, Jr., petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 481. Edwin B. H. Tower, Jr., petitioner, *v.* Water Hammer Arrester Corp. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 487. Atlantic Coast Line Railroad Company et al., Doing Business as Clinchfield Railroad Company, petitioners, *v.* Dock L. Meeks by Next Friend Ada Foney. Petition for writ of certiorari to the Court of Appeals of the State of Tennessee denied.

No. 491. Robert Bradley, petitioner, *v.* State of Connecticut. Petition for writ of certiorari to the Supreme Court of Errors of the State of Connecticut denied.

No. 493. Lena Jankiewicz and Amelia Jankiewicz Poremski, petitioners, *v.* Eugene B. Slear and Madeleine D. Slear, his Wife. Petition for writ of certiorari to the Court of Appeals of the State of Maryland denied.

No. 503. Frederick Francis Zieber, Jr., petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 507. Samuel Leonard Berenbeim, petitioner, *v.* The United States of America; and

No. 508. Ben Schechter, petitioner, *v.* The United States of America. Petition for writs of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 492. Nahum Birnbaum et al., Co-Partners Comprising a Partnership Under the Name and Style of Birnbaum & Co., et al., petitioners, *v.* Chicago Transit Authority et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 259, Misc. Nahum Birnbaum et al., petitioners, *v.* Honorable Evan A. Evans et al., as Judges, United States Circuit Court of Appeals for the Seventh Circuit. The motion for leave to file petition for writ of mandamus is denied.

No. 475. John Bruszewski, petitioner, *v.* Isthmian Steamship Company. The motion to dispense with printing the petition, brief, and record is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit is denied.

No. 477. John Porter Monroe, 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. Mr. Justice Burton took no part in the consideration or decision of this application.

No. 480. Securities and Exchange Commission, petitioner, *v.* Philadelphia Company. The petition for writ of certiorari to the United States Court of Appeals for the District of Columbia is denied. Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 494. Stanley John Flakowicz, petitioner, *v.* Myrl E. Alexander. The motion to substitute Allen L. Shank as the party respondent is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit is denied. Mr. Justice Murphy is of the opinion the petition for certiorari should be granted.

No. 66. Wesley William Cox, petitioner, *v.* The United States of America;

No. 67. Theodore Romaine Thompson, petitioner, *v.* The United States of America; and

No. 68. Wilbur Roisum, petitioner, *v.* The United States of America; and

No. 442. Randolph Phillips, petitioner, *v.* The Baltimore & Ohio Railroad Company. The petitions for rehearing in these cases are denied.

No. 205. Globe Liquor Company, Inc., petitioner, *v.* Frank San Roman et al., Doing Business Under the Firm Name and Style of International Industries. The petitions for rehearing are denied. The motion for stay of mandate is also denied.

No. 175, Misc. Henry B. Johnson, petitioner, *v.* William H. Hiatt, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit;

No. 186, Misc. Willis J. Ritenow, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 231, Misc. Ray Leo Baugh, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Supreme Court of the State of Illinois;

No. 236, Misc. John Colier, petitioner, *v.* Alfred W. Meyer et al. On petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey;

No. 253, Misc. Donald Hamilton Gaines, petitioner, *v.* Walter Nierstheimer, Warden. On petition for writ of certiorari to the Circuit Court of Randolph County, State of Illinois;

No. 263, Misc. George Bird, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Supreme Court of the State of Illinois;

No. 277, Misc. Livingston Taylor, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of the State of Illinois;

No. 280, Misc. James B. Smith, petitioner, *v.* People of the State of New York. On petition for writ of certiorari to the Supreme Court of the State of New York, Kings County;

No. 281, Misc. Joe Sanchez, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois.

No. 300, Misc. Reginald J. Wheeler, 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. 327, Misc. Jessie James Patton, 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. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are severally denied.

No. 258, Misc. In re W. Blaine Myers. Application denied.

No. 260, Misc. Ex parte George Henry Hawthorne. The motion for leave to file petition for writ of habeas corpus is denied.

No. 198. The United States of America, appellant, *v.* South Buffalo Railway Company, Bethlehem Steel Company and Bethlehem Steel Corporation. Argued by Mr. Solicitor General Perlman for the appellant, and by Mr. Bruce Bromley for the appellees.

No. 139. Joseph Estin, petitioner, *v.* Gertrude Estin; and

No. 371. Louis Kreiger, petitioner, *v.* Helene Kreiger. Leave granted petitioner in No. 371 to file reply brief by Monday, next. Argument commenced by Mr. James G. Purdy for the petitioners, and continued by Mr. Roy Guthman for the respondent in No. 139.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, February 3, will be as follows: Nos. 139 (and 371), 15, 292, (293, 294, 295, and 296), 223, 392, 373, 400, 431, 486, and 79 (80, 81, 82, 83, 84, 85, and 86).

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SUPREME COURT OF THE UNITED STATES

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

C. Willard Max, of Saint Louis, Mo.; John P. Staley, of Chicago, Ill.; Carl R. Thomsen, of Detroit, Mich.; Orland H. Ellis, of Detroit, Mich.; Kenneth Swartwood, of Birmingham, Mich.; James G. Tyson, of Washington, D. C.; Augustus W. Gray, of Washington, D. C.; Louisa Wilson, of Washington, D. C.; Eileen C. O'Connor, of Washington, D. C.; Maurice H. Samuels, of Newark, N. J.; Milton Mindell, of Washington, D. C.; Jerome J. Dick, of New York, N. Y.; Irvine E. Ungerman, of Tulsa, Okla.; Arthur D. Herrick, of New York, N. Y.; Ellis Edlowitz, of Washington, D. C.; Charles J. King, of Washington, D. C.; Hubert B. Pair, of Washington, D. C.; and Alexander A. Fleischfarb, of Washington, D. C.

No. 139. Joseph Estin, petitioner, *v.* Gertrude Estin; and

No. 371. Louis Kreiger, petitioner, *v.* Helene Kreiger. Argument continued by Mr. Roy Guthman for the respondent in No. 139; by Mr. Charles Rothenberg for the respondent in No. 371, and concluded by Mr. James G. Purdy for the petitioners.

No. 15. The United States of America, appellant, *v.* Paul Evans. Argued by Mr. David Reich for the appellant, and by Mr. David Ginsburg for the appellee.

No. 292. John Henry Brunson, petitioner, *v.* State of North Carolina;

No. 293. Essie King, petitioner, *v.* State of North Carolina;

No. 294. Martha Jones, petitioner, *v.* State of North Carolina;

No. 295. Louise James (Alias Moore), and Evelyn Childs, petitioners, *v.* State of North Carolina; and

No. 296. Lida Mae Watkins, Celia Ann Purcell, James Edward Sturdivant, et al.; petitioners, *v.* State of North Carolina. Argued by Mr. William Reid Dalton for the petitioners, and by Mr. Ralph Moody for the respondent.

No. 223. United States of America, Interstate Commerce Commission and Swift & Company, appellants, *v.* The Baltimore and Ohio

Railroad Company et al. Argument commenced by Mr. Frederick Bernays Wiener for the appellants, the United States of America and Interstate Commerce Commission.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, February 4, will be as follows: Nos. 223, 392, 373, 400, 431, 486, 79 (80, 81, 82, 83, 84, 85, and 86), 448, 485, and 398.

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SUPREME COURT OF THE UNITED STATES

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

Charles Bernard Hollis, of Perry, Iowa; Milton Joseph Mehl, of Fort Worth, Tex.; Paul R. Frederick, of Boston, Mass.; Arthur P. West, of New York City; Angus M. MacNeil, of Boston, Mass.; J. Courtney McGroarty, of Brooklyn, N. Y.; John H. Kearney, of Brooklyn, N. Y.; Arthur C. Melervey, of New York City; and Stewart G. Honeck, of Madison, Wis., were admitted to practice.

No. 223. United States of America, Interstate Commerce Commission and Swift & Company, appellants, *v.* The Baltimore and Ohio Railroad Company et al. Argument continued by Mr. Frederick Bernays Wiener for the appellants, the United States of America and Interstate Commerce Commission; by Mr. Ashley Sellers for the appellee, Cleveland Union Stock Yards Company, and concluded by Mr. Robert R. Pierce for the appellees, New York Central Railroad Company, et al. Case submitted by Mr. William N. Strack and Mr. John P. Staley for the appellant, Swift & Company.

No. 392. Tighe E. Woods, Housing Expediter, Office of Housing Expediter, petitioner *v.* Charles Stone. Argued by Mr. Stanley M. Silverberg for the petitioner, and by Mr. James F. Brennan for the respondent.

No. 373. Roy Cole and Louis Jones, petitioners, *v.* State of Arkansas. Argument commenced by Mr. David Rein for the petitioners; continued by Mr. Joseph Forer for the petitioners, and by Mr. Oscar E. Ellis and Mr. Shields M. Goodwin for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, February 5, will be as follows: Nos. 373, 400, 431, 486, 79 (80, 81, 82, 83, 84, 85, and 86), 448, 485, 398, and 270 (and 428).

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SUPREME COURT OF THE UNITED STATES

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

Albert W. Dilling, of Chicago, Ill.; Paul Cameron Whitlock, of Charlotte, N. C.; John S. Candler II, of Atlanta, Ga.; Clarence E. Barnes, of Guthrie, Okla.; Roberts Poinsett Johnson, Jr., of Winnfield, La.; Earl Redwine, of Riverside, Calif.; Robert McCormack, of New York City; Charles L. Kent, of New York City; Henry M. Hogan, of Detroit, Mich.; Jack Victor Schultz, of Kansas City, Mo.; Joseph Lieberman, of Newark, N. J.; Sydney Herman Cohen, of Bloomfield, N. J.; Laurence V. Efner, of Washington, D. C.; Gray Thoron, of New York City; Leighton W. Johnston, of Washington, D. C.; and Chester L. Justus, of Washington, D. C., were admitted to practice.

No. 373. Roy Cole and Louis Jones, petitioners, *v.* State of Arkansas. Argument continued by Mr. Shields M. Goodwin for the respondent, and concluded by Mr. David Rein for the petitioners.

No. 400. Jackie Packer Francis, a Minor, et al., etc., petitioners, *v.* Southern Pacific Company. Argued by Mr. Parnell Black for the petitioners, and by Mr. Paul R. Ray for the respondent.

No. 431. Timoteo Mariano Andres, petitioner, *v.* The United States of America. Argued by Mr. Oliver P. Soares for the petitioner, and by Mr. Vincent Kleinfeld for the respondent.

No. 350. Misc. Admiral Dewey Adamson, petitioner, *v.* People of the State of California. Application for stay of execution denied. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Supreme Court of California denied.

No. 351. Misc. Arthur R. Eggers, petitioner, *v.* People of the State of California. Application for stay of execution granted pending further order of this Court. The respondent is requested to file response to the petition for writ of certiorari.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, February 6, will be as follows: Nos. 486, 79 (80, 81, 82, 83, 84, 85, and 86), 448, 485, 398, and 270 (and 428).

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SUPREME COURT OF THE UNITED STATES

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

L. James Huegel, of Philadelphia, Pa.; Frederick N. Curley, of Philadelphia, Pa.; John E. Pernice, of New York City; James P. Gerety, of White Plains, N. Y.; W. Marcus Crahan, of Fulton, N. Y.; Emanuel Kintisch, of New York City; R. S. Thornton, of Alexandria, Minn.; Burton Allen Andrews, of Albany, N. Y.; James W. Dickey, of Chevy Chase, Md.; Marvin Glenn Bultman, of Bakersfield, Calif.; Julius G. Maurer, of Baltimore, Md.; and Francis B. Burch, of Baltimore, Md., were admitted to practice.

No. 486. Tighe E. Woods, Acting Housing Expediter of the Office of the Housing Expediter, appellant, *v.* The Cloyd W. Miller Company, a Corporation, and Cloyd W. Miller. Argued by Mr. Solicitor General Perlman for the appellant, and by Mr. Paul S. Knight for the appellees.

Adjourned until Monday, February 9, next, at 12 o'clock.

The day call for Monday, February 9, will be as follows: Nos. 79 (80, 81, 82, 83, 84, 85, and 86), 448, 485, 398, and 270 (and 428).

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SUPREME COURT OF THE UNITED STATES

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

Gerard A. Cartier, of New York City; Theodore R. Kupferman, of New York City; Cleveland C. Cory, of New York City; John J. Barrett, of New York City; Ewen Cameron MacVeagh, of New York City; Edwin J. Wolf, of Baltimore, Md.; Joseph A. Macchia, of New York City; Harold Berkowitz, of New York City; Robert G. Seaks, of Harrisburg, Pa.; William T. Collins, II, of New York City; Benito Gaguine, of New York City; Joseph A. Bambury, of New York City; Carroll H. Brewster, of New York City; Stephen W. Hanley, of New York City; Albert Hirst, of New York City; Rufus D. McDonald, of New York City; James T. McDonald, of Brooklyn, N. Y.; Andrew Y. Rogers, of New York City; B. H. Carey, of Oklahoma City, Okla.; Gordon E. Youngman, of New York City; Adolph Schimel, of New York City; Frank W. Ford, of New York City; Sol L. Firstenberg, of New York City; Jacob Bromberg, of New York City; Louis J. Goffman, of Philadelphia, Pa.; Albert M. Cohen, of Philadelphia, Pa.; Sidney A. Schreiber, of New York City; and J. Grahame Walker, of Washington, D. C., were admitted to practice.

No. 38. Joseph F. Maggio, petitioner, *v.* Raymond Zeitz, as Trustee in Bankruptcy of Luma Camera Service, Inc. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment of Circuit Court of Appeals vacated, each party to pay his own costs in this Court, 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 Jackson. Separate opinion by Mr. Justice Black in which Mr. Justice Rutledge concurs. Dissenting opinion by Mr. Justice Frankfurter.

No. 60. Joseph White Musser, Guy W. Musser, Charles Frederick Zitting, et al., appellants, *v.* The State of Utah. Appeal from the Supreme Court of the State of Utah. Judgment vacated, each party

to pay its own costs in this Court, and case remanded to the said Supreme Court for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Jackson. Mr. Justice Black concurs in the result. Dissenting opinion by Mr. Justice Rutledge in which Mr. Justice Douglas and Mr. Justice Murphy concur.

No. 78. Chicago and Southern Air Lines, Inc., petitioner, *v.* Waterman Steamship Corporation; and

No. 88. Civil Aeronautics Board, petitioner, *v.* Waterman Steamship Corporation. On writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment reversed, petitioners in this Court, except the Civil Aeronautics Board, to recover their costs, and case remanded to the Circuit Court of Appeals for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Jackson. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black, Mr. Justice Reed, and Mr. Justice Rutledge concur.

No. 138. Robert C. Johnson, 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 in part and reversed in part 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 Douglas. Opinion by Mr. Justice Frankfurter dissenting in part.

The Chief Justice said:

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

No. 45. The Federal Crop Insurance Corporation, petitioner, *v.* A. A. Merrill and N. D. Merrill, Co-Partners, Doing Business Under the Firm Name and Style of Merrill Bros. On consideration of the motion of respondents to tax costs, it is ordered that there be taxed against respondents as cost for printing the record an amount equal to that which the Court's contract printer would be authorized to charge at prevailing rates.

No. 290. James M. Hurd and Mary I. Hurd, petitioners, *v.* Frederic E. Hodge et al.; and

No. 291. Raphael G. Urciolo, Robert H. Rowe, Isabelle J. Rowe, et al., petitioners, *v.* Frederic E. Hodge et al. The motion of petitioners for leave to submit Press Release of January 19, 1948, and Community Conservation Agreement adopted by the Oakland-Kenwood Property Owners Association of Chicago is denied.

No. 544. The United States of America, appellant, *v.* National City Lines, Inc., American City Lines, Inc., Pacific City Lines, Inc., et al. In this case probable jurisdiction is noted.

No. 59. Donald Loftus, petitioner, *v.* 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 granted.

No. 233, Misc. Joseph Paterno, petitioner, *v.* John A. Lyons, Commissioner. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Court of Appeals of the State of New York is granted and the case is ordered transferred to the appellate docket.

No. 472. Louise Camp, Administratrix of the Estate of Irving (Ervin) Camp, Deceased, petitioner, *v.* Frank A. Thompson, Trustee for the St. Louis-San Francisco Railway Company, Debtor; and

No. 517. Frank A. Thompson, Trustee for the St. Louis-San Francisco Railway Company, Debtor, petitioner, *v.* Louise Camp, Administratrix of the Estate of Ervin (Irving) Camp, Deceased. Petitions for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 482. A. J. Paretta Contracting Co., Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 496. Kennecott Copper Corporation, petitioner, *v.* Salt Lake County, a Political Subdivision of the State of Utah;

No. 497. Silver King Coalition Mines Company, petitioner, *v.* Summit County, a Body Corporate and Politic of the State of Utah, et al.;

No. 498. Park Utah Consolidated Mines Co., petitioner, *v.* Summit County, a Body Corporate and Politic of the State of Utah, et al.;

No. 499. Park Utah Consolidated Mines Co., petitioner, *v.* Wasatch County, a Body Corporate and Politic of the State of Utah, et al.; and

No. 500. New Park Mining Company, petitioner, *v.* Wasatch County, a Body Corporate and Politic of the State of Utah, et al. Petition for writs of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 506. A. B. T. Manufacturing Corporation, petitioner, *v.* National Slug Rejectors, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 510. Ray C. Stevenson, petitioner, *v.* James A. Johnston, Warden, United States Penitentiary, Alcatraz, California. Petition

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

No. 511. Vincent Bruno, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 516. The Ohio Oil Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 520. Wabash Railroad Company, petitioner, *v.* Ocie Hampton, Administratrix of the Estate of John Leo Hampton, Deceased. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 470. William Clark, petitioner, *v.* The United States. The petition for writ of certiorari to the Court of Claims in this case is denied. Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 1455, October Term 1946. Patrick Flaherty, petitioner, *v.* The People of the State of Illinois. Leave to file a fifth petition for rehearing is denied.

No. 459. Donald M. Johnson, petitioner, *v.* The United States of America. The petition for rehearing in this case is denied. Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 85, Misc., October Term 1946. Ex parte Dexter G. Dayton; and

No. 197, Misc. Sidney J. Thompson, petitioner, *v.* Dr. M. J. Pescor, Warden. The petitions for rehearing in these cases are denied.

No. 244, Misc. William Anderson, petitioner, *v.* Walter Nierstheimer, Warden. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 252, Misc. James Ernest, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Criminal Court of Cook County; Circuit Court of Will County, and the Supreme Court of the State of Illinois;

No. 285, Misc. Donald Skene, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Kane County, State of Illinois;

No. 301, Misc. Max Gutkowsky, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 308, Misc. Otis Gunn, petitioner, *v.* Ben B. Stewart, Warden. On petition for writ of certiorari to the Supreme Court of Missouri; and

No. 321, Misc. Frank Pasco, petitioner, *v.* C. J. Burke, Warden. On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are severally denied.

No. 284, Misc. Ray F. Harris, petitioner, *v.* Walter Nierstheimer, Warden. The motion for leave to file petition for writ of habeas corpus is denied.

The Court will take a recess from Monday, February 16, until Monday, March 8, next.

No. 79. The United States of America, appellant, *v.* Paramount Pictures, Inc., et al.;

No. 80. Loew's Incorporated et al., appellants, *v.* The United States of America;

No. 81. Paramount Pictures, Inc., et al., appellants, *v.* The United States of America;

No. 82. Columbia Pictures Corporation et al., appellants, *v.* The United States of America;

No. 83. United Artists Corporation, appellant, *v.* The United States of America;

No. 84. Universal Pictures Company, Inc., etc., et al., appellants, *v.* The United States of America;

No. 85. American Theatres Association, Inc., et al., appellants, *v.* The United States of America; and

No. 86. W. C. Allred et al., appellants, *v.* The United States of America. Nine and one-half hours allowed for oral argument. Argument commenced by Mr. Attorney General Clark for the United States; continued by Mr. Thurman Arnold for American Theatres Association, Inc., et al., (85); by Mr. John G. Jackson and Mr. Robert T. Barton, Jr., for W. C. Allred, et al., (86); and by Mr. John W. Davis for Loew's Incorporated, (80).

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, February 10, will be as follows: Nos. 79 (80, 81, 82, 83, 84, 85, and 86), 448, 485, 398, and 270 (and 428).

SUPREME COURT OF THE UNITED STATES

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

E. C. Hume, Jr., of Louisville, Ky.; Charles C. Wise, Jr., of Charleston, W. Va.; Jean Paul Bradshaw, of Lebanon, Mo.; Joe M. Whitaker, of Eufaula, Okla.; J. Pennington Straus, of Philadelphia, Pa.; Edward Blackman, of Chicago, Ill.; E. Luther Melin, of Minneapolis, Minn.; Samuel M. Kaynard, of New York City; Forrester Brewster, of Muskogee, Okla.; Joseph A. Whelan, of Philadelphia, Pa.; and Daniel Mungall, Jr., of Rosemont, Pa., were admitted to practice.

No. 79. The United States of America, appellant, *v.* Paramount Pictures, Inc., et al.;

No. 80. Loew's Incorporated et al., appellants, *v.* The United States of America;

No. 81. Paramount Pictures, Inc., et al., appellants, *v.* The United States of America;

No. 82. Columbia Pictures Corporation et al., appellants, *v.* The United States of America;

No. 83. United Artists Corporation, appellant, *v.* The United States of America;

No. 84. Universal Pictures Company, Inc., etc., et al., appellants, *v.* The United States of America;

No. 85. American Theatres Association, Inc., et al., appellants, *v.* The United States of America; and

No. 86. W. C. Allred et al., appellants, *v.* The United States of America. Argument continued by Mr. John W. Davis for Loew's Incorporated (80); by Mr. Whitney North Seymour for Paramount Pictures, Inc., et al. (81); by Mr. William J. Donovan for Radio-Keith-Orpheum Corporation et al. (80); by Mr. Louis D. Frohlich for Columbia Pictures Corporation et al. (82); by Mr. Thomas Turner Cooke for Universal Pictures Company, Inc., et al. (84); by Mr. George A. Raftery for United Artists Corporation (83); and by Mr. Joseph M. Proskauer for Warner Bros. Pictures, Inc., et al. (80).

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, February 11, will be as follows: Nos. 79 (80, 81, 82, 83, 84, 85, and 86), 448, 485, 398, and 270 (and 428).

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SUPREME COURT OF THE UNITED STATES

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

Isidor Ehrman, of New York City; I. Saul Fleischman, of New York City; Daniel J. Harrington, of Los Angeles, Calif.; Ezra E. Stern, of Los Angeles, Calif.; Milton Paulson, of New York City; John S. Neel, of High Springs, Fla.; Sidney Mogul, of Chicago, Ill.; Theodore H. Hammett, of Tulsa, Okla.; Lawrence J. Verdier, of Detroit, Mich.; and Ellwood L. Englander, of Philadelphia, Pa., were admitted to practice.

No. 79. The United States of America, appellant, *v.* Paramount Pictures, Inc., et al.;

No. 80. Loew's Incorporated et al., appellants, *v.* The United States of America;

No. 81. Paramount Pictures, Inc., et al., appellants, *v.* The United States of America;

No. 82. Columbia Pictures Corporation et al., appellants, *v.* The United States of America;

No. 83. United Artists Corporation, appellant, *v.* The United States of America;

No. 84. Universal Pictures Company, Inc., etc., et al., appellants, *v.* The United States of America;

No. 85. American Theatres Association, Inc., et al., appellants, *v.* The United States of America; and

No. 86. W. C. Allred et al., appellants, *v.* The United States of America. Argument continued by Mr. James F. Byrnes for Twentieth Century Fox et al. (80); by Mr. Robert L. Wright for The United States (80-86); and concluded by Mr. Assistant Attorney General Sonnett for The United States (79).

No. 448. Peggy Shade, Full Blood Cherokee Indian, Roll No. 14, 147, *v.* Lucy Downing, Now Foster, et al. Argued by Mr. Kelly Brown for Shade, and by Mr. Forrester Brewster for Downing, et al.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, February 12, will be as follows: Nos. 485, 398, and 270 (and 428).

SUPREME COURT OF THE UNITED STATES

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

Benjamin Clark Hilliard, Jr., of Denver, Colo.; Mr. Stuart Edward Fletcher, of Cincinnati, Ohio; Richard Dunham Sowder, of Washington, D. C.; Milton Perlman, of Chicago, Ill.; and William Rufus Morgan, of Chicago, Ill., were admitted to practice.

No. 485. George Cornelius Moore and Lester Houghton, petitioners, *v.* The People of the State of New York. Argued by Mr. John F. Wilkinson for the petitioners, and by Mr. George Tilzer for the respondent.

No. 398. Roy Bute, petitioner, *v.* People of the State of Illinois. Argued by Mr. Victor Brudney for the petitioner, and by Mr. William C. Wines for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, February 13, will be as follows: Nos. 270 (and 428).

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SUPREME COURT OF THE UNITED STATES

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

Ernest P. Rogers, of Atlanta, Ga., and John C. Hauck, of Butte, Mont., were admitted to practice.

No. 270. Harrison Parker, petitioner, *v.* People of the State of Illinois; and

No. 428. Harrison Parker, petitioner, *v.* People of the State of Illinois. Motion of respondent for leave to file certified transcripts of two pages of petitioner's brief in the Appellate Court of Illinois granted. Argued by Mr. Harrison Parker, *pro se*, and by Mr. William C. Wines for the respondent.

Adjourned until Monday, February 16, next, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

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

Julian J. Rothbaum, of Tulsa, Okla.; Bruce H. Johnson, of Indianapolis, Ind.; Joseph E. Hines, of Spartanburg, S. C.; Wm. R. Furlong, Jr., of Roscoe, Pa.; Samuel Craighead Caldwell, of Charlotte, N. C.; Donald D. Harries, of Duluth, Minn.; James Blaine McKay, of El Dorado, Kans.; Ephraim S. London, of New York City; Harold M. Gutekunst, of Moberly, Mo.; Frank L. Luce, Jr., of Philadelphia, Pa.; and Henry Heyman, of Washington, D. C., were admitted to practice.

No. 280. Funk Brothers Seed Company, petitioner, *v.* Kalo Inoculant Company. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment reversed with costs and case remanded to the District Court of the United States for the Southern District of Illinois for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Concurring opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Burton in which Mr. Justice Jackson concurs.

No. 486. Tighe E. Woods, Housing Expediter, Office of the Housing Expediter, appellant, *v.* The Cloyd W. Miller Company, a Corporation, and Cloyd W. Miller. Appeal from the District Court of the United States for the Northern District of Ohio. Judgment reversed and case remanded for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Concurring: Mr. Justice Frankfurter. Concurring opinion by Mr. Justice Jackson.

No. 390. Seaboard Air Line Railroad Company, appellant, *v.* John M. Daniel, as Attorney General of the State of South Carolina, et al. Appeal from the Supreme Court of the State of South Carolina. Judgment reversed with costs and case remanded to said Supreme Court for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black.

No. 325, Misc. Ada Lois Sipuel Fisher, petitioner, *v.* Honorable Thurman S. Hurst, Chief Justice, et al., etc. On motion for leave

to file petition for writ of mandamus. Motion for leave to file petition for writ of mandamus denied. Opinion *per curiam* announced by the Chief Justice. Mr. Justice Murphy is of the opinion that a hearing should be had in order to determine whether the action of the Oklahoma courts subsequent to the issuance of this Court's mandate constitutes an evasion of that mandate. Dissenting opinion by Mr. Justice Rutledge.

The Chief Justice announced the following orders of the Court:

No. 545. State of Indiana, on Relation of John L. Mavity, appellant, *v.* Robert H. Tyndall, William H. Remy, Paul Robertson, et al. Appeal from the Supreme Court of Indiana; and

No. 557. Pacific Employers Insurance Company, appellant, *v.* Industrial Accident Commission of the State of California et al. Appeal from the District Court of Appeals, 1st Appellate District, State of California. *Per curiam*: The appeals are 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. 9, Original. The State of Illinois, complainant, *v.* The State of Indiana et al. The motion of Allen P. Twyman for leave to withdraw his appearance as counsel for the City of East Chicago, Indiana, is granted.

No. 10, Original. The United States of America, complainant, *v.* The State of Wyoming and The Ohio Oil Company. The motion of the United States for an interlocutory decree is granted. Pursuant to the decision of this Court rendered June 2, 1947, it is hereby ordered, adjudged, and decreed as follows:

1. The United States is now and at all times herein material has been the owner in fee and entitled to the possession of Section 36 of Township 58, North of Range 100, West of the Sixth Principal Meridian, located in Park County, Wyoming.

2. The defendants have no right, title, or interest in or to said land or any part thereof.

3. The defendants are hereby perpetually enjoined from asserting any right, title, or interest to said land or any part thereof.

4. Jurisdiction of this cause is retained by the Court for the purpose of making such other and further orders and decrees as may be necessary.

No. 1389, October Term, 1946. Emil Lustig, alias Dr. Edward E. Fisher, petitioner, *v.* The United States of America. The petition received from petitioner on July 5, 1947, as supplemented by his petition received January 28, 1948, is treated as a petition for rehearing and rehearing is granted. The order entered June 16, 1947, denying certiorari is vacated and the petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit is granted.

No. 530. Hazel E. Briggs, as Administratrix of the Goods, Chattels, and Credits which were of Ralph Briggs, Deceased, petitioner, *v.* The Pennsylvania Railroad Company. The petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit in this case is granted and the case is transferred to the summary docket.

No. 495. Bibb Manufacturing Company, petitioner, *v.* William R. McComb, as 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. 502. Foreman's Association of America, petitioner, *v.* L. A. Young Spring & Wire Corporation and National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 521. Morris Shurin, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 522. Howard P. Root and Ray Thomas, Individually, and as Business Agent and President, Respectively, and as Representative Members of Amalgamated Meat Cutters and Butcher Workmen of America, etc., petitioners, *v.* Fred Wolferman, Inc. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 523. Arthur Shilman, petitioner, *v.* The United States of America et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 532. Irwin Kott, Israel Neddleman, and Harry Weiner, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 519. Lee Fook, petitioner, *v.* The United States of America. The motion to dispense with printing the petition and record is granted. The petition for writ of certiorari to the United States Court of Appeals for the District of Columbia is denied.

No. 528. Joint Council Dining Car Employees, Locals 456 and 582, etc., petitioner, *v.* Southern Pacific Company. The petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit

in this case is denied. Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 535. Leon Josephson, petitioner, *v.* The United States of America. The petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit in this case is denied. Mr. Justice Douglas, Mr. Justice Murphy and Mr. Justice Rutledge are of the opinion that the petition should be granted.

No. 200. Otto H. Kruger, petitioner, *v.* Ned Whitehead, Doing Business Under the Fictitious Name of Whitehead Co. The motion for leave to file a second petition for rehearing is denied.

No. 458. Benjamin F. Fields, petitioner, *v.* The United States of America. The petition for rehearing is denied. Mr. Justice Burton took no part in the consideration or decision of this application.

No. 95, Misc. Frank Nicholas Taras, petitioner, *v.* People of the State of New York;

No. 135, Misc. James McGregor, petitioner, *v.* Joseph E. Ragen, Warden; and

No. 200, Misc. Edward Scott Holler, petitioner, *v.* The United States of America. The petitions for rehearing in these cases are severally denied.

No. 337, Misc. Raymond Cantrell, petitioner, *v.* State of Missouri. The application of petitioner for leave to withdraw the petition for writ of certiorari to the Supreme Court of Missouri is granted.

No. 215, Misc. James W. Ross, petitioner, *v.* Walter Nierstheimer, Warden. On petition for writ of certiorari to the Circuit Court of Randolph County, State of Illinois;

No. 221, Misc. Eddie Duncan, petitioner, *v.* Walter Nierstheimer, Warden. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 283, Misc. Thomas L. Slayton, petitioner, *v.* Walter Nierstheimer, Warden. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 311, Misc. Joseph Greco, petitioner, *v.* State of Missouri. On petition for writ of certiorari to the Supreme Court of Missouri;

No. 315, Misc. Victor Brown, petitioner, *v.* State of Missouri. On petition for writ of certiorari to the Supreme Court of Missouri; and

No. 346, Misc. Donald Hugh Lilyroth, petitioner, *v.* Joseph E. Ragen, Warden. 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 severally denied.

No. 196, Misc. Cleo M. Dickey, petitioner, *v.* The United States of America. The motion for leave to file petition for writ of certiorari is denied.

No. 286, Misc. Karl Brandt, petitioner, *v.* The United States of America;

No. 287, Misc. Victor Brack, petitioner, *v.* The United States of America;

No. 288, Misc. Rudolph Brandt, petitioner, *v.* The United States of America;

No. 289, Misc. Karl Gebhardt, petitioner, *v.* The United States of America;

No. 290, Misc. Waldemar Hoven, petitioner, *v.* The United States of America;

No. 291, Misc. Joachim Mrugowsky, petitioner, *v.* The United States of America;

No. 292, Misc. Wolfram Sievers, petitioner, *v.* The United States of America;

No. 293, Misc. Fritz Fischer, petitioner, *v.* The United States of America;

No. 294, Misc. Karl Genzken, petitioner, *v.* The United States of America;

No. 295, Misc. Siegfried Handloser, petitioner, *v.* The United States of America;

No. 296, Misc. Gebhard Rose, petitioner, *v.* The United States of America;

No. 297, Misc. Oskar Schroeder, petitioner, *v.* The United States of America;

No. 298, Misc. Hermann Becker-Freyseng, petitioner, *v.* The United States of America; and

No. 299, Misc. Wilhelm Beigelboeck, petitioner, *v.* The United States of America. The motions for leave to file petitions for writs of habeas corpus and prohibition are denied. Mr. Justice Black, Mr. Justice Murphy, and Mr. Justice Rutledge are of the opinion that the petitions should be set for hearing on the question of the jurisdiction of this Court. Mr. Justice Jackson took no part in the consideration or decision of these applications.

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

The day call for Monday, March 8, will be as follows: Nos. 427, 451, (452, 453, and 454), 464, and 40.

SUPREME COURT OF THE UNITED STATES

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

Jess M. Fisher, of Kansas City, Mo.; Clement L. McEachern, of Hazlehurst, Miss.; Claude I. Bakewell, of St. Louis, Mo.; John S. Leahy, Jr., of St. Louis, Mo.; Clarence W. Ruh, Jr., of Columbus, Ohio; Nathan Patz, of Baltimore, Md.; Harry F. Smith, of Kalamazoo, Mich.; Fred E. Lindley, of San Diego, Calif.; Edward Halle, of New York City; Anthony A. Calandra, of Newark, N. J.; I. Edward Cohen, of Portland, Maine; George B. Warburton, of New York City; Lawrence D. Beukema, of Grand Rapids, Mich.; Richard W. Turner, of New York City; Eli Grubic, of Washington, D. C.; Mitchell Jenkins, of Wilkes-Barre, Pa.; Gordon C. Biddle, of Washington, D. C.; Frazer Arnold, of Denver, Colo.; Harris B. Steinberg, of New York City; Samuel L. Zuckerman, of New York City; Thomas Cooch, of Wilmington, Del.; Belle Mayer, of Suffern, N. Y.; Robert D. Scott, of Long Beach, Calif.; Carl W. Robinson, of Washington, D. C.; Ralph H. Lockwood, of Washington, D. C.; Philip H. Strubing, of Philadelphia, Pa.; Irving J. Roth, of New York City; Eliot Bailen, of New York City; Gunther Jacobson, of New York City; M. Taft Woodruff, of Washington, D. C.; Cordelia S. Campbell, of Atlanta, Ga.; John I. Sullivan, of Washington, D. C.; John F. C. Glenn, of Pittsburgh, Pa.; John H. F. Leonard, of Pittsburgh, Pa.; William Irving Connelly, of Washington, D. C.; Richard Lafayette Watson, of Columbus, Miss.; and O. DeVere Wootton, of American Fork, Utah, were admitted to practice.

No. 130. Harry B. Mitchell, Frances Perkins, Arthur S. Fleming, Individually and as Members of the Civil Service Commission, petitioners, *v.* Jack W. Cohen; and

No. 131. Harry B. Mitchell, Frances Perkins, Arthur S. Fleming, Individually and as Members of the Civil Service Commission, petitioners, *v.* Harry W. Hubickey. On writs of certiorari to the United States Court of Appeals for the District of Columbia. Judgment reversed and cases 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 Murphy. Dissenting: Mr. Justice Douglas.

No. 8. The United States of America, appellant, *v.* Line Material Company, General Electric Company, James R. Kearney Corporation, et al. Appeal from the District Court of the United States for the Eastern District of Wisconsin. Decree reversed and case remanded to the District Court for the entry of an appropriate decree in accordance with the opinion of this Court. Opinion by Mr. Justice Reed. Concurring opinion by Mr. Justice Douglas in which Mr. Justice Black, Mr. Justice Murphy, and Mr. Justice Rutledge join. Dissenting opinion by Mr. Justice Burton in which the Chief Justice and Mr. Justice Frankfurter join. Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 13. The United States of America, appellant, *v.* United States Gypsum Company et al. Appeal from the District Court of the United States for the District of Columbia. Decree reversed and case remanded to the District Court for further proceedings in conformity with the opinion of this Court. 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. 223. The United States of America, Interstate Commerce Commission, and Swift & Company, appellants, *v.* The Baltimore and Ohio Railroad Company et al. Appeal from the District Court of the United States for the Northern District of Ohio. Decree reversed and case remanded to the District Court for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Dissenting: Mr. Justice Burton.

No. 50. Jesse M. Donaldson, Individually and as Postmaster General of the United States, petitioner, *v.* Read Magazine, Inc., et al. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgments of the Court of Appeals and of the District Court reversed and case remanded to the District Court with directions to dismiss the petition for injunction and to provide for proper return to the remitters of the impounded funds sent in response to the fraudulent advertisements and communications involved in this case. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Burton in which Mr. Justice Douglas concurs.

No. 373. Roy Cole and Louis Jones, petitioners, *v.* State of Arkansas. On writ of certiorari to the Supreme Court of the State of Arkansas. Judgment reversed with costs and case remanded to the Supreme Court for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black.

No. 90. People of the State of Illinois, ex rel. Vashti McCollum, appellant, *v.* Board of Education of School District No. 71, Champaign County, Illinois, et al. Appeal from the Supreme Court of the State of Illinois. Judgment reversed with costs and case remanded to the Supreme Court for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black. Concurring opinion by Mr. Justice Frankfurter in which Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton join. Concurring opinion by Mr. Justice Jackson. Dissenting opinion by Mr. Justice Reed.

No. 215. In re William Oliver, petitioner. On writ of certiorari to the Supreme Court of the State of Michigan. Judgment reversed with costs and case remanded to the Supreme Court for disposition not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black. Concurring opinion by Mr. Justice Rutledge. Dissenting opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Jackson in which Mr. Justice Frankfurter joins.

No. 171. Mary Bell King, petitioner, *v.* The Order of United Commercial Travelers of America. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment affirmed with costs and case remanded to the District Court of the United States for the Western District of South Carolina. Opinion by Mr. Chief Justice Vinson.

No. 214. Mrs. Aba Badger Suttle, Widow of John G. Suttle, Individually and as Administratrix of the Estate of John G. Suttle, Deceased, etc., petitioner, *v.* Reich Bros. Construction Co. et al. 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 Eastern District of Louisiana. Opinion by Mr. Chief Justice Vinson.

No. 48. Frank Walter Mogall, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment reversed and case remanded to the District Court of the United States for the Eastern District of Louisiana for proceedings in conformity with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Vinson.

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. 11. Ford Motor Company, appellant, *v.* The United States of America; and

No. 12. Commercial Investment Trust Corporation et al., appellants, *v.* The United States of America. Ordered that these cases be continued until next term, per stipulation of counsel.

No. 320. Lincoln Electric Company, appellant, *v.* James V. Forrestal. Ordered that James V. Forrestal, Secretary of National Defense, and John L. Sullivan, Secretary of the Navy, be substituted as parties appellee in the place and stead of James V. Forrestal, Secretary of the Navy, on motion of counsel for appellant.

No. 541. Francis Joseph Gryger, petitioner, *v.* C. J. Burke, Warden, Eastern State Penitentiary, Philadelphia, Pennsylvania; and

No. 542. Frank Townsend, petitioner, *v.* C. J. Burke, Warden, Eastern State Penitentiary, Philadelphia, Pennsylvania. It is ordered that Archibald Cox, Esquire, of Boston, Massachusetts, a member of the Bar of this Court, be appointed to serve as counsel for petitioners in these cases.

No. 643. Walter A. Hunter, Warden, United States Penitentiary, Leavenworth, Kansas, petitioner, *v.* Fred Clifford Martin. The motion of the Solicitor General for a further stay is granted and it is ordered that execution and enforcement of the judgment and mandate of the Circuit Court of Appeals be stayed pending consideration of the petition for writ of certiorari filed herein and, in the event certiorari is granted, until the mandate of this Court issues.

No. 551. Virgil T. Brinegar, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted.

No. 560. Earle W. Hilton, petitioner, *v.* John L. Sullivan, Secretary of the Navy, Frances Perkins et al., Members of the Civil Service Commission. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted.

No. 590. Harris Kennedy et al., petitioners, *v.* Silas Mason Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted.

No. 527. The United States of America, petitioner, *v.* United States District Court for the Southern District of New York et al. The petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit in this case is granted. Mr. Justice Reed, Mr. Justice Murphy, and Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 395, Misc. William Jerome Phyle, petitioner, *v.* Clinton T. Duffy, Warden. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Supreme Court

of California in this case is granted and the case is ordered transferred to the appellate docket. It is further ordered that execution of the sentence of death imposed on this petitioner be stayed pending the final disposition of the case by this Court.

No. 518. Robert E. Dineen, Superintendent of Insurance of the State of New York, as Liquidator of New York Indemnity Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 525. Ruth K. Armstrong, petitioner, *v.* Lee R. Armstrong. Petition for writ of certiorari to the District Court of Appeal, 2nd Appellate District, State of California, denied.

No. 529. Fred J. Howarth, petitioner, *v.* Mae K. Howarth. Petition for writ of certiorari to the District Court of Appeal, 2nd Appellate District, State of California, denied.

No. 536. Joseph P. Petrowski, petitioner, *v.* Clifford C. Nutt, Colonel, Air Corps, United States Army, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 537. Glenshaw Glass 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. 538. Duncan E. Davault and Helen L. Davault, petitioners, *v.* Charlotte Erickson. Petition for writ of certiorari to the District Court of Appeal, 4th Appellate District, State of California, denied.

No. 540. Estate of Charles M. Thorp, Deceased, Goldie D. Thorp and Fidelity Trust Company, Executors, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 543. W. C. Wallace, d/b/a Wallace Novelty Company, petitioner, *v.* The City of Cartersville, Sam McGowan, as Mayor of the City of Cartersville, et al. Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. 546. Edward M. Steele and Henry M. Steele, as Executors of the Estate of Emma W. Steele, et al., petitioners, *v.* Guaranty Trust Company of New York. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 547. Nellie Allen Poague, petitioner, *v.* Butte Copper and Zinc Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 548. Joseph B. Fleming and Aaron Colnon, Trustees of the Estate of The Chicago, Rock Island and Pacific Railway Company,

petitioners, *v.* Everett E. Husted. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 549. American Processing and Sales Company, petitioner, *v.* Nigel D. Campbell, Collector of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 550. Gordon Keith Denny, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 552. Carroll Dunscombe, petitioner, *v.* A. O. Kanner, as Judge of the Circuit Court for Martin County, State of Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 553. Ernest Edgar Justice, petitioner, *v.* State of West Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of the State of West Virginia denied.

No. 554. Jack Principale, petitioner, *v.* General Public Utilities Corporation, as Successor to Associated Gas and Electric Company, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 556. Korach Bros., a Limited Partnership, petitioner, *v.* Earl W. Clark, Director of the Division of Liquidation, Department of Commerce. Petition for writ of certiorari to the United States Emergency Court of Appeals denied.

No. 559. Republic Aviation Corporation and Liberty Mutual Insurance Company, petitioners, *v.* Samuel S. Lowe, Deputy Commissioner of the United States Employees' Compensation Commission, Second Compensation District and Aida M. Parker. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 567. Mountain States Federation of Telephone Workers et al., petitioners, *v.* The Mountain States Telephone and Telegraph Company. Petition for writ of certiorari to the Court of Civil Appeals of the State of Texas denied.

No. 568. Robert G. Lassiter, petitioner, *v.* A. H. Powell, R. R. Herring, E. N. Clement, et al., etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 572. Prudence Realization Corporation, petitioner, *v.* George E. Eddy et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 573. Eunice Grimes, petitioner, *v.* Capital Transit Company. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 483. John Marion Hart, petitioner, *v.* The United States of America. The motion to dispense with printing the petition and record is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit is denied.

No. 534. Loyd Kennedy, petitioner, *v.* State of Tennessee. The motion to dispense with printing the record is granted. The petition for writ of certiorari to the Supreme Court of Tennessee is denied.

No. 569. The Aspinook Corporation, petitioner, *v.* The Honorable John Bright, District Judge of the United States for the Southern District of New York. The petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit in this case is denied.

No. 347, Misc. The Aspinook Corporation, petitioner, *v.* Honorable John Bright, District Judge of the United States for the Southern District of New York. The motion for leave to file petition for writ of mandamus is denied.

No. 70. Giles Kavanagh, Collector of Internal Revenue, petitioner, *v.* J. H. Noble;

No. 71. H. C. Jones, Collector of Internal Revenue, petitioner, *v.* The Liberty Glass Company;

No. 100. The United States of America, petitioner, *v.* Jimmie Ira Brown;

No. 479. Austin Miller Statler, Jr., petitioner, *v.* The United States of America; and

No. 510. Ray C. Stevenson, petitioner, *v.* James A. Johnston, Warden, United States Penitentiary, Alcatraz, California. The petitions for rehearing in these cases are severally denied.

No. 170. Thomas Bullitt Dixon, petitioner, *v.* American Telephone & Telegraph Company et al. The motion for leave to file a third petition for rehearing is denied.

No. 506. A. B. T. Manufacturing Corporation, petitioner, *v.* National Slug Rejectors, Inc. Rehearing is denied. Neither the petition for rehearing nor the supplemental petition is based upon a ground which is substantial within the meaning of Rule 33, as amended October 13, 1947. (See Preliminary Print, 332 U. S., Part 1, p. xvii.)

No. 22, Misc. Richard Anderson Lowe, petitioner, *v.* The United States of America. Leave to file a second petition for rehearing is denied.

No. 311, Misc. Joseph Greco, petitioner, *v.* State of Missouri. The petition for rehearing in this case is denied.

No. 147, Misc. Kurt G. W. Ludecke, petitioner, *v.* W. Frank Watkins, as District Director of Immigration. The motion for action on the petition for rehearing is denied.

No. 164, Misc. Bernard G. McGuire and George M. Wilfong, petitioners, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit;

No. 167, Misc. Frank Williams, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit;

No. 169, Misc. Slayton C. Byrd, petitioner, *v.* Dr. M. J. Pescor, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit;

No. 176, Misc. George Nolan, petitioner, *v.* United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit;

No. 183, Misc. Charles Kenneth Caldwell, petitioner, *v.* Walter A. Hunter, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit;

No. 184, Misc. Richard J. Thomas, petitioner, *v.* Walter A. Hunter, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit;

No. 188, Misc. William F. Bankey, petitioner, *v.* Joseph W. Sanford, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 199, Misc. Carl Edmond Owens, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 205, Misc. Otis Spencer, petitioner, *v.* Dr. M. J. Pescor, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit;

No. 223, Misc. Edwin Ferrell, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 228, Misc. John Joseph Lacey, petitioner, *v.* Joseph W. Sanford, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 245, Misc. James L. McNealy, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 251, Misc. J. Mills Newton, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit;

No. 255, Misc. James C. Birtch and William Arthur Denham, petitioners, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit;

No. 257, Misc. Cornelius Zacharias Wiebe, petitioner, *v.* State of

Kansas. On petition for writ of certiorari to the Supreme Court of Kansas;

No. 309, Misc. Harry Williams, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 312, Misc. Fred Mosteller, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 316, Misc. Richard Hayes, petitioner, *v.* J. Vernel Jackson, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit;

No. 328, Misc. Harold Skaggs, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 330, Misc. Harry M. Davis, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 331, Misc. Fred Wilson, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Kane County, State of Illinois;

No. 335, Misc. Clements J. Musial, petitioner, *v.* C. J. Burke, Warden. On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania;

No. 342, Misc. John P. Dunbar, petitioner, *v.* Ben B. Stewart, Warden. On petition for writ of certiorari to the Supreme Court of Missouri;

No. 344, Misc. John Wilson, petitioner, *v.* Gerald F. Bush, Warden. On petition for writ of certiorari to the Supreme Court of Michigan;

No. 348, Misc. Frank Bonino, petitioner, *v.* People of the State of New York. On petition for writ of certiorari to the Court of Appeals of the State of New York;

No. 357, Misc. Eugene Bytnar, petitioner, *v.* Walter Nierstheimer, Warden. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 358, Misc. Audie Parks, petitioner, *v.* Walter Nierstheimer, Warden. On petition for writ of certiorari to the Circuit Court of Salina County, State of Illinois;

No. 359, Misc. Orville Stukins, petitioner, *v.* Walter Nierstheimer, Warden. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 362, Misc. Franklin L. Neavor, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Tazewell County, State of Illinois; and

No. 363, Misc. Russell Gehant, petitioner, *v.* Joseph E. Ragen, Warden. 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* are granted. The petitions for writs of certiorari are severally denied.

No. 235, Misc. Thomas Edwin Conway, petitioner, *v.* P. J. Squier, Warden;

No. 279, Misc. Jacob Szerlip, petitioner, *v.* Veterans' Administration;

No. 302, Misc. Arthur J. Gross, petitioner, *v.* Dr. B. A. Flower;

No. 305, Misc. Charles Padgett, petitioner, *v.* Tom Clark, Attorney General;

No. 317, Misc. Roman Caudron, petitioner, *v.* Stanley P. Ashe, Warden;

No. 323, Misc. Ernest Stevens, petitioner, *v.* State of Illinois; and

No. 332, Misc. Leo L. Johnson, petitioner, *v.* State of Idaho. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 313, Misc. John Harris, petitioner, *v.* People of the State of New York. Application denied.

No. 314, Misc. Samuel H. Foxall, petitioner, *v.* Joseph E. Ragen, Warden. The motion for leave to file petition for writ of certiorari is denied.

No. 318, Misc. Charles Skinner, petitioner, *v.* Earl Benjamin Searcy, Clerk of the Supreme Court of Illinois. The motion for leave to file petition for writ of mandamus is denied.

No. 329, Misc. In the Matter of Vergil D. McMillan. Application denied.

No. 365, Misc. Robert Taylor, petitioner, *v.* Cassius Poust, Director. The motion for leave to file petition for writ of mandamus is denied.

The Court will take a recess from Monday, March 15, until Monday, March 29, next.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, March 9, will be as follows: Nos. 427, 451, (452, 453, and 454), 464, and 40.

SUPREME COURT OF THE UNITED STATES

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

Sarkis M. Zartarian, of Boston, Mass.; Kenneth F. Stone, of New York City; John H. Dorsey, of Washington, D. C.; George A. Ditz, of Stockton, Calif.; Claire D. Wallace of Portland, Oreg.; Joseph Michael Kuczko, of Pound, Va.; William Caverly, of Washington, D. C.; Tosh Douglass Davidson, of Tupelo, Miss.; M. Arnold Lyons, of Minneapolis, Minn.; Donald Ray Seawell, of Raleigh, N. C.; Nathan Glick, of Chicago, Ill.; Milton I. Weintraub, of Brooklyn, N. Y.; Joseph Eckhaus, of New York City; Henry A. Robinson, of New York City; Edwin B. Cave, of New York City; Victor P. Triolo, of New York City; Harry A. Poth, Jr., of Washington, D. C.; and Paul W. Updegraff, of Norman, Okla., were admitted to practice.

No. 40. Donald Wade, petitioner, *v.* Nathan Mayo, as State Prison Custodian, of the State of Florida. Submitted by Mr. E. M. Baynes for the petitioner, and by Mr. J. Tom Watson and Mr. Sumter Leitner for the respondent.

No. 427. Jack Trupiano, Romildo Riccardelli, Anthony Antoniole and Riordan J. A. Roett, Jr., petitioners, *v.* The United States of America. Argued by Mr. Frank G. Schlosser for the petitioners and by Mr. Solicitor General Perlman for the respondent.

No. 451. Andrew W. Comstock, a Holder of Missouri Pacific Railroad Company $5\frac{1}{4}\%$ Secured Serial Gold Bonds, etc., petitioner, *v.* Group of Institutional Investors, etc., et al.;

No. 452. New Orleans, Texas and Mexico Railway Company, Debtor, etc., petitioner, *v.* Group of Institutional Investors, etc., et al.;

No. 453. Guy A. Thompson, Trustee of the New Orleans, Texas and Mexico Railway Company, etc., petitioner, *v.* Group of Institutional Investors, etc., et al.; and

No. 454. Andrew W. Comstock, petitioner, *v.* Guy A. Thompson, Trustee of the New Orleans, Texas and Mexico Railway Company, Debtor, et al. Motion for leave to file brief of Mord M. Bogie and

others as *amicus curiae* submitted. Argument commenced by Mr. Maxwell Brandwen for the petitioners; continued by Mr. Charles W. McConaughy for the respondents, Group of Institutional Investors, etc., et al., and by Mr. Harry Kirshbaum for the respondents, Bondholders Group. Motion to dismiss submitted by Mr. Harry Kirshbaum.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, March 10, will be as follows: Nos. 451, (452, 453, and 454), and 464.

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SUPREME COURT OF THE UNITED STATES

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

No. 451. Andrew W. Comstock, a Holder of Missouri Pacific Railroad Company 5¼% Secured Serial Gold Bonds, etc., petitioner, *v.* Group of Institutional Investors, etc., et al.;

No. 452. New Orleans, Texas and Mexico Railway Company, Debtor, etc., petitioner, *v.* Group of Institutional Investors, etc., et al.;

No. 453. Guy A. Thompson, Trustee of the New Orleans, Texas and Mexico Railway Company, etc., petitioner, *v.* Group of Institutional Investors, etc., et al.; and

No. 454. Andrew W. Comstock, petitioner, *v.* Guy A. Thompson, Trustee of the New Orleans, Texas and Mexico Railway Company, Debtor, et al. Argument continued by Mr. Leonard P. Moore for the respondents, Manufacturers Trust Co., Trustee, etc., and concluded by Mr. Maxwell Brandwen for the petitioners.

No. 464. Federal Trade Commission, petitioner, *v.* Morton Salt Company. Argued by Mr. Robert L. Stern for the petitioner and by Mr. Lloyd M. McBride for the respondent.

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

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SUPREME COURT OF THE UNITED STATES

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

George W. Burkitt, of Palestine, Tex.; Guy C. Jackson, Jr., of Anahuac, Tex.; Jackson M. Bruce, of Milwaukee, Wis.; Francis T. Nolan, of New York City; Robert E. Hone, of Houlton, Maine; Ellsworth H. Mosher, of Washington, D. C.; Reed M. Winegardner, of Washington C. H., Ohio; Max H. Lanke, of Honolulu, T. H.; Samuel K. Walzer, of Cleveland, Ohio; Arve E. Hancock, of Little Rock, Ark.; Rufus W. Johnson, of Washington, D. C.; Edmund Jones, of Chester, Pa.; Frederick K. Gray, of Amarillo, Tex.; Joseph M. Howard, of Columbus, Ohio; James D. Graham, Jr. of Washington, D. C.; Lipman Redman, of Washington, D. C.; Robert Strange Cahoon, of Greensboro, N. C.; Joseph Goldstein, of Brooklyn, N. Y.; and Earl Foster, Jr., of Oklahoma City, Okla., were admitted to practice.

No. 15. The United States of America, appellant, *v.* Paul Evans. Appeal from the District Court of the United States for the Southern District of California. Judgment affirmed. Opinion by Mr. Justice Rutledge.

No. 392. Tighe E. Woods, Housing Expediter, Office of Housing Expediter, petitioner, *v.* Charles Stone. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment reversed and case remanded to the District Court of the United States for the Northern District of Ohio for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Jackson. Concurring opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Douglas.

No. 400. Jackie Packer Francis, a Minor, et al., etc., petitioners, *v.* Southern Pacific Company. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgment affirmed with costs and case remanded to the District Court of the United States for the District of Utah. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Black in which Mr. Justice Murphy and Mr. Justice Rutledge join.

No. 101. Marriner S. Eccles, Ronald Ransom, M. S. Szymczak, et al., petitioners, *v.* Peoples Bank of Lakewood Village, California. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment reversed with costs 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 Frankfurter. Dissenting opinion by Mr. Justice Reed in which Mr. Justice Burton joins. The Chief Justice and Mr. Justice Douglas took no part in the consideration or decision of this case.

No. 225. Bakery Sales Drivers Local Union No. 33, an Unincorporated Association, et al., petitioners, *v.* A. Wagshal, Trading as "Wagshal's Delicatessen." On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment affirmed with costs and case remanded to the District Court of the United States for the District of Columbia. Opinion by Mr. Justice Frankfurter. Dissenting: Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Murphy. Mr. Justice Rutledge took no part in the consideration or decision of this case.

The Chief Justice announced the following orders of the Court:

No. 292. John Henry Brunson, petitioner, *v.* State of North Carolina;

No. 293. Essie King, petitioner, *v.* State of North Carolina;

No. 294. Martha Jones, petitioner, *v.* State of North Carolina;

No. 295. Louise James (Alias Moore), and Evelyn Childs, petitioners, *v.* State of North Carolina; and

No. 296. Lida Mae Watkins, Celia Ann Purcell, James Edward Sturdivant, et al., petitioners, *v.* State of North Carolina. On writs of certiorari to the Supreme Court of North Carolina. *Per curiam*: Reversed. *Strauder v. West Virginia*, 100 U. S. 303; *Ex parte Virginia*, 100 U. S. 339; *Neal v. Delaware*, 103 U. S. 370; *Carter v. Texas*, 177 U. S. 442; *Rogers v. Alabama*, 192 U. S. 226; *Norris v. Alabama*, 294 U. S. 587; *Hollins v. Oklahoma*, 295 U. S. 394; *Hale v. Kentucky*, 303 U. S. 613; *Pierre v. Louisiana*, 306 U. S. 354; *Smith v. Texas*, 311 U. S. 128; *Hill v. Texas*, 316 U. S. 400; *Patton v. Mississippi*, 332 U. S. 463.

No. 609. Full Salvation Union (a Michigan Religious Corporation), and J. F. Andrews, appellants, *v.* Portage Township, Kalamazoo County, Michigan. Appeal from the Supreme Court of Michigan. *Per curiam*: The appeal is dismissed for want of a substantial federal question. Mr. Justice Murphy is of the opinion that probable jurisdiction should be noted. Mr. Justice Rutledge is of the opinion that

the question of jurisdiction should be postponed to a hearing of the case on the merits.

No. 630. Daniel King, Robert Goldsmith, Albert Dallas, et al., appellants, *v.* H. Sam Priest, Thomas H. Cobbs, Francis L. George, et al., etc. Appeal from the Supreme Court of Missouri. *Per curiam:* The appeal is dismissed for want of a substantial federal question. Mr. Justice Douglas and Mr. Justice Rutledge are of the opinion that probable jurisdiction should be noted.

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. 59. Donald Loftus, petitioner, *v.* People of the State of Illinois. It is ordered that Henry H. Fowler, Esquire, of Alexandria, Virginia, a member of the bar of this Court, be appointed to serve as counsel for the petitioner in this case.

No. 583. Joseph Paterno, petitioner, *v.* John A. Lyons, as Commissioner of Correction of the State of New York. It is ordered that William H. Collins, Esquire, of Washington, District of Columbia, a member of the bar of this Court, be appointed to serve as counsel for the petitioner in this case.

No. 93. Tony Marino, petitioner, *v.* Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois. The motion of the Attorney General of the State of Illinois for this Court's instructions to the Circuit Court of Winnebago County, Illinois, is denied.

No. 539. Doubleday & Company, Inc., appellant, *v.* People of the State of New York. In this case probable jurisdiction is noted.

No. 531. Alexandesus Bellaskus, petitioner, *v.* L. D. Crossman, Officer in Charge, United States Immigration and Naturalization Service. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted.

No. 533. Torao Takahashi, petitioner, *v.* Fish and Game Commission, Lee F. Payne, as Chairman thereof, et al. Petition for writ of certiorari to the Supreme Court of California granted.

No. 580. International Union, U. A. W., A. F. of L., Local 232, et al., petitioners, *v.* Wisconsin Employment Relations Board, et al.; and

No. 581. International Union, U. A. W., A. F. of L., Local 232, et al., petitioners, *v.* Wisconsin Employment Relations Board et al. Petition for writs of certiorari to the Supreme Court of Wisconsin granted.

No. 607. Merrel P. Callaway, as Trustee of the Property of Central of Georgia Railway Company, Debtor, et al., petitioners, *v.* L. O. Ben-

ton, Jr., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted.

No. 379. Grand River Dam Authority, a Public Corporation, petitioner, *v.* Grand-Hydro, a Private Corporation. The petition for rehearing is granted. The order entered December 15, 1947, denying certiorari is vacated and the petition for writ of certiorari to the Supreme Court of Oklahoma is granted.

No. 582. Mandel Brothers, Inc., petitioner, *v.* John H. Wallace, Jr. The petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted and the case transferred to the summary docket.

No. 643. Walter A. Hunter, Warden, United States Penitentiary, Leavenworth, Kansas, petitioner, *v.* Fred Clifford Martin. The petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted and the case transferred to the summary docket.

No. 319, Misc. Chester Hedgebeth, petitioner, *v.* State of North Carolina. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Supreme Court of North Carolina is granted and the case is ordered transferred to the appellate docket and assigned for hearing immediately following No. 542.

No. 340. Roy E. Black, G. Herbert Feick, Edgar M. Flewellyn, et al., petitioners, *v.* The Roland Electrical Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 512. Eldon Williams, petitioner, *v.* The Atchison, Topeka and Santa Fe Railway Company;

No. 513. Frank E. Thomas, petitioner, *v.* The Atchison, Topeka and Santa Fe Railway Company; and

No. 514. Ervin S. Neis, petitioner, *v.* The Atchison, Topeka and Santa Fe Railway Company. Petition for writs of certiorari to the Supreme Court of Missouri denied.

No. 515. John D. Pedersen, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 558. General Motors Corporation, petitioner, *v.* Elmer G. Kesling. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 563. Sikora Realty Corporation, petitioner, *v.* Tighe E. Woods. Housing Expediter, as Successor to the Price Administrator. Petition for writ of certiorari to the United States Emergency Court of Appeals denied.

No. 564. William Watt Summers, petitioner, *v.* Nathan A. McCoy, United States Postmaster at Columbus, Ohio. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 565. Herman C. Jongebloed, as Administrator of the Goods, Chattels and Credits of Kathryn Jongebloed, Deceased, et al., petitioners, *v.* Erie Railroad Company. Petition for writ of certiorari to the Supreme Court of the State of New York, County of New York, denied.

No. 566. Edward P. Fletcher, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 575. Unity Railways Company, petitioner, *v.* Anna Kurimsky, Administratrix of the Estate of Stephen J. Kurimsky. Petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania denied.

No. 578. Trust Company of Georgia, as Successor Trustee Under Deed of Julian E. Howell, petitioner, *v.* Marion H. Allen, Collector of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 588. Charles E. Bunting, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 509. Harry R. Randall, petitioner, *v.* The United States of America; and

No. 555. Bristol Hackbusch, petitioner, *v.* The United States of America. The motion for leave to file a supplemental petition in No. 509 is granted. The petitions for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit are denied.

No. 606. George M. Illges and Louise Hamm, Administratrix of the Estate of John Hamm, Deceased, petitioner, *v.* J. E. Congdon, Jr. The motion to dispense with the printing of the record is granted. The motion to return the record is denied. The petition for writ of certiorari to the Circuit Court of Walworth County, State of Wisconsin, is denied.

No. 532. Irwin Kott, Israel Neddleman, and Harry Weiner, petitioners, *v.* The United States of America;

No. 535. Leon Josephson, petitioner, *v.* The United States of America; and

No. 545. State of Indiana, on Relation of John L. Mavity, appellant, *v.* Robert H. Tyndall, William H. Remy, Paul Robertson, et al. The petitions for rehearing in these cases are severally denied.

No. 163, Misc. George A. Thompson, Jr., petitioner, *v.* Joseph W. Sanford, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 198, Misc. Joseph Richetsky, petitioner, *v.* People of the State of New York. On petition for writ of certiorari to the County Court of Queens County, State of New York;

No. 219, Misc. Edward Bautz, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 249, Misc. Benjamin Kaufman, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit;

No. 256, Misc. Simon Bloom, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit;

No. 276, Misc. Baxter Griffin, 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. 322, Misc. Joseph Mazakahomni, petitioner, *v.* State of North Dakota. On petition for writ of certiorari to the Supreme Court of North Dakota;

No. 324, Misc. Marion LeBarre Meyers, petitioner, *v.* Robert A. Heinze, Warden. On petition for writ of certiorari to the Supreme Court of California;

No. 336, Misc. James J. Carr, petitioner, *v.* Walter B. Martin, Warden. On petition for writ of certiorari to the Appellate Division of the Supreme Court of New York;

No. 341, Misc. Vincent Matthew, petitioner, *v.* C. P. Burford, Warden. On petition for writ of certiorari to the Criminal Court of Appeals of the State of Oklahoma;

No. 351, Misc. Arthur R. Eggers, petitioner, *v.* People of the State of California. On petition for writ of certiorari to the Supreme Court of California; and

No. 380, Misc. Frank W. O'Neill, petitioner, *v.* People of the State of California. On petition for writ of certiorari to the Supreme Court of California. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are severally denied.

No. 366, Misc. Delbert Howard Mayes, petitioner, *v.* People of the State of California et al. The motions for leave to file petitions for writs of certiorari and habeas corpus are denied.

Adjourned until Monday, March 29, next, at 12 o'clock.

The day call for Monday, March 29, will be as follows: Nos. 446, 489, 504, and 530.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

Joseph Markle, of New York City; Maurice Black, of Saginaw, Mich.; Charles H. Dunphy, of Washington, D. C.; Charles D. Mathews, of Austin, Tex.; Emmanuel S. Perch, of Worcester, Mass.; R. F. Barry, of Oklahoma City, Okla.; Maurice Jones, Jr., of Los Angeles, Calif.; Julius Applebaum, of New York City; Harry Arthur Calevas, of Washington, D. C.; Carl F. Geppert, of Chicago, Ill.; John J. Fischer, of New York City; Ray E. Watson, of Joplin, Mo.; John R. Turnquist, of Denver, Colo.; Martin Popper, of New York City; Sidney H. Willner, of Washington, D. C.; E. Adrian Trammell, of Chipley, Ga.; Lawrence Duffy Bell, of Babylon, N. Y.; and Kathryn Pearlman, of Des Moines, Iowa, were admitted to practice.

No. 485. George Cornelius Moore and Lester Haughton, petitioners, *v.* The People of the State of New York. On writ of certiorari to the Court of Appeals of the State of New York. Judgment affirmed and case remanded to the Court of Appeals. Opinion by Mr. Justice Jackson. Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Rutledge concur.

No. 3. Murray Winters, appellant, *v.* The People of the State of New York. Appeal from the Court of Special Sessions of the City of New York, State of New York. Judgment reversed with costs and case remanded to the Court of Appeals of New York for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Reed. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Jackson and Mr. Justice Burton join.

No. 337. The Connecticut Mutual Life Insurance Company, Massachusetts Mutual Life Insurance Company, National Life Insurance Company, et al., appellants, *v.* Frank C. Moore, Comptroller of the State of New York. Appeal from the Court of Appeals of the State of New York. Judgment of the Court of Appeals of New York affirmed with costs except as to issues specifically reserved. Opinion by Mr. Justice Reed. Dissenting opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Jackson in which Mr. Justice Douglas joins.

No. 384. Commissioner of Internal Revenue, petitioner, *v.* South Texas Lumber Company. 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 proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Dissenting: Mr. Justice Douglas and Mr. Justice Burton.

The Chief Justice announced the following orders of the Court:

No. 618. A. F. Reeder, appellant, *v.* W. F. Banks and Ernest Morris, County Treasurer of Washita County, Oklahoma. Appeal from the Supreme Court of Oklahoma. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question.

No. 636. W. E. Davis et al., appellants, *v.* Roy H. Beeler, Attorney General of the State of Tennessee, et al. Appeal from the Supreme Court of Tennessee. *Per curiam*: 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. 432, Misc. Marvin Murray, petitioner, *v.* State of Mississippi. The petition for the allowance of an appeal is denied but the appeal papers will be treated as an application for a writ of certiorari. It is ordered that execution of the sentence of death imposed on the petitioner (appellant) by the Circuit Court of Stone County, Mississippi, be, and the same hereby is, stayed until the further order of this Court.

No. 643. Walter A. Hunter, Warden, United States Penitentiary, Leavenworth, Kansas, petitioner, *v.* Fred Clifford Martin. It is ordered that James F. Reilly, Esquire, of Washington, District of Columbia, a member of the Bar of this Court, be appointed to serve as counsel for the respondent in this case. Leave is granted the respondent to proceed *in forma pauperis*.

No. 619. Ayrshire Collieries Corporation, Big Ben Collieries, Inc., et al., appellants, *v.* The United States of America, Interstate Commerce Commission, et al.; and

No. 626. American Federation of Labor, Arizona State Federation of Labor, et al., appellants, *v.* American Sash & Door Company et al. In these cases probable jurisdiction is noted.

No. 660. George Whitaker, A. M. Debruhl, T. G. Embler, et al., appellants, *v.* State of North Carolina. In this case probable jurisdiction is noted and the case is assigned for argument immediately following No. 626.

No. 695. The United States of America, appellant, *v.* Congress of Industrial Organizations et al. In this case probable jurisdiction is noted and the case is assigned for argument on Monday, April 26, next.

No. 608. Vermilya-Brown Company, Inc., Necaro Company, Inc., et al., petitioners, *v.* John Joseph Connell, Eugene T. Fitzpatrick, William L. Flanagan, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted.

No. 604. Earl P. Hoiness, petitioner, *v.* The United States of America. The motion for leave to proceed on typewritten papers is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit is granted limited to questions (1) (b) and (2) (a) presented by the petition for the writ and the case is transferred to the summary docket.

No. 640. National Mutual Insurance Company of the District of Columbia, petitioner, *v.* Tidewater Transfer Company, Incorporated, a Corporation of the State of Virginia. The petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit in this case is granted. In view of the Act of August 24, 1937, 28 U. S. C. Sec. 401, the Court hereby certifies to the Attorney General of the United States that the constitutionality of the Act of April 20, 1940 (c. 117, 54 Stat. 143), is drawn in question in this case.

No. 667. George T. Goggin, Trustee in Bankruptcy of the Estate of Kessco Engineering Corporation, petitioner, *v.* Division of Labor Law Enforcement, State of California, Statutory Assignee of Certain Prior Wage Claimants. The petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit in this case is granted and the case is transferred to the summary docket.

No. 561. Harold Gottfried and Pure Rock Mineral Springs Corporation, petitioners, *v.* The United States of America; and

No. 562. Harold Gottfried, Joseph Forman, and William Stanton, petitioners, *v.* The United States of America. Petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 570. Carl Meyer, petitioner, *v.* Territory of Hawaii. Petition for writ of certiorari to the Circuit of Appeals for the Ninth Circuit denied.

No. 571. Carl Meyer, petitioner, *v.* Territory of Hawaii. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 579. Sam Lee Garland, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 587. Abraham Kosdon, Sam Hauslinger, and Benjamin Lapine, petitioners, *v.* Diversey Hotel Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 589. Alexander Steele, petitioner, *v.* The Superior Court of the State of California, In and For the City and County of San Francisco, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 595. Baltimore and Ohio Railroad Company, petitioner, *v.* Henry Plough;

No. 596. Baltimore and Ohio Railroad Company, petitioner, *v.* Majorie A. Hanson, as Administratrix of the Estate of Gordon M. Hanson, Deceased;

No. 597. Baltimore and Ohio Railroad Company, petitioner, *v.* Elmer Van Slyke; and

No. 598. Baltimore and Ohio Railroad Company, petitioner, *v.* Caroline Lynch, as Administratrix of the Estate of Myron George Lynch, Deceased. Petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 599. Anthony P. Miller, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 601. C. W. H. Bangs, Trustee of Morris Fogel, Bankrupt, petitioner, *v.* Morris Fogel. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 602. Meyer Gordon, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 605. J. Tom Watson, as Attorney General of the State of Florida, petitioner, *v.* J. Edwin Larson, as Treasurer of the State of Florida, et al. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 610. Poland Coal Company, petitioner, *v.* Hillman Coal & Coke Company. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 614. Calcasieu Paper Company, Inc., petitioner, *v.* Carpenter Paper Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 616. Frank M. Swacker, petitioner, *v.* The Pennroad Corporation and Daniel O. Hastings. Petition for writ of certiorari to the Supreme Court of Delaware denied.

No. 622. Western Union Telegraph Company, petitioner, *v.* William R. McComb, 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 Sixth Circuit denied.

No. 624. Matlaw Corporation, petitioner, *v.* War Damage Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 631. Salamonie Packing Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 634. Wm. J. Lemp Brewing Company, petitioner, *v.* Ems Brewing Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 635. Robert R. Young, petitioner, *v.* John P. Murphy et al., Executors of the Estate of Charles L. Bradley, Deceased. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 639. Roy C. Metzger, petitioner, *v.* Hannah Hossack, as Administratrix of the Estate of James W. Hancer, Deceased. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 625. Harold Joseph O'Connell, Evan William Aaron, Emanuel Alexander Beach, and Cleveland Walton, petitioners, *v.* The United States of America. The motion to dispense with printing the record is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit is denied.

No. 516. The Ohio Oil Company, petitioner, *v.* The United States of America. The petition for rehearing in this case is denied.

No. 206, Misc. James Russell Cleary, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 234, Misc. Bernard Shotkin, petitioner, *v.* Jacob Friedman et al. On petition for writ of certiorari to the Supreme Court of Colorado;

No. 237, Misc. Joel Thomas Pierce, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 304, Misc. Georgia M. Spruill, petitioner, *v.* Daniel E. Campbell, Executor. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 352, Misc. Oltie William Kennedy, petitioner, *v.* Joseph W. Sanford, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit; and

No. 377, Misc. Alexander H. Wiles, petitioner, *v.* State of Florida. On petition for writ of certiorari to the Supreme Court of Florida. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are severally denied.

The Court will take a recess from Monday, April 5, until Monday, April 19, next.

No. 446. Paul Ahrens et al., petitioners, *v.* Tom C. Clark, Attorney General of The United States. Argued by Mr. James J. Laughlin for the petitioners, and by Mr. Solicitor General Perlman for the respondent.

No. 489. Mary Morton West, Osage Allottee No. 192, appellant, *v.* Oklahoma Tax Commission. Argument commenced by Mr. Frank T. McCoy for the appellant and continued by Mr. R. F. Barry for the appellee.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, March 30, will be as follows: Nos. 489, 504, and 530.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

Franklin E. Barr, of Philadelphia, Pa.; Frank L. Mechem, of Seattle, Wash.; Jerome H. Spingarn, of New York City; Charles G. Page, of Baltimore, Md.; Sidney L. Krawitz, of Milford, Pa.; John Marshall Smallwood, of Russellville, Ark.; Trescott W. Cookingham, of Portland, Oreg.; William J. O'Brien, of New York City; Arthur R. Douglass, of New York City; Clifford P. Hickok, of New York City; John M. Young, of Oklahoma City, Okla.; Otto M. Buerger, of New York City; and Maria Louisa Green, of Los Angeles, Calif., were admitted to practice.

No. 489. Mary Morton West, Osage Allottee No. 192, appellant, *v.* Oklahoma Tax Commission. Argument continued by Mr. R. F. Barry and Mr. Joe M. Whitaker for the appellee, and concluded by Mr. Frank T. McCoy for the appellant.

No. 504. Samuel Saia, appellant, *v.* The People of the State of New York. Argued by Mr. Hayden C. Covington for the appellant, and case submitted by Mr. Allan V. Parker for the appellee.

No. 530. Hazel E. Briggs, as Administratrix of the Goods, Chattels and Credits which were of Ralph Briggs, Deceased, petitioner, *v.* The Pennsylvania Railroad Company. Argued by Mr. William J. O'Brien, Jr., for the respondent, and case submitted by Mr. Sol Gelb for the petitioner.

Adjourned until tomorrow at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

Mr. Solicitor General Perlman addressed the Court as follows:

“May it please this Honorable Court: At a meeting of members of the bar of the Supreme Court, held on November 12, 1947, resolutions expressing their profound sorrow at the death of Chief Justice Harlan Fiske Stone were offered by a committee, of which the Honorable Dean Acheson was chairman. Addresses on the resolutions were made by the Honorable John J. Parker, senior judge of the Fourth Circuit Court of Appeals; Luther Ely Smith, Esquire, of St. Louis, Mo., and the Honorable Herbert Wechsler, of New York. The resolutions, adopted unanimously, are as follows:

“RESOLUTIONS

“Chief Justice Stone died in Washington, D. C., on April 22, 1946, while in his twenty-second year of active service as a Justice of the Supreme Court. The members of the Bar of this Court have met in the Supreme Court Building on November 12, 1947, to offer affectionate tribute to his memory and to record with due solemnity their respect for the man and for his distinguished services to his profession and to his Nation.

“Harlan Fiske Stone was born in Chesterfield, N. H., on October 11, 1872. His youth was spent in Amherst, Mass., where he attended the public schools. Perhaps in consequence of these early years, he has always seemed the embodiment of the traditional New England virtues—frugal in habits, careful in his conduct and sturdy in his judgment. He entered Amherst College as a member of the class of 1894. His undergraduate record was enviable, both as a scholar and as a leader of his fellows, and he maintained throughout his life a lively interest in the College, serving as trustee for many years. Following his graduation he was for one year principal and science instructor of the Newburyport High School. In September, 1895, he entered Columbia Law School.

“Columbia soon became one of the absorbing interests of his life. As a student there he maintained a high scholastic record, notwithstanding the necessity of earning his expenses by tutoring and by teaching history at Adelphi Academy. He had abiding love for

teaching, which requires equally the learning of the scholar and the sympathy and understanding necessary to lead the student. He was delighted, therefore, about a year after receiving his LL. B. in 1898, to be appointed a part-time lecturer at Columbia Law School. During the next six years he taught a great variety of subjects and thus laid the foundation for that intimate familiarity with the law which was so richly to be reflected in the learning of his judicial opinions and the solidity of his judgments.

“Concurrently with the satisfaction he achieved as a teacher, he was winning rapid recognition at the New York Bar. In 1903 he had become a partner in Wilmer, Canfield and Stone. Two years later he resigned from the Columbia faculty to devote his time exclusively to practice as a member of Satterlee, Canfield and Stone. He found many attractions in private practice. He enjoyed working out concrete legal problems by reducing complex matters to their simpler fundamentals. As a practicing lawyer his vast analytical talents and the wisdom of his counsel could be put to the immediate practical benefit of the client who asked his help.

“Without relinquishing his work in the law firm, Harlan Stone returned to Columbia in 1910 to become Dean of the Law School. He continued active teaching throughout his thirteen years as Dean. His penetrating writings established him as a leading authority on the law of equity and trusts. In these fields he found his favorite paths, since here above all other branches the law showed its magnificent capacity for flexible adaptation to changing circumstances and to ends broader than the claims of particular litigants. The law of equity, in particular, showed with much clarity that the great role of judge is, as he later put it, to apply “all the resources of the creative mind to the perpetual problem of attuning the law to the world in which it is to function.”

“Columbia Law School flourished under the wise guidance of Harlan Stone. He had firm ideas as to the importance of the legal profession and the high obligation of the law schools to their students and through them to society. He lent vigorous support to reforms in legal education, but was careful that these should not be made at the sacrifice of a thorough training in the basic groundwork of the law. He took a lively interest in his students, and won their life-long affection by his kindness, his unpretentiousness and his invariable willingness to lend a helping hand. His impartiality and common sense were combined with a self-assurance that encouraged others to draw upon his strength.

“During the First World War Harlan Stone served as a member of a very active Board of Inquiry which disposed of the cases of drafted men who had refused on grounds of conscientious objection

to perform military service. The problem of the conscientious objector was far less understood by the country in 1918 than it is today, and the difficult task called for the highest degree of patience, tolerance, and common sense. Shortly after the Board had completed its assignment, Harlan Stone summarized its work and gave account of his own views: "However rigorous the state may be in repressing the commission of acts which are regarded as injurious to the state, it may well stay its hand before it compels the commission of acts which violate the conscience." This was the same scrupulous regard for the rights of conscience which later moved him to write his dissenting opinion in the flag-salute case, perhaps the most dramatically successful dissent in the Court's history.

"In 1923 he decided once again to devote his full time to private practice and resigned from Columbia to become a member of Sullivan and Cromwell. But he was not to remain there long. When changes became necessary in the Department of Justice, President Coolidge called upon Harlan Stone, whom he had known since their days at Amherst, to accept the appointment as Attorney General. His name was sent to the Senate on April 7, 1924. The remainder of his life was devoted wholly to the public service. At the Department of Justice he acquired at first-hand a knowledge and appreciation of the hazards and the skills involved in the successful management of a large government agency.

"Harlan Stone had thus achieved singular eminence as a lawyer, as a teacher, and as a public servant when President Coolidge, on January 5, 1925, nominated him to the place on the Supreme Court left vacant by the retirement of Justice McKenna. The nomination nevertheless met some opposition in the Senate because of the fear of some, who did not know the man, that his representation of large financial interests during his law practice was evidence of bias and undue conservatism. Those who expressed those fears were glad, in later years, to admit their lack of foundation. Harlan Stone took his seat as an Associate Justice on March 2, 1925. He served on the courts of Taft and Hughes, and on the latter's retirement was nominated by President Roosevelt to be Chief Justice, taking the oath as Chief Justice on July 3, 1941. His vigorous, single-minded devotion to the work of the Court continued until the moment of his death.

"The opinions of Justice Stone number nearly 600, and will be found from the 268th to the 328th United States. They cover the entire range of the Court's business and there is no part of it which has not been shaped by the solid craftsmanship of Harlan Stone. Many branches of the Supreme Court's work were already familiar to him, but many were new. His rapid mastery of patent, admiralty, and public land law, for example, is striking evidence of the adaptability

of his learning and skill. Here, as in all of his work, one may see the impressive results of the combination of a forthright character and a powerful intellect. He was able to meet issues squarely because he understood them well.

“The accidents of national and legal history served, however, to project into sharper focus the work of Justice Stone in the field of constitutional law. He was peculiarly suited by temperament and by training to discharge the delicate and awesome responsibilities of the judge who must measure an act of the legislature against the organic charter of the nation. His talents and his wisdom were made available at a time in which they were to prove of especial benefit, for his span of service was to cover a period more critical in the history of the Court than any since the outbreak of the Civil War.

“When Justice Stone came to the bench there had already developed within the Court a substantial divergency of views on constitutional issues of high importance to the Nation. Justice Stone brought to the Court an abiding faith in the power of reason and in the historic function of the judiciary. He was hopeful that the differences among his brethren might diminish through the process of deliberation and adjudication. During his first decade on the Court, however, as the constitutional issues pressed more heavily on the Court, he discovered that the differences were too deeply rooted for such adjustment. More and more often he found himself, in the company of Justices Holmes and Brandeis (and later Justice Cardozo), unable to accept the rigid interpretations and applications of the Constitution to which the majority of the Court adhered with staunch conviction.

“Justice Stone took as his bench-mark the words of Chief Justice Marshall, and viewed the Constitution as a broad charter of government “intended to endure for ages to come, and, consequently, to be adapted to the various crises of human affairs.” Its provisions, he has said, were to be read “not with the narrow literalness of a municipal code or a penal statute, but so that its high purposes should illumine every sentence and phrase of the document and be given effect as a part of a harmonious framework of government.” His opinions are the solid product of that basic philosophy. His approach to a constitutional issue was essentially pragmatic, with attentive regard to the lessons of experience, and he was wary of generalizations not anchored to the circumstances of particular cases. He was always mindful that judicial interpretations of the Constitution, since they are beyond the power of the legislature to correct, must in the first instance be confined to the case at hand, and, in the second, be open to reconsideration in the light of new experience and greater knowledge and wisdom.

“With the shift in constitutional doctrine which occurred during the service of Chief Justice Hughes, Justice Stone had the satisfaction

of seeing one after another of his dissenting opinions in constitutional cases become the law of the Court. This, in at least substantial part, was a tribute to his good judgment, and sense of proportion and to the persuasiveness of his opinions. Interstate commerce, taxation, and the public regulation of business are among the many fields in which his careful development of constitutional limitations and powers has provided a firm basis for continuity and progress. He was ever faithful to his conviction that the Constitution had not adopted any particular set of social and economic ideas, to the exclusion of others which, however wrong they seemed to him, fair-minded men yet might hold. He had a full appreciation of the role of the law in making accommodations between conflicting interests; and he was sensitive to the unique responsibility which our federal system places upon the Supreme Court to work out such accommodations between the national government and the states.

“Along with his broad tolerance for economic development and experimentation Justice Stone carried a firm belief that the Supreme Court, together with all other branches of the national and local governments, must exercise constant vigilance to ensure that the rights of the person be preserved inviolate. His opinions reflect his vivid realization of the unceasing responsibility of the courts in helping to assure that our society remain the self-government of free people which the Constitution established.

“When he succeeded to the Chief Justiceship, in his sixty-ninth year, Harlan Stone still had the tremendous vitality and the capacity for work that had contributed so much to the fruitfulness of his career as a lawyer, teacher, and judge. The burdens of the office were heavy. Yet he never slackened his pace, and continued to maintain an exemplary record in the prompt dispatch of the Court’s business. Some of his most important opinions were those written for the Court on novel questions arising out of the Second World War, where he gave due recognition both to the wartime necessities of the government and to the principles of civil liberty which must be maintained, in war as in peace, by a free society.

“Throughout his life Harlan Stone maintained an active interest in the arts. He found an enormous satisfaction in music, painting, and sculpture. As Chief Justice he became ex officio Chairman of the Board of Trustees of the National Gallery of Art and Chancellor of the Smithsonian Institution; he also served as Chairman of the Folger Shakespeare Library. To these tasks he brought not only wisdom but enthusiasm.

“No comment on the career of Harlan Stone can adequately reflect the esteem in which the Bar held him as a man, nor the depth of the affection felt for him by all who knew him. He had a funda-

mental contentment which reflected the happy family life he shared with his wife, Agnes Harvey Stone, and their two sons. He was genial in manner, delightful in conversation, and always accessible to any who came. He was considerate and tolerant of the opinions of others, though he resisted loose thinking even when it was directed toward a philanthropic purpose.

“It is accordingly

“*Resolved*, That we, the Bar of the Supreme Court of the United States, express our profound sorrow at the death of Chief Justice Harlan Fiske Stone and our thankfulness for the enduring contributions which this great man and wise judge has made to our profession and to our national life: It is further

“*Resolved*, That the Attorney General be asked to present these resolutions to the Court, and to request that they be inscribed upon its permanent records.’”

Mr. Attorney General Clark addressed the Court as follows:

“May it please this Honorable Court: We are gathered here today to pay tribute to the memory of Chief Justice Harlan Fiske Stone, a man whose life and works exemplified the highest traditions of our profession. Truly, the law, in actuality, was to this great American and distinguished jurist ‘a human institution for human needs.’ He did much to make it so.

“Born on October 11, 1872, when Ulysses S. Grant was President of the United States and Salmon P. Chase was Chief Justice presiding over this Court, Harlan Stone rose from the humble surroundings of his birthplace at Chesterfield, New Hampshire, to the highest judicial post in the Nation. Seventy-three years later, on April 22, 1946, he died in the service of his Nation as Chief Justice of the United States. Those three-score and thirteen years were measured by a continuous devotion to the best interests of his fellow man.

“From his birthplace in New Hampshire, young Stone moved early with his parents to northern Massachusetts, and it was there that he grew to manhood. His early interest seemed to be farming, and for a while he attended Massachusetts Agricultural College. It is reported—authoritatively—that he was asked to depart from that college for some boisterous pranks. Soon thereafter he entered Amherst College. The change was a fortuitous one—at least insofar as the law has become the beneficiary of his talents. After completing his studies at Amherst, he enrolled at the School of Law of Columbia University. In 1898 he was awarded the degree of Bachelor of Laws, with very high honors, notwithstanding that throughout his law studies he supported himself by teaching and by tutoring. For him, characteristically, it was no more than normal routine to

carry responsibilities that would ordinarily require the full time of two men.

“He stayed on to teach at the law school. The maturing influence of study in a great diversity of legal subjects marked this important period of his life. For five years subsequent to 1905, he gave up teaching and occupied himself entirely in private practice in New York City. He returned on the call to become Dean of the Columbia University Law School. There he became recognized as one of the great legal educators of his day.

“He left the Deanship on the call of the President of the United States to enter Government Service as the Attorney General of the United States. In the next year, on March 2, 1925, President Coolidge elevated him to Associate Justice of this Court, succeeding to the vacancy left by the retirement of Mr. Justice Joseph McKenna. To this post he brought a wealth of knowledge both in the law and in the affairs of man.

“On June 12, 1941, on the retirement of Chief Justice Charles Evans Hughes, President Franklin D. Roosevelt appointed him Chief Justice of the United States—an appointment which was received with universal acclaim. And foremost among those who praised his elevation was the late Senator Norris who had opposed his nomination in 1925 as Associate Justice. ‘In the years that have passed I became convinced, and am now convinced, that in my opposition to the confirmation of his nomination I was entirely in error,’ the late Senator confessed in a speech on the floor of the Senate, and added, ‘I am now about to perform one of the most pleasant duties that has ever come to me in my official life when I cast a vote in favor of his elevation to the highest judicial office in our land.’

“Harlan Stone had served as Associate Justice for sixteen years, and was to serve as Chief Justice for five more; these twenty-one eventful years of service on this bench covered fully one-eighth of the history of the Court itself. He met the many problems brought to the Court with a judicial tact and fairness that won him universal acclaim as one of the outstanding champions of the dignity of man. This Court was faced again and again with the task of redefining the power of the Government in its relation to persons and property. Crisis after crisis was met giving this nation the necessary strength to surmount economic chaos and to defeat the armed might of totalitarianism. And all this while fully preserving and enlarging the individual liberties of our people. Harlan Stone played a leading part in the development of this continuous growth of the law. He would have felt, and we know he did feel, that his effort was only a part of that of a team. He performed his job as did every other good American citizen.

“This common touch, this feeling of friendship and brotherhood with every human being, regardless of his station in life, was perhaps

the most noteworthy facet of the character of the late Chief Justice. His ability was indeed superb and outstanding, but it was by no means overweening; his character was in truth righteous and determined, but it was not domineering. His was an outlook fundamentally healthy, for throughout his life he had maintained himself in trim—physically, mentally, and spiritually. He was a man who encompassed a wide and diversified field of interests and who was capable of mastering and appreciating each one. Though partisan of all that he considered right and good, yet when he sat in judgment he held himself strictly to a lofty concept of the nature of the judicial function. A judge by the nature of his calling must needs be thus impartial, but the wellnigh perfect detachment of Harlan Stone may serve as a model to all who may follow him.

“I shall not attempt a full evaluation of the contribution made by Harlan Fiske Stone to the law, nor can I here do adequate justice to his character or personality. Such an effort, indeed, would be as injudicious here as it would be impossible of attainment, for the progress which the law has made through his efforts is immeasurable in its vast extent. It touches the full field of legal development. The six hundred opinions of which he was the author are milestones along the pathway of legal advancement. With outstanding independence of thought, they have enriched the product of a court always justly renowned for its independence.

“Basically, I think one may say that the feeling that moved him most in his judicial life was one of humility, accompanied by a clear understanding of what he conceived his task to be and a faith in his ability to accomplish it. The law to him was not an absolute; he was not one of those who felt that the work of a Judge consisted, like that of a tailor, simply in taking the measure of legislative enactment to constitutional provision and determining whether the size of the one was too large to fit the other. On the contrary, the law had a direct relationship to changing economic and social needs. It was not a rigid bar or strait-jacket to bind the limbs of man in his development; its function was to assist and not to hinder man's progress.

“He did not feel that it was the function of a Judge or of the Court, as he put it, ‘to sit as a superlegislature, or as triers of the facts on which a legislature is to say what shall or shall not’ be done. In dealing, for example, with the complicated question of what instrumentalities of state or federal government might be taxed by the other, he insisted that ‘the limitation upon the taxing power of each, so far as it affects the other, must receive a practical construction which permits both to function with the minimum of interference each with the other.’

"His own approach to the judicial function in construing the validity of legislation was stated simply: 'Some presumption should be indulged that the [state] legislature had an adequate knowledge of * * * local conditions * * *. On this deserved respect for the judgment of the local lawmaker depends, of course, the presumption in favor of constitutionality, for the validity of a regulation turns "upon the existence of conditions, peculiar to the business under consideration." * * * Moreover, we should not, when the matter is not clear, oppose our notion of the seriousness of the problem or the necessity of the legislation to that of local tribunals * * *. But even if the presumption is not to be indulged, and the burden no longer to be cast on him who attacks the constitutionality of a law, we need not close our eyes to available data throwing light on the problem with which the legislature had to deal.'

"Often, indeed, during his incumbency on this Bench, it must have given him satisfaction to see that the passing years had proved his point, that many of his dissenting opinions had come to express the law in the eyes of the majority of the Court. But his feeling was not merely pride because views which he had stated contrary to the majority had finally been proclaimed to be right; it was rather a sense of gratification that the Court had functioned in accordance with what he considered to be a **judiciousness necessary and appropriate** to it.

"His last words from this Bench were, as we all know, fully characteristic of his judicial philosophy. Fifteen years earlier, the Court had decided that admission to citizenship had to be denied an alien who because of religious scruples was unwilling to bear arms in this country's defense. He had dissented from this view, for he felt that the alien's willingness to take the oath of allegiance and to serve the nation as a noncombatant was sufficient to satisfy the statutory requirements for naturalization. The cases were much discussed, and legislation effecting Stone's views of the matter was several times proposed in the Congress, but was never enacted. Finally, in 1940 and 1942, new statutes on naturalization were passed, but they retained unchanged the language which had been earlier construed by the Court. Stone felt that this amounted to an acceptance by Congress of the Court's previous interpretation, and for him in this field that determination was conclusive. When, in 1946, the question was once more presented to the Supreme Court, although the views of the majority had come to accord with those which Stone had held in his earlier dissent, he felt his former position no longer tenable. In his dissent he said:

"With three other Justices of the Court I dissented in the *Macintosh* and *Bland* cases, for reasons which the Court now adopts as ground

for overruling them. Since the Court in three considered earlier opinions has rejected the construction of the statute for which the dissenting Justices contended, the question, which for me is decisive of the present case, is whether Congress has likewise rejected that construction by its subsequent legislative action, and has adopted and confirmed the Court's earlier construction of the statutes in question. A study of Congressional action taken with respect to proposals for amendment of the naturalization laws since the decision in the Schwimmer case, leads me to conclude that Congress has adopted and confirmed this Court's earlier construction of the naturalization laws. For that reason alone I think that the judgment should be affirmed.'

"This was his last pronouncement as Chief Justice of the United States. It was dramatically characteristic that this last act was consistent with all the others of his life, that he died as he had lived—courageously and honestly, with the dignity and humility of a man who is at peace with himself and whose philosophy embraces all men in the scheme of government and of life.

"Words are inadequate in my effort to express the high esteem and affection in which the late Chief Justice was held as a man, and the very real respect with which his accomplishments as a Judge and his contribution to justice and law must be regarded. The courts, he felt, 'are concerned only with the power to enact statutes, and not with their wisdom' and, 'while unconstitutional exercise of power by the executive and legislative branches of the Government is subject to judicial restraint, we should remember that the only check upon our exercise of power is our own sense of self-restraint.' His abiding faith in the people was expressed in his statement that 'For the removal of unwise laws from the statute books appeal lies not to the courts but to the ballot and to the processes of democratic government.'

"Mr. Chief Justice of the United States and Associate Justices of this Court: In the name of the lawyers of this nation, and particularly of the Bar of this Court, I respectfully request that the resolution presented to you this morning memorializing the life of the late Chief Justice Harlan Fiske Stone be accepted by you, and that it, together with the chronicle of these proceedings, be ordered to be kept for all time to come in the records of this Court."

The Chief Justice said:

"Mr. Attorney General: The Court receives with deep gratification the Resolutions expressing tribute to the memory and service of the late Chief Justice. He was taken from us in the active performance of duty. No tribute would have been more highly prized by him than this tribute from the Bar of this Court, which he loved and served so well.

"The task of accurately epitomizing, in a few short paragraphs, the life and character of any man is always a difficult one. Human personality is a too richly varied and subtle thing to be captured within the confines of a formula. But in dealing with the career of Harlan Fiske Stone, the magnitude of the task is immeasurably enhanced. For few men have possessed the versatility of the late Chief Justice. Not only did he become one of the great figures in the history of this Court, but his distinguished career included service as a practicing attorney, educator, scholar, and statesman. Nor were his energies and talents confined to his professional activities. His intellectual interests were many and varied; and he was well versed in the arts of friendship.

"Harlan Fiske Stone was born at Chesterfield, New Hampshire, in the year 1872. Shortly after his birth, his parents moved to northern Massachusetts; and there he grew to maturity. The childhood of Harlan Fiske Stone was that of a typical New England farm boy. It was at times a rigorous and demanding life, but it was also a life full of satisfactions and one well calculated to develop independence and self-sufficiency.

"After a period of attendance at the Massachusetts Agricultural College, he entered Amherst College in the class of 1894. The wide breadth of his interests and talents was apparent even at this early period. While at Amherst, he made an enviable academic record and was elected to Phi Beta Kappa. But he was also a campus leader, being three times elected president of his class, and, during his junior and senior years, was a star member of the varsity football team.

"In 1895, Harlan Stone entered the Columbia Law School, an institution to which he was to dedicate much of his interests and talents in years to come. He graduated with high honors in 1898, despite the fact that during the period he was required to support himself by such outside activities as teaching and tutoring.

"From the time he received his law degree until he entered the service of the government, some twenty-six years later, Harlan Stone engaged in the active private practice of the law either on a part-time or on a full-time basis. For the six years following his graduation he supplemented his activities as a private practitioner by serving as an instructor at the Columbia Law School. In 1910 he returned to the Law School as Dean, a position which he retained until 1923. The thirteen years in which he served as Dean were years of great constructive development for the Law School. It was also during this period that he established his reputation as an outstanding legal scholar. His work in the law of equity and related subjects remains, even with the passage of the years, the definitive scholarship in those fields.

"Following the termination of his academic duties, Harlan Stone engaged in the full-time practice of law in New York City. In April,

1924, he was appointed Attorney General in the cabinet of his former classmate, President Calvin Coolidge. On January 5, 1925, he was nominated Associate Justice of the Supreme Court of the United States.

"The appointment of Harlan Stone to the Court was viewed with misgivings in some quarters. Because of the nature of his law practice, he was suspected by some of possessing the point of view of the large financial interests of the nation to the exclusion of all others. Some criticized his participation in the case of *Owenbey v. Morgan*, 256 U. S. 94 (1921). In that case he had successfully argued in this Court in defense of the constitutionality of a Delaware rule of procedure, relating to attachment cases involving nonresident defendants, which conditioned the defendant's right to appear and contest the merits of the plaintiff's demand upon the defendant's first giving special security, even where the defendant was unable to furnish such security. On March 6, 1925, the Senate confirmed his nomination, however, with only six votes cast in opposition.

"After sixteen years of distinguished service on this Court, he was appointed Chief Justice by President Franklin Roosevelt. The appointment was universally acclaimed; and the Senate confirmed the nomination without a dissenting voice being raised. Of the six members who had opposed his confirmation in 1925, two remained in the Senate in 1941 when his nomination as Chief Justice was presented. One of these was Senator George Norris, who stated: 'In the years that have passed I became convinced, and am now convinced, that in my opposition to the confirmation of his nomination I was entirely in error.'

"Harlan Stone served on this Court for twenty-one years—sixteen years as an Associate Justice and five years as Chief Justice. He served during one of the most significant periods in the history of this Court. It was a period of great social readjustment in the nation as a whole. Movement and change were the order of the day. The trend toward a new social equilibrium was felt in every aspect of the nation's life. Inevitably, the impact of the times was felt on this Court. No man played a more vital role in the development of the law during this crucial period than Harlan Stone. Some slight understanding of the importance of the part he played may be gained by observing that in the entire history of this Court probably no other member lived to see so many views expressed in dissent subsequently accepted by the majority of the Court as the law of the land.

"To Harlan Stone, the great hazard to the perpetuation of constitutional government was narrow and illiberal construction of constitutional provisions. As a corollary to that basic proposition, he believed a judge, confronted with constitutional issues, to be under

the continuing obligation of guarding against the tendency to confuse his own personal feelings as to the wisdom and expediency of legislation with the question of the constitutionality of that legislation. Self-restraint in the exercise of judicial power was to him an essential prerequisite to the successful functioning of our system of government.

"But although insisting that the exercise of judicial power be confined to its proper sphere, he did not hesitate to exert that power fully in cases where it appeared to him that basic safeguards of the fundamental charter had been overstepped. Most frequently, those were cases involving contentions that civil liberties had been denied; and in those opinions some of his most eloquent writing appears. He gave much thought to the problem of preserving individual freedom in the complexities of modern society and under a system of dual sovereignty which characterizes our form of government. He was well aware that the problem is not a simple one and is not one which may be solved by mechanical application of a convenient formula. The 'perpetual question of constitutional law,' he wrote, is to determine 'where the line is to be drawn which marks the boundary between the appropriate field of individual liberty and right and that of government action for the larger good, so as to insure the least sacrifice of both types of social advantage.'

"But Harlan Stone's contributions were not confined to the field of constitutional law. His written opinions deal with the whole range of problems which come before this Court; and in considering his contributions in these diverse fields, one cannot but be impressed with the scope of his capacities and the influence of his thought.

"As Chief Justice, Harlan Stone displayed the same energy and conscientious devotion to duty which had characterized his earlier service on the Court. He presided over the Court in the dark years of war. Difficult problems arising from the conduct of total war by a democratic nation frequently were presented for adjudication. The period was marked, also, by the continuing development of the Conference of the Senior Circuit Judges and other devices contributing to the improvement of standards of judicial administration in the federal courts.

"Harlan Stone was a man of warm human qualities. His broad interests, genial personality, and lack of pretension won for him the respect and affection of his brethren on the Court and an unusually wide circle of friends off the bench. At home, he enjoyed the happy comradeship of his gracious and gifted life's partner and their two worthy sons. I recall with pleasure my own associations with him. I will ever cherish the honor of receiving his designation to serve as Chief Justice of the Emergency Court of Appeals. Our personal and official relations were marked by his never-failing cordiality and his high sense of public responsibility.

"While not absorbed by his official duties, he was able to pursue his deep interest in literature and the arts. His intellectual curiosity was insatiable. Few men attain so well-rounded a development of their capacities.

"The high place of Harlan Stone in the history of this Court and of this nation is well assured. American jurisprudence has been enriched by his creative touch. His life and character were in complete accord with the finest of democratic traditions."

The Chief Justice directed that the resolutions be spread upon the minutes of the Court.

Mr. Solicitor General Perlman addressed the Court as follows:

"May it please this Honorable Court:

"At a meeting of members of the bar of the Supreme Court, held on November 12th, 1947, resolutions expressing their profound sorrow at the death of Associate Justice James Clark McReynolds were offered by a committee, of which the Honorable James F. Byrnes, former Associate Justice of the Supreme Court, was chairman. Addresses on the resolutions were made by the Honorable John W. Davis, the Honorable George Wharton Pepper and the Honorable R. V. Fletcher. The resolutions, adopted unanimously, are as follows:

"RESOLUTIONS

"At a meeting of the Bar of the Supreme Court of the United States held on November 12, 1947, to take appropriate action in memory of the late Mr. Justice McReynolds, the Committee appointed by the Solicitor General reported this Minute for submission and action:

"Although he was a native of Kentucky, the career of James Clark McReynolds was more closely identified with the State of Tennessee, where he received his academic training and first practiced law. For many years he was the only representative of the South on the Supreme Court of the United States. Preeminently he represented the philosophy which has come to be known as that of the constitutional Democrat. He characterized his own ideas as those "of an old-time Cleveland Democrat" and "of a gold Democrat."

"He was the supreme type of the rugged individualist. Ruggedness was his outstanding characteristic. He was a large, six-foot frame of a man, with erect, military bearing and the aspect of an early Roman senator. He had a face of great strength, which might

have seemed carved from Tennessee granite, but for the illumination of steel-blue eyes and a suddenly flashing smile. It was a face which could express every shade of feeling, from genuine graciousness and generosity of spirit, through flashing wit and humor, to the most satiric scorn.

“As an individualist he believed in the individual and his rights. He believed also in the reserved powers of the States. He resented and resisted the growing exercise of power by the Federal Government in fields formerly conceived to have been reserved to the States. He was a strict constructionist, who felt an impelling conviction that the Federal Government ought to be held within the framework of its field of action as delegated to it by the people in the written Constitution and who resisted what he felt to be a tendency to amend the Constitution and to expand Federal power by judicial interpretation. And yet, likewise as an individualist, he was strongly opposed to monopoly and was a vigorous supporter of the antitrust laws.

“He served over a quarter of a century on the Supreme Court: through World War I, through the following great depression, through the era of the vast expansion of Federal power, through the dramatic and historic attack by the Executive on the judiciary, and through a period in which, ironically enough, he succeeded Louis Dembitz Brandeis as “the Great Dissenter.” He held on with grim determination after the times had turned against his views and retired just two days before his seventy-ninth birthday. He presents the paradox of having come to the Court as a much-vaunted, anti-trust liberal and of having left it as the most die-hard representative of the conservative wing. Yet a careful study of his opinions throughout the quarter-century will disclose a pattern of inflexible and unyielding consistency. It was not James Clark McReynolds who changed. It was the times, the country, the prevailing constitutional views and the Supreme Court that changed. Justice McReynolds remained standing in his place, like a granite mountain.

“Two illustrations will suffice to show this immovability. They are both in the field of his opposition to what he deemed to be encroachments of the Federal Government upon the reserved powers of the States.

“One of his most famous dissents was a short one of three paragraphs in the Oregon-Washington Railway and Navigation Company case, in 1926. The Court, in an opinion by Chief Justice Taft, held that an act of Congress covered the whole field of plant disease control, so far as its spread by interstate transportation could be affected and restrained, and that consequently a statute of the State of Washington attempting quarantine against the interstate importation of alfalfa weevil was invalid. Justice McReynolds delivered a char-

acteristically vigorous dissent, joined in by Justice Sutherland, in which he took the position that the act of Congress did not by its own terms conflict with the State statute, that the Secretary of Agriculture had taken no action under the powers delegated to him by Congress which conflicted with the State statute, and in which he concluded: "It is a serious thing to paralyze the efforts of a State to protect her people against impending calamity, and leave them to the slow charity of a far-off and perhaps supine Federal bureau. No such purpose should be attributed to Congress unless indicated beyond reasonable doubt." Congress promptly amended the Federal act interpreted in that case and made it clear that the views of the McReynolds dissent should prevail.

"His last official action, on January 20, 1941, was to join with Chief Justice Hughes in concurrence in a dissent written by Mr. Justice Stone in the Davidowitz case. The majority, in an opinion by Mr. Justice Black, held that a Pennsylvania alien-registration statute was invalid as in conflict with the Federal Alien Registration Act, which was held to have occupied the field to the exclusion of State legislation. The dissenters saw no conflict between the two acts and warned: "At a time when the exercise of the federal power is being rapidly expanded through Congressional action, it is difficult to overstate the importance of safeguarding against such diminution of state power by vague inferences as to what Congress might have intended if it had considered the matter or by reference to our own conceptions of a policy which Congress has not expressed and which is not plainly to be inferred from the legislation which it has enacted. * * * Little aid can be derived from the vague and illusory but often repeated formula that Congress 'by occupying the field' has excluded from it all state legislation. Every Act of Congress occupies some field, but we must know the boundaries of that field before we can say that it has precluded a state from the exercise of any power reserved to it by the Constitution."

"This last official act is wholly reminiscent of his 1926 dissent and exemplifies the unchangeableness that was McReynolds.

"His most famous dissent, one of the most dramatic ever delivered from the bench of the Supreme Court, was his dissent from the decision of the Court in the "gold-clause cases." He was joined in it by Justices Van Devanter, Sutherland, and Butler. He completely departed from his written opinion and went to the country with an extemporaneous denunciation of repudiation of contracts and devaluation of the currency which electrified his auditors, sympathetic and unsympathetic alike. No stenographic transcript of what he said was taken. His remarks were quoted only fragmentarily, in the press. It was feared that they would be lost to posterity. Justice McReynolds

himself prepared a revision of his remarks, which was published by the Wall Street Journal as the most authentic version. Many who heard the utterance will remember passages that do not appear in that version and will remember differently many that do appear. He has often been quoted as saying, "The Constitution is gone." It is believed the expression he used was, "The Constitution, as we have known it, is gone."

"Among the stronger expressions contained in Justice McReynolds' own revision are the following:

" "Mr. Justice Van Devanter, Mr. Justice Sutherland, Mr. Justice Butler, and I do not accept the conclusions announced by the court. The record reveals clear purpose to bring about confiscation of private rights and repudiation of national obligations. To us, these things are abhorrent. We cannot believe the wise men who framed the Constitution intended to authorize them. On the contrary, adequate words of inhibition are there.

* * * * *

" "First, the President is granted power to depreciate the dollar. He fixed sixty cents. Next, attempt is made to destroy private obligations by 'A Statute to Regulate the Currency of the United States.' Also to destroy Government obligations. The same language—the same section—covers both. Having put out five hundred million Gold Clause bonds in May, Congress declares in June that these promises so to pay in gold are illegal and contrary to existing public policy, although this had been consistently observed for many years and had been approved by the courts.

" "After this effort to destroy the gold clause, the dollar is depreciated to sixty cents. Prices are to be estimated in deflated dollars. Mortgages, bank deposits, insurance funds, everything that thrifty men have accumulated, is subject to this depreciation. And we are told there is no remedy.

" "We venture to say that the Constitution gives no such arbitrary power. It was not there originally; it was not there yesterday; it is not properly there today.

* * * * *

" "It is said that the National Government has made by these transactions \$2,800,000,000 and that all gold hypothecated to the Treasury now may be used to discharge public obligations! If the dollar be depreciated to five cents or possibly one, then, through fraud, all government obligations could be discharged quite simply.

" "Shame and humiliation are upon us now. Moral and financial chaos may confidently be expected."

"This fervid dissent accords with the view he himself had expressed many years before in another dissenting opinion that "an amorphous

dummy, unspotted by human emotions" is not "a becoming receptacle for judicial power."

"So much discussion of his dissents should not cast doubt on his profound contribution to jurisprudence in his many majority opinions throughout his long period of service. His dissents became more and more numerous after 1933. But throughout his long judicial career he made such a continuous and constructive contribution to judicial decision, in so many fields of the law, that it would be impracticable in these resolutions to attempt a summarization. That contribution will ever stand as vitally significant in the history of the period, of the Court and of its jurisprudence.

"James Clark McReynolds was born in Elkton, Kentucky, on February 3, 1862, of Scotch-Irish descent, the son of Dr. John O. and Ellen (Reeves) McReynolds. His father was determined that he should be a professional man, a doctor or a lawyer, and sent him to Vanderbilt University, where he received the degree of Bachelor of Science in 1882, completing a four-year course in three years. He took first honors in his class, received the Founders' Gold Medal, and was elected valedictorian by his classmates.

"He received his law degree from the Department of Law of the University of Virginia in 1884. Returning to Nashville, Tenn., he began the practice of law and also served as a member of the faculty of the Vanderbilt Law School. He achieved a considerable reputation by his zeal, diligence and ability in the practice there. In 1903 Philander C. Knox, Republican Attorney General, was looking for a \$30,000-a-year lawyer who would work for \$5,000. A friend gave him the name of James Clark McReynolds but warned that he was a Democrat. Mr. Knox said that he wanted a lawyer, not a politician, and he made the young Tennessee lawyer Assistant Attorney General and put him in charge of antitrust prosecutions. In this position McReynolds remained from 1903 to 1907 and successfully prosecuted many important cases. Thereafter he practiced for several years in New York City.

"Later he came back to the Department of Justice as Special Assistant to the Attorney General and successfully prosecuted and argued in the Supreme Court the celebrated American Tobacco Company case, which was argued in January 1910, reargued in January 1911, and decided on May 29, 1911, and the famous Temple Iron Company case, decided December 16, 1912.

"He served as Attorney General in President Wilson's cabinet in 1913 and 1914, in which position he had a stormy and controversial career. He was bitterly attacked by a group of Senators led by Senator Borah and Senator Works on a charge that he maintained a corps of special agents operating a system of espionage to investi-

gate Federal judges with a view to influencing their decisions. A Senate resolution called on him for information regarding the matters charged, "so far as not incompatible with the public interest." He made a report to the President on August 6, 1913, transmitted also to the Senate, in which he took an unyielding position. He described the kind of investigating agents he maintained. He said that the disclosure of their names would be incompatible with the public interest. On the same ground he refused to name any judge who had been investigated, except Judge Archbald, whose impeachment trial was public property. And he sternly declared, "The suggestion that the Department of Justice is maintaining a system of espionage over the courts and judges of the country is entirely without foundation."

"He was nominated Associate Justice of the Supreme Court of the United States by President Wilson in August 1914, to succeed Justice Horace Harmon Lurton, who had died July 12, 1914. He was confirmed by the Senate on August 29, 1914. He took the oath of office September 5, 1914. The judicial oath was administered to him and he took his seat on the bench at the opening of the following October Term. His first opinion for the Court was handed down on November 30, 1914; his last on January 20, 1941, twenty-six years and almost two months later.

"The personnel of the Court when he took his seat in 1914 was: Chief Justice Edward Douglass White and Associate Justices Joseph McKenna, Oliver Wendell Holmes, William R. Day, Charles Evans Hughes, Willis Van Devanter, Joseph Rucker Lamar, Mahlon Pitney, and James Clark McReynolds.

"When he retired on February 1, 1941, the personnel of the Court was: Chief Justice Charles Evans Hughes (who followed him in retirement on June 2, 1941) and Associate Justices James Clark McReynolds (the senior Justice), Harlan Fiske Stone, Owen J. Roberts, Hugo L. Black, Stanley Reed, Felix Frankfurter, William O. Douglas, and Frank Murphy.

"His twenty-six years of service on the bench saw the passing from the scene of every member of the Court as constituted when he took his seat, except Charles Evans Hughes, who had returned as Chief Justice after an interval of fourteen years following his retirement to run for the Presidency against Woodrow Wilson, and likewise saw the passing of such intervening famous personalities as George Sutherland, Pierce Butler, Louis Dembitz Brandeis, and Benjamin N. Cardozo.

"His career was fittingly epitomized by Chief Justice Hughes when he said, after the opening of the Court on February 3, 1941:

"On February 1, 1941, Mr. Justice James Clark McReynolds retired from active service as Associate Justice of this Court.

Forthright, independent, maintaining with strength and tenacity of conviction his conceptions of constitutional right, he has served with distinction upon this bench for upwards of twenty-six years and has left a deep impress upon the jurisprudence of the Court. It is hoped that, relieved of the burden of active service, he will enjoy his accustomed vigor of body and mind.

“After his retirement, Justice McReynolds made his home at 2400 Sixteenth Street NW., Washington, D. C. He had never married and for many years was the only bachelor on the Court.

“He had an idiosyncrasy against smoking, which he applied with some rigor against his law clerks and which was generally respected by his guests. Yet he was a charming and gracious host and his Sunday morning breakfasts were famous. He loved duck hunting and golf. He was a great walker. He was a discriminating lover of books and a deep student of history.

“A revealing side of his character was his gentleness and generosity to the humble and to those in need. During World War II he adopted thirty-three British children, supported them and personally corresponded with every one of them. Cartoons in the press treated the crusty old bachelor Justice as having outdone the old woman who lived in a shoe. His love of children is also shown by his many benefactions to the Children’s Hospital of the District of Columbia. He made many unheralded benefactions to charities and to needy individuals during his lifetime, and in his last will and testament he left charitable bequests totaling nearly \$190,000 and many additional individual bequests.

“After several weeks of illness in Walter Reed Hospital, he died on August 24, 1946, and was buried in the family burial ground in Elkton, Kentucky.

“Men will always differ in their views of James Clark McReynolds as they differ in their attitudes toward constitutional questions. But no one can doubt that he was a man of great character and power, a significant figure in a time of great change, unshakable in his devotion to the public welfare as he conceived it and to constitutional principles in which he had the sincerest and profoundest belief.

“*Resolved*, That the foregoing Minute be adopted; that a copy of it be transmitted to the Attorney General of the United States for presentation to the Court, and that the Chairman be directed to forward copies of it to the next of kin of Mr. Justice McReynolds.”

Mr. Attorney General Clark addressed the Court as follows:

“Mr. Chief Justice and Associate Justices, as we gather here today I deem it a privilege to speak in memory of the late Mr. Justice James Clark McReynolds, who passed away on August 24, 1946.

"Mr. Justice McReynolds was born on February 3, 1862, at Elkton, Kentucky. He was educated in Tennessee, and received the degree of Bachelor of Science with highest honors from Vanderbilt University when barely 20 years of age. Entering the University of Virginia he was graduated from the Department of Law of that institution two years later. He thereupon entered upon the private practice in Nashville, Tenu., serving at the same time as a member of the faculty of the Vanderbilt Law School. His competence and enthusiasm for his work soon became widely known and greatly respected.

"In 1903 Attorney General Philander C. Knox recognized in McReynolds the type of lawyer he was seeking—a \$30,000-a-year man, as Knox himself put it, who would work for \$5,000 a year. McReynolds was his man. He became Assistant Attorney General and was placed in charge of antitrust prosecutions.

"The so-called 'trust busting' era from 1903 to 1907 was the period during which McReynolds held that position. He was unstintingly active in the making of this history. Later he was destined to give completely of himself in assisting in the development of the law on the Bench of this Court.

"The late Justice left the Federal service in 1907 and began the practice of law in New York City. In 1913, however, President Wilson invited him to accept the office of Attorney General of the United States, and in March of that year he assumed his duties as head of the Federal Department of Justice. He served in this capacity until he was nominated as an Associate Justice of the Supreme Court.

"His activity with regard to the development of antitrust law is especially worthy of note. He prosecuted most of the important antitrust cases of his time. His prosecution and presentation of the case that broke the grip of the Tobacco Trust are said to have been brilliant. He was active in the suit brought against the Reading Company to end monopolistic control of the anthracite coal industry, and he vigorously conducted the New Haven Railroad case that attacked the New England transportation monopoly. He successfully fought the concentration of wire communications in the hands of the American Telephone and Telegraph Company and forced the dissolution of the combination created when the Union Pacific Railroad Company acquired control of the Southern Pacific Company.

"Perhaps the best known of all the cases with which McReynolds was associated was the famous suit against the American Tobacco Company. The Tobacco Trust case, as it was called, was twice argued before the Supreme Court by some of the most eminent lawyers of the day. In its decision, rendered in 1911, this Court fixed into permanence the "rule of reason" which had first been stated in the

earlier decision dissolving the Standard Oil Trust. It is not too much to say that this interpretation colored all subsequent development of the Sherman Antitrust Act, and it was certainly a basic factor in the enactment and content of the Clayton Antitrust Act and the Federal Trade Commission Act of 1914.

"Mr. McReynolds' tenure as Attorney General lasted a little over a year, and terminated with his accession to the Bench of this Court. He was nominated by President Wilson in August of 1914, to fill the vacancy left by the death of Justice Horace Harmon Lurton on July 12 of that year. He took his seat on this Bench at the opening of the October 1914 term. He sat as a member of the Court from that time until February 1, 1941, when by retirement he ended twenty-seven years' service as an Associate Justice of the Supreme Court of the United States. After retiring he remained in Washington where he died on August 24, 1946.

"I should like to refer, Mr. Chief Justice and Associate Justices, to the character and philosophy of the late Mr. Justice McReynolds.

"I suppose that the salient points in his character and philosophy were a rigid righteousness, an unyielding determination, and unshakable stability. When he felt deeply on a question, his view absorbed him so completely that he had the greatest difficulty in moderating his expression, or in tolerating sustained argument by those who opposed him. Those who were present when this Court rendered its decision in the Gold Clause cases report that Justice McReynolds was almost beside himself with feeling as he spoke extemporaneously in dissent. He could not be tolerant on an issue which seemed to him so deeply of the essence of our national honesty and honor. He could not be cool and detached in the face of what he considered to be a repudiation of right conduct on the part of our Government.

"Justice McReynolds' judicial philosophy always limited him to the naked question at bar. It prevented him from unnecessarily expressing an opinion on related issues in obiter dicta, and it made his style terse and direct. A well-known manifestation of this characteristic was his three-paragraph dissenting opinion in the case of *Oregon-Washington Railroad & Navigation Company v. State of Washington*, in 270 U. S. 87, 103 (1926). There, in discussing the validity of a state statute of Washington, where the Congress had legislated on the broad subject by delegating authority to the Secretary of Agriculture, but where the Secretary had not acted, Justice McReynolds disagreed with the view of the majority of the Court that the State statute was unconstitutional. His style and his philosophy are both illustrated by the concluding paragraph of that short dissent, where he stated that 'It is a serious thing to paralyze the efforts of a state to protect her people against impending calamity, and leave them to the slow charity of a far-off and perhaps supine Federal bureau. No

such purpose should be attributed to Congress unless indicated beyond reasonable doubt?

“Justice McReynolds was persevering and stable in his character and in his views.

“Philosophically, morally, professionally, Justice McReynolds remained constant—changing but little, if any. When he began his career he was thought to be rather radical in his views, particularly on public business; when his active life ended in retirement, his position was considered conservative. But Justice McReynolds himself was neither liberal nor conservative. It was simply that the nation was more conservative than he at the beginning of his career, and more liberal at its end. It was the times—the public, popular political preferences, the world situation—that changed and not he. During history’s shifting of scenes on the stage of political and social movement, this man remained an enduring rock of fixed location, a philosophical bench mark from which a historian might survey the past or future temper of the nation.

“Justice McReynolds could not have been otherwise. His code of honor was inflexible and unyielding. He could no more yield at the end of his career to the proponents of a progressivism with which he disagreed than he could have given way at the beginning of his career to those who upheld the older order. He was strong in his beliefs, and his feeling endured that those beliefs were right.

“The late Justice was the prototype of the rugged individualist, believing firmly in man living independently and untrammelled by restrictions. He opposed monopoly and power, whether such power was exercised by private interest or by public, whether it arose from the concentration of wealth and strength in the hands of individual citizens, or whether it resulted from an expansion by the Federal Government whose authority he feared as overflowing the banks formed by the Constitution.

“Contrary to public belief Mr. Justice McReynolds was not a lonely man. He loved the company of those who shared his views and his principles. He had a big heart for the young and for education. While he was in truth unbending in his political and judicial views, he had all of the human qualities that endeared him to all who knew him. At his death he left large bequests to Centre College—for educational and religious purposes. During his life he followed the practice of giving generously—and anonymously—to charity.

“On his daily walks one would hear him inquiring as to the welfare of his neighbors and particularly the youngsters. On some occasions his walks would be interrupted by an unkempt, hurt child. He was never too engrossed or self-contained to stop and bend down on such occasion to console the tot and assuage the pain, and place a coin or two into its little hand.

“May it please this Honorable Court: In the name of the lawyers of this nation, and particularly of the Bar of this Court, I respectfully request that the resolution presented to you in memory of the late Justice James Clark McReynolds be accepted by you, and that it, together with the chronicle of these proceedings, be ordered kept for all time in the records of this Court.”

The Chief Justice said:

“Mr. Attorney General: In receiving the Resolutions which you have presented, the Court expresses deep appreciation for the tribute from the Bar of this Court to the memory of this eminent lawyer, statesman, and jurist—an able and faithful member of this Court, who gave 26 years of his life in its service.

“James Clark McReynolds was born in the town of Elkton, Kentucky, in the second year of the War between the States. His ancestry was of the sturdy Scotch-Irish stock which has contributed so greatly to the development of the American republic and which has produced so many distinguished figures in American public life.

“James McReynolds grew to maturity during that period in our history in which the American nation was undergoing a transition from a society predominately agricultural in interests and outlook to a society dominated by the interests and problems of an industrial civilization. He was graduated from Vanderbilt University in 1882 with highest honors, was elected valedictorian of his class and was awarded the Founder's Gold Medal. Two years later, he received his degree in law from the University of Virginia.

“At the conclusion of his professional training, he entered into the practice of law in Nashville, Tennessee, where he gained an enviable reputation for diligence, ability, and integrity. During the same period, he supplemented his activities as a practicing attorney by serving as a member of the faculty of law at Vanderbilt University.

“In 1903, though a member of the Democratic party, he was appointed Assistant Attorney General in the administration of President Theodore Roosevelt and was placed in charge of antitrust prosecutions. He performed his important duties with distinction for four years, leaving his post in 1907 to undertake the practice of law in New York City. Shortly thereafter, he returned to the Department of Justice as Special Assistant to the Attorney General and participated in some of the most important antitrust litigation of the period, including the *American Tobacco Company* case.

“In March 1913, he was appointed Attorney General by the newly elected President, Woodrow Wilson. He served in that capacity until August 1914 when he was appointed an Associate Justice of the Supreme Court of the United States to fill the vacancy caused by the

death of Mr. Justice Lurton. He was an active member of this Court for over twenty-six years, serving until his retirement on February 1, 1941. Death came at the age of 84 on August 24, 1946. He was buried in the family burial ground in Elkton, Kentucky.

"Mr. Justice McReynolds performed his judicial duties during a crucial period in American history. He entered into his office some six weeks after the outbreak of the European phase of the first World War. He left the bench while a second World War was raging overseas. In the intervening period, the nation experienced a major economic depression. Inevitably, the impact of the events of the time gave rise to issues of the highest importance, many of which this Court was called upon to resolve.

"To the solution of these perplexing problems, Mr. Justice McReynolds brought a fully matured legal philosophy. It was a set of principles which has been given frequent expression in American Constitutional history. It calls for strict construction of constitutionally granted powers, vigorous defense of States' rights, and for narrow confinement of governmental interference with individual freedom of action. Mr. Justice McReynolds brought to his judicial labors a deep conviction that the structure of this Nation had been built on strong foundations. He believed that it was in the functioning of the judicial process that those foundations could best be preserved and strengthened; and upon that process he based his greatest hopes for our future welfare. He also believed, as he once remarked, that the power of this Court 'does not lie in the army, it does not lie in the navy, nor in the militia; it lies in the faith of the people for whom it was created * * *.' For over twenty-six years Mr. Justice McReynolds consistently applied these principles with zeal, ability, and diligence, and with a conviction and intensity which could not brook compromise. 'Constitutional guarantees,' he wrote upon one occasion, 'were intended to be immutable essences within our charter * * *. Certain fundamentals have been put beyond experimentation.' But, in his view, the function of the judge is not that of a mere automaton. Thus, in his dissent in *Berger v. United States*, 255 U. S. 22, 43, he remarked: 'And while "an overspeaking judge is no well-tuned cymbal" neither is an amorphous dummy unspotted by human emotions a becoming receptacle for judicial power.'

"During his long tenure upon the bench, Mr. Justice McReynolds expressed his views, both in majority and dissent, in a great number of cases presenting the immense variety of problems which come before this Court. His opinions reveal a conscious and continuing effort to decide no more than required by the issues of the particular case before him. His writing shows little taste for epigram. His literary style, characteristic of the man, was terse, direct, and clear,

yet capable of translating to the reader the conviction and fervor with which his views were expressed. He wrote during a period when the integration of our society through a developing industrialism and the rapid growth of transportation and communication necessitated adjustments between the roles of the federal and state governments; but he never lost sight of the place of the States in the American governmental system. He appreciated the importance of private property in our economy and recognized that the maintenance of law and order is fundamental to the national welfare. The expression that his opinions give to those views reinforces the basic constitutional theories that governed his decisions.

"Mr. Justice McReynolds was a man of broad intellectual interests. He was a generous host, and greatly enjoyed the company of his friends. The welfare of children was a matter of genuine concern to him. Upon his retirement from the Court, he 'adopted' and supported thirty-three British children whose homes had been destroyed by the bombings of London. His interest in these innocent victims of war was personal and profound. He gave a further practical manifestation of his concern by offering to contribute the first \$10,000 to a \$10,000,000 Save the Children Fund. His will contained numerous bequests to charities dedicated to child welfare and to others concerned with the care of the weak and the helpless. Throughout his life, Mr. Justice McReynolds was interested in the education of young people. His will contained several substantial gifts to institutions providing legal education, reflecting an interest derived from his long career as teacher of law, practitioner, and judge. But he was concerned, not only with professional training, but also with the problems of general education. Thus his will contained bequests to liberal arts colleges such as Centre College at Danville, Kentucky, an institution which he loved, though of which he was not an alumnus.

"Above all, Mr. Justice McReynolds was a man of sincerity and independence. His views on the controversial issues of his time were, to him, matters of vital moral conviction. In their defense, he dedicated the full resources of his spirit and character. It is not surprising that his views evoked strong response, both in support and opposition. But even those of a different philosophy found much to admire in his absolute integrity and his rugged forthrightness. Complete conformity in thought and opinion has never been considered a virtue in this Republic. It is a basic tenet of our political doctrine that out of the clash of opposing views we are most likely to approach truth. So long as that is our faith, we will pay tribute to the memory of a man who never deviated from the path of principles which to him were fundamental to the nation's welfare."

The Chief Justice directed that the resolutions be spread upon the minutes of the Court.

James V. Bellanca, of Detroit, Mich.; John R. Monaghan, of Detroit, Mich.; David A. Golden, of New York City; John J. Gibson, Jr., of New York City; and Manuel F. Cohen, of New York City, were admitted to practice.

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

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

Anne R. Davidow, of Detroit, Mich.; Harold D. Beaton, of St. Ignace, Mich.; Don Hise, of Des Moines, Iowa; Frank J. Kingfield, of Phillipsburg, N. J.; Saul N. Schechter, of Belvidere, N. J.; John S. Beagle, of Flint, Mich.; Van H. Stewart, of Flint, Mich.; John Calvin Williamson, of Washington, D. C.; Herman N. Sloss, of Amarillo, Tex.; John August Vopatek, of Chicago, Ill.; Alta Petersen, of Atlanta, Ga.; Perry W. Richwine, of Plymouth, Mich.; Harry Bonnett, of Washington, D. C.; Reuben Bonnett, of Washington, D. C.; Elmon M. Williams, of Greenwood, Ind.; Beatrice Hayes Podell, of Chicago, Ill.; Noel C. Neal, of Noblesville, Ind.; Helen Elizabeth Lutzen, of Milwaukee, Wis.; Julius L. Sherwin, of Chicago, Ill.; Theodore R. Sherwin, of Chicago, Ill.; Dillard Stokes, of Louisville, Ky.; E. Alexander Edelstein, of Asbury Park, N. J.; Benjamin Edelstein, of Asbury Park, N. J.; Robert E. Barnes, of Flushing, N. Y.; Vernon Franklyn Greene, of Baltimore, Md.; Albert E. Baker, of New York City; Robert L. Golby, of New York City; John Vaughan Groner, of New York City; Frank Bloom, of Chicago, Ill.; Lauren Arden Arn, of Dunkirk, Ohio; Howard S. Guttmann, of Washington, D. C.; Edmund F. Ortmeier, of Evansville, Ind.; Andrew J. McGarraghy, of Saranac Lake, N. Y.; Herbert L. Branan, of Oklahoma City, Okla.; William Martin McLain, of Warren, Ohio; Paul J. Reagen, of Warren, Ohio; and Mario A. Costantini, of Falls Church, Va., were admitted to practice.

No. 227. Commissioner of Internal Revenue, petitioner, *v.* Joseph Sunnen. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment reversed and case remanded to the Circuit Court of Appeals for such further proceedings as may be necessary in the light of the opinion of this Court. Opinion of Mr. Justice Murphy announced by Mr. Justice Rutledge. Dissenting: Mr. Justice Frankfurter and Mr. Justice Jackson.

No. 270. Harrison Parker, petitioner, *v.* People of the State of Illinois. On writ of certiorari to the Supreme Court of the State of

Illinois. Judgment affirmed with costs. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Rutledge in which Mr. Justice Black and Mr. Justice Murphy join.

No. 448. Peggy Shade, Full Blood Cherokee Indian, Roll No. 14147, *v.* Lucy Downing, Now Foster, Nancy Downing, Now Taylor, and Polly Downing, Now Williams. On certificate from the United States Circuit Court of Appeals for the Tenth Circuit. Question certified answered "No." Costs in this Court to be divided equally. Opinion by Mr. Justice Douglas. Dissenting: Mr. Justice Reed, Mr. Justice Frankfurter, and Mr. Justice Jackson.

The Chief Justice announced the following order of the Court:

No. 675. Richard William Marshall, appellant, *v.* State of Louisiana. Appeal from the District Court, First Judicial District, Parish of Caddo, State of Louisiana. *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. 138. Robert C. Johnson, petitioner, *v.* The United States of America. The motion of the respondent to recall and redirect the mandate to the Circuit Court of Appeals is denied.

No. 681. Thomas Viola, petitioner, *v.* The State of Ohio. The motion of the respondent to extend to April 30, next, the time within which to file brief opposing the petition is granted.

No. 600. Alfred S. Penn, petitioner, *v.* Chicago and North Western Railway Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted.

No. 612. Solomon Michelson, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted.

No. 613. Frank Hynes, Regional Director, Fish and Wildlife Service, Department of the Interior, petitioner, *v.* Grimes Packing Co., Kadiak Fisheries Company, Libby, McNeill & Libby, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted.

No. 628. Julia Eckenrode, Administratrix of the Estate of John Henry Eckenrode, Deceased, petitioner, *v.* Pennsylvania Railroad Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted.

No. 650. Commissioner of Internal Revenue, petitioner, *v.* Lewis F. Jacobson; and

No. 651. Commissioner of Internal Revenue, petitioner, *v.* Lewis F. Jacobson. The petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit in these cases is granted and the cases are transferred to the summary docket.

No. 147, Misc. Kurt G. W. Ludecke, petitioner, *v.* W. Frank Watkins, as District Director of Immigration. The petition for rehearing is granted. The order entered January 12, 1948, denying certiorari is vacated and the petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit is granted. The case is ordered transferred to the appellate docket.

No. 400, Misc. Samuel Taylor, petitioner, *v.* State of Alabama. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Supreme Court of Alabama is granted and the case is ordered transferred to the appellate docket.

No. 415, Misc. Gaither Lovelady, petitioner, *v.* State of Texas. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Court of Criminal Appeals of the State of Texas is granted limited to the question of the constitution of the grand jury, the second question presented by the petition for the writ. The case is ordered transferred to the appellate docket. Execution of the sentence of death imposed on this petitioner is ordered stayed pending the final disposition of the case by this Court.

No. 524. Norris & Hirshberg, Inc., petitioner, *v.* Securities and Exchange Commission. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 574. Clyde Burdette Bornhurst, a Minor, by Isabel Bornhurst, His Guardian At Litem, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 586. Turlock Irrigation District (a Public Corporation) and Modesto Irrigation District (a Public Corporation), petitioners, *v.* County of Tuolumne, Board of Supervisors of the County of Tuolumne, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 615. Sociedad Espanola De Auxilio Mutuo Y Beneficencia De Puerto Rico, petitioner, *v.* Rafael A. Buscaglia, Treasurer of Puerto Rico, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 627. Estate of Martha W. Collins, Deceased, Seward B. Collins and Bank of New York, Executors, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 629. P. J. Mart, petitioner, *v.* Percy A. Lainson, as Warden of the Iowa State Penitentiary. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 637. Mercantile-Commerce Bank and Trust Co. and John Edwin George, Executors of the Estate of P. D. George, Deceased, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 647. Serge M. Rubinstein, Also Known as Serge Manuel Rubinstein De Rovello, petitioner, *v.* The United States of America; and

No. 648. Allen Gordon Foster, petitioner, *v.* The United States of America. Petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 13. The United States of America, appellant, *v.* United States Gypsum Company et al. The petition for rehearing is denied. Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 552. Carroll Dunscombe, petitioner, *v.* A. O. Kanner, as Judge of the Circuit Court for Martin County, State of Florida; and

No. 558. General Motors Corporation, petitioner, *v.* Elmer G. Kesling;

No. 196, Misc. Cleo M. Dickey, petitioner, *v.* The United States of America; and

No. 255, Misc. James C. Birtch and William Arthur Denham, petitioners, *v.* The United States of America. The petitions for rehearing in these cases are severally denied.

No. 351, Misc. Arthur R. Eggers, petitioner, *v.* People of the State of California. The petition for rehearing is denied. The stay order entered February 5, 1948, is vacated.

No. 229, Misc. Frank Stuart Fowler, petitioner, *v.* Walter A. Hunter, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit;

No. 326, Misc. James J. O'Loughlin, petitioner, *v.* E. V. Parker, Deputy Commissioner, U. S. Employees' Compensation Commission. On petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit;

No. 353, Misc. Max E. Howell, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 354, Misc. Willis J. Ritenour, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Winnebago County, State of Illinois;

No. 355, Misc. Alva Jones, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Will County and the Supreme Court of Illinois;

No. 356, Misc. Morris Butler, petitioner, *v.* Walter Nierstheimer, Warden. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 368, Misc. Guy Van Tassell, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois; and

No. 432, Misc. Marvin Murray, petitioner, *v.* State of Mississippi. On petition for writ of certiorari to the Supreme Court of Mississippi. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are severally denied.

No. 413, Misc. In the Matter of Hans Eichel, Arthur Fuehr, and Dr. Erwin Goss. Petition denied.

No. 216, Misc. Harrison Markwell, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari to the Circuit Court of Knox County, State of Illinois, dismissed on motion of petitioner.

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

The day call for Monday, April 19, will be as follows: Nos. 1389, October Term 1946, 432, 527, 590, 655, 560, 533, 59, 541, and 542.

SUPREME COURT OF THE UNITED STATES

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

Everett Milton Johnston, of Elizabethton, Tenn.; H. Haywood Robbins, of Charlotte, N. C.; Guy O. Ferguson, of Elizabethton, Tenn.; Horace H. Robbins, of New York City; Stewart French, of New York City; Dorothy Nicholson Bates, of Chevy Chase, Md.; Raymond Coward, of Cedar Rapids, Iowa; O. Howard Wilson, of Mountain City, Tenn.; William K. Main, of Elizabethton, Tenn.; Thaddeus B. Vance, of Texarkana, Ark.; F. B. Clement, of Nashville, Ark.; Raymond C. Campbell, of Elizabethton, Tenn.; Ellsworth K. McIlrath, of Jacksonville, Fla.; Benjamin Francis Small, of Indianapolis, Ind.; Robert M. Cargell, of St. Petersburg Beach, Fla.; Irving M. Mehler, of New York City; Jess N. Rosenberg, of Olympia, Wash.; Edwin P. Rome, of Philadelphia, Pa.; Clinton Budd Palmer, of Philadelphia, Pa.; Vernon B. Croaff, of Phoenix, Ariz.; Thomas Joseph Croaff, Jr., of Phoenix, Ariz.; Thomas J. Croaff, of Phoenix, Ariz.; Frank A. Francis, of Hartford, Conn.; Benedict M. Holden, Jr., of Hartford, Conn.; Ralph Winfield Scott, of Palo Alto, Calif.; Samuel H. Jaffee, of Worcester, Mass.; Gordon Elmo Young, of Pine Bluff, Ark.; Thomas Massie, of Washington, D. C.; Seymour Carmel, of Arlington, Va.; Maury L. Spanier, of New York City; Samuel Robbins, of New York City; and Anthony H. Forbes, of New York City, were admitted to practice.

No. 398. Roy Bute, petitioner, *v.* People of the State of Illinois. On writ of certiorari to the Supreme Court of the State of Illinois. Judgment of Supreme Court of Illinois affirmed. Opinion by Mr. Justice Burton. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black, Mr. Justice Murphy, and Mr. Justice Rutledge concur.

No. 157. Commonwealth of Massachusetts et al., petitioners, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Judgment affirmed and case remanded to the District Court for the District of Massachusetts. Opinion by Mr. Justice Rutledge. Dissenting opinion by

Mr. Justice Jackson in which Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Burton join.

The Chief Justice announced the following order of the Court :

No. 153, Misc. Ivan L. Wagner, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit. *Per curiam:* The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari is granted and the case is ordered transferred to the appellate docket (No. 749). The order of the Circuit Court of Appeals is reversed and the cause is remanded to that court with directions to reinstate petitioner's appeal and to instruct the district court to afford petitioner an opportunity to prepare a record on appeal in accordance with Rule 39 of the Rules of Criminal Procedure. Mr. Justice Black took no part in the consideration or decision of this case.

The Chief Justice said :

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

No. 446. Paul Ahrens et al., petitioners, *v.* Tom C. Clark, Attorney General of The United States. The motion for leave to file supplemental memorandum for respondent is denied.

No. 709. Tony Tudryck and Mary Tudryck, his Wife, petitioners, *v.* Joseph Martin, Receiver of the Sterling Bank of Sleeper and Chamberlain et al.; and

No. 710. Andrew Smyl and Victoria Smyl, his Wife, petitioners, *v.* Joseph Martin, Receiver of the Sterling Bank of Sleeper and Chamberlain et al. Time within which to file briefs in opposition to the petitions for writ of certiorari extended to and including May 5, next, on motion of counsel for the respondents.

No. 723. Kurt G. W. Ludecke, petitioner, *v.* W. Frank Watkins, as District Director of Immigration. Leave is granted petitioner to file in typewritten form, as an appendix to his brief, the material appended to his petition for a writ of certiorari. The petitioner is requested to respond to the letter of the Solicitor General dated April 9, 1948, relating to a change of circumstances, and both parties are directed to brief and argue the question whether the cause is moot.

No. 683. The United States of America, appellant, *v.* Women's Sportswear Manufacturers Association et al. In this case probable jurisdiction is noted.

No. 701. La Crosse Telephone Corporation, appellant, *v.* Wisconsin Employment Relations Board et al.; and

No. 702. International Brotherhood of Electrical Workers, Local B-953, A. F. of L., appellant, *v.* Wisconsin Employment Relations Board et al. Further consideration of the question of the jurisdiction of this Court in these cases is postponed to the hearing of the cases on the merits.

No. 703. Oklahoma Tax Commission, appellant, *v.* The Texas Company; and

No. 704. Oklahoma Tax Commission, appellant, *v.* Magnolia Petroleum company. Appeals from the Supreme Court of Oklahoma. The appeals are dismissed for want of jurisdiction. Sec. 237 (a), Judicial Code as amended, 28 U. S. C., Sec. 344 (a). Treating the papers whereon the appeals were allowed as petitions for writs of certiorari as required by Sec. 237 (c) of the Judicial Code as amended, 28 U. S. C., Sec. 344 (c), certiorari is granted, and the cases are consolidated for argument. The Solicitor General is requested to file a brief as *amicus curiae*.

No. 577. The United States of America, petitioner *v.* Fred Urbeteit, Claimant of 16 Articles of Device More or Less, Labeled "Sinuo-thermic," 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. 645. Lelord Kordel, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted and case transferred to the summary docket and assigned for argument immediately following No. 577.

No. 649. Robert M. Littlejohn, as War Assets Administrator and Surplus Property Administrator, petitioner, *v.* Domestic and Foreign Commerce Corporation. The motion to substitute Jess Larson for Robert M. Littlejohn, resigned, as the party petitioner is granted. The motion for leave to withdraw respondent's brief filed March 29 and to file a substitute brief is granted. The petition for writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

No. 678. Earl H. McDonald and Joseph F. Washington, petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted.

No. 213, Misc. Robert Frazier, 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 United States Court of Appeals for the District of Columbia is granted and the case is ordered transferred to the appellate docket.

No. 576. Standard Oil Company (New Jersey), Standard Oil Development Company, et al., petitioners, *v.* Tom C. Clark, Attorney General, as Successor to the Alien Property Custodian, etc.; and

No. 641. Tom C. Clark, Attorney General, as Successor to the Alien Property Custodian, petitioner, *v.* Standard Oil Company (New Jersey), Standard Oil Development Company, et al. Petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 632. Rachael Brown, petitioner, *v.* The United States of America and Nellie Brown. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 633. The Kansas City Southern Railway Company, petitioner, *v.* Otho A. Cook, Commissioner of Revenue of the State of Arkansas. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 638. John Mellon, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 652. Harold E. Edgerton, petitioner, *v.* Lawrence C. Kingsland, Commissioner of Patents. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 653. Russell Box Company, petitioner, *v.* Grant Paper Box Company. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 654. National Nugrape Company, petitioner, *v.* James D. Guest, Trading and Doing Business Variously as Tot Beverage Company and Truegrape Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 656. Edward J. Bloom and Helen Bloom, petitioners, *v.* George F. Ryan. Petition for writ of certiorari to the Supreme Court of Montana denied.

No. 658. The Canister Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 659. Bernard G. Brennan Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 662. Gordie M. Herren, petitioner, *v.* Farm Security Administration, Department of Agriculture, United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 664. Andrew J. McPartland, Inc., petitioner, *v.* Montgomery Ward & Co., Inc. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 665. Lucille Schuckman, petitioner, *v.* Lawrence J. Rubenstein, Harvey T. Gracely, Maynard E. Montrose, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 668. Clay Rice, Mrs. A. B. Parker, Leone Bennett, et al., etc., petitioners, *v.* George Elmore, on Behalf of Himself and Others Similarly Situated. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 669. Nathan Gollin and Benjamin Richman, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 673. Gahagan Construction Corporation, petitioner, *v.* Philip Armao. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 679. Cecil B. DeMille, petitioner, *v.* American Federation of Radio Artists, Los Angeles Local, etc., et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 657. The United States of America, ex rel. Frederick Heinrich Weddeke, petitioner, *v.* W. Frank Watkins, as District Director of Immigration and Naturalization. The motion to dispense with printing the record is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit is denied.

No. 535, October Term, 1946. Theodore Martin Sunal, petitioner, *v.* David R. Large, Superintendent, Federal Prison Camp, Mill Point, West Virginia. The motion for leave to file a second petition for rehearing and to recall the mandate is denied.

No. 101. Marriner S. Eccles, Ronald Ransom, M. S. Szymczak, et al., petitioners, *v.* Peoples Bank of Lakewood Village, California. The petition for rehearing is denied. The Chief Justice and Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 171. Mary Bell King, petitioner, *v.* The Order of United Commercial Travelers of America;

No. 214. Mrs. Aba Badger Suttle, Widow of John G. Suttle, Individually and as Administratrix of the Estate of John G. Suttle, Deceased, petitioner, *v.* Reich Bros. Construction Co. et al.;

No. 509. Harry R. Randall, petitioner, *v.* The United States of America;

No. 554. Jack Principale, petitioner, *v.* General Public Utilities Corporation, as Successor to Associated Gas and Electric Company et al.;

No. 630. Daniel King, Robert Goldsmith, Albert Dallas, et al., appellants, *v.* H. Sam Priest, Thomas H. Cobbs, Francis L. George, et al., etc.;

No. 9, Misc. Ivan L. Wagner, petitioner, *v.* Walter A. Hunter, Warden;

No. 164, Misc. Bernard G. McGuire and George M. Wilfong, petitioners, *v.* The United States of America; and

No. 249, Misc. Benjamin Kaufman, petitioner, *v.* The United States of America. The petitions for rehearing in these cases are severally denied.

No. 180, Misc. Myra Tanner Weiss, petitioner, *v.* Los Angeles Broadcasting Co., Inc., 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 Ninth Circuit is denied. Mr. Justice Black, Mr. Justice Murphy, and Mr. Justice Rutledge are of the opinion that certiorari should be granted.

No. 266, Misc. Gene McCann, petitioner, *v.* Tom C. Clark, Attorney General, et al. The motion for leave to file petition for writ of certiorari is denied.

No. 272, Misc. Gene McCann, petitioner, *v.* M. J. Pescor, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit;

No. 273, Misc. Gene McCann, petitioner, *v.* M. J. Pescor, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit;

No. 376, Misc. Allen Eason, petitioner, *v.* A. C. Turner, Warden, etc. On petition for writ of certiorari to the Court of Criminal Appeals of Austin, Texas;

No. 378, Misc. Guy Prather, petitioner, *v.* Walter Nierstheimer, Warden. On petition for writ of certiorari to the Circuit Court of Madison and Randolph Counties, State of Illinois;

No. 389, Misc. William Reed, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 393, Misc. William Reed, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 397, Misc. Robert Wheeler, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 402, Misc. Leroy Williams, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois; and

No. 405, Misc. Harris Bailey, petitioner, *v.* Walter Nierstheimer, Warden. 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 severally denied.

No. 396, Misc. John Brill, petitioner, *v.* Joseph E. Ragen, Warden. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Supreme Court of Illinois is denied. The motion for leave to file petition for writ of habeas corpus is also denied.

No. 343, Misc. Ex parte Charles Montgomery;

No. 349, Misc. Margarito Orono, petitioner, *v.* People of the State of California et al.;

No. 360, Misc. Leonard Barnett, petitioner, *v.* Dr. Leroy Wright, Maryland House of Correction;

No. 382, Misc. Thomas Reed, petitioner, *v.* Walter Neierstheimer, Warden;

No. 392, Misc. Edward S. Fortune, petitioner, *v.* Louis F. Verdel, Manager;

No. 394, Misc. Raymond Paul Hile, petitioner, *v.* Dr. Winfred Overholser; and

No. 398, Misc. Mary Ruthven, petitioner, *v.* Dr. Winfred Overholser, Superintendent. The motions for leave to file petitions for writs of habeas corpus are severally denied.

No. 369, Misc. Edward J. Kruse, petitioner, *v.* Supreme Court of Illinois;

No. 372, Misc. Sam Miner, petitioner, *v.* Supreme Court of Illinois; and

No. 399, Misc. Damon A. Reavis, petitioner, *v.* The Congress of The United States. The motions for leave to file petitions for writs of mandamus are severally denied.

No. 339, Misc. Ex parte Charles Kasper. Application denied.

No. 1389, October Term, 1946. Emil Lustig, Alias Dr. Edward E. Fisher, petitioner, *v.* The United States of America. Argued by Mr. Edward Halle for the petitioner, and by Mr. Solicitor General Perlman for the respondent.

No. 432. The United States of America, petitioner, *v.* Tillie Zazove. Argued by Mr. Oscar H. Davis for the petitioner and by Mr. Edward H. S. Martin for the respondent.

No. 527. The United States of America, petitioner, *v.* United States District Court for the Southern District of New York et al. Argument commenced by Mr. Leonard J. Emmerglick for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, April 20, will be as follows: Nos. 527, 590, 655, 560, 533, 643, 59, 541, 542, and 674.

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SUPREME COURT OF THE UNITED STATES

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

Clark J. Guild, of Carson City, Nev.; Ephraim Jacobs, of Washington, D. C.; Frank F. Fowle, Jr., of Chicago, Ill.; Otto Atchley, of Texarkana, Tex.; Robert S. Vance, of Texarkana, Tex.; Sidney S. Berman, of New York City; George K. Shamgochian, of Worcester, Mass.; and Irving M. Herman, of New York City, were admitted to practice.

No. 527. The United States of America, petitioner, *v.* United States District Court for the Southern District of New York et al. Argument continued by Mr. William Watson Smith for the respondents and concluded by Mr. Leonard J. Emmerglick for the petitioner.

No. 590. Harris Kennedy et al., petitioners, *v.* Silas Mason Company. Argued by Mr. Leonard Lloyd Lockard for the petitioners and by Mr. William L. Marbury and Mr. Charles D. Egan for the respondent.

No. 655. William Jerome Phyle, petitioner, *v.* Clinton T. Duffy, Warden of the State Prison at San Quentin, State of California. Argument commenced by Mr. Morris Lavine for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, April 21, will be as follows: Nos. 655, 560, 533, 643, 59, 541, 542, 674, 583, and 544.

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SUPREME COURT OF THE UNITED STATES

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

Roderick MacDonald, of Highland Park, Mich.; David L. Golden, of Highland Park, Mich.; John J. O'Neil, of Pelham, N. Y.; William Dunbar Medley, of Arlington, Va.; Griffin T. Garnett, Jr., of Arlington, Va.; David H. Schantz, of Haddenfield, N. J.; John F. Curran, of Enid, Okla.; Stuart Mackenzie, of Miami, Fla.; Edward L. Conroy, of Los Angeles, Calif.; Donald C. Bennion, of Oakland, Calif.; Edward V. Ryan, of Jersey City, N. J.; and Charles P. Reynolds, of Washington, D. C., were admitted to practice.

No. 655. William Jerome Phyle, petitioner, *v.* Clinton T. Duffy, Warden of the State Prison at San Quentin, State of California. Argument continued by Mr. Clarence A. Linn for the respondent and concluded by Mr. Morris Lavine for the petitioner. Leave granted the parties to file supplemental memorandums.

No. 560. Earle W. Hilton, petitioner, *v.* John L. Sullivan, Secretary of the Navy, Frances Perkins, et al., Members of the Civil Service Commission. Argued by Mr. Charles Fahy for the petitioner and by Mr. Paul A. Sweeney for the respondents.

No. 533. Torao Takahashi, petitioner, *v.* Fish and Game Commission, Lee F. Payne, as Chairman Thereof, et al. Argument commenced by Mr. Dean Acheson for the petitioner and continued by Mr. A. L. Wirin for the petitioner and by Mr. Ralph Winfield Scott for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, April 22, will be as follows: Nos. 533, 643, 59, 541, 542, 674, 583, 544, 695, and 461.

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SUPREME COURT OF THE UNITED STATES

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

Mary Hazel Crawford, of Chicago, Ill.; Thomas F. Barry, of New York City; James H. Larson, of Shawano, Wisc.; and Edward A. Laubenstein, of Hartford, Wisc., were admitted to practice.

No. 533. Torao Takahashi, petitioner, *v.* Fish and Game Commission, Lee F. Payne, as Chairman Thereof, et al. Argument continued by Mr. Ralph Winfield Scott for the respondents, and concluded by Mr. Dean Acheson for the petitioner. Leave granted respondents to file response to *amici curiae* briefs.

No. 643. Walter A. Hunter, Warden, United States Penitentiary, Leavenworth, Kansas, petitioner, *v.* Fred Clifford Martin. Argued by Mr. W. Marvin Smith for the petitioner, and by Mr. James F. Reilly for the respondent.

Adjourned until Monday, April 26, next, at 12 o'clock.

The day call for Monday, April 26, will be as follows: Nos. 59, 541, 542, 674, 583, 544, 695, 461, 721, and 723.

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SUPREME COURT OF THE UNITED STATES

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

George Davis Finley, of Birmingham, Ala.; Charles F. Kelly, of Minneapolis, Minn.; William C. Kelly, of Minneapolis, Minn.; S. Walter Shine, of Chevy Chase, Md.; Drew J. T. O'Keefe, of Philadelphia, Pa.; J. Forsythe Gordy, of Atlanta, Ga.; J. Lindsay Almond, Jr., of Roanoke, Va.; Hyman I. Bucher, of New York City; Lillian B. Garrell, of New York City; Louis L. Garrell, of New York City; Jos. B. Cecchini, of Chicago, Ill.; Harry O. Rosenberg, of Chicago, Ill.; Anthony J. Mentone, of Chicago, Ill.; Silvio Piacenti, of Chicago Heights, Ill.; Aline Frymire Stillwell, of Ekron, Ky.; Henry W. Holzman, of New York City; Jay A. Darwin, of San Francisco, Calif.; James H. Sogn, of Canton, S. Dak.; Frank B. Frederick, of Boston, Mass.; George W. Dunn, Jr., of Philadelphia, Pa.; Dan E. Williams, of Atlanta, Ga.; Bernard T. Hecht, of Chicago, Ill.; Ralph Wendell McKenney, of Detroit, Mich.; Hardy K. Maclay, of Alexandria, Va.; Howard Hume Mathews, of West Hartford, Conn.; and Alfred E. Motta, of Providence, R. I., were admitted to practice.

No. 41. The United States of America, appellant, *v.* Scophony Corporation of America et al. Appeal from the District Court of the United States for the Southern District of New York. Judgment reversed and case remanded to the District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Rutledge. Mr. Justice Jackson concurs in the result. Opinion by Mr. Justice Frankfurter concurring in the result.

No. 198. The United States of America, appellant, *v.* South Buffalo Railway Company, Bethlehem Steel Company, and Bethlehem Steel Corporation. Appeal from the District Court of the United States for the Western District of New York. Judgment affirmed. Opinion by Mr. Justice Jackson. Dissenting opinion by Mr. Justice Rutledge in which Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Murphy join.

No. 431. Timoteo Mariano Andres, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment of Circuit Court of Appeals reversed and case remanded to the District Court of the United States for the Territory of Hawaii for a new trial. Opinion by Mr. Justice Reed. Concurring opinion by Mr. Justice Frankfurter in which Mr. Justice Burton joins.

No. 23. Federal Trade Commission, petitioner, *v.* The Cement Institute et al.;

No. 24. Federal Trade Commission, petitioner, *v.* Aetna Portland Cement Company et al.;

No. 25. Federal Trade Commission, petitioner, *v.* Marquette Cement Manufacturing Company;

No. 26. Federal Trade Commission, petitioner, *v.* Calavaras Cement Company et al.;

No. 27. Federal Trade Commission, petitioner, *v.* Huron Portland Cement Company;

No. 28. Federal Trade Commission, petitioner, *v.* Superior Portland Cement, Inc.;

No. 29. Federal Trade Commission, petitioner, *v.* Northwestern Portland Cement Company;

No. 30. Federal Trade Commission, petitioner, *v.* Riverside Cement Company;

No. 31. Federal Trade Commission, petitioner, *v.* Universal Atlas Cement Company;

No. 32. Federal Trade Commission, petitioner, *v.* California Portland Cement Company;

No. 33. Federal Trade Commission, petitioner, *v.* Monolith Portland Cement Company et al.; and

No. 34. Federal Trade Commission, petitioner, *v.* Blaine S. Smith et al. On writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgments reversed and cases remanded to the Circuit Court of Appeals with directions to enforce the order of the Federal Trade Commission. Opinion by Mr. Justice Black. Mr. Justice Douglas and Mr. Justice Jackson took no part in the consideration or decision of these cases. Dissenting opinion by Mr. Justice Burton.

No. 620. Doris Anderson, Administratrix of the Estate of L. C. Bristow, Deceased, petitioner, *v.* The Atchison, Topeka and Santa Fe Railway Company. On petition for writ of certiorari to the Supreme Court of California. Petition for writ of certiorari granted. Judgment reversed with costs and case remanded to the Supreme Court

for proceedings not inconsistent with the opinion of this Court. Opinion *per curiam* announced by the Chief Justice.

The Chief Justice announced the following order of the Court:

No. 719. Schenley Distilling Corporation, The Geo. T. Stagg Company, Bernheim Distilling Company, et al., appellants, *v.* Clinton P. Anderson, as Secretary of Agriculture of the United States. Appeal from the District Court of the United States for the District of Columbia. *Per curiam*: The parties being in agreement that the cause is moot, the motion to dismiss is granted and the appeal is dismissed.

The Chief Justice said:

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

No. —, Original. State of Illinois, complainant, *v.* State of Wisconsin et al. The motion for leave to file bill of complaint is denied. Massachusetts *v.* Missouri, 308 U. S. 1.

No. 71. H. C. Jones, Collector of Internal Revenue, petitioner, *v.* The Liberty Glass Company. The motion of respondent to retax costs is denied.

No. 722. Gaither Lovelady, petitioner, *v.* State of Texas. Writ of certiorari to the Court of Criminal Appeals of Texas dismissed on motion of counsel for the petitioner.

No. 747. Robert V. McRae, petitioner, *v.* State of California. Time within which to serve a copy of the printed record extended to and including May 10, next, on motion of counsel for the petitioner.

No. 593. Julius A. Wolf, petitioner, *v.* The People of the State of Colorado; and

No. 594. Julius A. Wolf, petitioner, *v.* The People of the State of Colorado. The petition for writs of certiorari to the Supreme Court of Colorado in these cases is granted.

No. 526. The United States of America, petitioner, *v.* Charles Kruszewski. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 603. Erd V. Crowell, petitioner, *v.* Baker Oil Tools, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 670. Erd V. Crowell, petitioner, *v.* Baker Oil Tools, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 617. Algernon Blair, petitioner, *v.* The United States of America et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 646. J. B. Miller, Trustee, petitioner, *v.* The Texas Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 666. William F. Wortham, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 671. Cargill, Incorporated, petitioner, *v.* The Board of Trade of the City of Chicago et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 685. Raymond A. Belz, petitioner, *v.* Board of Trade of the City of Chicago, Harry C. Schaack, Richard Uhlmann, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 677. Deauville Corporation and John M. Murrell and D. H. Redfearn, as Receivers for Deauville Corporation, petitioners, *v.* Garden Suburbs Golf and Country Club, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 684. Joseph F. Hughes & Company, a Co-Partnership Composed of Joseph F. Hughes and E. A. Hughes, petitioner, *v.* A. Raymond Machen, Trustee in Bankruptcy of Cummins Construction Corporation, Bankrupt. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 689. The Great Lakes Towing Company, petitioner, *v.* American Steamship Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 691. Chicago Mines Company, petitioner, *v.* Commissioner of Internal Revenue;

No. 692. The London Extension Mining Company as Transferee of Chicago Mines Company, petitioner, *v.* Commissioner of Internal Revenue; and

No. 693. The London Extension Mining Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 707. Ambrosia Chocolate Company, petitioner, *v.* Ambrosia Cake Bakery, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 680. Gretchen McRae, petitioner, *v.* Tighe E. Woods, Housing Expediter. The motion to dispense with the printing of the record is granted. The petition for writ of certiorari to the United States Emergency Court of Appeals is denied.

No. 536. Joseph P. Petrowski, petitioner, *v.* Clifford C. Nutt, Colonel, Air Corps, United States Army, etc.;

No. 561. Harold Gottfried and Pure Rock Mineral Springs Corporation, petitioners *v.* The United States of America, and

No. 562. Harold Gottfried, Joseph Forman, and William Stanton, petitioners, *v.* The United States of America;

No. 618. A. F. Reeder, appellant, *v.* W. F. Banks and Ernest Morris, County Treasurer of Washita County, Oklahoma; and

No. 622. Western Union Telegraph Company, petitioner, *v.* William R. McComb, Administrator of the Wage and Hour Division, United States Department of Labor. The petitions for rehearing in these cases are severally denied.

No. 210, Misc. Morgan Easter, petitioner, *v.* People of the State of Illinois. 'On petition for writ of certiorari to the Supreme Court of Illinois;

No. 282, Misc. Cecil Carter, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 384, Misc. George Gentile, petitioner, *v.* C. J. Burke, Warden. On petition for writ of certiorari to the Supreme Court of Pennsylvania; and

No. 388, Misc. Arthur Wasiakowski, petitioner, *v.* C. J. Burke, Warden. On petition for writ of certiorari to the Supreme Court of Pennsylvania. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are severally denied.

No. 381, Misc. Wilferd Hill Castleman, petitioner, *v.* Dr. Winfred Overholser;

No. 404, Misc. Richard E. Sweet, petitioner, *v.* Ralph Howard, Warden; and

No. 406, Misc. Ex parte William Ares Febre, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 391, Misc. James Barnett, petitioner, *v.* District Court of the United States for the District of Massachusetts. The motion for leave to file petition for writ of mandamus is denied.

No. 407, Misc. In the Matter of Heinz W. Blume. Petition denied.

No. 432, Misc. Marvin Murray, petitioner, *v.* The State of Mississippi. The stay order entered March 29 is vacated.

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. 723, and that the Court will take a recess from Monday, May 3, until Monday, May 10, next.

No. 59. Donald Loftus, petitioner, *v.* People of the State of Illinois. Argued by Mr. Henry H. Fowler for the petitioner, and by Mr. William C. Wines for the respondent.

No. 541. Francis Joseph Gryger, petitioner, *v.* C. J. Burke, Warden, Eastern State Penitentiary, Philadelphia, Pennsylvania. Argument commenced by Mr. Archibald Cox for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, April 27, will be as follows: Nos. 541, 542, 674, 583, 544, 695, 461, 721, and 723.

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SUPREME COURT OF THE UNITED STATES

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

Nicholas J. Rosiello, of Detroit, Mich.; Kingsley L. Bennett, of Providence, R. I.; William Foster, of Pittsburgh, Pa.; Homer Brooks, of Meridian, Miss.; William Wallace Knox, of Erie, Pa.; and Robert J. Firman, of Erie, Pa., were admitted to practice.

No. 541. Francis Joseph Gryger, petitioner, *v.* C. J. Burke, Warden, Eastern State Penitentiary, Philadelphia, Pennsylvania. Argument continued by Mr. Archibald Cox for the petitioner and concluded by Mr. Franklin E. Barr for the respondent.

No. 542. Frank Townsend, petitioner, *v.* C. J. Burke, Warden, Eastern State Penitentiary, Philadelphia, Pennsylvania. Argued by Mr. Archibald Cox for the petitioner and by Mr. Franklin E. Barr for the respondent.

No. 674. Chester Hedgebeth, petitioner, *v.* State of North Carolina. Leave granted Mr. Wilford L. Whitley, Jr., to appear and present oral argument for the petitioner, *pro hac vice*, on motion of Mr. Ralph Moody in that behalf. Argument commenced by Mr. Wilford L. Whitley, Jr., for the petitioner, *pro hac vice*, by special leave of Court, and continued by Mr. Ralph Moody for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, April 28, will be as follows: Nos. 674, 583, 544, 695, 461, 721, and 723.

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750009—48—76

SUPREME COURT OF THE UNITED STATES

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

Thomas Richard Anderson, of Minneapolis, Minn.; Edward Winsor, of Providence, R. I.; Harry W. F. Glemser, of Washington, D. C.; Stephen W. Blore, of Washington, D. C.; Victor Futter, of New York City; Francis D. Thomas, of Washington, D. C.; Leo A. Rosetta of Bethesda, Md.; John Nicholson Dinsmore, of Columbus, Ohio; W. Needham Lambert, of San Francisco, Calif.; W. Lawrence Oliver, of Des Moines, Iowa; Raymond J. McVeigh, of New York City; Frank G. Smith, of Clearfield, Pa.; Howard T. Milman, of New York City; Bruce H. Greenfield, of Philadelphia, Pa.; Julian S. Egge, of De Forest, Wisc.; Merrill A. Russell, of Pittsburgh, Pa.; F. E. McCurdy, of Bismarck, N. Dak.; and John H. Waters, of New York City, were admitted to practice.

No. 583. Joseph Paterno, petitioner, *v.* John A. Lyons, as Commissioner of Correction of the State of New York. Argued by Mr. William H. Collins for the petitioner, and by Mr. Irving I. Waxman for the respondent.

No. 544. The United States of America, appellant, *v.* National City Lines, Inc., American City Lines, Inc., Pacific City Lines, Inc., et al. Argued by Mr. Charles H. Weston for the appellant, and by Mr. C. Frank Reavis for the appellees.

No. 695. The United States of America, appellant, *v.* Congress of Industrial Organizations, Philip Murray, Officer Thereof. Argument commenced by Mr. Jesse Climenko for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, April 29, will be as follows: Nos. 695, 461, 721, and 723.

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SUPREME COURT OF THE UNITED STATES

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

Robert D. Marcus, of New York City; Francis T. Carmody, of New York City; Carleton T. Woodring, of Easton, Pa.; William G. Barthold, of Bethlehem, Pa.; Myron C. Baum, of New York City; Linn J. Firestone, of St. Paul, Minn.; Samuel Goldstein, of Pittsburgh, Pa.; David Stock, of New York City; Bernard F. Sykes, of Montgomery, Ala.; Louis A. Chase, of Chicago, Ill.; Joel D. Blackwell, of Washington, D. C.; and Adolph M. Edwards, Jr., of Pineville, Ky., were admitted to practice.

No. **736**. Oregon Mesabi Corporation, petitioner, *v.* C. D. Johnson Lumber Corporation; and

No. **737**. Oregon Mesabi Corporation, petitioner, *v.* C. D. Johnson Lumber Corporation. The time within which to file opposition to petition for writs of certiorari extended to and including May 27, next, on motion of counsel for the respondent.

No. **695**. The United States of America, appellant, *v.* Congress of Industrial Organizations, Philip Murray, Officer Thereof. Argument continued by Mr. Jesse Climenko for the appellant; by Mr. Charles J. Margiotti for the appellees, and concluded by Mr. Lee Pressman for the appellees.

No. **461**. The United States of America, appellant, *v.* Columbia Steel Company, Consolidated Steel Corporation, et al. Four hours allowed for oral argument. Argument commenced by Mr. Solicitor General Perlman for the appellant and continued by Mr. Nathan L. Miller for the appellees, Columbia Steel Company, et al.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, April 30, will be as follows: Nos. **461**, **721**, and **723**.

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SUPREME COURT OF THE UNITED STATES

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

Louis Flato, of New York City; Abraham Marcus, of New York City; and Howard Richard Lonergan, of New York City, were admitted to practice.

No. 461. The United States of America, appellant, *v.* Columbia Steel Company, Consolidated Steel Corporation, et al. Argument continued by Mr. Nathan L. Miller for the appellees, Columbia Steel Company, et al.; by Mr. Alfred Wright for the appellee, Consolidated Steel Corporation, and concluded by Mr. Solicitor General Perlman for the appellant.

No. 721. Samuel Taylor, petitioner, *v.* State of Alabama. Argument commenced by Mr. Nesbitt Elmore for the petitioner, and continued by Mr. Thurgood Marshall for the petitioner and by Mr. Bernard F. Sykes for the respondent.

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

The day call for Monday, May 3, will be as follows: Nos. 721 and 723.

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SUPREME COURT OF THE UNITED STATES

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

Florence Perlow Shientag, of New York City; Solomon Tepper, of Long Branch, N. J.; Vernon C. Barker, of Mendota, Va.; Anthony J. Favino, of Newburgh, N. Y.; David Kanon, of New York City; Isadore Shapiro, of Newburgh, N. Y.; David Copans, of Newburgh, N. Y.; Samuel Rosenstone, of Chicago, Ill.; Clifford Henry Darrow, of Glenwood Springs, Colo.; Walker Broach, Jr., of Meridian, Miss.; John H. Simms, of Washington, D. C.; Ernest J. Livengood, of Oakland, Calif.; Willis M. Everett, Jr., of Atlanta, Ga.; Sidney W. Wernick, of Portland, Maine; Richard Whiting, of Boston Mass.; Monsoud Charles Zanaty, of Birmingham, Ala.; Joseph A. Madey, of Washington, D. C.; Robert S. McDaniel, of Northport, Ala.; William Hodes, of Newark, N. J.; Joseph P. Kelly, Jr., of San Francisco, Calif.; Paul A. Crouch, of Scarsdale, N. Y.; Frank C. Drumm, of Santa Ana, Calif.; Bernard Dunau, of New York City; and Katherine M. Staley, of Washington, D. C., were admitted to practice.

No. 258. Albert E. Schwabacher 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 Eastern District of Virginia. Decree reversed and case remanded to the District Court with directions to remand to the Interstate Commerce Commission for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Jackson. Mr. Justice Reed took no part in the consideration or decision of this case. Dissenting opinion by Mr. Justice Frankfurter in which the Chief Justice and Mr. Justice Burton join.

No. 64. The United States of America, appellant, *v.* L. C. Griffith, H. J. Griffith, Consolidated Theatres, Inc., et al. Appeal from the District Court of the United States for the Western District of Oklahoma. Decree reversed and case remanded for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Mr. Justice Frankfurter dissents, substantially for the

reasons set forth in the opinion of the District Court. Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 10. Schine Chain Theatres, Inc., et al., appellants, *v.* The United States of America. Appeal from the District Court of the United States for the Western District of New York. Decree affirmed in part and reversed in part and case remanded for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Mr. Justice Frankfurter concurs in the result. Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this case.

No. 79. The United States of America, appellant, *v.* Paramount Pictures, Inc., et al.;

No. 80. Loew's Incorporated et al., appellants, *v.* The United States of America;

No. 81. Paramount Pictures, Inc., et al., appellants, *v.* The United States of America;

No. 82. Columbia Pictures Corporation et al., appellants, *v.* The United States of America;

No. 83. United Artists Corporation, appellant, *v.* The United States of America;

No. 84. Universal Pictures Company, Inc., etc., et al., appellants, *v.* The United States of America;

No. 85. American Theatres Association, Inc., et al., appellants, *v.* The United States of America; and

No. 86. W. C. Allred et al., appellants, *v.* The United States of America. Appeals from the District Court of the United States for the Southern District of New York. Decree affirmed in part and reversed in part and cases remanded for proceedings in conformity with the opinion of this Court. Motions of appellants in Nos. 85 and 86 for leave to intervene in this Court denied. Orders of District Court denying appellants in Nos. 85 and 86 leave to intervene affirmed. Opinion by Mr. Justice Douglas. Opinion by Mr. Justice Frankfurter dissenting in part. Mr. Justice Jackson took no part in the consideration or decision of these cases.

No. 134. Republic Natural Gas Company, appellant, *v.* State of Oklahoma, Corporation Commission of the State of Oklahoma, et al. Appeal from the Supreme Court of the State of Oklahoma. Appeal dismissed for want of final judgment. Opinion by Mr. Justice Frankfurter. Concurring opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Rutledge in which Mr. Justice Black, Mr. Justice Murphy, and Mr. Justice Burton join.

No. 464. Federal Trade Commission, petitioner, *v. Morton Salt Company*. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment of Circuit Court of Appeals reversed and case remanded to that Court to be disposed of in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Opinion by Mr. Justice Jackson dissenting in part in which Mr. Justice Frankfurter joins.

No. 72. J. D. Shelley and Ethel Lee Shelley, his Wife, petitioners, *v. Louis Kraemer and Fern Kraemer, his Wife*. On writ of certiorari to the Supreme Court of the State of Missouri; and

No. 87. Orsel McGhee and Minnie S. McGhee, his Wife, petitioners, *v. Benjamin J. Sipes and Anna C. Sipes et al.* On writ of certiorari to the Supreme Court of the State of Michigan. Judgments reversed with costs. Case No. 72 remanded to the Supreme Court of Missouri and No. 87 remanded to the Supreme Court of Michigan for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Vinson. Mr. Justice Reed, Mr. Justice Jackson, and Mr. Justice Rutledge took no part in the consideration or decision of these cases.

No. 290. James M. Hurd and Mary I. Hurd, petitioners, *v. Frederic E. Hodge et al.*; and

No. 291. Raphael G. Urciolo, Robert H. Rowe, Isabelle J. Rowe, et al., petitioners, *v. Frederic E. Hodge et al.* On writs of certiorari to the United States Court of Appeals for the District of Columbia. Judgment reversed with costs and cases 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. Chief Justice Vinson. Concurring opinion by Mr. Justice Frankfurter announced by the Chief Justice. Mr. Justice Reed, Mr. Justice Jackson, and Mr. Justice Rutledge took no part in the consideration or decision of these cases.

The Chief Justice announced the following orders of the Court:

No. 397. International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers Unions, et al., appellants, *v. Denver Milk Producers, Inc., et al.* Appeal from the Supreme Court of Colorado. *Per curiam*: Because of the inadequacy of the record, we decline to decide the Constitutional issues involved. The appeal is dismissed without prejudice to the determination in further proceedings of any questions arising under the federal Constitution. Cf. *Rescue Army v. Municipal Court*, 331 U. S. 549 (1947). Dissenting: Mr. Justice Black and Mr. Justice Murphy.

No. 733. Leo Schmitt, appellant, *v.* W. R. Wilder, as Director of the Division of Licensing of the State of South Dakota, et al. Appeal from the Supreme Court of South Dakota. *Per curiam*: The appeal is dismissed for the want of a substantial federal question.

No. 741. George D. Finley, Hattie Finley, Alta Finley, and Frances Finley, appellants, *v.* City of Tarrant, a Municipal Corporation, et al. Appeal from the Supreme Court of Alabama. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for the reason that the judgment of the court below is based upon a nonfederal ground adequate to support it. Mr. Justice Black took no part in the consideration or decision of this case.

The Chief Justice said:

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

No. 10, Original. The United States of America, complainant, *v.* The State of Wyoming and The Ohio Oil Company. An order is entered allowing expenses of the Special Master.

No. 398. Roy Bute, petitioner, *v.* People of the State of Illinois. Time within which to file petition for rehearing extended to and including May 24, next, on motion of counsel for the petitioner.

No. 467. Thoger Gronberg Jungersen, petitioner, *v.* Ostby and Barton Company and American Associates, Inc. Leave granted to withdraw appearance of Drury W. Cooper, as counsel for petitioner.

No. 621. The United States, petitioner, *v.* Kansas City Life Insurance Company. Petition for writ of certiorari to the Court of Claims granted.

No. 195, Misc. Jack O'Lee Young, petitioner, *v.* Joseph E. Ragen, Warden. The motion for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the Circuit Court of Randolph County, State of Illinois, granted and case ordered transferred to the appellate docket.

No. 611. Loew's, Inc., Paramount Pictures, Inc., and RKO Radio Pictures, Inc., et al., petitioners, *v.* William Goldman Theatres, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 642. The New York, New Haven and Hartford Railroad Company, etc., petitioners, *v.* Reconstruction Finance Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 663. The United States of America, petitioner, *v.* The Cold Metal Process Company et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 682. Warren J. Harang, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 688. G. H. Beavers, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 698. In the Matter of James M. Gordon, petitioner. Petition for writ of certiorari to the Supreme Court of California denied.

No. 699. Capitol Meats, Inc., Mark Shotkin, Also Known as Morris Shotkin, Louis Gerber, and Max Reingold, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 714. Oscar Schatte, Raymond E. Conaway, Andrew M. Anderson, et al., petitioners, *v.* The International Alliance of Theatrical Stage Employees and Moving Picture Operators of the United States and Canada et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 686. Ben Samett, petitioner, *v.* Reconstruction Finance Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. The Chief Justice took no part in the consideration or decision of this application.

No. 694. Kenneth M. Waite, petitioner, *v.* J. Ellis Overlade, Warden, United States Penitentiary, Terre Haute, Indiana. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. Mr. Justice Murphy and Mr. Justice Rutledge are of the opinion the petition should be granted.

No. 270. Harrison Parker, petitioner, *v.* People of the State of Illinois;

No. 384. Commissioner of Internal Revenue, petitioner, *v.* South Texas Lumber Company; and

No. 579. Sam Lee Garland, petitioner, *v.* The United States of America. The motions for leave to file petitions for rehearing are granted. The petitions for rehearing are denied.

No. 337. The Connecticut Mutual Life Insurance Company et al., appellants, *v.* Frank C. Moore, Comptroller of the State of New York. The petition for rehearing is denied. The petitions of the States of Connecticut and Vermont for leave to intervene are therefore also denied.

No. 307, Misc. Prince Harrison, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois; and

No. 421, Misc. David D. Mack, petitioner, *v.* Joseph E. Ragen, Warden. 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* are granted. The petitions for writs of certiorari are denied.

No. 361, Misc. Johnnie Davis, petitioner, *v.* Walter Nierstheimer, Warden; and

No. 469, Misc. Lee Fook, petitioner, *v.* Donald Clemmer, Director of the Department of Corrections, District of Columbia. The motions for leave to file petitions for writs of habeas corpus are denied.

The order as to sessions entered April 26 is amended to provide that the Court will take a recess from Tuesday, May 4, until Monday, May 10.

No. 721. Samuel Taylor, petitioner, *v.* State of Alabama. Argument continued by Mr. Bernard F. Sykes for the respondent, and concluded by Mr. Thurgood Marshall for the petitioner.

No. 723. Kurt G. W. Ludecke, petitioner, *v.* W. Frank Watkins, as District Director of Immigration. Argument commenced by Mr. Kurt G. W. Ludecke, pro se.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, May 4, will be as follows: No. 723.

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SUPREME COURT OF THE UNITED STATES

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

No. 470. William Clark, petitioner, *v.* The United States. Time to file petition for rehearing extended to and including September 1, 1948, on motion of counsel for the petitioner.

No. 749. Ivan L. Wagner, petitioner, *v.* The United States of America. Mandate ordered to issue forthwith on application of petitioner.

No. 723. Kurt G. W. Ludecke, petitioner, *v.* W. Frank Watkins, as District Director of Immigration. Argument continued by Mr. Kurt G. W. Ludecke, *pro se*; by Mr. Stanley M. Silverberg for the respondent, and concluded by Mr. Kurt G. W. Ludecke, *pro se*.

Adjourned until Monday, May 10, next, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

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

Alfred Connor Bowman, of Los Angeles, Calif.; Edward Wilson Auld, of Baltimore, Md.; Thomas J. Lewis, of Atlanta, Ga.; George B. Rowell, of Cambridge, Mass.; Harry Bergson, of Boston, Mass.; Samuel Saxon, of Plainfield, Ill.; Raymond J. Harvey, of Joliet, Ill.; Harry E. Bernstein, of Plainfield, N. J.; Edward Sachar, of Plainfield, N. J.; Libby E. Bernstein-Sachar, of Plainfield, N. J.; Edward Felix Kenehan, of Carlinville, Ill.; Robert F. Jones, of Lima, Ohio; Jacob B. Bagdoian, of Lawrence, Mass.; G. Walter Bowman, of Denver, Colo.; Sweeney J. Doehring, of Houston, Tex.; William J. Houston, of Dallas, Tex.; Nathan Coleman Shapiro, of Philadelphia, Pa.; Romanus J. Buckley, of Philadelphia, Pa.; Walter B. King, of Ketchikan, Territory of Alaska; Clement C. Rinehart, of New York City; Samuel A. Spiegel, of New York City; Charles Wylie, of Lexington, Ky.; Henry P. Schmidt, of Union City, N. J.; Charles Francis Coe, of Palm Beach, Fla.; James Theo. Wright, of Washington, D. C.; Robert Goodloe Harper, of Winchester, Va.; Richard Marshall Welling, of Alexandria, Va.; and John F. Killea, of San Antonio, Tex., were admitted to practice.

No. 75. Mandeville Island Farms, Inc., and Roscoe C. Zuckerman, petitioners, *v.* American Crystal Sugar 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 Southern District of California for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Rutledge. Dissenting opinion by Mr. Justice Jackson in which Mr. Justice Frankfurter joins.

No. 437. Tighe E. Woods, Housing Expediter, *v.* W. H. Hills. On certificate from the United States Circuit Court of Appeals for the Tenth Circuit. Question No. 1 answered in the negative. In answer to question No. 2, the Emergency Court of Appeals no longer has jurisdiction pursuant to section 204(e) of the Emergency Price Con-

trol Act to determine the validity of the second rent order under consideration in this case. Opinion by Mr. Chief Justice Vinson.

The Chief Justice announced the following orders of the Court:

No. 153. Trustees of the Monroe Avenue Church of Christ, etc., et al., petitioners, *v.* Fred C. Perkins et al. On petition for writ of certiorari to the Supreme Court of Ohio. *Per curiam*: The petition for writ of certiorari is granted and the judgment is reversed. Shelley *v.* Kraemer and McGhee *v.* Sipes, Nos. 72 and 87, October Term, 1947, decided May 3, 1948. Mr. Justice Reed, Mr. Justice Jackson, and Mr. Justice Rutledge took no part in the consideration or decision of this case.

No. 429. Tom D. Amer, petitioner, *v.* Superior Court of the State of California, In and For the County of Los Angeles; and

No. 430. Yin Kim, petitioner, *v.* Superior Court of the State of California, In and For the County of Los Angeles. On petition for writs of certiorari to the Supreme Court of California. *Per curiam*: The petition for writs of certiorari is granted. In each case the order denying a petition for writ of prohibition is vacated and the case is remanded to the Supreme Court of California in order to enable it to reconsider its ruling in the light of Shelley *v.* Kraemer and McGhee *v.* Sipes, Nos. 72 and 87, October Term, 1947, decided May 3, 1948. Mr. Justice Reed, Mr. Justice Jackson, and Mr. Justice Rutledge took no part in the consideration or decision of these cases.

No. 700. F. S. Gambrell and Jack Gambrell, appellants, *v.* Chalk Hill Theatre Company, Ltd., et al. Appeal from the Court of Civil Appeals, 3d Supreme Judicial District, State of Texas. *Per curiam*: The motions to dismiss are granted and the appeal is dismissed for the reason that the judgment of the court below is based upon a non-federal ground adequate to support it.

No. 745. Jefferson County Board of Education, William Diemer, Suing as Taxpayer of Jefferson County, appellants, *v.* Joshua B. Everett, Superintendent of the Kentucky Children's Home. Appeal from the Court of Appeals of Kentucky. *Per curiam*: The appeal is dismissed for the want of a substantial federal question.

The Chief Justice said:

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

No. 258. Albert E. Schwabacher et al., appellants, *v.* The United States of America, Interstate Commerce Commission et al. It is ordered that the first sentence of the opinion of this Court in this case be amended to read as follows:

"This controversy grows out of the voluntary merger of Chesapeake & Ohio Railway Company and Pere Marquette Railway Company, which companies, together with Alleghany Corporation, sought approval by the Interstate Commerce Commission."

No. 591. Marcel Rodd, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 672. John J. Krieger, petitioner, *v.* The State of Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 687. State of Nebraska, petitioner, *v.* The United States of America, Clara H. McNish, T. C. Spiker, et al., etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 708. Sobel Corrugated and Wooden Box Company, petitioner, *v.* Philip B. Fleming, Administrator, Office of Temporary Controls. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 715. Roy C. Tinsley, petitioner, *v.* The State of Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 728. North Pier Terminal Co., petitioner, *v.* Interstate Commerce Commission. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 739. Anthony T. Augelli, Trustee in Bankruptcy of John Nizolek Furniture Co., Inc., Bankrupt, et al., petitioners, *v.* Ohio Finance Corporation; and

No. 740. Anthony T. Augelli, Trustee in Bankruptcy of Nizolek Furniture & Carpet Company, Inc., Bankrupt, et al., petitioners, *v.* Ohio Finance Corporation. Petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 759. The Franklin Life Insurance Company, petitioner, *v.* R. A. Stuart, Jr., and Trinity Bond Investment Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 681. Thomas Viola, petitioner, *v.* The State of Ohio. The motion to dispense with printing the record is granted. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 518. Robert E. Dineen, Superintendent of Insurance of the State of New York, as Liquidator of New York Indemnity Company, petitioner, *v.* The United States. The motion for leave to file petition for rehearing is granted. The petition for rehearing is denied.

ORDER

The Court will take a recess from today until Monday, May 17, from that day until Monday, May 24, and from that day until Tuesday, June 1, upon which day it will adjourn for the term unless otherwise ordered.

No motions, except motions for admission to practice, will be received after the session next before the date fixed for adjournment of the term.

Adjourned until Monday, May 17, next, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

Morton Hollander, of Brooklyn, N. Y.; Angelo Joseph Maggio, of Washington, D. C.; William T. Foley, Jr., of New York City; Thomas P. Dickinson, of Detroit, Mich.; Tilden M. Gallagher, of Detroit, Mich.; Andrew J. Eyman, of San Francisco, Calif.; Edmund G. Brown, of San Francisco, Calif.; Henry M. Rottman, of Detroit, Mich.; Madeline C. Dinu, of Detroit, Mich.; William E. Jenner, of Bedford, Ind.; John A. Eckler, of Columbus, Ohio; Donald W. Cameron, of Flint, Mich.; James B. White, of Cartersville, Ga.; W. C. Henson, of Cartersville, Ga.; Thomas H. Green, of Winthrop, Mass.; H. Elmo Robinson, of West Palm Beach, Fla.; Hubert D. Hoover, of Washington, D. C.; Leonard Petkoff, of New York City; R. Beavan Woodward, Jr., of New York City; Morris Galitzer, of Brooklyn, N. Y.; Martin A. Roeder, of New York City; Nathaniel H. Goodrich, of New York City; Edward G. Ogle, of Washington, D. C.; Daniel M. Friedman, of New York City; William J. Jameson, of Billings, Mont.; William W. Gibson, of Minneapolis, Minn.; Lucian J. Besette, of Chicago, Ill.; Evert O. Ostberg, of Chicago, Ill.; Thomas Garth McBride, of Chicago, Ill.; Richard Lefebure, of Chicago, Ill.; Thomas F. Nolan, Jr., of New York City; Howard P. Castle, of Washington, D. C.; Gilbert F. Nelson, of Beverly Hills, Calif.; Russell Rowell, of Washington, D. C.; Claude Monnet, of Oklahoma City, Okla.; and T. Julian Skinner, Jr., of Jasper, Ala., were admitted to practice.

No. 590. *Harris Kennedy et al., petitioners, v. Silas Mason Company.* On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment of Circuit Court of Appeals and judgment of District Court vacated without costs to either party and case remanded to the District Court of the United States for the Western District of Louisiana for reconsideration and amplification of the record in the light of the opinion of this Court and of present contentions. Opinion by Mr. Justice Jackson. Mr. Justice Black thinks the judgment should be reversed. Mr. Justice Douglas concurs in the result.

The Chief Justice announced the following orders of the Court:

No. 428. Harrison Parker, petitioner, *v.* People of the State of Illinois. On writ of certiorari to the Supreme Court of Illinois. *Per curiam*: Mr. Justice Jackson is of the opinion that the writ of certiorari should be dismissed and did not participate in the question as to the disposition of the case on its merits. With respect to the merits the judgment is affirmed by an equally divided Court.

No. 705. Elsa S. Burrows, Joined by Her Husband Waters F. Burrows, appellants, *v.* Charlie Hagerman, as Tax Collector of Sarasota County, Florida, et al. Appeal from the Supreme Court of Florida. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Stewart v. Pennsylvania*, 312 U. S. 649.

The Chief Justice said:

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

ORDER

It is ordered that paragraph 3 of Rule 38 of the Rules of this Court be amended to read as follows:

"3. Notice of the filing of the petition, together with a copy of the petition, printed record, and supporting brief shall be served by the petitioner on counsel for the respondent within ten days after the filing (unless enlarged by the court or a justice thereof), and due proof of service shall be filed with the clerk. If the United States, or an officer or agency thereof, is respondent, the service of the petition, record, and brief shall be made on the Solicitor General at Washington, D. C. Counsel for the respondent shall have thirty days (unless enlarged by the court or a justice thereof), after notice, within which to file forty printed copies of an opposing brief, conforming to Rules 26 and 27. The brief must bear the name of a member of the bar of this court at the time of filing."

It is ordered that paragraph 2 of Rule 41 of the Rules of this Court be amended to read as follows:

"2. Within thirty days after the petition, brief, and record are served (unless enlarged by the court or a justice thereof) the respondent may file with the clerk forty printed copies of an opposing brief, conforming to Rules 26 and 27. Upon the expiration of that period, or upon an express waiver of the right to file or the actual filing of such brief in a shorter time, the petition, briefs, and record

shall be distributed by the clerk to the court for its consideration. (See Rule 38, par. 4 (a).)"

No. —. In the Matter of William Lowe Hillyer. The motion of William Lowe Hillyer, of Washington, D. C., that he be permitted to resign as a member of the bar of this Court is granted and it is ordered that his name be stricken from the roll of attorneys admitted to practice in this Court.

No. 782. Jack O'Lee Young, petitioner, *v.* Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois. It is ordered that Edward H. Levi of Chicago, Illinois, a member of the bar of this Court, be appointed to serve as counsel for the petitioner in this case.

No. 732. August Klapprott, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted.

No. 623. Carl F. De Lano, petitioner, *v.* State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 661. A. Phillip Randolph et al., Individually, and as International President, and First International Vice President of the Brotherhood of Sleeping Car Porters, et al., petitioners, *v.* Missouri-Kansas-Texas Railroad Company et al.; and

No. 711. Missouri-Kansas-Texas Railroad Company et al., petitioners, *v.* A. Phillip Randolph et al. Petitions for writs of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 696. Benjamin Guinness, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 709. Tony Tudryck and Mary Tudryck, His Wife, petitioners, *v.* Joseph Martin, Receiver of the Sterling Bank of Sleeper and Chamberlain, et al.; and

No. 710. Andrew Smyl and Victoria Smyl, His Wife, petitioners, *v.* Joseph Martin, Receiver of the Sterling Bank of Sleeper and Chamberlain, et al. Petitions for writs of certiorari to the Supreme Court of Michigan denied.

No. 716. Hazeltine Corporation, petitioner, *v.* The Honorable William H. Kirkpatrick, a District Judge Sitting by Designation in the United States District Court for the District of Delaware; and

No. 717. Hazeltine Corporation, petitioner, *v.* Honorable William H. Kirkpatrick, a District Judge Sitting by Designation in the United States District Court for the District of Delaware. Petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 720. Commissioner of Internal Revenue, petitioner, *v.* Allen S. Lehman. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 725. Ralph R. Anderson, petitioner, *v.* Commissioner of Internal Revenue; and

No. 726. Herbert R. Anderson, petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 742. Consolidated Goldacres Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 743. The Cohen, Friedlander & Martin Company, petitioner, *v.* Massachusetts Mutual Life Insurance Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 744. Amilicar J. Trosclair, petitioner, *v.* Stanolind Oil & Gas Company and Standard Surety & Casualty Company of New York. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 690. Minniola O. Miller, petitioner, *v.* The United States of America et al. The motion to dispense with the printing of the petition and record granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 712. The Curtiss Candy Company, petitioner, *v.* Earl W. Clark, Director, Division of Liquidation, Department of Commerce. The motion of the Solicitor General to substitute Edgar C. Turney, present Director, Division of Liquidation, Department of Commerce, as the party respondent is granted. Petition for writ of certiorari to the United States Emergency Court of Appeals denied.

No. 727. Dinshah P. Ghadiali and Dinshah Spectro-Chrome Institute, petitioners, *v.* The United States of America. The motion to dispense with the printing of the record granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 326, Misc. James J. O'Loughlin, petitioner, *v.* E. V. Parker, Deputy Commissioner, U. S. Employees' Compensation Commission. The petition for rehearing is denied.

No. 439, Misc. Leo Grant Kissinger, petitioner, *v.* Hon. Luther G. Sweigert, District Judge. The motion of petitioner for leave to withdraw the motion for leave to file petition for writ of quo warranto is granted.

No. 248, Misc. Hervie Starks, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 333, Misc. Thomas E. Hawks, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 334, Misc. Richard Peabody, petitioner, *v.* Walter Nierstheimer, Warden. On petition for writ of certiorari to the Circuit Court of Randolph County, State of Illinois;

No. 370, Misc. Vol Nelson, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 371, Misc. Wallace Berry, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 374, Misc. Lester Sim Exkano, petitioner, *v.* Joseph W. Sanford, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 375, Misc. John Leonard McDowell, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit;

No. 403, Misc. August Daniels, petitioner, *v.* Stanley P. Ashe, Warden. On petition for writ of certiorari to the Supreme Court of Pennsylvania;

No. 414, Misc. Malachi Holiday, petitioner, *v.* Edwin T. Swenson, Warden. On petition for writ of certiorari to the Criminal Court of Baltimore, State of Maryland;

No. 419, Misc. Ernest J. Hasenfuss, petitioner, *v.* People of the State of New York. On petition for writ of certiorari to the Court of Appeals of New York;

No. 422, Misc. Fred Putnam, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 424, Misc. George William Bailey, petitioner, *v.* Ben Stewart, Warden. On petition for writ of certiorari to the Supreme Court of Missouri;

No. 427, Misc. Harry Minor, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 428, Misc. Ray Leo Baugh, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Madison County, State of Illinois;

No. 435, Misc. Alvin Habighorst, petitioner, *v.* State of Louisiana. On petition for writ of certiorari to the Supreme Court of Louisiana;

No. 436, Misc. George W. Henry, petitioner, *v.* Frederick S. Baldi, Superintendent. On petition for writ of certiorari to the Supreme Court of Pennsylvania;

No. 442, Misc. Valentine J. Harpstrith, petitioner, *v.* Walter Nierstheimer, Warden. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 443, Misc. Walter Lee Smith, petitioner, *v.* Robert A. Heinze, Warden. On petition for writ of certiorari to the Supreme Court of California;

No. 458, Misc. Edward De Berry, petitioner, *v.* State of Maryland. On petition for writ of certiorari to the Court of Appeals of Maryland;

No. 460, Misc. Claude Boone, petitioner, *v.* Ben B. Stewart, Warden. On petition for writ of certiorari to the Supreme Court of Missouri;

No. 468, Misc. Santos Baronia, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 471, Misc. William Hatzis, petitioner, *v.* People of the State of New York. On petition for writ of certiorari to the Appellate Division of the Supreme Court of New York;

No. 474, Misc. John F. McNaughton, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 481, Misc. Henry Nelson, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Knox County, State of Illinois;

No. 482, Misc. Robert Reynolds, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 483, Misc. Henry Schectman, petitioner, *v.* People of the State of New York. On petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Department;

No. 486, Misc. Regis Williams, petitioner, *v.* People of the State of New York. On petition for writ of certiorari to the Court of Appeals of New York;

No. 488, Misc. Johnie Lee Johnson, petitioner, *v.* State of Indiana. On petition for writ of certiorari to the Criminal Court of Lake County, State of Indiana;

No. 494, Misc. Theodore Simmons, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Supreme Court of Illinois; and

No. 496, Misc. Frank Kallas, petitioner, *v.* Joseph E. Ragen, Warden. 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* are granted. The petitions for writs of certiorari are severally denied.

No. 367, Misc. Elmer Davis, petitioner, *v.* Joseph E. Ragen, Warden. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Circuit Court of Rock Island County, State of Illinois, and the motions for other relief are denied.

No. 340, Misc. Herbert Mezo, petitioner, *v.* Walter Nierstheimer, Warden;

No. 417, Misc. Roy Orr, petitioner, *v.* Ralph E. Benson, Warden;

No. 423, Misc. Earl Spencer, petitioner, *v.* Joseph E. Ragen, Warden;

No. 425, Misc. Richard J. Thomas, petitioner, *v.* Walter A. Hunter, Warden;

No. 433, Misc. George W. Miller, petitioner, *v.* Ben B. Stewart, Warden;

No. 434, Misc. V. J. Schunke, petitioner, *v.* Robert A. Heinze, Warden;

No. 445, Misc. Clyde A. Henderson, petitioner, *v.* Ralph Howard, Warden;

No. 465, Misc. Leon La Count, petitioner, *v.* Ralph Howard, Warden;

No. 467, Misc. Howard Walker, petitioner, *v.* State of Maryland; and

No. 472, Misc. Joseph Greco, petitioner, *v.* Ben B. Stewart, Warden. The motions for leave to file petitions for writs of habeas corpus are denied.

No. 440, Misc. Cecil C. Crebs, petitioner, *v.* The Supreme Court of the State of Kansas. The motion for leave to file petition for writ of mandamus is denied.

No. 461, Misc. George W. Tall, petitioner, *v.* People of the State of Illinois. Application denied.

No. 479, Misc. In the Matter of Frank W. O'Neill, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No. 484, Misc. Rudolph Lapka, petitioner, *v.* The United States of America. Application denied.

Adjourned until Monday, May 24, next, at 12 o'clock.

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: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Rutledge, and Mr. Justice Burton.

No. 512, Misc. Willis M. Everett, Jr., on behalf of Valentin Bersin et al., petitioner, *v.* Harry S. Truman, Commander in Chief of the Armed Forces of the United States, et al. The motion for leave to file a petition for an original writ of habeas corpus for relief from sentences upon the verdicts of a General Military Government Court at Dachau, Germany, is denied. The Chief Justice, Mr. Justice Reed, Mr. Justice Frankfurter, and Mr. Justice Burton are of the opinion that there is want of jurisdiction. U. S. Constitution, Article III, Sec. 2, Clause 2; see *Ex parte Betz* and companion cases, all 329 U. S. 672 (1946); *Milch v. United States*, 332 U. S. 789 (1947); *Brandt v. United States*, 333 U. S. — (1948); *In re Eichel*, 333 U. S. — (1948). Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Murphy, and Mr. Justice Rutledge are of the opinion that the motion for leave to file the petition should be granted and that the case should be set for argument forthwith. Mr. Justice Jackson took no part in the consideration or decision of the motion.

Adjourned until Monday, May 24, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

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

Parke M. Banta, of Arcadia, Mo.; Irwin E. Blum, of Washington, D. C.; Arthur David Schaffer, of Washington, D. C.; Louis A. Sefranka, of Southampton, Mass.; Newel G. Daines, of Logan, Utah; Spencer A. Gard, of Iola, Kans.; James Davison Fellers, of Oklahoma City, Okla.; Earle W. Frost, of Kansas City, Mo.; Arthur Langguth, of Portland, Oreg.; Philip John Weiss, of Seattle, Wash.; Nathaniel K. Beck, of Pittsburgh, Pa.; Harry George Slater, of Newton, Mass.; Joe G. Davis, of Danville, Ky.; George Brussel, Jr., of New York City; Frank Edwin Chowning, of Little Rock, Ark.; Lawrence B. Burrow, of Little Rock, Ark.; William Dowdell Denson, of Birmingham, Ala.; Harry Pollack, of Boston, Mass.; George L. Weisbard, of Chicago, Ill.; Harold T. Hotopp, of Louisville, Ky.; Russell G. Pelton, of New York City; Francis C. Browne, of Washington, D. C.; Najeeb E. Halaby, Jr., of Los Angeles, Calif.; Joseph John Craciun, of Warren, Ohio; Frederic Davis Dassori, of New York City; Edward Thayer Goodrich, of Detroit, Mich.; and Lyle Laughlin Jones, Jr., of San Francisco, Calif., were admitted to practice.

No. 643. Walter A. Hunter, Warden, United States Penitentiary, Leavenworth, Kansas, petitioner, *v.* Fred Clifford Martin. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgment of Circuit Court of Appeals reversed and cause remanded to the District Court of the United States for the District of Kansas for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Jackson.

No. 530. Hazel E. Briggs, as Administratrix of the Goods, Chattels, and Credits Which Were of Ralph Briggs, Deceased, petitioner, *v.* The Pennsylvania Railroad Company. 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 of the United States for the Southern District of New York. Opinion by Mr. Justice Jackson. Dissenting opinion by Mr. Justice Rutledge

in which Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Murphy join.

No. 111. Homer C. Price, petitioner, *v.* James A. Johnston, Warden, United States Penitentiary, Alcatraz, California. 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 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 the Chief Justice and Mr. Justice Reed join. Dissenting opinion by Mr. Justice Jackson.

No. 527. The United States of America, petitioner, *v.* United States District Court for the Southern District of New York et al. On writ of certiorari to the United States Circuit Court of Appeals for the Second 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. Concurring opinion by Mr. Justice Frankfurter. Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this case.

The Chief Justice announced the following order of the Court:

No. 754. William H. Redding, appellant, *v.* City of Los Angeles, Hon. Fletcher Bowron, Mayor Thereof, et al. Appeal from the District Court of Appeal, 2d Appellate District, State of California. *Per curiam*: 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. 12, Original. The United States of America, complainant, *v.* The State of California. The motion of the Campo Band of Indians and others for leave to intervene is denied. Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 23. Federal Trade Commission, petitioner, *v.* The Cement Institute et al.;

No. 24. Federal Trade Commission, petitioner, *v.* Aetna Portland Cement Company et al.;

No. 25. Federal Trade Commission, petitioner, *v.* Marquette Cement Manufacturing Company;

No. 26. Federal Trade Commission, petitioner, *v.* Calavaras Cement Company et al.;

No. 27. Federal Trade Commission, petitioner, *v.* Huron Portland Cement Company;

No. 28. Federal Trade Commission, petitioner, *v.* Superior Portland Cement, Inc.;

No. 29. Federal Trade Commission, petitioner, *v.* Northwestern Portland Cement Company;

No. 30. Federal Trade Commission, petitioner, *v.* Riverside Cement Company;

No. 31. Federal Trade Commission, petitioner, *v.* Universal Atlas Cement Company;

No. 32. Federal Trade Commission, petitioner, *v.* California Portland Cement Company;

No. 33. Federal Trade Commission, petitioner, *v.* Monolith Portland Cement Company et al.; and

No. 34. Federal Trade Commission, petitioner, *v.* Blaine S. Smith et al. On consideration of the application of counsel for the respondent in No. 25, it is ordered that the time for filing petitions for rehearing in these cases be extended to and including June 1, next. Mr. Justice Douglas and Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 408. Trust Under Agreement Dated December 30, 1921, by John E. Andrus, Deceased, et al., petitioners, *v.* Commissioner of Internal Revenue. The motion to extend the time within which to file petition for rehearing is denied.

No. 761. Lincoln Federal Labor Union #19129, American Federation of Labor, et al., appellants, *v.* Northwestern Iron and Metal Company et al. In this case probable jurisdiction is noted and the case is assigned for argument following No. 626. Case No. 660, heretofore assigned for argument to follow No. 626, will follow No. 761.

No. 780. Valentine Goesaert et al., appellants, *v.* Owen J. Cleary et al., Members of the Liquor Control Commission of the State of Michigan. In this case probable jurisdiction is noted and the case is transferred to the summary docket.

No. 756. Joe J. Fisher, petitioner, *v.* R. C. Pace, Sheriff of Jasper County, Texas. Petition for writ of certiorari to the Supreme Court of Texas granted.

No. 644. Ed Wetzel, petitioner, *v.* Wm. F. Schaefer. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 697. Harry J. Alker, Jr., and Mamie Du Ban, Individually and as Executrix of the Estate of Alfred A. Du Ban, petitioners, *v.* Federal Deposit Insurance Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 706. A. N. Cone, petitioner, *v.* West Virginia Pulp and Paper Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 713. The United States, petitioner, *v.* The Sunswick Corporation. Petition for writ of certiorari to the Court of Claims denied.

No. 718. J. S. Garlington and Jennie Lou Garlington, petitioners, *v.* A. L. Wasson, Martha Wasson, and N. H. Reed. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 724. Ben E. Goodwin and M. R. Goodwin, Doing Business as Ben E. Goodwin Company, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 738. Arkansas Oak Flooring Company and American Surety Company of New York, petitioners, *v.* Louisiana & Arkansas Railway Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 751. Emily V. Hurley et al., Infants, by Emily V. Hurley, Their Mother, Natural Guardian and Next Friend, petitioners, *v.* Samuel S. Lowe, Deputy Commissioner, Bureau of Employees' Compensation, Federal Security Agency, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 758. George D. Quigley and Safeway Trails, Inc., petitioners, *v.* The Public Service Commission of Maryland, Pennsylvania Greyhound, a Corporation, et al. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 767. Baumer Foods, Inc., petitioner, *v.* G. I. Griffith. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 778. New Amsterdam Casualty Company et al., petitioners, *v.* Craighead Rice Milling Company. The motion of respondent to supplement the record denied. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit also denied.

No. 609. Full Salvation Union (a Michigan Religious Corporation) and J. F. Andrews, appellants, *v.* Portage Township, Kalamazoo County, Michigan;

No. 617. Algernon Blair, petitioner, *v.* The United States of America, et al.;

No. 680. Gretchen McRae, petitioner, *v.* Tighe E. Woods, Housing Expediter; and

No. 304, Misc. Georgia M. Spruill, petitioner, *v.* Daniel E. Campbell, Executor. The petitions for rehearing in these cases are severally denied.

No 227, Misc. Robert Schuman, petitioner, *v.* Robert A. Heinze, Warden. On petition for writ of certiorari to the Supreme Court of California;

No. 306, Misc. John Harry McGough, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit;

No. 338, Misc. Benjamin Rockower, petitioner, *v.* People of the State of New York. On petition for writ of certiorari to the Appellate Division of the Supreme Court of New York;

No. 385, Misc. Everett Rheim, petitioner, *v.* People of the State of New York. On petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Department;

No. 387, Misc. Hilliard Sanders, petitioner, *v.* James A. Johnston, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 401, Misc. Emile C. de Stubner, petitioner, *v.* United Carbon Company et al. On petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit;

No. 410, Misc. James Moore Scott, petitioner, *v.* James A. Johnston, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 489, Misc. Johnnie Allen, petitioner, *v.* Clarence P. Burford, Warden. On petition for writ of certiorari to the Criminal Court of Appeals of Oklahoma;

No. 501, Misc. Herbert Smith, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 505, Misc. Ralph Heard, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois; and

No. 506, Misc. William Howard, petitioner, *v.* Circuit Court of Will County, Illinois. 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* are granted. The petitions for writs of certiorari are severally denied.

No. 493, Misc. Edward J. Kruse, petitioner, *v.* Joseph E. Ragen, Warden. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Supreme Court of Illinois is denied. The motion for leave to file petition for writ of habeas corpus is also denied.

No. 497, Misc. Dewey White, petitioner, *v.* United States District Court for the Northern District of Illinois. The motion for leave to file petition for writ of mandamus is denied.

No. 502, Misc. Richard Anderson Lowe, petitioner, *v.* The United States of America. The motion for leave to file petition for writ of habeas corpus is denied.

No. 386, Misc. In the Matter of Hubert Krautwurst;

No. 390, Misc. Willi Rieke, petitioner, *v.* The United States of America;

No. 411, Misc. In the Matter of Josef Kiwitt;

No. 430, Misc. In the Matter of Waldemar Hoven;

No. 437, Misc. In the Matter of Heinz Hellenbroich;

No. 438, Misc. In the Matter of Alez Bernhard Piorkowski;

No. 446, Misc. In the Matter of Erwin Goss;

No. 455, Misc. In the Matter of Ludwig Firmenich;

No. 456, Misc. In the Matter of Jakob Valentin Seiler;

No. 457, Misc. In the Matter of Karl Hunsicker;

No. 463, Misc. In the Matter of Richard Fritz Girke; and

No. 478, Misc. In the Matter of Herbert Kunze. Treating the application in each of these cases as a motion for leave to file a petition for an original writ of habeas corpus, leave to file is denied. The Chief Justice, Mr. Justice Reed, Mr. Justice Frankfurter, and Mr. Justice Burton are of the opinion that there is want of jurisdiction. U. S. Constitution, Article III, Sec. 2, Clause 2; see *Ex parte Betz* and companion cases, all 329 U. S. 672 (1946); *Milch v. United States*, 332 U. S. 789 (1947); *Brandt v. United States*, 333 U. S. — (1948); *In re Eichel*, 333 U. S. — (1948). Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Murphy, and Mr. Justice Rutledge are of the opinion that motions for leave to file should be granted and that the cases should be set for argument forthwith. Mr. Justice Jackson took no part in the consideration or decision of these applications.

Adjourned until Tuesday, June 1, next, at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

Agnes F. Ashby, of Arkadelphia, Ark.; Parker Holt, of Fort Myers, Fla.; James M. Matthews, Jr., of Enon, Ohio; Guy W. Rice, of Kansas City, Mo.; Maxwell F. Badgley, of Jackson, Mich.; Walter C. Kovner, of Miami Beach, Fla.; Godfrey K. Newman, of Miami Beach, Fla.; Harry Zukernick, of Miami Beach, Fla.; George C. Young, of Miami, Fla.; Frank V. Campbell, of San Jose, Calif.; Harold Turk, of Miami Beach, Fla.; George Eric Rosden, of Washington, D. C.; Thomas H. King, of Washington, D. C.; William B. Stephenson, of Honolulu, Territory of Hawaii; H. H. Walker Lewis, of Baltimore, Md.; John D. Prince, Jr., of Birmingham, Ala.; Carlton T. Wynn, of Birmingham, Ala.; Edward Louis Cochran, of San Francisco, Calif.; Dee R. Bramwell, of Ogden, Utah; Richard Hayward Tunstead, of New York City; Charles E. Rankin, of Chester, Pa.; Russell F. Stark, of Olympia, Wash.; Isidore J. Lowe, of Boston, Mass.; Richard Theodore Boehm, of Columbus, Ohio; John Peace, of San Antonio, Tex.; John W. Stokes, of Atlanta, Ga.; George W. Smith, of Oklahoma City, Okla.; Harry Platnik, of New York City; Anna Faye Blackburn, of Otway, Ohio; William Wolcott Goodrich, of Marlin, Tex.; Hyman Goldman, of Beverly Hills, Calif.; Madison F. Pacetti, of West Palm Beach, Fla.; William S. Rahauser, of Pittsburgh, Pa.; John Francis Hanson, Jr., of Alameda, Calif.; Mary Riepma Cowell, of New York City; and Emily A. Spilman, of Washington, D. C., were admitted to practice.

No. 583. Joseph Paterno, petitioner, *v.* John A. Lyons, as Commissioner of Correction of the State of New York. On writ of certiorari to the Court of Appeals of the State of New York. Judgment affirmed and case remanded to the Court of Appeals. Opinion by Mr. Justice Black. Dissenting: Mr. Justice Douglas. Concurring opinion by Mr. Justice Frankfurter.

No. 560. Earle W. Hilton, petitioner, *v.* John L. Sullivan, Secretary of the Navy, Frances Perkins, et al., Members of the Civil Service

Commission. 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 Black. Concurring opinion by Mr. Justice Reed in which Mr. Justice Frankfurter and Mr. Justice Jackson join. Concurring opinion by Mr. Justice Rutledge.

The Chief Justice said:

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

No. 834. Horace A. Young, Betty Jean Gilbert, and Patsy Marie Gilbert, Minors, etc., et al., petitioners, *v.* Asa C. Garrett, Frank Garrett, R. S. Foster, et al. Time for making service of petition for certiorari, brief, and record extended to a date which is not later than 10 days after the giving of notice by the Clerk of this Court to counsel for the petitioner that the printed record has been delivered to such Clerk.

No. 789. Ingram M. Stainback, Governor of the Territory of Hawaii, et al., appellants, *v.* Mo Hock Ke Lok Po, an Eleemosynary Corporation, et al. Further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing of the case on the merits.

No. 757. National Labor Relations Board, petitioner, *v.* Stowe Spinning Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted.

No. 676. Stowe Spinning Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 730. Foreign Trade Management Company, Incorporated, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 731. Foreign Trade Management Company, Incorporated, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 746. Mayte C. Ross, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 752. Edward J. Gill, Frank C. Menking, James A. Hill, et al., petitioners, *v.* Mesta Machine Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 755. John Francis Clements, an Infant, by Jesse Franklin Clements, his Next Friend, petitioner, *v.* Cleveland & Chicago Motor

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

No. 763. Mrs. Frank Jowers et al., petitioners, *v.* Dowell, Incorporated. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 764. Michael Downs, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 765. J. Gerber Hoofnel, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 768. Harry Schnell et al., Co-Partners Doing Business Under the Firm Name and Style of H. Schnell & Co., petitioners, *v.* The United States of America as Owner of the Steamship "Tubul." Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 770. Porter Royalty Pool, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 771. Glens Falls Indemnity Company, petitioner, *v.* Basich Brothers Construction Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 790. Frank Campbell Littleton, petitioner, *v.* David N. Rust et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 810. Paysoff Tinkoff, petitioner, *v.* People of the State of Illinois, ex rel. The Chicago Bar Association et al. The motion for a stay is denied. Petition for writ of certiorari to the Supreme Court of Illinois also denied. Mr. Justice Jackson took no part in the consideration or decision of these applications.

No. 10. Schine Chain Theatres, Inc., et al., appellants, *v.* The United States of America. The petition for clarification is denied. Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 75. Mandeville Island Farms, Inc., and Roscoe C. Zuckerman, petitioners, *v.* American Crystal Sugar Company;

No. 638. John Mellon, petitioner, *v.* The United States of America;

No. 663. The United States of America, petitioner, *v.* The Cold Metal Process Company et al.;

No. 671. Cargill, Incorporated, petitioner, *v.* The Board of Trade of the City of Chicago et al.; and

No. 685. Raymond A. Belz, petitioner, *v.* Board of Trade of the City of Chicago, Harry C. Schaack, Richard Uhlmann, et al. The petitions for rehearing in these cases are severally denied.

No. 741. George D. Finley, Hattie Finley, Alta Finley, and Frances Finley, appellants, *v.* City of Tarrant, a Municipal Corporation, et al. The petition for rehearing is denied. Mr. Justice Black took no part in the consideration or decision of this application.

No. 162, Misc. Ross C. Patton, petitioner, *v.* The Baldwin Locomotive Works. The motion for leave to file petition for rehearing is denied.

No. —. Watchtower Bible and Tract Society, petitioner, *v.* Metropolitan Life Insurance Co. The motion of petitioner for leave to file the printed record without certification is granted.

No. 345, Misc. Grace W. Adkins, etc., petitioner, *v.* E. I. duPont deNemours & Co., Inc. The Court desires to hear argument upon the questions presented by the motion for leave to proceed *in forma pauperis*, including the question as to the validity of a contingent fee agreement in connection with a suit brought pursuant to the Fair Labor Standards Act. The motion is assigned for oral argument on Monday, October 18, next.

No. 373, Misc. Barney Fredericksen, petitioner, *v.* Fred Dickson, Acting Warden. The motion to substitute James M. Jones, Warden, as the party respondent is granted. The motion for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the Supreme Court of Nebraska denied.

No. 409, Misc. James Morrison, petitioner, *v.* People of the State of New York. On petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Department;

No. 412, Misc. Robert Virgin, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit;

No. 416, Misc. W. E. Montgomery and Eugene Thomas Booth, petitioners, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit;

No. 426, Misc. Matthew Miller, petitioner, *v.* Browning Steamship Company. On petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit; and

No. 477, Misc. William Watkins, petitioner, *v.* State of Indiana. On petition for writ of certiorari to the Criminal Court of Lake County, State of Indiana. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are severally denied.

No. 543, Misc. In the Matter of Admiral Dewey Adamson, petitioner. The motion for leave to proceed *in forma pauperis* is granted. The application for a stay of execution is denied. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit also denied.

No. 303, Misc. The United States of America, petitioner, *v.* United States District Court for the Southern District of New York et al. The motion for leave to file petition for writ of mandamus is denied. Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 490, Misc. In the Matter of Homer E. Bodenmiller, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No. 528, Misc. In the Matter of Bruce Pierce, petitioner. Petition denied.

ORDER

The Court will take a recess from today until Monday, June 7, next, on which day it will adjourn for the term unless otherwise ordered.

Adjourned until Monday, June 7, next, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

W. D. McKay, of Magnolia, Ark.; George N. Denton, of Corpus Christi, Tex.; Bert P. Hebenstreit, of Toledo, Ohio; Donald S. Dawson, of Washington, D. C.; Oscar P. Glaser, of Washington, D. C.; Dick Ramsay Thomas, of Senatobia, Miss.; Brandon Grey Schnorf, of Toledo, Ohio; Otis Homer Ellis, of Nashville, Tenn.; Thos. W. Leigh, of Monroe, La.; Arthur Whitten McCauley, of Anoka, Minn.; Edward McMahan Anderson, of Magnolia, Ark.; James William Trimble, of Berryville, Ark.; Wallace S. Schall, of Chicago, Ill.; Joseph T. Lavorci, of Chicago, Ill.; Chauncey E. Wheeler, of Providence, R. I.; Franklin B. MacCarthy, of Los Angeles, Calif.; Frank F. Truscott, of Philadelphia, Pa.; Milton Winn, of New Hope, Pa.; Kirby M. Gillette, of Detroit, Mich.; Sidney W. Rothstein, of New York City; Albert A. Fiok, of Pittsburgh, Pa.; Richard Milton Worrel, of Fresno, Calif.; Leon L. Askren, of Atchinson, Kans.; James Perkins Parker, of Jacksonville, Fla.; Stanley Gewirtz, of New York City; Sidney F. Wogan, of Washington, D. C.; Henry J. Savage, of Ridgewood, N. J.; Zalman N. Diamond, of New York City; James R. Offutt, of Washington, D. C.; Seymour Krieger, of Washington, D. C.; Edwin McElwain, of Washington, D. C.; Glenn M. Elliott, of Memphis, Tenn.; Santi J. Paul, of Cranston, R. I.; Edward Joseph Bradley, of Chicago, Ill.; Charles C. Glover III, of Washington, D. C.; Thomas E. Sunderland, of New York City; Theodore R. Robinson, of Galveston, Tex.; Theodore A. Brown, of Washington, D. C.; Edward W. Howard, of Washington, D. C.; James H. Neu, of Washington, D. C.; Vail W. Pischke, of Washington, D. C.; Joseph A. Hunoval, of Newark, N. J.; and Richard W. Case, of Baltimore, Md., were admitted to practice.

No. 544. The United States of America, appellant, *v.* National City Lines, Inc., American City Lines, Inc., Pacific City Lines, Inc., et al. Appeal from the District Court of the United States for the Southern District of California. Decree reversed and case remanded for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Rutledge. Opinion by Mr. Justice Jackson concurring in the result. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Burton joins.

No. 139. Joseph Estin, petitioner, *v.* Gertrude Estin. On writ of certiorari to the Court of Appeals of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Douglas announced by Mr. Justice Reed. Dissenting opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Jackson.

No. 371. Louis Kreiger, petitioner, *v.* Helene Kreiger. On writ of certiorari to the Court of Appeals of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Douglas announced by Mr. Justice Reed. Dissenting: Mr. Justice Frankfurter and Mr. Justice Jackson.

No. 504. Samuel Saia, appellant, *v.* The People of the State of New York. Appeal from the Court of Appeals of the State of New York. Judgment reversed with costs and case remanded to the Court of Appeals for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Douglas announced by Mr. Justice Black. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Reed and Mr. Justice Burton concur. Dissenting opinion by Mr. Justice Jackson.

No. 366. Bay Ridge Operating Co., Inc., petitioner, *v.* James Aaron, Albert Alston, James Philip Brooks, et al.; and

No. 367. Huron Stevedoring Corp., petitioner, *v.* Leo Blue, Nathaniel Dixon, Christian Elliott, et al. On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgments modified as indicated in the opinion of this Court and, as so modified, affirmed. Opinion by Mr. Justice Reed. Mr. Justice Douglas took no part in the consideration or decision of these cases. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Jackson and Mr. Justice Burton concur.

No. 461. The United States of America, appellant, *v.* Columbia Steel Company, Consolidated Steel Corporation, et al. Appeal from the District Court of the United States for the District of Delaware. Decree affirmed. Opinion by Mr. Justice Reed. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black, Mr. Justice Murphy, and Mr. Justice Rutledge concur.

No. 533. Torao Takahashi, petitioner, *v.* Fish and Game Commission, Lee F. Payne, as Chairman Thereof, et al. On writ of certiorari to the Supreme Court of the State of California. Judgment reversed with costs and case remanded to the Supreme Court of California for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black. Concurring opinion by Mr. Justice Murphy in which Mr. Justice Rutledge joins. Dissenting opinion by Mr. Justice Reed in which Mr. Justice Jackson joins.

No. 655. William Jerome Phyle, petitioner, *v.* Clinton T. Duffy, Warden of the State Prison at San Quentin, State of California. On

writ of certiorari to the Supreme Court of the State of California. Writ of certiorari dismissed. Opinion by Mr. Justice Black. Concurring opinion by Mr. Justice Frankfurter in which Mr. Justice Douglas, Mr. Justice Murphy, and Mr. Justice Rutledge join.

No. 36. Margaret E. Sherrer, petitioner, *v.* Edward C. Sherrer. On writ of certiorari to the Probate Court of the County of Berkshire, Commonwealth of Massachusetts. Judgment reversed with costs and case remanded to the Probate Court for the County of Berkshire for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Vinson. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Murphy concurs.

No. 37. Martin V. B. Coe, petitioner, *v.* Katharine C. Coe. On writ of certiorari to the Probate Court for the County of Worcester, Commonwealth of Massachusetts. Judgment reversed with costs and case remanded to the Probate Court for the County of Worcester for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Vinson. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Murphy concurs.

No. 415. Earl J. Toomer, Joseph A. Cesaroni, Joseph De Gracia, et al., appellants, *v.* J. M. Witsell, Edward E. Burroughs, E. L. Sweat, et al. Appeal from the District Court of the United States for the Eastern District of South Carolina. Judgment affirmed in part and reversed in part and case remanded for proceedings in conformity with the opinion of this Court. One third of the costs to be taxed against appellants and two thirds against appellees. Opinion by Mr. Chief Justice Vinson. Mr. Justice Black concurs in the judgment of the Court and all of the opinion except part Fifth. Concurring opinion by Mr. Justice Frankfurter in which Mr. Justice Jackson concurs. Concurring opinion by Mr. Justice Rutledge.

The Chief Justice said:

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

No. 776. Thoger Gronberg Jungersen, petitioner, *v.* Robert Baden, Rose Baden, Albert Foss, et al., etc.;

No. 467. Thoger Gronberg Jungersen, petitioner, *v.* Ostby and Barton Company and American Associates, Inc.; and

No. 468. Ostby and Barton Company and American Associates, Inc., petitioners, *v.* Thoger Gronberg Jungersen. In No. 776 the petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit is granted. In Nos. 467 and 468 the motions for leave to file petitions for rehearing are granted and the petitions for rehearing are granted. The orders entered January 12, 1948, denying

certiorari are vacated and the petitions for writs of certiorari to the Circuit Court of Appeals for the Third Circuit are granted. The three cases are consolidated for argument and a total of three hours is allowed for oral argument of the consolidated cases.

No. 201, Misc. Elmer Uveges, petitioner, *v.* 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 Pennsylvania is granted and the case is ordered transferred to the appellate docket.

No. 503, Misc. L. D. Harris, petitioner, *v.* State of South Carolina. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Supreme Court of South Carolina is granted and the case is ordered transferred to the appellate docket. It is further ordered that execution of the sentence of death imposed on this petitioner be stayed pending the final disposition of the case by this Court.

No. 729. Interstate Circuit, Inc., Texas Consolidated Theatres, Inc., et al., petitioners, *v.* Tivoli Realty, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 734. C. D. Johnson Lumber Corporation, petitioner, *v.* Oregon Mesabi Corporation;

No. 735. C. D. Johnson Lumber Corporation, petitioner, *v.* Oregon Mesabi Corporation;

No. 736. Oregon Mesabi Corporation, petitioner, *v.* C. D. Johnson Lumber Corporation; and

No. 737. Oregon Mesabi Corporation, petitioner, *v.* C. D. Johnson Lumber Corporation. Petitions for writs of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 760. Newton Samuel Locke, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 762. Amelia Marinitsis, Alias Molly Marinitsis, petitioner, *v.* State of West Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 774. Time, Inc., petitioner, *v.* George W. Hartmann. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 783. Milton A. Floyd, petitioner, *v.* Ring Construction Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 781. Neumaticos Goodyear, S. A., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 769. Public Service Commission of the State of New York, petitioner, *v.* Securities and Exchange Commission. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 23. Federal Trade Commission, petitioner, *v.* The Cement Institute et al.;

No. 24. Federal Trade Commission, petitioner, *v.* Aetna Portland Cement Company et al.;

No. 26. Federal Trade Commission, petitioner, *v.* Calavaras Cement Company et al.;

No. 27. Federal Trade Commission, petitioner, *v.* Huron Portland Cement Company, and

No. 34. Federal Trade Commission, petitioner, *v.* Blaine S. Smith, et al.;

No. 25. Federal Trade Commission, petitioner, *v.* Marquette Cement Manufacturing Company;

No. 28. Federal Trade Commission, petitioner, *v.* Superior Portland Cement, Inc.;

No. 29. Federal Trade Commission, petitioner, *v.* Northwestern Portland Cement Company;

No. 30. Federal Trade Commission, petitioner, *v.* Riverside Cement Company;

No. 31. Federal Trade Commission, petitioner, *v.* Universal Atlas Cement Company; and

No. 32. Federal Trade Commission, petitioner, *v.* California Portland Cement Company. The petitions for rehearing in these cases are denied. Mr. Justice Douglas and Mr. Justice Jackson took no part in the consideration or decision of these applications.

No. 219. Lewis Montague, petitioner, *v.* Charles Henry Smith et al.; and

No. 693. The London Extension Mining Company, petitioner, *v.* Commissioner of Internal Revenue. The petitions for rehearing are denied.

No. 428. Harrison Parker, petitioner, *v.* People of the State of Illinois. The petition for rehearing is denied. Statement by Mr. Justice Jackson: "A litigant, apparently in good faith, raises objection to my participation in decision of his case, basing his objection upon statements which, if true, might reasonably lead him to believe himself justified in making the challenge. It seems appropriate to set the record straight.

In applying for a rehearing petitioner says:

"Prior to his elevation to the Supreme Court of the United States, JUSTICE JACKSON was the general counsel for Mr. Terry

Druggan. Mr. Weymouth Kirkland was the associate counsel with JUSTICE JACKSON in the large money affairs of Mr. Druggan." He adds that he is informed that for these reasons I "had succeeded in dividing the U. S. Supreme Court against this defenseless petitioner."

The facts are that I never have been general counsel or counsel of any character for any person named Terry Druggan, never to my knowledge saw or met such a person, do not know who he might be, where he resides or what his affairs consist of. Neither in this nor in any other matter was I ever associated professionally with Mr. Weymouth Kirkland, nor has he at any time communicated directly or indirectly with me concerning this case or any other matter pending in this or any other Court."

Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Murphy, and Mr. Justice Rutledge having voted to reverse the judgment of conviction, vote to grant the petition for rehearing.

No. 563. Sikora Realty Corporation, petitioner, *v.* Tighe E. Woods, Housing Expediter, as Successor to the Price Administrator; and

No. 226, Misc. Rocco Taurisano, petitioner, *v.* People of the State of New York. The motions for leave to file petitions for rehearing are granted. The petitions for rehearing are denied.

No. 326, Misc. James J. O'Loughlin, petitioner, *v.* E. V. Parker, Deputy Commissioner, U. S. Employees' Compensation Commission. The motion for leave to file a second petition for rehearing is denied.

No. 383, Misc. John Dwyer, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 420, Misc. John Peel, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 441, Misc. Edward L. Berry, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois; and

No. 459, Misc. Cecil Robert Wilson, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are severally denied.

No. 519, Misc. Wright Harris, petitioner, *v.* City of New York; and

No. 525, Misc. In the Matter of Fred Wallace Bantz. The applications are denied.

No. 526, Misc. In the Matter of Josef Ehlen et al.; and

No. 527, Misc. In the Matter of Richard Fritz Girke et al. Treating the application in each of these cases as a motion for leave to

file a petition for an original writ of habeas corpus, leave to file is denied. The Chief Justice, Mr. Justice Reed, Mr. Justice Frankfurter, and Mr. Justice Burton are of the opinion that there is want of jurisdiction. U. S. Constitution, Article III, Sec. 2, Clause 2; see *Ex parte Betz* and companion cases, all 329 U. S. 672 (1946); *Milch v. United States*, 332 U. S. 789 (1947); *Brandt v. United States*, 333 U. S. — (1948); *In re Eichel*, 333 U. S. — (1948). Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Murphy, and Mr. Justice Rutledge are of the opinion that motions for leave to file should be granted and that the cases should be set for argument forthwith. Mr. Justice Jackson took no part in the consideration or decision of these applications.

ORDER

The Court will take a recess from today until Monday, June 14, next, on which day it will adjourn for the term unless otherwise ordered.

Adjourned until Monday, June 14, next, at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

J. Warren Wilson, of Washington, D. C.; W. Howes Meade, of Paintsville, Ky.; Stanley L. Temko, of New York City; James Gardner Lambert, of Atlanta, Ga.; Fred John Melaugh, Jr., of Portland, Maine; J. Linwood Kenner, of Louisville, Ky.; Robert Leslie Bass, of Knoxville, Tenn.; Perry M. Ling, of Phoenix, Ariz.; Carl H. Livingston, of Tulsa, Okla.; H. S. Beard, of Waco, Tex.; G. A. Chadwick, Jr., of Washington, D. C.; Dorothy Patterson Sayre, of Canton, Ohio; Arthur Addison Sayre, of Canton, Ohio; Vernon Murphy, of New York City; Samuel Everett Wilkins, Jr., of Providence, R. I.; Thomas Lisi, of Providence, R. I.; William F. Tanner, of New York City; Vincent S. Lamb, of Boston, Mass.; Martin Menter, of Syracuse, N. Y.; Edward T. Shableski, of Chicago, Ill.; Charles Asbell, of Henderson, Ky.; Wm. J. Chisholm, of Washington, D. C.; Edward E. Reinhold, of Washington, D. C.; Lane Mitchell Smith, of Atlanta, Ga.; Lemuel H. Matthews, of San Francisco, Calif.; Ben White Einzig, of Sherman Oaks, Calif.; Dee W. Pincock, of Washington, D. C.; Irving Maness, of New York City; Hugo V. Prucha, of Cleveland, Ohio; and Cecile J. Shapiro, of Columbus, Ohio, were admitted to practice.

No. 105. Jacob Lichter and Jennie L. Lichter, Individually and as Co-partners Doing Business as Southern Fireproofing Company, a Co-partnership, petitioners, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit;

No. 74. A. V. Pownall, Grace M. Pownall, and Henes-Morgan Machinery Company, Ltd., petitioners, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit; and

No. 95. Alexander Wool Combing Company, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Judgments affirmed. Case No. 105 is remanded to the District Court of the United States

for the Southern District of Ohio, No. 74 to the District Court of the United States for the Southern District of California, and No. 95 to the District Court of the United States for the District of Massachusetts. Opinion by Mr. Justice Burton. Mr. Justice Murphy concurs in the result in these cases. Mr. Justice Jackson concurs in the result in the Pownall case, but dissents in the Lichter and Alexander cases. Opinion by Mr. Justice Douglas dissenting in part in case No. 105.

No. 541. Francis Joseph Gryger, petitioner, *v.* C. J. Burke, Warden, Eastern State Penitentiary, Philadelphia, Pennsylvania. On writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania. Judgment affirmed. Opinion by Mr. Justice Jackson. Dissenting opinion by Mr. Justice Rutledge in which Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Murphy join.

No. 542. Frank Townsend, petitioner, *v.* C. J. Burke, Warden, Eastern State Penitentiary, Philadelphia, Pennsylvania. On writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania. Judgment reversed with costs and case remanded to the Supreme Court of Pennsylvania for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Jackson. Dissenting: The Chief Justice, Mr. Justice Reed, and Mr. Justice Burton.

No. 40. Donald Wade, petitioner, *v.* Nathan Mayo, as State Prison Custodian of the State of Florida. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment of Circuit Court of Appeals reversed with costs and case remanded to the District Court of the United States for the Southern District of Florida for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Murphy. Dissenting opinion by Mr. Justice Reed in which the Chief Justice, Mr. Justice Jackson, and Mr. Justice Burton join.

No. 427. Jack Trupiano, Romildo Riccardelli, Anthony Antoniole, and Riordan J. A. Roett, Jr., petitioners, *v.* The United States of America. 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. Opinion by Mr. Justice Murphy. Dissenting opinion by Mr. Chief Justice Vinson in which Mr. Justice Black, Mr. Justice Reed, and Mr. Justice Burton concur.

No. 489. Mary Morton West, Osage Allottee No. 192, appellant, *v.* Oklahoma Tax Commission. Appeal from the Supreme Court of the State of Oklahoma. Judgment affirmed with costs. Opinion by Mr.

Justice Murphy. Dissenting: The Chief Justice, Mr. Justice Frankfurter, and Mr. Justice Douglas.¹

No. 17. The United States, petitioner, *v.* John J. Felin & Co., Inc. On writ of certiorari to the Court of Claims. Judgment reversed and case remanded to Court of Claims with directions to enter a judgment for the respondent in an amount not exceeding \$12,556.25 with interest on the amount of \$25,112.50 from March 3, 1943, the date of the requisition, to May 22, 1943, the date of the final award made by the Director of the Food Distribution Administration. Mr. Justice Frankfurter announced the judgment of the Court and delivered an opinion in which the Chief Justice and Mr. Justice Burton concur. Opinion by Mr. Justice Reed concurring in the judgment in which Mr. Justice Black and Mr. Justice Murphy join. Concurring opinion by Mr. Justice Rutledge. Dissenting opinion by Mr. Justice Jackson in which Mr. Justice Douglas joins.

No. 14. Central Greyhound Lines, Inc., of New York, appellant, *v.* Carroll E. Mealey et al., Constituting the State Tax Commission of the State of New York. Appeal from the Court of Appeals of the State of New York. 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 Frankfurter. Mr. Justice Rutledge concurs in the result. Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Black and Mr. Justice Douglas concur.

No. 432. The United States of America, petitioner, *v.* Tillie Zazove. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment of Circuit Court of Appeals reversed and case remanded to the District Court of the United States for the Northern District of Illinois for proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Vinson.

No. 59. Donald Loftus, petitioner, *v.* People of the State of Illinois. On writ of certiorari to the Supreme Court of the State of Illinois. Cause continued for an appropriate period to enable this Court to be advised without ambiguity whether the Illinois Supreme Court intended to rest the judgment herein on an adequate independent State ground or whether decision of the claim under the Fourteenth Amendment was necessary to the judgment rendered. Opinion *per curiam*

¹No. 490. Floyd O. Yarbrough, Executor of the Estate of Dora Neal Rector, Osage Allottee, No. 626, Deceased, et al., appellant, *v.* Oklahoma Tax Commission. Appeal from the Supreme Court of the State of Oklahoma. Judgment affirmed with costs, per stipulation of counsel to abide decision in No. 489.

announced by Mr. Chief Justice Vinson. Mr. Justice Black and Mr. Justice Douglas are of the opinion that the judgment should be reversed.

No. 674. Chester Hedgebeth, petitioner, *v.* State of North Carolina. On writ of certiorari to the Supreme Court of the State of North Carolina. Writ of certiorari dismissed. Opinion *per curiam* announced by Mr. Chief Justice Vinson. Dissenting: Mr. Justice Douglas. Mr. Justice Rutledge is of the opinion that the judgment should be reversed.

The Chief Justice announced the following order of the Court:

No. 320. Lincoln Electric Company, appellant, *v.* James V. Forrestal, Secretary of National Defense, et al. Appeal from the District Court of the United States for the District of Columbia. *Per curiam*: The judgment is affirmed. *Lichter v. United States*, *Pownall v. United States*, and *Alexander Wool Combing Co. v. United States*, Nos. 105, 74, and 95, October Term, 1947, decided this day. Mr. Justice Burton took no part in the consideration or decision of this case.

The Chief Justice said:

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

No. 524, Misc. Andrew Upshaw, 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 United States Court of Appeals for the District of Columbia is granted and the case is ordered transferred to the appellate docket and placed on the summary docket.

No. 77. Estate of Charles Nathan, Rose N. Straus, Executrix, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 592. Commonwealth of Kentucky, petitioner, *v.* Illinois Central Railroad Company. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 747. Robert V. McRae, petitioner, *v.* State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 766. Edward K. Barsky et al., petitioners, *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. 772. Fred Stein and Bernard Stein, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 773. William Sinnott and Reuben Schuler, petitioners, *v.* State of South Dakota. Petition for writ of certiorari to the Supreme Court of South Dakota denied.

No. 777. Land O'Lakes Dairy Company, petitioner, *v.* Village of Sebeka et al. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 779. Nate S. Shapero, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 784. Whitin Machine Works, a Corporation, petitioner, *v.* William G. Reynolds, Edgar A. Terrell, and the Terrell Machine Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 785. National Garment Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 787. Trust Company of Chicago, a Corporation, as Administrator of the Estate of Peter Anastis, petitioner, *v.* Erie Railroad Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 788. William C. Chick and Mabel C. Foss, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 791. Lily Ho Quon and Albert T. Quon, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 794. Vail Manufacturing Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 795. Milwaukee Mechanics' Insurance Company, petitioner, *v.* William B. MacDonald and Victoria MacDonald, Doing Business as Elcar Coach. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 798. Margaret Ellis Anderson, petitioner, *v.* Provident Life and Accident Insurance Company;

No. 799. Coca-Cola Bottling Company of Greenville, South Carolina, petitioner, *v.* Provident Life and Accident Insurance Company; and

No. 800. Coca-Cola Bottling Company of Greenville, South Carolina, petitioner, *v.* Provident Life and Accident Insurance Company. Petition for writs of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 801. Walter G. Hougland, Jr., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 809. General Time Instruments Corporation, petitioner, *v.* The United States Time Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 814. Pittsburgh-Des Moines Steel Company, a Copartnership, et al., petitioners, *v.* Eileen Moran, Administratrix of the Estate of Patrick J. Moran, Deceased. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 815. The Gem Jewelry Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 842. John Vanneck and Paul C. Moran, as Trustees Under the Last Will and Testament of Marion P. Brookman, Deceased, petitioners, *v.* Securities and Exchange Commission et al.; and

No. 843. Gabriel Caplan and Others, on Behalf of Themselves and All Debenture-Holders of American Gas and Power Company, Similarly Situated, petitioners, *v.* Securities and Exchange Commission et al. Petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 753. Kenneth Romney, 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. The Chief Justice took no part in the consideration or decision of this application.

No. 813. Celia A. Huggins, etc., petitioner, *v.* Melvin Toomer et ux. The motion to extend the time to serve printed papers is denied. The petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit is also denied.

No. 690. Minniola O. Miller, petitioner, *v.* The United States of America et al.;

No. 754. William H. Redding, appellant, *v.* City of Los Angeles, Hon. Fletcher Bowron, Mayor Thereof, et al.; and

No. 306, Misc. John Harry McGough, petitioner, *v.* The United States of America. The petitions for rehearing in these cases are severally denied.

No. 66, Misc. John Richardson, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 141, Misc. Bruno Palulis, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 254, Misc. Fred Hines, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 310, Misc. Abraham Grimm, petitioner, *v.* Walter Nierstheimer, Warden. On petition for writ of certiorari to the Circuit Court of Jefferson County, State of Illinois;

No. 379, Misc. Marvin E. Bennett, petitioner, *v.* Ben B. Stewart, Warden. On petition for writ of certiorari to the Supreme Court of Missouri;

No. 418, Misc. John W. Morton, petitioner, *v.* E. J. Welch, Superintendent. On petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit;

No. 429, Misc. Edgar Lee Rawls, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit;

No. 431, Misc. Emory Speer King, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit;

No. 447, Misc. Henry L. Wilson, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 448, Misc. Richard Clarence Willis, petitioner, *v.* Walter A. Hunter, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit;

No. 449, Misc. Sibrand Bloom, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Lake County, State of Illinois;

No. 450, Misc. John Kill, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 451, Misc. Mrs. Kenneth S. Gann et al., petitioners, *v.* Mrs. Willie B. Meek. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 452, Misc. William Kemmerer, petitioner, *v.* Ralph E. Benson, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit;

No. 453, Misc. John E. Ward, petitioner, *v.* Robert A. Heinze, Warden. On petition for writ of certiorari to the Supreme Court of California;

No. 454, Misc. John Moore, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit;

No. 462, Misc. Ole A. Bricton, petitioner, *v.* Joseph W. Woodrough et al. On petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit;

No. 464, Misc. Charles Hanson, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit;

No. 470, Misc. Hubert C. Davis, 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. 473, Misc. Harry C. Kelly, petitioner, *v.* P. J. Squier, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 476, Misc. Allen Dixon, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 485, Misc. John Gray et al., petitioners, *v.* Arthur Bracey et al. On petition for writ of certiorari to the Supreme Court of California;

No. 487, Misc. David Joseph Watson, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 492, Misc. Sam Richard Shockley, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 495, Misc. Miran Edgar Thompson, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 498, Misc. Angelo Fazio and Charles Piacentino, petitioners, *v.* People of the State of New York. On petition for writ of certiorari to the County Court of Kings County, State of New York;

No. 499, Misc. Coy Thompson, petitioner, *v.* Walter Nierstheimer, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit;

No. 500, Misc. George Cole and George Hicks, petitioners, *v.* The State of New Jersey. On petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey;

No. 510, Misc. Lawson Odell, petitioner, *v.* R. H. Hudspeth, Warden. On petition for writ of certiorari to the Supreme Court of Kansas;

No. 513, Misc. Frank J. Calderbank, petitioner, *v.* Commonwealth of Pennsylvania. On petition for writ of certiorari to the Supreme Court of Pennsylvania;

No. 514, Misc. Ernest William Howell, petitioner, *v.* James M. Jones, Warden. On petition for writ of certiorari to the Supreme Court of Nebraska;

No. 515, Misc. Roy M. Johnson, petitioner, *v.* Ben B. Stewart, Warden. On petition for writ of certiorari to the Supreme Court of Missouri;

No. 518, Misc. Gilbert Asbell, petitioner, *v.* Ben B. Stewart, Warden. On petition for writ of certiorari to the Supreme Court of Missouri;

No. 520, Misc. Bert E. Kalan, petitioner, *v.* Mildred D. Kalan. On petition for writ of certiorari to the Court of Appeals of New York;

No. 521, Misc. William Reed, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 522, Misc. Arthur Robinson, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 523, Misc. Melvin Lewis Elliott, petitioner, *v.* R. H. Hudspeth, Warden. On petition for writ of certiorari to the Supreme Court of Kansas;

No. 530, Misc. Joseph McElligott, petitioner, *v.* C. J. Burke, Warden. On petition for writ of certiorari to the Supreme Court of Pennsylvania;

No. 531, Misc. Bernie A. Beason, petitioner, *v.* Ben B. Stewart, Warden. On petition for writ of certiorari to the Supreme Court of Missouri;

No. 532, Misc. Everett C. Lyle, petitioner, *v.* Ben B. Stewart, Warden. On petition for writ of certiorari to the Supreme Court of Missouri;

No. 533, Misc. Joe Washington, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 534, Misc. John O. Story, petitioner, *v.* State of Oklahoma. On petition for writ of certiorari to the Criminal Court of Appeals of Oklahoma;

No. 535, Misc. Harry Meyers, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois;

No. 536, Misc. Tyree Holloway, 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. 537, Misc. T. C. Jones, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 539, Misc. Victor Brown, petitioner, *v.* State of Missouri. On petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit;

No. 540, Misc. Ralph O. Lucas, petitioner, *v.* State of Texas. On petition for writ of certiorari to the Court of Criminal Appeals of Texas;

No. 542, Misc. James B. Farnsworth, petitioner, *v.* State of Maryland. On petition for writ of certiorari to the Supreme Bench of Baltimore City, State of Maryland;

No. 546, Misc. Roy M. Turner, petitioner, *v.* State of Missouri. On petition for writ of certiorari to the Supreme Court of Missouri;

No. 547, Misc. James Hawley, petitioner, *v.* State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 549, Misc. Jack William Shaffer, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 550, Misc. James F. Haughey, petitioner, *v.* W. Frank Smyth, Jr., Superintendent. On petition for writ of certiorari to the Supreme Court of Appeals of Virginia;

No. 551, Misc. Joseph A. Farrell, petitioner, *v.* Francis J. W. Lanan, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit; and

No. 553, Misc. Herbert H. Hall, 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. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are severally denied.

No. 554, Misc. Joe M. Gray, 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 United States Court of Appeals for the District of Columbia is denied for the reason that application therefor was not made within the time provided by law. Rule 37 (b) (2) of the Rules of Criminal Procedure.

No. 320, Misc. Hughes R. Hilliard, petitioner, *v.* The United States of America. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit and the motions for other relief are denied.

No. 491, Misc. Jack Smith, petitioner, *v.* R. H. Hudspeth, Warden. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Supreme Court of Kansas is denied. The motion for leave to file petition for writ of habeas corpus is also denied.

No. 529, Misc. Rocco Trimarco, petitioner, *v.* Joseph E. Ragen, Warden. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Circuit Court of Will County, State of Illinois, is denied. The motion for leave to file petition for writ of habeas corpus is also denied.

No. 243, Misc. Salvatore Didato, petitioner, *v.* Francis C. Shaw, Director;

No. 507, Misc. Fred Tate, petitioner, *v.* Robert A. Heinze, Warden;

No. 509, Misc. Albert Baker, petitioner, *v.* L. F. Utecht, Warden;

No. 541, Misc. Mary A. Ruthven, petitioner, *v.* Dr. Winfred Overholser, Superintendent;

No. 544, Misc. Lawrence W. Gallaway, petitioner, *v.* State of Michigan;

No. 548, Misc. John Stoker, petitioner, *v.* Joseph E. Ragen, Warden; and

No. 566, Misc. Paul D. Petro, petitioner, *v.* Robert A. Heinze, Warden. The motions for leave to file petitions for writs of habeas corpus are severally denied.

No. 364, Misc. Chester McCullum, petitioner, *v.* People of the State of Illinois. Application denied.

No. 480, Misc. Gene McCann, petitioner, *v.* Tom C. Clark, Attorney General. The motion for leave to file petition for writ of certiorari is denied.

No. 508, Misc. In the Matter of James Wiley Hudson. Petition denied.

No. 517, Misc. In the Matter of Douglas Hult. The motion for leave to file petition for writ of mandamus is denied.

No. 538, Misc. Thomas Fife, petitioner, *v.* Joseph E. Ragen, Warden. Petition denied.

No. 545, Misc. Howard Walker, petitioner, *v.* State of Maryland. Petition denied.

ORDER

The Court will take a recess from today until Monday, June 21, next, on which day it will adjourn for the term unless otherwise ordered.

Adjourned until Monday, June 21, next, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Vinson, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Murphy, Mr. Justice Jackson, Mr. Justice Rutledge, and Mr. Justice Burton.

John Hubert Hall, of Portland, Oreg.; James Joseph Shepard, Jr., of Kansas City, Mo.; Charles A. Rond III, of Memphis, Tenn.; George M. Martin, of Yakima, Wash.; Henry M. Jackson, of Everett, Wash.; Daniel Davis Morgan, of New Haven, Conn.; W. Glen Harlan, of Atlanta, Ga.; Harold Herbert Gearinger, of Lexington, Ky.; Herbert Malcolm Hart, of St. Louis, Mo.; David L. Goldberg, of Hartford, Conn.; James A. Embry, of Chandler, Okla.; John Embry, of Chandler, Okla.; Morris Horowitz, of New York City; Allan H. W. Higgins, of Boston, Mass.; and Julian H. Biddle, of San Francisco, Calif., were admitted to practice.

No. 721. Samuel Taylor, petitioner, *v.* State of Alabama. On writ of certiorari to the Supreme Court of the State of Alabama. Judgment affirmed. Opinion by Mr. Justice Burton. Mr. Justice Black took no part in the consideration or decision of this case. Concurring opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Douglas and Mr. Justice Rutledge join.

No. 451. Andrew W. Comstock, a Holder of Missouri Pacific Railroad Company 5¼% Secured Serial Gold Bonds, etc., petitioner, *v.* Group of Institutional Investors, etc., et al.;

No. 452. New Orleans, Texas and Mexico Railway Company, Debtor, etc., petitioner, *v.* Group of Institutional Investors, etc., et al.;

No. 453. Guy A. Thompson, Trustee of the New Orleans, Texas and Mexico Railway Company, etc., petitioner, *v.* Group of Institutional Investors, etc., et al.; and

No. 454. Andrew W. Comstock, petitioner, *v.* Guy A. Thompson, Trustee of the New Orleans, Texas and Mexico Railway Company, Debtor, et al. On writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment in No. 451 affirmed with costs and writs of certiorari in Nos. 452, 453, and 454

dismissed with costs; and cases remanded to the District Court of the United States for the Eastern District of Missouri. Opinion by Mr. Justice Jackson. Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Rutledge join.

No. 446. Paul Ahrens et al., petitioners, *v.* Tom C. Clark, Attorney General of the United States. 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 announced by Mr. Justice Reed. Dissenting opinion by Mr. Justice Rutledge in which Mr. Justice Black and Mr. Justice Murphy join.

No. 723. Kurt G. W. Ludecke, petitioner, *v.* W. Frank Watkins, as District Director of Immigration. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed and stay order entered by this Court February 2, 1948, vacated; and case remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas, Mr. Justice Murphy, and Mr. Justice Rutledge join. Dissenting opinion by Mr. Justice Douglas announced by Mr. Justice Black in which Mr. Justice Murphy and Mr. Justice Rutledge join.

No. 94. Memphis Natural Gas Company, petitioner, *v.* A. H. Stone, Chairman, State Tax Commission of Mississippi. On writ of certiorari to the Supreme Court of the State of Mississippi. Judgment affirmed with costs. Mr. Justice Reed announced the judgment of the Court and an opinion in which Mr. Justice Douglas and Mr. Justice Murphy join. Mr. Justice Black concurs in the judgment. Concurring opinion by Mr. Justice Rutledge. Dissenting opinion by Mr. Justice Frankfurter in which the Chief Justice, Mr. Justice Jackson, and Mr. Justice Burton concur.

No. 695. The United States of America, appellant, *v.* Congress of Industrial Organizations, Philip Murray, Officer Thereof. Appeal from the District Court of the United States for the District of Columbia. Order of District Court dismissing indictment affirmed on grounds stated in opinion of this Court. Opinion by Mr. Justice Reed. Concurring opinion by Mr. Justice Frankfurter. Opinion concurring in the result by Mr. Justice Rutledge in which Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Murphy join.

No. 49. William Shapiro, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of

Appeals for the Second Circuit. Judgment of the Circuit Court of Appeals affirmed and case remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Chief Justice Vinson. Dissenting opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Jackson in which Mr. Justice Murphy joins. Dissenting opinion by Mr. Justice Rutledge.

No. 97. The United States of America, appellant, *v.* James Hoffman. Appeal from the District Court of the United States for the District of Columbia. Judgment reversed and case remanded for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Vinson. Dissenting: Mr. Justice Frankfurter, Mr. Justice Jackson, Mr. Justice Murphy, and Mr. Justice Rutledge.

The Chief Justice announced the following orders of the Court:

No. 775. C. E. Eubanks, petitioner, *v.* Guy A. Thompson, Receiver or Trustee of the Missouri Pacific Railroad Company. On writ of certiorari to the Supreme Court of Arkansas. *Per curiam*: The petition for writ of certiorari is granted and the judgment of the Supreme Court of the State of Arkansas is reversed. See *Myers v. Reading Co.*, 331 U. S. 477 (1947) and *Ellis v. Union Pacific Railroad Co.*, 329 U. S. 649 (1947).

No. 808. National Maritime Union of America et al., appellants, *v.* Paul M. Herzog, John M. Houston, James J. Reynolds, Jr., et al. Appeal from the District Court of the United States for the District of Columbia. *Per curiam*: The decision of the statutory three-judge court is affirmed to the extent that it passes upon the validity of section 9 (f) and 9 (g) of the National Labor Relations Act, as amended by the Labor-Management Relations Act of 1947 (61 Stat. 136, 143; 29 U. S. C., sec. 141, 159 (f), 159 (g), Supp. 1947). We do not find it necessary to reach or consider the validity of section 9 (h). Mr. Justice Black and Mr. Justice Douglas are of the opinion that probable jurisdiction should be noted and the case set down for argument.

The Chief Justice said:

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

ORDER

It is ordered that rules 51, 52, 53, and 54 of the Rules of Practice for the Courts of the United States in Admiralty and Maritime Jurisdiction be, and they are hereby, amended to read as follows:

RULE 51. *Limitation of Liability—How Claimed.*—The owner or owners of any vessel who shall desire to claim the benefit of limitation of liability provided for in the third and fourth sections of the Act of March 3, 1851, entitled "An Act to limit the liability of shipowners and for other purposes" (Sections 183 to 189 of Title 46 of the U. S. Code) as now or hereafter amended or supplemented, may file a petition in the proper District Court of the United States, as hereinafter specified. Such petition shall set forth the facts and circumstances on which limitation of liability is claimed, and pray proper relief in that behalf. It shall also state facts showing that the petition is filed in the proper district; the voyage on which the demands sought to be limited arose, with the date and place of its termination; the amount of all demands including all unsatisfied liens or claims of lien, in contract or in tort, arising on that voyage, so far as known to the petitioner, and what suits, if any, are pending thereon; whether the vessel was damaged, lost or abandoned, and, if so, when and where; the value of the vessel at the close of the voyage or, in case of wreck, the value of her wreckage, strippings or proceeds, if any, and where and in whose possession they are; and the amount of any pending freight recovered or recoverable. If any of the above particulars are not fully known to the petitioner, a statement of such particulars according to the best knowledge, information, and belief of the petitioner shall be sufficient. With his petition the petitioner may, if he so elects, file an interim stipulation, with sufficient sureties or an approved corporate surety, for the payment into court whenever the court shall so order, of the aggregate amount of the value of petitioner's interest in the vessel at the close of the voyage or, in case of wreck, the value of the wreckage, strippings or proceeds, and of any pending freight recovered or recoverable, with interest at six percent per annum from the date of the stipulation, and costs. If such interim stipulation is filed, it shall be accompanied by an affidavit or affidavits of a competent person or persons corroborating the statement in the petition as to value of the vessel, or her wreckage, etc., and her freight. Said court, having caused due appraisement to be had of the value of petitioner's interest in the vessel, or her wreckage, etc., and her freight shall make an order for the payment of the same into court, or for the giving of a stipulation, with sufficient sureties or an approved corporate surety, for the payment thereof into court with interest at six percent per annum from the date of the stipulation, whether interim or final, and costs, whenever the same shall be ordered; or, if the petitioner shall so elect, the court without such appraisement shall make an order for the transfer by the petitioner of his interest in such vessel, or her wreckage, etc., and freight to a trustee to be appointed by the court under the fourth section of said Act.

If a surrender of petitioner's interest in the vessel or her wreckage, etc., is offered to be made to a trustee, the petition must further show any prior paramount liens thereon, and what voyage or trips, if any, she has made since the voyage or trip on which the claims sought to be limited arose, and any existing liens arising upon any such subsequent voyage or trip, with the amounts and causes thereof, and the names and addresses of the lienors, so far as known; and whether the vessel sustained any injury upon or by reason of such subsequent voyage or trip.

Upon the filing of such interim stipulation, or upon determination of value by appraisal and compliance with the court's order with respect thereto, or upon compliance with a surrender order, as the case may be, the court shall issue a monition against all persons asserting claims in respect to which the petition seeks limitation, citing them to file their respective claims with the Clerk of said court and to serve on or mail to the proctors for the petitioner a copy thereof on or before a date to be named in said writ which shall be not less than 30 days after issuance of the same, which time the court, for cause shown, may enlarge.

Notice of the monition shall be published in such newspaper or newspapers as the court by rule or order may direct in substantially the following form, once in each week for four successive weeks before the return day of the monition :

UNITED STATES DISTRICT COURT

DISTRICT OF

NOTICE OF PETITION FOR EXONERATION FROM OR LIMITATION OF
LIABILITY

(Filed -----)

Notice is given that ----- has filed a petition pursuant to Title 46, U. S. Code, §§ 183-189, claiming the right to exoneration from or limitation of liability for all claims arising on the voyage of the vessel ----- from ----- to ----- terminating on -----.

All persons having such claims must file them, under oath, as provided in United States Supreme Court Admiralty Rule 52, with the Clerk of this Court, at the U. S. Court House at ----- and serve on or mail to the petitioner's proctors ----- at ----- a copy on or before ----- or be defaulted. Personal attendance is not required.

Any claimant desiring to contest the claims of petitioner must file an answer to said petition, as required by Supreme Court Admiralty Rule 53, and serve on or mail to petitioner's proctors a copy.

U. S. Marshal.

The petitioner not later than the day of second publication shall also mail a copy of the above notice (copy of the monition

need not be mailed) to every person known to have made any claim against the vessel or the petitioner arising out of the voyage or trip on which the claims sought to be limited arose. In cases involving death a copy of such notice, together with a copy of Rule 52, shall be mailed to the decedent at his last-known address, and also to any person who shall be known to have made any claim on account of such death.

The said court shall also, on the application of the petitioner, make an order to restrain the further prosecution of all and any suit or suits against the petitioner and/or said vessel in respect to any claim or claims subject to limitation in the proceeding.

RULE 52. *Filing and Proof of Claim in Limited Liability Proceedings.*—Claims shall be filed with the Clerk of the Court in writing under oath and a copy shall be served upon the proctor for the petitioner on or before the return day of the monition. Each claim shall specify the various allegations of fact upon which the claimant relies in support of his claim, the items thereof, and the dates on which the same accrued. Within thirty days after the return day of the monition or within such time as the Court thereafter may allow, the petitioner shall mail to the proctor for each claimant (or if the claimant have no proctor to the claimant himself) a list setting forth (a) the name of each claimant, (b) the name and address of his proctor or attorney (if he is known to have one), (c) the nature of his claim, i. e., whether property loss, property damage, death, personal injury, etc., and (d) the amount thereof.

Whenever an interim stipulation has been filed as provided in Rule 51, any person claiming damages as aforesaid, who shall have filed his claim under oath, may file an exception controverting the value of the vessel at the close of the voyage, or, in case of wreck, the value of her wreckage, strippings or proceeds, and the amount of her pending freight, and the amount of the interim stipulation based thereon, and thereupon the court shall cause due appraisal to be had of the value of petitioner's interest in the vessel, or her wreckage, etc., and her freight; and if the court finds that the amount of the interim stipulation is either insufficient or excessive, the court shall make an order for the payment of the proper amount into court or, as the case may be, for a reduction in the amount of the stipulation or for the giving of an additional stipulation.

Proof of all claims which shall be filed in pursuance of said monition shall thereafter be made before a commissioner to be designated by the court, or before the court as the court may determine, subject to the right of any person interested to question or controvert the same; but no objection to any claim need be filed by any party to the proceeding; and on the completion of said proofs, the commissioner shall make report, or the court its findings on the claims so proven, and on confirmation of said commissioner's report, after hearing any exceptions thereto, or on such finding by the court, the moneys paid or secured to be paid into court as aforesaid or the proceeds of said vessel, or her

wreckage, etc., and freight (after payment of costs and expenses) shall upon determination of liability be divided pro rata, subject to all provisions of law thereto, appertaining, amongst the several claimants in proportion to the amount of their respective claims, duly proved and confirmed as aforesaid, saving, however, to all parties any priority to which they may be legally entitled.

RULE 53. *Rights of Owner to Contest Liability and of Claimants to Contest Exoneration from Liability or Limitation of Liability of Owner.*—In the proceedings aforesaid, the petitioner shall be at liberty to contest his liability, or the liability of said vessel, provided he shall have complied with the requirements of Rule 51 and shall also have given a bond for costs and provided that in his petition he shall state the facts and circumstances by reason of which exoneration from liability is claimed; and any person claiming damages as aforesaid who shall have filed his claim under oath and intends to contest the right to exoneration or limitation, shall file an answer to such petition, and serve a copy on proctor for petitioner, and may contest the right of the owner or owners of said vessel, either to an exoneration from liability or to a limitation of liability under the said Act of Congress, or both, provided such answer shall in suitable allegations state the facts and circumstances by reason of which liability is claimed or right to limitation should be denied.

RULE 54. *Courts Having Cognizance of Limited Liability Procedure.*—The said petition shall be filed and the said proceedings had in any District Court of the United States in which said vessel has been libeled to answer for any claim in respect to which the petitioner seeks to limit liability; or, if the said vessel has not been libeled, then in the District Court for any district in which the owner has been sued in respect to any such claim. When the said vessel has not been libeled to answer the matters aforesaid, and suit has not been commenced against the said owner, the said proceedings may be had in the District Court of the district in which the said vessel may be, but if said vessel is not within any district and no suit has been commenced in any district, then the petition may be filed in any District Court. The District Court may, in its discretion, transfer the proceedings to any district for the convenience of the parties. If the vessel shall have already been sold, the proceeds shall represent the same for the purposes of these rules.

No. —. In re Harry Gladstone Easman. The motion to amend the roll of attorneys to show the change of name of Harry Gladstone Iseman to Harry Gladstone Easman is granted.

No. —, original. State of Wisconsin, complainant, v. State of Illinois. The motion for leave to file bill of complaint is denied. *Massachusetts v. Missouri* (308 U. S. 1).

No. 12, original. The United States of America, complainant, v. The State of California. In our opinion of June 23, 1947, we stated

that it might later become necessary to have hearings "in order to determine with greater definiteness particular segments of the boundary" between California and the marginal sea over which the United States has paramount rights and power (332 U. S. 19, 26). Our decree of October 27, 1947, reserved jurisdiction to enter such further orders and to issue such writs as might from time to time be necessary (332 U. S. 804, 805).

The Government has now filed a petition praying that the precise boundary as to certain segments of the California coastal area be ascertained. It urges that there exists a definite need for a prompt determination in this respect. California has answered, agreeing that there is need for prompt determination of the boundaries as to the segments designated by the Government, but it urges that there is also need for a prompt determination of the precise California coastal boundary all the way from Oregon to Mexico.

California's petition for an ascertainment of the entire coastal boundary at this time is denied.

The Court is in doubt at this time as to what particular segments of the boundary, if any, should now be determined.

It is therefore of the opinion that a master should be appointed by the Chief Justice to make inquiry into this subject and to hold hearings, if he finds it necessary, in order to make recommendations to this Court at the October, 1948, Term, as to what particular portions of the boundary call for precise determination and adjudication. Should the master conclude that such adjudications should be made, he is also authorized to recommend to this Court an appropriate procedure to be followed in determining the precise boundary of such segments.

It is so ordered. Mr. Justice Jackson took no part in the consideration or decision of this question.

No. 52. Estate of Sidney M. Spiegel, Deceased, Katherine J. Spiegel, et al., Surviving Executors, etc., petitioners, *v.* Commissioner of Internal Revenue; and

No. 96. Commissioner of Internal Revenue, petitioner, *v.* Estate of Francois L. Church, Deceased, Edward E. Black, Executor. Each of these cases is ordered restored to the docket and is assigned for reargument. In their briefs and on oral argument counsel are requested to discuss particularly the following questions insofar as they are relevant to the respective cases:

1. Assuming that, under the applicable state law, there was no possibility of reverter and no interest of any other kind retained or arising in favor of the settlor or his estate under the transfer made in trust,

inter vivos, did section 811 (c) of the Internal Revenue Code require that the value of the corpus of the trust be included in the settlor's gross estate for federal estate-tax purposes? That is, did section 811 (c) require the inclusion in the gross estate of the settlor of the value of the corpus of a trust, created *inter vivos*, merely because the settlor had provided in it that, upon his death, the trust should terminate and the corpus be distributed to designated beneficiaries then surviving?

2. Assuming that, under the applicable state law, there arose, by operation of law, a possible reverter in favor of the settlor's estate, did section 811 (c) require that the value of the corpus, in view of the record in the case, be included in the settlor's gross estate for federal estate-tax purposes?

3. Did section 811 (c) of the Internal Revenue Code, in 1939, require the inclusion in the settlor's gross estate of the value of the corpus of a trust because the settlor, by its terms, had, in 1924, reserved to himself a right to the income of the trust until his death, the reservation thus being made before the March 3, 1931, amendment of that section?

4. Were the joint congressional resolution of 1931 (46 Stat. 1516-1517), and subsequent related estate-tax statutes, intended to be a repudiation of this Court's *May v. Heiner* (281 U. S. 238) interpretation of the estate-tax statutes?

5. Did the *May v. Heiner* estate-tax interpretation survive the congressional resolution and this Court's holding and opinion in *Helvering v. Hallock* (309 U. S. 106)?

6. Under section 811 (c) is the "possession and enjoyment" of the corpus of an *inter vivos* trust "intended to take effect * * * at or after" the settlor's death, where he names himself as cotrustee with the broad control and administrative powers over the corpus and income here vested, and where the corpus is withheld from the beneficiaries until the settlor's death?

7. In the light of this Court's opinion in *Helvering v. Hallock* does the *Hassett v. Welch* (303 U. S. 303) interpretation of the 1931 congressional resolution have controlling relevance in determining whether the estate tax shall be applied to the Church properties transferred to beneficiaries under a trust created before 1931 but in which Church retained the net income from the trust properties during his life?

8. Assuming that under the "refined technicalities of the law of property" the "possession and enjoyment" of the trust properties here be deemed to have passed to the beneficiaries when the trust was created, are the transfers so much "akin to testamentary dispositions" as to make them subject to the estate-tax statutes? (See *Helvering v. Hallock*, p. 112.)

9. What is the effect of the rulings of *Helvering v. Clifford* (309 U. S. 331) upon these trusts?

Mr. Justice Frankfurter and Mr. Justice Jackson disapprove the foregoing because it includes hypothetical and argumentive questions not raised by either counsel or necessary to decision of the case.

No. 1389, October Term 1946. Emil Lustig, Alias Dr. Edward E. Fisher, petitioner, *v.* The United States of America. This case is ordered restored to the docket and assigned for reargument. Counsel are requested to discuss in their briefs and on oral argument the relevance of the legality of the search and seizure. (See *Wolf v. People of the State of Colorado*, Nos. 593-594, October Term, 1947.) This case is transferred to the summary docket and assigned for hearing immediately following those cases.

No. 505. Charles Kovacs, appellant, *v.* Albert Cooper, Jr., Judge of the First District Police Court of Trenton; and

No. 786. Railway Express Agency, Inc., Charles Gerchario, Michael Long, et al., appellants, *v.* People of the State of New York. In these cases probable jurisdiction is noted.

No. 806. Richard P. Lawson, as Deputy Commissioner, Sixth Compensation District, United States Employees' Compensation Commission, petitioner, *v.* Suwannee Fruit & Steamship Company, a Corporation, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted.

No. 811. The United States of America, ex rel, Stanley Joseph Pasela, petitioner, *v.* Frank W. Fenno, Jr., Captain of the United States Navy, Commanding Officer of the United States Naval Submarine Base. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted.

No. 816. Carl Aldo Marzani, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted.

No. 567, misc. Aaron Turner, petitioner, *v.* 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 Pennsylvania is granted and the case is ordered transferred to the appellate docket and assigned for argument immediately following No. 845.

No. 584. The United States of America, ex rel. Hans Ackerman, petitioner, *v.* J. L. O'Rourke, Officer in Charge of Alien Internment Camp at Crystal City, Texas; and

No. 585. The United States of America, ex rel. Frieda Ackerman, petitioner, *v.* J. L. O'Rourke, Officer in Charge of Alien Internment

Camp at Crystal City, Texas. Petition for writs of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 796. J. R. Mason, petitioner, *v.* Merced Irrigation District. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 797. Reynolds Metals Company, petitioner, *v.* C. D. Skinner and Leo C. Bradley. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 802. Debardeleben Coal Corporation, petitioner, *v.* Lionel G. Ott, Commissioner of Public Finance and Ex-Officio City Treasurer; and

No. 803. Debardeleben Coal Corporation, petitioner, *v.* Lionel G. Ott, Commissioner of Public Finance and Ex-Officio City Treasurer. Petition for writs of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 818. Lionel G. Ott, Commissioner of Public Finance and Ex-Officio City Treasurer, etc., petitioner, *v.* Mississippi Valley Barge Line Company;

No. 819. George Montgomery, State Tax Collector, etc., petitioner, *v.* Mississippi Valley Barge Line Company;

No. 820. Lionel G. Ott, Commissioner of Public Finance and Ex-Officio City Treasurer, etc., petitioner, *v.* American Barge Line Company;

No. 821. George Montgomery, State Tax Collector, etc., petitioner, *v.* American Barge Line Company;

No. 822. Lionel G. Ott, Commissioner of Public Finance and Ex-Officio City Treasurer, etc., petitioner, *v.* American Barge Line Company;

No. 823. Lionel G. Ott, Commissioner of Public Finance and Ex-Officio City Treasurer, etc., petitioner, *v.* Mississippi Valley Barge Line Company;

No. 824. Lionel G. Ott, Commissioner of Public Finance and Ex-Officio City Treasurer, etc., petitioner, *v.* Union Barge Line Corporation;

No. 825. George Montgomery, State Tax Collector, etc., petitioner, *v.* Mississippi Valley Barge Line Company; and

No. 826. George Montgomery, State Tax Collector, etc., petitioner, *v.* American Barge Line Company. Petition for writs of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 805. Lura D. Glassey, petitioner, *v.* C. D. Horrall, Chief of Police of the City of Los Angeles, California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 829. Clara Shapiro, petitioner, *v.* Annette Shapiro and The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 848. Lee Young, petitioner, *v.* The United States of America;

No. 849. Lee Deer, petitioner, *v.* The United States of America; and

No. 850. Ralph L. Polk, petitioner, *v.* The United States of America. Petition for writs of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 256. Cloyce Henry Peters, petitioner, *v.* The United States of America. The motion to dispense with the printing of the record is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit is denied.

No. 812. Mrs. Libbylet Graves McKewen, petitioner, *v.* Marjorie L. McKewen and The United States of America. The motion to proceed on mimeographed copies of the record is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit is denied.

No. 437. Tighe E. Woods, Housing Expediter, Office of Housing Expediter, *v.* W. H. Hills. It is ordered that the opinion of this Court in this case be amended by adding to the sentence on page 7 beginning "That statutory procedure," a footnote numbered "9" reading as follows:

"Of course the District Court can withhold judgment so that it may give effect to any determination by the Housing Expediter or the Emergency Court of Appeals that might result from the defendant's pursuit of this remedy."

The motion for leave to file petition for rehearing is granted. The petition for rehearing is denied.

No. 461. The United States of America, appellant, *v.* Columbia Steel Company, Consolidated Steel Corporation, et al.;

No. 544. The United States of America, appellant, *v.* National City Lines, Inc., American City Lines, Inc., Pacific City Lines, Inc., et al.; and

No. 655. William Jerome Phyle, petitioner, *v.* Clinton T. Duffy, Warden of the State Prison at San Quentin, State of California. The petitions for rehearing in these cases are denied.

No. 697. Harry J. Alker, Jr., and Mamie Du Ban, Individually and as Executrix of the Estate of Alfred A. Du Ban, petitioners, *v.* Federal Deposit Insurance Corporation;

No. 716. Hazeltine Corporation, petitioner, *v.* The Honorable William H. Kirkpatrick, a District Judge Sitting by Designation in the United States District Court for the District of Delaware; and

No. 717. Hazeltine Corporation, petitioner, *v.* Honorable William H. Kirkpatrick, a District Judge Sitting by Designation in the United States District Court for the District of Delaware. The motions for leave to file petitions for rehearing are granted. The petitions for rehearing are denied.

No. 810. Paysoff Tinkoff, petitioner, *v.* People of the State of Illinois, ex rel. The Chicago Bar Association et al. The petition for rehearing is denied. Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 326, misc. James J. O'Loughlin, petitioner, *v.* E. V. Parker, Deputy Commissioner, U. S. Employees' Compensation Commission. The motion for leave to file a third petition for rehearing is denied.

No. 500, misc. George Cole and George Hicks, petitioners, *v.* The State of New Jersey;

No. 519, misc. Wright Harris, petitioner, *v.* City of New York; and

No. 528, misc. In the Matter of Bruce Pierce. The petitions for rehearing in these cases are denied.

No. 408, misc. John P. Carmelo, petitioner, *v.* People of the State of Pennsylvania. On petition for writ of certiorari to the Supreme Court of Pennsylvania;

No. 444, misc. Dale Bradford Haley, petitioner, *v.* Ben B. Stewart, Warden. On petition for writ of certiorari to the Supreme Court of Missouri;

No. 466, misc. Betsy Ritchie (Aron), petitioner, *v.* Katharine M. Drier et al. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 504, misc. Jack Gibson Moss, petitioner, *v.* Walter A. Hunter, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit;

No. 511, misc. John Solis, Jr., petitioner, *v.* Donald C. Clemmer, Director. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 556, misc. Winfred Jones, petitioner, *v.* State of Missouri. On petition for writ of certiorari to the Supreme Court of Missouri;

No. 557, misc. Albert Volkman, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 558, misc. Patrick Murphy, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois;

No. 559, misc. Bernard M. Shotkin, etc., et al., petitioners, *v.* Thomas A. Edison, Inc. On petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit;

No. 560, misc. John Wehr, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Bureau County, State of Illinois;

No. 563, misc. Arthur Lee Dennis, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 564, misc. Rubein V. Johnson, petitioner, *v.* William H. Hiatt, Warden. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 565, misc. Joe Hayes, petitioner, *v.* R. H. Hudspeth, Warden. On petition for writ of certiorari to the Supreme Court of Kansas;

No. 568, misc. Michael J. Killgallen, petitioner, *v.* People of the State of New York. On petition for writ of certiorari to the County Court of Queens County, State of New York;

No. 569, misc. James Grant, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois; and

No. 570, misc. Lucian Burns, petitioner, *v.* People of the State of 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* are granted. The petitions for writs of certiorari are severally denied.

No. 555, misc. Ralph M. Boyles, petitioner, *v.* Robert H. Hudspeth, Warden. The motion for leave to file petition for writ of habeas corpus is denied.

No. 561, misc. Bernard M. Shotkin, petitioner, *v.* Albert D. Kaplan et al. The petition for appeal is denied.

No. 562, misc. Albert J. Kruse, petitioner, *v.* Dr. Russell E. Blaisdell, Director. The motion for leave to file petition for writ of habeas corpus is denied.

No. 571, misc. In the Matter of Karl Gronwald et al., petitioners. The motion for leave to file a petition for an original writ of habeas corpus and prohibition is denied. The Chief Justice, Mr. Justice Reed, Mr. Justice Frankfurter, and Mr. Justice Burton are of the opinion that there is want of jurisdiction. U. S. Constitution, article III, section 2, clause 2; see *Ex parte Betz* and companion cases, all

329 U. S. 672 (1946) ; *Milch v. United States* (332 U. S. 789 (1947)) ; *Brandt v. United States* (333 U. S. — (1948)) ; *In re Eichel* (333 U. S. — (1948)) . Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Murphy, and Mr. Justice Rutledge are of the opinion that the motion for leave to file should be granted and that the case should be set for argument forthwith. Mr. Justice Jackson took no part in the consideration or decision of this application.

The 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.”

Adjourned to the time and place appointed by law.

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