

OCTOBER TERM, 1950

STATISTICS

	Original	Appellate	Miscellaneous	Total
Number of cases on dockets.....	13	783	539	1,335
Cases disposed of.....	5	687	524	1,216
Remaining on dockets.....	8	96	15	119

Cases disposed of—Appellate Docket:

By written opinions.....	114
By per curiam opinions.....	74
By motion to dismiss or per stipulation (merit cases).....	4
By denial or dismissal of petitions for certiorari.....	495

Cases disposed of—Miscellaneous Docket:

By written opinions.....	0
By per curiam opinions.....	3
By denial or dismissal of petitions for certiorari.....	386
By denial or withdrawal of other applications.....	121
By transfer to Appellate Docket.....	14

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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 Jackson, Mr. Justice Burton, Mr. Justice Clark, and Mr. Justice Minton.

Harold B. Tanner, of Providence, R. I.; Samuel Safronoff, of Merrick, N. Y.; Burton E. Robinson, of Cincinnati, Ohio; Harold L. Sebring, of Tallahassee, Fla.; Joseph L. Breen, of Providence, R. I.; Arthur J. Levy, of Providence, R. I.; Raoul Archambault, of Providence, R. I.; Grafton Dulany Rogers, of Baltimore, Md.; Luster M. Merriman, of Vero Beach, Fla.; George W. Thames, of Jacksonville, Fla.; Joseph V. Frnka, of Austin, Tex.; Thomas E. Griffin, of Monroe, Mich.; T. H. Goheen, of Calmar, Iowa; Bernard Moritz, of Michigan City, Ind.; William M. North, Jr., of Mitchell, S. Dak.; Arthur J. Hass, of Detroit, Mich.; Carson Gray Frailey, of Washington, D. C.; Allen E. Barrow, of Tulsa, Okla.; Earl T. Thomas, of Jackson, Miss.; Marvin D. Brown, of New York City; Hilary W. Costello, of Washington, D. C.; Otis M. Buckner, of Chicago, Ill.; Morris E. White, of Tampa, Fla.; Francis J. Ryley, of Phoenix, Ariz.; Meyer Fix, of Rochester, N. Y.; Victor P. Showers, of Los Angeles, Calif.; Spaulding Glass, of Chicago, Ill.; David Alfred Skeen, of Salt Lake City, Utah; Frank Carter, of Enid, Okla.; Evelyn Greer Sisk, of Atlanta, Ga.; Jerome T. Duggan, of Kansas City, Mo.; Paul E. Basye, of San Mateo, Calif.; Charles Lee Estep, of Logan, W. Va.; George J. Cooper, of Detroit, Mich.; E. A. Niemeier, of Poulsbo, Wash.; William M. Poteat, of Greensboro, N. C.; Horace S. Haworth, of High Point, N. C.; S. P. Dannel, of Lenoir City, Tenn.; Henry L. Bryant, of Pineville, Ky.; Charles G. Bomberger, of Hammond, Ind.; Raymond Forder Buckley, of St. Louis, Mo.; Gibson B. Witherspoon, of Meridian, Miss.; Roy Helm, of Frankfort, Ky.; Frank E. Everett, Jr., of Vicksburg, Miss.; James B. Hare, of Saluda, S. C.; John M. Schofield, of Walhalla, S. C.; Mary E. Burrus, of Seattle, Wash.; Evangeline Starr, of Seattle, Wash.; Dorothy Yancy, of Little Rock, Ark.; Neva B. Talley, of North Little Rock, Ark.; William Edmond Zachary, of Decatur, Ga.; William H. Agnor, of Atlanta, Ga.; John Noland, of Richmond, Ky.; Harley Fowler, of Knoxville, Tenn.; Harlan S. Don Carlos, of Hartford, Conn.; Renaldo J. Jeffry, of Stockton, Calif.; John Carroll Weiss, of Baltimore, Md.; Charles Ray Fellows, of Tulsa, Okla.; Willard L. King, of Chicago, Ill.; Price Janson, of Canton, Ohio;

John Albert McRae, of Charlotte, N. C.; James W. Wine, Jr., of Pikeville, Ky.; James B. Stephenson, of Pikeville, Ky.; Norman C. Melvin, Jr., of Baltimore, Md.; Ashley St. Clair, of Boston, Mass.; Franklin J. Marryott, of Boston, Mass.; James M. Keating, of Buffalo, N. Y.; Thomas Miller Manier, of Nashville, Tenn.; Ernest G. Strand, of New York City; Adlore R. Kehoe, of Seattle, Wash.; Charles B. Arendall, Jr., of Mobile, Ala.; Henry Clifford Burnhill, of Oakland, Calif.; James Clarence Evans, of Nashville, Tenn.; Charles E. Jones, of Wichita, Kans.; Allen B. Endicott, Jr., of Atlantic City, N. J.; Liguori J. Carey, of Detroit, Mich.; Millard Vandervoort, of Battle Creek, Mich.; Clarence Kolwyck, of Chattanooga, Tenn.; Elvis J. Stahr, Jr., of Lexington, Ky.; Harry L. S. Halley, of Tulsa, Okla.; Robert H. Beatty, of North Platte, Nebr.; Eliot L. Kaplan, of Toledo, Ohio; William Saunders Henley, of Hazlehurst, Miss.; Don H. McLucas, of Chicago, Ill.; Robert D. Tylander, of West Palm Beach, Fla.; Julian de Bruyn Kops, of Dayton, Ohio; Charles B. Stephens, of Springfield, Ill.; Karl C. Williams, of Rockford, Ill.; Daniel K. Loucks, of Watertown, S. Dak.; Robert A. Stuart, of Springfield, Ill.; J. Stanley Mullin, of Los Angeles, Calif.; George R. Richter, Jr., of Los Angeles, Calif.; Robert H. Hosick, of Kalamazoo, Mich.; A. Sherman Christenson, of Provo, Utah; William Fletcher Womble, of Winston-Salem, N. C.; Elizabeth Carp, of Dallas, Tex.; Cecil A. Johnson, of Chicago, Ill.; H. Gordon Wood, of Detroit, Mich.; Paul R. Trigg, Jr., of Detroit, Mich.; Harold W. Coffin, of Spokane, Wash.; Orien S. Cross, of Holland, Mich.; Frank L. Kiernan, of Detroit, Mich.; Wayne E. Stichter, of Toledo, Ohio; John L. McChord, of Cleveland, Ohio; J. Ramsay Harris, of Denver, Colo.; Dennis Boyle, of Detroit, Mich.; Harold M. Knoth, of Davenport, Iowa; Brevator J. Creech, of Troy, Miss.; Michael John Galvin, of St. Paul, Minn.; Lester D. Hoyt, of Oklahoma City, Okla.; Morse Garwood, of Philadelphia, Pa.; Alva M. Lumpkin, Jr., of Columbia, S. C.; John James Coker, of San Diego, Calif.; Earl V. Cline, of Billings, Mont.; G. J. Jeffries, of Roundup, Mont.; Paul H. Heineke, of Chicago, Ill.; Frazor T. Edmondson, of Dallas, Tex.; Ward D. Foster, of Los Angeles, Calif.; Lewis E. Lyon, of Los Angeles, Calif.; Patrick J. McGill, of New York City; Louis F. Carroll, of New York City; Ford E. Smith, of Seattle, Wash.; Robert C. Vincent, of New York City; Allan Trumbull, Jr., of New York City; Hazel D. Selby, of Boston, Mass.; Roy C. Hormberg, of Kansas City, Mo.; Welcome D. Pierson, of Oklahoma City, Okla.; William W. Evans, of Paterson, N. J.; Charles M. Walton, Jr., of New York City; Stacey Weldon O'Brien, of New York City; Edward J. Lawler, Jr., of Memphis, Tenn.; Rosemary Scott, of Grand Rapids, Mich.; Harry Ganderson, of Greensboro, N. C.; Victor Davis Werner, of New York City; Wyatt Jacobs, of Chicago, Ill.; Charles Theodore Boyd, of

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Calif.; Lewis R. Donelson, III, of Memphis, Tenn.; Michael G. Littman, of Stuart, Fla.; William Vincent Beal, of Memphis, Tenn.; Sam D. Thurman, of Salt Lake City, Utah; Edward Walmsley Stitt, Jr., of New York City; Hervey H. Yancey, Jr., of Tampa, Fla.; Goscoe O. Farley, of San Francisco, Calif.; William A. Bacon, of Jackson, Miss.; Shelby R. Rogers, of Jackson, Miss.; Richard W. Blakey, of Reno, Nev.; William H. Selva, of Dayton, Ohio; Bert M. Goldwater, of Reno, Nev.; Leo B. Parker, of Kansas City, Mo.; Ray Garrett, of Chicago, Ill.; Arthur A. Park, of San Francisco, Calif.; George S. Geffs, of Janesville, Wis.; Charlotte S. Million, of Washington, D. C.; John J. Horan, of New York City; Floyd Anderson, of Cincinnati, Ohio; Ann B. Miller, of Tampa, Fla.; Laurence K. Walrath, of Jacksonville, Fla.; Walter Humkey, of Miami, Fla.; Tiera Farrow, of Kansas City, Mo.; Grover C. Thompson, of Lexington, Ky.; Thomas Waters, Jr., of New York City; Walter A. Ferrell, of Minneapolis, Minn.; Warren L. Jones, of Jacksonville, Fla.; Donn Norcutt Gregory, of Tampa, Fla.; Ira Burdette Coldren, of Uniontown, Pa.; Arthur A. Brown, of Connellsville, Pa.; Troy A. Feibel, of Columbus, Ohio; Joseph W. Grimes, of Providence, R. I.; Leroy B. Davenport, of Cleveland, Ohio; Thomas Havens Wakefield, of Miami, Fla.; William H. Dillon, of Chicago, Ill.; Henri I. Ripstra, of Casey, Ill.; W. W. Gibson, of Amarillo, Tex.; Ray R. Christensen, of Salt Lake City, Utah; William A. Gillen, of Tampa, Fla.; Robert Wallace Fisher, of St. Petersburg, Fla.; George A. Evans, of Milwaukee, Wis.; Marvin K. Collie, of Houston, Tex.; A. Frank Smith, Jr., of Houston, Tex.; Alexander Pirnie, of Utica, N. Y.; Charles Henry Clark, of Corpus Christi, Tex.; Tracy Edward Griffin, of Seattle, Wash.; Robert Mason Clark, of Glencoe, Ill.; W. D. Murphy, Jr., of Batesville, Ark.; Robert H. Gerbig, of Baltimore, Md.; Stephen L. Mayo, of Dallas, Tex.; Arthur Rinto, of Ashtabula, Ohio; William Donald O'Connor, of Milwaukee, Wis.; W. Colquitt Carter, of Atlanta, Ga.; F. Jay Nimitz, of South Bend, Ind.; Joseph Vaulx Crockett, Jr., of Nashville, Tenn.; Ewing E. Smith, of Murfreesboro, Tenn.; James M. Davis, Jr., of Mount Holly, N. J.; Dorothy Young, of Tulsa, Okla.; Marcus C. Redwine, of Winchester, Ky.; E. L. Schoenhals, of Salt Lake City, Utah; Augusto Miceli, of New Orleans, La.; Gordon A. Franklin, of Marion, Ill.; John M. Hanley, of Milwaukee, Wis.; Lawrence R. Lyons, of Wilmington, Ohio; Clinton H. Nichols, of Wilmington, Ohio; John D. Fischbeck, of Newark, N. J.; Leonard H. Levenson, of Pittsburgh, Pa.; W. Barney Arthur, of Altavista, Va.; Victoria V. Gilbert, of Shelbyville, Ky.; Helen R. Graft, of Louisville, Ky.; Gladys C. Williams, of Taylorsville, Ky.; Mitchell S. Dvoret, of Washington, D. C.; John T. Bowes, of Boston, Mass.; Denver N. Davison, of Oklahoma City, Okla.; Earl J. Moyer, of Madison, Nebr.; Erwin F. Bolzendahl,

of Milwaukee, Wis.; Joseph W. Ray, Jr., of Uniontown, Pa.; Lou Nora Spiller, of Houston, Tex.; J. Evelyn Pitschke, of Indianapolis, Ind.; John Talbot Wigginton, of Tallahassee, Fla.; Paul R. Scott, of Miami, Fla.; Reginald B. Forster, of Minneapolis, Minn.; Clarence M. Cornwell, of West Des Moines, Iowa; Paul Van Osdol, Jr., of Kansas City, Mo.; Leroy Denman Moody, of Houston, Tex.; Charles Belsan, of Shelby, Ohio; James F. Flynn, of Sandusky, Ohio; Samuel B. Erskine, of Athens, Ohio; L. C. White, of Santa Fe, N. Mex.; Herman L. Ellsworth, of Chicago, Ill.; Charles F. Grimes, of Chicago, Ill.; George L. Gisler, of Kansas City, Mo.; Robert H. Walker, of Keokuk, Iowa; Frederic A. MacDonald, of Huntington, W. Va.; John W. Thomas, Jr., of Columbia, S. C.; Harry E. Marble, of Cincinnati, Ohio; William E. Phipps, of North Little Rock, Ark.; Joseph Hanna, of St. Louis, Mo.; Theodore L. Locke, of Indianapolis, Ind.; Moses Lane, of Bowling Green, Ohio; Bettie J. Russell, of St. Louis, Mo.; Fred B. Noble, of Jacksonville, Fla.; Arthur L. Graves, of St. Johnsbury, Vt.; Stanley G. Falk, of Buffalo, N. Y.; Randolph P. Rogers, Jr., of Kansas City, Mo.; Harold K. Brooks, of Pittsburgh, Pa.; Thomas J. Sheehan, of Chicago, Ill.; Martin E. Cusick, of Sharon, Pa.; Stanley V. Printz, of Allentown, Pa.; Lloyd W. Kennedy, of Chicago, Ill.; George Papanicolas, of Washington, D. C.; Arthur Henderson, of Tucson, Ariz.; Guy Elliott, of Kinston, N. C.; Gerald B. Klein, of Tulsa, Okla.; Albert W. Trice, of Ada, Okla.; John H. Poe, of Tulsa, Okla.; Samuel J. Feigus, of Uniontown, Pa.; Lemuel C. Parker, of Baton Rouge, La.; Henry C. Mackall, of Minneapolis, Minn.; Edward I. Perkins, of Boston, Mass.; Frank G. Lichtenstein, of Boston, Mass.; Chester L. Rigsby, of Louisville, Ky.; Edward F. Becker, of New Haven, Conn.; Louis Lisman, of Burlington, Vt.; Harvey Feuerborn, of St. Louis, Mo.; Irwin Henry Stearns, of Wichita, Kans.; E. Hastings Ackley, of Dallas, Tex.; Howard G. Scott, of Chatom, Ala.; Warren C. Tucker, of Utica, N. Y.; Morgan F. Bisselle, of Utica, N. Y.; James G. Kahle, of Columbus, Ohio; Denis R. Ayres, of Alexandria, Va.; Edward Hoover, of Cincinnati, Ohio; John G. Robinson, Jr., of Cincinnati, Ohio; Charles B. Kaufmann, of Davenport, Iowa; John McNeill Smith, Jr., of Greensboro, N. C.; Hubert Slaton Lipscomb, of Jackson, Miss.; Joseph A. Rieser, of Beaver, Pa.; William B. Gubbins, of Flossmoor, Ill.; Edw. Samuel Phillips, of Buffalo, N. Y.; Joseph O. Tally, Jr., of Fayetteville, N. C.; Joseph P. Craugh, of Utica, N. Y.; Jerome S. Weiss, of Chicago, Ill.; Charles Yardley Chittick, of Boston, Mass.; Kevin Hern, of Boston, Mass.; Charles E. Catt, of Las Vegas, Nev.; H. Malone Dresbach, of Lanham, Md.; Mary H. Zimmerman, of Grosse Pointe, Mich.; Herbert J. Backer, of Indianapolis, Ind.; Maurice N. Frank, of South Bend, Ind.; Milton D. Margolis, of Uniontown, Pa.; Robert Berkey Stauff,

of Uniontown, Pa.; Emma Ballard Waldrop, of Silver Spring, Md.; J. Douglas Bradshaw, of Takoma Park, Md.; Samuel Spencer, of Washington, D. C.; Robert S. Fougner, of New York City; James E. Kilday, of Washington, D. C.; John Leachman Oliver, of Cape Girardeau, Mo.; James Edwin Bailey, of Washington, D. C.; Hilary W. Gans, of Baltimore, Md.; John H. Herold, of Baltimore, Md.; Sidney Posner, of New York City; Harold H. Newcomb, of Des Moines, Iowa; Frank C. Fisher, of New York City; Llewellyn A. Wescott, of Chicago, Ill.; Robert L. Floyd, of Miami, Fla.; Wallace N. Maer, of Miami, Fla.; Howard Epstein, of New York City; Charles S. Penfold, of Fort Wayne, Ind.; George Berkowitz, of New York City; John B. O'Neill, of Jersey City, N. J.; Stephen D. Finale, of New York City; Raymond C. Connell, of Montclair, N. J.; Leo H. McKay, of Sharon, Pa.; Allan Sauerwein, of Baltimore, Md.; Howard D. Cline, of Flint, Mich.; Francis J. George, of Flint, Mich.; James R. Murphy, of Washington, D. C.; Holton Davenport, of Sioux Falls, S. Dak.; Theodore I. Colyer, of Huntington, N. Y.; Winfield T. Durbin, of Chicago, Ill.; William F. Patterson, of Chicago, Ill.; John Harrison Roe, of Frederick, Okla.; Seymour Spruch, of New York City; Joseph S. Libasci, of New York City; Stanley D. Campbell, of Tulsa, Okla.; J. Edgar Kelly, of Glen Ellyn, Ill.; Carl W. Mulfinger, of Chicago, Ill.; Foley Santamaria, of Houston, Tex.; Harry Philip Edwards, of Boston, Mass.; James F. Rosen, of New Haven, Conn.; Gus Rinehart, of Oklahoma City, Okla.; Arthur S. Bluestein, of Chicago, Ill.; Robert M. Weh, of Cleveland, Ohio; Charles F. Scanlan, of Spokane, Wash.; Joseph Harrison, of Newark, N. J.; Oliver Wendell Horne, of Cordele, Ga.; DeVane K. Jones, of Tuscaloosa, Ala.; Aristo Dallavalle, of Newark, N. J.; Leland H. Notnagel, of Toledo, Ohio; J. Herman Moore, of Stigler, Okla.; Raymond Harkrider, of Chicago, Ill.; Harry George Henn, of New York City; Franklin O. Blechman, of Newport News, Va.; Tom B. Slade, of Columbus, Ga.; Mattie Belle Davis, of Miami, Fla.; Emma Roesing, of Miami, Fla.; Leonard H. Davis, of Cleveland, Ohio; James C. Weir, of Cleveland, Ohio; Sydney L. Bleicher, of New York City; Richard R. Hollington, of Cleveland, Ohio; Earl B. Smith, of Boise, Idaho; Charles W. Steadman, of Cleveland, Ohio; Manford G. Henley, of Indianapolis, Ind.; Foster C. Shirley, of Indianapolis, Ind.; Flavius B. Walker, Jr., of Richmond, Va.; Robert H. Rathbun, of Lincoln, Nebr.; Joseph D. Bryan, of Columbus, Ohio; Calvin M. Vos, of Cincinnati, Ohio; S. Augustus Black, of Columbia, S. C.; J. Q. Davidson, of Columbus, Ga.; Leigh W. Wright, of Cincinnati, Ohio; Albert J. Snook, of New York City; Frank R. Lyon, Jr., of Charleston, W. Va.; James E. Mitchell, of Youngstown, Ohio; Lauman Martin, of Skaneateles, N. Y.; Grace Heritage Smith, of Camden, N. J.; Alexander C. Wood 3d, of Cam-

den, N. J.; William J. Doyle, of Boston, Mass.; Theodore U. Delson, of New York City; Charles Garfinkel, of New York City; Raymond W. White, of San Francisco, Calif.; E. Palmer James, of Paducah, Ky.; Harold H. Neff, of Charleston, W. Va.; Kenneth E. Midgley, of Kansas City, Mo.; Werner N. Beckmann, of San Antonio, Tex.; J. M. Flowers, of Miami, Fla.; Martha Frances Snyder, of Arlington, Va.; Leslie Davidson Taggart, of New York City; Marjorie F. Gillam, of St. Louis, Mo.; Heyman Zimel, of Paterson, N. J.; Don G. Owens, Jr., of Memphis, Tenn.; John Leroy Jeffers, of Houston, Tex.; and Samuel P. Sears, of Boston, Mass., were admitted to practice.

Adjourned to the time and place appointed by law.

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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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

John D. Johnson, of Miami, Fla.; G. B. Blanckenburg, of San Francisco, Calif.; King E. Fauver, of Elyria, Ohio; Everett Hutchinson, of Austin, Tex.; Reagan Sayers, of Fort Worth, Tex.; Harold T. Patterson, of Atlanta, Ga.; Harry Turner, of New York, N. Y.; Howard T. Fleeson, of Wichita, Kans.; Charles David Harris, of Baltimore, Md.; Clay Robbins, of Los Angeles, Calif.; James M. Estabrook, of New York City; Paul J. Foley, of Washington, D. C.; David Lynn, of Inglewood, Calif.; Charles E. Lightfoot, of Houston, Tex.; Frank H. Cross, of Oklahoma City, Okla.; Charles J. Harriss, of Enid, Okla.; Harris F. Shaw, of San Francisco, Calif.; Benjamin Finkel, of Brooklyn, N. Y.; William C. Fry, of Harrisburg, Pa.; Russell W. Conroy, of Battle Creek, Mich.; William Sherk Middleton, of Harrisburg, Pa.; Robert D. Hanson, of Harrisburg, Pa.; Kenneth O. Burgwin, of Wilmington, N. C.; Augustus C. Epps, of Richmond, Va.; Louis Winer, of Boston, Mass.; George D. Witter, of Los Angeles, Calif.; Raymond G. Coyne, of Arlington, Mass.; and Albert B. Bernstein, of Miami, Fla., were admitted to practice.

Adjourned until Monday, October 9, next, at 12 o'clock.

The day call for Monday, October 9, will be as follows: Nos. 1, 5, 6, 8, 7, 49, 9, 29, 31, and 27 (and 28).

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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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

Robert Frankel, of Philadelphia, Pa.; J. F. Bishop, of Chicago, Ill.; G. D. Baten, of Beaumont, Tex.; Gilbert Edmond Morcroft, of Pittsburgh, Pa.; James L. More, of New York City; Frederick P. Cranston, of Denver, Colo.; George M. Shkoler, of Chicago, Ill.; John W. Emmerling, of Milwaukee, Wis.; Raymon B. Thomas, of Tulsa, Okla.; Harley W. Van Cleave, of Tulsa, Okla.; Charles C. Liebler, of Tulsa, Okla.; Harry W. Lee, of Reading, Pa.; Arthur L. Shannon, of San Francisco, Calif.; John Nicholas Udall, of Phoenix, Ariz.; Wilbur E. Johnson, of Rockford, Ill.; Gerald Ratner, of Chicago, Ill.; and William W. Treat, of Belfast, Maine, were admitted to practice.

The Chief Justice announced the following orders of the Court:

No. 114. James E. Hendricks, on behalf of himself and all other leaseholders of lands of Miami University, appellant, *v.* Raymond H. Smith, as auditor of Butler County, Ohio, et al. Appeal from the Supreme Court of Ohio. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Mr. Justice Douglas is of the opinion probable jurisdiction should be noted.

No. 117. Joseph M. Cortinas, appellant, *v.* Mrs. Joseph Di Giovanni, widow of Philip Ferrara, et al. Appeal from the Supreme Court of Louisiana. *Per curiam*: The appeal is dismissed for want of jurisdiction. Title 28 U. S. C. § 1257 (2). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari as required by Title 28 U. S. C. § 2103, certiorari is denied.

No. 142. Joe Gossman, appellant, *v.* The People of the State of California et al. Appeal from the District Court of Appeal of the State of California, Second Appellate District. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question.

No. 152. El Dorado Oil Works, a Corporation, appellant, *v.* Charles J. McColgan, as Franchise Tax Commissioner of the State of California. Appeal from the Supreme Court of California. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed.

Butler Bros. *v.* McColgan, 315 U. S. 501; International Harvester Co. *v.* Evatt, 329 U. S. 416.

No. 157. Jayne L. Burt, appellant, *v.* City of Pittsburgh, a Municipal Corporation, Urban Redevelopment Authority of Pittsburgh, etc., et al. Appeal from the United States District Court for the Western District of Pennsylvania. *Per curiam*: The motion to affirm is granted and the judgment is affirmed. U. S. ex rel. T. V. A. *v.* Welch, 327 U. S. 546.

No. 254. Norfolk Southern Bus Corporation, appellant, *v.* The United States of America, Interstate Commerce Commission and Virginia Dare Transportation Company, Inc. Appeal from the United States District Court for the Eastern District of Virginia. *Per curiam*: The motions to affirm are granted and the judgment is affirmed.

No. 263. Murdock Hinton, appellant, *v.* The State of Mississippi. Appeal from the Supreme Court of Mississippi. *Per curiam*: The motion for leave to proceed in forma pauperis is granted. The appeal is dismissed for want of jurisdiction. Title 28 U. S. C. § 1257 (2). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari as required by Title 28 U. S. C. § 2103, certiorari is denied.

No. 284. Phillip Bourquardez, as Receiver of Six Mile Creek Kennel Club, Inc., appellant, *v.* Florida State Racing Commission. 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.

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. 96. Canton Railroad Company, appellant, *v.* Joseph H. A. Rogan et al., constituting the State Tax Commission of Maryland; and

No. 205. Western Maryland Railway Company, appellant, *v.* Joseph H. A. Rogan et al., constituting the State Tax Commission of Maryland. In these cases probable jurisdiction is noted and the cases are transferred to the summary docket.

No. 146. Alabama Public Service Commission et al., appellants, *v.* Southern Railway Company; and

No. 153. Cities Service Gas Company, appellant, *v.* Peerless Oil and Gas Company, the Corporation Commission of the State of Oklahoma, et al. In these cases probable jurisdiction is noted.

No. 5, Original. State of New Jersey, complainant, *v.* State of New York and City of New York; and

No. 7, Original. State of Texas, complainant, *v.* State of Florida et al. These cases are ordered stricken from the docket.

No. 10, Original. State of Georgia, complainant, *v.* Pennsylvania Railroad Company et al. The motion for leave to withdraw the appearances of Robert W. Purcell and Horace L. Walker as counsel for defendant, the New York, Chicago, and St. Louis Railroad Co., is granted.

No. 12, Original. The United States of America, plaintiff, *v.* State of Louisiana. The motion of Frank J. Looney for leave to file a brief as amicus curiae is denied. Mr. Justice Jackson and Mr. Justice Clark took no part in the consideration or decision of this application.

No. 844, October Term, 1949. Loew's Incorporated, appellant, *v.* The United States of America;

No. 845, October Term, 1949. Warner Bros. Pictures, Inc., et al., appellants, *v.* The United States of America;

No. 846, October Term, 1949. Twentieth Century-Fox Film Corporation et al., appellants, *v.* The United States of America; and

No. 847, October Term, 1949. The United States of America, appellant, *v.* Loew's Incorporated et al. The order of this Court entered in these cases on June 5, 1950, is amended to read as follows:

Per Curiam: The judgment is affirmed. Mr. Justice Reed and Mr. Justice Burton are of the opinion that probable jurisdiction should be noted and the cases set down for argument. Mr. Justice Jackson and Mr. Justice Clark took no part in the consideration or decision of these cases."

No. 2. Victor Hubsch, petitioner, *v.* The United States of America; and

No. 3. Margaret Schweitzer, petitioner, *v.* The United States of America. On writs of certiorari to the Court of Appeals for the Fifth Circuit. Writs of certiorari dismissed on motion of counsel for petitioners.

No. 49. Dorothy Bailey, petitioner, *v.* Seth W. Richardson et al. The motion for leave to file brief of National Lawyers Guild as amicus curiae is denied.

No. 71. International Workers Order, Inc., and Arthur Lowndes Drayton, petitioners, *v.* J. Howard McGrath, Attorney General of the United States, et al. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit granted. The case is transferred to the summary docket and assigned for argument immediately following No. 7. Mr. Justice Clark took no part in the consideration or decision of this application.

No. 77. Montana-Dakota Utilities Co., petitioner, *v.* Northwestern Public Service Company. Petition for writ of certiorari to the Court of Appeals for the Eighth Circuit granted.

No. 83. The United States of America, ex rel, Roger Touhy, petitioner, *v.* Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois, et al. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit granted. Mr. Justice Clark took no part in the consideration or decision of this application.

No. 87. Walter K. Warren, petitioner, *v.* The United States of America, as owner of the Steamship "Anna Howard Shaw," et al. Petition for writ of certiorari to the Court of Appeals for the Second Circuit granted.

No. 122. National Labor Relations Board, petitioner, *v.* Gullett Gin Company, Inc. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit granted.

No. 132. Spector Motor Service, Inc., a Corporation, petitioner, *v.* Charles J. McLaughlin, Tax Commissioner, Dennis P. O'Connor, Substituted Defendant. Petition for writ of certiorari to the Court of Appeals for the Second Circuit granted.

No. 133. Norton Company, a Corporation, petitioner, *v.* Department of Revenue of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois granted.

No. 147. The State of West Virginia, ex rel. Dr. N. H. Dyer, et al., etc., petitioners, *v.* Edgar B. Sims, Auditor of the State of West Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia granted.

No. 168. The United States, petitioner, *v.* Pewee Coal Company, Inc. Petition for writ of certiorari to the United States Court of Claims granted.

No. 169. The United States, petitioner, *v.* Wheelock Bros., Inc.; and

No. 177. Wheelock Bros., Inc., petitioner, *v.* The United States. Petitions for writs of certiorari to the United States Court of Claims granted.

No. 170. The United States, petitioner, *v.* Penner Installation Corporation. Petition for writ of certiorari to the United States Court of Claims granted.

No. 204. Capital Transit Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit granted and the case transferred to the summary docket.

No. 209. Emich Motors Corporation and U. S. Acceptance Corporation, petitioners, *v.* General Motors Corporation and General Motors Acceptance Corporation. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit granted, limited to the question whether the Court of Appeals erred in construing Section

5 of the Clayton Act as not permitting: (a) the admission in the instant case of the indictment in the antecedent criminal case against respondents, nor (b) the judgment therein to be used as evidence that the conspiracy of which respondents had been convicted occasioned Emich Motors' cancellation.

No. 211. Niagara Hudson Power Corporation, petitioner, *v. M. Victor Leventritt*; and

No. 212. Securities and Exchange Commission, petitioner, *v. M. Victor Leventritt*. Petitions for writs of certiorari to the Court of Appeals for the Second Circuit granted.

No. 217. Orville Collins, H. D. Burkheimer, Stanley Lord, et al., petitioners, *v. Hugh Hardyman, Mrs. Emerson Morse, et al.* Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit granted.

No. 218. The United States of America, petitioner, *v. Yellow Cab Company*. Petition for writ of certiorari to the Court of Appeals for the Third Circuit granted and the case transferred to the summary docket and assigned for argument immediately following No. 204.

No. 41. Maguire Industries, Inc., petitioner, *v. The United States*. Petition for writ of certiorari to the United States Court of Claims denied.

No. 44. Frank Campbell Littleton, petitioner, *v. Robert H. McNeill, et al.*; and

No. 58. John F. Kincaid, petitioner, *v. Frank Campbell Littleton*. Petitions for writs of certiorari to the Court of Appeals for the Fourth Circuit denied.

No. 51. Kropp Forge Company and Kropp Forge Aviation Company, petitioners, *v. National Labor Relations Board*. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 53. Calvin Bevis, petitioner, *v. Armco Steel Corporation*. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 54. P. B. West, Administrator of the Estate of John Jacob Gifford, petitioner, *v. Eastern Transportation Company, Inc.* Petition for writ of certiorari to the Court of Appeals for the Fourth Circuit denied.

No. 55. The Drug and Chemical Club of New York, petitioner, *v. The United States*. Petition for writ of certiorari to the United States Court of Claims denied.

No. 56. Warner D. Orvis et al., executors of the last will and testament of Edwin W. Orvis, petitioners, *v. Joseph T. Higgins*, individually and as former Collector of Internal Revenue for the 3d District of New York. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 57. Charles H. Parsons, individually and as President of the United Telephone Organizations, etc., petitioner, *v.* Paul M. Herzog et al. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 59. Paul M. Ambrose and Crimora Research and Development Corporation, petitioners, *v.* John A. Marzall, Commissioner of Patents. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 60. Tower Hosiery Mills, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Court of Appeals for the Fourth Circuit denied.

No. 61. Samuel L. Davis, individually and on behalf of others similarly situated, petitioner, *v.* E. S. Cook et al., constituting the Board of Education of the City of Atlanta. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 62. The Toledo Blade Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Court of Appeals for the Sixth Circuit denied.

No. 63. Halliburton Oil Well Cementing Company, petitioner, *v.* Daniel D. Paulk and Texas Employers' Insurance Association and Francitas Gas Company. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 65. F. H. Vahlsing, petitioner, *v.* F. O. Harrell. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 67. Raymond Jackson, an incompetent person, by Mrs. James A. Harris, Guardian, petitioner, *v.* The Carter Oil Company et al. Petition for writ of certiorari to the Court of Appeals for the Tenth Circuit denied.

No. 68. The United States of America, petitioner, *v.* Five Parcels of Land in Harris County, Texas, and Houston Deep-Water Land Company et al. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 70. Commonwealth of Pennsylvania, ex rel. James Smith, petitioner, *v.* Stanley P. Ashe, Warden, Western State Penitentiary, et al. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 72. Frank Cardenas, petitioner, *v.* Wilson and Co., Inc. Petition for writ of certiorari to the Court of Appeals for the Tenth Circuit denied.

No. 74. George R. Ericson, Carter Carburetor Corporation, and Otto Henning, petitioners, *v.* Clarence H. Jorgensen et al. Petition for writ of certiorari to the Court of Appeals for the Eighth Circuit denied.

No. 76. August Swarz, petitioner, *v.* S. W. Goolsby. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 78. Samuel Silbiger, petitioner, *v.* Prudence Bonds Corporation (New Corporation) and Reconstruction Finance Corporation. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 79. Burton B. Paddock, Trustee in Bankruptcy of the Estate of Globe Aircraft Corporation, Bankrupt, petitioner, *v.* The United States of America. Petition for certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 80. Estate of Micajah R. Reeves, also known as M. R. Reeves, John M. Reeves, et al., executors, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 82. General Motors Corporation, petitioner, *v.* Chris Bolten. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 84. Consumers Cooperative Association, petitioner, *v.* Chicago. Rock Island and Pacific Railroad Company et al. Petition for writ of certiorari to the Court of Appeals for the Tenth Circuit denied.

No. 88. Gulf Oil Corporation, petitioner, *v.* James H. Newton, Robert J. Powell, and George Smith. Petition for writ of certiorari to the Court of Appeals for the Third Circuit denied.

No. 90. Commissioner of Internal Revenue, petitioner, *v.* Helen C. Brown and Earl M. Brown. Petition for writ of certiorari to the Court of Appeals for the Third Circuit denied.

No. 91. May, Stern and Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Court of Appeals for the Third Circuit denied.

No. 92. Atlantic Coast Line Railroad Company, petitioner, *v.* E. A. Hill. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 94. Trust Company of Georgia, petitioner, *v.* Marion H. Allen, Collector of Internal Revenue. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 95. Holly Stores, Inc., petitioner, *v.* James A. Judie and Margaret I. Judie. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 97. John Wallace, petitioner, *v.* A. B. Foster, Sheriff of Fulton County, Georgia. Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. 98. Republic Steel Corporation, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 100. Watson Bros. Transportation Co., Inc., petitioner, *v.* Central States Cooperatives, Inc. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 101. South Western Railroad Company et al., petitioners, *v.* L. O. Benton, Jr., et al. Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. 102. James A. Sullivan, petitioner, *v.* People of the State of New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 103. Cream-O Products Corp., petitioner, *v.* Harry Hoffman, Receiver and Trustee. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 105. The Davison Chemical Corporation, petitioner, *v.* Joliet Chemicals, Inc., Des Plaines Oil Company, et al. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 106. Shippers Pre-Cooling Service, petitioner, *v.* Offie L. Macks. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 107. Ernest Kreher et al., Trustees of Tampa Shipbuilding and Engineering Company, a Dissolved Corporation, petitioners, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 112. Frances De Crignis Von Wedel, petitioner, *v.* Honorable J. Howard McGrath, Attorney General of the United States, as Successor to the Alien Property Custodian. Petition for writ of certiorari to the Court of Appeals for the Third Circuit denied.

No. 113. Chicago Pneumatic Tool Company, petitioner, *v.* Hughes Tool Company. Petition for writ of certiorari to the Court of Appeals for the Tenth Circuit denied.

No. 115. Curtis B. Dall, petitioner, *v.* Victor S. Johnson, Jr., Administrator De Bonis Non of the Estate of Victor S. Johnson, deceased. Petition for writ of certiorari to the Appellate Court of the State of Illinois, First District, denied.

No. 116. Ogden Corporation, petitioner, *v.* Bennett I. Fielding and Frances Barretta, etc., et al. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 118. Charles Ralph Johnston, petitioner, *v.* David McIntee, etc., et al. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 119. Thomas Lockhart, petitioner, *v.* State of Iowa. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 120. Hereford B. Porter, petitioner, *v.* Warren R. Bennison et al. Petition for writ of certiorari to the Court of Appeals for the Tenth Circuit denied.

No. 121. Sarah N. Benedum and M. L. Benedum, petitioners, *v.* Stanley Granger, Collector of Internal Revenue. Petition for writ of certiorari to the Court of Appeals for the Third Circuit denied.

No. 123. John P. Denison, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Court of Appeals for the Sixth Circuit denied.

No. 124. Allen Smiley, petitioner, *v.* The United States of America; and

No. 213. The United States of America, petitioner, *v.* Allen Smiley. Petitions for writs of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 126. The Order of Railroad Telegraphers, petitioner, *v.* The New York Central Railroad Company (Buffalo and East). Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 127. J. Frank Keller and B. & W., Inc., petitioners, *v.* Jesse E. Hall. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 128. The Dill Manufacturing Company and Henry A. Van Dyke, petitioners, *v.* J. W. Speaker Corporation. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 129. Charles R. Allen, Inc., Green Brothers, Inc., T. W. Holt & Co., and Rico Products Co., petitioners, *v.* The United States. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 130. The Northwestern Mutual Life Insurance Company of Milwaukee, Wisconsin, petitioner, *v.* Joseph L. Gilbert. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 131. Federal Trade Commission, petitioner, *v.* Ada J. Alberty et al. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 135. Pedro Blanch et al., petitioners, *v.* Rafael de J. Cordero, Auditor of Puerto Rico, et al. Petition for writ of certiorari to the Court of Appeals for the First Circuit denied.

No. 137. The New Brunswick Trust Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Court of Appeals for the Third Circuit denied.

No. 138. The United States of America and Lee Arenas, petitioners, *v.* John W. Preston et al. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 139. The United States of America and Eleuteria Brown Arenas, also known as Della Nicholson, petitioners, *v.* John W. Preston et al. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 140. Bertha Jones, an incompetent, by Bessie Ruth Jones, her Guardian, et al., petitioners, *v.* Alice C. Medlock et al. Petition for writ of certiorari to the Court of Appeals for the Tenth Circuit denied.

No. 141. Sunshine Packing Corporation of Pennsylvania, petitioner, *v.* Paul A. Porter, Administrator, Office of Price Administration, now United States of America. Petition for writ of certiorari to the Court of Appeals for the Third Circuit denied.

No. 143. Marine Maintenance Corporation, Debtor, petitioner, *v.* Edward R. McGlynn, as Trustee in Proceedings for Reorganization of Debtor. Petition for writ of certiorari to the Court of Appeals for the Third Circuit denied.

No. 144. Honolulu Plantation Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 148. Watchtower Bible and Tract Society, Inc., petitioner, *v.* County of Los Angeles, California, et al. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 149. State of Ohio, ex rel. Joseph M. Greisiger, et al., petitioners, *v.* Grand Rapids Board of Education et al. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 150. The Trailmobile Company, petitioner, *v.* Thomas Britt and Roy Edward Mappes. Petition for writ of certiorari to the Court of Appeals for the Sixth Circuit denied.

No. 151. Texas and New Orleans Railroad Company, petitioner, *v.* Fletcher L. Yarbrough and Company. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Fifth Supreme Judicial District, denied.

No. 154. Standard Oil Company (N. J.), petitioner, *v.* John Carr. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 158. Theodore B. Drescher, petitioner, *v.* The United States of America; and

No. 198. The United States of America, petitioner, *v.* Theodore B. Drescher. Petitions for writs of certiorari to the Court of Appeals for the Second Circuit denied.

No. 160. Reynolds Spring Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Court of Appeals for the Sixth Circuit denied.

No. 161. Clair Conrad, petitioner, *v.* Pennsylvania Railroad Company; and

No. 162. Pasquale Damiano, petitioner, *v.* Pennsylvania Railroad Company. Petition for writs of certiorari to the Court of Appeals for the Third Circuit denied.

No. 165. Deauville Associates, Inc., petitioner, *v.* John M. Murrell and D. H. Redfearn, as Receivers of Deauville Corporation. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 166. Garden Suburbs Golf and Country Club, Inc., petitioner, *v.* John M. Murrell and D. H. Redfearn, as Receivers of Deauville Corporation. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 167. National Bank of Commerce in Memphis, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Sixth Circuit denied.

No. 172. Patrick Cavanaugh, Thomas L. Maguire, James Bannon, et al., petitioners, *v.* Frederick T. Gelder et al., constituting and comprising the Pennsylvania Liquor Control Board. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 173. Rachel V. Smith McDaniel, and her husband, George M. McDaniel, petitioners, *v.* California-Western States Life Insurance Company. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 174. Alfred Terrell, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 175. El Campo Rice Milling Company, petitioner, *v.* Miravalle Supply Company, Inc. Petition for writ of certiorari to the Court of Appeals for the Eighth Circuit denied.

No. 178. The North Little Rock Transportation Company, Inc., petitioner, *v.* Casualty Reciprocal Exchange, The Aetna Casualty and Surety Company, et al. Petition for writ of certiorari to the Court of Appeals for the Eighth Circuit denied.

No. 179. J. L. Walton, J. S. Pickard, A. E. Townsend, and S. G. Gurley, petitioners, *v.* City of Atlanta et al. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 180. Brotherhood of Railroad Trainmen, a Voluntary Unincorporated Association, petitioner, *v.* Harold H. Templeton, the Atchi-

son, Topeka and Santa Fe Railway Company, et al. Petition for writ of certiorari to the Court of Appeals for the Eighth Circuit denied.

No. 181. Red Arrow Freight Lines, Inc., et al., petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 182. Lewyt Corporation, petitioner, *v.* Health-Mor, Inc., and Edward H. Yonkers, Jr. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 183. James P. Finnegan, Collector of Internal Revenue, petitioner, *v.* Dimmitt-Rickhoff-Bayer Real Estate Company. Petition for writ of certiorari to the Court of Appeals for the Eighth Circuit denied.

No. 184. James F. Nangle, Judge of the Circuit Court of the City of Saint Louis, petitioner, *v.* State of Missouri, *ex rel.* J. E. Taylor, Attorney General of the State of Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 185. Baker-Cammack Hosiery Mills, Inc., and Baker-Mebane Hosiery Mills, Inc., petitioners, *v.* The Davis Company. Petition for writ of certiorari to the Court of Appeals for the Fourth Circuit denied.

No. 187. Indian Trails, Inc., petitioner, *v.* Thomas Hynes. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 188. Charles L. Surprise, Trustee in Bankruptcy, petitioner, *v.* Robert B. Fletcher. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 189. David V. Lansden et al., petitioners, *v.* William W. Hart, as United States Attorney for the Eastern District of Illinois, et al. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 192. Charles Scharf, individually and doing business as Paramount Photo Service, et al., petitioners, *v.* Valmore Forgett, individually and doing business as Service Welding Company. Petition for writ of certiorari to the Court of Appeals for the Third Circuit denied.

No. 193. White Brothers Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 194. Otto Kerner, Jr., and Robert B. Johnstone, on behalf of the United States District Court for the Northern District of Illinois, petitioners, *v.* Thomas Hart Fisher. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 196. Alex Pisciotta, petitioner, *v.* City of New York and Comptroller of the City of New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 197. Alexander Porhownik and 25 Trinity Corporation, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 200. Terminal Railroad Association of St. Louis, a Corporation, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Eighth Circuit denied.

No. 202. Burnham Chemical Company, petitioner, *v.* Oscar L. Chapman, Secretary of the Interior, et al. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 203. Wolfgang, Prince of Hesse, and Margarethe, Landgrafen of Hesse, petitioners, *v.* John G. Burrows. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 206. The United States of America, petitioner, *v.* People of the State of California. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 207. Louis H. Rosenblum, Max Stryk, and Jacob Weiss, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 208. Tom Good, also known as Thomas L. Good, et al., petitioners, *v.* Lenore Cate, Trustee in Bankruptcy of Spring Green Creamery and Cheese Industry, Inc. Petition for writ of certiorari to the Court of Appeals for the Third Circuit denied.

No. 210. Henry F. Butler and Estelle K. Butler, petitioners, *v.* District of Columbia. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 214. Fruehauf Trailer Company, petitioner, *v.* Henry Clay Myers. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 215. The Valier Company, petitioner, *v.* The State of Montana, Carey Land Act Board, etc., et al. Petition for writ of certiorari to the Supreme Court of Montana denied.

No. 216. United Gas Pipe Line Company, petitioner, *v.* Federal Power Commission. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 219. Harry C. Byrd, President of the University of Maryland, et al., petitioners, *v.* Esther McCready, a minor, by Elizabeth McCready, her next friend and parent. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 223. Studio Carpenters Local Union No. 946, an Unincorporated Labor Organization, as Representative of its Members, petitioner, *v. Loew's, Incorporated, et al.* Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 224. Andrew McKay, Soren P. Thorsen, Ralph W. Collins, et al., petitioners, *v. Loew's, Incorporated, et al.* Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 225. Lewis A. Johnson, alias Lewis O. Kalap, petitioner, *v. W. Bruce Matthews, United States Marshal.* Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 227. Henry P. Lyons, petitioner, *v. William R. Baker, Edward Bruce Jose, Henry Cabre, et al.* Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 228. Arrow Airways, Inc., et al., petitioners, *v. Civil Aeronautics Board.* Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 230. States Marine Corporation, petitioner, *v. Yngvar Aaby, Helga Aaby, Erling Aaby, et al.* Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 231. J. Hunter Thatcher, Jr., petitioner, *v. Tennessee Gas Transmission Company.* Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 235. Chicago and Southern Air Lines, Inc., petitioner, *v. Civil Aeronautics Board and Resort Airlines, Inc.* Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 236. Mrs. Euverlia Roberts, as administratrix of the Estate of James Emory Roberts, deceased, petitioner, *v. Alabama Great Southern Railroad Company.* Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 237. Sven Antonious Steffner, petitioner, *v. Joseph Savoretti, District Director of Immigration and Naturalization.* Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 238. Estate of Paul Loughridge, deceased, Marjorie Mead Loughridge, Executrix, petitioner, *v. Commissioner of Internal Revenue.* Petition for writ of certiorari to the Court of Appeals for the Tenth Circuit denied.

No. 239. R. Leo Schwarz, petitioner, *v. Victor West.* Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 241. Koutsky-Brennan-Vana Company, petitioner, *v.* Danebo Lumber Company, Inc., et al. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 242. Koutsky-Brennan-Vana Company, and Intervenors, petitioners, *v.* Sanford M. Furrow. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 244. Francesco Vieni, petitioner, *v.* People of the State of New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 273. The Maccabees and Modern Woodmen of America, petitioners, *v.* Mrs. Florence S. Carter. Petition for writ of certiorari to the Court of Appeals for the Sixth Circuit denied.

No. 43. The People of the State of Illinois, ex rel. William Edward Woods, petitioner, *v.* John M. Tuohy, Presiding Justice, et al, etc.; and

No. 125. William Edward Woods, petitioner, *v.* The New York, Chicago & St. Louis Railroad Company. The motions to strike petitioner's reply briefs are denied. The petitions for writs of certiorari to the Supreme Court of Illinois are denied.

No. 52. Prudence-Bonds Corporation (New Corporation), petitioner, *v.* Samuel Silbiger et al. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied. Mr. Justice Douglas is of the opinion the petition should be granted.

No. 86. Chenery Corporation et al., petitioners, *v.* Securities and Exchange Commission. Petition for writ of certiorari to the Court of Appeals for the Third Circuit denied. Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 99. William E. Emmick, petitioner, *v.* The Baltimore and Ohio Railroad Company. The motion to amend the petition is granted. The petition for writ of certiorari to the Appellate Court of the State of Illinois, First District, is denied.

No. 104. John Ivan Visic, petitioner, *v.* Francis J. H. Dever, Officer in Charge, Miami Office, Immigration and Naturalization Service, etc. The motion of the Solicitor General to substitute Joseph Savoretti, present District Director of the Immigration and Naturalization Service for the Miami District, as party respondent, is granted. The petition for writ of certiorari to the Court of Appeals for the Fifth Circuit is denied. Mr. Justice Clark took no part in the consideration or decision of these applications.

No. 69. Bernard M. Shotkin, petitioner, *v.* People of the State of Colorado, ex rel. The Attorney General of the State of Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion the petition should be granted.

No. 111. Glen H. Taylor, petitioner, *v.* City of Birmingham, Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion the petition should be granted.

No. 164. Ollie B. Roberts, petitioner, *v.* Missouri-Kansas-Texas Railroad Company of Texas. Petition for writ of certiorari to the Court of Civil Appeals, Fifth Supreme Judicial District, State of Texas, denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion the petition should be granted.

No. 232. Augusta M. Turner, petitioner, *v.* Alton Banking and Trust Company, Executor of the Estate of August Luer, deceased. Petition for writ of certiorari to the Court of Appeals for the Eighth Circuit denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion the petition should be granted.

No. 155. Milton Roe Sabin and Bertha Florence Sabin, petitioners, *v.* A. I. Levorsen. 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. 156. Milton Roe Sabin and Bertha Florence Sabin, petitioners, *v.* The Midland Savings and Loan 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 Appeals for the Tenth Circuit is denied.

No. 171. Gunnar A. Larsson, petitioner, *v.* Coastwise (Pacific Far East) Line. The motion to dispense with the printing of the petition and record is granted. The petition for writ of certiorari to the Court of Appeals for the Ninth Circuit is denied.

No. 186. Terry Lee Sims, petitioner, *v.* State of Iowa. 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 Iowa is denied.

No. 226. State of Tennessee, *ex rel.* Charles E. Hunter, petitioner, *v.* Garner Robinson, Sheriff of Davidson County, Tennessee, et al. 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 Tennessee is denied.

No. 190. Klein's Outlet, Inc., and William R. Klein, petitioners, *v.* Harold L. Lipton. The motion to dispense with the printing of the petition and record is granted. The motion to strike respondent's brief is denied. The petition for writ of certiorari to the Court of Appeals for the Second Circuit is denied.

No. 191. Otto Albert Willumeit, petitioner, *v.* The United States of America. The motion to dispense with the printing of the petition and record is granted. The petition for writ of certiorari to the Court

of Appeals for the Seventh Circuit is denied. Mr. Justice Clark took no part in the consideration or decision of these applications.

No. 220. Common Stockholders Committee of Long Island Lighting Company, petitioners, *v.* Securities and Exchange Commission, Long Island Lighting Company, et al.; and

No. 221. Louis W. Gordon, Common Stockholder of Long Island Lighting Company, petitioner, *v.* Securities and Exchange Commission, Long Island Lighting Company, et al. The petitions for writs of certiorari to the Court of Appeals for the Second Circuit are denied. Mr. Justice Douglas took no part in the consideration or decision of these applications.

No. 249. J. Donald Halsted, E. M. Nichols, and B. F. Grizzle, as a Protective Committee, etc., petitioners, *v.* Securities and Exchange Commission. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 222. Oscar Schatte et al., petitioners, *v.* The International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada, et al. The motion for leave to file brief of Conference of Studio Unions et al., as amici curiae is denied. The petition for writ of certiorari to the Court of Appeals for the Ninth Circuit is denied.

No. 2, October Term, 1949. Graver Tank and Mfg. Co., Inc., et al., petitioners, *v.* The Linde Air Products Company. Petition for rehearing denied. Mr. Justice Minton took no part in the consideration or decision of this application.

No. 12, October Term, 1949. Arthur Osman, David Livingston, Jack Paley, et al., appellants, *v.* Charles T. Douds, individually and as Regional Director of the National Labor Relations Board. Petition for rehearing denied. Mr. Justice Clark took no part in the consideration or decision of this application.

No. 33, October Term, 1949. Charles Quicksall, petitioner, *v.* People of the State of Michigan. Motion for leave to file petition for rehearing denied. Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 44, October Term, 1949. Heman Marion Sweatt, petitioner, *v.* Theophilis Shickel Painter et al. Petition for rehearing denied.

No. 455, October Term, 1949. Automatic Radio Manufacturing Company, Inc., petitioner, *v.* Hazeltine Research, Inc. Petition for rehearing denied. Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 570, October Term, 1949. Lord Manufacturing Company, petitioner, *v.* The United States. Petition for rehearing denied.

- No. 716, October Term, 1949. Herman Francis Henderson, petitioner, *v.* The United States of America;
- No. 717, October Term, 1949. William Edwards Wildman, petitioner *v.* The United States of America;
- No. 718, October Term, 1949. Richard H. Shufflebarger, petitioner, *v.* The United States of America;
- No. 719, October Term, 1949. Charles Frantz, petitioner, *v.* The United States of America; and
- No. 828, October Term, 1949. Robert L. Wixom, petitioner, *v.* The United States of America. The petition for rehearing in these cases is denied.
- No. 737, October Term, 1949. James A. Yates, petitioner, *v.* Edward Ball;
- No. 742, October Term, 1949. The Arlington, Inc., and Sturm-Bickel Corporation, Illinois Corporations, petitioners, *v.* Edward Mayer;
- No. 745, October Term, 1949. Jessica S. Mahana, petitioner, *v.* The United States;
- No. 752, October Term, 1949. Floyd W. Dunaway, Allie Merle Dunaway, joined by her husband, Floyd W. Dunaway, et al., petitioners, *v.* Standard Oil Company (New Jersey), et al.;
- No. 779, October Term, 1949. Huntington Palisades Property Owners Corporation, Ltd., petitioner, *v.* Metropolitan Finance Corporation of California;
- No. 781, October Term, 1949. Thomas E. Connelly, petitioner, *v.* Stephen E. Hurley et al., Civil Service Commissioners of the City of Chicago; and
- No. 792, October Term, 1949. Henry C. Glissmann, appellant, *v.* The City of Omaha et al. The petitions for rehearing in these cases are severally denied.
- No. 780, October Term, 1949. William J. Drury, petitioner, *v.* Stephen E. Hurley et al., Civil Service Commissioners of the City of Chicago. Petition for rehearing dismissed on motion of counsel for petitioner.
- No. 237, Misc., October Term, 1948. Sherman Williams, petitioner, *v.* United Mine Workers of America. The second petition for rehearing is denied.
- No. 236, Misc., October Term, 1949. Hilliard Sanders, petitioner, *v.* Edwin B. Swope, Warden;
- No. 415, Misc., October Term, 1949. Johnie H. Powers, petitioner, *v.* Walter A. Hunter, Warden;
- No. 474, Misc., October Term, 1949. Homer L. Loomis, Jr., petitioner, *v.* Clark Edwards, Jr., Judge, etc.;

No. 486, Misc., October Term, 1949. Harry Edison Hackworth, petitioner *v.* W. H. Hiatt, Warden;

No. 506, Misc., October Term, 1949. Morris Leder, petitioner, *v.* People of the State of California;

No. 527, Misc., October Term, 1949. Joseph Kadans, petitioner, *v.* William C. Coleman;

No. 534, Misc., October Term, 1949. Georgia M. Spruill, petitioner, *v.* Bishop S. D. Brooks; and

No. 550, Misc., October Term, 1949. Harry Siegel and Maurice Meyer, petitioners, *v.* Joseph E. Ragen, Warden. The petitions for rehearing in these cases are severally denied.

No. 5, Misc. Bluford Daniel Griffen, petitioner, *v.* Clarence P. Burford, Warden. Petition for writ of certiorari to the Criminal Court of Appeals of Oklahoma denied.

No. 6, Misc. Edward H. Glasgow, petitioner, *v.* Nathan Mayo, Florida State Prison Custodian. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 7, Misc. William Lee Hayes, petitioner, *v.* R. H. Hudspeth, Warden. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 8, Misc. Frank Lucas, petitioner, *v.* John R. Cranor, Superintendent. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 12, Misc. Grace W. Adkins, as Administratrix of the Estate of P. V. Adkins, deceased, petitioner, *v.* E. I. Du Pont de Nemours and Co., Inc. Petition for writ of certiorari to the Court of Appeals for the Tenth Circuit denied.

No. 14, Misc. Raleigh Speller, petitioner, *v.* State of North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 15, Misc. Otto Arthur Gensburg, petitioner, *v.* Tom Smith, Superintendent. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 17, Misc. Charles E. Petitt, petitioner, *v.* Browning Robinson, Warden. Petition for writ of certiorari to the Circuit Court of Sangamon County, Illinois, denied.

No. 18, Misc. Theodore William Gregory, petitioner, *v.* State of Nevada. Petition for writ of certiorari to the Supreme Court of Nevada denied.

No. 19, Misc. Henry Schectman, petitioner, *v.* People of the State of New York. Petition for writ of certiorari to the County Court of Kings County, New York, denied.

No. 20, Misc. Maurice Meyer, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 22, Misc. Esther Hanson, petitioner, *v.* State of Wisconsin. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 24, Misc. Maurice Duncan, petitioner, *v.* John R. Cranor, Superintendent. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 25, Misc. Calvin Roberts, petitioner, *v.* People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 26, Misc. Tom King, petitioner, *v.* John R. Cranor, Superintendent. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 27, Misc. James Brakefield, petitioner, *v.* People of the State of New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 29, Misc. Earl W. Taylor, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 30, Misc. Goldie Brooks, petitioner, *v.* State of Tennessee. Petition for writ of certiorari to the Supreme Court of Tennessee denied.

No. 31, Misc. James Mulkey, petitioner, *v.* James Breakey, Jr., etc., et al. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 32, Misc. Donald W. Hubbard, petitioner, *v.* People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 36, Misc. William E. Fife, petitioner, *v.* The Great Atlantic and Pacific Tea Co. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 40, Misc. Catherine Hein, petitioner, *v.* Tom Smith, Superintendent. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 41, Misc. Ed. J. Farrant, petitioner, *v.* State of Iowa. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 42, Misc. Everett C. Lyle, petitioner, *v.* Ralph N. Eidson, Warden. Petition for writ of certiorari to the Court of Appeals for the Eighth Circuit denied.

No. 44, Misc. John E. Holder, petitioner, *v.* State of Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 45, Misc. Robert A. Chick, petitioner, *v.* H. E. Moore, Warden. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 46, Misc. Frederick Perkins, petitioner, *v.* People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 47, Misc. Patrick Brennan, petitioner, *v.* People of the State of New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 48, Misc. Adolph Priester, petitioner, *v.* Stanley P. Ashe, Warden. Petition for writ of certiorari to the Court of Appeals for the Third Circuit denied.

No. 50, Misc. Homer Powers, petitioner, *v.* State of Iowa. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 51, Misc. Rosario Ravalli, petitioner, *v.* J. V. Jackson, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 53, Misc. William Kirsch, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 54, Misc. Jerry Adkins petitioner, *v.* W. Frank Smyth, Jr., Superintendent. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 57, Misc. Elmer Matthews and Jim Cook, petitioners, *v.* State of North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 58, Misc. Anthony Baerchus, petitioner, *v.* C. J. Burke, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 63, Misc. Gilbert Joseph Stinchcomb, petitioner, *v.* People of the State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 64, Misc. August Pascal, petitioner, *v.* C. J. Burke, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 67, Misc. Richard Hill, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari to the Circuit Court of Will County, Illinois, denied.

No. 69, Misc. Frederick Bunk, Robert Jellison, and Clarence Smith, petitioners, *v.* State of New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 70, Misc. Joseph Di Napoli, petitioner, *v.* People of the State of New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York denied.

No. 72, Misc. John Lynch petitioner, *v.* O. J. Nygaard. Petition for writ of certiorari to the Supreme Court of North Dakota denied.

No. 73, Misc. William Carey, petitioner, *v.* Stanley P. Ashe, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 78, Misc. Robert Layton, petitioner, *v.* State of Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 83, Misc. William H. Briggs, petitioner, *v.* People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 85, Misc. Charles Montgomery, petitioner, *v.* People of the State of New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York denied.

No. 86, Misc. Ira D. Perry, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari to the Circuit Court of Will County, Illinois, denied.

No. 87, Misc. William Watkins, petitioner, *v.* State of Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 88, Misc. Henry Wittje, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari to the Circuit Court of Will County, Illinois, denied.

No. 89, Misc. Ex Parte James R. Nix, petitioner. Petition for writ of certiorari to the Supreme Court of Texas denied.

No. 90, Misc. Glenn Adrian Carr, petitioner, *v.* State of Oklahoma. Petition for writ of certiorari to the Criminal Court of Appeals of Oklahoma denied.

No. 95, Misc. Claude Boone, petitioner, *v.* Ralph N. Eidson, Warden. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 97, Misc. Jerry Delano, petitioner, *v.* The Armstrong Rubber Co. Petition for writ of certiorari to the Supreme Court of Errors of Connecticut denied.

No. 98, Misc. Caryl Chessman, petitioner, *v.* People of the State of California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 99, Misc. Ralph D. Rutledge, petitioner, *v.* R. H. Hudspeth, Warden. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 104, Misc. Michael Petrucelli, petitioner, *v.* State of New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 106, Misc. Earl Williams, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 107, Misc. Bud Lilly, petitioner, *v.* People of the State of California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 108, Misc. Laurie J. Carpenter, petitioner, *v.* Rohm and Haas Co., Inc. Petition for writ of certiorari to the Court of Appeals for the Third Circuit denied.

No. 109, Misc. Amos Doris Cooper, petitioner, *v.* John R. Cranor, Superintendent of Washington State Penitentiary. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 110, Misc. Leo Van Eps, petitioner, *v.* State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 111, Misc. Annie Mary Timmons, petitioner, *v.* James Carroll Daniels. Petition for writ of certiorari to the Supreme Court of South Carolina denied.

No. 113, Misc. Thomas C. Carey, petitioner, *v.* Cornelius J. Burke, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 114, Misc. James Cummings, petitioner, *v.* Cornelius J. Burke, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 115, Misc. Clarence Mahurin, petitioner, *v.* Ralph N. Eidson, Warden, et al. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 116, Misc. Louis Oddo, petitioner, *v.* People of the State of New York. Petition for writ of certiorari to the First Judicial Department of the Appellate Division of the Supreme Court of New York denied.

No. 117, Misc. William B. Hughes, petitioner, *v.* Michigan Parole Board. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 118, Misc. Jack McCarthy, petitioner, *v.* R. H. Hudspeth, Warden, Kansas State Penitentiary. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 120, Misc. Burr Arnold, petitioner, *v.* People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 121, Misc. Francis Stelloh, petitioner, *v.* Wisconsin State Supreme Court. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 122, Misc. Joseph John Razutis, petitioner, *v.* Clinton T. Duffy, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 123, Misc. James Di Stefano et al., petitioners, *v.* Hilda Beondy. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 125, Misc. Ross E. Dunlevy, petitioner, *v.* Hon. Edward F. Bareis et al. Petition for writ of certiorari to the Circuit Court of Randolph County, Illinois, denied.

No. 126, Misc. Hallie Oliver, petitioner, *v.* State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 127, Misc. Aaron P. Bruce, petitioner, *v.* R. H. Hudspeth, Warden, et al. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 128, Misc. Joseph Murphy, petitioner, *v.* J. Vernel Jackson, Warden. Petition for writ of certiorari to the Clinton County Court of New York denied.

No. 132, Misc. Alfred D. Flickinger, petitioner, *v.* Commonwealth of Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 133, Misc. Robert Frazier, petitioner, *v.* Stanley P. Ashe, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 136, Misc. William D. Kerr, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 137, Misc. Joseph Harincar, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 141, Misc. Frank Beatty, petitioner, *v.* Stanley P. Ashe, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 142, Misc. William Randell, petitioner, *v.* Stanley P. Ashe, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 143, Misc. John Hoshor, petitioner, *v.* People of the State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 144, Misc. William Daniels, petitioner, *v.* State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 145, Misc. Robert G. Schuman, petitioner, *v.* Robert A. Heinze, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 147, Misc. Henry Albert Erskine, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 148, Misc. Edward Pankola, petitioner, *v.* Warden, Philadelphia County Prison. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 153, Misc. Evans Payne, petitioner, *v.* Stanley P. Ashe, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 59, Misc. Alex Agoston, petitioner, *v.* The Commonwealth of Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied. Mr. Justice Frankfurter has filed a memorandum respecting the denial of the petition for writ of certiorari.

No. 170, Misc. Cecil H. Yankey, petitioner, *v.* State of Ohio. Petition for writ of certiorari to the Supreme Court of Ohio dismissed on motion of counsel for the petitioner.

No. 2, Misc. Marvin Weldon Hoskins, petitioner, *v.* H. E. Moore, Warden;

No. 4, Misc. Edward J. Sterba, Jr., petitioner, *v.* State of Illinois;

No. 10, Misc. Mildred H. Hudson, petitioner, *v.* Dr. Winfred Overholser;

No. 21, Misc. Carl William Burkholder, petitioner, *v.* The United States of America;

No. 28, Misc. Earl W. Taylor, petitioner, *v.* P. J. Squier, Warden;

No. 33, Misc. Eugene Middleton, petitioner, *v.* State of Michigan;

No. 43, Misc. Thomas Stephenson, petitioner, *v.* George W. Page, Warden;

No. 80, Misc. Thomas Gibbs, petitioner, *v.* R. E. Bushong, Superintendent;

No. 82, Misc. Joseph Fleet, petitioner, *v.* Col. Edwin T. Swenson, Warden;

No. 84, Misc. Robert G. Van Beek, petitioner, *v.* State of Michigan;

No. 91, Misc. Clinton William Stewart, petitioner, *v.* Ivan W. Steele, Warden;

No. 92, Misc. Robert L. Lang, petitioner, *v.* Nathan Mayo, Custodian;

No. 102, Misc. Henry Lee Grier, petitioner, *v.* Warden, State Prison, Southern Michigan;

No. 112, Misc. Leroy Carroll, petitioner, *v.* Col. E. T. Swenson, Warden;

No. 129, Misc. Lewis M. Horn, petitioner, *v.* Julian N. Frisbie, Warden; and

No. 149, Misc. Cleio Hull, petitioner, *v.* Julian N. Frisbie, Warden. The motions for leave to file petitions for writs of habeas corpus in these cases are severally denied.

No. 23, Misc. Claude Bashaw, petitioner, *v.* California Supreme Court;

No. 35, Misc. John Edwin Byers, petitioner, *v.* Hon. Delmas C. Hill, etc.;

No. 55, Misc. Roy Carver, petitioner, *v.* The Supreme Court of the State of California; and

No. 135, Misc. Gerald G. Boyden, petitioner, *v.* Edmund L. Smith, Clerk, United States District Court for the Southern District of California. The motions for leave to file petitions for writs of mandamus in these cases are severally denied.

No. 9, Misc. Edward Perkins, petitioner, *v.* Joseph E. Ragen, Warden. The motion for leave to file petition for writ of certiorari is denied.

No. 16, Misc. Ray Berg, petitioner, *v.* The United States of America;

No. 68, Misc. Daniel W. Cooper, petitioner, *v.* The United States of America;

No. 81, Misc. Roy E. Eaton, petitioner, *v.* Joseph E. Ragen, Warden; and

No. 81, Misc., October Term, 1949. Mollie Eagle, petitioner, *v.* Benjamin Cherney and Samuel H. Berger. The applications in these cases are severally denied.

No. 56, Misc. Henry G. Bartsch and Gordon Louk, petitioners, *v.* Hon. William C. Coleman, United States District Judge for the District of Maryland. Leave granted to withdraw petition for writ of prohibition and/or mandamus.

No. 62, Misc. Bernard H. Tabor, petitioner, *v.* United States District Court for the Western District of Virginia. Leave granted to withdraw petition for writ of mandamus.

No. 1. Standard Oil Company, petitioner, *v.* Federal Trade Commission. Reargument commenced by Mr. Howard Ellis for the petitioner, continued by Mr. William Simon for Empire State Petroleum Association, Inc., et al., as *amici curiae* by special leave of Court; by Mr. James W. Cassedy for respondent; by Mr. Cyrus Austin for Retail Gasoline Dealers Association of Michigan, Inc., et al., as *amici curiae* by special leave of Court, and concluded by Mr. Howard Ellis for petitioner.

No. 5. Louis Compagna and Charles Gioe, petitioners, *v.* William H. Hiatt, Warden, United States Penitentiary, Atlanta, Georgia. Argument commenced by Mr. Wm. Scott Stewart for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, October 10, will be as follows: Nos. 5, 6, 8, 7, 71, 49, 9, 29, 31, 27 (and 28).

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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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

Leland J. Kozar, of Fort Worth, Tex.; and C. Carter Lee, of Rocky Mount, Va., were admitted to practice.

No. 5. Louis Compagna and Charles Gioe, petitioners, *v.* William H. Hiatt, Warden, United States Penitentiary. Atlanta, Georgia. Argument continued by Mr. Wm. Scott Stewart for the petitioners and concluded by Mr. Stanley M. Silverberg for respondent.

No. 6. Edward L. Fogarty, as Trustee in Bankruptcy of the Inland Waterways, Inc., petitioner, *v.* The United States of America and Navy Department War Contracts Relief Board. Argued by Mr. George M. Shkoler for the petitioner and Mr. Oscar H. Davis for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, October 11, will be as follows: Nos. 8, 7, 71, 49, 9, 29, 31, 27 (and 28), 37, and 19.

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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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

Murray A. Gordon, of New York City; Thomas F. McWilliams, of Chicago, Ill.; Herman Marcuse, of New York City; Henry M. Decker, Jr., of Baltimore, Md.; Leonard D. Alley, of Portland, Oreg.; Frank S. Harman, of Washington, D. C.; Alexander H. Schullman, of Los Angeles, Calif.; James T. Dunn, of Stamford, Conn.; Joseph McDowell Whitson, of Vero Beach, Fla.; Lawrence Rogers, of Kissimee, Fla.; and Daniel M. Gribbon, of Washington, D. C., were admitted to practice.

No. 8. Joint Anti-Fascist Refugee Committee, an unincorporated association, petitioner, *v. J. Howard McGrath*, Attorney General of the United States, et al. Argument commenced by Mr. Benedict Wolf for the petitioner; continued by Mr. O. John Rogge for the petitioner; and concluded by Mr. Solicitor General Perlman for the respondent.

No. 7. National Council of American-Soviet Friendship, Inc., et al., petitioners, *v. J. Howard McGrath*, Attorney General of the United States, et al. Argued by Mr. David Rein for the petitioner and by Mr. Solicitor General Perlman for the respondent.

No. 71. International Workers Order, Inc., and Arthur Lowndes Drayton, petitioners, *v. J. Howard McGrath*, Attorney General of the United States, et al. Argued by Mr. Allen R. Rosenberg for the petitioner and by Mr. Solicitor General Perlman for the respondent. Leave granted the parties to file briefs by Saturday.

No. 49. Dorothy Bailey, petitioner, *v. Seth W. Richardson et al.* Argument commenced by Mr. Paul A. Porter for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, October 12, will be as follows: Nos. 49, 9, 29, 31, 27 (and 28), 37, 19, 14, 10 (11, 12, and 13), 15 (and 16).

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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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

Ford E. Harbaugh, of Wellington, Kans.; Harold R. Fatzer, of Kinsley, Kans.; George J. Zimmerman, of Chicago, Ill.; Helen C. Cunningham, of New York, N. Y.; and John W. Kyle, of Sardis, Miss., were admitted to practice.

No. 49. Dorothy Bailey, petitioner, *v.* Seth W. Richardson et al. Argument continued by Mr. Paul R. Porter for the petitioner; by Mr. Solicitor General Perlman for the respondents; and concluded by Mr. Thurman Arnold for the petitioner.

No. 9. Bernice B. Feres, as Executrix under the last will and testament of Rudolph J. Feres, deceased, petitioner, *v.* The United States of America. Argued by Mr. David H. Moses for the petitioner and Mr. Newell A. Clapp, for the respondent.

No. 29. Arthur K. Jefferson, petitioner, *v.* The United States of America. Argument commenced by Mr. Morris Rosenberg for the petitioner and continued by Mr. Newell A. Clapp for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, October 13, will be as follows: Nos. 29, 31, 27 (and 28), 37, 19, 14, 10 (11, 12, and 13), 15 (and 16), 17 (and 18), and 50.

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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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

Albert J. Clark, of Poughkeepsie, N. Y.; Walter John Murphy, of New York, N. Y.; James M. McGarry, Jr., of New York, N. Y.; Michael E. Hanrahan, of New York, N. Y.; and Joseph L. Judson, of Pittsburg, Calif., were admitted to practice.

No. 29. Arthur K. Jefferson, petitioner, *v.* The United States of America. Argument concluded by Mr. Newell A. Clapp for the respondent.

No. 31. The United States of America, petitioner, *v.* Edith Louise Griggs, as Executrix of the Estate of Dudley R. Griggs, deceased. Argued by Mr. Newell A. Clapp for petitioner and by Mr. Frederick P. Cranston for respondent.

No. 27. Standard Oil Company of New Jersey, petitioner, *v.* The United States of America, as Owner of the United States Ship YMS-12; and

No. 28. Standard Oil Company of New Jersey, as Owner of the Steam Tanker John Worthington, petitioner, *v.* The United States of America. Argued by Mr. Edwin S. Murphy for petitioner and by Mr. Samuel D. Slade for respondent.

No. 37. Libby, McNeill and Libby, a corporation, petitioner, *v.* The United States. Argued by Mr. Stanley B. Long for petitioner and by Mr. Samuel D. Slade for respondent.

No. 19. Larry Gara, petitioner, *v.* The United States of America. Argument commenced by Mr. Francis Heisler for petitioner; and continued by Mr. Philip R. Monahan for the respondent.

Adjourned until Monday, October 16, at 12 o'clock.

The day call for Monday, October 16, will be as follows: Nos. 19, 14, 10 (11, 12, and 13), 15 (and 16), 17 (and 18), 50, 93, 23 (and 24), 64, and 32.

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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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

Thomas M. Hamilton, of San Diego, Calif.; Clarence I. Spencer, of Des Moines, Iowa; Sumner B. Young, of Wayzata, Minn.; J. Lawrence Barsky, of Worcester, Mass.; Dan J. Kelly, of Syracuse, N. Y.; John H. Babb, of Chicago, Ill.; George Edward Thiel, of Paragould, Ark.; and Harold J. Bell, of Indianapolis, Ind., were admitted to practice.

The Chief Justice announced the following order of the Court:

No. 145. Joseph Rice, petitioner, *v.* H. H. Arnold, as Superintendent of Miami Springs Country Club. On petition for writ of certiorari to the Supreme Court of Florida. *Per curiam*: The petition for writ of certiorari is granted. The judgment is vacated and the cause is remanded to the Supreme Court of Florida for reconsideration in the light of subsequent decisions of this Court in *Sweatt v. Painter*, 339 U. S. 629, and *McLaurin v. Oklahoma State Regents*, 339 U. S. 637.

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. 17. Daniel Niemotko, appellant, *v.* State of Maryland; and

No. 18. Neil W. Kelley, appellant, *v.* State of Maryland;

No. 20. Jane Rogers, petitioner, *v.* The United States of America; and

No. 21. Irving Blau, petitioner, *v.* The United States of America; and

No. 22. Patricia Blau, petitioner, *v.* The United States of America;

No. 23. The United States of America, petitioner, *v.* Munsingwear, Inc.; and

No. 24. The United States of America, petitioner, *v.* Munsingwear, Inc. The motions to remove these cases from the summary docket are denied.

No. 134. The United States of America, appellant, *v.* Jay G. Williams, et al. In this case probable jurisdiction is noted and the case is assigned for argument immediately following No. 1, Misc.

No. 258. Dean Milk Company, appellant, *v.* City of Madison, Wisconsin, a Municipal Corporation, et al.; and

No. 268. Erwin P. Werner, appellant, *v.* Southern California Associated Newspapers, a California Corporation. In these cases probable jurisdiction is noted.

No. 26. The United States of America, petitioner, *v.* Jay G. Williams, et al. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit granted.

No. 66. Alfred F. Dowd, as Warden of the Indiana State Prison, petitioner, *v.* The United States of America, ex rel. Lawrence E. Cook. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit granted.

No. 252. American Fire and Casualty Company, petitioner, *v.* Florence C. Finn. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit granted.

No. 267. J. J. O'Leary, Deputy Commissioner, Fourteenth Compensation District, etc., petitioner, *v.* Brown-Pacific-Maxon, Inc., a Corporation, et al. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit granted and the case transferred to the summary docket.

No. 1, Misc. Jay G. Williams, 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 Court of Appeals for the Fifth Circuit is granted and the case is transferred to the appellate docket and assigned for argument immediately following No. 26.

No. 75. El Rio Oils (Canada) Limited, petitioner, *v.* Pacific Coast Asphalt Co., Inc., et al. The motion to dispense with printing the record is granted. The petition for writ of certiorari to the District Court of Appeal of the State of California, Second Appellate District, is denied.

No. 159. Universal Oil Products Company, petitioner, *v.* Nigel D. Campbell and the United States of America. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 199. James E. Jones, petitioner, *v.* New York Central Railroad Company and Railway Express Agency, Inc. Petition for writ of certiorari to the Court of Appeals for the Sixth Circuit denied.

No. 233. Ida E. Steadman, petitioner, *v.* The State of South Carolina. Petition for writ of certiorari to the Supreme Court of South Carolina denied.

No. 234. Charles W. Kelly, trading and doing business as Kelly Dairies, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 240. J. E. Rose, Jr., a Clerk in the Transportation Department, et al., petitioners, *v.* Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, et al. Petition for writ of certiorari to the Court of Appeals for the Fourth Circuit denied.

No. 243. William E. Evans, petitioner, *v.* Wyndham M. Manning. Petition for writ of certiorari to the Supreme Court of South Carolina denied.

No. 246. Ford Motor Company, Henry Ford II, Ernest R. Breech, et al., petitioners, *v.* The Honorable Sylvester J. Ryan, United States District Judge, and Harry Ferguson, et al. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 247. Kalmia Realty and Insurance Company, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 248. Hyman J. Berg, doing business as Berg Truck and Parts Company, petitioner, *v.* Samuel Schreiber and Harry Schreiber, doing business as Schreiber Trucking Company. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 253. Argonne Company, Inc., a Corporation, petitioner, *v.* Lucia Hitaffer. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 257. Henry J. Willingham, Collector of Internal Revenue for the District of Alabama, et al., petitioners, *v.* Home Oil Mill, et al. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 259. George Kemp Real Estate Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 262. Charles A. Carolin, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Court of Appeals for the Sixth Circuit denied.

No. 265. The World Fire and Marine Insurance Company, petitioner, *v.* Bowden L. Palmer and John Bruno, Jr. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 266. The United States of America, petitioner, *v.* William A. Beal, et al. Petition for writ of certiorari to the Court of Appeals for the Sixth Circuit denied.

No. 269. Elizabeth Rospigliosi, petitioner, *v.* Dudley J. Clogher. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 274. Autographic Register Company, petitioner, *v.* Uarco, Inc. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 277. Island Creek Fuel and Transportation Company, petitioner, *v.* H. Clyde Reeves, Commissioner of Revenue for the Commonwealth of Kentucky, et al. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 283. J. L. Gentry, petitioner, *v.* Seaboard Air Line Railroad Company. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 285. Estate of Max Strauss, also known as Marx Strauss, deceased, Marjorie F. Treganowan, executrix, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 256. RD-DR Corporation, petitioner, *v.* Christine Smith, et al. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied. Mr. Justice Douglas is of the opinion the petition should be granted.

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

No. 13, Original. The United States of America, plaintiff, *v.* The State of Texas. The opinion of this Court, 339 U. S. 707, is amended as follows:

1. On page 713, substitute for the quotation in line 19 the following: "on an equal footing with the original States in all respects whatever."⁶

2. On page 713, amend footnote 6 to read, "See Joint Resolution approved December 29, 1845, 9 Stat. 108."

3. On page 714, amend footnote 7 to read, "Joint Resolution approved March 1, 1845, 5 Stat. 797."

4. In the next to the last line on page 715, substitute "admitting" for "annexing".

The petition for rehearing is denied. Mr. Justice Jackson and Mr. Justice Clark took no part in the consideration or decision of this application.

No. 568, October Term, 1949. Oscar R. Ewing, Federal Security Administrator, et al., appellants, *v.* Mytinger and Casselberry, a California Corporation. The petition for rehearing is denied. Mr. Justice Clark took no part in the consideration or decision of this application.

No. 739, October Term, 1949. Earl T. Ellis, Receiver of the Quantico Company, Incorporated, petitioner, *v.* Clifton B. Cates. The petition for rehearing is denied.

No. 844, October Term, 1949. Loew's Incorporated, appellant, *v.* The United States of America;

No. 845, October Term, 1949. Warner Bros. Pictures, Inc., et al., appellants, *v.* The United States of America; and

No. 846, October Term, 1949. Twentieth Century-Fox Film Corporation, et al., appellants, *v.* The United States of America. The petitions for rehearing are denied. Mr. Justice Jackson and Mr. Justice Clark took no part in the consideration or decision of these applications.

No. 79, Misc., October Term, 1949. Carroll J. Chambers, petitioner, *v.* The United States. The petition for rehearing is denied.

No. 37, Misc. Sewell W. Rouzer, Jr., petitioner, *v.* Stanley P. Ashe, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 71, Misc. Anna M. Phyle, on behalf of William Jerome Phyle, petitioner, *v.* Superior Court of the State of California in and for the County of Marin. Petition for writ of certiorari to the Supreme Court of California denied.

No. 100, Misc. Charles Wm. Edmiston, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 105, Misc. H. Henry Siskind, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 139, Misc. Norman Fullum, petitioner, *v.* Lawrence P. Keenan, Superintendent. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 146, Misc. William Francis Croghan, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 152, Misc. J. P. Dunne, petitioner, *v.* Railroad Retirement Board. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 154, Misc. John Wiley Johnson, petitioner, *v.* Rollo Lawrence, Superintendent of Louisiana State Penitentiary. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 156, Misc. S. S. Levy, petitioner, *v.* Charles Sawyer, Secretary of Commerce, et al. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 160, Misc. Albert Earl Farmer, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Fourth Circuit denied.

No. 165, Misc. Edna W. W. Roy and Velora W. McCoy, petitioners, *v.* The Office of the Housing Expediter. Petition for writ of certiorari to the United States Emergency Court of Appeals denied.

No. 166, Misc. Anna G. Caine, petitioner, *v.* Bertram L. Caine. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 171, Misc. William Joseph Harris, petitioner, *v.* People of the State of New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of the State of New York, Second Judicial Department, denied.

No. 172, Misc. Frank Gaglio, petitioner, *v.* People of the State of New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 173, Misc. Ralph Barton Butz, petitioner, *v.* Bert Rednour. Petition for writ of certiorari to the Circuit Court of Williamson County, Illinois, denied.

No. 175, Misc. Theodore Harold Shaw, petitioner, *v.* L. F. Utecht, Warden, etc. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 177, Misc. Walter A. Leimer, petitioner, *v.* Hon. Albert L. Reeves, Judge of the United States District Court for Western District of Missouri. Petition for writ of certiorari to the Court of Appeals for the Eighth Circuit denied.

No. 178, Misc. Leroy M. Schneider, petitioner, *v.* People of the State of California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 182, Misc. William B. Sullivan, petitioner, *v.* Merle Schneckloth, Associate Warden, etc. Petition for writ of certiorari to the Supreme Court of California denied.

No. 184, Misc. Henry Lovell, petitioner, *v.* Browning Robinson, Warden. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 185, Misc. Zigmund Wallace, petitioner, *v.* R. W. Alvis, Warden. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 187, Misc. Bernard M. Shotkin, etc., petitioner, *v.* W. F. Perkins et al. Petition for writ of certiorari to the Court of Appeals for the Tenth Circuit denied.

No. 192, Misc. Paul Washington, petitioner, *v.* State of Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 174, Misc. J. D. Dowdy and George R. Dowdy, petitioners, *v.* State of Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion the petition should be granted.

No. 155, Misc. Leroy Jeffries, petitioner, *v.* Clinton T. Duffy, Warden, California State Prison, San Quentin, California;

No. 158, Misc. Earl W. Taylor, petitioner, *v.* P. J. Squier;

No. 163, Misc. Rudell Fleenor, petitioner, *v.* Walter A. Hunter, Warden;

No. 169, Misc. John Poleski, petitioner, *v.* State of Ohio et al.; and

No. 176, Misc. Harold Henry Pentz, petitioner, *v.* Ivan W. Steele, Warden, etc. The motions for leave to file petitions for writs of habeas corpus in these cases are severally denied.

No. 183, Misc. Joe G. Munoz, petitioner, *v.* California Supreme Court. The motion for leave to file petition for writ of mandamus is denied.

No. 186, Misc. Gilford Wesley, petitioner, *v.* Commonwealth of Virginia. The application is denied.

The Court will take a recess from Monday, October 23, until Monday, November 6, next.

No. 19. Larry Gara, petitioner, *v.* The United States of America. Argument concluded by Mr. Philip R. Monahan for the respondent.

No. 14. Cornelia Harris, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. Irwin N. Wilpon for the petitioner and Mr. Lee A. Jackson for the respondent.

No. 10. The United States of America, petitioner, *v.* Security Trust and Savings Bank of San Diego, Executor, etc., et al.;

No. 11. The United States of America, petitioner, *v.* Security Trust and Savings Bank of San Diego, Executor, etc., et al.;

No. 12. The United States of America, petitioner, *v.* Security Trust and Savings Bank of San Diego, Executor, etc., et al.; and

No. 13. The United States of America, petitioner, *v.* Security Trust and Savings Bank of San Diego, Executor, etc., et al. Argued by Miss Helen Goodner for the petitioner. Submitted for respondents on the record.

No. 15. State of Missouri, ex rel. Southern Railway Company, petitioner, *v.* Waldo C. Mayfield, Judge of the Circuit Court of the City of St. Louis, Missouri, etc.; and

No. 16. State of Missouri, ex rel. The Atchison, Topeka and Santa Fe Railway Company, petitioner, *v.* David J. Murphy, Judge of the Circuit Court of the City of St. Louis, Missouri, etc. Argued by Mr. Floyd E. Thompson for the petitioners and by Mr. Roberts P. Elam for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, October 17, will be as follows: Nos. 17 (and 18), 50, 93, 23 (and 24), 64, 32, 30, 35 (and 36), 34, and 81.

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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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

Harry E. Howell, of Boston, Mass.; Joseph J. Lucchi, of New York, N. Y.; Sidney H. Greenberg, of Syracuse, N. Y.; Arthur James Winder, of Norfolk, Va.; and Kenneth C. Proctor, of Towson, Md., were admitted to practice.

No. 17. Daniel Niemotko, appellant, *v.* State of Maryland; and
No. 18. Neil W. Kelley, appellant, *v.* State of Maryland. Argued by Mr. Hayden C. Covington for the appellants and Mr. Kenneth C. Proctor for the appellee.

No. 50. Carl Jacob Kunz, appellant, *v.* People of the State of New York. Argued by Mr. Osmond K. Fraenkel for the appellant and by Mr. Seymour B. Quel for the appellee.

No. 93. Irving Feiner, petitioner, *v.* People of the State of New York. Argued by Mr. Sidney H. Greenberg and Mr. Emanuel Redfield for petitioner and Mr. Dan J. Kelly for respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, October 18, will be as follows: Nos. 23 (and 24), 64, 32, 30, 35 (and 36), 34, and 81.

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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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

Orson D. Munn, of New York, N. Y.; Edwin J. Balluff, of Detroit, Mich.; Norman A. Miller, of Chicago, Ill.; and Louis A. Schwartz, of New Orleans, La., were admitted to practice.

No. 23. The United States of America, petitioner, *v.* Munsingwear, Inc.; and

No. 24. The United States of America, petitioner, *v.* Munsingwear, Inc. Argued by Mr. Melvin Richter for the petitioner and Mr. John M. Palmer for the respondent.

No. 64. Madeleine Ursula Snyder, petitioner, *v.* Rear Admiral W. A. Buck, Paymaster General of the Navy. Argued by Mr. John Geyer Tausig for the petitioner and by Mr. John R. Benney for the respondent.

No. 32. The Great Atlantic and Pacific Tea Company, petitioner, *v.* Supermarket Equipment Corporation, substituted for Evelyn B. Bradley and Joe Weingarten. Argument commenced by Mr. John H. Glaccum for the petitioner and continued by Mr. Townsend F. Beaman for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, October 19, will be as follows: Nos. 32, 30, 35 (and 36), 34, and 81.

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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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

Louis J. Coelho, of Fresno, Calif.; Terral Augustus Jordan, of Hattiesburg, Miss.; and Gerald J. O'Gara, of San Francisco, Calif., were admitted to practice.

No. 32. The Great Atlantic and Pacific Tea Company, petitioner, *v.* Supermarket Equipment Corporation, substituted for Evelyn B. Bradley and Joe Weingarten. Argument concluded by Mr. Townsend F. Beaman for respondents.

No. 30. The United States of America, appellant, *v.* United States Gypsum Company, Sewell L. Avery, Oliver M. Knode, et al. Argued by Mr. Charles H. Weston for appellant; by Mr. Bruce Bromley for appellees, United States Gypsum Company et al., and by Mr. Norman A. Miller for appellee, Certain-Teed Products Corporation; and case submitted by Mr. Andrew J. Dallstream, Mr. Walter G. Moyle, Mr. Ralph P. Wanlass, and Mr. Albert E. Hallett for appellee, The Celotex Corporation, and by Mr. Elmer E. Finck, Mr. Joseph S. Rippey, and Mr. David J. Johnston for appellees, National Gypsum Company et al.

No. 35. Hans Ackermann, petitioner, *v.* The United States of America; and

No. 36. Frieda Ackermann, petitioner, *v.* The United States of America. Argued by Mr. E. M. Grimes for petitioners and Mr. James L. Morrisson for respondent.

No. 34. J. Howard McGrath, Attorney General of the United States, et al., petitioners, *v.* Peder Kristian Kristensen, also known as Peder Kristen Kristiansen, etc. Argument commenced by Mr. Robert W. Ginnane for petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, October 20, will be as follows: Nos. 34 and 81.

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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

Francis X. Conlon, of New York, N. Y.; Osborne A. McKegney, of New York, N. Y.; and Sidney Z. Searles, of New York, N. Y., were admitted to practice.

No. 34. J. Howard McGrath, Attorney General of the United States, et al., petitioners, *v.* Peder Kristian Kristensen, also known as Peder Kristen Kristiansen, etc. Argument continued by Mr. Robert W. Ginnane for the petitioners; by Mr. David W. Louisell for appellee; and concluded by Mr. Robert W. Ginnane for petitioners.

No. 81. The United States of America, appellant, *v.* Mrs. Maria Melitona Sanchez and Armand Mota. Argued by Mr. Philip Elman for appellant. No appearance for appellees.

Adjourned until Monday, October 23, 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 Douglas, Mr. Justice Jackson, Mr. Justice Burton, Mr. Justice Clark, and Mr. Justice Minton.

George M. Thomas, of New Bedford, Mass.; Lawrence K. Bailey, of Troy, Kans.; Samuel Pounders Burford, of Dallas, Tex.; Roy Herman Lambert, of Toledo, Ohio; Toll Rippey Ware, of St. Louis, Mo.; James C. Lanshe, of Allentown, Pa.; James A. Blalock, of Jackson, Miss.; Karl M. Ruppenthal, of Russell, Kans.; Nathen S. Tucker, of Cleveland, Ohio; James T. Ellison, of Washington, D. C.; Paul H. Tannenbaum, of Jamaica, N. Y.; Russell A. Mackey, of San Francisco, Calif.; Thomas P. Tierney, of St. Louis, Mo.; Malcolm D. Sylvester, of Alexandria, La.; Ralph Remington Bremers, of Omaha, Nebr.; and John Ibbitt Berglund, of Clay Center, Kans., were admitted to practice.

The Chief Justice announced the following orders of the Court:

No. 19. Larry Gara, petitioner, *v.* The United States of America. On writ of certiorari to the Court of Appeals for the Sixth Circuit. *Per curiam*: The judgment is affirmed by an equally divided Court. Mr. Justice Clark took no part in the consideration or decision of this case.

No. 293. Joseph G. Wenning, appellant, *v.* The Peoples Bank Company of Coldwater, Ohio, John C. Weigle, Joseph Pleiman. Appeal from and on petition for writ of certiorari to the Supreme Court of Ohio. *Per curiam*: The motions to dismiss are granted and the appeal is dismissed. The petition for writ of certiorari is denied. Mr. Justice Black, Mr. Justice Reed, and Mr. Justice Douglas are of the opinion that this case should be set down for argument and that further consideration of the question of jurisdiction should be postponed to the hearing of the case on the merits.

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. 2, Original. The State of Wisconsin et al., complainants, *v.* The State of Illinois and Sanitary District of Chicago et al.;

No. 3, Original. The State of Michigan, complainant, *v.* The State of Illinois and Sanitary District of Chicago et al.; and

No. 4, Original. The State of New York, complainant, *v.* The State of Illinois and Sanitary District of Chicago et al. The motion of the States of Wisconsin et al. to dismiss the petition of the State of Illinois and the Sanitary District of Chicago for an interpretation and clarification of the decree of April 21, 1930, is granted.

No. 8, Original. The State of Kansas, complainant, *v.* The State of Missouri. Upon consideration of the joint motion of counsel for the parties in this case to amend the decree of this Court (322 U. S. 654), it is ordered that the joint motion be, and it is hereby, granted and the decree is amended to read as follows:

"This cause was argued by counsel at the October Term, 1943, upon the pleadings and exceptions to the Report of the Special Master. On June 5, 1944, this Court entered a decree establishing a boundary between the States. Since the entry of the decree the States of Kansas and Missouri through their legislatures have agreed upon a boundary and such agreement has been ratified by joint resolution of the Congress of the United States and the resolution approved by the President of the United States. Public Law 637, approved August 3, 1950. Therefore, in order to conform this Court's decree to the agreement of the parties as ratified by the Congress of the United States,

"It is Ordered, Adjudged, and Decreed that the boundary line between the States of Kansas and Missouri, which extends from the intersection of the Missouri River with the 40th parallel, north latitude, southward to the middle of the mouth of the Kaw or Kansas River, be and it is hereby established as the middle line of the main navigable channel of the Missouri River as said river flows throughout its entire course from its intersection with the 40th parallel, north latitude, southward to the middle of the mouth of the Kaw or Kansas River, subject only to changes which may occur by the natural processes of accretion and reliction, but not by avulsion.

"The costs of this suit are equally divided between the two States, Complainant and Defendant."

No. 302. Arthur St. John, Chester Walczak, Al Fuhrman, et al., etc., appellants, *v.* Wisconsin Employment Relations Board, L. E. Gooding, et al., etc. In this case probable jurisdiction is noted and the case is transferred to the summary docket.

No. 297. Kiefer-Stewart Company, petitioner, *v.* Joseph E. Seagram and Sons, Inc., Seagram-Distillers Corporation, The Calvert Distilling Company, et al. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit granted. Mr. Justice Minton took no part in the consideration or decision of this application.

No. 336. Eugene Dennis, John B. Williamson, Jacob Stachel, et al., petitioners, *v.* The United States of America. The petition for writ of certiorari to the Court of Appeals for the Second Circuit is granted limited to questions 1 and 2 presented by the petition for the writ, and the case is assigned for argument on Monday, December 4, next. Mr. Justice Clark took no part in the consideration or decision of this application.

No. 140, Misc. Milton Harold Wilson, petitioner, *v.* State of Louisiana. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Supreme Court of Louisiana is granted and the case is ordered transferred to the appellate docket.

No. 245. The Todd Company, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 250. Temple of Light, a Michigan Ecclesiastical Corporation, and O. James Crews, petitioners, *v.* Boston Edison Protective Association, a Michigan Corporation, and Sarah P. Burgess. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 255. George Ward, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Tenth Circuit denied.

No. 264. John Stoppelli, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 275. Arthur Brown, suing in his own behalf and as stockholder of Eastern States Corporation, etc., petitioner, *v.* Eastern States Corporation, etc., et al. Petition for writ of certiorari to the Court of Appeals for the Fourth Circuit denied.

No. 279. People ex rel. John K. Moffett, petitioner, *v.* Spencer E. Bates et al., constituting the State Tax Commission of the State of New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 289. Burns Steamship Company, petitioner, *v.* National Bulk Carriers, Inc., as owner of Steamship Nashbulk. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 290. Joseph B. Brennan, petitioner, *v.* Hawley Products Company. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 291. Emil Hansen, petitioner, *v.* Saint Joseph Fuel Oil and Manufacturing Company, Claude Stevenson and Harvey Hoyt. Petition for writ of certiorari to the Court of Appeals for the Eighth Circuit denied.

No. 326. Patrick J. Reilly, Jr., petitioner, *v.* Helen D. Reilly. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 260. John Bruszewski, petitioner, *v.* The United States of America. Motion to dispense with printing the petition and record granted. Petition for writ of certiorari to the Court of Appeals for the Third Circuit denied.

No. 271. Commonwealth of Pennsylvania, *ex rel.* Sidney Master, petitioner, *v.* F. S. Baldi, Superintendent, Philadelphia County Prison. Motion to dispense with printing the record granted. Petition for writ of certiorari to the Superior Court of Pennsylvania denied.

No. 276. John P. Story, Jr., trading as Story and Co., petitioner, *v.* John W. Snyder et al., as Trustees of the Library of Congress Trust Fund Board. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied. The Chief Justice took no part in the consideration or decision of this application.

No. 288. Ernestina G. Fleischman and Helen R. Bryan, petitioners, *v.* The United States of America. Motion to dispense with printing the record granted. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Clark took no part in the consideration or decision of these applications.

No. 303. George Neff, petitioner, *v.* State of Kansas. Motion to dispense with printing of the record granted. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 325. Annie Hahr Pawley, petitioner, *v.* William D. Pawley. Petition for writ of certiorari to the Supreme Court of Florida denied. Mr. Justice Clark took no part in the consideration or decision of this application.

No. 371. Louis Shub, appellant, *v.* Vivian E. Simpson, Secretary of State of Maryland. Appeal from the Court of Appeals for Maryland; and

No. 372. Vivian E. Simpson, Secretary of State of Maryland, petitioner, *v.* Thelma Gerende. On petition for writ of certiorari to the Court of Appeals of Maryland.

No. 371 is a motion to advance and expedite the hearing of an appeal from a decision of the Court of Appeals of the State of Maryland affirming the denial of a petition for writ of mandamus.

Appellant, petitioner below, was nominated by the Progressive Party for Governor of Maryland at a convention held on August 7, 1950. On August 18, nine days before the last date permitted by law, he tendered a certificate of nomination to the Secretary of State, a prerequisite to appearing on the ballot for the election on November 7.

On the same day, August 18, the tender was rejected for failure to file an affidavit required by the Maryland Subversive Activities Act of 1949. On September 14, petitioner obtained from the Circuit Court of Anne Arundel County an order to show cause why a writ of mandamus should not be issued to compel the Secretary of State to accept the certificate. The Secretary, on September 27, demurred to the petition; and on October 9, after a hearing, the court sustained the demurrer and dismissed the petition. On appeal to the Maryland Court of Appeals argument was heard on October 12. That Court entered a *per curiam* order, two judges dissenting, the same day, affirming the judgment against the petitioner and, obviously deeming an exposition of the statute necessary, stated that an opinion would thereafter be filed. On October 18 petitioner filed an appeal from this order. In this situation the motion to advance and expedite is denied.

The Chief Justice, Mr. Justice Black and Mr. Justice Douglas, dissenting in No. 371:

The order denying the motion to advance and expedite No. 371 in all probability deprives this appellant of an opportunity to have a final decision on the grave constitutional questions which he presents. This means that before the Court can consider the case in the course of ordinary procedure, the election in which he desires to run for Governor will undoubtedly have been held and the controversy thus rendered moot. We cannot agree to deny appellant a hearing in this manner.

The nature of typical election laws is such that only a limited time is available for judicial review. This fact has presented difficulties in this Court before, see *Colegrove v. Green*, 328 U. S. 549, 565; *MacDougall v. Green*, 335 U. S. 281, 285; *Cook v. Fortson, Turman v. Duckworth*, 329 U. S. 675, 677, and generally advancement has had to be requested in cases of this nature. *MacDougall v. Green*, *supra*; *Cook v. Fortson, Turman v. Duckworth*, *supra*; *South v. Peters*, 339 U. S. 276. Where, as here, a justiciable controversy and substantial federal questions coexist, the court can and should advance a determination of the case. There is no showing of lack of diligence on appellant's part. Under the present circumstances the absence of an opinion by the Maryland Court of Appeals is no reason for refusing consideration here. Whatever the Maryland court may later say, appellant has been deprived of his opportunity to become a candidate in the election.

No. 372 is a petition for writ of certiorari from the same order of the Court of Appeals insofar as it reversed the dismissal by the Circuit Court of the petition for writ of mandamus brought by a Progressive Party nominee for the United States House of Representatives. The petition is denied.

No. 66, Misc. Henry N. Soulia, petitioner, *v.* John J. O'Brien, Warden. Petition for writ of certiorari to the Superior Court of Hampden County, Massachusetts, denied.

No. 101, Misc. Ben Pickett, petitioner, *v.* State of Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 124, Misc. Carson Seger, etc., et al., petitioners, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 130, Misc. Commonwealth of Pennsylvania, ex rel. David Almeida, petitioner, *v.* Frederick S. Baldi, Superintendent. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 164, Misc. Susie V. Watwood, petitioner, *v.* T. Walter Bradford et al. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 180, Misc. Abraham Lenoble, petitioner, *v.* Margaret Kane, now known as Margaret Halpin, as Administratrix, etc. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 193, Misc. Charles Skinner, petitioner, *v.* Browning Robinson, Warden. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 194, Misc. Harold Anderson, petitioner, *v.* State of Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 196, Misc. John Lynch, petitioner, *v.* State of North Dakota. Petition for writ of certiorari to the Supreme Court of North Dakota denied.

No. 197, Misc. Gerald J. O'Neal, petitioner, *v.* People of the State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 199, Misc. Pete Bosalavich, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 200, Misc. Irving Spitzer, petitioner, *v.* Nathan Mayo, Custodian. Petition for writ of certiorari to the Supreme Court of Florida denied. Motion for leave to file petition for writ of habeas corpus also denied.

No. 191, Misc. James W. Allen, petitioner, *v.* Stanley P. Ashe, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania dismissed on motion of petitioner.

No. 134, Misc. Mary Tarness Enos et al., petitioners, *v.* Oscar L. Chapman, as Secretary of the Department of Interior, et al. Motion for leave to file petition for writ of certiorari denied.

No. 168, Misc. Andrew Mackay, Soren P. Thorsen, Ralph W. Collins et al., petitioners, *v.* National Labor Relations Board et al. Motion for leave to file petition for writs of mandamus and prohibition denied.

No. 190, Misc. Lewis W. Physioc, petitioner, *v.* The Supreme Court of the State of California et al.; and

No. 195, Misc. Herman Howley, petitioner, *v.* United States District Court for the Northern District of Illinois. Motions for leave to file petitions for writs of mandamus denied.

No. 198, Misc. In the Matter of Herbert Shenkin, petitioner. Motion for leave to file petition for writ of habeas corpus denied.

Adjourned until Monday, November 6, next, at 12 o'clock.

The day call for Monday, November 6, 1950, will be as follows: Nos. 42, 40, 20 (21 and 22), 25, 38 (and 39), 45 (46, 47, and 48), 73 (and 153), 109, and 110.

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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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

Ralph Simon Spritzer, of Washington, D. C.; R. M. Williams, of Bartlesville, Okla.; Robert R. McCracken, of Oklahoma City, Okla.; Joe Rolston, Jr., of Oklahoma City, Okla.; Paul M. Gerwitz, Jr., of St. Louis, Mo.; and William S. Cheatham, of Washington, D. C., were admitted to practice.

No. 6. Edward L. Fogarty, as Trustee in Bankruptcy of the Inland Waterways, Inc., petitioner, *v.* The United States of America and Navy Department War Contracts Relief Board. On writ of certiorari to the United States Court of Appeals for the Eighth Circuit. Judgment affirmed and case remanded to the United States District Court for the District of Minnesota. Opinion by Mr. Justice Minton. Mr. Justice Black concurs in the result.

No. 15. State of Missouri, *ex rel.* Southern Railway Company, petitioner, *v.* Waldo C. Mayfield, Judge of the Circuit Court of the City of St. Louis, Missouri, etc.; and

No. 16. State of Missouri, *ex rel.* The Atchison, Topeka and Santa Fe Railway Company, petitioner, *v.* David J. Murphy, Judge of the Circuit Court of the City of St. Louis, Missouri, etc. On writs of certiorari to the Supreme Court of Missouri. Judgment vacated without costs to either party in this Court and case remanded to the Supreme Court of Missouri for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Frankfurter. Concurring opinion by Mr. Justice Jackson. Dissenting opinion by Mr. Justice Clark in which the Chief Justice, Mr. Justice Black, and Mr. Justice Douglas concur.

The Chief Justice announced the following orders of the Court:

No. 304. Oscar F. Treichler, Executor of the Estate of Fred A. Miller, deceased, appellant, *v.* State of Wisconsin. Appeal from the Supreme Court of Wisconsin. *Per Curiam:* Insofar as the appeal attacks the validity of the computation of appellant's tax under the Wisconsin Emergency Tax on Inheritances, Wis. Stat. (1947) § 72.74 (2), the judgment of the Wisconsin Supreme Court is affirmed.

Treichler v. Wisconsin, 338 U. S. 251 (1949). Insofar as the appeal attacks the validity of the computation of appellant's tax under the Wisconsin Estate Tax, Wis. Stat. (1947) § 72.50, the appeal is dismissed, that portion of the judgment of the Wisconsin Supreme Court resting on an adequate nonfederal ground.

No. 349. Public Service Company of Oklahoma, appellant, v. Town of Skiatook, a Municipal Corporation; Board of Trustees of the Town of Skiatook, et al. Appeal from the Supreme Court of Oklahoma. *Per curiam*: The motion for leave to file motion to dismiss or affirm is granted. 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. 9, Original. The State of Illinois, complainant, v. The State of Indiana et al. The Fifth Special Report of the Special Master is approved. The Amended Bill of Complaint is dismissed as to (1) American Maize-Products Company, pursuant to a joint motion of complainant State of Illinois, and defendants State of Indiana, City of Hammond, and American Maize-Products Company; (2) Carnegie-Illinois Steel Corporation, pursuant to a joint motion of complainant State of Illinois, and defendants State of Indiana, City of Gary, and Carnegie-Illinois Steel Corporation; (3) City of Whiting, pursuant to a joint motion of complainant State of Illinois, and defendants State of Indiana and City of Whiting; (4) Standard Oil Company, pursuant to a joint motion of complainant State of Illinois, and defendants State of Indiana, City of Whiting, and Standard Oil Company; (5) The Youngstown Sheet and Tube Company, pursuant to a joint motion of complainant State of Illinois, and defendants State of Indiana, City of East Chicago, and The Youngstown Sheet and Tube Company; (6) State of Indiana, pursuant to a joint motion of complainant State of Illinois, and defendants State of Indiana, City of East Chicago, City of Gary, and City of Hammond; (7) City of East Chicago, pursuant to a joint motion of complainant State of Illinois, and defendants State of Indiana, City of East Chicago, City of Gary, and City of Hammond; (8) City of Gary, pursuant to a joint motion of complainant State of Illinois, and defendants State of Indiana, City of East Chicago, City of Gary, and City of Hammond; (9) City of Hammond, pursuant to a joint motion of complainant State of Illinois, and defendants State of Indiana, City of East Chicago, City of Gary, and City of Hammond.

The Fifth and Final Report of the Special Master dated October 18, 1950, is approved.

The Court finds that the Amended Bill of Complaint has been dismissed as to all parties defendant who have heretofore stipulated herein to perform certain work as follows: Shell Oil Company, Incorporated, and The Texas Company dismissed by order of February 17, 1947 (330 U. S. 799); American Bridge Company, Carbide and Carbon Chemicals Corporation, E. I. duPont de Nemours and Company, Fruit Growers Express Company, and Universal Atlas Cement Company dismissed by order of November 17, 1947 (332 U. S. 822); Bates Expanded Steel Corporation, an Indiana corporation (as well as its predecessor, Bates Expanded Steel Corporation, a Delaware corporation, now known as East Chicago Expanded Steel Company), Rogers Galvanizing Company, and U. S. S. Lead Refinery, Inc., dismissed by order of October 25, 1948 (335 U. S. 850); Cities Service Oil Company, Cudahy Packing Company, Inland Steel Company, National Tube Company, Sinclair Refining Company, and Socony-Vacuum Oil Company dismissed by order of October 24, 1949 (338 U. S. 856); and American Maize-Products Company, Carnegie-Illinois Steel Corporation, City of Whiting, Standard Oil Company, and the Youngstown Sheet and Tube Company dismissed hereinbefore by this order. The Court further finds that with the dismissal of the aforesaid defendants no acts remain to be performed by the other named defendants, namely, State of Indiana, City of East Chicago, City of Gary, and City of Hammond, and that the Amended Bill of Complaint be, and it is hereby, dismissed as to all parties defendant.

The Court further orders that the recommendations of the Special Master as to the apportionment of costs be adopted and costs for the period from September 8, 1949, to the date of this decree, inclusive, shall be taxed as recommended in the Fifth and Final Report.

The fees of the Clerk of this Court shall be taxed and divided equally between the complainant and defendants.

The Court finds that the Special Master has performed all duties required of him by the Court's order dated March 7, 1944, appointing him Special Master and the Court's orders of February 17, 1947, November 17, 1947, October 25, 1948, and October 24, 1949, approving the procedure and practice which has been followed in this cause. The Court orders that upon the payment of compensation and expenses, the Special Master be dismissed and relieved of any further duty in this cause.

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

No. 371. Louis Shub, appellant, *v.* Vivian V. Simpson, Secretary of State of Maryland. The motion to reconsider the motion to advance is denied.

No. 394. Locke Miller, petitioner, *v.* Henry P. Kosling. The motion to advance is denied.

No. 352. The Timken Roller Bearing Company, appellant, *v.* The United States of America. In this case probable jurisdiction is noted. Mr. Justice Clark took no part in the consideration or decision of this question.

No. 281. The United States, petitioner, *v.* Alcea Band of Tillamooks et al. Petition for writ of certiorari to the United States Court of Claims granted limited to the first question presented by the petition for the writ.

No. 296. Genevieve Johnson, petitioner, *v.* Eleanor Muelberger. Petition for writ of certiorari to the Court of Appeals of New York granted.

No. 318. Viola Hall Moore, Administratrix of the Estate of Louis Lee Moore, Jr., deceased, petitioner, *v.* The Chesapeake and Ohio Railway Company, a Domestic Corporation. Petition for writ of certiorari to the Court of Appeals for the Fourth Circuit granted.

No. 329. Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America, Division 998, et al., petitioners, *v.* Wisconsin Employment Relations Board; and

No. 330. Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America, Division 998, et al., petitioners, *v.* Wisconsin Employment Relations Board, et al. Petitions for writs of certiorari to the Supreme Court of Wisconsin granted and cases transferred to the summary docket and assigned for argument immediately following No. 302.

No. 176. Eustace Harding, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Fourth Circuit denied.

No. 270. Blackhawk-Perry Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Court of Appeals for the Eighth Circuit denied.

No. 278. Roy Brown, petitioner, *v.* Watt Car and Wheel Company. Petition for writ of certiorari to the Court of Appeals for the Sixth Circuit denied.

No. 280. Capital Airlines, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 294. Joseph and Bula R. Carmack, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 305. Joseph Farina, Peter Di Palermo, and Daniel Sperdutto, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 306. Edwin H. Stern, Jr., petitioner, *v.* Teeval Co., Inc.;

No. 307. People of the State of New York, petitioner, *v.* Teeval Co., Inc.; and

No. 321. Teeval Co., Inc., petitioner, *v.* Edwin H. Stern, Jr. Petitions for writs of certiorari to the Court of Appeals of New York denied.

No. 346. Morris Jawrower, petitioner, *v.* Leon Leighton, etc.; and

No. 350. Leon Leighton, etc., et al., petitioners, *v.* Morris Jawrower. Petitions for writs of certiorari to the Court of Appeals of New York denied.

No. 308. Dean Milk Company, petitioner, *v.* National Dairymen Association, Inc. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 309. The Brotherhood of Railroad Trainmen, petitioner, *v.* The Pennsylvania-Reading Seashore Lines, a New Jersey Railroad Corporation, et al. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 311. George T. Goggin, Receiver of the Estate of Salsbury Motors, Inc., Debtor, petitioner, *v.* Bank of America National Trust and Savings Association. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 317. Oliver Cleve Ryles, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Tenth Circuit denied.

No. 319. Em. H. Mettler and Sons, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 320. John J. Winberry, petitioner, *v.* W. Burton Salisbury. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 327. Otis Beall Kent, petitioner, *v.* Austin F. Canfield et al. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 333. Mitchel Beck and John Vokiener, Co-partners, trading as Mitchel Beck Company, petitioners, *v.* Steamship "Vizcaya," etc., et al. Petition for writ of certiorari to the Court of Appeals for the Third Circuit denied.

No. 337. Puett Electrical Starting Gate Corporation, petitioner, *v.* Harford Agricultural and Breeders' Association and United Starting Gate Corporation. Petition for writ of certiorari to the Court of Appeals for the Fourth Circuit denied.

No. 340. Howard Anglin, Hugh Kilgore, R. T. Pierce, et al., petitioners, *v.* A. J. Bender. Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. 272. Richard Morford, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Clark took no part in the consideration or decision of this application.

No. 316. Swift and Company, petitioner, *v.* Reconstruction Finance Corporation. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied. The Chief Justice took no part in the consideration or decision of this application.

No. 34, Misc. Elmer Kunkle, petitioner, *v.* Stanley P. Ashe, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 138, Misc. John E. Dorsey, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 151, Misc. Theodore Hall Reed, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 162, Misc. W. M. Cooper et al., petitioners, *v.* Rust Engineering Company. Petition for writ of certiorari to the Court of Appeals for the Sixth Circuit denied.

No. 188, Misc. Hans Goldstein, petitioner, *v.* Louis A. Johnson, Secretary of Defense. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 201, Misc. Paul Penski, petitioner, *v.* Browning Robinson, Warden. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 204, Misc. David Knowles, petitioner, *v.* People of the State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 209, Misc. George W. Balles, Jr., petitioner, *v.* Cornelius J. Burke, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 212, Misc. Jerome S. Hanson, petitioner, *v.* Warden, Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 214, Misc. Paul Jenkot, petitioner, *v.* Hon. Dwight H. Green et al. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 215, Misc. Sam James Perkins, petitioner, *v.* L. F. Utecht, Warden. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 61, Misc. Richard F. Myers, petitioner, *v.* The United States of America. Motion for leave to file petition for writ of certiorari denied.

No. 202, Misc. Frank D. Mattison, petitioner, *v.* Commonwealth of Pennsylvania. Application denied.

No. 203, Misc. Frederick Thomas Gerrish, petitioner, *v.* J. Wallace Lovell, Warden. Motion for leave to file petition for writ of habeas corpus denied.

No. 207, Misc. Ralph Brink, petitioner, *v.* Commonwealth of Pennsylvania. Application denied.

No. 213, Misc. Charles Harris, petitioner, *v.* Col. E. T. Swenson, Warden, Maryland Penitentiary. Motion for leave to file petition for writ of habeas corpus denied.

The Court will take a recess from Monday, November 13, until Monday, November 27, next.

No. 42. National Labor Relations Board, petitioner, *v.* The Pittsburgh Steamship Company. Argued by Mr. Robert L. Stern for the petitioner and by Mr. Nathan L. Miller for the respondent.

No. 40. Universal Camera Corporation, petitioner, *v.* National Labor Relations Board. Frederick R. Livingston, Esquire, granted leave to appear and present oral argument for the petitioner, *pro hac vice*, by special leave of Court on motion of Mr. Mozart G. Ratner. Argument commenced by Mr. Frederick R. Livingston for the petitioner, *pro hac vice*, by special leave of Court; continued by Mr. Mozart G. Ratner for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, November 7, will be as follows: Nos. 40, 20 (21 and 22), 25, 38 (and 39), 45 (46, 47, and 48), 73 (and 153), 109, and 110.

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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

Charles Edward Crenshaw, of Austin, Tex., and Max Siskind, of New York, N. Y., were admitted to practice.

No. 40. Universal Camera Corporation, petitioner, *v.* National Labor Relations Board. Argument continued by Mr. Mozard G. Ratner for the respondent and concluded by Mr. Frederick R. Livingston for the petitioner, *pro hac vice*, by special leave of Court.

No. 20. Jane Rogers, petitioner, *v.* The United States of America;

No. 21. Irving Blau, petitioner, *v.* The United States of America; and

No. 22. Patricia Blau, petitioner, *v.* The United States of America. Argued by Mr. Samuel D. Menin for the petitioners and by Mr. Solicitor General Perlman for the respondent.

No. 25. The United States of America and Interstate Commerce Commission, appellants, *v.* The Rock Island Motor Transit Company, State of Iowa, *ex rel.* Iowa State Commerce Commission, *et al.* Argued by Mr. Daniel W. Knowlton for the appellants and Mr. Harry E. Boe for the appellee, Rock Island Motor Transit Co., and submitted by Mr. Einar Viren for appellee, Omaha Chamber of Commerce, and Mr. Ernest Porter and Mr. Bert F. Wisdon for the appellee, Iowa State Commerce Commission.

No. 38. The United States of America and Interstate Commerce Commission, appellants, *v.* The Texas and Pacific Motor Transport Company; and

No. 39. Regular Common Carrier Conference of American Trucking Associations, Inc., appellant, *v.* The Texas and Pacific Motor Transport Company. Argument commenced by Mr. Daniel W. Knowlton for the appellants in No. 38.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, November 8, will be as follows: Nos. 38 (and 39), 45 (46, 47, and 48), 73 (and 153), 109, and 110.

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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

Robert H. Bierma, of Chicago, Ill.; Thomas Fletcher, of Houston, Tex.; Edwin Jason Dyer, of Salt Lake City, Utah; Bayley Kohlmeier, of San Francisco, Calif.; and Edwin Maurice Gill, of Laurinburg, N. C., were admitted to practice.

No. 38. The United States of America and Interstate Commerce Commission, appellants, *v.* The Texas and Pacific Motor Transport Company; and

No. 39. Regular Common Carrier Conference of American Trucking Associations, Inc., appellant, *v.* The Texas and Pacific Motor Transport Company. Argument continued by Mr. Frank C. Brooks for the appellant in No. 39; by Mr. J. T. Suggs for the appellee; and concluded by Mr. Frank C. Brooks for the appellant in No. 39.

No. 45. The Alabama Great Southern Railroad Company et al., appellants, *v.* The United States of America, Interstate Commerce Commission, et al.;

No. 46. Galveston Chamber of Commerce and Houston Port and Traffic Bureau, appellants, *v.* The United States of America, Interstate Commerce Commission, et al.;

No. 47. Railroad Commission of Texas, appellant, *v.* The United States of America, Interstate Commerce Commission, et al.; and

No. 48. Savannah Sugar Refining Corporation, appellant, *v.* The United States of America, Interstate Commerce Commission, et al. Argument commenced by Mr. Harold E. Spencer for the appellants in No. 45; and continued by Mr. William A. Disque for the appellants in No. 46; by Mr. S. R. Hillyer for the appellant in No. 48; by Mr. Philip Elman for the appellees, The United States and Interstate Commerce Commission, and by Mr. Nuel D. Belnap for appellees, American Barge Line Co., et al.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, November 9, will be as follows: Nos. 45 (46, 47, and 48), 73 (and 153), 109, and 110.

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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

Cedric M. Griffith, of Cleveland, Ohio; Frederick H. Livingstone, of Washington, D. C.; Avrum K. Rifman, of Baltimore, Md.; Edward Aeneas McCabe, of Washington, D. C.; Leonard S. Janofsky, of Los Angeles, Calif.; Jules Weinberg, of New York, N. Y.; William E. Ladin, of Houston, Tex.; David Holman, of New Hyde Park, N. Y.; Frank A. Gulotta, of Lynbrook, N. Y.; and Albert S. Dubbin, of Miami, Fla., were admitted to practice.

No. 45. The Alabama Great Southern Railroad Company et al., appellants, *v.* The United States of America, Interstate Commerce Commission, et al.;

No. 46. Galveston Chamber of Commerce and Houston Port and Traffic Bureau, appellants, *v.* The United States of America, Interstate Commerce Commission, et al.;

No. 47. Railroad Commission of Texas, appellant, *v.* The United States of America, Interstate Commerce Commission, et al.; and

No. 48. Savannah Sugar Refining Corporation, appellant, *v.* The United States of America, Interstate Commerce Commission, et al. Argument continued by Mr. Nuel D. Belnap for the appellees, American Barge Line Co., et al., and concluded by Mr. Harold E. Spencer for the appellants in No. 45; and case submitted by Mr. Price Daniel for appellant in No. 47.

No. 73. Phillips Petroleum Company, appellant, *v.* The State of Oklahoma et al.; and

No. 153. Cities Service Gas Company, appellant, *v.* Peerless Oil and Gas Company, The Corporation Commission of the State of Oklahoma, et al. Argument commenced by Mr. Glenn W. Clark for the appellant in No. 153; continued by Mr. R. M. Williams and Mr. Don Emery for the appellant in No. 73; by Mr. D. A. Richardson for the appellee, Peerless Oil and Gas Co.; and by Mr. T. Murray Robinson for the appellee, State of Oklahoma.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, November 10, will be as follows: Nos. 73 (and 153), 109, and 110.

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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

Walter H. Brown, Jr., of New York, N. Y.; Arthur C. O'Connor, of Medford, Mass.; and Owen F. Renegar, of Oklahoma City, Okla., were admitted to practice.

No. 73. Phillips Petroleum Company, appellant, *v.* The State of Oklahoma et al.; and

No. 153. Cities Service Gas Company, appellant, *v.* Peerless Oil and Gas Company, The Corporation Commission of the State of Oklahoma et al. Argument concluded by Mr. Floyd Green for the appellee, Corporation Commission of the State of Oklahoma.

No. 109. Marton L. Whelchel, petitioner, *v.* A. McDonald, Warden of the Federal Correctional Institution at Texarkana, Texas. Argued by Mr. Hugh Carney for the petitioner and by Mr. John F. Davis for the respondent.

No. 110. Thomas A. Gusik, a minor, by his father and next friend, John Gusik, petitioner, *v.* L. C. Schilder, Warden, Federal Reformatory, Chillicothe, Ohio. Argued by Mr. Morris Morgenstern for the petitioner and Mr. John F. Davis for the respondent.

Adjourned until Monday, November 13, 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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

Raymond H. Swan, of Silver Spring, Md.; Jacob G. Hamer, of Chicago, Ill.; James H. Martin, of Dallas, Tex.; William F. McGinn, of New York, N. Y.; Paul Folger, of New York, N. Y.; Thomas B. Stoel, of Portland, Oreg.; James McCollister III, of St. Paul, Minn.; Thomas D. Scoble, Jr., of New Rochelle, N. Y.; Charles B. Hochberg, of New York, N. Y.; Geo. W. Holmes, of St. Louis, Mo.; David S. Logan, of Chicago, Ill.; James A. Curtis, of Newark, N. J.; Harry Gordon Wiles, of St. John, Kans.; Clyde Clayton Downing, of Los Angeles, Calif.; Garnet L. Patterson, of Navarre, Ohio; Guy W. Botts, of Jacksonville, Fla.; Arthur Clay Hodgson, of Lyons, Kans.; Ruby Kettles Roach, of Dalton, Ga.; Bernadine C. Hunt, of Mount Rainier, Md.; and Arthur C. Gillette, of Newark, N. J., were admitted to practice.

No. 10. The United States of America, petitioner, *v.* Security Trust and Savings Bank of San Diego, Executor, etc., et al.;

No. 11. The United States of America, petitioner, *v.* Security Trust and Savings Bank of San Diego, Executor, etc., et al.;

No. 12. The United States of America, petitioner, *v.* Security Trust and Savings Bank of San Diego, Executor, etc., et al.; and

No. 13. The United States of America, petitioner, *v.* Security Trust and Savings Bank of San Diego, Executor, etc., et al. On writs of certiorari to the District Court of Appeal of California, Fourth Appellate District. Judgments reversed and cases remanded to the said District Court of Appeal for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Minton. Concurring opinion by Mr. Justice Jackson.

No. 81. The United States of America, appellant, *v.* Mrs. Maria Melitona Sanchez and Armand Mota. Appeal from the United States District Court for the Northern District of Illinois. Judgment reversed and case remanded for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Clark.

No. 64. Madeleine Ursula Snyder, petitioner, *v.* Rear Admiral W. A. Buck, Paymaster General of the Navy. On writ of certiorari

to the United States Court of Appeals for the District of Columbia Circuit. Judgment of the Court of Appeals affirmed and case remanded to the United States District Court for the District of Columbia. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Jackson joins. Dissenting opinion by Mr. Justice Clark in which Mr. Justice Black concurs.

No. 23. The United States of America, petitioner, *v.* Munsingwear, Inc.; and

No. 24. The United States of America, petitioner, *v.* Munsingwear Inc. On writs of certiorari to the United States Court of Appeals for the Eighth Circuit. Judgments affirmed and cases remanded to the United States District Court for the District of Minnesota. Opinion by Mr. Justice Douglas. Mr. Justice Black is of the opinion that *res judicata* should not be applied under the circumstances shown in these cases.

The Chief Justice announced the following orders of the Court:

No. 5. Louis Compagna and Charles Gioe, petitioners, *v.* William H. Hiatt, Warden, United States Penitentiary, Atlanta, Georgia. On writ of certiorari to the Court of Appeals for the Fifth Circuit. *Per Curiam*: The judgment is affirmed by an equally divided Court. Mr. Justice Clark took no part in the consideration or decision of this case.

No. 292. Heinrich F. G. H. Molsen, petitioner, *v.* Walter Young, Inspector in Charge, United States Immigration and Naturalization Service. On petition for writ of certiorari to the Court of Appeals for the Fifth Circuit. *Per Curiam*: The petition for writ of certiorari is granted. The joint motion of petitioner and the Solicitor General for remand of this case is granted. The judgments of the Court of Appeals and the District Court are vacated and the cause is remanded to the District Court for consideration of the effect of Section 25 of the Subversive Activities Control Act of 1950 (P. L. 831, 81st Cong.), with leave to each party to present further evidence upon the material issues of the case.

No. 371. Louis Shub, appellant, *v.* Vivian V. Simpson, Secretary of State of Maryland. Appeal from the Court of Appeals of Maryland. *Per Curiam*: The appeal is dismissed on the ground that the federal questions have become moot.

No. 373. A. E. Boren, W. W. Shepherd, and C. D. Harlow, appellants, *v.* State of Washington et al. Appeal from the Supreme Court of Washington. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question.

No. 381. Board of Supervisors of Elizabeth City County, Virginia, et al., appellants, *v.* State Milk Commission. Appeal from the Supreme Court of Appeals of Virginia. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question.

No. 181, Misc. Jasper Johnson, petitioner, *v.* Commonwealth of Pennsylvania. On petition for writ of certiorari to the Supreme Court of Pennsylvania. *Per Curiam*: The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari is granted and the judgment is reversed. *Turner v. Pennsylvania*, 338 U. S. 62. Mr. Justice Reed and Mr. Justice Jackson are of opinion that this Court should not reverse the highest court of a State without hearing and that the circumstances of this case differ from those of the *Turner* 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. 310. California State Automobile Association Inter-Insurance Bureau, appellant, *v.* Wallace K. Downey, Insurance Commissioner of the State of California; and

No. 355. Corbin D. Hughes, Administrator of the Estate of Harold G. Hughes, appellant, *v.* Glenn C. Fetter and Farmers Mutual Automobile Insurance Company. In these cases probable jurisdiction is noted.

No. 298. Leo Zittman (with whom the Chase National Bank of the City of New York was impleaded below), petitioner, *v.* J. Howard McGrath, Attorney General, as Successor to the Alien Property Custodian;

No. 299. Leo Zittman (with whom the Federal Reserve Bank of New York was impleaded below), petitioner, *v.* J. Howard McGrath, Attorney General, as Successor to the Alien Property Custodian;

No. 314. John F. McCarthy (with whom the Chase National Bank of the City of New York was impleaded below), petitioner, *v.* J. Howard McGrath, Attorney General, as Successor to the Alien Property Custodian;

No. 315. John F. McCarthy (with whom the Federal Reserve Bank of New York was impleaded below), petitioner, *v.* J. Howard McGrath, Attorney General, as Successor to the Alien Property Custodian; and

No. 324. John J. McCloskey, as Sheriff of the City of New York, etc., petitioner, *v.* J. Howard McGrath, Attorney General, as Succes-

sor to the Alien Property Custodian. Petitions for writs of certiorari to the Court of Appeals for the Second Circuit granted.

No. 261. Canaveral Port Authority, petitioners, *v.* 1329.25 Acres of Land, More or Less, in Brevard County, Florida, Port Realty Company, et al. The petition for writ of certiorari to the Supreme Court of Florida is denied. The motion of respondents to tax costs is also denied.

No. 287. Sudametal Sociedad Anonima Sud Americana de Metales Y Minerales, also known as Sudametal, S. A., petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 312. Frank H. Holloway, Earl H. Bell, William T. Faughnan, et al., petitioners, *v.* C. H. Purcell, as Director of the Department of Public Works and as Ex-officio Officer and Chairman, etc., et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 322. Transamerica Corporation and Sam H. Husbands, petitioners, *v.* Board of Governors of the Federal Reserve System; and

No. 323. Bank of America National Savings and Trust Association and L. M. Giannini, petitioners, *v.* Board of Governors of the Federal Reserve System. Petitions for writs of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 332. Clawson and Bals, Inc., petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 353. Emory S. Land, Edward Macauley, John M. Carmody, et al., etc., petitioners, *v.* R. Stanley Dollar, Dollar Steamship Line, et al. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Black and Mr. Justice Clark took no part in the consideration or decision of this application.

No. 53. Calvin Bevis, petitioner, *v.* Armco Steel Corporation;

No. 69. Bernard M. Shotkin, petitioner, *v.* People of the State of Colorado, ex rel. The Attorney General of the State of Colorado;

No. 118. Charles Ralph Johnston, petitioner, *v.* David McIntee, etc., et al.;

No. 124. Allen Smiley, petitioner, *v.* The United States of America;

No. 152. El Dorado Oil Works, a Corporation, appellant, *v.* Charles J. McColgan, as Franchise Tax Commissioner of the State of California;

No. 155. Milton Roe Sabin and Bertha Florence Sabin, petitioners, *v.* A. I. Levorsen;

No. 156. Milton Roe Sabin and Bertha Florence Sabin, petitioners, *v.* The Midland Savings and Loan Company;

No. 164. Ollie B. Roberts, petitioner, *v.* Missouri-Kansas-Texas Railroad Company of Texas;

No. 180. Brotherhood of Railroad Trainmen, a Voluntary Unincorporated Association, petitioner; *v.* Harold H. Templeton, the Atchison, Topeka and Santa Fe Railway Company, et al.;

No. 197. Alexander Porhownik and 25 Trinity Corporation, petitioners, *v.* The United States of America;

No. 214. Fruehauf Trailer Company, petitioner, *v.* Henry Clay Myers;

No. 222. Oscar Schatte et al., petitioners, *v.* The International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada et al.;

No. 223. Studio Carpenters Local Union No. 946, an Unincorporated Labor Organization, as Representative of its Members, petitioner, *v.* Loew's Incorporated, et al.;

No. 224. Andrew McKay, Soren P. Thorsen, Ralph W. Collins, et al., petitioners, *v.* Loew's, Incorporated, et al.;

No. 232. Augusta M. Turner, petitioner, *v.* Alton Banking and Trust Company, Executor of the Estate of August Luer, deceased; and

No. 235. Chicago and Southern Air Lines, Inc., petitioner, *v.* Civil Aeronautics Board and Resort Airlines, Inc. The petitions for rehearing in these cases are denied.

No. 191. Otto Albert Willumeit, petitioner, *v.* The United States of America. The petition for rehearing is denied. Mr. Justice Clark took no part in the consideration or decision of this application.

No. 16, Misc. Ray Berg, petitioner, *v.* The United States of America;

No. 31, Misc. James Mulkey, petitioner, *v.* James Breakey, Jr., etc., et al.;

No. 42, Misc. Everett C. Lyle, petitioner, *v.* Ralph N. Eidson, Warden;

No. 105, Misc. H. Henry Siskind, petitioner, *v.* The United States;

No. 123, Misc. James Di Stefano et al., petitioners, *v.* Hilda Beondy; and

No. 156, Misc. S. L. Levy, petitioner, *v.* Charles Sawyer, Secretary of Commerce, et al. The petitions for rehearing in these cases are denied.

No. 13, Misc. Charles Cuckovich, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Sixth Circuit denied.

No. 52, Misc. James Donald Stringer, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 210, Misc. Robert Alton Carney, petitioner, *v.* Bert Rednour, Superintendent, Illinois Security Hospital. Petition for writ of certiorari to the Circuit Court of Sangamon County, Illinois, denied.

No. 211, Misc. Ben F. Mason, petitioner, *v.* State of Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

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

The day call for Monday, November 27, will be as follows: Nos. 77, 83, 66, 96, 205, 122, 132, 170, 147, 211 (and 212).

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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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

No. 253, Misc. Charles A. McGarty, petitioner, *v.* Commonwealth of Massachusetts. The motion for a stay of execution of sentence of death is denied. The petition for writ of certiorari to the Supreme Judicial Court of Massachusetts is denied.

Adjourned until Monday, November 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 Jackson, Mr. Justice Burton, Mr. Justice Clark, and Mr. Justice Minton.

Andrew Vrtjak, of Chicago, Ill.; Emanuel H. Klein, of Quakertown, Pa.; William M. Power, of Doylestown, Pa.; Rodger L. Nordbye, of Minneapolis, Minn.; Andrew Wysowatecky, of Denver, Colo.; Arthur Rosenblum, of Chicago, Ill.; Robert B. Johnstone, of Chicago, Ill.; Jack A. Gant, of Wichita Falls, Tex.; Cyril Roche, of Hayward, Calif.; James T. Gibson, Jr., of Birmingham, Ala.; Howard B. Bryant, of Chicago, Ill.; Paul B. Rava, of St. Louis, Mo.; Thomas R. Harrison, of Washington, D. C.; Walter Earl Marks, of Tulsa, Okla.; George Eldon Norvell, of Tulsa, Okla.; Robert B. Billings, of Normal, Ill.; Victor P. Wilson, of Hampton, Va.; and William S. Isham, of Fowler, Ind., were admitted to practice.

No. 14. *Cornelia Harris, petitioner, v. Commissioner of Internal Revenue.* On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment of the Court of Appeals reversed as of October 16, 1950, and case remanded to the Court of Appeals for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Black, Mr. Justice Burton, and Mr. Justice Minton join.

No. 30. *The United States of America, appellant, v. United States Gypsum Co., Sewell L. Avery, Oliver M. Knode, et al.* Appeal from the United States District Court 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. Mr. Justice Black dissents in part. Mr. Justice Jackson and Mr. Justice Clark took no part in the consideration or decision of this case.

No. 27. *Standard Oil Co. of New Jersey, petitioner, v. The United States of America, as owner of the United States Ship YMS-12; and*

No. 28. *Standard Oil Co. of New Jersey, as owner of the Steam Tanker John Worthington, petitioner, v. The United States of America.* On writs of certiorari to the United States Court of Appeals for

the Second Circuit. Judgments of the Court of Appeals affirmed and cases remanded to the United States District Court for the Southern District of New York. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Jackson joins. Dissenting opinion by Mr. Justice Douglas.

No. 37. Libby, McNeill & Libby, a corporation, petitioner, *v.* The United States. On writ of certiorari to the United States Court of Claims. Judgment affirmed. Opinion by Mr. Justice Black. Mr. Justice Douglas dissents for the reasons set forth in his dissent in Nos. 27 and 28. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Jackson joins.

The Chief Justice announced the following order of the Court:

No. 402. Kaiser Company, Inc., and Hartford Accident and Indemnity Company, appellants, *v.* R. F. Baskin, by his guardian ad litem and trustee Catherine Dunn. Appeal from the District Court of Appeal for the First Appellate District of California. *Per Curiam:* The motion to affirm is granted and the judgment is affirmed. Baskin *v.* Industrial Accident Commission, 338 U. S. 854; Bethlehem Steel Co. *v.* Moores, 335 U. S. 874; Davis *v.* Department of Labor, 317 U. S. 249.

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 State of Georgia, complainant, *v.* The Pennsylvania Railroad Co., et al. Upon consideration of the motions of the defendants to dismiss and the joinder therein by the complainant,

It is ordered that the amended bill of complaint be, and the same is hereby, dismissed.

Costs, including the fee of the Special Master and his expenses, not satisfied by moneys advanced by the parties during the course of the case, are to be taxed against the defendants.

No. 10, Original. The State of Georgia, complainant, *v.* The Pennsylvania Railroad Co. et al. An order is entered fixing the compensation of the Special Master and allowing his expenses.

No. 336. Eugene Dennis, John B. Williamson, Jacob Stachel, et al., petitioners, *v.* The United States of America. The motion of petitioners for a postponement of oral argument is denied. The motion of petitioners for a member of the English Bar to participate in oral argument pro hac vice is granted. The motion of petitioners to grant an aggregate of two hours for oral argument, divided among three attorneys, is granted. Mr. Justice Clark took no part in the considera-

tion or decision of these motions. An individual statement was filed by Mr. Justice Frankfurter.

No. 336. Eugene Dennis, John B. Williamson, Jacob Stachel, et al., petitioners, *v.* The United States of America. The motions for leave to file briefs of National Lawyers Guild and American Civil Liberties Union as amici curiae are denied. Mr. Justice Clark took no part in the consideration or decision of these motions.

No. 395. Alabama Public Service Commission et al., appellants, *v.* Southern Railway Co. In this case probable jurisdiction is noted. The case is transferred to the summary docket and assigned for argument immediately following No. 146, which case is also transferred to the summary docket.

No. 295. Colonel Henry S. Robertson, President, Army Review Board, petitioner, *v.* Robert H. Chambers. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit granted and case transferred to the summary docket.

No. 344. The United States of America, petitioner, *v.* Warren V. Moore and Mrs. Warren V. Moore. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit granted.

No. 348. Andrew Jordan, District Director of Immigration and Naturalization, petitioner, *v.* Sam de George. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit granted and case transferred to the summary docket.

No. 363. 62 Cases, more or less, each containing six jars of jam, etc., et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Tenth Circuit granted.

No. 189, Misc. Samuel Shepherd and Walter Irvin, petitioners, *v.* State of Florida. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Supreme Court of Florida granted and the case transferred to the appellate docket.

No. 163. Thomas P. O'Donovan, United States Marshal, Northern District of Illinois, petitioner, *v.* The United States of America, ex rel. Paul de Lucia. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit dismissed on motion of counsel for the petitioner. Mr. Justice Clark took no part in the consideration or decision of this application.

No. 251. Walter H. Duisberg, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 339. Lee Kamen, petitioner, *v.* Robert Gray, Sheriff of Sedgwick County, Kansas. Motion to dispense with printing the record granted. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 343. Barbara Karrell, petitioner, *v.* The United States of America. Motion to dispense with printing the record granted. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 341. Forrest H. Smith et al., petitioners, *v.* Florence-Mayo Nuway Co. et al. Petition for writ of certiorari to the Court of Appeals for the Fourth Circuit denied.

No. 354. California State Board of Equalization, petitioner, *v.* George T. Goggin, Receiver in Bankruptcy of the Estate of Exeter Refining Co. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 361. W. J. Simms, William S. Rosecrans, Edward W. Cost, et al., petitioners, *v.* County of Los Angeles and Cities of Gardena, Vernon, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 362. Security-First National Bank of Los Angeles, petitioner, *v.* County of Los Angeles and City of Vernon. Petition for writ of certiorari to the Supreme Court of California denied.

No. 369. O. G. Carroll and Angela J. Carroll, husband and wife, petitioners, *v.* Lauretta Kelly, as Administratrix of the Estate of Morris C. Kelly, deceased. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 370. Arnold W. Knauth and Cody Fowler, petitioners, *v.* The United States of America, as claimant to and custodian of the fund deposited with the Treasurer of the United States on account of just compensation for S. S. "Arauca." Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 377. Standard Oil Co., petitioner, *v.* City of Tallahassee. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 19. Larry Gara, petitioner, *v.* The United States of America. Petition for rehearing denied. Mr. Justice Clark took no part in the consideration or decision of this application.

No. 76. August Swarz, petitioner, *v.* S. W. Goolsby;

No. 114. James E. Hendricks, on behalf of himself and all other leaseholders of lands of Miami University, appellant, *v.* Raymond H. Smith, as Auditor of Butler County, Ohio, et al.;

No. 159. Universal Oil Products Co., petitioner, *v.* Nigel D. Campbell and the United States of America;

No. 189. David V. Lansden et al., petitioners, *v.* William W. Hart, as United States Attorney for the Eastern District of Illinois, et al.;

No. 209. Emich Motors Corporation and U. S. Acceptance Corporation, petitioners, *v.* General Motors Corporation and General Motors Acceptance Corporation;

No. 233. Ida E. Steadman, petitioner, *v.* The State of South Carolina;

No. 243. William E. Evans, petitioner, *v.* Wyndham M. Manning;

No. 263. Murdock Hinton, appellant, *v.* The State of Mississippi; and

No. 281. The United States, petitioner, *v.* Alcea Band of Tillamooks et al. Petitions for rehearing in these cases denied.

No. 165. Deauville Associates, Inc., petitioner, *v.* John M. Murrell and D. H. Redfearn, as Receivers of Deauville Corporation. Motion for leave to file petition for rehearing denied.

No. 45, Misc. Robert A. Chick, petitioner, *v.* H. E. Moore, Warden;

No. 80, Misc. Thomas Gibbs, petitioner, *v.* R. E. Bushong, Superintendent;

No. 152, Misc. J. P. Dunne, petitioner, *v.* Railroad Retirement Board;

No. 165, Misc. Edna W. W. Roy and Velora W. McCoy, petitioners, *v.* Office of the Housing Expediter;

No. 171, Misc. William Joseph Harris, petitioner, *v.* People of the State of New York; and

No. 187, Misc. Bernard M. Shotkin, etc., petitioner, *v.* W. F. Perkins et al. Petitions for rehearing in these cases denied.

No. 38, Misc. Robert Richter, petitioner, *v.* The United States of America; and

No. 39, Misc. Robert L. Cannon, petitioner, *v.* The United States of America. Petitions for writs of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 60, Misc. John Allen, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Sixth Circuit denied.

No. 79, Misc. William Larry Martin, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 96, Misc. Edward M. Kimball, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Fourth Circuit denied.

No. 208, Misc. Robert L. Stauffer, petitioner, *v.* Warden, Maryland House of Correction. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 220, Misc. James Orville Couchois, petitioner, *v.* People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 224, Misc. Paul Lee Holt, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 29, Misc. Terrell D. Harding, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 230, Misc. Vance Washburn, petitioner, *v.* L. F. Utecht, Warden. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 231, Misc. A. M. Timmons, petitioner, *v.* J. D. Fagan. Petition for writ of certiorari to the Supreme Court of South Carolina denied.

No. 232, Misc. In the Matter of William Alfred Walker, petitioner. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 216, Misc. Clarence A. Smith, petitioner, *v.* Julian N. Frisbie, Warden. Motion for leave to file petition for writ of habeas corpus denied.

No. 217, Misc. Alexander G. Jeronis, petitioner, *v.* Supreme Court of Michigan. Motion for leave to file petition for writ of mandamus denied.

No. 225, Misc. Joseph Sgro, petitioner, *v.* John C. Burke, Warden. Motion for leave to file petition for writ of habeas corpus denied.

No. 77. Montana-Dakota Utilities Co., petitioner, *v.* Northwestern Public Service Co. Argued by Mr. William D. Mitchell for the petitioner; by Mr. Jacob M. Lashly for the respondent; and by Mr. Howard E. Wahrenbrock for the Federal Power Commission as amicus curiae, by special leave of Court.

No. 83. The United States of America, ex rel. Roger Touhy, petitioner, *v.* Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois, et al. Argument commenced by Mr. Robert B. Johnstone for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, November 28th, will be as follows: Nos. 83, 66, 96 (and 205), 122, 132, 170, 147, 211 (and 212), 204, and 218.

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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

G. C. A. Anderson, of Baltimore, Md.; O. H. Bengtson, of Medford, Oreg.; D. Gordon Angus, of Pasadena, Calif.; Merl M. Wall, of Wabash, Ind.; Charles F. O'Connor, of Lafayette, Ind.; Tom Okino, of Hilo, T. H.; Andrew Jacobs, of Indianapolis, Ind.; Willis E. Ruffner, of Washington, D. C.; and Paul Edouard Bugay, of Washington, D. C., were admitted to practice.

No. 83. The United States of America, ex rel. Roger Touhy, petitioner, *v.* Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois, et al. Argument continued by Mr. Robert B. Johnstone for the petitioner and concluded by Mr. Robert S. Erdahl for the respondent, George R. McSwain.

No. 66. Alfred F. Dowd, as Warden of the Indiana State Prison, petitioner, *v.* The United States of America, ex rel. Lawrence E. Cook. Argued by Mr. Charles F. O'Connor for the petitioner, and Mr. William S. Isham for the respondent.

No. 96. Canton Railroad Co., appellant, *v.* Joseph H. A. Rogan et al., constituting the State Tax Commission of Maryland; and

No. 205. Western Maryland Railway Co., appellant, *v.* Joseph H. A. Rogan et al., constituting the State Tax Commission of Maryland. Argument commenced by Mr. John Henry Lewin for the appellant in No. 96.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, November 29, will be as follows:
Nos. 96 (and 205), 122, 132, 170, 147, 211 (and 212), 204, 218, 133, and 252.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Jackson, Mr. Justice Burton, Mr. Justice Clark, and Mr. Justice Minton.

Barnet B. Skelton, of Houston, Tex.; John Cornelius Stennis, of DeKalb, Miss.; John D. Logan, of Portland, Oreg.; Herbert K. H. Lee, of Honolulu, T. H.; Norman Winer, of New York, N. Y.; Louis Weinstein, of New Haven, Conn.; Eston Byrne Stephenson, of Charleston, W. Va.; Herbert W. Bryan, of St. Albans, W. Va.; Leon Charles Shipp, of Oklahoma City, Okla.; Michael F. Markel, of Washington, D. C.; Conrad Meyer III, of New Orleans, La.; and John B. Lampe, of Glenview, Ill., were admitted to practice.

No. 96. Canton Railroad Co., appellant, *v.* Joseph H. A. Rogan et al., constituting the State Tax Commission of Maryland; and

No. 205. Western Maryland Railway Co., appellant, *v.* Joseph H. A. Rogan et al., constituting the State Tax Commission of Maryland. Argument continued by Mr. John Henry Lewin for the appellant in No. 96; by Mr. Harrison L. Winter and Mr. Hall Hammond for the appellees; and concluded by Mr. William C. Purnell for the appellant in No. 205.

No. 122. National Labor Relations Board, petitioner, *v.* Gullett Gin Co., Inc. Argued by Mr. A. Norman Somers for the petitioner and Mr. Conrad Meyer III for the respondent.

No. 132. Spector Motor Service, Inc., a corporation, petitioner, *v.* Charles J. McLaughlin, Tax Commissioner, Dennis P. O'Connor, substituted defendant. Argument commenced by Mr. Cyril Coleman for the petitioner and continued by Mr. Louis Weinstein for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, November 30, will be as follows: Nos. 132, 170, 147, 211 (and 212), 204, 218, 133, 252, 267, and 258.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Jackson, Mr. Justice Burton, Mr. Justice Clark, and Mr. Justice Minton.

James Plemon Coleman, of Ackerman, Miss.; Horace Spencer Mel-dahl, of Charleston, W. Va.; Walter P. Huntley, of Los Angeles, Calif.; Robert Waverly Hicks, of Washington, D. C.; and C. Richard Martin, Jr., of Baltimore, Md., were admitted to practice.

No. 132. Spector Motor Service, Inc., a corporation, petitioner, *v.* Charles J. McLaughlin, Tax Commissioner, Dennis P. O'Connor, substituted defendant. Argument continued by Mr. Louis Weinstein for the respondent and concluded by Mr. Cyril Coleman for the petitioner.

No. 170. The United States, petitioner, *v.* Penner Installation Corporation. Argued by Mr. Paul A. Sweeney for the petitioner and by Mr. Albert Foreman for the respondent.

Adjourned until Monday next, at 12 o'clock.

The day call for Monday, December 4, will be as follows: Nos. 336, 147, 211 (and 212), 204, 218, 133, 252, 267, 258, and 297.

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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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

Frank H. Gordon, of New York, N. Y.; Edward C. Wallace, of New York, N. Y.; Thomas E. Wilkison, of Moundsville, W. Va.; Lyle Brown, of Hope, Ark.; Henry B. Whitley, of Magnolia, Ark.; Glenn Wesley Vogelgesang, of Canton, Ohio; Arthur Kinoy, of New York, N. Y.; Robert George Hogan, of Honolulu, T. H.; Roy A. Swayze, of Fairfax, Va.; Hollingsworth B. Barret, of Shreveport, La.; Leonard A. Weakley, of Cincinnati, Ohio; Hubert A. Lafargue, of Thibodaux, La.; Samuel A. Aronfeld, of Chicago, Ill.; Jacob Geffs, of Janesville, Wis.; Jerome N. Curtis, of Cleveland, Ohio; Robert H. Rinn, of Lodi, Calif.; Donald P. MacArthur, of New York, N. Y.; David Spiegel, of New York, N. Y.; William L. Howard, of Chicago, Ill.; Philip L. Howard, of Chicago, Ill.; Alexander S. McDill, of Washington, D. C.; David H. Nutt, of Washington, D. C.; Philip J. Carosell, of Denver, Colo.; Roland William Coffey, of Los Angeles, Calif.; Tyrah Ernest Maholm, of Indianapolis, Ind.; Justin A. Stanley, of Chicago, Ill.; Robert S. Marsh, of Waltham, Mass.; and Charles A. Morton, of New York, N. Y., were admitted to practice.

No. 9. Bernice B. Feres, as Executrix under the last will and testament of Rudolph J. Feres, deceased, petitioner, *v.* The United States of America. On writ of certiorari to the United States Court of Appeals for the Second Circuit;

No. 29. Arthur K. Jefferson, petitioner, *v.* The United States of America. On writ of certiorari to the United States Court of Appeals for the Fourth Circuit; and

No. 31. The United States of America, petitioner, *v.* Edith Louise Griggs, as executrix of the Estate of Dudley R. Griggs, deceased. On writ of certiorari to the United States Court of Appeals for the Tenth Circuit. Judgment in No. 9 affirmed and case remanded to the United States District Court for the Northern District of New York. Judgment in No. 29 affirmed and case remanded to the United States District Court for the District of Maryland. Judgment in No. 31 reversed and case remanded to the United States District

Court for the District of Colorado for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Jackson. Mr. Justice Douglas concurs in the result.

No. 32. The Great Atlantic & Pacific Tea Company, petitioner, *v.* Supermarket Equipment Corporation, substituted for Evelyn B. Bradley and Joe Weingarten. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment reversed with costs and case remanded to the United States District Court for the Eastern District of Michigan for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Jackson. Concurring opinion by Mr. Justice Douglas in which Mr. Justice Black joins.

No. 109. Marton L. Wheelchel, petitioner, *v.* A. McDonald, Warden of the Federal Correctional Institution at Texarkana, Texas. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment affirmed and case remanded to the United States District Court for the Eastern District of Texas. Opinion by Mr. Justice Douglas.

No. 110. Thomas A. Gusik, a minor, by his father and next friend, John Gusik, petitioner, *v.* L. C. Schilder, Warden, Federal Reformatory, Chillicothe, Ohio. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment reversed and case remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas.

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. 384. Standard Oil Company, appellant, *v.* The State of New Jersey, by Theodore D. Parsons, Attorney General of the State of New Jersey. In this case probable jurisdiction is noted.

No. 364. The United States of America, petitioner, *v.* Allied Oil Corporation, P. M. Liquor Corporation, et al. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit granted.

No. 356. General Steel Castings Corporation, Granite City Steel Company, et al., petitioners, *v.* Mississippi River Fuel Corporation, et al.;

No. 357. Alton Box Board Company, Blackmer and Post Pipe Company, et al., petitioners, *v.* Mississippi River Fuel Corporation et al.; and

No. 360. Illinois Commerce Commission, petitioner, *v.* Mississippi River Fuel Corporation, et al. The motion to use the certified records in No. 733, October Term, 1946, and No. 109, October Term, 1948, as part of the record in these cases and to dispense with the reprinting thereof is granted. The petitions for writs of certiorari to the Court of Appeals for the Fifth Circuit are denied.

No. 366. August J. Klapprott, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Third Circuit denied. Mr. Justice Clark took no part in the consideration or decision of this application.

No. 378. John H. Hessey et al., constituting the Public Service Commission of Maryland et al., petitioners, *v.* The Baltimore Transit Company and the Baltimore Coach Company. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 380. M. H. Jacobs Co., Inc., M. H. Jacobs, Sidney A. Tarrson, et al., petitioners, *v.* Stahly, Inc. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 386. Admiral Corporation, petitioner, *v.* Hazeltine Research, Inc. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 234. Charles W. Kelly, trading and doing business as Kelly Dairies, petitioner, *v.* The United States. The petition for rehearing is denied.

No. 264. John Stoppelli, petitioner, *v.* The United States of America. The motion for leave to file petition for rehearing is denied.

No. 311. George T. Goggin, Receiver of the Estate of Salsbury Motors, Inc., debtor, petitioner, *v.* Bank of America National Trust and Savings Association;

No. 337. Puett Electrical Starting Gate Corporation, petitioner, *v.* Harford Agricultural and Breeders' Association and United Starting Gate Corporation;

No. 47, Misc. Patrick Brennan, petitioner, *v.* People of the State of New York; and

No. 188, Misc. Hans Goldstein, petitioner, *v.* Louis A. Johnson, Secretary of Defense. Petitions for rehearing in these cases denied.

No. 3, Misc. Bill J. Barrett, petitioner, *v.* Walter A. Hunter, Warden. Petition for writ of certiorari to the Court of Appeals for the Tenth Circuit denied.

No. 49, Misc. Hugo M. Spadafora, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 93, Misc. Francisco M. Gomez, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the First Circuit denied.

No. 119, Misc. Lester E. Anderson, petitioner, *v.* Percy A. Lainson, Warden. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 157, Misc. Lyle Woollomes, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 223, Misc. In the Matter of S. Woods Byrer, petitioner. Petition for writ of certiorari to the Court of Appeals for the Fourth Circuit denied.

No. 243, Misc. Gordon Clifton, petitioner, *v.* C. P. Burford, Warden. Petition for writ of certiorari to the Criminal Court of Appeals of Oklahoma denied.

No. 244, Misc. Joseph Dutton, petitioner, *v.* Browning Robinson, Warden. Petition for writ of certiorari to the Circuit Court of Adams County, Illinois, denied.

No. 252, Misc. Albert Tinnin, petitioner, *v.* Robert A. Heinze, Warden of the California State Prison at Folsom. Petition for writ of certiorari to the Supreme Court of California denied.

No. 238, Misc. William Lester Keith, petitioner, *v.* The State of Wyoming et al. The motion for leave to file petition for writ of habeas corpus is denied.

No. 241, Misc. Leon Jones, petitioner, *v.* The Hon. Frank A. Hooper et al., U. S. District Judges, etc. The motion for leave to file petition for writ of mandamus is denied.

No. 246, Misc. Chamcheum Elias Sesi, petitioner, *v.* Curtis Reid, Superintendent, Washington Asylum and Jail. The motion for leave to proceed on typewritten copies of the papers is granted. The motion for leave to file petition for writ of habeas corpus is denied.

No. 247, Misc. Edward Cross, petitioner, *v.* Hon. Emerson R. Boyles, Chief Justice of the Supreme Court of Michigan. The motion for leave to file petition for writ of mandamus is denied.

No. 249, Misc. Harry Edison Hackworth, petitioner, *v.* William H. Hiatt, Warden, U. S. Penitentiary, Atlanta, Georgia; and

No. 251, Misc. Gilbert Joseph Stinchcomb, petitioner, *v.* People of the State of California, Robert A. Heinze, Warden, et al. The motions for leave to file petitions for writs of habeas corpus are denied.

The Court will take a recess from Monday, December 11, until Tuesday, January 2, 1951.

No. 336. Eugene Dennis, John B. Williamson, Jacob Stachel, et al., petitioners, *v.* The United States of America. Four hours allowed for oral argument. Argument commenced by Mr. Harry Sacher for the petitioners; continued by Mr. George W. Crockett, Jr., and Mr. Abraham J. Isserman for the petitioners; by Mr. Irving S. Shapiro for the respondent; and concluded by Mr. Solicitor General Perlman for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, December 5, will be Nos. 147, 211 (and 212), 204, 218, 133, 252, 267, 258, and 297.

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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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

Lorimer W. Scott, of Newport, Ky.; Henry J. Cook, of Newport, Ky.; Walter J. Burke, of Newport, Ky.; Carl H. Ebert, of Newport, Ky.; George Austill Willson, of Huntington Park, Calif.; John L. Undercoffer, of Cincinnati, Ohio; David C. Bland, Jr., of Houston, Tex.; John S. Forsythe, of Washington, D. C.; Francis W. Bunnnett, of South Gate, Calif.; Bailey P. Loftin, of Houston, Tex.; Robert Clifton Keck, of Chicago, Ill.; William Lewis McElroy, of Bessemer, Ala.; M. Victor Leventritt, of New York, N. Y.; and Thomas J. Haggerty, of Boston, Mass., were admitted to practice.

No. 147. The State of West Virginia, ex rel. Dr. N. H. Dyer, et al., etc., petitioners, *v.* Edgar B. Sims, Auditor of the State of West Virginia. Argued by Mr. John B. Hollister for the petitioners and by Mr. Charles C. Wise for the respondent.

No. 211. Niagara Hudson Power Corporation, petitioner, *v.* M. Victor Leventritt; and

No. 212. Securities and Exchange Commission, petitioner, *v.* M. Victor Leventritt. Argued by Mr. Roger S. Foster for the petitioner in No. 212; by Mr. Randall J. LeBoeuf, Jr., for the petitioner in No. 211; and by Mr. M. Victor Leventritt and Mr. T. Roland Berner for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, December 6, will be as follows: Nos. 204, 218, 133, 252, 267, 258, and 297.

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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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

James J. Leyden, of Philadelphia, Pa.; Harold E. Hanson, of Madison, Wis.; Selig Lenefsky, of New York, N. Y.; Joseph E. Lady, of Kenton, Ohio; David Arthur Matlin, of Los Angeles, Calif.; Austin Y. Bryan, Jr., of Houston, Tex.; and Raymond Godbersen, of Washington, D. C., were admitted to practice.

No. 204. Capital Transit Company, petitioner, *v.* The United States of America; and

No. 218. The United States of America, petitioner, *v.* Yellow Cab Company. Argued by Mr. Frank F. Roberson for the petitioner in No. 204; by Mr. James L. Morrison for the United States; and by Mr. Bernard G. Segal for the respondent in No. 218.

No. 133. Norton Company, a corporation, petitioner, *v.* Department of Revenue of the State of Illinois. Argued by Mr. Joseph B. Brennan for the petitioner and Mr. William C. Wines for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, December 7, will be as follows: Nos. 252, 267, 258, and 297.

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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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

William Grady Mitchell, of Atlanta, Ga.; Morris M. Herzberg, of Atlanta, Ga.; Milton G. Farris, of Atlanta, Ga.; T. Eugene Caldwell, of Jackson, Miss.; Romulus L. Meares, of Maryville, Tenn.; Alexander Akerman, Jr., of Orlando, Fla.; and Howard A. Dent, Jr., of Portland, Oreg., were admitted to practice.

No. **252**. American Fire and Casualty Company, petitioner, *v.* Florence C. Finn. Argued by Mr. David Bland for the petitioner and by Mr. Bailey P. Loftin for the respondent.

No. **267**. J. J. O'Leary, Deputy Commissioner, Fourteenth Compensation District, etc., petitioner, *v.* Brown-Pacific-Maxon, Inc., a corporation, et al. Argued by Mr. Morton Hollander for the petitioner and by Mr. Edward S. Franklin for the respondent.

No. **258**. Dean Milk Company, appellant, *v.* City of Madison, Wisconsin, a municipal corporation, et al. Argued by Mr. Jacob Geffs and Mr. George S. Geffs for the appellant and by Mr. Harold E. Hanson and Mr. Walter P. Ela for the appellees.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, December 8, will be as follows: No. **297**.

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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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

Ruffin A. Brantley, of Washington, D. C.; Baddia J. Rashid, of Washington, D. C.; and John D. Cochran, of Indianapolis, Ind., were admitted to practice.

No. 297. Kiefer-Stewart Company, petitioner, *v.* Joseph E. Seagram and Sons, Inc., Seagram-Distillers Corporation, The Calvert Distilling Company, et al. Argument commenced by Mr. Paul A. Porter for the petitioner, continued by Mr. Paul Y. Davis for the respondents, and concluded by Mr. Joseph J. Daniels for the petitioner.

Adjourned until Monday, December 11, 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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

John E. Curry, of Washington, D. C.; Bernard Reswick, of New York, N. Y.; Albert H. Dolin, of Chicago, Ill.; Ernest F. Griffin, of Tarrytown, N. Y.; and Charles Dana Snewind, of Chicago, Ill., were admitted to practice.

No. 35. Hans Ackermann, petitioner, *v.* The United States of America; and

No. 36. Frieda Ackermann, petitioner, *v.* The United States of America. On writs of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgments affirmed and cases remanded to the United States District Court for the Western District of Texas. Opinion by Mr. Justice Minton. Dissenting opinion by Mr. Justice Black in which Mr. Justice Frankfurter and Mr. Justice Douglas concur. Mr. Justice Clark took no part in the consideration or decision of these cases.

No. 153. Cities Service Gas Company, appellant, *v.* Peerless Oil and Gas Company, the Corporation Commission of the State of Oklahoma, et al. Appeal from the Supreme Court of the State of Oklahoma. Judgment affirmed with costs. Opinion by Mr. Justice Clark. Mr. Justice Black is of the opinion that the alleged federal constitutional questions are frivolous and that the appeal therefore should be dismissed.

No. 73. Phillips Petroleum Company, appellant, *v.* The State of Oklahoma, Corporation Commission of the State of Oklahoma, Peerless Oil and Gas Company. Appeal from the Supreme Court of the State of Oklahoma. Judgment affirmed with costs. Opinion by Mr. Justice Clark. Mr. Justice Black is of the opinion that the alleged federal constitutional questions are frivolous and that the appeal therefore should be dismissed.

No. 34. J. Howard McGrath, Attorney General of the United States, et al., petitioners, *v.* Peder Kristian Kristensen, also known as Peter Kristen Kristiansen, also known as Peter Christensen. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment of the Court of Appeals affirmed and

case remanded to the United States District Court for the District of Columbia. Opinion by Mr. Justice Reed. Mr. Justice Black concurs in the judgment of the Court. Mr. Justice Douglas dissents from the holding of the Court that respondent was not "residing" in the United States within the meaning of § 3 (a) of the Selective Training and Service Act of 1940. Concurring opinion by Mr. Justice Jackson. Mr. Justice Clark took no part in the consideration or decision of this case.

No. 22. Patricia Blau, petitioner, *v.* The United States of America. On writ of certiorari to the United States Court of Appeals for the Tenth Circuit. Judgment reversed and case remanded to the United States District Court for the District of Colorado for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Mr. Justice Clark took no part in the consideration or decision of this case.

The Chief Justice announced the following orders of the Court:

No. 170. The United States, petitioner, *v.* Penner Installation Corporation. On writ of certiorari to the United States Court of Claims. *Per Curiam*: The judgment is affirmed by an equally divided Court. The Chief Justice took no part in the consideration or decision of this case.

No. 195. Blanche A. Howard, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Court of Appeals for the Eighth Circuit. *Per Curiam*: The petition for writ of certiorari is granted. The judgment of the Court of Appeals is vacated and the cause is remanded to the District Court with directions to vacate its judgment and to dismiss the proceeding upon the ground that the cause is moot.

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, plaintiff, *v.* The State of Louisiana. The motion for leave to file a second petition for rehearing is denied. Mr. Justice Jackson and Mr. Justice Clark took no part in the consideration or decision of this application.

No. 12, Original. The United States of America, plaintiff, *v.* The State of Louisiana. A decree is entered as follows:

"This cause came on to be heard on the motion for judgment filed by the plaintiff and was argued by counsel.

For the purpose of carrying into effect the conclusions of this Court as stated in its opinion announced June 5, 1950, it is ordered, adjudged, and decreed as follows:

1. The United States 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 Gulf of Mexico, lying seaward of the ordinary low-water mark on the coast of Louisiana, and outside of the inland waters, extending seaward twenty-seven marine miles and bounded on the east and west, respectively, by the eastern and western boundaries of the State of Louisiana. The State of Louisiana has no title thereto or property interest therein.

2. The State of Louisiana, its privies, assigns, lessees, and other persons claiming under it, are hereby enjoined from carrying on any activities upon or in the submerged area described in paragraph 1 hereof for the purpose of taking or removing therefrom any petroleum, gas, or other valuable mineral products, and from taking or removing therefrom any petroleum, gas, or other valuable mineral products, except under authorization first obtained from the United States. On appropriate showing, the United States may obtain the other injunctive relief prayed for in the complaint.

3. The United States is entitled to a true, full, and accurate accounting from the State of Louisiana of all or any part of the sums of money derived by the State from the area described in paragraph 1 hereof subsequent to June 5, 1950, which are properly owing to the United States under the opinion entered in this case on June 5, 1950, this decree, and the applicable principles of law.

4. 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."

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

No. 13, Original. The United States of America, plaintiff, *v.* The State of Texas. The petition for rehearing is denied. Mr. Justice Jackson and Mr. Justice Clark took no part in the consideration or decision of this application.

No. 13, Original. The United States of America, plaintiff, *v.* The State of Texas. A decree is entered as follows:

"This cause came on to be heard on the motion for judgment filed by the plaintiff and was argued by counsel.

For the purpose of carrying into effect the conclusions of this Court as stated in its opinion announced June 5, 1950, 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 Gulf of Mexico, lying seaward of the ordinary low-water mark on the coast of Texas, and outside of the inland waters, extending seaward to the outer edge of the continental shelf and bounded on the east and southwest, respectively, by the eastern boundary of the State of Texas and the boundary between the United States and Mexico. The State of Texas has no title thereto or property interest therein.

2. The State of Texas, its privies, assigns, lessees, and other persons claiming under it, are hereby enjoined from carrying on any activities upon or in the submerged area described in paragraph 1 hereof for the purpose of taking or removing therefrom any petroleum, gas, or other valuable mineral products, and from taking or removing therefrom any petroleum, gas, or other valuable mineral products, except under authorization first obtained from the United States. On appropriate showing, the United States may obtain the other injunctive relief prayed for in the complaint.

3. The United States is entitled to a true, full, and accurate accounting from the State of Texas of all or any part of the sums of money derived by the State from the area described in paragraph 1 hereof subsequent to June 5, 1950, which are properly owing to the United States under the opinion entered in this case on June 5, 1950, this decree, and the applicable principles of law.

4. 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."

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

No. 34. J. Howard McGrath, Attorney General of the United States, et al., petitioners, *v.* Peder Kristian Kristensen, also known as Peter Kristen Kristiansen, etc. The motion to substitute Argyle R. Mackey, Acting Commissioner of Immigration, as a party petitioner in the place and stead of Watson B. Miller is granted.

No. 399. Jack H. Breard, appellant, *v.* City of Alexandria. In this case probable jurisdiction is noted.

No. 85. Local 74, United Brotherhood of Carpenters and Joiners of America, A. F. of L., et al., petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the Court of Appeals for the Sixth Circuit granted and case transferred to the summary docket.

No. 108. International Brotherhood of Electrical Workers, Local 501, A. F. of L. and William Patterson, petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the Court of Appeals for the Second Circuit granted and case transferred to the summary docket.

No. 313. National Labor Relations Board, petitioner, *v.* International Rice Milling Company, Inc., et al. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit granted and case transferred to the summary docket.

No. 393. National Labor Relations Board, petitioner, *v.* Denver Building and Construction Trades Council et al. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit granted and case transferred to the summary docket.

No. 338. Jack B. Tenney, the Senate Fact-Finding Committee on Un-American Activities (a California Legislative Committee), et al., petitioners, *v.* William Patrick Brandhove. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit granted.

No. 347. The United States, petitioner, *v.* Ellis R. Lewis. Petition for writ of certiorari to the United States Court of Claims granted and case transferred to the summary docket.

No. 438. United Gas, Coke and Chemical Workers of America, CIO, Arthur St. John, et al., petitioners, *v.* Wisconsin Employment Relations Board. Petition for writ of certiorari to the Supreme Court of Wisconsin granted and case transferred to the summary docket and assigned for argument immediately following No. 330.

No. 33. Charlotte E. Ostrander, individually and as Administratrix, etc., petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 334. The Eastern (Emigrant) Cherokee Indians, on the relation of Florian H. Nash, Jr., et al., petitioners, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 335. The Western (Old Settler) Cherokee Indians, on the relation of Dorothea Owen, et al., petitioners, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 351. Pittsburgh Terminal Realization Corporation, petitioner, *v.* William G. Heiner, Trustee of Pittsburgh Terminal Coal Corporation, Debtor. Petition for writ of certiorari to the Court of Appeals for the Third Circuit denied.

No. 367. Otis Mason Martin, Claimant, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Fourth Circuit denied.

No. 368. Commissioner of Internal Revenue, petitioner, *v.* Margaret Batts Tobin and Edgar G. Tobin. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 375. Thomas M. Stanback and Fred J. Stanback, petitioners, *v.* Charles H. Robertson, Collector of Internal Revenue for the District of North Carolina. Petition for writ of certiorari to the Court of Appeals for the Fourth Circuit denied.

No. 379. Harold G. Freund, petitioner, *v.* Gulf, Mobile and Ohio Railroad Company. Petition for writ of certiorari to the Court of Appeals for the Eighth Circuit denied.

No. 382. Universal Carloading and Distributing Co., Inc., petitioner, *v.* Rea Forhan Pedrick, as Administratrix of the Estate of William J. Pedrick, et al. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 383. Deauville Associates, Inc., petitioner, *v.* Lojoy Corporation et al. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 385. Capital Compressed Steel Company, petitioner, *v.* Chicago, Rock Island and Pacific Railroad Company et al. Petition for writ of certiorari to the Court of Appeals for the Tenth Circuit denied.

No. 390. N. J. Allbaugh, also known as Norman J. Allbaugh, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Eighth Circuit denied.

No. 391. Robert Ballard Bailey, petitioner, *v.* State of West Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 396. Sutherland Paper Company, petitioner, *v.* Grant Paper Box Co., and Carl G. Dreymann. Petition for writ of certiorari to the Court of Appeals for the Third Circuit denied.

No. 400. Crane Company, a corporation under the laws of the State of Illinois, petitioner, *v.* Sam K. Carson, Commissioner of Finance and Taxation of the State of Tennessee. Petition for writ of certiorari to the Supreme Court of Tennessee denied.

No. 404. The Western Pacific Railroad Company, petitioner, *v.* Pacific Portland Cement Company. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 418. Consolidated Gas, Electric Light and Power Company of Baltimore, petitioner, *v.* Pennsylvania Water and Power Company, a Pennsylvania corporation et al.; and

No. 424. John H. Hessey et al., constituting the Public Service Commission of Maryland, petitioners, *v.* Pennsylvania Water and Power Company and Pennsylvania Public Utility Commission. Petitions for writs of certiorari to the Court of Appeals for the Fourth Circuit denied.

No. 5. Louis Compagna and Charles Gioe, petitioners, *v.* William H. Hiatt, Warden, United States Penitentiary, Atlanta, Georgia. The petition for rehearing is denied. Mr. Justice Clark took no part in the consideration or decision of this application.

No. 322. Transamerica Corporation and Sam H. Husbands, petitioners, *v.* Board of Governors of the Federal Reserve System; and

No. 323. Bank of America National Savings and Trust Association and L. M. Giannini, petitioners, *v.* Board of Governors of the Federal Reserve System. The petition for rehearing is denied.

No. 94, Misc. Ernest M. Crosby, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Tenth Circuit denied.

No. 219, Misc. Nathan Roy, petitioner, *v.* State of Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 250, Misc. Mike Turk, petitioner, *v.* Dr. John W. Claudy, Warden, Western State Penitentiary, Pittsburgh, Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 257, Misc. Benjamin Morris, petitioner, *v.* Dr. John W. Claudy, Warden, Western State Penitentiary, Pittsburgh, Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 262, Misc. Roy Hovermale, petitioner, *v.* People of the State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 227, Misc. Ruth Boyce, petitioner, *v.* People of the State of California. Application denied.

No. 234, Misc. Mike Marvich, petitioner, *v.* Robert A. Heinze, Warden, California State Prison at Folsom. The motion for leave to file petition for writ of habeas corpus is denied.

No. 258, Misc. Thomas C. Carey, petitioner, *v.* Cornelius J. Burke, Warden, Eastern State Penitentiary, Graterford, Pennsylvania. The motion for leave to file petition for writ of certiorari is denied.

Adjourned until Tuesday, January 2, 1951, at 12 o'clock.

The day call for Tuesday, January 2, 1951, will be as follows: Nos. 87, 168, 169 (and 177), 209, 268, 296, 318, 26, 365, and 134.

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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

Claude T. Wood, of Richland, Mo.; Ernest N. Cory, Jr., of Laurel, Md.; John H. Marsalis, of Pueblo, Colo.; Oliver H. Hughes, of Wichita, Kans.; Carroll W. Hughes, of Dodge City, Kans.; Ferris E. Hurd, of Chicago, Ill.; Lonnie Wurn, of Jacksonville, Fla.; and Everett McKinley Dirksen, of Pekin, Ill., were admitted to practice.

No. 45. The Alabama Great Southern Railroad Company et al., appellants, *v.* The United States of America, Interstate Commerce Commission, et al.;

No. 46. Galveston Chamber of Commerce and Houston Port and Traffic Bureau, appellants, *v.* The United States of America, Interstate Commerce Commission, et al.;

No. 47. Railroad Commission of Texas, appellant, *v.* The United States of America, Interstate Commerce Commission, et al; and

No. 48. Savannah Sugar Refining Corporation, appellant, *v.* The United States of America, Interstate Commerce Commission, et al. Appeals from the United States District Court for the Northern District of Illinois. Decree affirmed. Opinion by Mr. Justice Minton. Dissenting opinion by Mr. Justice Douglas.

No. 66. Alfred F. Dowd, as Warden of the Indiana State Prison, petitioner, *v.* The United States of America, *ex rel* Lawrence E. Cook. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. The judgments of the Court of Appeals and the District Court are vacated and the case is remanded to the United States District Court for the Northern District of Indiana. On the remand the District Court should enter such orders as are appropriate to allow the State a reasonable time in which to afford respondent the full appellate review he would have received but for the suppression of his papers, failing which he shall be discharged. Opinion by Mr. Justice Black.

No. 297. Kiefer-Stewart Company, petitioner, *v.* Joseph E. Seagram and Sons, Inc., Seagram-Distillers Corporation, The Calvert Distilling Company, et al. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment of the Court

of Appeals reversed with costs and that of the District Court affirmed and case remanded to the United States District Court for the Southern District of Indiana. Opinion by Mr. Justice Black.

The Chief Justice announced the following orders of the Court:

No. 345. Securities and Exchange Commission, petitioner, *v.* Marvin C. Harrison, Allan Hull, Cyrus S. Eaton, and Otis and Company. On petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit. *Per curiam:* The petition for writ of certiorari is granted. The judgments of the Court of Appeals are vacated and the cause is remanded to the District Court with directions to vacate its orders and to dismiss the proceeding upon the ground that the cause is moot. *United States v. Munsingwear*, 340 U. S. 36; *Howard v. United States*, No. 195, October Term, 1950, decided December 11, 1950.

No. 406. Pinkney Hester Icenhour, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Court of Appeals for the Fifth Circuit. *Per curiam:* The petition for writ of certiorari is granted. The Government having conceded that petitioner moved for an instructed verdict, the judgment of the Court of Appeals is vacated and the case is remanded to that court for further consideration.

No. 426. City of Los Angeles, etc., et al., and Frank W. Babcock, petitioners, *v.* Tighe E. Woods, Housing Expediter, Office of the Housing Expediter, et al. On petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit. *Per curiam:* The petition for writ of certiorari is granted. The judgment of the Court of Appeals is vacated and the cause is remanded to the District Court with directions to vacate its judgment and to dismiss the complaint upon the ground that the cause is moot.

No. 436. Board of Supervisors of Louisiana State University and Agricultural and Mechanical College et al., appellants, *v.* Roy S. Wilson. Appeal from the United States District Court for Eastern District of Louisiana. *Per curiam:* The motion to affirm is granted and the judgment is affirmed. *Sweatt v. Painter*, 339 U. S. 629; *McLaurin v. Oklahoma State Regents*, 339 U. S. 637.

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. 30. The United States of America, appellant, *v.* United States Gypsum Company, et al. The motion of appellant for an amendment

of the opinion is denied. Mr. Justice Jackson and Mr. Justice Clark took no part in the consideration or decision of this motion.

No. 87. Walter K. Warren, petitioner, *v.* The United States of America, as owner of the Steamship "Anna Howard Shaw," et al. The motion for leave to file brief of United States Lines Company as amicus curiae is granted. The brief is to be filed on or before Friday, January 5, next, with leave to the parties to file responses within one week thereafter, if so advised.

No. 132. Spector Motor Service, Inc., a Corporation, petitioner, *v.* Charles J. McLaughlin, Tax Commissioner, Dennis P. O'Connor, Substituted Defendant. This case is ordered restored to the docket for reargument.

No. 268. Erwin P. Werner, appellant, *v.* Southern California Associated Newspapers, A California Corporation. Appeal from the Supreme Court of California. Dismissed on motion of counsel for the appellant.

No. 433. The United States of America and Interstate Commerce Commission, appellants, *v.* Champlin Refining Company. In this case probable jurisdiction is noted and the case is transferred to the summary docket.

No. 301. Paul Moser, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Second Circuit granted.

No. 342. First National Bank of Mobile, Executor of the Estate of Aaron Lowenstein, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 359. Patrick J. McHugh, Austin J. Power, Alphonse F. Hayes, et al., petitioners, *v.* Commonwealth of Massachusetts. Petition for writ of certiorari to the Superior Court of Suffolk County, Massachusetts, denied.

No. 374. Mary Larsen, Special Administratrix of the Estate of Wayne E. Sanders, Deceased, petitioner, *v.* Honorable Carrol O. Switzer, Judge of the United States District Court, within and for the Southern District of Iowa, Davenport Division. Petition for writ of certiorari to the Court of Appeals for the Eighth Circuit denied.

No. 392. Sam Schnitzer, Monte L. Wolf, Administrator De Bonis Non, etc., et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 398. Harry F. Murphy and Earl J. Boughan, Trustees, Miriam Horn Kelley, a Widow, et al., petitioners, *v.* May Kelley Schneider,

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

No. 401. John Waldon, petitioner, *v.* Edwin B. Swope, Warden, United States Penitentiary, Alcatraz, California. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 413. Estate of Margaret Ruth Brady Farrell, Deceased, Neile F. Towner, et al., Executors, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 416. Commissioner of Internal Revenue, petitioner, *v.* Max Swirin. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 417. A. B. T. Manufacturing Corporation, petitioner, *v.* National Rejectors, Inc. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 403. Donald Raffington, petitioner, *v.* People of the State of California. The motion to dispense with printing the record is granted. The petition for writ of certiorari to the District Court of Appeal for the Second Appellate District of California is denied.

No. 412. Phillip Boyer et al., petitioners, *v.* Robert Garrett et al. The motion to dispense with printing the petition and record is granted. The petition for writ of certiorari to the Court of Appeals for the Fourth Circuit is denied for the reason that application therefor was not made within the time provided by law. 28 U. S. C. § 2101 (c).

No. 142. Joe Gossman, appellant, *v.* People of the State of California et al.;

No. 269. Elizabeth Rospigliosi, petitioner, *v.* Dudley J. Clogher;

No. 361. W. J. Simms, William S. Rosecrans, Edward W. Cost, et al., petitioners, *v.* County of Los Angeles and Cities of Gardena, Vernon, et al.;

No. 362. Security-First National Bank of Los Angeles, petitioner, *v.* County of Los Angeles and City of Vernon;

No. 386. Admiral Corporation, petitioner, *v.* Hazeltine Research, Inc.;

No. 49, Misc. Hugo M. Spadafora, petitioner, *v.* The United States of America;

No. 217, Misc. Alexander G. Jeronis, petitioner, *v.* Supreme Court of Michigan; and

No. 231, Misc. A. M. Timmons, petitioner, *v.* J. D. Fagan. The petitions for rehearing in these cases are severally denied.

No. 65, Misc. Harry B. Gallagher, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Third Circuit denied.

No. 74, Misc. United States of America, ex rel. Gene McCann, petitioner, *v.* William A. Adams, Warden, etc., et al. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 76, Misc. United States of America, ex rel. Gene McCann, petitioner, *v.* William A. Adams, Warden, etc., et al. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 103, Misc. Commonwealth of Pennsylvania, ex rel. David Berringer, petitioner, *v.* Stanley P. Ashe, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 221, Misc. Daniel Nolley, a Minor, by Velma Nolley Gary, His Mother and Natural Guardian, petitioner, *v.* Chicago, Milwaukee, St. Paul and Pacific R. R. Co. Petition for writ of certiorari to the Court of Appeals for the Eighth Circuit denied.

No. 228, Misc. Joseph Finkel, petitioner, *v.* People of the State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 233, Misc. Owen Caudle Butner, petitioner, *v.* State of Nevada. Petition for writ of certiorari to the Supreme Court of Nevada denied.

No. 235, Misc. Harry D. O. Taggs, petitioner, *v.* M. J. Heretis. Petition for writ of certiorari to the Supreme Court of South Carolina denied.

No. 236, Misc. Frank E. Hannan and John C. Masco, petitioners, *v.* Administrator, Connecticut Unemployment Compensation Law. Petition for writ of certiorari to the Supreme Court of Errors of Connecticut denied.

No. 239, Misc. Martha Jule Beck, petitioner, *v.* People of the State of New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 240, Misc. Raymond Martinez Fernandez, petitioner, *v.* People of the State of New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 245, Misc. Joe Henry Hampton, Frank Hairston, Jr., et al., petitioners, *v.* W. Frank Smyth, Supt. of Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 255, Misc. Leonard Novak, petitioner, *v.* Cornelius J. Burke, Warden, Eastern State Penitentiary, Graterford, Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 256, Misc. Frank Monaghan, petitioner, *v.* Cornelius J. Burke, Warden, Eastern State Penitentiary, Graterford, Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 261, Misc. Frank Townsend, petitioner, *v.* C. J. Burke, Warden, Eastern State Penitentiary, Graterford, Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 266, Misc. Richard Clarence Willis and Weldon Burl Meadows, petitioners, *v.* L. F. Utecht, Warden, Minnesota State Prison. Petition for writ of certiorari to the Court of Appeals for the Eighth Circuit denied.

No. 267, Misc. Michael Mainello, petitioner, *v.* Walter B. Martin, Warden, Attica State Prison. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 268, Misc. In the Matter of J. A. Casdorf, petitioner. Petition for writ of certiorari to the Urbana Circuit Court, Urbana, Illinois, denied.

No. 272, Misc. Joseph Murray, alias Joseph Cullen, petitioner, *v.* People of the State of New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 274, Misc. George H. Chapman, petitioner, *v.* Stanley P. Ashe, Warden, Western State Penitentiary, Pittsburgh, Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 276, Misc. Gerald Max Hashagen, petitioner, *v.* John R. Cranor, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 277, Misc. Harry J. Entrican, petitioner, *v.* People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 278, Misc. Durward Wittenmeyer, petitioner, *v.* Clinton T. Duffy, Warden, et al., California State Prison. Petition for writ of certiorari to the Supreme Court of California denied.

No. 281, Misc. Henry Conway, petitioner, *v.* John B. Cranor, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 282, Misc. Sam Miner, petitioner, *v.* Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 275, Misc. Raymond H. Musters, petitioner, *v.* The Supreme Court of Indiana, etc. The petition for writ of certiorari to the Marion County Criminal Court, Indianapolis, Indiana, denied. The motion for leave to file petition for writ of mandamus is also denied.

No. 75, Misc. Gene McCann, petitioner, *v.* Samuel H. Kaufman, Judge, etc. The motion for leave to file petition for writ of mandamus and/or certiorari is denied.

No. 77, Misc. Gene McCann, petitioner, *v.* Richmond B. Keech, Judge of the District Court for the District of Columbia. The motion for leave to file petition for writ of mandamus is denied.

No. 269, Misc. In The Matter of David Lake, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. 270, Misc. Forrest Eugene Smith, petitioner, *v.* Alfred F. Dowd, Warden, Indiana State Prison. The motion for leave to file petition for writ of certiorari is denied.

No. 280, Misc. Dan Williams, Jr., petitioner, *v.* Dr. Winfred Overholser. The motion for leave to file petition for writ of habeas corpus is denied.

No. 87. Walter K. Warren, petitioner, *v.* The United States of America, as Owner of the Steamship "Anna Howard Shaw," et al. Argued by Mr. Saul Sperling and Mr. Charles A. Ellis for the petitioner; and by Mr. Leavenworth Colby, for the respondents.

No. 168. The United States, petitioner, *v.* Pewee Coal Company, Inc. Argument commenced by Mr. Oscar H. Davis, for the petitioner and continued by Mr. Burr Tracy Ansell, for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, January 3, will be as follows: Nos. 168, 169 (and 177), 209, 296, 318, 26, 365, 134, 217, and 302.

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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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

Craig Thompson, of Detroit, Mich.; Robert N. DuRant, of Manning, S. C.; Edward Atlas, of Chicago, Ill.; Saul Hammer, of New York, N. Y.; Henry F. Herbermann, of New York, N. Y.; Daniel Boone, of Detroit, Mich.; Strother Hynes, of Richmond, Va.; Maurice Braverman, of Baltimore, Md.; Milton J. Teiger, of New York, N. Y.; and A. Russell Berti, of San Francisco, Calif., were admitted to practice.

No. 168. The United States, petitioner, *v.* Pewee Coal Company, Inc. Argument concluded by Mr. Burr Tracy Ansell for the respondent.

No. 169. The United States, petitioner, *v.* Wheelock Bros., Inc., and

No. 177. Wheelock Bros., Inc., petitioner, *v.* The United States. Argued by Mr. Max Siskind for Wheelock Bros., Inc., and by Mr. Oscar H. Davis for the United States.

No. 209. Emich Motors Corporation and U. S. Acceptance Corporation, petitioners, *v.* General Motors Corporation and General Motors Acceptance Corporation. Argument commenced by Mr. Anthony Bradley Eben for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, January 4, will be as follows: Nos. 209, 296, 318, 26, 365, 134, 217, 302, 329, and 330.

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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 Burton, and Mr. Justice Clark.

Max Goldweber, of New York, N. Y., and W. Ballentine Henley, of Los Angeles, Calif., were admitted to practice.

No. 209. Emich Motors Corporation and U. S. Acceptance Corporation, petitioners, *v.* General Motors Corporation and General Motors Acceptance Corporation. Argument concluded by Mr. Ferris E. Hurd for the respondents.

No. 296. Genevieve Johnson, petitioner, *v.* Eleanor Muelberger. Argued by Mr. William E. Leahy for the petitioner and by Mr. Saul Hammer for the respondent.

No. 318. Viola Hall Moore, administratrix of the estate of Louis Lee Moore, Jr., deceased, petitioner. *v.* The Chesapeake and Ohio Railway Company, a domestic corporation. Argued by Mr. George E. Allen for the petitioner and by Mr. Meade T. Spicer, Jr., and Mr. Strother Hynes for the respondent.

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

The day call for Monday, January 8, will be as follows: Nos. 26, 365, 134, 217, 302, 329, 330, 438, and 132.

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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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

Myron Wiener, of San Francisco, Calif.; Clinton W. Stephenson, of Omaha, Nebr.; Allen T. Akin, of Dallas, Tex.; and Kenneth D. Carter, of Cleveland, Ohio, were admitted to practice.

No. 1. Standard Oil Company, petitioner, *v.* Federal Trade Commission. On writ of certiorari to the Court of Appeals for the Seventh Circuit. Judgment of the Court of Appeals reversed and case remanded to that court with instructions to remand it to the Federal Trade Commission to make findings in conformity with the opinion of this Court. Opinion by Mr. Justice Burton. Dissenting opinion by Mr. Justice Reed in which Mr. Chief Justice Vinson and Mr. Justice Black join. Mr. Justice Minton took no part in the consideration of this case.

The Chief Justice said:

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

No. 69. Bernard M. Shotkin, petitioner, *v.* The People of the State of Colorado, ex rel. the Attorney General of the State of Colorado. The motion of petitioner for a refund of Clerk's fees is denied.

No. 281. The United States, petitioner, *v.* Alcea Band of Tillamooks et al. The motions for leave to file briefs of Association on American Indian Affairs, Inc., and Ernest L. Wilkinson, as amici curiae, are denied.

No. 318. Viola Hall Moore, Administratrix of the Estate of Louis Lee Moore, Jr., deceased, petitioner, *v.* The Chesapeake and Ohio Railway Company, a domestic corporation. This case is ordered restored to the docket for reargument and is placed on the summary docket.

No. 397. Alfred C. Gaunt, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the First Circuit denied.

No. 405. Carlos Eugene Taylor, petitioner, *v.* State of Tennessee. Petition for writ of certiorari to the Supreme Court of Tennessee denied.

No. 408. Central States Electric Corporation, debtor, petitioner, *v.* Carl J. Austrian and Robert G. Butcher, Trustees of Central States Electric Corporation, debtor, et al.;

No. 409. Reynald H. Chase, petitioner, *v.* Carl J. Austrian and Robert G. Butcher, Trustees of Central States Electric Corporation, debtor, et al.;

No. 410. T. Roland Berner, petitioner, *v.* Carl J. Austrian and Robert G. Butcher, Trustees of Central States Electric Corporation, debtor, et al.; and

No. 411. Kelly Committee for the Holders of 6% Preferred Stock, all series, of the Central States Electric Corporation, petitioner, *v.* Carl J. Austrian and Robert G. Butcher, Trustees of Central States Electric Corporation, debtor, et al. Petitions for writs of certiorari to the Court of Appeals for the Fourth Circuit denied.

No. 419. Mamie Du Ban, individually and as executrix of the estate of Alfred A. Du Ban, deceased, and Harry J. Alker, Jr., petitioners, *v.* Federal Deposit Insurance Corporation. Petition for writ of certiorari to the Court of Appeals for the Third Circuit denied.

No. 441. Riggs Development Company and Colonial Mortgage Corporation, petitioners, *v.* District of Columbia. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit is denied.

No. 32. The Great Atlantic and Pacific Tea Company, petitioner, *v.* Supermarket Equipment Corporation, substituted for Evelyn B. Bradley and Joe Weingarten. The motion for leave to file brief of Howard H. Darbo and others, as amici curiae is denied. The petition for rehearing is denied.

No. 37. Libby, McNeill and Libby, a corporation, petitioner, *v.* The United States. The opinion of the Court is amended by striking from the 17th line of the slip opinion the words "There was evidence to support this finding." The petition for rehearing is denied.

No. 391. Robert Ballard Bailey, petitioner, *v.* State of West Virginia. The petition for rehearing is denied.

No. 81, Misc., October Term, 1949. Mollie Eagle, petitioner, *v.* Benjamin Cherney and Samuel H. Berger. The fourth petition for rehearing is denied.

No. 263, Misc. Nickolas La Coco, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 287, Misc. Richard Goodman, petitioner, *v.* Col. Edwin T. Swenson, Warden, Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 290, Misc. Salvatore Oddo, petitioner, *v.* John F. Foster, Warden, Auburn State Prison. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 292, Misc. John W. Bailey, petitioner, *v.* Warden, Maryland Penitentiary. Motion for leave to file petition for writ of habeas corpus denied.

The Court will take a recess from Monday, January 15, until Monday, February 26, next.

No. 26. The United States of America, petitioner, *v.* Jay G. Williams et al. Argued by Mr. Philip Elman for the petitioner and by Mr. John D. Marsh for the respondent, Charles R. Ford.

No. 365. Jay G. Williams, petitioner, *v.* The United States of America. Argued by Mr. Philip Elman for the respondent and submitted by Mr. Bart A. Riley for the petitioner.

No. 134. The United States of America, appellant, *v.* Jay G. Williams et al. Argued by Mr. Philip Elman for the appellant; by Mr. Ernest E. Roberts and Mr. John D. Marsh for the appellees.

No. 217. Orville Collins, H. D. Burkheimer, Stanley Lord, et al., petitioners, *v.* Hugh Hardyman, Mrs. Emerson Morse, et al. Argument commenced by Mr. Aubrey N. Irwin for the petitioners, and continued by Mr. A. L. Wirin and Mr. Loren Miller for the respondents.

Adjourned until tomorrow, January 9, at 12 o'clock.

The day call for Tuesday, January 9, will be as follows: Nos. 217, 302, 329, 330, 438, 132, and 318.

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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

Martin R. Paulsen, of Milwaukee, Wis.; Philip Adler, of New York, N. Y.; Malcolm L. Riley, of Madison, Wis.; John H. Eisenhart, Jr., of Washington, D. C.; Burton K. Philips, of St. Louis, Mo.; Vernon A. Swanson, of Milwaukee, Wis.; and Edward C. Fritz, of Dallas, Tex., were admitted to practice.

No. **217**. Orville Collins, H. D. Burkheimer, Stanley Lord, et al., petitioners, *v.* Hugh Hardyman, Mrs. Emerson Morse, et al. Argument continued by Mr. Loren Miller for the respondents and concluded by Mr. Aubrey N. Irwin for the petitioners.

No. **302**. Arthur St. John, Chester Walczak, Al Fuhrman, et al., etc., appellants, *v.* Wisconsin Employment Relations Board, L. E. Gooding, et al., etc.;

No. **329**. Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America, Division 998, et al., petitioners, *v.* Wisconsin Employment Relations Board;

No. **330**. Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America, Division 998, et al., petitioners, *v.* Wisconsin Employment Relations Board et al.; and

No. **438**. United Gas, Coke and Chemical Workers of America, CIO, Arthur St. John, et al., petitioners, *v.* Wisconsin Employment Relations Board. Argument commenced by Mr. Max Raskin for the appellants in No. **302**; and continued by Mr. David Previant for the petitioners in Nos. **329** and **330**; by Mr. Arthur J. Goldberg for petitioners in No. **438**; by Mr. J. Gilbert Hardgrove for the appellee, Milwaukee Gas Light Co.; by Mr. Martin R. Paulsen for the respondent, Milwaukee Electric Railway and Transport Co.; by Mr. Malcolm Riley and Miss Beatrice Lampert for the appellee and respondent Wisconsin Employment Relations Board.

Adjourned until tomorrow, January 10, at 12 o'clock.

The day call for Wednesday, January 10, will be as follows: Nos. **302, 329, 330, 438, 132, and 318.**

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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

Thomas D. Hirschfeld, of Newport, Ky.; G. Gary Sousa, of New York, N. Y.; George N. Anderson, of Kansas City, Mo.; Robert C. Johnson, of Dallas, Tex.; James Talley Cox, of Temple, Tex.; George E. Allen, Jr., of Richmond, Va.; Jean F. Rydstrom, of Cleveland, Ohio; and Greene Chandler Furman, of Washington, D. C., were admitted to practice.

No. 302. Arthur St. John, Chester Walczak, Al Fuhrman, et al., ete., appellants, *v.* Wisconsin Employment Relations Board, L. E. Gooding, et al., etc.;

No. 329. Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America, Division 998, et al., petitioners, *v.* Wisconsin Employment Relations Board;

No. 330. Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America, Division 998, et al., petitioners, *v.* Wisconsin Employment Relations Board, et al.; and

No. 438. United Gas. Coke and Chemical Workers of America, CIO, Arthur St. John, et al., petitioners, *v.* Wisconsin Employment Relations Board. Argument continued by Miss Beatrice Lampert for the appellee and respondent Wisconsin Employment Relations Board, and concluded by Mr. Arthur J. Goldberg for the petitioners in No. 438. Leave granted to file affidavit of Dudley B. W. Brown on motion of Mr. J. Gilbert Hardgrove for the appellees in No. 302.

No. 132. Spector Motor Service, Inc., a corporation, petitioner, *v.* Charles J. McLaughlin, Tax Commissioner, Dennis P. O'Connor, substituted defendant. Reargued by Mr. Cyril Coleman for the petitioner and by Mr. Louis Weinstein for the respondent.

No. 318. Viola Hall Moore, administratrix of the estate of Louis Lee Moore, Jr., deceased, petitioner, *v.* The Chesapeake and Ohio Railway Company, a domestic corporation. Reargued by Mr. George E. Allen for the petitioner and Mr. Strother Hynes for the respondent.

Adjourned until Monday, January 15, at 12 o'clock.

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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

Frank E. Lorch, of New Albany, Ind.; Evan A. McLinn, of New Albany, Ind.; Frank Joseph Delaney, of Chicago, Ill.; J. Benson Saks, of Philadelphia, Pa.; Neill E. Graham, of Detroit, Mich.; Benjamin M. Ayars, of Washington, D. C.; Daniel DePace, of Wilmington, Del.; Joseph H. Flanzer, of Wilmington, Del.; Edward C. Renwick, of Los Angeles, Calif.; Malcolm Eliot Long, of Pontiac, Mich.; C. Lydon Harrell, Jr., of Norfolk, Va.; Morris E. Vogel, of New York, N. Y.; Ralph G. Ledley, of New York, N. Y.; Morris W. Primoff, of New York, N. Y.; Stanley A. Kaplan, of Chicago, Ill.; Roy C. Collins, of Newark, N. J.; John R. Wall, of Denver, Colo.; and John W. McDonald, Jr., of Urbana, Ill., were admitted to practice.

No. 122. National Labor Relations Board, petitioner, *v.* Gullett Gin Company, Inc. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment reversed and case remanded for enforcement of the order of the National Labor Relations Board without the modification made by the Court of Appeals. Opinion by Mr. Justice Minton. Mr. Chief Justice Vinson took no part in the consideration or decision of this case.

No. 258. Dean Milk Company, appellant, *v.* City of Madison, Wisconsin, a Municipal Corporation, et al. Appeal from the Supreme Court of Wisconsin. Judgment reversed in part and vacated in part, appellant to recover its costs in this Court. The case is remanded to the Supreme Court for further proceedings not inconsistent with the principles announced in the opinion of the Court. Opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas and Mr. Justice Minton concur.

No. 211. Niagara Hudson Power Corporation, petitioner, *v.* M. Victor Leventritt; and

No. 212. Securities and Exchange Commission, petitioner, *v.* M. Victor Leventritt. On writs of certiorari to the United States Court of Appeals for the Second Circuit. Judgment of the Court of Appeals reversed and that of the District Court affirmed, petitioner in No. 211 to recover its costs. The case is remanded to the United

States District Court for the Northern District of New York. Opinion by Mr. Justice Burton. Dissenting: Mr. Justice Frankfurter and Mr. Justice Black. Mr. Justice Jackson took no part in the consideration or decision of these cases.

No. 21. Irving Blau, petitioner, *v.* The United States of America. On writ of certiorari to the United States Court of Appeals for the Tenth Circuit. Judgment reversed and case remanded to the United States District Court for the District of Colorado for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Minton in which Mr. Justice Jackson joins. Mr. Justice Clark took no part in the consideration or decision of this case.

No. 17. Daniel Niemotko, appellant, *v.* State of Maryland; and

No. 18. Neil W. Kelley, appellant, *v.* State of Maryland. Appeals from the Circuit Court for Harford County, State of Maryland. Judgment reversed with costs and cases remanded for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Vinson. Mr. Justice Black concurs in the result. Opinion by Mr. Justice Frankfurter concurring in the result.

No. 50. Carl Jacob Kunz, appellant, *v.* 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. Chief Justice Vinson. Mr. Justice Black concurs in the result. Opinion by Mr. Justice Frankfurter concurring in the result. Dissenting opinion by Mr. Justice Jackson.

No. 93. Irving Feiner, petitioner, *v.* People of the State of New York. On writ of certiorari to the Court of Appeals of the State of New York. Judgment affirmed. Opinion by Mr. Chief Justice Vinson. Opinion by Mr. Justice Frankfurter concurring in the result. Dissenting opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Minton 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. 453. Ray H. Garner et al., petitioners, *v.* Board of Public Works of the City of Los Angeles et al. Time within which to file brief opposing petition for writ of certiorari extended to February 15th, next, on motion of counsel for the respondents.

No. 421. Reginald Hammerstein, petitioner, *v.* The Superior Court of the State of California, in and for the County of Los Angeles, et al. The petition for writ of certiorari to the District Court of Appeal

of the State of California, Second Appellate District, and the Supreme Court of California, is granted and the case is transferred to the summary docket.

No. 435. Bowman Dairy Company et al., petitioners, *v.* The United States of America and Willis L. Hotchkiss. The petition for writ of certiorari to the Court of Appeals for the Seventh Circuit is granted and the case is transferred to the summary docket. Mr. Justice Clark took no part in the consideration or decision of this application.

No. 136. The United States of America, petitioner, *v.* Samuel H. Kasinowitz et al. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied. Mr. Justice Clark took no part in the consideration or decision of this application.

No. 286. Fred B. Potter, as United States Attorney, et al., petitioners, *v.* Fred Estes. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied. Mr. Justice Clark took no part in the consideration or decision of this application.

No. 389. Lela Wilcox, petitioner, *v.* Tighe E. Woods, Housing Expediter, Office of the Housing Expediter. Motion to dispense with printing the record granted. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 394. Locke Miller, petitioner, *v.* Henry P. Kosling. Motion to dispense with printing the record granted. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 422. Cavu Clothes, Inc., Montie M. Brohard, Jr., and the Mack Shirt Corporation, petitioners, *v.* Squires, Inc. Petition for writ of certiorari to the Court of Appeals for the Sixth Circuit denied.

No. 428. Sunbeam Corporation, petitioner, *v.* Sunbeam Lighting Co., a Copartnership consisting of Marcus Bedian, et al. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 467. Stebco Incorporated, petitioner, *v.* Rupert L. Gillmouthe, Sheriff of Hood River County, Oregon. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 486, October Term, 1949. Robertson Rock Bit Company, Inc., et al., petitioners, *v.* Hughes Tool Company; and

No. 109. Marton L. Whelchel, petitioner, *v.* A. McDonald, Warden of the Federal Correctional Institution at Texarkana, Texas. Petitions for rehearing in these cases denied.

No. 170. The United States, petitioner, *v.* Penner Installation Corporation. Petition for rehearing denied. The Chief Justice took no part in the consideration or decision of this application.

No. 131, Misc. Milton Levine, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Eighth Circuit denied.

No. 150, Misc. Arthur Newagon, petitioner, *v.* E. B. Swope, Warden, U. S. Penitentiary, Alcatraz, California. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 167, Misc. James A. Noell et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 206, Misc. Hilliard Sanders, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Fourth Circuit denied.

No. 222, Misc. James Edward Howard Newman, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 242, Misc. Charles Lee McIntosh, petitioner, *v.* Dr. Ivan W. Steele, Warden, U. S. Medical Center, Springfield, Missouri. Petition for writ of certiorari to the Court of Appeals for the Eighth Circuit denied.

No. 248, Misc. Letch Foster, petitioner, *v.* Sheriff of Los Angeles County, California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 254, Misc. Willie McGee, petitioner, *v.* State of Mississippi. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. 271, Misc. Albert Kunitis, petitioner, *v.* Commonwealth of Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 285, Misc. William L. Cronholm, petitioner, *v.* People of the State of New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of the State of New York, Second Judicial Department, denied.

No. 286, Misc. Charles Lee McIntosh, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States District Court for the Southern District of Ohio denied.

No. 293, Misc. Louis Phillips, petitioner, *v.* New York State Court of Appeals et al. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 296, Misc. Fred Raymond Koenig, petitioner, *v.* John R. Cranor, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 299, Misc. Virgil D. Banks, Sr., petitioner, *v.* Dr. John W. Claudy, Warden, Western State Penitentiary. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 300, Misc. John Calvin, petitioner, *v.* Dr. J. W. Claudy, Warden, Western State Penitentiary, Pittsburgh, Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 301, Misc. Stanley J. Stodulski, petitioner, *v.* Ralph N. Eidson, Warden, Missouri State Penitentiary. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 306, Misc. William Arthur Thomas, petitioner, *v.* Hon. Aldo J. Simpson, as Regular Judge of Elkhart Circuit Court. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 321, Misc. Monroe Arthur Jackson, petitioner, *v.* The People of the State of California et al. Motion for stay of execution denied. Petition for writ of certiorari to the Supreme Court of California denied.

No. 226, Misc. Fred Raymond Koenig, petitioner, *v.* John R. Cranor, Superintendent of the Washington State Penitentiary. Application denied.

No. 284, Misc. Harley V. Hurst, petitioner, *v.* Walter A. Hunter, Warden, U. S. Penitentiary, Leavenworth, Kansas; and

No. 295, Misc. James Spencer, petitioner, *v.* Commonwealth of Pennsylvania, J. W. Claudy, Warden, et al. Motions for leave to file petitions for writs of habeas corpus denied.

No. 297, Misc. Joseph Sgro, petitioner, *v.* State of Wisconsin et al. Motion for leave to file petition for writ of habeas corpus and for other relief denied.

No. 307, Misc. In the Matter of Robert Wyback, petitioner. Application for injunction denied.

Adjourned until Monday, February 26, next, at 12 o'clock.

The day call for Monday, February 26, will be as follows: Nos. 85, 108, 313, 393, 146, 395, 298 (299, 314, 315, and 324), 344, 295, and 338.

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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

William M. Morton, Jr., of St. Joseph, Mo.; George J. Weller, of Cincinnati, Ohio; Stanley W. Ozark, of Arlington, Va.; Charles H. Mayer, of Washington, D. C.; Martin J. Jarvis, of San Francisco, Calif.; Elmer P. Delany, of San Francisco, Calif.; Robert J. Smith, of Dallas, Tex.; Edward W. Napier, of Lubbock, Tex.; Charles E. Lester, Jr., of Newport, Ky.; Charles Harold Hughes, of Topeka, Kans.; James S. Thorburn, of Royal Oak, Mich.; John D. Goodin, of Johnson City, Tenn.; Robert W. Schroeder, of Milwaukee, Wis.; Michael Gesas, of Chicago, Ill.; David DuVivier, of New York, N. Y.; Kenneth Bank, of Baltimore, Md.; Louis Edward Beckmire, Jr., of Freeport, Ill.; Arthur B. Willis, of Los Angeles, Calif.; Kenneth H. Ekin, of Baltimore, Md.; S. B. Chase, Jr., of Great Falls, Mont.; Rex W. Van Atta, of Clinton, Tenn.; Henry H. Grossman, of Newark, N. J.; James McNabb Baumgarner, of Mattoon, Ill.; Robert D. Elder, of Leadville, Colo.; Theodore R. Meyer, of San Francisco, Calif.; Edgar A. Blanchard, of Rye, N. H.; George E. Trawick, of Birmingham, Ala.; and William J. McCauley, of Milwaukee, Wis., were admitted to practice.

No. 318. Viola Hall Moore, administratrix of the estate of Louis Lee Moore, Jr., deceased, petitioner, *v.* The Chesapeake & Ohio Railway Company, a domestic corporation. On writ of certiorari to the United States Court of Appeals for the Fourth Circuit. Judgment affirmed with costs and case remanded to the United States District Court for the Eastern District of Virginia. Opinion by Mr. Justice Minton. Mr. Justice Frankfurter would dismiss the writ as improvidently granted. Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas concurs. Mr. Justice Reed took no part in the consideration or decision of this case.

No. 209. Mich Motors Corporation and U. S. Acceptance Corporation, petitioners, *v.* General Motors Corporation and General Motors Acceptance Corporation. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment of the District Court and judgment of the Court of Appeals reversed with

costs and case remanded to the United States District Court for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Clark. Mr. Justice Minton took no part in the consideration or decision of this case.

No. 218. The United States of America, petitioner, *v.* Yellow Cab Company. On writ of certiorari to the United States Court of Appeals for the Third Circuit; and

No. 204. Capital Transit Company, petitioner, *v.* The United States of America. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgments in No. 218 affirmed with costs and case remanded to the United States District Court for the Eastern District of Pennsylvania. Judgment in No. 204 reversed with costs and case remanded to the United States District Court for the District of Columbia for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Burton. Dissenting: Mr. Justice Black and Mr. Justice Douglas.

No. 133. Norton Company, a corporation, petitioner, *v.* Department of Revenue of the State of Illinois. On writ of certiorari to the Supreme Court of Illinois. Judgment vacated and cause remanded to the Supreme Court of Illinois for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Jackson. Opinion by Mr. Justice Reed dissenting in part. Opinion by Mr. Justice Clark dissenting in part in which Mr. Justice Black and Mr. Justice Douglas join.

No. 96. Canton Railroad Company, appellant, *v.* Joseph H. A. Rogan et al., constituting State Tax Commission of Maryland. Appeal from the Court of Appeals of Maryland. Judgment affirmed with costs. Opinion by Mr. Justice Douglas. Opinion by Mr. Justice Jackson reserving judgment in which Mr. Justice Frankfurter joins. Mr. Chief Justice Vinson took no part in the consideration or decision of this case.

No. 205. Western Maryland Railway Company, appellant, *v.* Joseph H. A. Rogan et al., constituting State Tax Commission of Maryland. Appeal from the Court of Appeals of Maryland. Judgment affirmed with costs. Opinion by Mr. Justice Douglas. Opinion by Mr. Justice Jackson reserving judgment in which Mr. Justice Frankfurter joins. Mr. Chief Justice Vinson took no part in the consideration or decision of this case.

No. 87. Walter K. Warren, petitioner, *v.* The United States of America, as owner of the Steamship "Anna Howard Shaw," et al. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment reversed with costs and case remanded to the United States District Court for the Southern District of New

York for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting: Mr. Justice Jackson and Mr. Justice Clark. Dissenting opinion by Mr. Justice Frankfurter.

No. 40. Universal Camera Corporation, petitioner, *v.* National Labor Relations Board. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment vacated and cause remanded to the Court of Appeals for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Frankfurter. Mr. Justice Black and Mr. Justice Douglas concur with parts I and II of the opinion but as to part III agree with the opinion of the court below.

No. 42. National Labor Relations Board, petitioner, *v.* The Pittsburgh Steamship Company. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment affirmed and case remanded to the Court of Appeals. Opinion by Mr. Justice Frankfurter.

No. 267. J. J. O'Leary, Deputy Commissioner, Fourteenth Compensation District, etc., petitioner, *v.* Brown-Pacific-Maxon, Inc., a corporation, et al. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment reversed and case remanded to the United States District Court for the Western District of Washington for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Minton in which Mr. Justice Jackson and Mr. Justice Burton join.

No. 25. The United States of America and Interstate Commerce Commission, appellants, *v.* The Rock Island Motor Transit Company, State of Iowa, ex rel. Iowa State Commerce Commission and Omaha Chamber of Commerce. Appeal from the United States District Court for the Northern District of Illinois. Judgment reversed and cause remanded with directions to dismiss the complaint. Opinion by Mr. Justice Reed. Dissenting: Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Jackson, and Mr. Justice Burton.

No. 38. The United States of America and Interstate Commerce Commission, appellants, *v.* The Texas and Pacific Motor Transport Company; and

No. 39. Regular Common Carrier Conference of American Trucking Associations, Inc., appellant, *v.* The Texas and Pacific Motor Transport Company. Appeals from the United States District Court for the Northern District of Texas. Judgment reversed and cause remanded with directions to dismiss the complaint, appellant in No. 39 to recover its costs. Opinion by Mr. Justice Reed. Dissenting: Mr.

Justice Black, Mr. Justice Douglas, Mr. Justice Jackson, and Mr. Justice Burton.

No. 83. The United States of America, ex rel. Roger Touhy, petitioner, *v.* Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois, et al. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment of the Court of Appeals affirmed and case remanded to the United States District Court for the Northern District of Illinois. Opinion by Mr. Justice Reed. Dissenting: Mr. Justice Black and Mr. Justice Douglas. Concurring opinion by Mr. Justice Frankfurter. Mr. Justice Clark took no part in the consideration or decision of this case.

No. 20. Jane Rogers, petitioner, *v.* The United States of America. On writ of certiorari to the United States Court of Appeals for the Tenth Circuit. Judgment affirmed and case remanded to the United States District Court for the District of Colorado. Opinion by Mr. Chief Justice Vinson. Dissenting opinion by Mr. Justice Black in which Mr. Justice Frankfurter and Mr. Justice Douglas concur. Mr. Justice Clark took no part in the consideration or decision of this case.

No. 329. Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America, Division 998, et al., petitioners, *v.* Wisconsin Employment Relations Board; and

No. 438. United Gas, Coke and Chemical Workers of America, CIO, Arthur St. John, Thomas Lansing, and Al Fuhrman, petitioners, *v.* Wisconsin Employment Relations Board. On writs of certiorari to the Supreme Court of Wisconsin. Judgments reversed with costs and cases remanded 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 Burton and Mr. Justice Minton join.

No. 302. Arthur St. John, Chester Walczak, Al Fuhrman, et al., etc., appellants, *v.* Wisconsin Employment Relations Board, L. E. Gooding, et al., etc. Appeal from the United States District Court for the Eastern District of Wisconsin. Judgment vacated without costs and case remanded to the District Court with instructions to dismiss the complaint. Opinion by Mr. Chief Justice Vinson. Mr. Justice Frankfurter, Mr. Justice Burton, and Mr. Justice Minton agree that the judgment of the State Court was not *res judicata*, but insofar as vacating the judgment below derives from the decisions in Nos. 329 and 438, they dissent for the reasons set forth in their dissenting opinion.

No. 330. Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America, Division 998, et al., petitioners, *v.* Wisconsin Employment Relations Board, L. E. Gooding,

Henry Rule, and J. E. Fitzgibbon, individually, etc., et al. On writ of certiorari to the Supreme Court of Wisconsin. It appearing that the cause has become moot, the judgment of the Supreme Court of Wisconsin is vacated without costs and the cause is remanded for such proceedings as by that court may be deemed appropriate. Opinion by Mr. Chief Justice Vinson.

The Chief Justice announced the following orders of the Court:

No. 423. Frank Palermo, petitioner, *v.* Hon. J. Cullen Ganey, Judge of the United States District Court for the Eastern District of Pennsylvania. On petition for writ of certiorari to the United States Court of Appeals for the Third Circuit. *Per Curiam:* The petition for writ of certiorari is granted. The order of the Court of Appeals is vacated and the case is remanded to that court with directions to dismiss the proceeding upon the ground that the cause is moot.

No. 488. James Kemp, appellant, *v.* State of South Dakota. Appeal from the Supreme Court of South Dakota. *Per Curiam:* The appeal is dismissed for the want of a substantial federal question. Mr. Justice Douglas dissents.

No. 494. Pete Anthony et al., appellants, *v.* John C. Veatch, Columbia River Fishermen's Protective Union, et al. Appeal from the Supreme Court of Oregon. *Per Curiam:* The motion to dismiss is granted and the appeal is dismissed for the want of a substantial federal question.

No. 498. Robert Bartlett, both individually and as trustee, appellant, *v.* Gross Income Tax Division, State of Indiana, et al.;

No. 499. Robert Bartlett, both individually and as trustee, appellant, *v.* Gross Income Tax Division, State of Indiana, et al.; and

No. 500. Robert Bartlett, both individually and as trustee, appellant, *v.* Gross Income Tax Division, State of Indiana, et al. Appeals from the Supreme Court of Indiana. *Per Curiam:* The motions to dismiss are granted and the appeals are dismissed for the want of a substantial federal question.

No. 503. Gabriel Glantz, appellant, *v.* Michigan Corporation and Securities Commission and Philip A. Hart, Commissioner. Appeal from the Supreme Court of Michigan. *Per Curiam:* The motion to dismiss is granted and the appeal is dismissed for the want of a substantial federal question.

No. 504. L. T. Rosecrans, Mary B. Rosecrans, J. M. Bailey, Administrator of the Estate of Mary A. Rosecrans, deceased, et al., appellants, *v.* The West Edmond Salt Water Disposal Association, a joint association, Peppers Refining Company, Skelly Oil Company, et al. Appeal from the Supreme Court of Oklahoma. *Per Curiam:* The motion

to dismiss is granted and the appeal is dismissed for the want of a substantial federal question. Mr. Justice Black and Mr. Justice Douglas are of the opinion that probable jurisdiction should be noted.

No. 508. Consumer Mail Order Association of America, Silver Red of Baltimore, Inc., Marydel Sales, Inc., et al., appellants, *v.* J. Howard McGrath, individually and as Attorney General of the United States. Appeal from the United States District Court for the District of Columbia. *Per Curiam*: The judgment is affirmed.

No. 517. Brooks Transportation Company, Inc., A B & C Motor Transportation Company, Inc., et al., appellants, *v.* The United States of America, Interstate Commerce Commission, Schenley Industries, Inc., et al. Appeal from the United States District Court for the Eastern District of Virginia. *Per Curiam*: The motions to affirm are granted and the judgment is affirmed.

No. 534. Nancy Cross, appellant, *v.* The State Bar of California. Appeal from the Supreme Court of California. *Per Curiam*: The motion for leave to proceed *in forma pauperis* is granted. The appeal is dismissed for 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. 146. Alabama Public Service Commission et al., appellants, *v.* Southern Railway Company; and

No. 395. Alabama Public Service Commission et al., appellants, *v.* Southern Railway Company. The joint motion to substitute parties appellant is granted.

No. 310. California State Automobile Association Inter-Insurance Bureau, appellant, *v.* Wallace K. Downey, Insurance Commissioner of the State of California. The motion of appellant to substitute John R. Maloney, present Insurance Commissioner of the State of California, as the party appellee is granted.

No. 355. Corbin D. Hughes, Administrator of the Estate of Harold G. Hughes, appellant, *v.* Glenn C. Fetter and Farmers Mutual Automobile Insurance Company. The motion of William C. Wines that the brief in support of the petition in *First National Bank v. United Air Lines*, No. 558, be considered as an *amicus curiae* brief herein is denied.

No. 399. Jack H. Breard, appellant, *v.* City of Alexandria. The motion for leave to file brief of Watchtower Bible and Tract Society, Inc., as *amicus curiae*, is denied.

No. 479. Riss and Company, Inc., a corporation, appellant, *v.* The United States of America and Interstate Commerce Commission; and

No. 486. Panhandle Eastern Pipe Line Company, appellant, *v.* Michigan Public Service Commission and Michigan Consolidated Gas Company. In these cases probable jurisdiction is noted and the cases are transferred to the summary docket.

No. 425. National Labor Relations Board, petitioner, *v.* Highland Park Manufacturing Company. Petition for writ of certiorari to the Court of Appeals for the Fourth Circuit granted.

No. 442. Schwegmann Brothers et al., petitioners, *v.* Calvert Distillers Corporation; and

No. 443. Schwegmann Brothers et al., petitioners, *v.* Seagram-Distillers Corporation. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit granted.

No. 473. Charles F. Brannan, individually and as Secretary of Agriculture, petitioner, *v.* Robert D. Elder and Greene Chandler Furman; and

No. 474. Robert D. Elder and Greene Chandler Furman, petitioners, *v.* Charles F. Brannan, Secretary of Agriculture. Petitions for writs of certiorari to the Court of Appeals for the District of Columbia Circuit granted.

No. 446. Crest Specialty (Not Inc.), a limited partnership consisting of Ben B. Manaster, et al., petitioner, *v.* David C. Trager, doing business as Topic Toys, and Eoina Nudelman. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit granted and the case transferred to the summary docket.

No. 461. Stacy C. Mosser, successor trustee of National Realty Trust, et al., petitioners, *v.* Paul E. Darrow, former trustee of National Realty Trust, et al. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit granted and case transferred to the summary docket. Further consideration of the motion to substitute parties petitioner is postponed to the hearing of the case on the merits. Mr. Justice Burton took no part in the consideration or decision of these applications.

No. 476. Ernest R. Woodward, petitioner, *v.* The United States of America and LeRoy Haizlip. Petition for writ of certiorari to the Court of Appeals for the Eighth Circuit granted limited to the question whether a brother by adoption is within the permissible class of beneficiaries under section 602 (g) of the National Service Life Insurance Act of 1940. The case is transferred to the summary docket.

No. 415. Adelaide H. Knight, petitioner, *v.* Commonwealth and Southern Corporation and Securities and Exchange Commission. Petition for writ of certiorari to the Court of Appeals for the Third Circuit denied.

No. 430. Edna R. Carroll, John Clyde Fisher, and Beatrice Z. Miller, petitioners, *v.* Allen B. DuMont Laboratories, Inc., et al. Petition for writ of certiorari to the Court of Appeals for the Third Circuit denied.

No. 434. Superior Engraving Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 437. E. T. Renfro Drug Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 439. American Potato Dryers, Inc., and Broadus Wilson, petitioners, *v.* Frederick C. Peters. Petition for writ of certiorari to the Court of Appeals for the Fourth Circuit denied.

No. 440. Samuel Dunkel and Co., Inc., Sondra Egg Products Corp., Charles Cohen, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 444. Benjamin Bell, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Fourth Circuit denied.

No. 445. Fred A. Engel et al., petitioners, *v.* Recorder's Court of the City of Detroit, Honorable W. McKay Skillman, Judge. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 447. Thomas M. Smither, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 448. Nicholas L. Etten, petitioner, *v.* Walter L. Kauffman II and Lovell Manufacturing Company. Petition for writ of certiorari to the Court of Appeals for the Third Circuit denied.

No. 449. John Michael Petrone, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 450. T. A. Garrett and Elizabeth Garrett, petitioners, *v.* John C. Faust and Cora Faust. Petition for writ of certiorari to the Court of Appeals for the Third Circuit denied.

No. 454. Maude J. Underwood, petitioner, *v.* Capital Transit Company. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 456. Merritt-Chapman and Scott Corporation, petitioner, *v.* The New York Trust Company, as trustee, and Rose Green. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 457. Brooklyn Waterfront Terminal Corporation, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 459. Bennie Lazarov, an individual d. b. a. Tennessee Metal Products Company and Lazarov Bros., petitioner, *v.* Arnold Schwinn and Company. Petition for writ of certiorari to the Court of Appeals for the Sixth Circuit denied.

No. 460. Warren Stowe McKillop, petitioner, *v.* State of Iowa. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 468. Pete Moleton, petitioner, *v.* Union Pacific Railroad Company and Pacific Fruit Express Company. Petition for writ of certiorari to the Supreme Court of Utah denied.

No. 470. Cornelius Adriaanse, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 471. Phil Davis, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 478. Mine Hill and Schuylkill Haven Railroad Company, petitioner, *v.* Francis R. Smith, Collector of Internal Revenue. Petition for writ of certiorari to the Court of Appeals for the Third Circuit denied.

No. 480. James Hanna et al., copartners, doing business under the name and style of The Hercules Company, petitioners, *v.* The Steamship "Meteor," her engines, etc., et al. Petitioner for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 482. Samuel Tucker and Samuel Schrader, petitioners, *v.* Margaret P. Cutler. Petition for writ of certiorari to the Court of Appeals for the Sixth Circuit denied.

No. 485. Floyd E. Quincy, petitioner, *v.* The Texas Company, Lillie Robertson, administratrix of the estate of Jesse J. Robertson, deceased, et al. Petition for writ of certiorari to the Court of Appeals for the Tenth Circuit denied.

No. 487. Kay Edmonston, petitioner, *v.* John Moore (J. P. Mohr), agent of the Federal Bureau of Investigation, et al. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 489. Board of Zoning Appeals of the Town of Hempstead, Robert C. Richter, Charles G. Kane, et al., etc., petitioners, *v.* Susan H. Clark, Nathan H. Cherwin, et al. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 491. The Smoot Sand and Gravel Corporation, petitioner, *v.* The District of Columbia. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 492. Mrs. C. H. Fountain, Miss Mary E. Fountain, Mrs. T. E. Bloodworth, et al., petitioners, *v.* Georgia Power Company. Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. 497. International Union, United Mine Workers of America, and John L. Lewis, President of said Union, petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 506. Jacob B. Zimmerman et al., petitioners, *v.* Chicago Great Western Railway Company. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 525. E. L. Allen et al., petitioners, *v.* Brotherhood of Railroad Trainmen. Petition for writ of certiorari to the Supreme Court of Texas denied.

No. 407. Farmers' Union Educational and Co-operative Association of South Dakota et al., petitioners, *v.* Northwestern Bell Telephone Company. Motion to dispense with printing the record granted. Petition for writ of certiorari to the Supreme Court of South Dakota denied.

No. 427. Elizabeth Healy, administratrix of the estate of John E. Healy, deceased, petitioner, *v.* Pennsylvania Railroad Company. Petition for writ of certiorari to the Court of Appeals for the Third Circuit denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion certiorari should be granted.

No. 432. Walter G. Hougland, Inc., owner of motor vessel "Walter G. Hougland," et al., petitioners, *v.* George Muscovalley, Sr., owner of tugboat "J. W. S." Motion for leave to file brief of American Waterways Operators, Inc., as amicus curiae denied. Petition for writ of certiorari to the Court of Appeals for the Sixth Circuit denied.

No. 455. Joseph Dowling, petitioner, *v.* Isthmian Steamship Corporation. Motion to dispense with printing the petition and record granted. Petition for writ of certiorari to the Court of Appeals for the Third Circuit denied.

No. 462. L. J. H. Herwig, petitioner, *v.* George J. Schoeneman, Commissioner of Internal Revenue, et al. Motion to dispense with printing the petition and record granted. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 463. Fred Chaffin, petitioner, *v.* Chesapeake and Ohio Railway Company. Petition for writ of certiorari to the Court of Appeals for the Fourth Circuit denied. Mr. Justice Reed took no part in the consideration or decision of this application.

No. 465. John C. Cookingham, petitioner, *v.* The United States of America. Motion to dispense with printing the record granted. Petition for writ of certiorari to the Court of Appeals for the Third Circuit denied.

No. 469. John Howard Melish, William Howard Melish, Lewis Reynolds, et al., petitioners, *v.* The Rector, Church Wardens and Vestrymen of the Church of the Holy Trinity in the City of Brooklyn, a religious corporation, et al. Motion for leave to file brief of some 2,576 members of the clergy of various religious denominations of Protestant Churches in the United States as amici curiae denied. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 477. Grace E. Smart, petitioner, *v.* Tighe E. Woods, Housing Expediter, and Ralph D. Janney, Area Rent Director. Motion to dispense with printing the petition and record granted. Petition for writ of certiorari to the Court of Appeals for the Sixth Circuit denied.

No. 501. Hartford Accident and Indemnity Company, petitioner, *v.* Pauline Casalino. Motion for leave to file brief of Excise Bond Underwriters, Inc., as amicus curiae denied. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 486, October Term, 1949. Robertson Rock Bit Company, Inc., et al., petitioners, *v.* Hughes Tool Company. The second petition for rehearing is denied.

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

No. 45. The Alabama Great Southern Railroad Company et al., appellants, *v.* The United States of America, Interstate Commerce Commission, et al.;

No. 46. Galveston Chamber of Commerce and Houston Port and Traffic Bureau, appellants, *v.* The United States of America, Interstate Commerce Commission, et al.;

No. 47. Railroad Commission of Texas, appellant, *v.* The United States of America, Interstate Commerce Commission, et al.; and

No. 48. Savannah Sugar Refining Corporation, appellant, *v.* The United States of America, Interstate Commerce Commission, et al. The opinion of this Court, 340 U. S. 216, is amended as follows:

1. On page 228, substitute for the last sentence: "The only points urged by these appellants not answered in No. 45 are that the order gives a preference to the port of New Orleans over certain ports of Georgia and Texas, in violation of the Interstate Commerce Act and of Art 1, § 9, cl. 6, of the Federal Constitution."

2. On page 229, substitute for lines 1, 2, and 3: "With respect to the constitutional argument, this Court in *Louisiana Public Service Commission v. Texas & N. O. R. Co.*, 284 U. S. 125, 131, stated:"

3. On page 229, substitute for the first sentence of the last paragraph: "And we are clear that whatever preference there is to New Orleans is the result of geography and not of any action of the Commission."

The petition of the Texas Interests, appellants in Nos. 46 and 47, for rehearing is denied.

No. 297. Kiefer-Stewart Company, petitioner, *v.* Joseph E. Seagram and Sons, Inc., Seagram-Distillers Corporation, The Calvert Distilling Company, et al.;

No. 397. Alfred C. Gaunt, petitioner, *v.* The United States of America;

No. 419. Mamie du Ban, individually and as executrix of the estate of Alfred A. du Ban, deceased, and Harry J. Alker, Jr., petitioners, *v.* Federal Deposit Insurance Corporation; and

No. 436. Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, et al., appellants, *v.* Roy S. Wilson. The petitions for rehearing in these cases are severally denied.

No. 81, Misc., October Term, 1949. Mollie Eagle, petitioner, *v.* Benjamin Cherney and Samuel H. Berger. The fifth petition for rehearing is denied.

No. 191, Misc. James W. Allen, petitioner, *v.* Stanley P. Ashe, Warden. The motion to reinstate the petition for writ of certiorari is denied.

No. 218, Misc. Lawrence Augustine Markham, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Fourth Circuit denied.

No. 237, Misc. Pete R. Tashkoff, petitioner, *v.* R. H. Hudspeth, Warden of the Kansas State Penitentiary. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 259, Misc. Kelly Petillo, petitioner, *v.* State of Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 283, Misc. George E. Smith, petitioner, *v.* People of the State of California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 289, Misc. William H. Jackson, petitioner, *v.* G. W. Humphrey, Warden, U. S. Penitentiary, Lewisburg, Pa. Petition for writ of certiorari to the Court of Appeals for the Third Circuit denied.

No. 309, Misc. Frank Rudnik, petitioner, *v.* People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. **316**, Misc. Robert J. Neal, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. **317**, Misc. Leonard Cummings, petitioner, *v.* Cook County Circuit Court et al. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. **324**, Misc. Wesley Robert Wells, petitioner, *v.* State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. **326**, Misc. Henry Schectman, petitioner, *v.* People of the State of New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of the State of New York, Second Judicial Department, denied.

No. **329**, Misc. Charles D. Hall, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. **331**, Misc. James C. Tyler, petitioner, *v.* State of Wisconsin and John C. Burke, Warden, etc. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. **332**, Misc. Emmet Jones, petitioner, *v.* John R. Cranor, Superintendent of Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. **333**, Misc. Stanley Pryor, petitioner, *v.* People of the State of California et al. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. **338**, Misc. Thomas E. Hawks, petitioner, *v.* Browning Robinson, Illinois State Penitentiary, Menard, Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. **343**, Misc. Cecil Swain, petitioner, *v.* Clinton T. Duffy, Warden. California State Prison, San Quentin, California. Petition for writ of certiorari to the Supreme Court of California denied.

No. **344**, Misc. Ralph Quevreaux, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. **346**, Misc. Clarence Bertrand, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. **348**, Misc. Leonard E. Brees, petitioner, *v.* People of the State of California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. **351**, Misc. George Sullivan, petitioner, *v.* The State of New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 353, Misc. Warren Claycomb, petitioner, *v.* Dr. J. W. Claudy, Warden, Western State Penitentiary, Pittsburgh, Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 354, Misc. Patsy Del Pino, petitioner, *v.* People of the State of New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 355, Misc. Pat M. Hooper, petitioner, *v.* Merle Schneckloth, Warden, California State Prison, Terminal Island, San Pedro, California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 359, Misc. Charles Kubesh, petitioner, *v.* People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 369, Misc. James Ray, petitioner, *v.* State of Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 161, Misc. Robert H. Best, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the First Circuit denied. Mr. Justice Clark took no part in the consideration or decision of this application.

No. 288, Misc. Irene B. Baker, administratrix of the estate of Walter Glenn Baker, petitioner, *v.* Atlantic Coast Line R. R. Co. Petition for writ of certiorari to the Supreme Court of North Carolina denied. Mr. Justice Reed took no part in the consideration or decision of this application.

No. 310, Misc. John Hoshor, petitioner, *v.* Robert A. Heinze, Warden, Folsom Prison, Represa, California, et al.;

No. 311, Misc. Jesse W. Connor, petitioner, *v.* Nathan Mayo, as Prison Custodian;

No. 318, Misc. In the Matter of Mary A. Ruthven, petitioner;

No. 319, Misc. Taylor Seals, petitioner, *v.* W. H. Hiatt, Warden, U. S. Penitentiary, Atlanta, Georgia;

No. 335, Misc. In the Matter of Roy F. DeBinski, petitioner;

No. 340, Misc. In the Matter of William Henry James, petitioner;

No. 350, Misc. Edward J. St. Jean, petitioner, *v.* Nathan Mayo, State Prison Custodian; and

No. 356, Misc. Lionel Conn, petitioner, *v.* Joseph Ragen, Warden, Illinois State Penitentiary. The motions for leave to file petitions for writs of habeas corpus in these cases are severally denied.

No. 345, Misc. James Tucker Silvers, petitioner, *v.* P. J. Squier, Warden, U. S. Penitentiary, McNeil Island, Washington. On consideration of the suggestion of a diminution of the record and motion for a writ of certiorari in that relation certiorari is denied. The motion for leave to file petition for writ of habeas corpus is denied.

No. **312**, Misc. Edwin K. Atwood, Alice B. Atwood, and Thomas H. Fisher, petitioners, *v.* Hon. Allen B. Hannay, Judge of the United States District Court, etc., et al. The motion for leave to file petition for writ of mandamus, prohibition, or certiorari is denied.

No. **313**, Misc. John Henry Shipley, appellant, *v.* State of Missouri. Application denied.

No. **322**, Misc. Mason B. Patten, petitioner, *v.* United States District Court for the Southern District of California et al. The motion for leave to file petition for writ of certiorari is denied.

No. **337**, Misc. Francis Sheppard, petitioner, *v.* Nathan Mayo, as Custodian of the Florida State Prison. The motion for leave to file petition for writ of habeas corpus or certiorari is denied.

No. **85**. Local 74, United Brotherhood of Carpenters and Joiners of America, A. F. of L., et al., petitioners, *v.* National Labor Relations Board. Argued by Mr. Charles H. Tuttle for the petitioners and Mr. Mozart G. Ratner for the respondent.

No. **108**. International Brotherhood of Electrical Workers, Local 501, A. F. of L., and William Patterson, petitioners, *v.* National Labor Relations Board. Argument commenced by Mr. Louis Sherman for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, February 27, will be as follows: Nos. **108, 313, 393, 146** (and **395**), **298** (**299, 314, 315, and 324**), **344, 295, 338, 355, and 281**.

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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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

Earl A. Snyder, of Crawfordsville, Ind.; Alexander Arthur LaFleur, of Portland, Maine; Edward J. Grenier, of New York, N. Y.; Robert Brooke Tibbs, of Milwaukee, Wis.; Sam Rice Baker, of Montgomery, Ala.; Richard O. Graw, of Berkeley, Calif.; Walter J. Janik, of Shenandoah, Pa.; Angus C. Morrison, of Sacramento, Calif.; John Jay Morse, of St. Louis, Mo.; and Ralph N. Kleps, of Sacramento, Calif.; were admitted to practice.

No. 108. International Brotherhood of Electrical Workers, Local 501, A. F. of L., and William Patterson, petitioners, *v.* National Labor Relations Board. Argument continued by Mr. Louis Sherman for the petitioners, and concluded by Mr. Mozart G. Ratner for respondent.

No. 313. National Labor Relations Board, petitioner, *v.* International Rice Milling Company, Inc., et al. Argued by Mr. David P. Findling for petitioner and by Mr. Conrad Meyer III for respondents.

No. 393. National Labor Relations Board, petitioner, *v.* Denver Building and Construction Trades Council et al. Argued by Mr. David P. Findling for petitioner and by Mr. William E. Leahy for respondents.

No. 146. Alabama Public Service Commission et al., appellants, *v.* Southern Railway Company; and

No. 395. Alabama Public Service Commission et al., appellants, *v.* Southern Railway Company. Leave granted Mr. Merton Roland Nachman, Jr., to appear and present oral argument for the appellants *pro hac vice*, on motion of Mr. Richard T. Rives. Argument commenced by Mr. Richard T. Rives for the appellants and continued by Mr. Charles Clark for the appellee.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, February 28, will be as follows: Nos. 146 (and 395), 298 (299, 314, 315, and 324), 344, 295, 338, 355, 281, 347, 348, and 384.

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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

Herbert L. Wible, of Thiensville, Wis.; Henrietta Dunlop Stone-street, of Baltimore, Md.; Golden P. Kratz, of Lincoln, Nebr.; Donald M. Lehman, of Portland, Oreg.; James V. Hammett, of Lampasas, Tex.; O. Clark Fisher, of San Angelo, Tex.; Wallace Miller, Jr., of Macon, Ga.; Warren Hutson Russell, of Washington, D. C.; Dwight Hightower, of Chicago, Ill.; L. E. Iversen, of Chicago, Ill.; Charles T. Shanner, of Chicago, Ill.; Lester G. Seacat, of Jefferson City, Mo.; and Flavius B. Freeman, of Springfield, Mo., were admitted to practice.

No. 146. Alabama Public Service Commission et al., appellants, v. Southern Railway Company; and

No. 395. Alabama Public Service Commission et al., appellants, v. Southern Railway Company. Argument concluded by Mr. Merton Roland Nachman, Jr., for the appellants, *pro hac vice*, by special leave of Court.

No. 298. Leo Zittman (with whom the Chase National Bank of the City of New York was impleaded below), petitioner, v. J. Howard McGrath, Attorney General, as Successor to the Alien Property Custodian;

No. 299. Leo Zittman (with whom the Federal Reserve Bank of New York was impleaded below), petitioner, v. J. Howard McGrath, Attorney General, as Successor to the Alien Property Custodian;

No. 314. John F. McCarthy (with whom the Chase National Bank of the City of New York was impleaded below), petitioner, v. J. Howard McGrath, Attorney General, as Successor to the Alien Property Custodian;

No. 315. John F. McCarthy (with whom the Federal Reserve Bank of New York was impleaded below), petitioner, v. J. Howard McGrath, Attorney General, as Successor to the Alien Property Custodian; and

No. 324. John J. McCloskey, as Sheriff of the City of New York, etc., petitioner, v. J. Howard McGrath, Attorney General, as Successor to the Alien Property Custodian. Three hours allowed for argu-

ment. Argument commenced by Mr. Joseph M. Cohen for petitioner in Nos. 298 and 299, continued by Mr. Henry I. Fillman for petitioner in Nos. 314 and 315, by Mr. Sidney Posner for petitioner in No. 324, by Mr. Ralph S. Spritzer for the respondent, and concluded by Mr. Henry I. Fillman for petitioner in Nos. 314 and 315.

No. 344. The United States of America, petitioner, *v.* Warren V. Moore and Mrs. Warren V. Moore. Argument commenced by Mr. James L. Morrisson for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, March 1, will be as follows: Nos. 344, 295, 338, 355, 281, 347, 348, 384, 363, and 364.

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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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

Weston L. Sheldon, of Midland, Mich.; Jack L. Simms, of Leesville, La.; Earle Bennett, of Harrison, N. Y.; Waldemar A. Solf, of Chicago, Ill.; and William Lyman Campbell, of Cambridge, Mass., were admitted to practice.

No. 344. The United States of America, petitioner, *v.* Warren V. Moore and Mrs. Warren V. Moore. Argument concluded by Mr. James L. Morrisson for the petitioner and case submitted by Mr. Frank Cusack for the respondents.

No. 295. Colonel Henry S. Robertson, President, Army Review Board, petitioner, *v.* Robert H. Chambers. Argued by Mr. Oscar H. Davis for petitioner and by Mr. H. Russell Bishop for respondent.

No. 338. Jack B. Tenney, the Senate Fact-Finding Committee on Un-American Activities (a California Legislative Committee), et al., petitioners, *v.* William Patrick Brandhove. Argued by Mr. Harold C. Faulkner for the petitioners, and by Mr. Martin J. Jarvis and Mr. Richard O. Graw for the respondent.

No. 355. Corbin D. Hughes, Administrator of the Estate of Harold G. Hughes, appellant, *v.* Glenn C. Fetter and Farmers Mutual Automobile Insurance Company. Argument commenced by Mr. Samuel Goldenberg for the appellant and continued by Mr. Herbert L. Wible for the appellees.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, March 2, will be as follows: Nos. 355, 281, 347, 348, 384, 363, 364, 376, 301, and 399.

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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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

Everette L. Doffermyre, of Dunn, N. C.; Roy G. Baker, of Sherman, Tex.; John R. Fitzpatrick, of Washington, D. C.; Robert H. Rumizen, of Takoma Park, Md.; Milton A. Albert, of Baltimore, Md.; Paul D. Hess, Jr., of Macon, Ga.; Caswell S. Neal, of Carlsbad, N. Mex.; George W. Gibson, Jr., of Lubbock, Tex.; Mordecai M. Merker, of New York, N. Y.; and Allan E. Mecham, of Salt Lake City, Utah, were admitted to practice.

No. 355. Corbin D. Hughes, Administrator of the Estate of Harold G. Hughes, appellant, *v.* Glenn C. Fetter and Farmers Mutual Automobile Insurance Company. Argument continued by Mr. Herbert L. Wible for the appellees and concluded by Mr. Samuel Goldenberg for appellant.

No. 281. The United States, petitioner, *v.* Alcea Band of Tillamooks et al. Argued by Mr. Solicitor General Perlman for petitioner and by Mr. Edward T. Howrey and Mr. Louis A. Gravelle for respondents.

No. 347. The United States, petitioner, *v.* Ellis R. Lewis. Argued by Mr. Ellis W. Slack for petitioner and Mr. Sigmund W. Davis for respondent.

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

The day call for Monday, March 5, will be as follows: Nos. 348, 384, 363, 364, 376, 301, 399, 310, 433, and 421.

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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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

No. 240, Misc. Raymond Martinez Fernandez, petitioner, *v.* People of the State of New York. The petition for rehearing is denied.

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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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

Johanna M. D'Amico, of Warren, Ohio; Harry A. Schwager, of New York, N. Y.; Samuel S. Lionel, of New York, N. Y.; Edward L. Stevens, Jr., of New York, N. Y.; Frank H. Langridge, of New Orleans, La.; Sherlock J. Hartnett, of Chicago, Ill.; William Elwyn Jones, of Milwaukee, Wis.; Lubin F. Laurent, of Edgard, La.; Frederick C. Carlson, of University Heights, Ohio; William J. Henry of New York, N. Y.; Allen Murray Myers, of New York, N. Y.; George H. Colin, of New York, N. Y.; Jerome M. Alper, of Chattanooga, Tenn.; Benjamin Werne, of New York, N. Y.; Wilfred Byron Sorrell, of Washington, D. C.; James Lee Rankin, of Lincoln, Nebr.; Milton A. Rudin, of Los Angeles, Calif.; James I. McGuire, of New Rochelle, N. Y.; George J. Conway, of Manhasset, N. Y.; and Lawrence Milton Freed, of Atlantic City, N. J., were admitted to practice.

The Chief Justice announced the following orders of the Court:

No. 551. Neill C. Marsh, Jr., et al., appellants, *v.* City of El Dorado, Arkansas. Appeal from the Supreme Court of Arkansas. *Per curiam*: The appeal is dismissed for the want of a substantial federal question.

No. 89. The United States of America, ex rel. Ellen Knauff, petitioner, *v.* J. Howard McGrath, Attorney General, et al. On petition for writ of certiorari to the United States Court of Appeals for the Second Circuit. *Per curiam*: The petition for writ of certiorari is granted. The judgment of the Court of Appeals is vacated and the cause is remanded to the District Court with directions to vacate its order and to dismiss the proceeding upon the ground that the cause is moot. Mr. Justice Clark 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. 399. Jack H. Breard, appellant, *v.* City of Alexandria, Louisiana. The motion for leave to appear and present oral argument on behalf of National Association of Magazine Publishers, Inc., as amicus curiae, is denied.

No. 435. Bowman Dairy Company et al., petitioners, *v.* The United States of America and Willis L. Hotchkiss. The motion of petitioners to remove this case from the summary docket is denied.

No. 565. Radio Corporation of America, National Broadcasting Company, Inc., et al., appellants, *v.* The United States of America, Federal Communications Commission, et al. In this case probable jurisdiction is noted and the case is assigned for argument on Monday, March 26th, next. The motion to dispense with printing part of the record is granted.

No. 453. Ray H. Garner et al., petitioners, *v.* Board of Public Works of the City of Los Angeles et al. Petition for writ of certiorari to the District Court of Appeal of the State of California, Second Appellate District, granted.

No. 328. Gross Income Tax Division, Indiana Department of State Revenue, State of Indiana, petitioner, *v.* W. B. Conkey Company. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 429. Brian O. Sparks, Brant Phillips, John Scott, et al., petitioners, *v.* Civil Aeronautics Board, Pan American Airways, et al. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 451. Charles A. Koons, Walter E. Koons, Vincent Muti, et al., etc., petitioners, *v.* Henry J. Kaiser, Kaiser Colorado Company and Kaiser Steel Corporation; and

No. 452. Charles A. Koons, Walter E. Koons, Vincent Muti, et al., etc., petitioners, *v.* Honorable Irving R. Kaufman, United States District Judge. Petition for writs of certiorari to the Court of Appeals for the Second Circuit denied.

No. 490. Standard Brands, Inc., petitioner, *v.* J. F. Bateman, J. W. Galbrath, E. J. Davis, et al., etc.; and

No. 496. Midwest Refrigeration, Inc., petitioner, *v.* J. F. Bateman, J. W. Galbrath, E. J. Davis, et al., etc. Petitions for writs of certiorari to the Court of Appeals for the Eighth Circuit denied.

No. 495. Thomas E. Hayes et al., on behalf of himself and all others similarly situated, petitioners, *v.* Union Pacific Railroad Com-

pany and Dining Car Employees Union Local 372, etc., et al. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 502. Sam Fiorella, petitioner, *v.* The City of Birmingham. Petition for writ of certiorari to the Court of Appeals of Alabama denied.

No. 509. Suckow Borax Mines Consolidated, Inc., Mojave Borax Company, Ltd., et al., petitioners, *v.* Borax Consolidated, Ltd., Pacific Coast Borax Company, United States Borax Company, et al. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 510. Vuka Radovich Stepovich, Executrix of the Estate of Mike Stepovich, deceased, petitioner, *v.* Nick Kupoff, James Zukoev, Mike Kitoff, et al., etc. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 514. W. E. Gamble, as Administrator de bonis non of the Estate of W. J. Gamble, petitioner, *v.* R. J. Gamble and Dora Anna Gamble. Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. 516. Elwin S. Bentley, E. Merritt Ashworth, and Leroy P. Brownell, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 481. MacArthur Mining Company, Inc., petitioner, *v.* Reconstruction Finance Corporation. Petition for writ of certiorari to the Court of Appeals for the Eighth Circuit denied. Mr. Justice Clark took no part in the consideration or decision of this application.

No. 205, Misc. Charles E. Gilbert, petitioner, *v.* State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 264, Misc. Harry Edison Hackworth, petitioner, *v.* William H. Hiatt, Warden, U. S. Penitentiary, Atlanta, Georgia. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 314, Misc. Thomas B. McGuire, petitioner, *v.* State of Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 315, Misc. Albert Nelson Hansbrough, petitioner, *v.* State of Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 330, Misc. Mary Boyd Alloway, petitioner, *v.* Marcia Simpson, Superintendent of Wisconsin Home for Women. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 352, Misc. George E. Russell, petitioner, *v.* Dr. J. W. Claudy, Warden, Western State Penitentiary, Pittsburgh, Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 361, Misc. John P. Byars, petitioner, *v.* Warden of the Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 368, Misc. Kenneth White, petitioner, *v.* State of Indiana et al. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 379, Misc. Edward A. Wojdakowski, petitioner, *v.* Cornelius J. Burke, Warden, Eastern State Penitentiary, Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 376, Misc. Donald D. Foster, petitioner, *v.* R. H. Hudspeth, Warden, Kansas State Penitentiary. Petition for writ of certiorari to the Supreme Court of Kansas dismissed on motion of petitioner.

No. 302, Misc. Dozier A. DeVane, United States District Judge for the Northern District of Florida, petitioner, *v.* U. S. Court of Appeals for the Fifth Circuit et al. The motion for leave to file petition for writ of prohibition, mandamus, and certiorari is denied.

No. 366, Misc. Francis Michael Murphy, petitioner, *v.* Browning Robinson, Warden, Illinois State Penitentiary, etc. The motion for leave to file petition for writ of habeas corpus is denied.

No. 377, Misc. John Wiley Johnson, petitioner, *v.* Rollo Lawrence, Superintendent, Louisiana State Penitentiary. The motion for leave to file petition for writ of certiorari is denied.

The Court will take a recess from Monday, March 12, until Monday, March 26, next.

No. 348. Andrew Jordan, District Director of Immigration and Naturalization, petitioner, *v.* Sam De George. Argued by Mr. John F. Davis for the petitioner and Mr. Thomas Dolan for the respondent.

No. 384. Standard Oil Company, appellant, *v.* The State of New Jersey, by Theodore D. Parsons, Attorney General of New Jersey. Argued by Mr. Josiah Stryker for appellant and by Mr. Emerson Richards for appellee.

No. 363. 62 Cases, More or Less, each containing six jars of jam, etc., et al., petitioners, *v.* The United States of America. Argument commenced by Mr. Benjamin F. Stapleton, Jr., for petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, March 6, will be as follows: Nos. 363, 364, 376, 301, 399, 310, 433, 421, 435, and 420.

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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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

Mr. Solicitor General Perlman addressed the Court as follows:

"May it please the Court: At a meeting of members of the Bar of the Supreme Court, held this morning, resolutions expressing their profound sorrow at the death of Justice Frank Murphy were offered by a committee, of which the Honorable Benjamin V. Cohen was chairman. Addresses were made to the Bar by Edward G. Kemp, Esquire, who was closely associated with the late Justice through most of his career, Judge Charles Fahy of the United States Court of Appeals for the District of Columbia, and Thurgood Marshall, Chief Counsel of the National Association for the Advancement of Colored People. The resolutions, adopted unanimously, are as follows:

"RESOLUTIONS

"We of the Bar of the Supreme Court of the United States are gathered here to commemorate the life and works of Mr. Justice Murphy, whose untimely death occurred in Detroit, Michigan, on July 19, 1949. The brief words of tribute uttered today can give but inadequate expression to the great qualities of his mind and heart. His life was indeed an abundant one, dedicated to the noblest and highest traditions of our civilization. In every step of his varied career of public service, he exhibited a passionate and selfless regard for the rights of his fellow men. We do well, therefore, to reflect upon the life of one who has enriched the history of the Court and of the nation.

"Frank Murphy was born in the village of Sand Beach, now the city of Harbor Beach, Michigan, on April 13, 1890, the third of four children of John F. and Mary Brennan Murphy. The father was respected as an able lawyer and as a public-spirited citizen in Huron County; he served two terms as prosecuting attorney and achieved notable success in jury cases as a private practitioner. He was also the leading Democrat in an overwhelmingly Republican community. From him the young Frank acquired an interest in law and politics, a rugged spirit of independence and a capacity for leadership. The spirituality and gentleness of the mother were of the rarest quality and it was she who endowed Frank Murphy with his deep religious conscience. The Bible which she gave him when he was graduated from high school he carried with him to his dying day and upon it he took the oaths of the high offices which he attained. His parents, devout Catholics of Irish stock, inculcated in Frank Murphy not only

deep faith in his religion and genuine pride in his ancestry, but an unusual sense of security regarding his religion and ancestry. He never felt that his own religion could be hurt by the peaceful rivalry of other faiths. Nor did he think that he could add a cubit to his own pride of ancestry by disparaging that of others. From his parents he learned at an early age that true self-respect involves an abiding respect and tolerance for the rights of others, a principle that was to have a profound influence upon his political as well as his judicial work.

"The early education of Justice Murphy was acquired in the public schools of Harbor Beach. There he demonstrated his natural talents as a student, an orator, an athlete, and a leader of his fellows. These talents he carried with him to the University of Michigan, where he pursued his undergraduate studies and received a Bachelor of Laws degree in 1914.

"Following his admission to the Michigan Bar in 1914, he began work as a law clerk with the Detroit firm of Monaghan & Monaghan and he quickly received recognition as a promising trial lawyer. During his first years at the Bar he also taught at the Detroit College of Law.

"Soon after the entry of the United States into World War I, Justice Murphy sought active service in the Army where he served as a first lieutenant and later as a captain in the Fourth and Eighty-fifth Infantry Divisions. After the Armistice he served with the occupation army in the German Rhineland. Upon his discharge from the service, he continued his legal studies at Lincoln's Inn, London, and Trinity College, Dublin. In Ireland the growth and vitality of the movement for independence enlisted his keen and sympathetic interest, and his understanding of that movement was to be of invaluable assistance to him in later years in his work with the leaders of the Philippine movement for independence.

"He returned to the United States in 1919 and became Chief Assistant in the office of the United States District Attorney in Detroit. It is said that in this capacity he lost practically no cases among the many in which he participated. Notable was his work in obtaining convictions for graft and fraud against the Government on large war contracts. He also assisted the Government in the successful prosecution of the condemnation proceedings resulting in the widening of the River Rouge and which in later years made possible the development of the vast River Rouge plant of the Ford Motor Company.

"It was in the election of 1920 that he made his first and unsuccessful bid for public office, the office of Congressman from the First District of Michigan. A Wilsonian Democrat, he was defeated in the Republican landslide. After his service in the District Attorney's office, a brief interlude of private law practice in Detroit ensued.

"In 1923, in a spirited campaign, he was elected to the Recorder's Court, a criminal court of Detroit. Judge Murphy took an active interest in the administrative affairs of the court. He helped to make the psychopathic clinic and probation department indispensable, nonpolitical adjuncts of the court.

"The most noteworthy trial that he presided over was the Sweet murder case growing out of bitter racial tensions. Dr. Sweet, a Negro, had established his home in a neighborhood previously reserved for whites. A threatening mob gathered near his home, frightening him and other Negroes with him. Shots were fired. A white man was killed. Dr. Sweet and several other Negroes were indicted for murder. Public feeling was inflamed against them. To administer justice in these circumstances required more than a mere crusader's zeal; it required more than book-learning. It required courage, human understanding, dignity, and a grasp of the essential principles of criminal procedure. At the trial young Judge Murphy showed that he possessed all these qualities in good measure. It is important to recall not only that the trial resulted in the acquittal of the defendants in face of public clamor, but that the community, despite its original hostility, was convinced that the trial was fairly conducted from the standpoint of the community as well as the defendants. Clarence Darrow, counsel for the defendants, later remarked that Murphy was 'a judge who not only seemed human, but * * * proved to be the kindest and most understanding man I have ever happened to meet on the bench.'

"In 1929, he was reelected to the Recorder's Court. A year later he resigned to become the successful candidate for the office of Mayor of Detroit. As chief executive of a great industrial city struck by the full force of unemployment and depression he recognized the importance of making all citizens conscious of their interest in the continued maintenance of the orderly processes of government. His bold advocacy of the principle of government responsibility for the destitute attracted Nation-wide attention. At the same time, however, he pursued a program of rigid economy in other services of the city government. He succeeded in fulfilling his campaign pledge that 'not one deserving man or woman shall go hungry in Detroit because of circumstances beyond his control.' Public appreciation of his efforts was demonstrated in 1931 by his reelection as Mayor.

"In 1933 he was appointed by President Roosevelt to the post of Governor General of the Philippines. He quickly gained the confidence of the Filipino people and their leaders. Because he believed in them and in their right to freedom, they believed in him and eagerly sought his counsel long after he had left the Philippines. With the inauguration of the Commonwealth Government in 1935 he became the first United States High Commissioner of the Philippines. During his three years of service in the Philippines he was instrumental in placing the fiscal affairs of the government in good order and instituted several needed social reforms, including the modern probation system and public health services.

"Frank Murphy returned home in 1936 to become the successful candidate for Governor of the State of Michigan. He assumed office on January 1, 1937, and was immediately confronted with the grave problems arising out of the historic sit-down strike then in progress at the Flint plant of the General Motors Corporation. His insistence that peaceful methods be exhausted before resort to force made him the center of Nation-wide attention and controversy. Some thought that he was condoning the flouting of the law, yet he never attempted to

justify or condone the sit-down strike. He delayed sending troops into the plant when the strikers refused to obey a court order so that a peaceful settlement could be obtained which would avoid the use of force that he feared would result in bloodshed and resentment rather than respect for law. He continuously sought to convince the strike leaders that it was their duty to obey the law and within a few days a peaceful settlement was obtained.

"Frank Murphy was profoundly convinced that collective bargaining and the settlement of labor disputes through direct negotiation of employer and employee representatives were fundamental prerequisites to our ultimate industrial and economic welfare, and even to the preservation of our system of government. In the bitter dispute at Flint, and in those which followed, he saw a serious threat to these objectives. Men may differ as to the wisdom and propriety of his patient restraint. But both management and labor now testify that Governor Murphy's humane action prevented bloodshed. And it seems fair to say that by avoiding the use of force he strengthened the processes of peaceful settlement of industrial disputes.

"During his term as Governor many reforms were accomplished—among these a civil-service law, an occupational-disease law, a modernized corrections system, a mental hygiene program, a modernized central accounting system, and an expanded old-age assistance program. He also initiated studies with a view to the modernization of the State government, the reorganization of the tax structure, and the stabilization of the milk industry.

"He was defeated for reelection in 1938 but his great talents did not lie fallow. On January 1, 1939, President Roosevelt announced his appointment as Attorney General of the United States. Impressed by the growing threat of totalitarianism to our free world he had hoped to be given a position in which he could take an active part in building up our armed strength, but like a good soldier he accepted the post to which he was assigned. During the year that he served as the Nation's chief law officer he accomplished much of more than transient importance and value. Notable appointments to the Federal bench were made on his recommendation. He proceeded firmly against corruption in the judiciary and other high public offices. He set up a committee on Administrative Law under the Chairmanship of Dean Acheson whose work has had a great effect on the development of administrative law and practice. He also set up a committee on the administration of the Bankruptcy Act under the Chairmanship of Francis M. Shea and its recommendations led to important changes and improvements in the administration of insolvent estates in the Federal courts. A Civil Rights Section was established in the Criminal Division of the Department to encourage more vigorous use of the civil rights statutes and to centralize responsibility for their enforcement; in 1947 the President's Committee on Civil Rights stated that 'the total achievement of the Department of Justice in the civil rights field during the Section's existence goes well beyond anything that had previously been accomplished.'

"Attorney General Murphy was nominated to be Associate Justice of the Supreme Court by President Roosevelt on January 4, 1940, and

he took his seat on the Court on February 5, 1940 (309 U. S. III).

"Frank Murphy thus brought to the Supreme Court uniquely significant talents and experiences. He brought to it a thorough and practical understanding of the interests and longings of masses of men and women in a highly mechanized society, an alert sensitiveness to the individual rights of a free people, an exceptional comprehension of the respective roles of the executive, legislative, and judicial branches of our Government, an acute awareness of the social and economic wrongs, and a determination to translate our constitutional and legal ideals into judicial reality.

"Justice Murphy's labors on the Supreme Court bore rich fruit. In the decade of his association with the Court, he made a contribution that will forever be enshrined in the hearts of those devoted to the preservation and advancement of individual liberties. Time and again he spoke eloquently on behalf of the constitutional and legal rights of the accused, the unpopular, and the oppressed. Sometimes he spoke on behalf of the Court, sometimes for a minority of the Court, and not infrequently he spoke alone. But always he reflected a humane and an understanding sense of justice.

"His forthright and eloquent defense of the rights of nonconforming individuals and groups, and his burning condemnation of racism, long will cheer and inspire defenders of freedom in a troubled world. His ability to rise above the popular passions of the moment to affirm the eternal virtues of freedom despite the transient emotions engendered by crisis and war will long stand as an example of judicial fearlessness.

"At the same time, the Justice was more than a humanitarian in his judicial labors. He was a hard-headed realist, a courageous fighter for his beliefs in all matters of judicial importance. And he helped to shape significant developments in the fields of constitutional law, labor law, administrative law, Federal-State relationships, and in numerous other aspects of the Court's jurisdiction. But he will probably be remembered, as he would probably want to be remembered, for his defense of human rights and freedoms under the Constitution. While he recognized the limited role of the judiciary in a democratic society, he believed and acted vigorously and constantly on the belief that the protection of the fundamental rights of the individual to freedom of thought, speech, and religion was essential to the preservation of democracy. He was concerned to protect the individual from the abuse of both political and economic power.

"It is accordingly resolved that we express our deep sorrow at the untimely death of Mr. Justice Murphy and our grateful recognition of the enduring contribution made by him to the humanizing of the law, to the vindication of human rights, and to the preservation of the ideal of freedom.

"It is further resolved that the Attorney General be asked to present these resolutions to the Court and to request that they be permanently inscribed upon its record."

Mr. Attorney General McGrath addressed the Court as follows:

"May it please the Court: The Resolutions which have just been read, and the addresses which were delivered earlier this morning

before the Bar of this Court, have described how the late Justice Frank Murphy devoted almost his entire adult life to a most distinguished career of public service. That career is one to which fruitful consideration will be devoted at far greater length than is possible in these proceedings. I speak with personal knowledge, as it was my great privilege to have close associations with him during the major part of his public service. I came to know and value him when he was the Mayor of Detroit, and our friendship continued when he was Governor of Michigan and when he was Governor General of the Philippines. I was United States Attorney for the District of Rhode Island during the period when Justice Murphy was Attorney General of the United States, and, being an officer of the Justice Department, of which the Attorney General is the head, our duties brought us into frequent contact. After Justice Murphy became a member of this Court I appeared here as Solicitor General of the United States.

"So it is that I am here, not only to pay a deserved tribute to a predecessor in the office I now hold, but also to speak of one who was my own chief in the Department of Justice, and who was my personal friend over a long period of years. It is, I believe, rare, indeed, that one who takes part in such ceremonies in an official capacity is privileged to bring to the occasion such an intimate and personal knowledge as I do of the departed Justice in whose memory we are gathered here today.

"Justice Murphy was not one of those who thought that the only necessary or proper support for judicial action was a carefully constructed edifice of precedent. He by no means ignored the past; he accorded it all the respect that he felt was its due. But his realistic humanitarianism convinced him that the problems of today must be handled in a manner that will resolve them practically. He found abhorrent and incomprehensible the idea that old forms, which might indeed have contributed effectively to the attainment of justice in the past, should be permitted to govern in current cases where their operation seemed to him to result only in injustice. 'The law knows no finer hour,' he wrote in his dissent in the *Falbo* case,¹ 'than when it cuts through formal concepts and transitory emotions to protect unpopular citizens against discrimination and persecution.' Similarly, in his concurring opinion in the *Hooven & Allison Co.* case,² wherein this Court held that imports from the Philippine Islands were protected against taxation by the States during the period immediately preceding the attainment of Philippine independence, Justice Murphy supported this view as 'compelled in good measure by practical considerations,' as well as by the 'moral and legal obligations' of the United States to those Islands. Like many great judges of the law before him, Justice Murphy subordinated strict precedent to an altogether human ideal of justice. His was an instinct which is most intimately intertwined with our basic national ideals. And I am profoundly convinced that his decisions were motivated throughout by a deep awareness of those ideals, with an ungrudging and unquestioning dis-

¹ *Falbo v. U. S.*, 320 U. S. 549, 561 (1944).

² *Hooven & Allison Co. v. Evatt*, 324 U. S. 652, 692 (1945).

regard of any personal preferences of his own that might have stood against what he felt to be required by our national principles.

"An outstanding instance of this appears in his actions in the various cases concerning the religious sect called Jehovah's Witnesses, members of which were involved in cases before this Court almost constantly during Justice Murphy's tenure. Another instance is his insistence that constitutional protection be accorded communists.³ A devout Roman Catholic, he disregarded personal preferences which we all know were very dear to him in favor of what his conscience told him to be his duty as a Justice of this Court. His views on the freedoms of religion and of communication were thorough. He consistently believed that their enjoyment should be guaranteed to all persons in whatever manner indulged in except when, as in the *Chaplinsky* case,⁴ the conduct in question was so deeply offensive to other principles vital to our society that the claim to freedom as an exercise of religion could not be tolerated. Thus, for instance, the late Justice wrote in his opinion for the Court in *Hartzel v. U. S.*,⁵ that:

"* * * an American citizen has the right to discuss these matters either by temperate reasoning or by immoderate and vicious invective * * *"

"Justice Murphy was humanitarian in the deepest sense. He had profound confidence and faith in, and complete respect for, the individuals who constitute society. For him it followed logically from such a belief that the personal guarantees contained in the Bill of Rights should occupy a preferred position in the constitutional scheme. These guarantees, often referred to as 'civil liberties' or 'civil rights,' seemed to him to merit special protection by the judiciary, so that the usual presumption of constitutionality should be reversed when the question concerned statutes impinging on these guarantees. In one of his most famous and influential opinions, written for the Court in the case of *Thornhill v. Alabama*,⁶ the late Justice declared that:

"The safeguarding of these rights to the ends that men may speak as they think on matters vital to them and that falsehoods may be exposed through the processes of education and discussion is essential to free government. * * * It is imperative that, when the effective exercise of these rights is claimed to be abridged, the courts should "weigh the circumstances" and "appraise the substantiality of the reasons advanced" in support of the challenged regulations."

"The same emphasis appears in his vigorous dissent from the Court's holding in the first decision in *Jones v. Opelika*.⁷ Tersely, but solemnly, Justice Murphy declared his conviction that 'If this Court is to err in evaluating claims that freedom of speech, freedom of the press, and freedom of religion have been invaded, far better that it err in being overprotective of these precious rights.'

³ *Schneiderman v. U. S.*, 320 U. S. 118.

⁴ *Chaplinsky v. New Hampshire*, 315 U. S. 568 (1942).

⁵ 322 U. S. 680, 689 (1944).

⁶ 310 U. S. 88, 95-96 (1940).

⁷ 316 U. S. 584, 623 (1942).

“He expressed this conviction perhaps most plainly in his dissenting opinion in *Prince v. Massachusetts*.⁸ ‘In dealing with the validity of [these] statutes,’ the late Justice declared:

“* * * we are not aided by any strong presumption of the constitutionality of such legislation. * * * On the contrary, the human freedoms enumerated in the First Amendment and carried over into the Fourteenth Amendment are to be presumed to be invulnerable and any attempt to sweep away those freedoms is prima facie invalid. It follows [he concluded] that any restriction or prohibition must be justified by those who deny that the freedoms have been unlawfully invaded.’

“Justice Murphy was anxious that democracy should exist in action, in practice rather than merely in theory. Accordingly, he was profoundly distressed by manifestations of discriminatory treatment based on race. Governmental actions based on this factor were particularly abhorrent to him. In the *Kahanamoku* case,⁹ which arose from the imposition of martial law in the Hawaiian Islands during the recent war, he protested strongly against the implication that the people of Hawaii, because of their racial situation, should be deprived of trials by jury. He expressed his deep feeling in these moving words:

“‘Especially deplorable, however, is this use of the iniquitous doctrine of racism to justify the imposition of military trials. Racism has no place whatever in our civilization. The Constitution as well as the conscience of mankind disclaims its use for any purpose * * *.’

“In the *Hirabayashi* case,¹⁰ Justice Murphy expressly pointed out in his concurring opinion that ‘Distinctions based on color and ancestry are utterly inconsistent with our traditions and ideals.’ Nevertheless, he did not feel that he could declare unconstitutional the curfew order applied to persons of Japanese ancestry on our West Coast in the early days of the recent war, even though he warned that he considered that the ‘restriction * * * goes to the very brink of constitutional power.’ But further than this he could not go. When the Court in the *Korematsu* case¹¹ held constitutional the wartime removal of Japanese-Americans from the West Coast, Justice Murphy dissented. Solemnly, he declared:

“* * * Such exclusion goes over “the very brink of constitutional power” and falls into the ugly abyss of racism.

* * * * * * * * *

“‘I dissent, therefore, from this legalization of racism. Racial discrimination in any form and in any degree has no justifiable part whatever in our democratic way of life. It is unattractive in any setting but it is utterly revolting among a free people who have embraced the principles set forth in the Constitution of the United States.’

“The strength of his feeling on this subject never waned while he lived. In the *Restrictive Covenant* cases¹² and in *Smith v. Allwright*,

⁸ 321 U. S. 158, 173 (1944).

⁹ *Duncan v. Kahanamoku*, 327 U. S. 304, 334 (1946).

¹⁰ *Hirabayashi v. U. S.*, 320 U. S. 81, 110, 111 (1943).

¹¹ *Korematsu v. U. S.*, 323 U. S. 214, 238, 242 (1944).

¹² *Shelley v. Kraemer*, 334 U. S. 1 (1948); *Hurd v. Hodge*, 334 U. S. 24 (1948).

the *White Primary* case,¹³ he joined the Court in invalidating the enforcement of restrictions against Negroes. Similarly, in the *Steele* case,¹⁴ the late Justice concurred, expressly on constitutional grounds, in the Court's decision invalidating conduct by a labor union, under the Railway Labor Act, to discriminate deliberately against Negroes because of their race. Once again, Justice Murphy gave expression to the principle that 'The Constitution voices its disapproval whenever economic discrimination is applied under authority of law against any race, creed, or color.'

'The importance of procedure and administration in the rendition of justice has long been recognized as fundamental. The late Justice Murphy regarded it to be the duty of the Court to insist on strict adherence to all the requirements of procedural fairness set out in Constitution and statute. His vigorous dissent in the *Yamashita* case,¹⁵ objecting to 'the needless and unseemly haste' of the conviction there; his strong statements in the *Lyons* case¹⁶ on the extreme impropriety of admitting in evidence a second confession which was obtained after a first one had been coerced; the exceptionally clear analysis characterizing his dissent in *Akins v. Texas*,¹⁷ which involved the constitutionality of the selection of a jury; his insistence on the fullest definition of an accused person's right to counsel in the *Canizio* case;¹⁸ his attitude toward police search and seizure as evidenced in his *Harris*¹⁹ and *Trupiano*²⁰ opinions: these and many others of his written expressions from this Bench amply testify to his awareness of and concern with the procedural protections to individual liberty.

'The late Justice Murphy was a great humanitarian, who combined with his humanity and idealism a practical realism which moved him always to emphasize the need for effective solutions to actually existing problems. His practical idealism proved to be a precious endowment to the people of his city, his State, and his Nation. It is a quality all too rarely found in men. All of us have reason to feel deeply the absence of Frank Murphy from our midst.

'Therefore, may it please the Court: On behalf of the Bar of this Court, who speak in this matter for all the lawyers in our land, I move that the Resolutions in memory of the late Justice Frank Murphy be accepted by the Court and that, together with the chronicle of these proceedings, they be spread upon the permanent records of this Court.'

THE CHIEF JUSTICE said:

'Mr. Attorney General: It is with a satisfaction tinged with sadness that I accept on behalf of the Court the Resolutions which have just been tendered—satisfaction, because those Resolutions demonstrate the appreciation which the Bar has for the works of Frank Murphy, late Associate Justice of this Court, and the respect which it holds for his memory; sadness, because of the absence from our midst

¹³ 321 U. S. 649 (1944).

¹⁴ *Steele v. L. & N. R. R. Co.*, 323 U. S. 192, 209 (1944).

¹⁵ *In Re Yamashita*, 327 U. S. 1, 26, 28 (1946).

¹⁶ *Lyons v. Oklahoma*, 322 U. S. 596, 605 (1944).

¹⁷ 325 U. S. 398, 407 (1945).

¹⁸ *Canizio v. New York*, 327 U. S. 82, 87 (1946).

¹⁹ *Harris v. U. S.*, 331 U. S. 145, 183 (1947).

²⁰ *Trupiano v. U. S.*, 334 U. S. 699 (1948).

of this kindly friend and brother. It is often said in ceremonies of this nature that the esteem of one's fellows is the highest accolade which can be accorded one in the legal profession. The many eloquent expressions of regret which came from so many different elements of our Nation at his demise have been no more sincere or laudatory than your own. For one who never attempted or professed to be a 'lawyer's lawyer,' your Resolutions thus become the highest of praise.

"Full of the proverbial Irish wit and charm, Frank Murphy created an atmosphere of warmth and friendship wherever he went. His companionship was a constant delight to those of us who shared it. Although you, Mr. Attorney General, and you, Mr. Solicitor General, have indicated the awareness of the Bar to some of his most outstanding services, I should like to recount them once again, for I believe that the essence and spirit of Frank Murphy can best be revealed by the manner in which he administered the many distinguished offices which he attained.

"Frank Murphy's history is one of Government service. He held high office almost from the day he finished his graduate work in London and Dublin to the date of his death. As an Assistant United States Attorney, he prosecuted with effective vigor the graft and corruption which plague government systems. As a municipal judge from 1923 to 1930, he instituted criminal reforms in his court and won Nation-wide praise for the manner in which he conducted the *Sweet* case. This trial took place in an ugly atmosphere of race prejudice and hysteria. Your Resolutions set forth that 'the community, despite its original hostility, was convinced that the trial was fairly conducted from the standpoint of the community as well as the defendants.' His steadfastness was an application of a facet of his belief which remained with him always—that our democratic system insists upon equal protection for all persons, including minorities, at all times. As Mayor of Detroit, in the depression years of 1930-1933, he labored to diminish the unhappy plight of the jobless and needy.

"Serving as Governor General and United States High Commissioner to the Philippines from 1933 to 1936, he won and retained the affection and esteem of the people of those Islands till the day of his death. With his assistance and counsel, necessary reforms in the government of those Islands were instituted and the transition from the status of possession to independence was made easier.

"His administration as Governor of the State of Michigan from 1937 to 1938 was marked by his efforts to resolve two evils—depression and industrial strife. Both he met characteristically, the former by calling a special session of the legislature in order to obtain money to feed the starving—a function of the State he called 'elementary humanity'—the latter by refusing to evict forcibly the sit-down strikers. This decision, which brought him national prominence once again, illustrated his belief in the ability of the American people to solve the most difficult problems of the day by the use of the peaceful means of negotiation and conference. Indeed, this insistence upon the measures of the conference table, rather than the bayonet, char-

acterized his entire administration of the industrial-relations dilemma of one of our most highly industrialized States. Criticized at the time as ineffectual and too partial, that approach, in the minds of many, has been vindicated by the subsequent history of labor-management relationships.

"And, as Attorney General of the United States from 1939 to 1940, he attained a large measure of renown because of the integrity and care with which his recommendations for judicial office were made. But, his proudest achievement during this period was the establishment of a Civil Rights Section in the Department of Justice to provide the full weight of the Executive Branch of the Federal Government in assuring the civil liberties of all of its citizens.

"Let it not be thought, however, that this impressive list of Frank Murphy's achievements, which I have related and those characteristics which I have emphasized, derogate from the other and perhaps more routine aspects of his positions, for what ranked this man above so many of his fellow citizens was his ability to accomplish ably and to the fullest every detailed requirement of his offices, while never neglecting or forgetting his ideals. Rare is the man with courage and conviction who attains an office which will enable him to effectuate those convictions. Frank Murphy held many such offices. Rarer still is the man who, having attained high office, is able to hold fast to those ideals without serious compromise, and yet is able to effect substantial practical achievements consistent with those ideals. Frank Murphy was such a man.

"The particularized actions and positions I have cited do not completely describe the man; they remain but indicia of his character. Though he was sociable and friendly, he limited himself in joining organizations lest there be a question as to the obligations he owed those associations. Devout, he joined in opinions of this Court that protected those who most bitterly assailed the religion to which he was deeply devoted. Peace-loving, he volunteered and served his country as an infantry officer in the First World War, and indeed sought service in World War II, because of his conviction that it was necessary to fight to preserve the democracy he loved. Tolerant, in the noncondescending sense of the word, he became the protagonist of the freedoms of those who were charged with attempting to destroy those very freedoms.

"When Frank Murphy was appointed an Associate Justice of this Court in 1940, he had already prosecuted fraud in high places. He had witnessed the devastating effects of race prejudice and had battled poverty and hunger. He had assisted labor to rise to a new position of respect in the community, and had helped mediate some of the most violent struggles between management and labor. He had seen imperfections in a criminal system in this country and had assisted in the development of a foreign land from a possession to a self-administering nation. It was inevitable that Frank Murphy's frame of reference had as its centerpiece a vigilant defense of the underdog and an unassailable belief in the overwhelming importance of the individual.

"Frank Murphy would have been proud of the emphasis which your Resolutions have placed on his stand on those issues which have come to be known as civil liberties issues, for he himself characterized civil liberties as 'the hallmarks of civilization' and the 'finest contribution America has made to civilization.' This conviction, formed in those earlier years and nurtured while on this Court, crystallized in his statement that 'the law knows no finer hour than when it cuts through formal concepts and transitory emotions to protect unpopular citizens against discrimination and persecution.' In his philosophy, the most important function of government in general, and this Court, in particular, was the protection of individual freedom and thought from restriction.

"In our accentuation of his vigorous stand on civil liberties and labor issues we tend to forget the many other problems which received his attention. Whatever the problem, each of his votes was his considered judgment, each of his opinions a clear and careful development of the issues. It is interesting to note, for example, that almost one-third of the majority opinions he wrote for this Court were concerned with tax matters. His views on the power of both State and national legislatures to alter existing economic conditions; his belief that State statutes should not be upset merely because there was a possibility that they conflicted with federal law; his respect for the determinations of administrative tribunals all received eloquent expression in his opinions. It was in those areas of the law, however, with which his experience had made him most familiar, that he became the zealot, the protagonist, the valiant defender. I shall not repeat at this time the citations to those opinions which are still fresh in our memories. No matter what our own conclusions of the merits of his views of those famous cases, Frank Murphy's fluent and cogent presentation will ever force us to reflect on considerations which are often submerged by the stress of modern times.

"Frank Murphy was, is, and, for years, will continue to be a controversial figure. Whenever and wherever democracy is lived or discussed, the problem of the individual versus the state will occupy men's thoughts and deeds. Frank Murphy's opinions, whether he was writing for the Court, for himself and others in separate agreement, or vigorous dissent, will be censured or revered, depending upon one's own predilections. Whatever may be history's decision, however, on his wisdom or the accuracy of his fears, all who read his words will be impressed with his integrity, his courage, and his faith in the principles for which he stood.

"As municipal, State, territorial, or federal executive, administrator, or judge, Frank Murphy lived by the conviction that all men, if not created in equal circumstances, must be treated equally before the law and the majority who enact the law—that all men must be given the opportunity to attain that equality of circumstance. By his life and his deeds, those ideals were nourished and grew strong. By virtue of his own character, the democracy he loved gained compassion and vigor.

"Let the minutes of the Resolutions be spread on the records of this Court."

Connor Wright Patman, of Texarkana, Tex.; Forbes D. Shaw, of New York, N. Y.; Louis Edward Hart, Jr., of Chicago, Ill.; John H. Bishop, of Chicago, Ill.; Fred H. Mandel, of Cleveland, Ohio; Muriel C. Read, of New York, N. Y.; Henry G. Wenzel III, of Bay Shore, N. Y.; Sidney Shemel, of New York, N. Y.; Walter Sczudlo, of Miami, Fla.; Mabel McWherter, of Cleveland, Ohio; and Evelyn G. DeWitt, of Cleveland, Ohio, were admitted to practice.

No. **363**. 62 Cases, More or Less, each containing six jars of jam, etc., et al., petitioners, *v.* The United States of America. Argument continued by Mr. Robert L. Stern for the respondent and concluded by Mr. Benjamin F. Stapleton, Jr., for the petitioners.

No. **364**. The United States of America, petitioner, *v.* Allied Oil Corporation, P. M. Liquor Corporation, et al. Argued by Mr. Robert W. Ginnane for the petitioner and by Mr. Thomas J. Downs and Mr. Theodore R. Sherwin for the respondents.

No. **376**. Milton Harold Wilson, petitioner, *v.* State of Louisiana. Argument commenced by Mr. Lubin F. Laurent for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, March 7, will be as follows: Nos. **376**, **301**, **399**, **310**, **433**, **421**, **435**, and **420**.

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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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

J. Harry Wagner, of Melrose Park, Pa.; Richard Keller Wagner, of Philadelphia, Pa.; Charlie H. Johns, Jr., of Washington, D. C.; Samuel R. Howell, of Washington, D. C.; John A. Moss, of Reading, Pa.; Elmo James Burke, Jr., of San Antonio, Tex.; C. Joseph Stetler, of Arlington Village, Va.; Harold B. Haas, of San Francisco, Calif.; and Alva L. Fenn, of Hutchinson, Kans., were admitted to practice.

No. 376. Milton Harold Wilson, petitioner, *v.* State of Louisiana. Argument continued by Mr. Lubin F. Laurent for the petitioner; by Mr. Michael E. Culligan for the respondent and concluded by Mr. Frank H. Langridge for the respondent.

No. 301. Paul Moser, petitioner, *v.* The United States of America. Argued by Mr. Jack Wasserman and Mr. Morris E. Vogel for petitioner and by Mr. Stanley M. Silverberg for the respondent.

No. 399. Jack H. Breard, appellant, *v.* City of Alexandria. Argument commenced by Mr. E. Russell Shockley for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, March 8, will be as follows: Nos. 399, 310, 433, 421, 435, and 420.

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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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

Elmer H. Adkins, Jr., of Miami, Fla.; Thomas B. Gilmore, of Chicago, Ill.; John C. Early, of New York, N. Y.; Elmer Loyd Saunders, of Los Angeles, Calif.; Reeves Bowen, of Tallahassee, Fla.; Louis B. Heller, of New York, N. Y.; Isidore Dollinger, of New York, N. Y.; and Louis F. Alyea, of Chicago, Ill., were admitted to practice.

No. 399. Jack H. Breard, appellant, *v.* City of Alexandria, La. Argument continued by Mr. E. Russell Shockley for the appellant and concluded by Mr. Frank H. Peterman for the appellee.

No. 310. California State Automobile Association Inter-Insurance Bureau, appellant, *v.* Wallace K. Downey, Insurance Commissioner of the State of California. Argued by Mr. Moses Lasky for the appellant and by Mr. Harold B. Haas for the appellee.

No. 433. The United States of America and Interstate Commerce Commission, appellants, *v.* Champlin Refining Company. Argument commenced by Mr. Charles H. Weston for the appellants.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, March 9, will be as follows: Nos. 433, 421, 435, and 420.

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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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

E. Clark Davis, of Chicago, Ill., and Quayle B. Smith, of Washington, D. C., were admitted to practice.

No. 433. The United States of America and Interstate Commerce Commission, appellants, *v.* Champlin Refining Company. Argument continued by Mr. Charles H. Weston for the appellants and concluded by Mr. Dan Moody for appellee.

No. 421. Reginald Hammerstein, petitioner, *v.* The Superior Court of the State of California, in and for the County of Los Angeles, et al. Argued by Mr. Milton A. Rudin for petitioner and by Mr. E. Loyd Saunders for respondents.

No. 435. Bowman Dairy Company et al., petitioners, *v.* The United States of America and Willis L. Hotchkiss. Argued by Mr. L. Edward Hart and Mr. Walter J. Cummings, Jr., for the petitioners and Mr. Peyton Ford for the respondents.

No. 420. Samuel Shepherd and Walter Irvin, petitioners, *v.* State of Florida. Argued by Mr. Franklin H. Williams and Mr. Robert L. Carter for the petitioners and Mr. Reeves Bowen for the respondent.

Adjourned until Monday, March 12, 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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

Thomas J. Barton, of Chicago, Ill.; Helen Silving, of New York, N. Y.; Harold L. Russell, of Atlanta, Ga.; and James H. Wilson, Jr., of Atlanta, Ga., were admitted to practice.

No. 296. Genevieve Johnson, petitioner, *v.* Eleanor Muelberger. On writ of certiorari to the Court of Appeals of the State of New York. Judgment reversed with costs and case remanded to the Court of Appeals for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Reed. Dissenting: Mr. Justice Frankfurter. Mr. Justice Minton took no part in the consideration or decision of this case.

The Chief Justice announced the following orders of the Court:

No. 294, Misc. L. L. Moore, an individual doing business as Moore's Bakery, petitioner, *v.* Mead Service Company et al. On petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit. *Per Curiam*: The motion for leave to proceed *in forma pauperis* and the petition for writ of certiorari are granted. The judgment of the Court of Appeals is vacated and the case is remanded to that court for further consideration in the light of *Kiefer-Stewart Co. v. Joseph E. Seagram and Sons*, No. 297, October Term, 1950, decided January 2, 1951.

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. 352. Timken Roller Bearing Company, appellant, *v.* The United States of America. The motion of appellant to postpone argument of this case until next term is denied.

No. 209. Emich Motors Corporation and U. S. Acceptance Corporation, petitioners, *v.* General Motors Corporation and General Motors

Acceptance Corporation. It is ordered that the concluding paragraph of the opinion of this Court in this case be amended to read as follows: "The case is remanded to the Court of Appeals with directions to modify its judgment to conform with this opinion." It is further ordered that the judgment of this Court entered on February 26, 1951, be amended accordingly. Mr. Justice Minton took no part in the consideration or decision of this question.

No. 556. Donald R. Doremus and Anna E. Klein, appellants, *v.* Board of Education of the Borough of Hawthorne and the State of New Jersey. Further consideration of the question of the jurisdiction of this Court in this case and of the motion to dismiss or affirm is postponed to the hearing of the case on the merits.

No. 513. Samuel Hoffman, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Third Circuit granted.

No. 364, Misc. Herman Lee Ross, petitioner, *v.* The 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 Texas is granted and the case is transferred to the appellate docket and placed on the summary docket.

No. 472. Lafayette Steel Co., Inc., petitioner, *v.* Lustron Corporation et al. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 507. Reconstruction Finance Corporation, petitioner, *v.* Lustron Corporation et al. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 475. Borg-Warner Corporation, in its own right and as successor to The Marvel Carburetor Company, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 512. Hiram Reynolds, petitioner, *v.* The Baltimore and Ohio Railroad Company. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 518. The Montana Power Company, petitioner, *v.* Federal Power Commission. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 521. Robert W. Hart and Ellen Brown Hart, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Fourth Circuit denied.

No. 523. Harry Goldman, petitioner, *v.* General Mills, Inc. Petition for writ of certiorari to the Court of Appeals for the Eighth Circuit denied.

No. 414. M. L. McMakin and James B. Wakefield, Trustees for the Wakefield Realty Company, petitioners, *v.* City of Richlawn et al. Petition for writ of certiorari to the Court of Appeals of Kentucky dismissed for failure to comply with the rules.

No. 484. Vrilium Products Co., a Corporation, Robert T. Nelson, Jr., and George C. Erickson, petitioners, *v.* The United States of America. Motion to dispense with printing the record granted. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 520. Alger Hiss, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied. Mr. Justice Reed, Mr. Justice Frankfurter, and Mr. Justice Clark took no part in the consideration or decision of this application.

No. 528. James A. Moffett, petitioner, *v.* Arabian American Oil Company, Inc., formerly known as California Arabian Standard Oil Company, Inc. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied. Mr. Justice Black is of the opinion certiorari should be granted. Mr. Justice Clark took no part in the consideration or decision of this application.

No. 532. John S. Ottley, petitioner, *v.* St. Louis-San Francisco Railway Company. Petition for writ of certiorari to the Supreme Court of Missouri denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion certiorari should be granted.

No. 552. Emory S. Land, Edward Macauley, John M. Carmody, et al., petitioners, *v.* R. Stanley Dollar et al.; and

No. 353. Emory S. Land, Edward Macauley, John M. Carmody, et al., etc., petitioners, *v.* R. Stanley Dollar, Dollar Steamship Line, et al. The petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit in No. 552 is denied. The motion for leave to file petition for rehearing in No. 353 is denied. The motion of Ralph K. Davies and others for leave to file brief as amici curiae in Nos. 353 and 552 is denied. Mr. Justice Black and Mr. Justice Clark took no part in the consideration or decision of these applications.

No. 265, Misc. John Edwin Byers, petitioner, *v.* Walter A. Hunter et al. Petition for writ of certiorari to the Court of Appeals for the Tenth Circuit denied.

No. 291, Misc. Charles E. George, petitioner, *v.* State of Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 305, Misc. Joseph Donnelly, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Tenth Circuit denied.

No. **325**, Misc. William Mahler, petitioner, *v.* People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. **363**, Misc. Bud Buderus, petitioner, *v.* People of the State of New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. **375**, Misc. James R. Colbert, petitioner, *v.* Dr. John W. Claudy, Warden, Western State Penitentiary, etc. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. **381**, Misc. State ex rel. Robert Ballard Bailey, petitioner, *v.* Oral J. Skeen, Warden of the State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. **382**, Misc. Joseph Lorenzo, petitioner, *v.* Commonwealth of Pennsylvania et al. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. **320**, Misc. In the Matter of the Application of Alexander G. Jeronis, petitioner. The motion for leave to file petition for writ of habeas corpus and certiorari and the petition for appeal are denied.

No. **358**, Misc. Eusebius James Biggs, petitioner, *v.* Philip Sullivan et al. The motion for leave to file petition for writ of mandamus and the petition for temporary restraining order are denied.

No. **370**, Misc. Cleio Hull, petitioner, *v.* Julian N. Frisbie, Warden, State Prison of Southern Michigan. The motion for leave to file petition for writ of certiorari is denied.

No. **391**, Misc. Russell L. Broadus, petitioner, *v.* The United States of America. Application denied.

Adjourned until Monday, March 26, next, at 12 o'clock.

The day call for Monday, March 26, will be as follows: No. **565**.

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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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

Joseph G. Street, of San Antonio, Tex.; Clifton W. Whaling, of Detroit, Mich.; Harold Anderson, of Brooklyn, N. Y.; Richard M. Boesen, of Baltimore, Md.; William Egan Colby, of New York, N. Y.; J. Paul Madsen, of Norwalk, Calif.; V. Gutierrez Franqui, of San Juan, P. R.; Clement I. Nusbaum, of Washington, D. C.; Loder L. Patterson, of Ocala, Fla.; Hugh H. Howell, Jr., of Atlanta, Ga.; Margaret A. Brand, of Dallas, Tex.; W. W. Herron, of Trenton, Tenn.; Edward G. Mikol, of Chicago, Ill.; Donald E. Mihan, of Waukegan, Ill.; Ruth Cave Flowers, of Washington, D. C.; John Franklin Swain, of San Francisco, Calif.; William Siskind, of New York, N. Y.; Chester A. Hahn, of New York, N. Y.; Elmer Page Madsen, of New York, N. Y.; Robert M. Murray, of Kansas City, Mo.; Charles V. Koons, of Washington, D. C.; William A. Kehoe, Jr., of Washington, D. C.; David S. Malis, of Philadelphia, Pa.; Richard B. Malis, of Philadelphia, Pa.; Robert H. Malis, of Philadelphia, Pa.; Bernard A. Saslow, of New York, N. Y.; and Richard J. Burke, of New York, N. Y., were admitted to practice.

No. 344. The United States of America, petitioner, *v.* Warren V. Moore and Mrs. Warren V. Moore. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment of the Court of Appeals reversed and cause remanded to that court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Clark. Dissenting: Mr. Chief Justice Vinson, Mr. Justice Douglas, Mr. Justice Black, and Mr. Justice Frankfurter.

No. 132. Spector Motor Service, Inc., a Corporation, petitioner, *v.* Charles J. McLaughlin, Tax Commissioner, Dennis P. O'Connor, substituted defendant. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment of the Court of Appeals reversed with costs and case remanded to the United States District Court for the District of Connecticut for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Burton. Dissenting opinion by Mr. Justice Clark in which Mr. Justice Black and Mr. Justice Douglas join.

No. 363. 62 Cases, more or less, each containing Six Jars of Jam, assorted flavors, etc., and Pure Food Manufacturing Company, petitioners, *v.* The United States of America. On writ of certiorari to the United States Court of Appeals for the Tenth Circuit. Judgment reversed and case remanded to the United States District Court for the District of New Mexico for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black concurs.

No. 347. The United States, petitioner, *v.* Ellis R. Lewis. On writ of certiorari to the United States Court of Claims. Judgment reversed and cause remanded to the Court of Claims for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Douglas.

No. 421. Reginald Hammerstein, petitioner, *v.* The Superior Court of the State of California, in and for the County of Los Angeles, et al. On writ of certiorari to the District Court of Appeal of the State of California, Second Appellate District, and to the Supreme Court of California. Cause continued for such period as will enable counsel for the petitioner to apply to the appropriate California courts for certificate or other expression, to show whether the judgments herein rest on adequate and independent state grounds or whether decision of the federal question was necessary to the judgments rendered. Opinion *per curiam* announced by Mr. Chief Justice Vinson.

The Chief Justice announced the following order of the Court:

No. 585. Pauline Prunk and Byron F. Prunk, appellants, *v.* Indianapolis Redevelopment Commission of the Department of Redevelopment of the City of Indianapolis et al. Appeal from the Supreme Court of Indiana. *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. —. Communist Party of the United States, petitioner, *v.* J. Howard McGrath, Attorney General of the United States. The petition for an extension of the stay order is denied.

No. 425. National Labor Relations Board, petitioner, *v.* Highland Park Manufacturing Company. The motion for leave to appear and

present oral argument on behalf of Congress of Industrial Organizations as amicus curiae is denied.

No. 511. Charles Sickman, Paul L. Ryal, Kenneth L. Martin, et al., petitioners, *v.* The United States of America. The motion for leave to substitute Beatrice Sickman, Executrix, as a party petitioner in the place and stead of Charles Sickman, deceased, is granted.

No. 577. Thelma Gerende, appellant, *v.* Board of Supervisors of Elections of Baltimore City. In this case probable jurisdiction is noted and the case is assigned for argument on Monday, April 9, next.

No. 519. The United States of America, petitioner, *v.* Jesse W. Jeffers, Jr. The petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit is granted.

No. 505. Michael Obermeier, petitioner, *v.* The United States of America; and

No. 557. The United States of America, petitioner, *v.* Michael Obermeier. Petitions for writs of certiorari to the Court of Appeals for the Second Circuit denied.

No. 515. John D. Reilly, petitioner, *v.* Hon. Henry W. Goddard, United States District Judge. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 524. John E. Lydon and Martha Lydon, his wife, petitioners, *v.* R. W. Carney and Dorothy Carney, his wife. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 526. Thelma D. Parr and George B. Parr, petitioners, *v.* Frank Scofield, individually and as United States Collector of Internal Revenue. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 527. Larry V. and Margaret E. Geer, d. b. a. Larry Geer Ballrooms, petitioners, *v.* William E. Birmingham et al., as Executors of the Estate of E. H. Birmingham, etc. Petition for writ of certiorari to the Court of Appeals for the Eighth Circuit denied.

No. 531. Dallas County Water Control and Improvement District No. 3 et al., petitioners, *v.* City of Dallas et al. Petition for writ of certiorari to the Supreme Court of Texas denied.

No. 533. Sokol Brothers Furniture Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 539. Clarence O. Craven, petitioner, *v.* Atlantic Coast Line Railroad Company. Petition for writ of certiorari to the Court of Appeals for the Fourth Circuit denied.

No. 540. Washington Gas Light Company, petitioner, *v.* Vernon V. Baker; and

No. 548. Public Utilities Commission of the District of Columbia, petitioner, *v.* Vernon V. Baker. Petitions for writs of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 542. Harry Minkoff and Bernard Boruck, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 543. The Honorable Richard S. Rodney, United States District Judge, I. B. Adelman, et al, petitioners, *v.* Paramount Pictures, Inc. et al. Petition for writ of certiorari to the Court of Appeals for the Third Circuit denied.

No. 544. Abram P. Steckel, petitioner, *v.* Reuben L. Lurie and Abraham T. Alper, Copartners doing business under the firm name and style of Lurie and Alper. Petition for writ of certiorari to the Court of Appeals for the Sixth Circuit denied.

No. 545. Charles E. Smith and Sons Company, Hall C. Smith, Transferee, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Court of Appeals for the Sixth Circuit denied.

No. 549. Jennings-Watts Oil Company, Inc., petitioner, *v.* Cornelius Gilbert, doing business under the firm name and style of Gilbert Storage and Transfer Company, et al. Petition for writ of certiorari to the Court of Appeals for the Fourth Circuit denied.

No. 553. Moran Transportation Corporation, petitioner, *v.* Administratrix of Vittorio Mellino and Todd Shipyards Corporation. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 555. R. H. Oswald Company, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 563. A. C. Merrick and John R. Kneebone, d. b. a. Brookfield Laboratories, petitioners, *v.* Sharp and Dohme, Inc. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 570. Monroe B. Levoy, petitioner, *v.* Styl-Rite Optical Corporation and Ideal Optical Co., Inc. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 572. Delta Drilling Company, Sinclair Oil and Gas Company, and W. F. Lacy, et al., petitioners, *v.* Thomas E. Arnett. Petition for writ of certiorari to the Court of Appeals for the Sixth Circuit denied.

No. 582. Charles D. Redwine, Revenue Commissioner of the State of Georgia, petitioner, *v.* Dan River Mills, Inc. Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. 522. Lester Cole, petitioner, *v.* Loew's Incorporated. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied. Mr. Justice Clark took no part in the consideration or decision of this application.

No. 260, Misc. James Clark, petitioner, *v.* United States of America. Petition for writ of certiorari to the Court of Appeals for the Tenth Circuit denied.

No. 279, Misc. Anthony Tacoma, petitioner, *v.* William H. Hiatt, Warden, United States Penitentiary, Atlanta, Georgia. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 298, Misc. Michael Francis Slavik, petitioner, *v.* Watson B. Miller, Commissioner of Immigration and Naturalization. Petition for writ of certiorari to the Court of Appeals for the Third Circuit denied.

No. 327, Misc. Earl W. Taylor, petitioner, *v.* J. Howard McGrath, Attorney General of the United States, et al. Petition for writ of certiorari to the United States District Court for the Western District of Missouri.

No. 336, Misc. Carter Caldwell, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Sixth Circuit denied.

No. 342, Misc. Frank Marino, petitioner, *v.* State of West Virginia. Petition for writ of certiorari to the Intermediate Court of Kanawha County, West Virginia, denied.

No. 371, Misc. David Leon O'Hara, petitioner, *v.* Clarence P. Burford, Warden, Oklahoma State Penitentiary. Petition for writ of certiorari to the Criminal Court of Appeals of Oklahoma denied.

No. 378, Misc. Potter Title and Trust Company, Administrator of the Estate of Joseph Engel, deceased, petitioner, *v.* Ohio Barge Line, Inc. Petition for writ of certiorari to the Court of Appeals for the Third Circuit denied.

No. 383, Misc. Harold L. Lawrence, petitioner, *v.* Ralph N. Eidson, Warden of Missouri State Penitentiary. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 384, Misc. Paul A. Johnson, petitioner, *v.* Cook County Criminal Court, Chicago, Illinois, et al. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 389, Misc. Talbot Jennings, petitioner, *v.* Joseph E. Ragen, Warden, Illinois State Penitentiary. Petition for writ of certiorari to the Circuit Court of Will County, Illinois, denied.

No. 394, Misc. Tom King, petitioner, *v.* John R. Cranor, Supt. of Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 396, Misc. John Phillip Medley, petitioner, *v.* Ralph N. Eidson, Warden, Missouri State Penitentiary. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 397, Misc. George W. Van Horn, petitioner, *v.* Browning Robinson, Warden, Illinois State Penitentiary. Petition for writ of certiorari to the Circuit Court of Clay County, Illinois, denied.

No. 401, Misc. Ray F. Harris, petitioner, *v.* Browning Robinson, Warden, Illinois State Penitentiary, Menard, Illinois. Petition for writ of certiorari to the Circuit Court of Sangamon County, Illinois, denied.

No. 405, Misc. Edward James Smythe, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Third Circuit denied.

No. 385, Misc. Everett Franklin, petitioner, *v.* R. L. Maxwell, Judge of the Circuit Court of Washington County, Illinois, et al. The petition for writ of certiorari to the Circuit Court of Washington County, Nashville, Illinois, is denied without consideration of the questions raised therein and without prejudice to the institution by petitioner of proceedings in any Illinois state court of competent jurisdiction under the Act of August 4, 1949, entitled: "An Act to provide a remedy for persons convicted and imprisoned in the penitentiary, who assert that rights guaranteed them by the Constitution of the United States or the State of Illinois, or both, have been denied or violated, in proceedings in which they were convicted."

No. 392, Misc. Leroy M. Schneider, petitioner, *v.* People of the State of California et al.; and

No. 400, Misc. Dan Williams, Jr., petitioner, *v.* Dr. Winfred Overholser. The motions for leave to file petitions for writs of habeas corpus in these cases are denied.

No. 402, Misc. Irene B. Whetstone, petitioner, *v.* T. P. O'Donovan, U. S. Marshal for the Northern District of Illinois, et al. The motion for leave to file petition for writ of mandamus is denied.

No. 417, Misc. Willie McGee, petitioner, *v.* Albert Jones, as Sheriff of Hinds County, Mississippi, et al. The motions for leave to file briefs of National Lawyers Guild and United Electrical, Radio and Machine Workers of America, as amici curiae, are denied. The motion for leave to file petition for writs of habeas corpus and/or certiorari is denied.

The Court will take a recess at the conclusion of the argument in case No. 565 until Monday, April 9, next.

No. 565. Radio Corporation of America, National Broadcasting Company, Inc., et al., appellants *v.* The United States of America, Federal Communications Commission, et al. Four hours allowed for oral argument. Argument commenced by Mr. John T. Cahill for the appellants, Radio Corporation of America, et al.; continued by Mr. Simon H. Rifkind for the appellant, Emerson Radio and Phonograph Corp.; by Mr. Alfred Kamin for the appellant, Local 1031, International Brotherhood of Electrical Workers, A. F. of L.; and by Mr. Samuel I. Rosenman for the appellee, Columbia Broadcasting System, Inc.

Adjourned until tomorrow, March 27, at 12 o'clock.

The day call for Tuesday, March 27, will be as follows: No. 565.

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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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

Paul Alan Goodin, of Seattle, Wash., was admitted to practice.

No. 554. United States National Bank of Denver et al., as Executors of the Estate of George P. Dickey, petitioners, *v.* Ruby Dickey Bartges. Petition for writ of certiorari to the Supreme Court of Colorado dismissed on motion of counsel for the petitioners.

No. 565. Radio Corporation of America, National Broadcasting Company, Inc., et al., appellants, *v.* The United States of America, Federal Communications Commission, et al. Upon consideration of the motion of the appellants for an extension of the stay granted by the District Court, it is ordered that the order of the Federal Communications Commission entered herein be, and the same is hereby, stayed pending the issuance of the mandate of this Court.

No. 565. Radio Corporation of America, National Broadcasting Company, Inc., et al., appellants, *v.* The United States of America, Federal Communications Commission, et al. Argument continued by Mr. Samuel I. Rosenman for the appellee, Columbia Broadcasting System, Inc.; by Mr. Solicitor General Perlman for appellees, The United States and the Federal Communications Commission; and concluded by Mr. John T. Cahill for appellants, Radio Corporation of America et al.; and case submitted by Mr. A. L. Schapiro and Mr. B. C. Schiff for the Intervenor-Appellant, Pilot Radio Corporation.

Adjourned until Monday, April 9, next, at 12 o'clock.

The day call for Monday, April 9, will be as follows: Nos. 577, 425, 442 (and 443), 446, 461, 473 (and 474), 476, and 479.

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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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

William T. Bennett, of Clinton, La.; Saul Stone, of New Orleans, La.; Ralph J. Bartlett, of Columbus, Ohio; Toby Morris, of Lawton, Okla.; Preston E. Peden, of Altus, Okla.; Roland Stokes Neeson, Sr., of Atlanta, Ga.; Israel Aron, of Covington, Ky.; Theodore Frank Gardner, of Cincinnati, Ohio; William Donald Kelly, of Little Rock, Ark.; John R. Stockham, of Saint Louis, Mo.; William H. Murphy, of Baltimore, Md.; Harold Buchman, of Baltimore, Md.; Mitchell A. Dubow, of Baltimore, Md.; Leon Strauss, of Brooklyn, N. Y.; Millard N. Bush, of New York, N. Y.; Edward W. FitzGerald, of New York, N. Y.; W. A. Snow, of Chicago, Ill.; Edward Sternberg, of Chicago, Ill.; Charles Cook Howell, Jr., of Jacksonville, Fla.; William Mizelle Howell, of Jacksonville, Fla.; Harold H. Meloy, of Shelbyville, Ind.; Harold I. Cole, of New York, N. Y.; Samuel Gottlieb, of New York, N. Y.; Arthur A. Moynihan, of New York, N. Y.; Roger M. Currier, of Chicago, Ill.; William R. Ward, of Wichita, Kans.; Leonard Estrin, of Newark, N. J.; Murray F. Cleveland, of New Orleans, La.; William W. Whitson, of Toms River, N. J.; Chester H. Johnson, of San Antonio, Tex.; Edgar E. Barton, of New York, N. Y.; Herman T. VanMell, of Chicago, Ill.; Robert M. Springer, of Oklahoma City, Okla.; James Garnett, of Louisville, Ky.; Richard B. Finn, of Chicago, Ill.; Otto Roy Thomas Bowden, of Jacksonville, Fla.; Theo Hamilton, of Jacksonville, Fla.; Oscar M. Bisant, Jr., of Jacksonville, Fla.; Paul W. Norton, of Boston, Pa.; Lewis R. Ricketts, of Lincoln, Nebr.; William P. Farnsworth, of New York, N. Y.; William S. Beinecke, of New York, N. Y.; Edgar Paul Boyko, of Baltimore, Md.; Max R. Kraus, of Chicago, Ill.; Eli Mullin, of Chicago, Ill.; William Andrew McClain, of Cincinnati, Ohio; and J. Pierre Kolisch, of New York, N. Y., were admitted to practice.

No. 301. Paul Moser, petitioner, *v.* The United States of America. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment of the Court of Appeals reversed and case remanded to the United States District Court for the Eastern District

of New York for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Minton. Mr. Justice Douglas concurs in the result.

Mr. Justice Black and Mr. Justice Frankfurter agree with the Court's decision and opinion that Moser did not waive his rights of citizenship. Questions regarding the scope of the Treaty of 1850 and the bearing of the Selective Service Act of 1940 on the Treaty are therefore not reached and should not be considered.

No. 295. Colonel Henry S. Robertson, President, Army Review Board, petitioner, *v.* Robert H. Chambers. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment of the Court of Appeals reversed and case remanded to the United States District Court for the District of Columbia for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas.

No. 147. The State of West Virginia, *ex rel.* Dr. N. H. Dyer, et al., etc., petitioners, *v.* Edgar B. Sims, Auditor of the State of West Virginia. On writ of certiorari to the Supreme Court of Appeals of the State of West Virginia. Judgment reversed with costs and case remanded for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Frankfurter. Mr. Justice Black concurs in the result. Concurring opinion by Mr. Justice Reed. Concurring opinion by Mr. Justice Jackson.

No. 252. American Fire and Casualty Company, petitioner, *v.* Florence C. Finn. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. The judgment of the Court of Appeals is reversed and cause remanded to the United States District Court for the Southern District of Texas with directions to vacate the judgment entered and, if no further steps are taken by any party to affect its jurisdiction, to remand the case to the District Court of Harris County, Texas, with costs against petitioner. Opinion by Mr. Justice Reed. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Minton concur.

No. 364. The United States of America, petitioner, *v.* Allied Oil Corporation, P. & M. Liquor Corporation, et al. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgments reversed and cases remanded to the United States District Court for the Northern District of Illinois for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Mr. Justice Douglas and Mr. Justice Clark took no part in the consideration or decision of these cases.

No. 281. The United States, petitioner, *v.* Alcea Band of Tillamooks et al. On writ of certiorari to the United States Court of Claims. Judgment reversed and case remanded for proceedings in

conformity with the opinion of this Court. Opinion, *per curiam* announced by Mr. Chief Justice Vinson. Mr. Justice Jackson took no part in the consideration or decision of this case.

The Chief Justice announced the following orders of the Court:

No. 567. Eastern Air Lines, Inc., petitioner, *v.* Civil Aeronautics Board, et al. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. *Per Curiam*: The petition for writ of certiorari is granted. The judgment of the Court of Appeals is vacated and the case is remanded to that Court with directions to dismiss the proceeding upon the ground that the cause is moot.

No. 571. Herbert Stith et al., appellants, *v.* Ed Pinkert and Mamie Schuman. Appeal from the Supreme Court of Arkansas. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question.

No. 588. Herman T. Reiling, appellant, *v.* J. Millard Tawes, Comptroller of the State of Maryland. Appeal from the United States District Court for the District of Maryland. *Per Curiam*: The appeal is dismissed.

No. 376. Milton Harold Wilson, petitioner, *v.* State of Louisiana. On writ of certiorari to the Supreme Court of Louisiana. *Per Curiam*: The judgment is affirmed. Dissenting: Mr. Justice Black, Mr. Justice Frankfurter, and Mr. Justice Douglas.

No. 420. Samuel Shepherd and Walter Irvin, petitioners, *v.* State of Florida. On writ of certiorari to the Supreme Court of Florida. *Per Curiam*: The judgment is reversed. *Cassell v. Texas*, 339 U. S. 282. Concurring opinion by Mr. Justice Jackson in which Mr. Justice Frankfurter joins.

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. 615. The United States of America, appellant, *v.* Oregon State Medical Society et al. Further consideration of the question of the jurisdiction of this Court in this case and of the motion to dismiss or affirm is postponed to the hearing of the case on the merits. Mr. Justice Clark took no part in the consideration or decision of this question.

No. 564. United States of America, ex rel. William H. Giese, petitioner, *v.* Lieut. General Steven J. Chamberlin, Commanding General

of the Fifth Army, et al. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit granted.

No. 282. The United States, petitioner, *v.* Rogue River Tribe of Indians et al. Petition for writ of certiorari to the United States Court of Claims denied. Mr. Justice Black is of the opinion certiorari should be granted.

No. 358. Thor Corporation, petitioner, *v.* Mayflower Industries. Petition for writ of certiorari to the Court of Appeals for the Third Circuit denied.

No. 546. Heirs of Eugenio Fernandez Garcia, petitioners, *v.* Jose Antonio Fernandez-Antonetti. Petition for writ of certiorari to the Court of Appeals for the First Circuit denied.

No. 547. George S. May, petitioner, *v.* People of the State of Illinois (John S. Boyle, State's Attorney). Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 550. Geneva Metal Wheel Company, petitioner, *v.* Edward P. O'Donnell and United States Casualty Company. Petition for writ of certiorari to the Court of Appeals for the Sixth Circuit denied.

No. 558. First National Bank of Chicago, as Executor of the Estate of John Louis Nelson, deceased, petitioner *v.* United Air Lines, Inc., a Corporation. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 561. C. F. Williams, Jr., petitioner, *v.* Hughes Tool Company. Petition for writ of certiorari to the Court of Appeals for the Tenth Circuit denied.

No. 568. Bert Taunah and Peawifeah Taunah, petitioners, *v.* H. C. Jones, Collector of Internal Revenue. Petition for writ of certiorari to the Court of Appeals for the Tenth Circuit denied.

No. 573. Estate of Ralph Rainger, Elizabeth Rainger, Executrix, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 575. Netherlands Ministry of Traffic, Directorate General of Shioing, petitioner, *v.* Thomas Strika. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 579. Southern Pacific Company, a Corporation, petitioner, *v.* Garry T. Guthrie. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 583. Wheaton Brass Works, petitioner, *v.* Southern Pacific Company. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 559. Nicholas Korthinos, Evangelos Frangakis, Nicholas Galeos, et al., petitioners, *v.* S. S. Niarchos, as owner, Michael Piliaros,

his Agent, and Gerassimos Panas, as Master, all being interested in the operation of the Steamship "Captain K. Papazoglou." Motion to dispense with printing the petition and record granted. Petition for writ of certiorari to the Court of Appeals for the Fourth Circuit denied.

No. 560. Petros Maleuris, Christos Kakoulidis, Athanasios Sardis, et al., petitioners, *v.* Anthony G. Papadakis, as Owner, Michael Piliaros, his Agent, Leonardos Capparis, as Master, all being interested in the operation of the Steamship "Virginia." Motion to dispense with printing the petition and record granted. Petition for writ of certiorari to the Court of Appeals for the Fourth Circuit denied.

No. 578. Dawn L. Allen, petitioner, *v.* William Stanley Litsinger and Elizabeth Knapp Litsinger. Motion to dispense with printing the petition and record granted. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 157, October Term, 1939. John Weber, petitioner, *v.* The United States of America;

No. 268, October Term, 1948. John Weber, petitioner, *v.* The United States of America;

No. 25. The United States of America and Interstate Commerce Commission, appellants, *v.* The Rock Island Motor Transit Company, State of Iowa, ex rel. Iowa State Commerce Commission, et al.;

No. 38. The United States of America and Interstate Commerce Commission, appellants, *v.* The Texas and Pacific Motor Transport Company;

No. 39. Regular Common Carrier Conference of American Trucking Associations, Inc., appellant, *v.* The Texas and Pacific Motor Transport Company;

No. 462. L. J. H. Herwig, petitioner, *v.* George J. Schoeneman, Commissioner of Internal Revenue, et al.;

No. 508. Consumer Mail Order Association of America, Silver Red of Baltimore, Inc., Marydel Sales, Inc., et al., appellants, *v.* J. Howard McGrath, individually and as Attorney General of the United States; and

No. 525. E. L. Allen et al., petitioners, *v.* Brotherhood of Railroad Trainmen. Petitions for rehearing in these cases are severally denied.

No. 209. Emich Motors Corporation and U. S. Acceptance Corporation, petitioners, *v.* General Motors Corporation and General Motors Acceptance Corporation. Petition for rehearing denied. Mr. Justice Minton took no part in the consideration or decision of this application.

No. 161, Misc. Robert H. Best, petitioner, *v.* The United States of America. Petition for rehearing denied. Mr. Justice Clark took no part in the consideration or decision of this application.

No. 333, Misc. Stanley Pryor, petitioner, *v.* People of the State of California et al. Petition for rehearing denied.

No. 308, Misc. E. S. Whiting, petitioner, *v.* United States of America. Petition for writ of certiorari to the Court of Appeals for the Sixth Circuit denied.

No. 323, Misc. George Robert Hurley, petitioner, *v.* Curtis Reid, Supt. of the District of Columbia Jail, et al. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 365, Misc. Fred S. Pritchett, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 386, Misc. Herman Lee Watkins, petitioner, *v.* Clinton T. Duffy, Warden, California State Prison, San Quentin, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 403, Misc. Lawrence G. Randall, petitioner, *v.* John R. Cranor, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 410, Misc. Robert Wyback, petitioner, *v.* John R. Cranor, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 411, Misc. William Kemmerer, petitioner, *v.* Warden, Michigan State Penitentiary. Petition for writ of certiorari to the Court of Appeals for the Sixth Circuit denied.

No. 412, Misc. Max Gastman, petitioner, *v.* People of the State of New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of the State of New York, First Judicial Department, denied.

No. 409, Misc. Fred Tate, petitioner, *v.* The People of the State of California et al. Application denied.

No. 413, Misc. Ex parte Ben Wilburn McCarley, as Administrator of the Estate of Rita Ayleen McCarley, deceased, petitioner; and

No. 415, Misc. City of Paducah, R. G. Matheson, Dean of Paducah Junior College, et al. *v.* Roy M. Shelbourne, U. S. District Judge. Motions for leave to file petitions for writs of mandamus denied.

The Court will take a recess from Monday, April 16, until Monday, April 23, next.

No. 577. Thelma Gerende, appellant, *v.* Board of Supervisors of Elections of Baltimore City. Argument commenced by Mr. William I. Murphy for the appellant; continued by Mr. I. Duke Avnet for

appellant; by Mr. Hall Hammond and by Mr. J. Edgar Harvey for the appellee; and concluded by Mr. I. Duke Avnet for the appellant;

No. 442. Schwegmann Brothers et al., petitioners, *v.* Calvert Distillers Corporation; and

No. 443. Schwegmann Brothers et al., petitioners, *v.* Seagram-Distillers Corporation. Argument commenced by Mr. Saul Stone for the petitioners and continued by Mr. John Minor Wisdom for the petitioners.

Adjourned until tomorrow, April 10, at 12 o'clock.

The day call for Tuesday, April 10, will be as follows: Nos. 442 (and 443), 446, 461, 473 (and 474), 476, and 479.

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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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

Mr. Solicitor General Perlman addressed the Court as follows:

"At a meeting of members of the Bar of the Supreme Court, held this morning, resolutions expressing their profound sorrow at the death of Justice Wiley Rutledge were offered by a committee, of which the late Roscoe Anderson, Esquire, was chairman. Addresses were made to the Bar by Professor W. Willard Wirtz of the Northwestern University School of Law, Judge Charles R. Clark of the United States Court of Appeals for the Second Circuit, and Professor Ralph F. Fuchs of the University of Indiana School of Law. The resolutions, adopted unanimously, are as follows:

"RESOLUTIONS

"Mr. Justice Rutledge died on September 10, 1949. The members of the Bar of this Court have met in the Supreme Court Building on Tuesday, April 10, 1951, to record their respect for him and their heartfelt appreciation for his contribution to the law and life of our Nation.

"Wiley Blount Rutledge was born on July 20, 1894, in the small Ohio river town of Cloverport, Kentucky. He grew to manhood in the heart of America. In many respects his life's history exemplifies the fundamental soundness of our American democratic beliefs.

"The first six years of his life were spent in Cloverport. At the end of that time, the family moved to Asheville, North Carolina, where his father, a circuit-riding Baptist minister, had been called to a church. Later the family moved back to Kentucky and then, in order to be near better schools, they moved to Maryville, Tennessee. For five years young Wiley Rutledge attended Maryville College, where he majored in the classics. Here, his interest in the classics assumed a personal aspect which transcended academic study. One of his teachers of Greek was attractive, gracious, young Annabel Person. He courted and won her heart, and they later became man and wife on August 28, 1917. Of this marriage came three children: Mary Lou, Jean Ann, and Neal.

"Meanwhile, however, young Rutledge transferred for the last year of his undergraduate work to the University of Wisconsin, where he majored in chemistry and received his B. A. degree in 1914.

"He then became interested in law but was confronted with the stark necessity of financing his legal education by his own efforts. Eight years passed and there were many interruptions before Wiley Rutledge obtained his LL. B. degree from the University of Colorado.

In the interim he taught commercial subjects at the Bloomington, Indiana, High School while concurrently studying law at Indiana University, and he also taught school at Connersville, Indiana. During this period of intense work he became the victim of an attack of tuberculosis, necessitating a year's rest at Asheville, North Carolina. He then served as secretary to the Board of Education at Albuquerque, New Mexico, for two years. In 1920, he moved to Boulder, Colorado, where he again resumed the arduous task of concurrently teaching in the public schools and studying law. His LL. B. degree was finally obtained in 1922. After two years of private practice at Boulder, he became a member of the University of Colorado Law Faculty. This was the beginning of an eminently successful career as law teacher and law school administrator, a career which contributed richly to the sound development of legal education in the midwest. In 1926, he became a member of the faculty of Washington University School of Law in St. Louis, Missouri, becoming acting Dean of that School of Law in 1930, and Dean from 1931 to 1935. From 1935 to 1939, he was Dean of the College of Law of the State University of Iowa. During his stay in Missouri and Iowa, he served as a commissioner of the National Conference of Commissioners on Uniform State Laws.

"As a teacher of law he had the happy faculty of arousing the interest and latent talents of his students, and of stimulating their best efforts. He was especially attracted by young people and his sincere and genuine interest in his students was rewarded by their warm and abiding affection. Throughout the late world war, in spite of the increasing cares and burdens of his judicial office, he found time to carry on a thoughtful and extensive correspondence, frequently in longhand, with former students stationed throughout the world in the various branches of the armed services, and these students felt free to write to him for inspiration, encouragement, and advice. To his former students he was always, in spite of his exalted position, still a good friend and adviser.

"In April, 1939, President Roosevelt appointed him Associate Justice of the United States Court of Appeals for the District of Columbia, on which Court he served until 1943, when the President nominated him to the Supreme Court. This nomination was confirmed by the Senate, with only one Senator raising any question with respect to the appointment. On February 15, 1943, Mr. Justice Rutledge was inducted to the Court. He died at the age of fifty-five on September 10, 1949, in York, Maine.

"There is the bare chronological history of Wiley Rutledge's life. While it tells a good deal about him as a man, it leaves untold the nature of his spirit and of his faith.

"Wiley Rutledge loved people. He believed deeply in the dignity and worth of the individual. This was no theoretical or abstract philosophical concept to him; it was a matter of daily living. During the years of his development in the midwest, Wiley Rutledge learned well the beliefs, hopes, fears, thoughts, emotions, disappointments, pleasures, ambitions, and labors of people of all walks of life. He constantly and frequently sought the company of other people. He enjoyed nothing more than having an evening with a group of friends in his home where the warmth of his hospitality afforded his guests a privilege long to be remembered. The universality of his interest

in people was demonstrated by his attendance not only at meetings of the American, State, and Local Bar Associations, but also at gatherings of numerous civic and professional groups, Rotarians, and Masons. He sought associations with all kinds of people whose life stories and opinions he liked to hear informally. Wiley Rutledge wanted to hear what others were thinking, what they believed. He was a man of merry heart and cheerful countenance. He had the faculty of generating sincere discussion without himself dominating the group. He listened well and he understood. Having understanding, he had wisdom.

"He knew that men must be free, yet he knew also that there must be order. Long ago, he realized that freedom and order have the capacity for destroying each other. Without both, neither freedom nor order can long endure. Wiley Rutledge believed that man can accommodate freedom and order through the medium of justice. He stated his beliefs simply:

"* * * I believe in abstract justice, though I cannot define it. But in any legal sense, I believe in it only as the source from which conceptions of concrete and legally relevant justice arise. I believe in concrete justice, in particular justice, and in the possibility of its growth and expansion. I believe in it as the end of legal institutions and in them as the means by which it may be achieved. I believe too in the growth of the law and in this as the only means for making reconciliation between the conflicting forces and conceptions, separately considered, of order and freedom. Only thus may right accommodations in social living and the maintenance of stable, just social relations be fulfilled."

"As a judge, Wiley Rutledge boldly applied this simple creed to the intricate problems presented to both the Supreme Court and the Court of Appeals. Perhaps he was most widely known and is most vividly remembered for his staunch position in the protection of individual civil liberties. He was convinced that there is an irreducible number of liberties which occupy a preferred position. He was as adamant as the Rocky Mountains he loved so well in his belief that these liberties especially must be protected if man is to remain free. He insisted that the preferred position of the indispensable freedoms secured by the First Amendment gives them 'a sanctity and a sanction not permitting dubious intrusions.' To him this was a matter of principle necessary to assure the vitality of our Nation, irrespective of the character of the individual involved in any particular case. Thus, he would protect the right of a labor organizer to address an audience without first being required to procure a license. He would similarly protect the right of an employer to talk to his employees. He would be certain that even 'a thoroughgoing Nazi,' whose ideas he undoubtedly despised, be given due process. While he recognized the value and necessity of the administrative process in today's complex life, he would readily strike down administrative action which had not provided due process of law.

"One reason Mr. Justice Rutledge is always associated with civil liberties is the dramatic circumstances surrounding his entrance on the Supreme Court. On February 15, 1943, the day he was inducted to the Court, the Court announced that it was granting rehearings in three cases. One of those cases was *Jones v. Opelika*.¹ On June 8,

¹ 319 U. S. 103.

1942, the Court, by a 5 to 4 decision, had upheld as constitutional a municipal licensing ordinance as applied to the distribution of religious tracts by members of Jehovah's Witnesses. Upon retirement of one of the justices from the Court, on the rehearing, the Court in a 5 to 4 decision vacated the prior judgment and found the ordinance abridged freedom of press and restrained the free exercise of religion. Mr. Justice Rutledge cast his vote as one of the new majority.

"The emphasis on Mr. Justice Rutledge's concern for civil liberties also arose from his practice of facing facts squarely. He always stated his position straightforwardly. This was true whether he was writing the opinion of the Court, a concurring or a dissenting opinion. As noted by the New York Times, some of the questions he met head-on were of 'a nature that might have tempted another judge to express his dissenting views in a manner calculated to dodge the issue. This Justice Rutledge never did.' A memorable example of this straightforwardness was his dissenting opinion in *In re Yamashita*.² Mr. Justice Rutledge was loath to be a dissenter in that case, but his deep conviction that due process of law, as he understood it, could not be abandoned forced him to dissent. It was with great tribulation, yet with a profound sense of rightness, that Wiley Rutledge wrote:

"More is at stake than General Yamashita's fate. There could be no possible sympathy for him if he is guilty of the atrocities for which his death is sought. But there can be and should be justice administered according to law. * * * It is not too early, it is never too early, for the nation steadfastly to follow its great constitutional traditions, none older or more universally protective against unbridled power than due process of law in the trial and punishment of men, that is, of all men, whether citizens, alien enemies or enemy belligerents. It can become too late.'

"If the facts in a particular case revealed that a person was, in substance, being denied due process of law, Mr. Justice Rutledge would incisively condemn the procedure which permitted such denial. This is well illustrated in his concurring opinion in *Marino v. Ragen*.³ There, he found that men convicted in violation of their constitutional rights in Illinois were confronted by a 'procedural labyrinth * * * made up entirely of blind alleys.' To him, due process required that such men have an adequate opportunity to be heard in court. He said: 'This opportunity is not adequate so long as they are required to ride the Illinois merry-go-round of *habeas corpus, coram nobis*, and writ of error before getting a hearing in a federal court.'

"He firmly believed that the 'main end of our society' and of our constitution is the securing and perpetuating of individual freedom. As he recognized in his concurring opinion in *In re Oliver*,⁴ the Bill of Rights does restrict state authority in the invasion of personal freedom and such restriction is sometimes inconvenient to the authority. Yet, the collapse of liberty in Europe in recent years emphatically demonstrated to Mr. Justice Rutledge that 'it is both wiser and safer to put up with whatever inconveniences that charter creates than to run the risk of losing its hard-won guarantees by dubious, if also more convenient, substitutions imported from alien traditions.'

² 327 U. S. 1.

³ 332 U. S. 561.

⁴ 333 U. S. 257.

"The boldness with which Mr. Justice Rutledge took his stand on basic individual liberties has tended to overshadow, temporarily at least, other great contributions which he made to the law. Wiley Rutledge was particularly fond of the word 'accommodation.' He used that word much more frequently than it is ordinarily used today. It was a word commonly used, sometimes in a colloquial fashion, by the people of the midwest during the time Wiley Rutledge was growing up there. He used it in the several facets of its meaning. To him this word meant 'To adjust, reconcile, to compose, settle, to bring to harmony or agreement.' To him this word meant 'To minister convenience to; to aid, speed, facilitate.' To him it meant 'To furnish something requisite or convenient; to equip, supply, provide, to do what is necessary to meet felt requirements.' After first securing indispensable individual liberties, the primary function of the law was, to him, a matter of accommodation. He cast labels aside and sought the practical operation, actual or potential, of judicial action upon any set of facts. To him, the greatest value of the commerce clause of the Constitution was that it has enabled the Courts to make the essential 'accommodation between nation and states.' He thought the problem of justice is to find the right accommodation in that 'never-ending process of accommodating freedom to law and law to freedom.'

"Mr. Justice Rutledge might well be called the law's great accommodator because he skillfully plied his ability to achieve significant accommodations. This is readily apparent in his opinions involving the application of the commerce clause, and its role in enabling the accommodation of state and federal interests, in such cases as *Prudential Insurance Co. v. Benjamin*,⁵ *Robertson v. California*,⁶ *Aero Mayflower Transit Co. v. Board of Railroad Commissioners*,⁷ and *Freeman*⁸ v. *Hewitt*.

"There were times when he had to decide the point of accommodation between individual liberties and the requirements of society. One such case was *Brinegar v. United States*⁹ which involved a claim that there was unreasonable search and seizure where police officers had, without a warrant, stopped the accused while he was traveling on the highway and seized some liquor he was transporting. Under the facts of that case, Mr. Justice Rutledge found that the officers had probable cause for so acting. He said: 'Because many situations which confront officers in the course of executing their duties are more or less ambiguous, room must be allowed for some mistakes on their part. But the mistakes must be those of reasonable men, acting on facts leading sensibly to their conclusions of probability. The rule of probable cause is a practical, nontechnical conception of affording the best compromise that has been found for accommodating these often opposing interests. Requiring more would unduly hamper law enforcement. To allow less would be to leave law-abiding citizens at the mercy of the officers' whim or caprice.'

"In this process of accommodation, Mr. Justice Rutledge respected the acts of the legislative bodies of the Nation, both Federal and State, as expressions of the people as to what laws were desirable to meet

⁵ 328 U. S. 408.

⁶ 328 U. S. 440.

⁷ 332 U. S. 495.

⁸ 329 U. S. 249.

⁹ 338 U. S. 160.

felt requirements. He was prone to find acts of the legislature valid unless they invaded some indispensable liberty. Moreover, he endeavored to apply and construe statutes in a workable manner and in the spirit in which they were enacted. He abhorred the use of dogmatic logistcs in the construction and interpretation of statutes. Instead, he scrutinized the particular facts and the concrete consequences so that considerations of policy were brought into the open.

"It was his belief in the potentialities of man to make accommodations that led Wiley Rutledge to have faith in the principle of federalism. He advocated ardently the federal principle as a possible solution to the world dilemma of today. Indeed, he believed that federalism offers the only hope for the survival of democracy in our time.

"Wiley Rutledge was a careful and thorough scholar. He brought to the Court sound legal knowledge in a wide range of legal subjects. His opinions were documented, meticulously and fully. Perhaps some of his opinions are lengthy and discursive but he wrote so that those who read would know what went through his mind in reaching his decisions. Sometimes, he disclosed what he had considered and had rejected and why he had done so. He did not want any potentially relevant fact or principle of law to go unconsidered. He was willing to expose his reasoning to the test of the future, for he knew that reason is the life of the law; he knew that, too often, legal rules outlive the reasons which bring them into being.

"A man of hearty good humor with an engaging twinkle in his eye, Wiley Rutledge was a fine human being who lived life fully. He had courage that manifested itself in gentleness. He had wisdom that expressed itself in simplicity. He had integrity that disclosed itself in modesty. He had a faith that saw beyond the partial fact. While he knew that we could not establish a perfect way of life, he accepted the challenge of our fathers to make our Nation a more perfect union. He had faith in the future and trust in life. He confidently believed in the capacity of men to live and work together, to resolve their differences and to create and maintain a framework for existence in which they could find a satisfying, if not a perfect, way of life. His own life was a testament to this belief. He demonstrated the validity and the practical soundness of his beliefs. Wiley Rutledge has given those of us who remain a heritage of faith.

"It is accordingly—

Resolved, That we, the Bar of the Supreme Court of the United States, express our deep sorrow at the death of Mr. Justice Wiley Rutledge and our thankfulness for the contributions which he made to our profession and toward making our Nation a more perfect union.

Resolved, That the Solicitor General of the United States be asked to present this resolution to the Court; that the Attorney General of the United States be asked to request that it be accepted by the Court and inscribed upon its permanent records; and that copies of this resolution be forwarded to the widow and children of Mr. Justice Rutledge."

Mr. Attorney General McGrath addressed the Court as follows: "May it please the Court: It has been related by a close personal friend of the late Wiley Rutledge that he received consideration as a possible nominee to fill three vacancies on this bench—and that on

each of those occasions he was, characteristically, supporting another man for the appointment.¹⁰ To ignore his own superlative qualities, and to speak out on behalf of another whom he thought better qualified, was a typical course of conduct for the jurist in honor of whose memory the Bar of this Court gathered together this morning. The career of Wiley Rutledge was marked by the humility of the truly great man.

"A short seven years, from 1943 to 1949, constitute the whole period that the late Justice Rutledge occupied a seat on this bench, and a single decade embraces the full span of his service in the judiciary. Most of his professional life, after a brief period of private practice in Boulder, Colorado, was spent in the academic field. There, as teacher and as Dean, he served at the University of Colorado, Washington University of Saint Louis, and the University of Iowa. Throughout his all-too-short life, his humility, all the more profound in that its bearer was unconscious of its rarity among his fellow men, characterized his every action.

"But there never was any suggestion of servility, or of any moral or intellectual dependence upon others. On the contrary, he viewed himself as a self-respecting man among men, with a philosophy that was egalitarian in every sense. This was his own, a modest, view. To others, his courage and independence of thought, his ability and his intellectual capacity, and especially his determination to do his best at any task, was enormous.

"Wiley Rutledge was humble rather as Lincoln was humble, with the humility of one who recognizes that the spark of divinity has been implanted in equal measure in every man. He felt deeply, I think, that every individual, irrespective of his ancestry, his color, his religious beliefs, or his endowments personal or material, was entitled to the basic respect of his fellows and of society. He was profoundly aware of that measure of human dignity which is given to each of us, and equally to each among us.

"Together with these fundamental attributes of the late Justice's character, was a deep feeling of sympathy with humanity. This manifested itself in an eager friendliness, and in the fullest enjoyment of human companionship. Students, colleagues, friends—all seemed to find comfort and counsel in his company. Each one who needed or desired the attention or guidance of this man found the way open to his affection and his interest. He loved humanity, and he found time for many human beings to share in his life.

"It seems to me that this open-handed friendliness toward his fellow men was closely related to another aspect of the late Justice's philosophy. All of us who have grown to mature years have had frequent occasion to realize the truth of the observation that a man's essential character is revealed by his deeds. In the case of Justice Rutledge, the humility, friendliness, and generosity which I have attempted to describe were evidences of a living philosophy, of a morality in action. Justice Rutledge lived as he thought and felt. The respect he felt for others he also accorded to himself, and felt no need or wish to dissemble or to conceal. Toward mankind in general, and for every human being in particular, he could not help but evidence a true tolerance, so basic to his personality that he seemed not

¹⁰ Irving Brant, *Mr. Justice Rutledge—The Man* (1950), 25 Indiana L. J. 434-438.

even cognizant of its presence there. And this was, I think, one of the foundation stones on which rested his conduct as a judge.

"For he was one who did not think in absolutes; to him it seemed rather that the nature of man in society required the constant application of change and adjustment. Always he seemed to be thinking that the constant need is for balance, for the mutual accommodation of each interest with others, to the maximum extent possible. No interest, generally speaking, was considered by him as existing alone, in a moral or legal vacuum, with all others disregarded. On the contrary, Wiley Rutledge felt that truth lay in another direction, in the composition of inconsistent interests, and in the balancing of opposing forces. He believed this process of accommodation, constantly in flux because of the unceasing change in society itself, was of the utmost importance to proper legal and moral thought and conduct. It permeated his thinking and his actions, both on and off the bench.

"Recognizing inevitable human fallibility, and yet ever cognizant of the heavy obligations weighing on him as one having a share in making decisions from whose consequences there was no appeal, Justice Rutledge could satisfy his conscience in the discharge of his obligations only by contributing his best and fullest efforts to the decision of every case. It was not in him to dispose of any question on the basis of summary consideration, relying on others to bear the brunt of the work. His zeal for rendering the best service that lay in him was coupled with the unassumed modesty that refuses to allow its own imperfections the generous understanding it accords the imperfections of others. This complicated his task, and made each new problem result in an increasing depletion of his strength and physical stamina. He gave, literally, of himself until, finally, he had expended the whole treasure of his vitality. I cannot believe, even if it had been given him to peer through the mists that veil the future, and to see in advance the exhaustion toward which he was moving, that Wiley Rutledge would have altered his course by a single point of his moral compass toward a safer haven. It was not his way to give less than all he could.

"I cannot let this occasion pass without reference to the effect of positions that Justice Rutledge took on the issues that came before this Court during his tenure. Fundamental among all our basic tenets, in his view, were the individual liberties of the Bill of Rights and the Fourteenth Amendment, and of these he valued the freedom of communication in particular. " * * * the preferred place given in our scheme,' he remarked in his opinion for this Court in *Thomas v. Collins*,¹¹ 'to the great, the indispensable democratic freedoms secured by the First Amendment * * * gives these liberties a sanctity and a sanction not permitting dubious intrusions.' And he meant to cherish these great rights not as a mere academic shibboleth, unrelated to practical considerations, but as a means of urging others to act. For to Wiley Rutledge, the law had life. Our basic constitutional guarantees, he insisted, were—

" * * * a charter for government, not for an institution of learning. "Free trade in ideas" means free trade in the opportunity to persuade to action, not merely to describe facts.'¹²

¹¹ 323 U. S. 516, 530 (1945).

¹² *Id.* at p. 537.

"In *In re Oliver*, he declared his heartfelt belief that the Bill of Rights is not 'a strait jacket of Eighteenth Century procedures,' but is 'a basic charter of personal liberty.'¹³

"His sensitivity to issues wherein these protections might be compromised was extraordinary, and events gave him the opportunity to contribute staunchly to their defense. His perspicacity in discerning the basic danger to religious freedom in *Busey v. District of Columbia*,¹⁴ which involved a tax on the sale of religious printed matter on the public streets by members of Jehovah's Witnesses, has been attested to by one of his brethren on the United States Court of Appeals for the District of Columbia.¹⁵ The dramatic circumstances in which he was instrumental in bringing about a reversal of this Court's first decision in *Jones v. Opelika*,¹⁶ and its companion cases, is too well known for comment here. His opinions in the *Everson*¹⁷ and *McColum*¹⁸ cases testify to his devotion to the principle of separation of church and state.

"But his views were by no means doctrinaire. This very devotion to freedom of religion, for instance, was qualified by his recognition of the special responsibilities of a State toward young children, in *Prince v. Massachusetts*.¹⁹

"The importance of judicial procedure in the rendition of justice was fully appreciated by Justice Rutledge, and he was consistently scrupulous in insisting on the right of an accused to the established safeguards of a fair trial. He found intolerable any departure from those protections, and spoke out boldly in their defense. The repulsion he felt, for instance, at the procedure governing the trial and conviction of the Japanese General Yamashita, called forth an eloquent dissent. He inferred that the opinion of the majority meant that they considered the requirements of due process not to apply to this accused, and wrote:

"* * * I cannot believe in the face of this record that the petitioner has had the fair trial our Constitution and laws command. Because I cannot reconcile what has occurred with their measure, I am forced to speak. At bottom my concern is that we shall not forsake in any case, whether Yamashita's or another's, the basic standards of trial which, among other guaranties, the nation fought to keep; * * * and that this Court shall not fail in its part under the Constitution to see that these things do not happen.'²⁰

"Justice Rutledge stood immovably for the proposition that an accused is absolutely entitled to the meticulous observation of essentially fair procedures. 'In some respects,' he said in his *United Mine Workers*²¹ dissent, 'matters of procedure constitute the very essence of ordered liberty under the Constitution.' In the *Kotteakos* case, he declared that—

"* * * our Government is not one of mere convenience or efficiency. It too has a stake, with every citizen, in his being afforded

¹³ *In re Oliver*, 333 U. S. 257, 280 (1948).

¹⁴ 129 F. 2d 24 (1942), cert. granted, 319 U. S. 735 (1943), judgment vacated, 319 U. S. 579 (1943).

¹⁵ Judge Henry W. Edgerton, *Mr. Justice Rutledge* (1949), 63 Harvard L. Rev. 293, 295.

¹⁶ *Jones v. Opelika*, 316 U. S. 584 (1942), rehearing granted, 318 U. S. 796 (1943), judgment vacated, 319 U. S. 103, 105 (1943).

¹⁷ *Everson v. Board of Education*, 330 U. S. 1, 28-74 (1947).

¹⁸ *McColum v. Board of Education*, 333 U. S. 203 (1948).

¹⁹ 321 U. S. 158 (1944).

²⁰ *In re Yamashita*, 327 U. S. 1, 42 (1946).

²¹ *U. S. v. United Mine Workers*, 330 U. S. 258, 363 (1947).

our historic individual protections, including those surrounding criminal trials.'²²

"He felt strongly that the procedures by which fundamental rights were assured to those accused of crime should be clear, effective, and readily available. In his concurring opinion in *Marino v. Ragen*,²³ he protested vigorously against the 'procedural labyrinth' which he felt made the choice of remedy within one jurisdiction so complex that the accused's right was for practical purposes actually denied. 'One who does not know until the end of litigation what his procedural rights in trial are, or may have been,' he asserted, 'has no such rights.'²⁴ To him, as he himself put it, 'the elemental protections thrown about the citizen charged with crime,' which 'secure fair play to the guilty and vindication for the innocent,' ranked equal in importance with 'the great liberties of speech and the press * * * [and] religious freedom.'²⁵

"In the last analysis, it is the intangible heritage that a man leaves behind him that constitutes his truly enduring monument. The faith of Wiley Rutledge lay, he said, in 'law, freedom, and justice.'²⁶ It is a faith to which all of us, in good conscience, can repair.

"Therefore, may it please the Court: On behalf of the Bar of this Court, who speak in this matter for all the lawyers in our land, I move that the Resolutions adopted unanimously by the Bar of this Court in memory of the late Justice Wiley Rutledge be accepted by the Court and that, together with the chronicle of these proceedings, they be spread upon the permanent records of this Court."

The Chief Justice said:

"Mr. Attorney General: I accept with deep personal appreciation the Resolutions which have been proffered. The portrayal of Wiley Blount Rutledge's career, which you have done so well, makes it easier to understand and appreciate his contribution to this Court and our Nation. At a Memorial Service held soon after the death of him whom we honor today, it was said that 'he won both love and esteem in equal and overflowing measure.' The wisdom of that statement has been indicated by your Resolutions, which contain throughout, the golden threads of love, respect and honor.

"Though Wiley Rutledge attained far greater national prominence in his later years as a judge, the influence of his own personality and character during his teaching years was a powerful force upon all whom he touched. His students and his colleagues will esteem the memory of Wiley Rutledge as that of a great teacher. He taught ably the substantive matter which is described in the syllabi of courses in catalogues. But, his niche in the hall of great teachers will be due to his ability to bring home to his students the essentials of truth and humanity. Characteristic, I think, of his constant search for the basic values of society is the question he posed: 'Of what use is the law if it does not meet human needs?' As a teacher, he was able to come into close contact with people, to impart to them his own principles of democratic living, his own sense of right and wrong. These years played a great part in the development of his love for his fellow man, and his awareness of their character, their aims, and their problems.

²² *Kotteakos v. U. S.*, 328 U. S. 750, 773 (1946).

²³ 332 U. S. 561, 563, 567 (1947).

²⁴ *U. S. v. United Mine Workers*, 330 U. S. 258, 374 (1947).

²⁵ *Yakus v. U. S.*, 321 U. S. 414, 487-488 (1944).

²⁶ Wiley Rutledge, *A Declaration of Legal Faith* (1947), p. 18.

"President Roosevelt appointed him to the United States Court of Appeals for the District of Columbia in 1939. It is said that he assumed this post reluctantly, in part because of his innate humility; in part because of his unwillingness to leave those associations which had become so dear to him; and in part because he feared his own effectiveness would be diluted as a judge, rather than as a teacher. Fortunately for those of us who shared his companionship after he came to the bench, his humility and his reluctance did not prevail.

"My own acquaintance with Wiley Rutledge commenced when he took his seat on the Court of Appeals. That friendship is one which I shall ever cherish. It was one of the sweetest, truest friendships I have ever encountered. His graciousness, his good humor, his simplicity, his patience—to name but a few of his endearing traits—brought a fresh breeze to the Court and made lighter its burden.

"The problems of the Court of Appeals proved peculiarly suited to Wiley Rutledge's talents. Like the late Justice Cardozo, he derived much satisfaction and renown from his treatment of problems which are usually the concern of the state courts. One of the unique functions of the United States Court of Appeals for the District of Columbia is to deal with local law, with the common law of torts, contracts, wills and other problems, at times removed from the social and political matters with which this Court is faced. These questions require scholarship, intimate familiarity with everyday problems, and a willingness to adapt traditional forms to modern requirements. All these attributes, Wiley Rutledge possessed to the maximum. His training had been that of scholarship itself. His attitude was that of the progressive and forward-looking judge. His philosophy placed him in harmony with those who sought solutions to the problems of daily living in a complex society. And, while a judge on the Court of Appeals, he manifested that concern for individual rights and freedom of thought, speech and religion which was to bring him great tribute.

"Upon his appointment to this Court in 1943, Wiley Rutledge brought with him a wealth of academic experience, a faith in the law as the means by which freedom and justice are to be attained, and a background of judicial technique. The years which he served on this Court are too fresh in memory to warrant a detailing at this time of the struggles and problems which concerned it. His own stand on these problems is equally well known. Less familiar, perhaps, is the fact that every case was for Wiley Rutledge an emotional challenge. Every case required, not only the complete research of authority and precedent his opinions demonstrate, but also a struggle with his inner self to determine whether the result 'felt' right. Since the law is the means by which society moves forward and achieves freedom and justice for its people, every decision necessitates an analysis of the consequences upon the individuals concerned and the democracy in which we live. The answers to his questions never came easily. His understanding of the law as a fluid thing did not allow of the fast answer, the summary disposition. Nor was he reluctant to speak out of his difficulties in reaching solutions. The Court has been faced with many a problem which Wiley Rutledge had already forecast and discussed in a concurrence or dissent of his own. His opinions show the result of his struggles. Detailed and comprehensively researched, they indicate the physical and emotional strain which

they caused him. It may be that his thoroughness and complete soul searching in every case contributed to his leaving us in his prime. The very factors which made Wiley Rutledge a great man made him a great judge.

"In 1947 he published his 'Declaration of Legal Faith.' In it, he analyzed the Commerce Clause of the Federal Constitution, which he termed a 'federal device.' He conceived the Commerce Clause as the means by which a unique balance between the states and the Federal Government is achieved—on the one hand preventing concentrated authority in any single place from sapping the lifeblood of the people; on the other hand, by preventing 'Balkanization,' giving them sufficient power to develop their own energies and abilities. His philosophy of the relations between the state and Federal Government, so clearly articulated in this short work, found expression in many of the cases which treated the various aspects of this general problem. Your Resolutions have mentioned his approach to these issues, and I shall not reiterate. It is well to bear in mind, however, in analyzing Wiley Rutledge's opinions in this field, that to him the Commerce Clause was not the measure, but the means by which the proper federal-state balance was to be achieved.

"This little treatise indicated, in an introductory chapter, his views in another field in which he attained renown. This is his position in cases involving the problems of governmental regulation of speech, press and religion, and of criminal procedures.

"In your Resolutions, you referred to the decisive vote he cast in *Jones v. Opelika*. This is but one example of the leading role he played in the vindication of what he felt were those human values which could not be transcended by governmental authority. The opinions in which he gave voice to those convictions are fresh in the memory. Still clear and distinct is the memory of his dissent in *In re Yamashita*, an opinion which I always have felt expressed his democratic philosophy in his most eloquent and persuasive style. Whatever may be history's decision on the merits of his position, no one can read his words without admiration and, perhaps, a touch of awe at his unqualified faith in the Anglo-American system of jurisprudence which is our heritage.

"Faith was the essence of Wiley Rutledge. He himself said that the choice which nations and men must make as to what is valid and true, must be at the last 'intuitive, must be felt.' What was right for him had to be not only logically and analytically right—it had to be intuitively right.

"Cases involving this conflict between individual and governmental action received a substantial portion of this Court's attention during the period Wiley Rutledge was an Associate Justice. To state that he was one of the most outspoken and consistent defenders of individual and group rights is to do no more than to redefine that faith I have attempted to outline. On many occasions, he wrote for the majority of this Court. In others, a majority felt that other interests or considerations were paramount in the particular case before the Court. But, whether his opinion became the law or fell into dissent, each of his determinations was an honest, conscientious judgment, consistent with his instinctive sense of right and wrong. Regardless of the divergence in opinion, no colleague ever had doubt that Wiley Rutledge believed he was right.

"Many men who have been possessed of dogged determination or a fiery belief in what they conceived to be the right have been transformed in their personalities into cross-grained, narrow fanatics, who will not listen to the views of others. It is to the glory of Wiley Rutledge that his faith and his purpose never warped his relationships with others. Whether positions coincided or diverged made no difference in the warmth of his friendship. The spiritual goodness of his person remained a constant.

"His home was what a home should be. His wife, son and two daughters are testimonials and exhibits to the beauty of his character and the concrete manner in which he practiced those ideals he expressed so consistently. As a teacher, judge, father and husband, Wiley Rutledge was a supreme advocate, by his very example, of the way of life his faith bade him follow.

"In the introduction to his 'Declaration of Legal Faith,' he stated: 'I believe in law. At the same time I believe in freedom. And I know that each of these things may destroy the other. But I know too that, without both, neither can long endure.' Wiley Rutledge's life was devoted to an attempt to effect an accommodation between freedom and law, to conjoin freedom and justice with law. If aims alone were the measure of a man, he would be listed among the great of our Nation. But his implementation of those aims, his own career and influence, prove that his greatness extended beyond mere aims. His spirit and character will ever remain a noble point in the history of this Court.

"Let the Resolutions be spread upon the minutes of this Court."

Alex Rosen, of Cleveland, Ohio; John P. Mansfield, of Ogden, Iowa; Smith Blair, Jr., of Washington, D. C.; Donald Vincent Shannon, of Chelsea, Mass.; J. Gordon Shanklin, of Nashville, Tenn.; Frederick H. Schmidt, of Cincinnati, Ohio; Jonathan Wright Brown, of Minneapolis, Minn.; Daniel J. Sullivan, of Amboy, Ill.; Gerald E. Gotschall, of Washington, D. C.; Wesley G. Grapp, of Aberdeen, S. Dak.; Richard Alton Secord, of Chicago, Ill.; Lyle J. Wirt, of Sioux Falls, S. Dak.; Robert G. Pumphrey, of Canton, Ohio; Marion E. Torrens, of Waukegan, Ill.; Daniel W. Fults, of Swea City, Iowa; Thomas B. Estep, of Chicago, Ill.; E. Hugo Winterrowd, of South Bend, Ind.; F. Vinson Roach, of Omaha, Nebr.; Laurence M. Goodridge, of Washington, D. C.; Julius S. Austero, of New Hyde Park, N. Y.; Louren G. Davidson, of Springfield, Mo.; A. William Barlow, of Honolulu, T. H.; Edmund Charles Darey, of Livermore Falls, Maine; Sol Rothberg, of Fort Wayne, Ind.; and Norma Z. Paige, of New York, N. Y., were admitted to practice.

No. 442. Schwegmann Brothers et al., petitioners, *v.* Calvert Distillers Corporation; and

No. 443. Schwegmann Brothers et al., petitioners, *v.* Seagram-Distillers Corporation. Argument continued by Mr. Monte M. Lemann for the respondents and concluded by Mr. John Minor Wisdom for the petitioners.

No. 446. Crest Specialty (not Inc.), a limited partnership consisting of Ben B. Manaster, et al., petitioner, *v.* David C. Trager, doing business as Topic Toys, and Eoina Nudelman. Argued by Mr. Clarence E. Threedy for the petitioners and Mr. Max R. Kraus for the respondents.

No. 461. Stacy C. Mosser, successor trustee of National Realty Trust, et al., petitioners, *v.* Paul E. Darrow, former trustee of National Realty Trust, et al. Argument commenced by Mr. Stanley A. Kaplan for the petitioner, Stacy C. Mosser, successor trustee, etc.; continued by Mr. Roger S. Foster for the Security and Exchange Commission; by Mr. Irving Herriott for the respondents; and continued by Mr. Urban A. Lavery for the respondents.

Adjourned until tomorrow, April 11, at 12 o'clock.

The day call for Wednesday, April 11, will be as follows: Nos. 461, 473 (and 474), 476, and 479.

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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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

William Stanley Dolan, of Rock Island, Ill.; Herbert Freeman Schmelzer, of New York, N. Y.; and Charles H. Lerch, of Chicago, Ill., were admitted to practice.

No. 461. Stacy C. Mosser, successor trustee of National Realty Trust, et al., petitioners, *v.* Paul E. Darrow, former trustee of National Realty Trust, et al. Argument continued by Mr. Urban A. Lavery for the respondents and concluded by Mr. Stanley A. Kaplan for petitioners.

No. 473. Charles F. Brannan, individually and as Secretary of Agriculture, petitioner, *v.* Robert D. Elder and Greene Chandler Furman; and

No. 474. Robert D. Elder and Greene Chandler Furman, petitioners, *v.* Charles F. Brannan, Secretary of Agriculture. Argument commenced by Mr. Greene Chandler Furman for Elder and Furman; continued by Mr. Morton Liftin for Brannan; and concluded by Mr. Robert D. Elder for Elder and Furman.

No. 476. Ernest R. Woodward, petitioner, *v.* The United States of America and LeRoy Haizlip. Argued by Mr. Claude T. Wood for the petitioner and Mr. Flavius B. Freeman for the respondent LeRoy Haizlip, and submitted by Mr. Philip B. Perlman, Mr. Assistant Attorney General Baldrige, Mr. John R. Benney, Mr. Paul A. Sweeney, and Mr. Herman Marcuse for the respondent, The United States of America.

No. 479. Riss and Company, Inc., a corporation, appellant, *v.* The United States of America and Interstate Commerce Commission. Argument commenced by Mr. A. Alvis Layne, Jr., for the appellant.

Adjourned until tomorrow, April 12, at 12 o'clock.

The day call for Thursday, April 12, will be as follows: No. 479.

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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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

No. 577. Thelma Gerende, appellant, *v.* Board of Supervisors of Elections of Baltimore City. Appeal from the Court of Appeals of Maryland. Judgment affirmed with costs. Opinion *per curiam* announced by Mr. Chief Justice Vinson. Mr. Justice Reed concurs in the result.

No. 281. The United States, petitioner, *v.* Alcea Band of Tillamooks et al. Mandate ordered to issue forthwith on motion of counsel for respondents.

No. 479. Riss and Company, Inc., a corporation, appellant, *v.* The United States of America and Interstate Commerce Commission. Argument continued by Mr. Daniel W. Knowlton for the appellee, Interstate Commerce Commission, and concluded by Mr. A. Alvis Layne, Jr., for the appellant.

Adjourned until Monday, April 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 Jackson, Mr. Justice Burton, Mr. Justice Clark, and Mr. Justice Minton.

James G. Barber, of Evanston, Ill.; George Werner, of Baltimore, Md.; Harold J. Field, of Boston, Mass.; John F. Bender, of Los Angeles, Calif.; Gabriel Berk, of Philadelphia, Pa.; Delbert T. Kirk, of Philadelphia, Pa.; Alice M. McClanahan, of Chicago, Ill.; Samuel D. Goodkin, of Fort Smith, Ark.; Roy N. Licari, of Huntington, N. Y.; John Vincent Martin, of Houston, Tex.; Pope F. Brock, of Atlanta, Ga.; K. Martin Worthy, of Washington, D. C.; John J. Rogan, of New York, N. Y.; David E. Nierenberg, of New York, N. Y.; Max M. Kampelman, of Washington, D. C.; Alden A. Stockard, of Jefferson City, Mo.; and Clarence O. Tormoen, of Duluth, Minn., were admitted to practice.

The Chief Justice announced the following orders of the Court:

No. 479. Riss and Company, Inc., a corporation, appellant, *v.* The United States of America and Interstate Commerce Commission. Appeal from the United States District Court for the Western District of Missouri. *Per Curiam*: The judgment is reversed. Wong Yang Sung *v.* McGrath, 339 U. S. 33.

No. 640. Sam Friedman and Sam Praska, appellants, *v.* People of the State of New York. Appeal from the Court of Appeals of New York. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for the want of a substantial federal question.

No. 641. Russell V. Warner et al., a partnership doing business as Warner and Tamble Transportation Co., appellants, *v.* The United States of America, Interstate Commerce Commission, et al. Appeal from the United States District Court for the Western District of Tennessee. *Per Curiam*: The motions to affirm are granted and the judgment is affirmed.

The Chief Justice said:

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

No. 519. The United States of America, petitioner, *v.* Jesse W. Jeffers, Jr. The motion of respondent for leave to proceed *in forma pauperis* is granted.

No. 630. The United States of America, appellant, *v.* Louise Virginia Smith. In this case probable jurisdiction is noted and the case is transferred to the summary docket.

No. 536. Charles F. Brannan, Secretary of Agriculture of the United States, petitioner, *v.* Delbert O. Stark et al.; and

No. 537. Dairymen's League Cooperative Association, Inc., petitioner, *v.* Delbert O. Stark et al. Petitions for writs of certiorari to the Court of Appeals for the District of Columbia Circuit granted.

No. 431. Agatha Schleif, petitioner, *v.* Margaret B. Defnet, Annette Ryan, Alma P. Erasmus, et al. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 535. Arkansas Power and Light Company and Middle South Utilities, Inc., petitioners, *v.* Federal Power Commission; and

No. 596. Arkansas Public Service Commission, petitioner, *v.* Federal Power Commission. Petitions for writs of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 562. M. L. Townsend, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 616. George I. Clem, trustee in bankruptcy of the Estates of La Verne C. Hensen, et al., petitioner, *v.* Wallace Johnson. Petition for writ of certiorari to the Court of Appeals for the Eighth Circuit denied.

No. 574. Westinghouse Radio Stations, Inc., Triangle Publications, Inc., and WCAU, Inc., petitioners, *v.* David H. H. Felix. Petition for writ of certiorari to the Court of Appeals for the Third Circuit denied. Mr. Justice Black is of the opinion certiorari should be granted.

No. 594. Garfield A. Berlinsky, petitioner, *v.* Helen Eisenberg and Safe Deposit and Trust Co., Trustees. Motion to dispense with printing the petition and record granted. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 601. Robert Adamson et al., prospective claimants appearing specially, petitioners, *v.* Canada Steamship Lines, Ltd. Motion to join Harold H. Timanus, Administrator, etc., et al., as parties petitioner, denied. Petition for writ of certiorari to the Court of Appeals for the Sixth Circuit denied.

No. 20. Jane Rogers, petitioner, *v.* The United States of America. Petition for rehearing denied. Mr. Justice Clark took no part in the consideration or decision of this application.

No. 427. Elizabeth Healy, Administratrix of the Estate of John E. Healy, deceased, petitioner, *v.* Pennsylvania Railroad Company;

No. 509. Suckow Borax Mines Consolidated, Inc., Mojave Borax Company, Ltd., et al., petitioners, *v.* Borax Consolidated, Ltd., Pacific Coast Borax Company, United States Borax Company, et al.;

No. 518. The Montana Power Company, petitioner, *v.* Federal Power Commission;

No. 532. John S. Ottley, petitioner, *v.* St. Louis-San Francisco Railway Company; and

No. 330, Misc. Mary Boyd Alloway, petitioner, *v.* Marcia Simpson, Superintendent of Wisconsin Home for Women. Petitions for rehearing in these cases are severally denied.

No. 304, Misc. Florence Bean James and Rachmiel Forschmiedt, petitioners, *v.* State of Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 362, Misc. Isaiah H. Spears, petitioner, *v.* Edward T. Kane, U. S. Attorney, et al. Petition for writ of certiorari to the Court of Appeals for the Sixth Circuit denied.

No. 367, Misc. Nicholas J. Curtis, petitioner, *v.* Phillip Forman, District Judge. Petition for writ of certiorari to the Court of Appeals for the Third Circuit denied.

No. 406, Misc. John Payne, petitioner, *v.* Stanley P. Ashe, Warden, et al. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 414, Misc. Willie Norvell, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 420, Misc. Luther Raymond Clark, petitioner, *v.* W. Frank Smyth, Jr., Supt. of the Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 428, Misc. George Robert Slade, petitioner, *v.* People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 429, Misc. Charles Donald Gillis, petitioner, *v.* Joseph E. Ragen, Warden, Illinois State Penitentiary. Petition for writ of certiorari to the Circuit Court of Vermilion County, Illinois, denied.

No. 431, Misc. Douglas W. Baker, petitioner, *v.* O. B. Ellis, General Manager, Texas Prison System, et al. Petition for writ of certiorari to the Criminal Court of Appeals of Texas denied.

No. 432, Misc. Joseph F. Lieto, petitioner, *v.* State of Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 434, Misc. Bernard Ephraim, petitioner, *v.* State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 437, Misc. Charles Whalen, petitioner, *v.* Julian N. Frisbie, Warden, State Prison of Southern Michigan. Petition for writ of certiorari to the Court of Appeals for the Sixth Circuit denied.

No. 440, Misc. Raymond John Christina, petitioner, *v.* People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 441, Misc. Joseph W. Paugh, petitioner, *v.* People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 303, Misc. Burton James, petitioner, *v.* State of Washington. Petition for writ of certiorari to the Supreme Court of Washington denied. Mr. Justice Black, Mr. Justice Reed, and Mr. Justice Douglas are of the opinion certiorari should be granted.

No. 334, Misc. Commonwealth of Pennsylvania, ex rel. Leon Johnson, alias Robert McMillan, petitioner, *v.* Charles L. Dye, Warden of the Allegheny County Jail. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied. Mr. Justice Douglas is of the opinion certiorari should be granted.

No. 341, Misc. Joseph Marelia, petitioner, *v.* Cornelius J. Burke, Warden, Eastern State Penitentiary. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion certiorari should be granted.

No. 349, Misc. Gerald Glen Boyden, petitioner, *v.* The United States of America. On consideration of the suggestion of a diminution of the record and a motion for writ of certiorari in that relation, certiorari is denied. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 421, Misc. J. L. Stern, Attorney, et al., petitioners, *v.* John M. Thornburg, Trustee in Bankruptcy, et al.;

No. 422, Misc. Mason B. Patten, petitioner, *v.* U. S. District Court for the Southern District of California, et al.; and

No. 423, Misc. Edgar Holland, petitioner, *v.* Circuit Court of Pettis County, Missouri et al. Applications in these cases denied.

No. 425, Misc. Frank Adams, petitioner, *v.* R. W. Alvis, Warden, Ohio State Penitentiary;

No. 430, Misc. Lonnie Scott, petitioner, *v.* Dr. Walter B. Martin, Warden, Attica State Prison;

No. 433, Misc. Lloyd Beverly Hart, petitioner, *v.* Walter A. Hunter, Warden, U. S. Penitentiary, Leavenworth, Kansas;

No. 435, Misc. Thomas Bradshaw, petitioner, *v.* Henry R. Raymond, Supt. of Maryland State Reformatory, etc.; and

No. 436, Misc. Donald Cave, petitioner, *v.* Henry R. Raymond, Supt. of Maryland State Reformatory, etc. The motions for leave to file petitions for writs of habeas corpus in these cases are severally denied.

Adjourned until Monday, April 23, next, at 12 o'clock.

The day call for Monday, April 23, will be as follows: Nos. 425, 486, 352, 453, 513, and 600.

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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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

No. ——. Emory S. Land et al., petitioners, *v.* R. Stanley Dollar et al. The application for a stay of the order of the United States Court of Appeals for the District of Columbia Circuit requiring Charles Sawyer and others to show cause why they should not be adjudged in civil and criminal contempt, referred to the Court by the Chief Justice, is denied. Mr. Justice Black and Mr. Justice Clark took no part in the consideration or decision of this application.

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908025—51—62

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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

Raymond E. Magee, of Galveston, Tex.; David B. Irons, of Austin, Tex.; Willis V. Lewis, of Little Rock, Ark.; Theodore N. Johnsen, of New York, N. Y.; Emma Andre Monroe, of Atlanta, Ga.; John James Flynt, Jr., of Griffin, Ga.; Jerome A. Duffy, of San Rafael, Calif.; Richard Berry Keigley, of Palo Alto, Calif.; Joe L. Johnson, of Longview, Wash.; Joseph Ford, of Boston, Mass.; James Roy Mills, Jr., of Chicago, Ill.; James W. Eaton, of Palmerdale, Ala.; Homer Tom Bouldin, of Houston, Tex.; Charles L. Decker, of Oskaloosa, Kans.; William H. Conley, of Carlisle, Ky.; John Michael Crimmins, of Pittsburgh, Pa.; John G. Ketterer, of Canton, Ohio; Wm. Howard Nicholas, of Los Angeles, Calif.; Warren Woods, of Washington, D. C.; Alvin Gallen, of New York, N. Y.; Owen W. Pittman, of Miami, Fla.; Charles J. Katz, of Los Angeles, Calif.; David Aberman, of New York, N. Y.; Jackson N. Huddleston, of Huntington, W. Va.; Amos A. Bolen, of Huntington, W. Va.; Lyle C. Newcomer, of Chicago, Ill.; Harry D. Ruddiman, of Washington, D. C.; A. L. Lawson, of Los Angeles, Calif.; Alan Gordon Campbell, of Los Angeles, Calif.; Thomas Owen Martin, of Washington, D. C.; William I. Conway, of Chicago, Ill.; Pleasant Baxter Davis, of Washington, D. C.; and Kenneth K. K. Lau, of Honolulu, T. H., were admitted to practice.

No. 365. Jay G. Williams, petitioner, *v.* The United States of America. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment affirmed and case remanded to the United States District Court for the Southern District of Florida. Opinion by Mr. Justice Douglas. Dissenting: Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Jackson, and Mr. Justice Minton.

No. 310. California State Automobile Association Inter-Insurance Bureau, appellant, *v.* John R. Maloney, Insurance Commissioner of the State of California. Appeal from the District Court of Appeal of the State of California, First Appellate District. Judgment affirmed with costs. Opinion by Mr. Justice Douglas. Mr. Justice Black would dismiss the appeal on the ground that the constitutional questions are frivolous.

No. 26. The United States of America, petitioner, *v.* Jay G. Williams, Charles R. Ford, John S. Bombaci, and Joseph V. Perry. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment affirmed and case remanded to the United States District Court for the Southern District of Florida. Mr. Justice Frankfurter announced the judgment of the Court and an opinion in which the Chief Justice, Mr. Justice Jackson, and Mr. Justice Minton join. Concurring opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Reed, Mr. Justice Burton, and Mr. Justice Clark concur.

No. 134. The United States of America, appellant, *v.* Jay G. Williams, Charles R. Ford, John S. Bombaci, and Andrew J. Yuhas. Appeal from the United States District Court for the Southern District of Florida. Judgment reversed and case remanded for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Reed. Dissenting: Mr. Justice Black and Mr. Justice Frankfurter.

No. 476. Ernest R. Woodward, petitioner, *v.* The United States of America and LeRoy Haizlip. On writ of certiorari to the United States Court of Appeals for the Eighth Circuit. Judgment reversed and case remanded to the United States District Court for the Western District of Missouri for proceedings in conformity with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Vinson.

The Chief Justice announced the following orders of the Court:

No. 446. Crest Specialty (not Inc.), a Limited Partnership consisting of Ben B. Manaster et al., petitioner, *v.* David C. Trager, doing business as Topic Toys, and Eoina Nudelman. On writ of certiorari to the Court of Appeals for the Seventh Circuit. *Per Curiam*: The judgment is reversed. *Great Atlantic & Pacific Tea Co v. Supermarket Equipment Corp.*, 340 U. S. 147.

No. 627. Clayton H. Lyon, Aquilla B. Zook, William R. Hillard, et al., appellants, *v.* Compton Union High School and Junior College District et al.; and

No. 628. Shield Halvajian, Thomas Gowan, Leon Boone, et al., appellants, *v.* Board of Education of the City of Inglewood, California, et al. Appeals from the District Court of Appeal of the State of California, Second Appellate District. *Per Curiam*: The motions to dismiss are granted and the appeals are dismissed for the want of a substantial federal question. Mr. Justice Reed and Mr. Justice Burton are of the opinion that probable jurisdiction should be noted.

No. 649. Thomas A. McKnight, William McKnight, Harry W. Fahl, et al., appellants, *v.* The Board of Public Education et al. Ap-

peal from the Supreme Court of Pennsylvania. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for the want of a substantial federal question.

No. 493. City of Chicago, petitioner, *v.* The Willett Company. On petition for writ of certiorari to the Supreme Court of Illinois. *Per Curiam*: The petition for writ of certiorari is granted. The judgment is vacated and the case is remanded to the Supreme Court of Illinois for clarification by that court to show, in light of *Minnesota v. National Tea Co.*, 309 U. S. 551; *State Tax Comm'n v. Van Cott*, 306 U. S. 511, whether the judgment herein rests on an adequate and independent state ground or whether decision of a federal question was necessary to the judgment rendered.

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. 373, Misc. Florence J. M. Cook, petitioner, *v.* Arthur W. Cook. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Supreme Court of Vermont granted and case transferred to the appellate docket.

No. 566. Charles R. Pierce et al., as Directors and Trustees of Royal Citrus Groves Company, etc., et al., petitioners, *v.* Fuller Warren, Governor, et al. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 569. Joy Silk Mills, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 576. Lion Oil Company, petitioner, *v.* Mary Altenbaumer, a widow, et al. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 598. Robert Stueber and James M. Stueber, petitioners, *v.* Admiral Corporation. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 604. Winston Churchill Henry, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 607. Atlantic Maritime Company and S. Livanos and Company, Inc., petitioners, *v.* A. Bradley Rankin, Administrator of the Estate of Linderville Taylor, deceased. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 608. Louis Levinson and Mitchell A. Hall, petitioners, *v.* William Deupree, Jr., Ancillary Administrator of the Estate of Katherine

Wing, deceased. Petition for writ of certiorari to the Court of Appeals for the Sixth Circuit denied.

No. 618. Marra Bros., Inc., petitioner, *v.* John Slattery and Wm. Spencer and Son Corporation. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 625. State of Ohio, *ex rel.* Roy Dunham, petitioner, *v.* Board of Education of the City School District of the City of Cincinnati, Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 632. H. H. Tucker, Jr., and Nellie M. Tucker, petitioners, *v.* J. Morgan Baker et al. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 589. National City Lines, Inc., et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied. Mr. Justice Clark took no part in the consideration or decision of this application.

No. 597. Alfred V. Goo, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied. Mr. Justice Black is of the opinion certiorari should be granted.

No. 643. Oswald Pohl, Erich Naumann, Georg Schallermaier, et al., petitioners, *v.* Dean Acheson, Secretary of State, et al. Motion to dispense with printing the records granted. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion certiorari should be granted. Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 149. State of Ohio, *ex rel.* Joseph M. Greisiger et al., petitioners, *v.* Grand Rapids Board of Education et al. Motion for leave to file petition for rehearing denied.

No. 450. T. A. Garrett and Elizabeth Garrett, petitioners, *v.* John C. Faust and Cora Faust. Petition for rehearing denied.

No. 481. MacArthur Mining Company, Inc., petitioner, *v.* Reconstruction Finance Corporation. Motion for oral argument on the petition for rehearing denied. Petition for rehearing denied. Mr. Justice Clark took no part in the consideration or decision of these applications.

No. 572. Delta Drilling Company, Sinclair Oil and Gas Company, and W. F. Lacy, et al., petitioners, *v.* Thomas E. Arnett. Petition for rehearing denied.

No. 360. Misc. Paul R. Wears, petitioner, *v.* The State of Kansas. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 374, Misc. Heinrich Roedel, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 448, Misc. Olan Williams, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 449, Misc. Kenneth Wyatt, petitioner, *v.* W. Frank Smyth, Jr., Supt. of Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 446, Misc. In the Matter of Frank La Salle, petitioner. Motion for leave to file petition for writ of certiorari denied.

ORDER

It is ordered that the call of the docket, except for special assignments, be suspended for the term upon the conclusion of the argument in case No. 600, and that the Court will take a recess from Monday, April 30, until Monday, May 7, next.

No. 425. National Labor Relations Board, petitioner, *v.* Highland Park Manufacturing Company. Argued by Mr. Mozart G. Ratner for the petitioner and Mr. Whiteford S. Blakeney for the respondent.

No. 486. Panhandle Eastern Pipe Line Company, appellant, *v.* Michigan Public Service Commission and Michigan Consolidated Gas Company. Argued by Mr. Robert P. Patterson for appellant; by Mr. Edmund E. Shepherd for appellee, Michigan Public Service Commission, and by Mr. Donald R. Richberg for appellee, Michigan Consolidated Gas Co.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, April 24, will be as follows: Nos. 352, 453, 513, and 600.

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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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

Norman J. Wiener, of Portland, Oreg.; Nathan C. Staller, of Wildwood, N. J.; Thomas H. Dent, of Galveston, Tex.; Irving I. Dolowich, of New York, N. Y.; Ruth Eager Moran, of Oklahoma City, Okla.; John C. Moran, of Oklahoma City, Okla.; Virginia Doubet Murrin, of Butler, Pa.; Anna Dagny Johnson, of Oak Park, Ill.; John A. Harvey, of New York, N. Y.; John P. Harper, of Norfolk, Va.; John W. Bryan, Jr., of New Orleans, La.; and Edgar E. Hoppe, of Austin, Tex., were admitted to practice.

No. 352. The Timken Roller Bearing Company, appellant, *v.* The United States of America. Four hours allowed for oral argument. Motion to supplement record submitted by Mr. Luther Day for the appellant, and the motion granted. Argued by Mr. Luther Day and Mr. John G. Ketterer for the appellant, and Mr. W. Perry Epes for the appellee.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, April 25, will be as follows: Nos. 453, 513, and 600.

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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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

Dwight L. Carhart, of Marion, Ohio; John W. Mamula, of Pittsburgh, Pa.; Desanka Mamula, of Pittsburgh, Pa.; LeRoy McEntire, of Decatur, Ala.; Clarence M. Lawyer, Jr., of York, Pa.; Fritz Lanham Lyne, of Dallas, Tex.; Thomas A. Slack, of Hollywood, Calif.; and Sam Rosenwein, of Burbank, Calif.; were admitted to practice.

No. 479. Riss and Company, Inc., a corporation, appellant, *v.* The United States of America and Interstate Commerce Commission. Mandate ordered to issue forthwith on motion of counsel for the appellant.

No. 643. Oswald Pohl, Erich Naumann, Georg Schallermaier, et al., petitioners, *v.* Dean Acheson, Secretary of State, et al. Order denying certiorari withheld on motion of counsel for petitioners. Mr. Justice Jackson took no part in the consideration or decision of this motion.

No. 453. Ray H. Garner et al., petitioners, *v.* Board of Public Works of the City of Los Angeles et al. Argument commenced by Mr. Charles J. Katz for the petitioners, continued by Mr. Samuel Rosenwein for the petitioners, by Mr. Alan G. Campbell for the respondents, and concluded by Mr. Charles J. Katz for the petitioners.

No. 513. Samuel Hoffman, petitioner, *v.* The United States of America. Argued by Mr. William A. Gray for the petitioner and by Mr. John F. Davis for the respondent.

No. 600. Herman Lee Ross, petitioner, *v.* The State of Texas. The Court called upon the respondent to open the argument. Argued by Mr. Raymond E. Magee for the respondent. The Court declined to hear further argument.

Adjourned until Monday, April 30, 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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

Leopoldo C. Delucca, of San Juan, P. R.; Sholem David Friedlander, of Calumet City, Ill.; Douglas Smerdon, of Taunton, Mass.; Charles E. Hall, Jr., of Hutchinson, Kans.; Stanley Calhoun Hornsby, of Austin, Tex.; J. Robinson Field, of Hobart, Okla.; Roger Henry Phillips, of New Albany, Ind.; Joe C. Washington, Jr., of Athens, Tenn.; Augustus A. Marchetti, of New York, N. Y.; W. E. Jones, of Longview, Tex.; Emmet O'Neal, of Washington, D. C.; Edward Samuel Smith, of Washington, D. C.; Byron R. Kantrow, of Baton Rouge, La.; LaVern R. Dilweg, of Green Bay, Wis.; Virgil H. Goode, of Rocky Mount, Va.; Jules G. Korner III, of Washington, D. C.; Howard H. Brandenburg, of Chicago, Ill.; Walter G. Finch, of Baltimore, Md.; Robert N. St. Mary, of Allentown, Pa.; Chas. L. Gowen, of Brunswick, Ga.; Francis Edward Walker, of Alexandria, Va.; John R. Foley, of Wabasha, Minn.; and John R. Foley, Jr., of Washington, D. C., were admitted to practice.

No. 435. Bowman Diary Company et al., petitioners, *v.* The United States of America and Willis L. Hotchkiss. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment of the Court of Appeals vacated and cause remanded to the United States District Court for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Minton. Mr. Justice Black would affirm the District Court. Mr. Justice Clark took no part in the consideration or decision of this case.

No. 8. Joint Anti-Fascist Refugee Committee, an unincorporated Association, petitioner, *v.* J. Howard McGrath, Attorney General of The United States et al.;

No. 7. National Council of American-Soviet Friendship, Inc., Denver Council of American-Soviet Friendship et al., petitioners, *v.* J. Howard McGrath, Attorney General of The United States, Seth W. Richardson, Chairman of the Loyalty Review Board of the United States Civil Service Commission, et al.; and

No. 71. International Workers Order, Inc., and Arthur Lowndes Drayton, petitioners, *v.* J. Howard McGrath, Attorney General of The United States et al. On writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment of the Court of Appeals in each case reversed and cases remanded to the United States District Court for the District of Columbia with instructions to deny the respondents' motion that the complaint be dismissed for failure to state a claim upon which relief can be granted. Mr. Justice Burton announced the judgment of the Court and an opinion in which Mr. Justice Douglas joins. Concurring opinions by Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Jackson. Dissenting opinion by Mr. Justice Reed in which the Chief Justice and Mr. Justice Minton join. Mr. Justice Clark took no part in the consideration or decision of these cases.

No. 168. The United States, petitioner, *v.* Pewee Coal Company, Inc. On writ of certiorari to the United States Court of Claims. Judgment affirmed. Mr. Justice Black delivered the judgment of the Court and an opinion in which Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Jackson join. Concurring opinion by Mr. Justice Reed. Dissenting opinion by Mr. Justice Burton in which the Chief Justice, Mr. Justice Clark, and Mr. Justice Minton concur.

The Chief Justice announced the following orders of the Court:

No. 49. Dorothy Bailey, petitioner, *v.* Seth W. Richardson et al. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. *Per Curiam:* The judgment is affirmed by an equally divided Court. Mr. Justice Clark took no part in the consideration or decision of this case.

No. 600. Herman Lee Ross, petitioner, *v.* State of Texas. On writ of certiorari to the Court of Criminal Appeals of Texas. *Per Curiam:* The judgment is reversed, *Cassell v. Texas*, 339 U. S. 282.

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. 703. Frank Carlson, Miriam Christine Stevenson, David Hyun, and Harry Carlisle, petitioners, *v.* Herman R. Landon, District Director of Immigration and Naturalization Service, United States Department of Justice. Upon consideration of the application of counsel for the admission of the above-named petitioners to bail pending the disposition of the petition for writ of certiorari herein, it is ordered that the petitioners, Frank Carlson, Miriam Christine Ste-

venson, David Hyun, and Harry Carlisle, be released from the custody of Herman R. Landon, District Director of Immigration and Naturalization Service, upon the furnishing of bonds, each in the amount of Five Thousand (\$5,000) Dollars; the form of the bonds and sureties thereon to be approved by the United States District Court for the Southern District of California or a judge thereof, and, when approved, to be filed with the clerk of said court.

This order is to continue in effect pending the disposition of the petition for writ of certiorari and in the event certiorari is granted pending the issuance of the mandate of this Court.

No. 669. The Lorain Journal Company, Samuel A. Horwitz, Isadore Horwitz, et al., appellants, *v.* The United States of America. In this case probable jurisdiction is noted. Mr. Justice Clark took no part in the consideration or decision of this question.

No. 612. Peter Alfons Bindezyck, petitioner, *v.* Thomas G. Finucane, individually and as Chairman of the Board of Immigration Appeals, et al. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit granted. Mr. Justice Clark took no part in the consideration or decision of this application.

No. 273, Misc. Dominic Palmer, petitioner, *v.* Stanley P. Ashe, Warden, Western State Penitentiary, Pittsburgh, Pennsylvania. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Supreme Court of Pennsylvania granted and case transferred to the appellate docket.

No. 580. Albert F. Graham, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 592. Chicago, Rock Island and Pacific Railroad Company, petitioner, *v.* Acme Brick Company. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 609. Edward N. Claughton, petitioner, *v.* Stella Gratz, suing as Stockholder in the name and behalf of Missouri-Kansas-Texas Railroad Company et al. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 610. Julia Pettiford, petitioner, *v.* South Carolina State Board of Education. Petition for writ of certiorari to the Supreme Court of South Carolina denied.

No. 620. G. O. Paudler, petitioner, *v.* Lyda M. Paudler. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 622. Rectangle Ranche Company, petitioner, *v.* Board of Commissioners for the Buras Levee District et al. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 623. Helen E. Loughlin et al., petitioners, *v.* Firemen's Insurance Company of Washington and Georgetown, in the District of Columbia, a corporation. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 624. Edward O'Keefe and Ralph Vail, petitioners, *v.* Wabash Railway Company. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 637. Chester H. Roth Co., Inc., petitioner, *v.* Esquire, Inc. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 595. Andreas Papagianakis et al., petitioners, *v.* Steamship "Samos", her Boats, Tackle, Engines, Apparel, etc., et al. Motion to dispense with printing the petition and record granted. Petition for writ of certiorari to the Court of Appeals for the Fourth Circuit denied.

No. 635. Ben Williamson, Jr., Trustee of Inland Gas Corporation, petitioner, *v.* Columbia Gas and Electric Corporation. Petition for writ of certiorari to the Court of Appeals for the Third Circuit denied. The Chief Justice took no part in the consideration or decision of this application.

No. 344. The United States of America, petitioner, *v.* Warren V. Moore and Mrs. Warren V. Moore;

No. 347. The United States, petitioner, *v.* Ellis R. Lewis; and

No. 577. Thelma Gerende, appellant, *v.* Board of Supervisors of Elections of Baltimore City. The petitions for rehearing in these cases are severally denied.

No. 339, Misc. State of North Dakota, ex rel. Jonor Wright, petitioner, *v.* O. J. Nygaard, Warden, North Dakota State Penitentiary. Petition for writ of certiorari to the Supreme Court of North Dakota denied.

No. 372, Misc. Jess D. Paul, petitioner, *v.* C. P. Burford, Warden, Oklahoma State Penitentiary. Petition for writ of certiorari to the Criminal Court of Appeals of Oklahoma denied.

No. 387, Misc. The United States of America, ex rel. Harry Mayo, petitioner, *v.* C. J. Burke, Warden, Western State Penitentiary. Petition for writ of certiorari to the Court of Appeals for the Third Circuit denied.

No. 399, Misc. James L. Morehouse, petitioner, *v.* People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 444, Misc. Ed. J. Farrant, petitioner, *v.* Percy A. Lainson, Warden, Iowa State Penitentiary. Petition for writ of certiorari to the Court of Appeals for the Eighth Circuit denied.

No. 455, Misc. William Hamilton Colohan, petitioner, *v.* John R. Cranor, Supt. of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 456, Misc. Maurice Allen, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 459, Misc. In the Matter of Salvatore Spitale, petitioner. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 461, Misc. George W. Balles, Jr., petitioner, *v.* Cornelius J. Burke, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 467, Misc. Louis Stens, petitioner, *v.* John W. Claudy, Warden, etc. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 468, Misc. Talbot Jennings, petitioner, *v.* Joseph E. Ragen, Warden, Illinois State Penitentiary. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 380, Misc. Alfred Doyle Rowland, petitioner, *v.* The Chesapeake and Ohio Railway Co. The petition for writ of certiorari to the Supreme Court of Appeals of West Virginia is denied for the reason that it does not appear from the record or from the papers submitted that the judgment is final. Mr. Justice Black is of the opinion certiorari should be granted. Mr. Justice Reed took no part in the consideration or decision of this application.

No. 463, Misc. Nathaniel Baker, petitioner, *v.* Nathan Mayo, as Custodian of Florida State Penitentiary. Motion for leave to file petition for writ of habeas corpus denied.

No. 471, Misc. Gerard MacNamara, petitioner, *v.* Gus J. Solomon, Judge of the United States District Court for the District of Oregon. Motion for leave to file petition for writ of mandamus denied.

ORDER

Ordered:

1. That paragraph (7) of Rule 81 (a) of the Rules of Civil Procedure, be, and it hereby is, abrogated.

2. That the Rules of Civil Procedure be, and they hereby are, amended by including therein a rule to govern condemnation cases in the United States District Courts, numbered 71A, as follows:

(Here follows Rule 71A.)

3. Effective date: That this Rule 71A and the amendment to Rule 81 (a) will take effect on August 1, 1951. Rule 71A governs all proceedings in actions brought after it takes effect and also all further

proceedings in actions then pending, except to the extent that in the opinion of the court its application in a particular action pending when the rule takes effect would not be feasible or would work injustice, in which event the former procedure applies.

4. That Forms Nos. 28 and 29 be, and they hereby are, approved and added to the Appendix of Forms to the Rules of Civil Procedure. The forms read respectively as follows:

(Here follow Forms 28 and 29.)

5. That The Chief Justice be authorized to transmit these amendments to the Congress on or before May 1, 1951.

Adjourned until Monday, May 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 Douglas, Mr. Justice Jackson, Mr. Justice Burton, Mr. Justice Clark, and Mr. Justice Minton.

Gerard G. Galassi, of Washington, D. C.; Carroll F. Daiute, of Braintree, Mass.; Robert Lee West, of Warsaw, N. C.; Robert C. Wells, of Clinton, N. C.; Eugene C. Knoblock, of South Bend, Ind.; William Wright Daniel, of Eastman, Ga.; George N. Welch, of Randolph, Mass.; Hyman Goodman, of New York, N. Y.; Samuel S. Platt, of Detroit, Mich.; Raymond Francis Newkirk, of Washington, D. C.; A. Grant Walker, of Erie, Pa.; Harry G. Slater, of Milwaukee, Wis.; Carroll F. Palmer, of Washington, D. C.; Robert J. Fletcher, of Winchester, Mass.; Mark Candee, of Greenwich, Conn.; Stanley Clarence Morris, of Charleston, W. Va.; Joseph M. Jacobs, of Chicago, Ill.; J. B. Tietz, of Los Angeles, Calif.; Henry Cooper Stockell, Jr., of Washington, D. C.; Charline Hinkle McGuire, of Muncie, Ind.; and Rita Jane McGuire, of Muncie, Ind., were admitted to practice.

No. 473. Charles F. Brannan, Individually and as Secretary of Agriculture, petitioner, *v.* Robert D. Elder and Greene Chandler Furman; and

No. 474. Robert D. Elder and Greene Chandler Furman, petitioners, *v.* Charles F. Brannan, Secretary of Agriculture. On writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment of the Court of Appeals affirmed in part and reversed in part and cases remanded to the United States District Court for the District of Columbia for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Clark. Dissenting: Mr. Justice Black.

No. 433. The United States of America and Interstate Commerce Commission, appellants, *v.* Champlin Refining Company. Appeal from the United States District Court for the Western District of Oklahoma. Judgment modified as indicated in the opinion of this Court and, as modified, affirmed. Opinion by Mr. Justice Clark. Mr. Justice Frankfurter, while joining the Court's opinion, would overrule the earlier Champlin decision, 329 U. S. 29, on the ground set forth in the dissent in that case. Opinion by Mr. Justice Douglas concurring in part and dissenting in part in which Mr. Justice Reed

and Mr. Justice Burton concur. Dissenting opinion by Mr. Justice Black.

No. 77. Montana-Dakota Utilities Co., petitioner, *v.* Northwestern Public Service Company. On writ of certiorari to the United States Court of Appeals for the Eighth Circuit. Judgment of the Court of Appeals affirmed, with costs, upon the ground that the petitioner has not established a cause of action and cause remanded to the United States District Court for the District of South Dakota. Opinion by Mr. Justice Jackson. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Black, Mr. Justice Reed, and Mr. Justice Douglas join.

No. 461. Stacy C. Mosser, Successor Trustee of National Realty Trust and Federal Facilities Realty Trust, et al., petitioners, *v.* Paul E. Darrow, former Trustee of National Realty Trust and Federal Facilities Realty Trust. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment of the Court of Appeals reversed with costs and case remanded to the United States District Court for the Northern District of Illinois for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Jackson. Dissenting opinion by Mr. Justice Black. Mr. Justice Burton took no part in the consideration or decision of this case.

No. 348. Andrew Jordan, District Director of Immigration and Naturalization, petitioner, *v.* Sam De George. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment of the Court of Appeals reversed and case remanded to the United States District Court for the Northern District of Illinois for proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Vinson. Dissenting opinion by Mr. Justice Jackson in which Mr. Justice Black and Mr. Justice Frankfurter join.

No. 169. The United States, petitioner, *v.* Wheelock Bros., Inc.; and

No. 177. Wheelock Bros., Inc., petitioner, *v.* The United States. On writs of certiorari to the United States Court of Claims. Judgment vacated and case remanded to the Court of Claims with instructions to dismiss the claim in that court. Opinion *per curiam* announced by Mr. Chief Justice Vinson.

No. 621. Oscar R. Ewing, Federal Security Administrator, petitioner, *v.* Theodore F. Gardner, Executor of the Estate of Charles L. Warner, deceased. On petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Petition for writ of certiorari granted. The judgment of the Court of Appeals, insofar as it relates to the taxation of the costs against the petitioner, is reversed and the case is remanded to the United States District Court

for the Southern District of Ohio for proceedings in conformity with the opinion of this court. Opinion *per curiam* announced by Mr. Chief Justice Vinson.

The Chief Justice announced the following orders of the Court:

No. 229. Bertram Washington et al., petitioners, *v.* J. Howard McGrath et al. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. *Per Curiam*: The petition for writ of certiorari is granted and the judgment is affirmed by an equally divided Court. Mr. Justice Clark took no part in the consideration or decision of this case.

No. 670. Bert Troy Dority, Loman Wiley, and S. A. Lanning, Jr., appellants, *v.* State of New Mexico, ex rel. John H. Bliss, State Engineer. Appeal from the Supreme Court of New Mexico. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for the want of a substantial federal question. California Oregon Power Co. *v.* Beaver Portland Cement Co., 295 U. S. 142. Mr. Justice Reed and Mr. Justice Douglas are of the opinion 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. 584. The United States, petitioner, *v.* Martin Wunderlich et al. Petition for writ of certiorari to the United States Court of Claims granted and case transferred to the summary docket.

No. 593. Joseph Edward Morissette, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Sixth Circuit granted and case transferred to the summary docket.

No. 602. The United States of America, petitioner, *v.* Robert Fortier et al. Petition for writ of certiorari to the Court of Appeals for the First Circuit granted and case transferred to the summary docket.

No. 587. Railway Express Agency, Inc., petitioner, *v.* Dell R. Cox. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 613. Annette Stayt Hall et al., petitioners, *v.* Virginia Penfield Scarlett et al. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 617. Grace Hartley Emery, Robert W. Emery, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 619. Zareh Nubar, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Court of Appeals for the Fourth Circuit denied.

No. 626. Frank Nick, petitioner, *v.* John B. Dunlap, Acting Collector of Internal Revenue. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 634. Philip S. Parker Jr., petitioner, *v.* Denis W. Delaney, Collector of Internal Revenue. Petition for writ of certiorari to the Court of Appeals for the First Circuit denied.

No. 636. Elena Marie Anglin, petitioner, *v.* The United States of America and Alice E. Barron. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 639. The Le Roy Dyal Company, Inc., petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Third Circuit denied.

No. 646. William E. Leahy, as Executor of the Estate of Annie A. Kilroy, deceased, petitioner, *v.* Rose Kalis. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 653. The Baltimore and Annapolis Railroad Company, petitioner, *v.* Antoinette Contino and Michael A. Contino, to their own use and to the use of the Fire Association of Philadelphia. Petition for writ of certiorari to the Court of Appeals for the Fourth Circuit denied.

No. 659. John Santangelo, petitioner, *v.* Domenica Ercolani Santangelo. Petition for writ of certiorari to the Supreme Court of Errors of Connecticut denied. Mr. Justice Black is of the opinion certiorari should be granted.

No. 305. Joseph Farina, Peter Di Palermo, and Daniel Sperduto, petitioners, *v.* The United States of America. Motion for leave to file petition for rehearing denied.

No. 390, Misc. Dexter C. Dayton, petitioner, *v.* Hon. Arthur J. Mellott. Petition for writ of certiorari to the Court of Appeals for the Tenth Circuit denied.

No. 393, Misc. James M. Smith, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 395, Misc. Emmett H. Bozell, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 398, Misc. Clarence C. Johnson, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 404, Misc. Homer B. Adams, petitioner, *v.* State of Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 408, Misc. John Allen, petitioner, *v.* United States of America. Petition for writ of certiorari to the Court of Appeals for the Sixth Circuit denied.

No. 453, Misc. William A. Sproch, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 470, Misc. Albert Ciha, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 475, Misc. Alexander St. John, petitioner, *v.* Attorney General of Illinois. Petition for writ of certiorari to the Circuit Court of Randolph County, Illinois, denied.

No. 476, Misc. Henry Scheetman, petitioner, *v.* Robert E. Murphy, Warden of Auburn State Prison. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 479, Misc. Charles McGarty, petitioner, *v.* John J. O'Brien, Warden of the Massachusetts State Prison. Petition for writ of certiorari to the Court of Appeals for the First Circuit denied.

No. 480, Misc. Henry N. Soulia, petitioner, *v.* John J. O'Brien, Warden of the Massachusetts State Prison. Petition for writ of certiorari to the Court of Appeals for the First Circuit denied.

No. 482, Misc. Raymond Burge, petitioner, *v.* Commonwealth of Pennsylvania et al. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 457, Misc. Dan Williams, Jr., petitioner, *v.* Dr. Winfred Overholser, Superintendent;

No. 460, Misc. Herschel Elmer Williams, petitioner, *v.* Percy A. Lainson, Warden; and

No. 474, Misc. In the Matter of Robert A. Chick, petitioner. The motions for leave to file petitions for writs of habeas corpus are severally denied.

No. 473, Misc. In the Matter of Paul Woodward Brink, petitioner. Application denied.

No. 462, Misc. In Re George F. Cosgrove, petitioner. Motion for leave to withdraw the petition for writ of habeas corpus granted.

No. 465, Misc. In Re Disbarment of Lewis E. Barnes. It having been reported to the Court that Lewis E. Barnes, of Washington, D. C., has been disbarred from the practice of the law by the United States District Court for the District of Columbia; It is ordered that the said Lewis E. Barnes be, and he is hereby, suspended from the practice of

the law in this Court, and that a rule issue, returnable within forty (40) days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

ORDER

The Court will take a recess from today until Monday, May 14, and from that day until Monday, May 28, 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 14, 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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

Julian Campbell Clopton, of Austin, Tex.; Loyd Benefield, of Oklahoma City, Okla.; Isaac Mellman, of Denver, Colo.; John Jay Pichinson, of Corpus Christi, Tex.; Howard H. Baker, of Huntsville, Tenn.; Earl A. Munyan, of Washington, D. C.; Sydney Tannen, of Beverly Hills, Calif.; John A. O'Kane, of San Francisco, Calif.; Ignatz Reiner, of New York, N. Y.; Edward F. Butler, of New York, N. Y.; J. Terry Huffstutler, of Birmingham, Ala.; Weldon Shows, of Brookhaven, Ga.; Stephen G. Ingham, of Washington, D. C.; James L. Vincent, of Chicago, Ill.; Allston Fairfield Dana, of New York, N. Y.; Maurice Levin, of New York, N. Y.; Elliott Adams, of Jacksonville, Fla.; John C. Donovan, of New York, N. Y.; Robert R. Dickey, Jr., of Washington, D. C.; Edward M. Lawler, of Sycamore, Ill.; Jo V. Morgan, Jr., of Bethesda, Md.; Vivian Whitewright Warren Pearl, of New York, N. Y.; Lloyd E. Haight, of Boise, Idaho; William A. McGovern, of Staten Island, N. Y.; John Milton, of Jersey City, N. J.; Max A. Hirschman, of Washington, D. C.; William E. Schuyler, Jr., of Washington, D. C.; Sam D. Thurman, Jr., of Stanford, Calif.; Robert G. Mayfield, of Lebanon, Mo.; Thelma S. Herzig, of Los Angeles, Calif.; Albert M. Herzig, of Los Angeles, Calif.; Paul H. Walker, of Washington, D. C.; Rachael Woody Hanes, of Washington, D. C.; Howard A. Lawrence, of Brooklyn, N. Y.; William T. Pollak, Jr., of Dayton, Ohio; Garland Clarke, of Arlington, Va.; and Julius Richard Earle, of Arlington, Va., were admitted to practice.

No. 486. Panhandle Eastern Pipe Line Company, appellant, *v.* Michigan Public Service Commission and Michigan Consolidated Gas Company. Appeal from the Supreme Court of Michigan. Judgment affirmed with costs. Opinion by Mr. Justice Minton. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Douglas joins.

No. 425. National Labor Relations Board, petitioner, *v.* Highland Park Manufacturing Company. On writ of certiorari to the United States Court of Appeals for the Fourth Circuit. Judgment affirmed. Opinion by Mr. Justice Jackson. Dissenting opinion by Mr. Justice

Frankfurter. Dissenting opinion by Mr. Justice Douglas. Mr. Justice Black took no part in the consideration or decision of this case.

The Chief Justice announced the following order of the Court:

No. 648. G. C. Westervelt, appellant, *v.* Istokpoga Consolidated Subdrainage District, a Florida Drainage Corporation, et al. Appeal from the Supreme Court of Florida. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for the want of a substantial federal question.

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. 464. Pioneer News Service, Inc., appellant, *v.* Southwestern Bell Telephone Company and Public Service Commission of Missouri. Appeal from the United States District Court for the Eastern District of Missouri. Dismissed on motion of counsel for the appellant.

No. 668. Sutphen Estates, Inc., appellant, *v.* The United States of America, Loew's Inc., Warner Bros. Pictures. Further consideration of the question of the jurisdiction of this Court in this case and of the motion to affirm is postponed to the hearing of the case on the merits and the case is transferred to the summary docket. Mr. Justice Jackson and Mr. Justice Clark took no part in the consideration or decision of this question.

No. 458. George Stefanelli, Jerry Malanga, Joseph Maglione, and Frank D'Innocenzio, petitioners, *v.* Duane E. Minard, Jr., Prosecutor for Essex County, New Jersey, et al. Petition for writ of certiorari to the Court of Appeals for the Third Circuit granted.

No. 606. Thomas P. McMahan, petitioner, *v.* The United States of America and United States Maritime Commission. Motion to dispense with printing the petition and record granted. Petition for writ of certiorari to the Court of Appeals for the Third Circuit granted and case transferred to the summary docket.

No. 633. Gem Manufacturing Company, petitioner, *v.* Packard Motor Car Company. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit granted and case transferred to the summary docket.

No. 642. The United States of America, petitioner, *v.* Herman Hayman. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit granted. The motion of respondent for leave to proceed in forma pauperis is granted. It is ordered that Paul A. Freund, Esquire, of Cambridge, Mass., a member of the Bar of this Court, be appointed to serve as counsel for the respondent in this case.

No. 629. Francesco Mastrapasqua, petitioner, *v.* Edward J. Shaughnessy, District Director of Immigration and Naturalization. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 631. Consumer-Farmer Milk Cooperative, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 644. George T. Goggin, as Receiver of the Estate of Salsbury Motors, Inc., Debtor, petitioner, *v.* Bank of America National Trust and Savings Association. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 647. Arthur T. Galt and Ida Cook Galt, petitioners, *v.* The Department of Public Works and Buildings of the State of Illinois for and in behalf of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 651. Meldon Mitchell, petitioner, *v.* The Flintkote Company. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 654. Newark Slip Contracting Co., Inc., petitioner, *v.* New York Credit Men's Adjustment Bureau, Inc. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 657. William Richmond, of Plainville, Connecticut, petitioner, *v.* The Shelby Mutual Casualty Company, of Shelby, Ohio. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 614. Daisy Mann, Mamie Robinson, and Ruth Henry, petitioners, *v.* Joseph S. Cornish. Motion to dispense with printing the petition and record granted. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 650. John F. Maragon, petitioner, *v.* The United States of America. Motion to withdraw the appearance of Irvin Goldstein, as counsel for the petitioner, granted. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Clark took no part in the consideration or decision of this application.

No. 450. T. A. Garrett and Elizabeth Garrett, petitioners, *v.* John C. Faust and Cora Faust. Motion for leave to file a second petition for rehearing denied.

No. 643. Oswald Pohl, Erich Naumann, Georg Schallermaier, et al., petitioners, *v.* Dean Acheson, Secretary of State, et al. Petition for rehearing denied. Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 376. Milton Harold Wilson, petitioner, *v.* State of Louisiana;
No. 561. C. F. Williams, Jr., petitioner, *v.* Hughes Tool Company;
No. 367, Misc. Nicholas J. Curtis, petitioner, *v.* Phillip Forman,
District Judge; and

No. 409, Misc. Fred Tate, appellant, *v.* The People of the State of California, et al. Petitions for rehearing in these cases denied.

No. 179, Misc. Jack Chapman, petitioner, *v.* People of the State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 424, Misc. Robert E. Hinton, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 427, Misc. Sofia Peterson, petitioner, *v.* The State of Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 438, Misc. Clayton Octave Fouquette, petitioner, *v.* State of Nevada. Petition for writ of certiorari to the Supreme Court of Nevada denied.

No. 439, Misc. Eliseo J. Mares, Jr., petitioner, *v.* Mason W. Hill, Warden of the Utah State Penitentiary. Petition for writ of certiorari to the Supreme Court of Utah denied.

No. 478, Misc. John J. Davis, petitioner, *v.* John R. Cranor, Superintendent of Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 485, Misc. Glenn F. De Poe, petitioner, *v.* John W. Claudy, Warden, Western State Penitentiary. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 487, Misc. Joseph D. Daniels, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 490, Misc. Clarence Mahurin, petitioner, *v.* Henry G. Morris et al. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 495, Misc. Albert Volkmann, petitioner, *v.* Joseph E. Ragen, Warden, Illinois State Penitentiary. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 496, Misc. Thomas McGarry, petitioner, *v.* Joseph E. Ragen, Warden, Illinois State Penitentiary. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 497, Misc. Donald E. Chandler, petitioner, *v.* Robert A. Heinze, Warden of Folsom State Prison, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 442, Misc. Caryl Chessman, petitioner, *v.* People of the State of California, Clinton T. Duffy, Warden, et al. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied. Motion for leave to file petition for writ of habeas corpus also denied.

No. 11, Misc. Jack Chapman, petitioner, *v.* California Supreme Court; and

No. 491, Misc. Charles Lee McIntosh, petitioner, *v.* U. S. Court of Appeals for the Eighth Circuit, et al. Motions for leave to file petitions for writs of mandamus denied.

No. 494, Misc. Terrell D. Hardin, petitioner, *v.* Robert A. Heinze, Warden of the California State Prison at Folsom. Motion for leave to file petition for writ of habeas corpus denied.

The order as to sessions entered May 7 is amended to provide that the Court will take a recess from today until Monday, May 21.

Adjourned until Monday, May 21, 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 Burton, Mr. Justice Clark, and Mr. Justice Minton.

Howard K. Hoddick, of Honolulu, T. H.; Leo Harben Pou, of Arlington, Va.; Milton J. Ferguson, of Wayne, W. Va.; Keith G. Sebelius, of Norton, Kans.; Louis R. Frumer, of Syracuse, N. Y.; Harry N. Harris, of Fort Worth, Tex.; Allison G. Thompson, of Charleston, W. Va.; Roswell P. Henderson, Jr., of Moberly, Mo.; Charles E. Eckert, of Cheverly, Md.; John E. Cleary, of Omaha, Nebr.; Frank G. Masini, of Newark, N. J.; William J. Lindberg, of Seattle, Wash.; Charles E. Curley, of Arlington, Va.; Mary Corinne Shanafelt Stanton, of Washington, D. C.; Irving Winthrop Adams, of Washington, D. C.; John G. Epaminonda, of Arlington, Va.; William Thompson Finley, of Falls Church, Va.; Ross Bennett, of Portage, Wis.; Oliver Ellis Stone, of Arlington, Va.; James C. Hamilton, of Carbondale, Ill.; Helen L. Peckler, of Chicago, Ill.; Donald I. Mitchell, of Wichita, Kans.; and Milton Zacharias, of Wichita, Kans., were admitted to practice.

No. 442. Schwegmann Brothers et al., petitioners, *v.* Calvert Distillers Corporation; and

No. 443. Schwegmann Brothers et al., petitioners, *v.* Seagram-Distillers Corporation. On writs of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgments reversed with costs and cases remanded to the United States District Court for the Eastern District of Louisiana for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Concurring opinion by Mr. Justice Jackson in which Mr. Justice Minton joins. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Black and Mr. Justice Burton join.

No. 338. Jack B. Tenney, the Senate Fact-Finding Committee on Un-American Activities (a California Legislative Committee), et al., petitioners *v.* William Patrick Brandhove. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. The

judgment of the Court of Appeals is reversed with costs and that of the District Court affirmed. The case is remanded to the United States District Court for the Northern District of California. Opinion by Mr. Justice Frankfurter. Concurring opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Douglas.

No. 395. Alabama Public Service Commission et al., appellants, *v.* Southern Railway Company. Appeal from the United States District Court for the Middle District of Alabama. Judgment reversed with costs and case remanded for proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Vinson. Opinion by Mr. Justice Frankfurter concurring in the result, in which Mr. Justice Jackson joins.

No. 146. Alabama Public Service Commission et al., appellants, *v.* Southern Railway Company. Appeal from the United States District Court for the Middle District of Alabama. Judgment reversed with costs and case remanded for proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Vinson. Mr. Justice Frankfurter and Mr. Justice Jackson concur in the result.

The Chief Justice said :

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

No. 530. The United States of America, petitioner, *v.* Harvey L. Carignan. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit granted. Motion of respondent for leave to proceed in forma pauperis also granted.

No. 638. Evelyn C. Gardner, petitioner, *v.* Panama Railroad Company, a corporation. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit granted and case transferred to the summary docket.

No. 645. Humble Oil and Refining Company, petitioner, *v.* Gray Tool Company. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 652. Carl E. Ring, petitioner, *v.* Harold Spina, Edward Heyman, Walter Hannan, and the Author's League of America, Inc. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 655. Aurea Calderon, Ruby Calderon, and James Calderon, petitioners, *v.* Maurice J. Tobin, Secretary of Labor, and Employees Compensation Appeals Board. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 656. Frederick E. Anderson, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 658. Edward A. Mitchell, petitioner, *v.* Edward A. Mitchell, Jr. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 664. Fred Money, petitioner, *v.* Captain H. N. Wallin, Commander Edwin H. Schantz, Charles D. Hertzog. Petition for writ of certiorari to the Court of Appeals for the Third Circuit denied.

No. 672. Thomas A. Joseph, petitioner, *v.* The State of Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 677. M. M. Meredith, petitioner, *v.* John Deere Plow Company, of Moline, Illinois, a corporation. Petition for writ of certiorari to the Court of Appeals for the Eighth Circuit denied.

No. 685. The United States Cartridge Company, petitioner, *v.* R. M. Powell et al. Petition for writ of certiorari to the Court of Appeals for the Eighth Circuit denied.

No. 729. Cauldwell-Wingate Company and Poirier and McLane Corporation, petitioners, *v.* Mary E. Person, as administratrix of the Goods, Chattels, and Credits of William S. Person, deceased, et al. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 388. William Patrick Brandhove, petitioner, *v.* Elmer E. Robinson. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 446. Crest Specialty (not Inc.), a Limited Partnership consisting of Ben B. Manaster et al., petitioner, *v.* David C. Trager, doing business as Topic Toys, and Eoina Nudelman; and

No. 493. City of Chicago, petitioner, *v.* The Willett Company. Petitions for rehearing in these cases denied.

No. 545. Charles E. Smith and Sons Company, Hall C. Smith, Transferee, petitioners, *v.* Commissioner of Internal Revenue. Motion for leave to file petition for rehearing denied.

No. 303, Misc. Burton James, petitioner, *v.* State of Washington;

No. 304, Misc. Florence Bean James and Rachmiel Forschmiedt, petitioners, *v.* State of Washington; and

No. 423, Misc. Edgar Holland, petitioner, *v.* Circuit Court of Pettis County, Missouri, et al. Petitions for rehearing in these cases denied.

No. 464, Misc. Cecil Lee Edgeman, petitioner, *v.* State of Ohio and R. W. Alvis, Warden, etc. Petition for writ of certiorari to the Court of Appeals of Ohio, Second District, denied.

No. 477, Misc. Joseph Hobbs, Jr., petitioner, *v.* Warden of Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 483, Misc. Mary R. Beam, Administratrix of the Estate of Frank I. Beam. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 486, Misc. Nathan Roy, petitioner, *v.* State of Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 502, Misc. Ras Worrell, petitioner, *v.* The State of Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 503, Misc. Reginald Shulenberg, petitioner, *v.* J. Vernel Jackson, as Warden of Clinton Prison, Dannemora, New York. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 499, Misc. Clifford Pullins, petitioner, *v.* State of Ohio and R. W. Alvis, Warden, Ohio State Penitentiary;

No. 504, Misc. In the Matter of Samuel Francis Tirko, petitioner;

No. 505, Misc. In the Matter of Bertha A. Paquette, petitioner; and

No. 507, Misc. Donald W. Hubbard, petitioner, *v.* Emery E. Jacques, Warden of the State House of Correction, etc. Motions for leave to file petitions for writs of habeas corpus in these cases denied.

No. 500, Misc. David Darrin, petitioner, *v.* The United States of America et al. Petition for injunction denied.

Adjourned until Monday, May 28, 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 Jackson, Mr. Justice Burton, Mr. Justice Clark, and Mr. Justice Minton.

Harvey M. Spear, of Providence, R. I.; Alfred F. Celentano, of New Haven, Conn.; Everett W. Hepp, of Fairbanks, Alaska; Frank C. Bingham, of Nome, Alaska; Victor A. Altman, of Washington, D. C.; Edward E. Rigney, of New York, N. Y.; Rupert E. Park, of Redmond, Oreg.; Karl M. Kunz, of Newport, R. I.; Donald F. Melchior, of Baltimore, Md.; Harold H. Chase, of Salina, Kans.; Harlin E. Bond, of Wichita, Kans.; J. Ross Cheshire, Jr., of Nashville, Tenn.; Charles G. Neese, of Paris, Tenn.; Monroe Minor Redden, of Hendersonville, N. C.; Carl R. Henry, of Alpena, Mich.; Norman C. Shepard, of Smithfield, N. C.; Maurice Victor Barnhill, Jr., of Wilmington, N. C.; Westray Edwin Wilson, of Asheville, N. C.; J. Earl Cooper, of Anchorage, Alaska; Harry Tenenbaum, of Wildwood, N. J.; Anthony J. Cafiero, of Wildwood, N. J.; Jacob Stam, of Paterson, N. J.; Leo S. Altman, of Pueblo, Colo.; Elmer R. Weil, of Kenmore, N. Y.; Herbert C. Petry, Jr., of Carrizo Springs, Tex.; John C. Spence, Jr., of Long Beach, Calif.; Paul H. Jenree, of Kansas City, Kans.; Henry D. Lawrence, of Long Beach, Calif.; Ross L. Thorfinnson, of Hopkins, Minn.; Ross S. Shearer, of Arlington, Va.; B. Thomas Pantano, of New York, N. Y.; Joseph A. Calamari, of New York, N. Y.; Samuel M. Anderson, Jr., of Ellinwood, Kans.; Jesse Safir, of New York, N. Y.; June Harbour, of New York, N. Y.; Leonard E. Ackermann, of New York, N. Y.; John Kenton Chapman, of Columbia, Miss.; Royal E. Spurlark, Jr., of Chicago, Ill.; Thomas McP. Davis, of Arlington, Va.; Gabriel J. Batavia, of New York, N. Y.; Louis J. Brooks, Jr., of St. Louis, Mo.; Duncan E. Campbell, of Buffalo, N. Y.; William H. Bronson, of Shreveport, La.; Joseph V. Dillon, of New York, N. Y.; Leighton W. Dudley, of Houlton, Maine; Jackson Brodsky, of Washington, D. C.; Nathan Routman, of Sharon, Pa.; Volney J. Tidball, Jr., of Sheridan, Wyo.; Julius Lucius Echeles, of Chicago, Ill.; William H. Orrick, Jr., of San Francisco, Calif.; Andrew D. Orrick, of San Francisco, Calif.; Harry H. Hill, Jr., of Rhinebeck, N. Y.; Herbert Monte Levy, of New York, N. Y.; Carl Dewitt Forth, of Springfield, Ill.; Hewitt Biaett, of Richmond, Va.; Alvin E. Heutchy, of New York, N. Y.; Leonard Felix Fuld, of Jersey City, N. J.; Jack P. Blume, of New York, N. Y.; Timothy Whitzel Swain, of Peoria, Ill.; Marvin L. Falk, of Rochester, N. Y.; Lee Thomas, of Temple, Tex.; Josephine

Lyons Kovacevich, of San Francisco, Calif.; Archie R. Estess, of Jonesboro, La.; John B. Strahan, of Baton Rouge, La.; Henry F. Rager, of Fontana, Calif.; Quintard Joyner, of New York, N. Y.; and Egbert Beall, of West Palm Beach, Fla., were admitted to practice.

No. 513. Samuel Hoffman, petitioner, *v.* The United States of America. On writ of certiorari to the United States Court of Appeals for the Third Circuit. Judgment reversed and case remanded to the United States District Court for the Eastern District of Pennsylvania for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Clark. Dissenting: Mr. Justice Reed.

No. 298. Leo Zittman (with whom the Chase National Bank of the City of New York was impleaded below), petitioner, *v.* J. Howard McGrath, Attorney General, as Successor to the Alien Property Custodian; and

No. 314. John F. McCarthy (with whom the Chase National Bank of the City of New York was impleaded below), petitioner, *v.* J. Howard McGrath, Attorney General, as Successor to the Alien Property Custodian. On writs of certiorari to the United States Court of Appeals for the Second Circuit. Judgment reversed and cases remanded to the United States District Court for the Southern District of the New York for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Jackson. Concurring opinion by Mr. Justice Douglas. Opinion by Mr. Justice Reed concurring in part and dissenting in part in which Mr. Justice Burton joins. Mr. Justice Clark took no part in the consideration or decision of this case.

No. 299. Leo Zittman (with whom the Federal Reserve Bank of New York was impleaded below), petitioner, *v.* J. Howard McGrath, Attorney General, as Successor to the Alien Property Custodian; and

No. 315. John F. McCarthy (with whom the Federal Reserve Bank of New York was impleaded below), petitioner, *v.* J. Howard McGrath, Attorney General, as Successor to the Alien Property Custodian. On writs of certiorari to the United States Court of Appeals for the Second Circuit. Judgment affirmed and cases remanded to the United States District Court for the Southern District of New York. Opinion by Mr. Justice Jackson. Mr. Justice Clark took no part in the consideration or decision of this case.

No. 324. John J. McCloskey, as Sheriff of the City of New York, etc., petitioner, *v.* J. Howard McGrath, Attorney General, as Successor to the Alien Property Custodian. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment

reversed insofar as the fees of the sheriff relate to the attachments of the accounts held by the Chase Bank and judgment affirmed insofar as fees relate to the accounts held by the Federal Reserve Bank. Opinion by Mr. Justice Jackson. Mr. Justice Clark took no part in the consideration or decision of this case.

No. 384. Standard Oil Company, appellant, *v.* The State of New Jersey, by Theodore D. Parsons, Attorney General of the State of New Jersey. Appeal from the Supreme Court of New Jersey. Judgment affirmed with costs. Opinion by Mr. Justice Reed. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Jackson joins. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black concurs.

No. 565. Radio Corporation of America, National Broadcasting Company, Inc., RCA Victor Distributing Corporation, et al., appellants, *v.* The United States of America, Federal Communications Commission and Columbia Broadcasting System, Inc. Appeal from the United States District Court for the Northern District of Illinois. Judgment affirmed. Opinion by Mr. Justice Black. An opinion by Mr. Justice Frankfurter entitled *Dubitante*.

No. 421. Reginald Hammerstein, petitioner, *v.* The Superior Court of the State of California, in and for the County of Los Angeles and Reggie Hammerstein, by her guardian ad litem, Mary Hammerstein. On writ of certiorari to the Supreme Court of California and to the District Court of Appeal of California, Second Appellate District. Writ of certiorari dismissed as improvidently granted. Opinion *per curiam* announced by Mr. Chief Justice Vinson. Dissenting: Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Jackson, and Mr. Justice Clark.

The Chief Justice announced the following orders of the Court:

No. 713. Jessie Butler, appellant, *v.* Mary A. Thompson, Central Registrar for the County of Arlington, Virginia, Levin Nock Davis, Secretary, State Board of Elections of Virginia, et al. Appeal from the United States District Court for the Eastern District of Virginia. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. Mr. Justice Douglas dissents.

No. 731. Red Ball Motor Freight, Inc., et al., appellants, *v.* The United States of America, Interstate Commerce Commission, and Her-rin Transportation Company. Appeal from the United States District Court for the Northern District of Texas. *Per Curiam*: The motions to affirm are granted and the judgment is affirmed. United States *v.* Detroit & Cleveland Navigation Co., 326 U. S. 236; Interstate Commerce Commission *v.* Parker, 326 U. S. 60.

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. 606. Thomas P. McMahan, petitioner, *v.* The United States of America and United States Maritime Commission. The motion of petitioner's counsel for leave to proceed *in forma pauperis* is denied.

No. 707. Dominic Palmer, petitioner, *v.* Stanley P. Ashe, Warden, Western State Penitentiary, Pittsburgh, Pennsylvania. It is ordered that Louis B. Schwartz, Esquire, of Philadelphia, Pa., a member of the bar of this Court, be appointed to serve as counsel for the petitioner in this case.

No. 328, Misc. Charles Augustus Dixon, petitioner, *v.* Clinton T. Duffy, Warden, San Quentin Prison. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Supreme Court of California granted and case transferred to the appellate docket.

No. 450, Misc. Antonio Richard Rochin, petitioner, *v.* People of the State of California. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the District Court of Appeal of the State of California, Second Appellate District, granted and case transferred to the appellate docket.

No. 407, Misc. Edward J. Keenan, petitioner, *v.* C. J. Burke, Warden, New Eastern State Penitentiary;

No. 418, Misc. Walter Jankowski, petitioner, *v.* C. J. Burke, Warden, New Eastern State Penitentiary; and

No. 419, Misc. Orville Foulke, petitioner, *v.* C. J. Burke, Warden, New Eastern State Penitentiary. Motions for leave to proceed *in forma pauperis* granted. Petitions for writs of certiorari to the Supreme Court of Pennsylvania granted and cases transferred to the appellate docket and placed on the summary docket.

No. 331. Earl C. Gallagher, William M. Bradley, Joseph K. Kowalski, et al., petitioners, *v.* The People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan dismissed per stipulation of counsel.

No. 466. West Texas Utilities Company, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 511. Beatrice Sickman, Executrix of Charles Sickman, deceased, Paul L. Ryal, Kenneth L. Martin, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 581. Royal Indemnity Company, a Corporation, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 661. Fred A. Carlson, E. D. Ditto, Smiley F. Griffey, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Tenth Circuit denied.

No. 665. The United States of America, petitioner, *v.* Walter B. Stewart, Sinclair Stewart and Donald Stewart. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 671. Charles Seslar, petitioner, *v.* Union Local 901, Inc., Dallas Smith, Russell L. Johnson, et al. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 673. City of Birmingham et al., petitioners, *v.* Mary Means Monk et al. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 679. Augusta M. Turner, petitioner, *v.* Alton Banking and Trust Company, Executor of the Estate of August Luer, deceased. Petition for writ of certiorari to the Court of Appeals for the Eighth Circuit denied.

No. 683. Chris Papaliolios and Charles A. Waters, Hugh Reid, et al., etc., petitioners, *v.* Harry M. Durning, as Collector of Customs of the Port of New York. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 699. Atlantic Coast Line Railroad Company, petitioner, *v.* William C. Chance. Petition for writ of certiorari to the Court of Appeals for the Fourth Circuit denied.

No. 708. Leon Mobley and Associated Indemnity Corporation, petitioner, *v.* Bethlehem Supply Company. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 676. Jess Freeman Hayes, petitioner, *v.* Howard Hornbuckle, Sheriff of Santa Clara County, California. The petition for writ of certiorari to the Supreme Court of California is denied on the ground that the cause is moot, it appearing that petitioner is no longer in the respondent's custody.

No. 594. Garfield A. Berlinsky, petitioner, *v.* Helen Eisenberg and Safe Deposit and Trust Co., Trustees;

No. 641. Russell V. Warner et al., a partnership doing business as Warner and Tamble Transportation Company, appellants, *v.* The United States of America, Interstate Commerce Commission, et al.; and

No. 387, Misc. United States of America, ex rel. Harry Mayo, petitioner, *v.* C. J. Burke, Warden, Western State Penitentiary. Petitions for rehearing in these cases denied.

No. 380, Misc. Alfred Doyle Rowland, petitioner, *v.* The Chesapeake and Ohio Railway Co. Petition for rehearing denied. Mr.

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

No. 159, Misc. John B. Lapean, petitioner, *v.* John C. Burke, Warden. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 388, Misc. Azell Davis, petitioner, *v.* Jeremiah O'Connell, Chief of Police of the City of St. Louis, Mo., et al. Petition for writ of certiorari to the Court of Appeals for the Eighth Circuit denied.

No. 416, Misc. Stanley Marsh, petitioner, *v.* State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 443, Misc. Charles F. De Jordan, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Eighth Circuit denied.

No. 466, Misc. Helen Daranowich, also known as Helen Daranovich, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 469, Misc. In the Matter of the Application of Anna M. Phyle on behalf of William Jerome Phyle. Petition for writ of certiorari to the Supreme Court of California denied.

No. 493, Misc. Margaret J. Calvin, petitioner, *v.* Mrs. Gordon Anderson et al. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 498, Misc. Booker T. Dockery, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Fourth Circuit denied.

No. 508, Misc. Wilburn Hudspeth and Raymond Wyatt, petitioners, *v.* William H. Hiatt, Warden, U. S. Penitentiary, Atlanta, Georgia. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 513, Misc. John Simmons, petitioner, *v.* People of the State of New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 515, Misc. Ira Lee Hardison, petitioner, *v.* Marion R. King, Superintendent, Medical Facility, Terminal Island, California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 488, Misc. Clyde Brown, petitioner, *v.* State of North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion certiorari should be granted.

No. 520, Misc. Snap-On Drawer Company, an Ohio Corporation, petitioner, *v.* Hon. John H. Druffel, United States District Judge for the Southern District of Ohio. Motion for leave to file petition for writ of mandamus denied.

ORDER

The Court will take a recess from today until Monday, June 4, next, on which day it will adjourn for the term unless otherwise ordered.

Adjourned until Monday, June 4, 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 Jackson, Mr. Justice Burton, Mr. Justice Clark, and Mr. Justice Minton.

Thomas J. Maginnis, of New York, N. Y.; L. Stewart Gatter, of New York, N. Y.; Leonard W. Hall, of Oyster Bay, N. Y.; Bernard J. Brady, of Mineola, N. Y.; Geo. W. Moser, of Comanche, Okla.; Mary Holt Ingle, of Oklahoma City, Okla.; Shepard J. Crumpacker, Jr., of South Bend, Ind.; George L. Strain, of La Junta, Colo.; Rice A. Hershey, of Akron, Ohio; Louis C. Glasso, of Pittsburgh, Pa.; I. Martin Leavitt, of Portsmouth, Va.; Frederic Oliver Hatch, of Akron, Ohio; Franklin L. Orth, of North Fork, Va.; William Perry Doing, of Silver Spring, Md.; Robert Emmett Joseph, of Washington, D. C.; Samuel S. Wolf, of Sour Lake, Tex.; Albert Barkin, of Boston, Mass.; Rudolph J. Daley, of Newport, Vt.; Leonard Boreman, of Pittsburgh, Pa.; John J. Hynes, of Lakewood, Ohio; Charles G. White, of Batavia, Ohio; Robert E. Redding, of Washington, D. C.; Charles Henchel, of New Haven, Conn.; E. Thos. Burnard, of Washington, D. C.; Robert B. McKay, of Wichita, Kans.; and Reford Bond, Jr., of Chickasha, Okla., were admitted to practice.

No. 453. Ray H. Garner et al., petitioners, *v.* Board of Public Works of the City of Los Angeles et al. On writ of certiorari to the District Court of Appeals of California, Second Appellate District. Judgment affirmed with costs. Opinion by Mr. Justice Clark. Opinion by Mr. Justice Frankfurter concurring in part and dissenting in part. Opinion by Mr. Justice Burton dissenting in part and concurring in part. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black joins. Opinion announced by Mr. Justice Black. Dissenting opinion by Mr. Justice Black.

No. 313. National Labor Relations Board, petitioner, *v.* International Rice Milling Co., Inc., et al. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment of the Court of Appeals reversed and case remanded to that court for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Burton.

No. 393. National Labor Relations Board, petitioner, *v.* Denver Building and Construction Trades Council et al. On writ of certiorari to the United States Court of Appeals for the District of Columbia

Circuit. Judgment of the Court of Appeals reversed and case remanded to that court for procedure not inconsistent with the opinion of this Court. Opinion by Mr. Justice Burton. Dissenting: Mr. Justice Jackson. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Reed joins. Opinion announced by Mr. Justice Reed.

No. 108. International Brotherhood of Electrical Workers, Local 501, A. F. of L., and William Patterson, petitioners, *v.* National Labor Relations Board. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment of the Court of Appeals affirmed. Opinion by Mr. Justice Burton. Dissenting: Mr. Justice Reed, Mr. Justice Douglas, and Mr. Justice Jackson.

No. 85. Local 74, United Brotherhood of Carpenters and Joiners of America, A. F. of L., et al., petitioners, *v.* National Labor Relations Board. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment of the Court of Appeals affirmed. Opinion by Mr. Justice Burton. Dissenting: Mr. Justice Reed, Mr. Justice Douglas, and Mr. Justice Jackson.

No. 217. Orville Collins, H. D. Burkheimer, Stanley Lord, et al., petitioners, *v.* Hugh Hardyman, Mrs. Emerson Morse, Mrs. Tosca Cummings, et al. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment of the Court of Appeals reversed with costs and case remanded to the United States District Court for the Southern District of California for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Jackson. Dissenting: Mr. Justice Douglas. Dissenting opinion by Mr. Justice Burton in which Mr. Justice Black and Mr. Justice Douglas concur.

No. 399. Jack H. Breard, appellant, *v.* City of Alexandria. Appeal from the Supreme Court of the State of Louisiana. Judgment affirmed with costs. Opinion by Mr. Justice Reed. Dissenting opinion by Mr. Chief Justice Vinson. Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas joins.

No. 352. The Timken Roller Bearing Company, appellant, *v.* The United States of America. Appeal from the United States District Court for the Northern District of Ohio. Judgment modified as indicated in the opinion of this Court and, as so modified, affirmed. Opinion by Mr. Justice Black. Concurring opinion by Mr. Justice Reed in which the Chief Justice joins. Dissenting opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Jackson. Mr. Justice Burton and Mr. Justice Clark took no part in the consideration or decision of this case.

No. 355. Corbin D. Hughes, Administrator of the Estate of Harold G. Hughes, appellant, *v.* Glenn C. Fetter and Farmers Mutual Automobile Insurance Company. Appeal from the Supreme Court of

Wisconsin. Judgment reversed with costs and case remanded to the Supreme Court of Wisconsin for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Reed, Mr. Justice Jackson, and Mr. Justice Minton join.

No. 336. Eugene Dennis, John B. Williamson, Jacob Stachel, et al., petitioners, *v.* The United States of America. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment of the Court of Appeals affirmed and case remanded to the United States District Court for the Southern District of New York. Mr. Chief Justice Vinson announced the judgment of the Court and an opinion in which Mr. Justice Reed, Mr. Justice Burton, and Mr. Justice Minton join. Opinion by Mr. Justice Frankfurter concurring in affirmance of the judgment. Concurring opinion by Mr. Justice Jackson. Dissenting opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Douglas announced by the Chief Justice. Mr. Justice Clark took no part in the consideration or decision of this case.

The Chief Justice announced the following orders of the Court :

No. 483. Alabama Public Service Commission et al., appellants, *v.* Atlantic Coast Line Railroad Company; and

No. 660. Alabama Public Service Commission, Gordon Persons, its President, et al., appellants, *v.* Louisville and Nashville Railroad Company. Appeals from the United States District Court for the Middle District of Alabama. *Per Curiam:* The motions to substitute parties appellant are granted. The judgments are reversed. Alabama Public Service Commission *v.* Southern Ry. Co., **No. 395**, October Term, 1950, decided May 21, 1951.

No. 538. Sunbeam Corporation, a Corporation, petitioner, *v.* S. A. Wentling. On petition for writ of certiorari to the Court of Appeals for the Third Circuit. *Per Curiam:* The petition for writ of certiorari is granted. The judgment of the Court of Appeals is vacated and the case is remanded to that court for reconsideration in the light of Schwegmann Brothers *v.* Calvert Distillers Corporation, Nos. **442** and **443**, October Term, 1950, decided May 21, 1951.

No. 586. Irving Greenberg, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Court of Appeals for the Third Circuit. *Per Curiam:* The petition for writ of certiorari is granted. The judgment of the Court of Appeals is vacated and the case is remanded to that court for reconsideration in the light of Hoffman *v.* United States, **No. 513**, October Term, 1950, decided May 28, 1951.

No. 734. Norman L. Baker, appellant, *v.* John H. Leenhouts, Wisconsin Department of Taxation, and George M. Hanley, Sheriff; and

No. 746. General Motors Acceptance Corporation, appellant, *v.*

Commissioner of Banks of Wisconsin. Appeals from the Supreme Court of Wisconsin. *Per Curiam*: The appeals are dismissed for want of a substantial federal question. Mr. Justice Jackson took no part in the consideration or decision of case No. 746.

No. 745. Jay A. Minich, Fred R. Spence, and E. P. Burk, appellants, *v.* City of Sharon and Westinghouse Electric Corporation. Appeal from the Supreme Court of Pennsylvania. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for the want of a substantial federal question.

No. 752. Gettis James Simmons, alias Gettis James Summers, appellant, *v.* City of Birmingham. Appeal from the Court of Appeals of Alabama. *Per Curiam*: The motion for leave to proceed *in forma pauperis* is granted. The appeal is dismissed for the want of a properly presented federal question. Mr. Justice Black and Mr. Justice Douglas are of the opinion probable jurisdiction should be noted.

No. 447, Misc. Anthony Chiarella, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Court of Appeals for the Second Circuit. *Per Curiam*: The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari is granted. Upon consideration of the record and the confession of error by the Solicitor General, the judgment of the Court of Appeals is vacated and the case is remanded to the District Court for resentencing.

No. 353. Emory S. Land et al., etc., petitioners, *v.* R. Stanley Dollar et al.;

No. 697. Emory S. Land et al., petitioners, *v.* R. Stanley Dollar et al.;

No. 702. In the Matter of George L. Killion, petitioner;

No. —. Charles Sawyer et al., petitioners, *v.* R. Stanley Dollar et al.; and

No. —. In the Matter of George L. Killion. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit in Nos. 697 and 702 granted. Motion of respondents to vacate the stay is denied. In No. 353 the motion for reconsideration is continued. Opinion *per curiam* announced by Mr. Chief Justice Vinson. Separate memorandum by Mr. Justice Frankfurter in No. 697. Separate opinion by Mr. Justice Jackson on motion to vacate stay of contempt order. Mr. Justice Black and Mr. Justice Clark took no part in the consideration or decision of these applications.

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. 11, Original. The United States of America, plaintiff, *v.* The State of California. The report of the Special Master under the order of June 27, 1949, has been received and filed. Briefs of the parties in relation thereto may be filed on or before July 16, next, and reply briefs on or before August 6, next. Mr. Justice Jackson and Mr. Justice Clark took no part in the consideration or decision of this question.

No. —. In the matter of John Locke Green. The request by John Locke Green, of Arlington, Virginia, that his name be withdrawn as a member of the Bar of this Court and be stricken from the rolls is granted and it is ordered that his name be stricken from the roll of attorneys admitted to practice in this Court.

No. 146. Alabama Public Service Commission et al., appellants, *v.* Southern Railway Company; and

No. 395. Alabama Public Service Commission et al., appellants, *v.* Southern Railway Company. The motions of the appellee that the mandates in these cases provide for retention by the District Court of jurisdiction pending further proceedings are denied. The motions to stay the issuance of the mandates are also denied.

No. 541. Irving Adler, George Friedlander, Mark Friedlander, et al., appellants, *v.* The Board of Education of the City of New York;

No. 599. Robert Thompson, as Chairman, and William Norman, as Secretary of the Communist Party of the State of New York, appellants, *v.* William J. Wallin et al.; and

No. 717. John Kedroff and Benjamin Fedchenkoff, etc., appellants, *v.* Saint Nicholas Cathedral of the Russian Orthodox Church of North America. In these cases probable jurisdiction is noted.

No. 723. The United States, appellant, *v.* Menominee Tribe of Indians. In this case probable jurisdiction is noted and the case is transferred to the summary docket.

No. 347, Misc. Agapita Gallegos, petitioner, *v.* State of Nebraska. The petition for writ of certiorari to the Supreme Court of Nebraska is granted and the case is transferred to the appellate docket.

No. 452, Misc. Talbot Jennings, 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 and the case is transferred to the appellate docket and placed on the summary docket.

No. 481, Misc. Arthur La Frana, 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 and the case is transferred to the appellate docket and is placed on the summary docket and assigned for argument immediately following No. 452, Misc.

No. 387. United Brotherhood of Carpenters and Joiners of America, District Council of Kansas City, Missouri, and vicinity, et al., petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the Court of Appeals for the Tenth Circuit denied.

No. 611. Joe Maloy, petitioner, *v.* State of Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 662. Cities Service Oil Co., petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 663. Anne C. Skeeles, Administratrix of the Estate of William E. Skeeles, deceased, and Anne C. Skeeles, petitioners, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 667. Oro Fino Consolidated Mines, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 680. Auckland Holmes, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 681. Pinkney Hester Icenhour, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 682. The Marshall Drug Company, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 684. James Anthony Allen, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 686. Federal Liquidating Corporation, petitioner, *v.* Securities and Exchange Commission; and

No. 687. Gus Edelstein et al., etc., petitioners, *v.* Securities and Exchange Commission. Petitions for writs of certiorari to the Court of Appeals for the Second Circuit denied.

No. 689. John Nicholas Donaducy, petitioner, *v.* Commonwealth of Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 690. Jacob H. Marachowsky, petitioner, *v.* George L. Devine, Trustee of the Portage Wholesale Company. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 691. T. C. Saucier, petitioner, *v.* State of Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 693. Selma Kantz, Administratrix of the Estate of Manny Dyskant, et al., petitioners, *v.* Fugate and Girton Driveway Co., Inc.

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

No. 694. William J. Henry, Trustee in Bankruptcy, petitioner, *v.* Helen Hollander et al. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 695. Red Rock Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Court of Appeals for the Fifth Circuit denied.

No. 696. Park-In Theatres, Inc., petitioner, *v.* Paramount-Richards Theatres, Inc., et al. Petition for writ of certiorari to the Court of Appeals for the Third Circuit denied.

No. 698. Frank Seiden, Milton Seiden, and Leon Seiden, petitioners, *v.* Jess Larson and Paul L. Mather. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 700. Electric Bond and Share Company, petitioner, *v.* Securities and Exchange Commission and William F. Sutberfield et al. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 705. The Gabriel Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Court of Appeals for the Sixth Circuit denied.

No. 714. Eastern Air Lines, Inc., petitioner, *v.* Civil Aeronautics Board. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 718. Fettig Canning Company, petitioner, *v.* William E. Steckler, Judge of the United States District Court for the Southern District of Indiana. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 732. Edwin Francis Simons, a minor, and Robert Lawson Simons, a minor, by Ruth C. Fjelstad (their mother and next friend), petitioners, *v.* Edwin C. Simons. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 737. Orestus Cavness, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 739. Transcontinental and Western Air, Inc., petitioner, *v.* Carla Pekelis, individually and as Administratrix of the Goods, Credits and Chattels which were of Alexander H. Pekelis, deceased. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 751. William Donald Carmichael, Jr., President of the University of North Carolina, et al., petitioners, *v.* Floyd B. McKissick

et al. Petition for writ of certiorari to the Court of Appeals for the Fourth Circuit denied.

No. 753. Reynald H. Chase, T. Roland Berner, et al., petitioners, *v.* Carl J. Austrian and Robert J. Butcher, Trustees of Central States Electric Corporation, et al.; and

No. 754. Reynald H. Chase, T. Roland Berner, et al., petitioners, *v.* Carl J. Austrian and Robert J. Butcher, Trustees of Central States Electric Corporation, et al. Petition for writs of certiorari to the Court of Appeals for the Fourth Circuit denied.

No. 756. Edward Klein and Peter Dounias, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 201. Harry Sacher, Richard Gladstein, George W. Crockett, Jr., et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion certiorari should be granted. Mr. Justice Clark took no part in the consideration or decision of this application.

No. 300. Vincent W. Hallinan, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for Ninth Circuit denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion certiorari should be granted. Mr. Justice Clark took no part in the consideration or decision of this application.

No. 590. The United States, petitioner, *v.* Safeway Stores, Inc.; and

No. 591. Safeway Stores, Inc., petitioner, *v.* The United States. Petitions for writs of certiorari to the United States Court of Claims denied. Mr. Justice Clark took no part in the consideration or decision of these applications.

No. 709. Chenery Corporation et al., petitioners, *v.* Securities and Exchange Commission et al. Petition for writ of certiorari to the Court of Appeals for the Third Circuit denied. The Chief Justice and Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 348. Andrew Jordan, District Director of Immigration and Naturalization, petitioner, *v.* Sam de George;

No. 442. Schwegmann Brothers et al., petitioners, *v.* Calvert Distillers Corporation;

No. 443. Schwegmann Brothers et al., petitioners, *v.* Seagram Distillers Corporation; and

No. 645. Humble Oil and Refining Company, petitioner, *v.* Gray Tool Company. The petitions for rehearing in these cases are denied.

No. 270. Blackhawk-Perry Corporation, petitioner, *v.* Commissioner of Internal Revenue;

No. 473. Charles F. Brannan, individually and as Secretary of Agriculture, petitioner, *v.* Robert D. Elder and Greene Chandler Furman; and

No. 474. Robert D. Elder and Greene Chandler Furman, petitioners, *v.* Charles F. Brannan, Secretary of Agriculture. The motions for leave to file petitions for rehearing in these cases are denied.

No. 561. C. F. Williams, Jr., petitioner, *v.* Hughes Tool Company. The second petition for rehearing is denied.

No. 349, Misc. Gerald Glen Boyden, petitioner, *v.* The United States of America;

No. 395, Misc. Emmett H. Bozell, petitioner, *v.* The United States of America;

No. 444, Misc. Ed. J. Farrant, petitioner, *v.* Percy A. Lainson, Warden, Iowa State Penitentiary;

No. 479, Misc. Charles McGarty, petitioner, *v.* John J. O'Brien, Warden, Massachusetts State Prison;

No. 480, Misc. Henry N. Soulia, petitioner, *v.* John J. O'Brien, Warden, Massachusetts State Prison; and

No. 500, Misc. David Darrin, plaintiff, *v.* The United States of America et al. The petitions for rehearing in these cases are severally denied.

No. 357, Misc. James E. Ross, petitioner, *v.* State of Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 426, Misc. Willard F. Kelley, petitioner, *v.* United States of America. Petition for writ of certiorari to the Court of Appeals for the Seventh Circuit denied.

No. 445, Misc. Anna Marie Holland, petitioner, *v.* Capital Transit Co. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 451, Misc. Milton Julius Babich, petitioner, *v.* State of Wisconsin. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 454, Misc. Glenn Sleighter, petitioner, *v.* C. J. Burke, Warden, Eastern State Penitentiary. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 458, Misc. Rogers Henry Porch, petitioner, *v.* State of Georgia. Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. 472, Misc. United States of America, ex rel. Frank A. Russo, petitioner, *v.* E. E. Thompson, Warden, Federal Detention Headquarters, etc., et al. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 484, Misc. Doris Hollingsworth, petitioner, *v.* Lt. Frances C. Bird, Dr. Winfred Overholser, et al. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 492, Misc. Edgar Drewry Aaron, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Eighth Circuit denied.

No. 501, Misc. Edward J. Bryant, petitioner, *v.* Commonwealth of Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 509, Misc. Allen Dixon, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 510, Misc. Loren M. Peterson, petitioner, *v.* Joseph E. Ragen, Warden, Illinois State Penitentiary. Petition for writ of certiorari to the Circuit Court of Will County, Illinois, denied.

No. 511, Misc. Lawrence Janiec, petitioner, *v.* State of New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 512, Misc. James W. Allen, petitioner, *v.* Dr. J. W. Claudy, Warden, Western State Penitentiary, et al. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 516, Misc. Albert Van Pelt, petitioner, *v.* Joseph E. Ragen, Warden, Illinois State Penitentiary. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 518, Misc. Joseph Harincar, petitioner, *v.* Robert A. Heinze, Warden of California State Prison at Folsom. Petition for writ of certiorari to the Supreme Court of California denied.

No. 521, Misc. Frank Green, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the District of Columbia Circuit denied.

No. 522, Misc. In re Earl W. Taylor, petitioner. Petition for writ of certiorari to the Court of Appeals for the Ninth Circuit denied.

No. 523, Misc. Joseph Cossentino, petitioner, *v.* J. Vernel Jackson, Warden, etc. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 528, Misc. Robert Melvin Lowe, petitioner, *v.* R. N. Eidson, Warden, Missouri State Penitentiary. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 529, Misc. Ernest W. Appitito and John R. Juratovac, petitioners, *v.* Warden, Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 532, Misc. Anthony Pietraniello, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals for the Second Circuit denied.

No. 531, Misc. John J. Stancin, petitioner, *v.* The United States of America. The petition for writ of certiorari to the Court of Appeals for the Second Circuit is denied without prejudice to an application to the District Court for resentencing.

No. 524, Misc. James F. Tharp, petitioner, *v.* State of Missouri;

No. 525, Misc. Carl N. Coakley, petitioner, *v.* R. W. Alvis, Warden, Ohio State Penitentiary; and

No. 527, Misc. Earl W. Taylor, petitioner, *v.* J. Howard McGrath, Attorney General, et al. Motions for leave to file petitions for writs of habeas corpus denied.

The Chief Justice announced the following order:

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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